

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1226

By: Representative Crawford

By: Senator Irvin

For An Act To Be Entitled

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

Subtitle

TO MODIFY THE CEMETERY ACT FOR
PERPETUALLY MAINTAINED CEMETERIES; AND TO
AMEND THE INSOLVENT CEMETERY GRANT FUND
ACT.

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

SECTION 1. Arkansas Code § 20-17-1013, concerning the permanent maintenance fund of a perpetually maintained cemetery under the Cemetery Act for Perpetually Maintained Cemeteries, is amended to add additional subsection to read as follows:

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

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

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 Arkansas Code § 20-17-1029 is repealed.

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



~~(a) The Governor may create a cemetery advisory board for any cemetery purchased under § 20-17-1006 [repealed] to assist the state and the municipality or county where the cemetery is located in achieving the efficient management, operation, maintenance, and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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(3) Recruit volunteers; and~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED: 3/15/21