

SESSION OF 2004

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2590

As Recommended by House Committee on
Local Government

Brief*

HB 2590 would permit the reinvest of title to cemetery lots in religious and privately owned cemetery corporations if there has been no contact with the lot owners or heirs for a period of at least 50 years. Prior to declaring any burial rights abandoned, a notice of intent to declare the rights abandoned shall be given by the cemetery corporations by certified, return receipt mail. If an address cannot be found, then notice must be given at least once in the official county newspaper.

When the cemetery corporation declares burial rights abandoned, the cemetery lots may be resold. When resold, an amount equal to the original selling price shall be held in a trust fund for a period of 25 years for payment to the original owner or heirs if contact eventually is made. The bill does not apply to any lot which has a perpetual care contract.

Background

The bill was supported by Representative Lana Gordon and a representative of the Stony Point Evangelical Lutheran Cemetery Association of Douglas County. A similar procedure for reinvest of title of cemetery lots exists for some public owned cemeteries which includes a court procedure where the lots are declared abandoned.

The bill has no fiscal effect on the state.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>