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Editorial: Cemetery funds

BY [THE CAPITAL-JOURNAL EDITORIAL BOARD](#)

April 3, 2010 - 8:03pm

Some of our legislators, and those who watch with interest what they do, expect the Legislature to revisit next year the issue of consumer protection measures for those who pay cemetery operators in advance for merchandise and permanent maintenance.

We hope they are right.

A bill now in conference committee offers consumers some protection but falls short of what is needed to restore public confidence in the way cemetery operators manage money entrusted to them.

The legislation would allow cemeteries that have underfunded trust funds for prepaid merchandise and maintenance to enter agreements with the secretary of state's office, which has jurisdiction, to correct the discrepancies.

That's fine as far as it goes, but the bill only addresses cemetery operations already upside down with the trust funds. What is needed are measures to ensure they don't get in that position.

Such measures were included in an original House bill but were discarded, at least for now, during the legislative process. They should be restored, in some fashion. If next year is the earliest legislators can get around to doing that, OK. But that's also about as long as they should leave the job undone.

Topeka area residents are familiar with the stories of those who had entrusted money to the owner of West Lawn Memorial Gardens Cemetery, located a few miles west of Topeka. The owner invested the trust fund money, poorly, and lost most of it. Shawnee County, by law, had to take over the operation and found only enough money to pay the cemetery's consumers pennies on the dollar. The county still operates the cemetery.

That story has been repeated in other Kansas communities, and more oversight is needed to ensure cemetery operators live up to their obligations.

One measure lost in the shuffle would have required cemeteries to file monthly financial reports — simple reports mind you, not audits — with the secretary of state's office. Some cemetery operators think a monthly report would be too burdensome. The requirement now is an annual report.

We don't profess to be professional accountants or bookkeepers, but if you're accepting money, issuing receipts and making deposits in a trust fund, a monthly report shouldn't be all that difficult to prepare.

Another measure would have required cemeteries to carry insurance to cover losses up to \$100,000 if an employee doesn't properly deposit money into the trust funds.

That doesn't sound too onerous, either.

Given the track records of a few of their colleagues, cemetery operators must recognize current public opinion is that consumers and their money should be protected. That's going to require regular financial reports, audits and perhaps insurance. And next year isn't any too soon to get started.

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