

HOUSE BILL No. 2590

By Representatives Gordon and Holland

1-26

AN ACT concerning cemeteries; relating to the abandonment of burial rights.

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

Section 1. (a) As used in this section:

(1) "Cemetery" means any cemetery owned by a religious organization or any other privately-owned cemetery.

(2) "Cemetery corporation" or "corporation" means any person, individual, firm, partnership or organization which owns a cemetery.

(3) "Cemetery lot" or "lot" means any platted lot or designated piece of ground within a cemetery.

(4) "Lot owner" means the purchaser of a cemetery lot or such purchaser's heirs, administrators, trustees, legatees or assigns.

(b) Any cemetery corporation may declare the burial rights of unoccupied burial spaces within a cemetery lot to be abandoned if the corporation has had no contact by, with or knowledge of the owners, heirs or assigns of such lot for a period of 50 or more successive years, commencing on or after July 1, 1944. The corporation may revest such corporation with the title to the portion of such lot not actually used for burial purposes in the manner specified in subsection (c).

(c) Prior to declaring any burial rights abandoned, a notice of intent to declare such rights abandoned shall be given by certified, return receipt mail to the last known address of the owner, heirs or assigns of such burial rights. If the address cannot be ascertained, notice shall be given by at least one publication in the official county newspaper of the county in which cemetery is located. Such burial rights shall not be declared abandoned if within 30 days following the date on which the notice was mailed or published the owner, or any heir or assign of such rights contacts the corporation. Notice of intent to declare abandoned burial rights owned by more than one person may be given in a single publication.

(d) After the corporation declares burial rights to be abandoned, those rights may be available for resale. When the burial rights are resold, an amount equal to the original selling price shall be placed in a trust fund for a period of 25 years for payment to the original owner, or any heir or assign of such rights if such person contacts the corporation after

1 the resale of the burial rights. Any trust fund established pursuant to this
2 section shall be in the custody of a trust company or a federally insured
3 bank or savings and loan association which is authorized to do business
4 in this state. Any moneys in such trust fund may be invested, reinvested,
5 exchanged, retained, sold and managed in the manner and subject to the
6 requirements of K.S.A. 2003 Supp. 58-24a02, and amendments thereto,
7 and, at the election of the trustee, as a part of common trust funds. In-
8 terest earned on such investments shall be deposited in the cemetery's
9 permanent maintenance fund. If moneys in the trust fund remain un-
10 claimed after 25 years, the principal may be withdrawn from the trust
11 fund and deposited into the cemetery's permanent maintenance fund.

12 (e) This section shall not apply to any lot for which a perpetual care
13 contract has been entered into between a cemetery corporation and the
14 lot owner.

15 Sec. 2. This act shall take effect and be in force from and after its
16 publication in the statute book.

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