

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

HOUSE BILL 2052

By: Representative Dismang

For An Act To Be Entitled

AN ACT TO ENSURE SUFFICIENT DEPOSITS INTO A
CEMETERY COMPANY'S PERMANENT MAINTENANCE FUND; TO
DEFINE A LAWN CRYPT; AND FOR OTHER PURPOSES.

Subtitle

TO ENSURE SUFFICIENT DEPOSITS INTO A
CEMETERY COMPANY'S PERMANENT MAINTENANCE
FUND AND TO DEFINE A LAWN CRYPT.

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

SECTION 1. Arkansas Code § 20-17-1002 is amended to read as follows:
20-17-1002. Definitions.

As used in this subchapter:

(1) "Board" means the Arkansas Cemetery Board;

(2) "Care and maintenance" means the continual maintenance of
the cemetery grounds and graves in keeping with a properly maintained
cemetery;

(3) "Cemetery" means ~~any~~ land or a structure in this state
dedicated to and used or intended to be used for interment of human remains.
It may be either a burial park for earth interments, a mausoleum for vault or
crypt interments, or a combination of one (1) or more thereof;

(4) "Cemetery company" means an individual, partnership,
corporation, or association, now or hereafter organized, owning or
controlling cemetery lands or property and conducting the business of a
cemetery or making an application with the board to own or control the lands
or conduct the business;



(5) "Columbarium" means a structure or room or space in a building or structure used or intended to be used for the interment of cremated human remains;

(6) "Crypt" means a chamber of sufficient size to inter the remains of a deceased person;

(7) "Interment" means ~~any~~ the lawful disposition of the remains of a deceased person as provided by law;

(8) "Lawn crypt" means an interment space sometimes referred to as a "belowground crypt", "westminister", or "turf top crypt" in a pre-placed chamber or burial vault either side-by-side or at multiple depths, covered by earth and sod;

~~(8)~~(9) "Lot or grave space" means a space of ground in a cemetery used or intended to be used for interment therein;

~~(9)~~(10) "Mausoleum" means a community-type structure or room or space in a building or structure used or intended to be used for the interment of human remains in crypts or niches;

~~(10)~~(11) "Niche" means a space in a columbarium which is used or intended to be used for the interment of the cremated remains of one (1) or more deceased persons;

~~(11)~~(12) "Permit holder" means ~~any~~ a cemetery company that holds a permit issued by the board to own or operate a perpetual care cemetery; and

~~(12)~~(13) "Perpetual care cemetery" means a cemetery for the benefit of which a perpetual care fund has been established in accordance with this subchapter; ~~and.~~

~~(13) —[Repealed.]~~

SECTION 2. Arkansas Code § 20-17-1006(10), concerning the powers and duties of the Arkansas Cemetery Board, is amended to read as follows:

(10) ~~Increase, in accordance with regulations adopted by the board, the percentage of the gross proceeds of the sale of any grave space, crypt, niche, or similar entombment required to be deposited into the permanent maintenance fund of the cemetery in accordance with § 20-17-1016 whenever it is determined that the principal of the permanent maintenance fund is or will be insufficient to generate enough income to operate and maintain the cemetery~~ By rule increase the amount of a deposit required by § 20-17-1016 if the board determines that a greater sum is necessary to assure

1 that the permanent maintenance fund will earn sufficient income to provide
2 for the care and maintenance of the cemetery; and

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4 SECTION 3. Arkansas Code § 20-17-1016(a), concerning deposits required
5 for a cemetery company's permanent maintenance fund, is amended to read as
6 follows:

7 (a) ~~Each~~ Unless a greater amount is established by rule of the
8 Arkansas Cemetery Board under § 20-17-1006(10), a cemetery company shall
9 ~~deposit not less than ten percent (10%) of the gross proceeds of each sale~~
10 ~~into the permanent maintenance fund, provided cemetery companies selling~~
11 ~~crypts, niches, or similar entombments shall be required to deposit into a~~
12 ~~permanent maintenance fund an amount not less than the Arkansas Cemetery~~
13 ~~Board shall by order require if the cemetery company can demonstrate to the~~
14 ~~board that such lesser amount will be sufficient for perpetual maintenance~~
15 ~~and upkeep~~ into its permanent maintenance fund a sum not less than:

16 (1) Twenty percent (20%) of the gross proceeds from the sale of
17 a lot or grave space in its cemetery; and

18 (2) Five percent (5%) of the gross proceeds from the sale of a
19 mausoleum crypt, lawn crypt, niche, or other similar entombment in its
20 cemetery.

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22 SECTION 4. Effective date.

23 This act takes effect January 10, 2010.
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