

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H3/14/97 H3/19/97

A Bill

HOUSE BILL 1966

4
5 By: Representative Broadway

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 17-29-313 CONCERNING
10 CREMATORIIUMS; AND FOR OTHER PURPOSES."

Subtitle

13 "AN ACT CONCERNING CREMATORIIUMS."

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

17 SECTION 1. Arkansas Code 17-29-313 is amended to read as follows:

18 "17-29-313. Permit required for crematorium construction.

19 (a) No crematoriums shall be constructed in this state without a permit
20 issued by the State Board of Embalmers and Funeral Directors.

21 (b)(1) Upon receiving an application for the construction of a
22 crematorium, the board shall cause to be published in a newspaper having
23 general circulation within the county wherein the crematorium is proposed to
24 be constructed a notice of the date and time of a public hearing on the
25 application.

26 (2) The notice must be published no more than two (2) weeks nor
27 less than one (1) week prior to the public hearing. The cost of the notice
28 shall be paid by the applicant for the permit.

29 (3) The owners of property located within two hundred fifty feet
30 (250') of the proposed site of the crematorium shall be notified by the board
31 by registered mail.

32 (4) The public hearing shall be held in the city or county
33 wherein the proposed crematorium is to be located.

34 (c) The board shall grant a permit for the construction of a
35 crematorium, if it determines that:

36 (1) There is a need for the facility;

1 (2) The facility will serve the public interest, convenience, and
2 necessity;

3 (3) The location of the facility complies with zoning regulations
4 of the locality in which the facility is proposed;

5 (4) The probable economic and environmental impact of the
6 facility is reasonable; and

7 (5) The community supports the construction of the crematorium."

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9 SECTION 2. The provisions of this act shall apply to any application
10 for the construction of a crematorium made after the effective date of this
11 act.

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13 SECTION 3. All provisions of this act of a general and permanent nature
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
15 Revision Commission shall incorporate the same in the Code.

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17 SECTION 4. If any provision of this act or the application thereof to
18 any person or circumstance is held invalid, such invalidity shall not affect
19 other provisions or applications of the act which can be given effect without
20 the invalid provision or application, and to this end the provisions of this
21 act are declared to be severable.

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23 SECTION 5. All laws and parts of laws in conflict with this act are
24 hereby repealed.

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26 SECTION 6. EMERGENCY. It is found and determined by the General
27 Assembly of the State of Arkansas that the current law requires the State
28 Board of Embalmers and Funeral Directors to conduct a public hearing in the
29 community where a crematorium is proposed to be built but does not provide a
30 basis for the information received in the public hearing to be used by the
31 board to either grant or deny a permit; that the present law is unfair to both
32 the applicant and the citizens participating in the public hearing; that this
33 law is immediately necessary to correct procedural problems in the current law
34 and to fulfill its intent. Therefore, an emergency is declared to exist and
35 this act being immediately necessary for the preservation of the public peace,
36 health and safety shall become effective on the date of its approval by the

1 Governor. If the bill is neither approved nor vetoed by the Governor, it
2 shall become effective on the expiration of the period of time during which
3 the Governor may veto the bill. If the bill is vetoed by the Governor and the
4 veto is overridden, it shall become effective on the date the last house
5 overrides the veto.

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/s/Rep. Broadway

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