

SENATE BILL No. 389

By Committee on Ethics, Elections and Local Government

2-10

1 AN ACT concerning cemetery corporations; adding a definition to the law;
2 defining purposes of sepulture; amending K.S.A. 2019 Supp. 17-1301c
3 and repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2019 Supp. 17-1301c is hereby amended to read as
7 follows: 17-1301c. The following definitions shall apply to this act:

8 (a) "Burial lot" shall mean any space designated for the interment of
9 remains such as grave lots, grave spaces, burial or interment rights, and
10 developed or existing lawn crypts.

11 (b) "Burial space" shall mean any space designated for the interment,
12 entombment or inurnment of remains such as burial lots, burial or
13 interment rights, mausoleum crypts or niches and developed or existing
14 lawn crypts.

15 (c) "Cemetery corporation" means any individual or entity required to
16 maintain permanent maintenance funds under the provisions of K.S.A. 17-
17 1312f, and amendments thereto.

18 (d) "Community mausoleum" means a mausoleum containing a
19 substantial area of enclosed space and having either a heating, ventilating
20 or air conditioning system.

21 (e) "Funding requirement" means that portion of the purchase price
22 equal to 15% of the purchase price, but not less than \$25, of a burial lot;
23 10% of the purchase price, but not less than \$100 per community
24 mausoleum crypt; or 5% of the purchase price, but not less than \$50 for
25 each garden mausoleum crypt or niche set aside in the permanent
26 maintenance fund.

27 (f) "Garden mausoleum" means a mausoleum without a substantial
28 area of enclosed space and having its crypt fronts open to the atmosphere.
29 Ventilation of the crypts by forced air or otherwise does not constitute a
30 garden mausoleum as a community mausoleum.

31 (g) "Niche" means a space used or intended to be used for inurnment
32 of cremated remains, but not including burial lots, lawn crypts or
33 community or garden mausoleums.

34 (h) "Permanent maintenance fund" means a certificate of deposit, a
35 business savings account, or an irrevocable trust fund whose proceeds are
36 derived from not less than the funding requirement as defined in

1 subsection (e).

2 (i) "Purchase price" means the gross amount, less sales tax, if any,
3 less any amount included in the total for permanent maintenance to be paid
4 for cemetery burial space. The purchase price does not include finance
5 charges, charges for credit life insurance or secretary of state burial space
6 fees. The purchase price stated in the contract may include the amount of
7 the funding requirement specified in subsection (e).

8 (j) *"Purposes of sepulture" includes, but is not limited to, the*
9 *interment of human or pet remains; cemetery roadways, easements,*
10 *walkways, features and other decorative improvements; cemetery offices,*
11 *maintenance facilities and other such improvements; mausoleums,*
12 *columbariums and other above-ground interment spaces; facilities for*
13 *visitation, committal or funeral services; mortuary and embalming*
14 *facilities; and other such purposes and uses necessary or incidental*
15 *thereto.*

16 (k) "Trustee" means:

17 (1) A bank, savings and loan association, savings bank or credit union
18 organized under the laws of this state with the authority to provide trust
19 services;

20 (2) a federally chartered bank, savings and loan association, savings
21 bank or credit union having a physical location within the state of Kansas
22 and the authority to provide trust services; or

23 (3) a trust company organized under the laws of this state.

24 ~~(l)~~ "Trustor" means the cemetery corporation responsible for
25 making deposits in permanent maintenance fund, ~~which~~ *that is the* subject
26 of a trust.

27 ~~(m)~~ This section shall be *a* part of and supplemental to article 13 of
28 chapter 17 of the Kansas Statutes Annotated, and amendments thereto.

29 Sec. 2. K.S.A. 2019 Supp. 17-1301c is hereby repealed.

30 Sec. 3. This act shall take effect and be in force from and after its
31 publication in the statute book.