

EHB 3050

1 THE STATE SENATE
2 Thursday, April 3, 2008

3 ENGROSSED

4 House Bill No. 3050

5 ENGROSSED HOUSE BILL NO. 3050 - By: Jackson, Peterson (Pam) and
6 Reynolds of the House and Burrage of the Senate.

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

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

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

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

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

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

1 Section 4. Surveys and Plat. Such corporation shall cause its
2 land, or such portion thereof as may from time to time become
3 necessary for that purpose, to be surveyed into lots, plots, avenues
4 and walks and platted, upon which plat every lot shall be regularly
5 numbered and said plat shall be acknowledged and shall be recorded
6 in the office of the county clerk, but the fee for said recording
7 shall not exceed the actual cost of the work of recording plus Two
8 Dollars (\$2.00).

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

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

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

21 Section 10. Debts must be paid. At least fifty percent (50%)
22 of the gross proceeds of sales of blocks, lots, plots, or graves
23 must be applied as often as every six (6) months to the payment of

1 the debts and obligations of such corporation as long as such debts
2 and obligations exist.

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

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

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

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

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

3 B. Any burial lot in any cemetery owned by a municipality, or
4 by an association incorporated for cemetery purposes under the laws
5 of Oklahoma, may be conveyed or devised by the owner back to and
6 held by such company, municipality, or association in perpetual
7 trust for the purpose of its preservation as a place of burial. The
8 lot so conveyed shall thereafter remain forever inalienable by act
9 of the parties, but the right to use the same as a place of burial
10 of the dead of the family of the owner and his descendants from
11 generation to generation shall remain, unless the deed of conveyance
12 in trust shall provide that interments in such lot shall be confined
13 to the bodies of specified persons, in which case the lot shall be
14 forever preserved as the burial place of the persons specified in
15 the deed and shall never be used for any other purpose whatever.
16 However, no conveyance in trust shall be made without the consent of
17 the cemetery company or association in whose cemetery the burial lot
18 is located, or of the governing body or board of cemetery trustees
19 of the municipality.

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

21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-1-08 - DO PASS.