

HOUSE BILL No. 2679

By Committee on Appropriations

2-9

9 AN ACT concerning cemeteries; amending K.S.A. 2009 Supp. 17-1367
10 and repealing the existing section.

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

13 Section 1. K.S.A. 2009 Supp. 17-1367 is hereby amended to read as
14 follows: 17-1367. (a) Whenever the attorney general determines the ex-
15 istence of an abandoned cemetery in this state, the attorney general shall
16 immediately proceed to dissolve the cemetery corporation owning the
17 same. Upon the dissolution of such corporation, title to all property
18 owned by the cemetery corporation shall vest in the municipality in which
19 the cemetery is located, and any liens, perfected or unperfected, against
20 such property shall be immediately quashed, null and void and unenfor-
21 ceable on and after January 1, 2003, and the permanent maintenance
22 fund, together with all investments then outstanding, and all books, re-
23 cords and papers of such corporation shall be transferred to the treasurer
24 of such municipality and shall become the property thereof. Upon the
25 transfer of such property and funds, the governing body of such munic-
26 ipality shall care for and maintain such cemetery with any moneys of the
27 cemetery corporation including the principal of and income from the
28 permanent maintenance fund and, if such moneys are insufficient to
29 properly maintain such cemetery, with funds of the municipality. The
30 principal of and income from the permanent maintenance fund may be
31 deposited in any appropriate fund of the municipality or may be invested
32 in the manner provided in K.S.A. 17-1311, and amendments thereto, but
33 shall be used exclusively for care and maintenance of such cemetery.

34 (b) *In the event that a municipality, as defined by K.S.A. 17-1366,*
35 *and amendments thereto, is ordered to take title pursuant to actions taken*
36 *pursuant to subsection (a), and the municipality determines that the cem-*
37 *etry may potentially be operated in a financially viable manner by an-*
38 *other private owner and that the interests of the lot owners will be served*
39 *and the property may be returned to the tax rolls, the municipality may*
40 *place the property up for sale in the same manner provided by law to*
41 *dispose of other municipal property.*

42 *The sale shall be allowed to be completed and closed subject to the*
43 *following requirements:*

1 (1) *The potential buyer must demonstrate financial ability to operate*
2 *the cemetery in the foreseeable future;*

3 (2) *the potential buyer must demonstrate experience in successfully*
4 *operating cemeteries in the past and an understanding and compliance*
5 *with Kansas regulatory provisions related to private operations of ceme-*
6 *teries in Kansas; and*

7 (3) *any proceeds from such sale, as may remain after payment of any*
8 *expenses incurred by the municipality related to operation of the ceme-*
9 *tery, either as a receiver or owner, shall be placed in a trust fund con-*
10 *trolled by the municipality to be held for permanent maintenance of the*
11 *cemetery at such future date if the cemetery is later placed in the munic-*
12 *ipality's care.*

13 (c) *Upon such sale, an accounting of any prepaid services or items*
14 *shall be made by the municipality to the purchaser and the purchaser*
15 *shall be required to place sufficient funds to cover 110% of the wholesale*
16 *costs of the prepaid merchandise or services into an interest-bearing Kan-*
17 *sas trust account. The purchaser shall be responsible for providing the*
18 *merchandise or services at the time of need of the decedent and may*
19 *withdraw the funds deposited to cover those expenses, specifically the*
20 *wholesale cost thereof, upon provision of satisfactory documentation to*
21 *the trustee that the items have been provided. In the event that the de-*
22 *posits and interest in the account are not sufficient to cover 110% of the*
23 *costs of the outstanding services and merchandise at the end of any given*
24 *year, the purchaser shall deposit sufficient funds to bring the trust account*
25 *up to the level that such costs are covered. Any excess funds shall remain*
26 *in the account until such time as all prepaid merchandise and services*
27 *are provided and at that time any remainder shall be moved to the per-*
28 *petual care fund for the cemetery.*

29 Sec. 2. K.S.A. 2009 Supp. 17-1367 is hereby repealed.

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