

SEVENTH GUAM LEGISLATURE  
1964 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 191, "An Act to add a new Title XLIX to the Government Code of Guam relative to cemetery fund control", was on the 22nd day of June, 1964, duly and regularly passed.

\_\_\_\_\_  
A. B. WON PAT  
Speaker

ATTESTED:

\_\_\_\_\_  
F. T. RAMIREZ  
Legislative Secretary

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This Act was received by the Governor this 24<sup>th</sup> day  
of June, 1964 at \_\_\_\_\_ o'clock \_\_\_\_\_ P.M.

\_\_\_\_\_  
RUDOLPH G. SABLAN  
Acting Secretary of Guam

APPROVED:

\_\_\_\_\_  
MANUEL F. L. GUERRERO  
Governor of Guam

DATED: \_\_\_\_\_  
\_\_\_\_\_

P.L. 7-128

Bill No. 191

Introduced by \_\_\_\_\_

Committee on Rules, by request  
of the Governor in accordance  
with Section 6(b) of the  
Organic Act of Guam.

AN ACT TO ADD A NEW TITLE XLIX TO THE GOVERNMENT  
CODE OF GUAM RELATIVE TO CEMETERY FUND CONTROL.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. A new Title XLIX is hereby added to the Government Code of  
Guam, to read as follows:

"TITLE XLIX

Cemetery Fund Control

CHAPTER 1

Endowment Care Funds

Section 49300. Application of Chapter. This Chapter shall not apply to any public cemetery or to any cemetery owned or operated by any religious corporation, church, religious society or denomination or a corporation sole administering temporalities of any church, religious society or denomination nor shall it apply to any cemetery owned or operated by any non-profit firm, organization or corporation. Any other cemetery shall be an endowment care cemetery.

Section 49301. Cemetery authority defined.

'Cemetery authority' as used in this Chapter, means any person, firm, association, organization, partnership, business trust, corporation or company who establishes, owns or operates any cemetery subject to this Chapter.

Section 49302. Endowment care cemetery defined; deposits required. An 'endowment care cemetery' is one which has deposited in its endowment care fund the minimum amounts required by law and shall hereafter



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have deposited in its endowment care fund at the time of or not later than completion of the initial sale not less than the following amounts for plots sold or disposed of:

(a) One and 85/100 Dollars (\$1.85) per square foot of adult ground burial space; One and 25/100 Dollars (\$1.25) per square foot of infant ground burial space; and One and 50/100 Dollars (\$1.50) per square foot of any other ground burial space between adult and infant space;

(b) Ten Dollars (\$10.00) for each niche;

(c) Forty Dollars (\$40.00) for each crypt; provided, however, that for companion crypts, there shall be deposited Forty Dollars (\$40.00) for the first crypt and Twenty Dollars (\$20.00) for each additional crypt.

Section 49303. Same: additional deposit before disposition of plot. In addition to the requirements of Section 49302, any endowment care cemetery hereafter established shall also have deposited in its endowment care fund, the additional sum of Fifteen Thousand Dollars (\$15,000.00) before disposing of any plot or making any sale thereof.

Section 49304. Endowment care fund to be kept separate; commissions. The endowment care fund shall be kept separate and apart from all other cemetery funds. Separate records and books shall be kept of the endowment care fund. The amount to be deposited in the endowment care fund shall be separately shown on the original purchase agreement and a copy delivered to the purchaser. In the sale of cemetery property, no commission shall be paid a broker or salesman on the amount deposited by the purchaser in the fund.

1 Section 49305. Use of Fund. Endowment care funds  
2 shall not be used for any purpose other than to provide  
3 through income only for the endowment care of the cemetery.

4 Section 49306. Authorized investments. The endowment  
5 care funds shall be invested, reinvested and kept invested  
6 in:

7 (a) Bonds of the United States or of the  
8 government of Guam or any agency thereof;

9 (b) First mortgages on improved real estate;

10 (c) To the extent to which shares or invest-  
11 ment certificates are insured by the Federal Savings  
12 and Loan Insurance Corporation, in shares or invest-  
13 ment certificates of any savings and loan association  
14 organized under the laws of Guam which is an 'insured  
15 institution' as defined in Title IV of the National  
16 Housing Act;

17 (d) Deposit in a bank which is insured by the  
18 Federal Deposit Insurance Corporation.

19 Section 49307. Reports. Every cemetery authority in  
20 charge of cemetery endowment funds shall file with the  
21 Director of Finance annually on or before April 1st a  
22 written report setting forth:

23 (a) The number of square feet of grave space  
24 and the number of crypts and niches sold or disposed  
25 of during the period covered by the report;

26 (b) The amount collected and deposited in the  
27 endowment care fund;



1 (c) A statement showing separately the total  
2 amount of endowment care funds invested in each of  
3 the investments authorized by law and the amount of  
4 cash on hand not invested, which statement shall  
5 actually show the financial condition of the funds.

6 The report shall be certified as to its correctness  
7 under oath by the cemetery authority preparing the same.

8 Section 49308. Examination of funds. The Director of  
9 Finance shall examine the endowment care funds of a cemetery  
10 authority:

11 (a) Whenever he deems it necessary and at least  
12 once every five (5) years;

13 (b) Whenever a cemetery authority fails to file  
14 the annual report required by this Chapter;

15 (c) Whenever it is requested by verified petition  
16 signed by twenty-five (25) persons interested as lot  
17 owners alleging that the endowment care funds are not in  
18 accordance with the law.

19 Section 49309. Access to books and records. In making  
20 such examinations, the Director of Finance:

21 (a) Shall have free access to the books and  
22 records relating to the endowment care funds, their  
23 collection and investment, and the number of graves,  
24 crypts and niches under endowment care;

25 (b) Shall inspect and examine the endowment  
26 care funds to determine their condition and the  
27 existence of the investments;

28 (c) Shall ascertain if the cemetery authority  
29 has complied with the provisions of this Chapter.

1 Section 49310. Injunctions. The Attorney General may  
2 bring an action in the name of the government of Guam against  
3 any person to restrain and prevent any violation of this  
4 Chapter.

5 Section 49311. Punishment. Any person who shall wilfully  
6 and intentionally violate any provision of this Chapter shall  
7 be guilty of a misdemeanor and upon conviction thereof shall  
8 be punished by a fine of not more than One Thousand Dollars  
9 (\$1,000.00) or by imprisonment for not more than six (6)  
10 months, or both. Violation of any order or injunction issued  
11 pursuant to this Chapter shall constitute prima facie proof  
12 of a violation of this section."

13 Section 2. Effective date. This Act shall be effective upon approval  
14 by the Governor.