



McGILLEY & FRYE

FUNERAL HOME & CREMATION SERVICE

Mark McGilley, McGilley Memorial Chapels
Senate Committee on Local Government
Testimony in support of Senate Bill 97
Thursday, February 4, 2021

Chairwoman McGinn, Members of the Senate Local Government committee, I appreciate the opportunity to appear before you today in support of SB 97. My name is Mark McGilley and I am appearing on behalf of McGilley & Frye Funeral Home and Oak Lawn Memorial Gardens. The McGilley Family has been serving families in the Kansas City area since 1899. My son and I are Johnson County residents with a vested interest in the community we call home. We have made it our life's work to serve our neighbors in their greatest time of need, and we feel humbled every time we can help someone arrange for a loved one's final resting place.

Senate Bill 97 would amend cemetery statutes that were first adopted in 1868 by providing a statutory definition of "purposes of sepulture." Sepulture, meaning the act of interment or burial, has French and Latin origins and dates back to the 12th Century. We own and operate Oak Lawn Memorial Gardens in Olathe and it is our desire to build a funeral home on that property. On the surface a funeral home and its critical nexus to burials would seem to fit within the criteria of the law. However in a 1978 decision the Kansas Court of Appeals narrowly interpreted sepulture to refer only to the actual burial of human remains – ruling out the possibility of building at Oak Law unless the underlying law changes.

Through the years we have constantly sought to accommodate our customers' changing needs. For example, many people now prefer to have funeral or celebrations of life in facilities adjacent to cemeteries to allow for the greatest number of relatives and friends to pay their respects – and for several other reasons including cost savings, convenience of facilities during unpredictable weather, access to restroom facilities, etc. Our data shows that our "combo" facilities, where we have both a cemetery and a funeral home, represent more than 50 percent of the families we serve.

When Oak Lawn was established more than 60 years ago it was intended for burials and that is how the property was dedicated and platted. But time and circumstances change. We listen to families who rely on us to help them through the most difficult times of their lives and they want the modern conveniences afforded by a company that offers funeral and burial services in one location. The narrow court interpretation represents a roadblock to this modernization that could be remedied by the adoption of a statutory definition of sepulture.



I want to emphasize that there are no burial plots on the land upon which we want to build, and we would not disturb any existing gravesites during construction. Our families have trusted us to care for their loved ones' final resting place and we take that responsibility seriously.

Additionally, nothing in this bill would shortcut or in any way affect the local city or county planning process. To be clear, passage of SB 97 would not authorize construction of a funeral home at Oak Lawn Memorial Gardens. What it would do is allow the normal local planning process to consider the potential impacts and value to the community of such a project. It would place control directly in the hands of the local community.

In 2008 a Topeka cemetery urged the Legislature to pass what has become K.S.A. 17-1375 which allowed certain portions of its land to be undedicated and sold. Once undedicated that land could be used for any purposes allowed under local codes. By contrast, passage of SB 97 would *not* result in the undedication of any existing cemetery land. All of the Oak Lawn property would remain dedicated for purposes of sepulture, and any buildings will be subject to zoning, setbacks and other local and state regulations.

Thank you again for allowing me to address you today on this very important issue. SB 97 represents a step forward in our continued efforts to serve our friends and neighbors as they seek to pay their respects and celebrate the lives of their loved ones. We ask for your support and request that you recommend SB 97 favorable for passage. I'm happy to stand for questions at the appropriate time.

Mark McGilley
McGilley Memorial Chapels

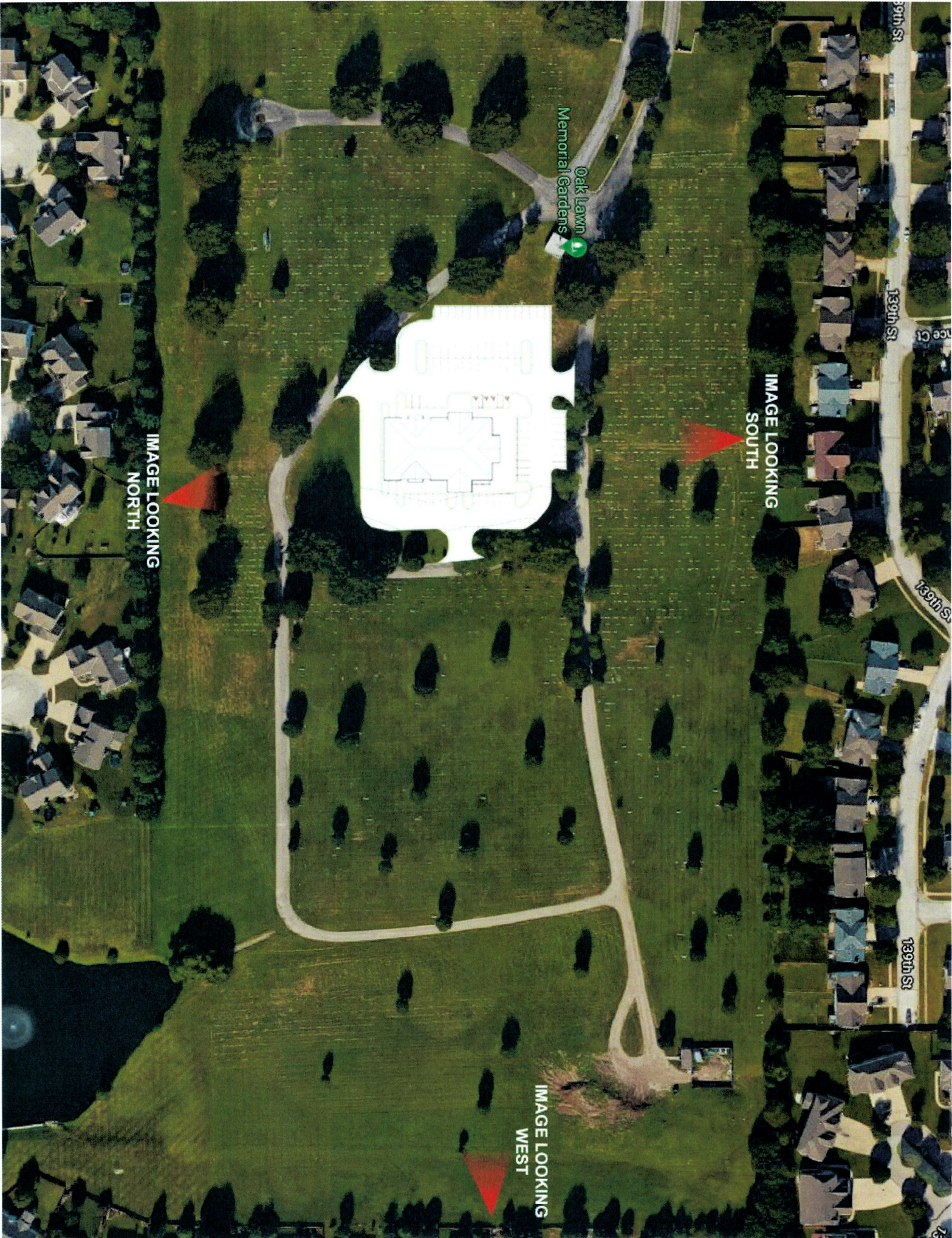


IMAGE LOOKING
NORTH

IMAGE LOOKING
SOUTH

IMAGE LOOKING
WEST

Oak Lawn
Memorial Gardens

139th St

139th St

139th St

139th St