

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1226

5 By: Representative Crawford
6 By: Senator Irvin
7

For An Act To Be Entitled

9 AN ACT TO MODIFY THE CEMETERY ACT FOR PERPETUALLY
10 MAINTAINED CEMETERIES; TO AMEND THE INSOLVENT
11 CEMETERY GRANT FUND ACT; AND FOR OTHER PURPOSES.
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Subtitle

14 TO MODIFY THE CEMETERY ACT FOR
15 PERPETUALLY MAINTAINED CEMETERIES; AND TO
16 AMEND THE INSOLVENT CEMETERY GRANT FUND
17 ACT.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 20-17-1013, concerning the permanent
24 maintenance fund of a perpetually maintained cemetery under the Cemetery Act
25 for Perpetually Maintained Cemeteries, is amended to add additional
26 subsection to read as follows:

27 (g)(1) No more than one (1) time every ten (10) years, a cemetery
28 company may make a withdrawal from the permanent maintenance fund for the
29 purpose of making infrastructure repairs and capital improvements to the
30 perpetual care cemetery.

31 (2) A withdrawal under subdivision (g)(1) of this section shall
32 not be made without prior approval from the board.
33

34 SECTION 2. Arkansas Code § 20-17-1029 is repealed.

35 ~~20-17-1029. Cemetery advisory boards Membership Organization~~
36 ~~Authority.~~



1 ~~(a) The Governor may create a cemetery advisory board for any cemetery~~
 2 ~~purchased under § 20-17-1006 [repealed] to assist the state and the~~
 3 ~~municipality or county where the cemetery is located in achieving the~~
 4 ~~efficient management, operation, maintenance, and preservation of the~~
 5 ~~cemetery.~~

6 ~~(b)(1) A cemetery advisory board shall be composed of seven (7)~~
 7 ~~members appointed by the Governor as follows:~~

8 ~~(A) Three (3) members shall be owners of lots in the~~
 9 ~~cemetery or have demonstrated an interest in the preservation of the~~
 10 ~~cemetery;~~

11 ~~(B) Three (3) members shall be owners or operators of a~~
 12 ~~licensed cemetery or funeral home in this state; and~~

13 ~~(C) One (1) member shall be a person actively engaged, by~~
 14 ~~profession or as a volunteer, in activities promoting the historic~~
 15 ~~preservation of cemeteries in the local community.~~

16 ~~(2)(A) The terms of the members shall be for three (3) years.~~

17 ~~(B) Members shall serve until their successors are~~
 18 ~~appointed and qualified.~~

19 ~~(C) The initial members shall draw lots so that three (3)~~
 20 ~~members serve a term of one (1) year, two (2) members serve a term of two (2)~~
 21 ~~years, and two (2) members serve a term of three (3) years.~~

22 ~~(D)(i) Vacancies for any unexpired term of a member shall~~
 23 ~~be filled in the same manner as the original appointment of the vacating~~
 24 ~~member.~~

25 ~~(ii) An appointee to fill a vacancy shall serve for~~
 26 ~~the unexpired term and is eligible for reappointment.~~

27 ~~(3) Members shall biennially elect a chair, a vice chair, and a~~
 28 ~~secretary from the membership, whose duties shall be those customarily~~
 29 ~~exercised by the officers or specifically designated by the cemetery advisory~~
 30 ~~board.~~

31 ~~(4) No member shall be liable for any damages unless it is made~~
 32 ~~to appear that he or she has acted with corrupt and malicious intent.~~

33 ~~(5) Members shall serve without compensation.~~

34 ~~(6) A cemetery advisory board shall meet as often as it deems~~
 35 ~~necessary for the purpose of carrying out its duties under this section.~~

36 ~~(c) A cemetery advisory board may:~~

1 ~~(1) Establish itself as a section 501(c)(3) corporation under~~
 2 ~~the Internal Revenue Code of 1986, as it existed on January 1, 2007;~~

3 ~~(2) Raise private funds for the benefit of the cemetery general~~
 4 ~~fund and the permanent maintenance fund;~~

5 ~~(3) Recruit volunteers; and~~

6 ~~(4)(A) Advise the State Board of Embalmers, Funeral Directors,~~
 7 ~~Cemeteries, and Burial Services and the municipality or county where the~~
 8 ~~cemetery is located concerning long term goals and plans for efficient~~
 9 ~~cemetery operation and beautification.~~

10 ~~(B) No policy of a cemetery advisory board relating to~~
 11 ~~long term goals and plans for efficient cemetery operation and beautification~~
 12 ~~shall be adopted unless the municipality or county where the cemetery is~~
 13 ~~located approves the policy.~~

14
 15 SECTION 3. Arkansas Code § 20-17-1305(b), concerning an eligible
 16 organization under the Insolvent Cemetery Grant Fund Act, is amended to read
 17 as follows:

18 (b) An eligible organization ~~may be~~ is eligible to receive a grant
 19 under this subchapter for the care and improvement of a perpetual care
 20 cemetery if the perpetual care cemetery:

21 ~~(1) Has been in court ordered receivership or conservatorship~~
 22 ~~for at least five (5) years;~~

23 ~~(2) Has historic~~ historical significance to the local community
 24 or the State of Arkansas; ~~and~~ or

25 ~~(3)~~(2) Is insolvent or in financial distress.

26
 27 SECTION 4. TEMPORARY LANGUAGE. DO NOT CODIFY. Rules.

28 (a) The State Board of Embalmers, Funeral Directors, Cemeteries, and
 29 Burial Services shall promulgate rules necessary to implement this act.

30 (b)(1) When adopting the initial rules to implement this act, the
 31 final rule shall be filed with the Secretary of State for adoption under §
 32 25-15-204(f):

33 (A) On or before January 1, 2022; or

34 (B) If approval under § 10-3-309 has not occurred by
 35 January 1, 2022, as soon as practicable after approval under § 10-3-309.

36 (2) The board shall file the proposed rule with the Legislative

1 Council under § 10-3-309(c) sufficiently in advance of January 1, 2022, so
2 that the Legislative Council may consider the rule for approval before
3 January 1, 2022.

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6 **APPROVED: 3/15/21**
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