

SENATE BILL No. 97

By Committee on Local Government

1-28

1 AN ACT concerning cemetery corporations; defining purposes of
2 sepulture; amending K.S.A. 17-1310 and K.S.A. 2020 Supp. 17-1301c
3 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 2020 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~~ *means* any space designated for the
9 interment of remains such as grave lots, grave spaces, burial or interment
10 rights, and developed or existing lawn crypts.

11 (b) "Burial space" ~~shall mean~~ *means* any space designated for the
12 interment, entombment or inurnment of remains such as burial lots, burial
13 or 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 *set aside in the permanent maintenance fund* equal to:

23 (1) 15% of the purchase price, but not less than \$25, of a burial lot;

24 (2) 10% of the purchase price, but not less than \$100 per community
25 mausoleum crypt; or

26 (3) 5% of the purchase price, but not less than \$50 for each garden
27 mausoleum crypt or niche ~~set aside in the permanent maintenance fund~~.

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

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

35 (h) "Permanent maintenance fund" means a certificate of deposit, a
36 business savings account; or an irrevocable trust fund whose proceeds are

1 derived from not less than the funding requirement as defined in
2 subsection (e).

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

9 (j) "*Purposes of sepulture*" means any of the following:

10 (1) *The interment of human remains;*

11 (2) *cemetery roadways, easements, walkways, features and other*
12 *decorative improvements;*

13 (3) *cemetery offices, maintenance facilities and other such*
14 *improvements;*

15 (4) *mausoleums, columbariums and other above-ground interment*
16 *spaces;*

17 (5) *indoor facilities for visitation, committal or funeral services,*
18 *including worship services, celebrations of life and receptions;*

19 (6) *mortuary and embalming facilities; and*

20 (7) *such other purposes and uses necessary or incidental to any of*
21 *the foregoing.*

22 (k) "Trustee" means:

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

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

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

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

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

35 Sec. 2. K.S.A. 17-1310 is hereby amended to read as follows: 17-
36 1310. That such corporation shall have complete management and control
37 of all lands held, laid out and sold by it for ~~cemetery~~ *purposes of sepulture*
38 until such time as all the burial lots shall have been sold or until such time
39 as ~~said~~ *such* corporation shall be dissolved ~~in the manner hereinafter set~~
40 ~~forth.~~ *Provided, That.* Such corporation may replat any areas used for
41 ~~cemetery~~ *purposes of sepulture* in such a manner as to eliminate roads that
42 have been platted but have not been actually constructed.

43 Sec. 3. K.S.A. 17-1310 and K.S.A. 2020 Supp. 17-1301c are hereby

1 repealed.

2 Sec. 4. This act shall take effect and be in force from and after its
3 publication in the statute book.