

THE HOUSE OF REPRESENTATIVES
Thursday, February 28, 2008

House Bill No. 3050

HOUSE BILL NO. 3050 - By: JACKSON of the House.

An Act relating to cemeteries; defining terms; amending 8 O.S. 2001, Sections 4, 6 and 10, which relate to cemetery corporations; adding plots to list of land portions to be surveyed; providing for inalienability of individual burial lot when person is interred in lot; adding plots to list of lands used in payments of debts; amending 11 O.S. 2001, Sections 26-103 and 26-104, which relate to conveyance of cemetery lots; defining term; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 3.1 of Title 8, unless there is created a duplication in numbering,
3 reads as follows:

4 As used in Sections 1 through 37 of Title 8 of the Oklahoma Statutes:

- 5 1. "Lot" means a tract of land or space used to inter one deceased individual; and
- 6 2. "Plot" means a tract of land made up of more than one burial lot.

7 SECTION 2. AMENDATORY 8 O.S. 2001, Section 4, is amended to read as
8 follows:

9 Section 4. Surveys and Plat. Such corporation shall cause its land, or such portion
10 thereof as may from time to time become necessary for that purpose, to be surveyed into
11 lots, plots, avenues and walks and platted, upon which plat every lot shall be regularly

1 numbered and said plat shall be acknowledged and shall be recorded in the office of the
2 county clerk, but the fee for said recording shall not exceed the actual cost of the work of
3 recording plus Two Dollars (\$2.00).

4 SECTION 3. AMENDATORY 8 O.S. 2001, Section 6, is amended to read as
5 follows:

6 Section 6. Whenever an interment is made in any lot ~~transferred to individual~~
7 ~~owners by the corporation, the same thereby~~ as defined in Section 1 of this act, while any
8 person is buried ~~therein, on that lot, that individual lot~~ becomes forever inalienable, and
9 descends in regular line of succession to the heirs at law of the owner, but any one or
10 more of such heirs may release to any other of said heirs his or ~~their~~ her interests in the
11 same, and any other joint owners may release to each other in like manner.

12 SECTION 4. AMENDATORY 8 O.S. 2001, Section 10, is amended to read as
13 follows:

14 Section 10. Debts must be paid. At least fifty percent (50%) of the gross proceeds of
15 sales of blocks, lots, plots, or graves must be applied as often as every six (6) months to
16 the payment of the debts and obligations of such corporation as long as such debts and
17 obligations exist.

18 SECTION 5. AMENDATORY 11 O.S. 2001, Section 26-103, is amended to read
19 as follows:

20 Section 26-103. A. As used in this section, "lot" means a tract of land as defined in
21 Section 1 of this act.

1 B. Lots in a municipal cemetery shall be conveyed by certificate signed by the
2 mayor and countersigned by the clerk, under the seal of the municipality. The certificate
3 shall show the price for which the lots are sold and specify that the person to whom it is
4 issued is the owner of the lot or lots described therein by number, as laid down in the
5 plat, for the purpose of interment. The certificate shall vest in the purchaser and ~~his~~
6 heirs of the purchaser a right to the lot or lots, for the sole purpose of interment, under
7 the regulations of the governing body or board of cemetery trustees. The certificate shall
8 be entitled to record in the office of the county clerk of the county in which the lot is
9 situated without further acknowledgment, and the description of lots by number shall be
10 sufficient for the purpose of record. All abandoned lots ~~or spaces of lots~~ shall revert to
11 the municipality.

12 SECTION 6. AMENDATORY 11 O.S. 2001, Section 26-104, is amended to read
13 as follows:

14 Section 26-104. A. As used in this section, "lot" means a tract of land as defined in
15 Section 1 of this act.

16 B. Any burial lot in any cemetery owned by a municipality, or by an association
17 incorporated for cemetery purposes under the laws of Oklahoma, may be conveyed or
18 devised by the owner back to and held by such company, municipality, or association in
19 perpetual trust for the purpose of its preservation as a place of burial. The lot so
20 conveyed shall thereafter remain forever inalienable by act of the parties, but the right to
21 use the same as a place of burial of the dead of the family of the owner and his
22 descendants from generation to generation shall remain, unless the deed of conveyance

1 in trust shall provide that interments in such lot shall be confined to the bodies of
2 specified persons, in which case the lot shall be forever preserved as the burial place of
3 the persons specified in the deed and shall never be used for any other purpose whatever.
4 However, no conveyance in trust shall be made without the consent of the cemetery
5 company or association in whose cemetery the burial lot is located, or of the governing
6 body or board of cemetery trustees of the municipality.

7 SECTION 7. This act shall become effective November 1, 2008.

8 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
9 FINANCIAL SERVICES, dated 02-27-08 - DO PASS, As Coauthored.