An Act

ENROLLED SENATE
BILL NO. 1899

By: Griffin of the Senate

and

Hulbert of the House

An Act relating to cemeteries; amending 8 O.S. 2011, Section 183, which relates to establishment of cemeteries; removing requirement for certain application; authorizing municipal governing bodies to permit burial places in certain locations; stating restrictions; providing for codification; and providing an effective date.

SUBJECT: Burial ground authorization procedures

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 8 O.S. 2011, Section 183, is amended to read as follows:

Section 183. (a) No organization subject to the provisions of this act shall locate or establish a cemetery in any county of this state except after a certificate of authority has been issued therefor by the board of county commissioners of the county wherein such cemetery is to be located and operated, <u>except that no application shall be required pursuant to Section 2 of this act</u>. The issuance of such certificate of authority shall rest solely in the discretion of the board of county commissioners of the county wherein such cemetery is to be located and operated. The request to establish such proposed cemetery shall be set forth in a written application made to the board of county commissioners, provided that the form of the application shall be prescribed and furnished by the board and shall contain such information as the board may require;

provided, however, that no such certificate of authority shall be required for establishing or operating any cemetery, graveyard or burial ground in such cities containing a population over three hundred thousand (300,000), authority for the construction and operation of which shall be obtained from the governmental planning commission having jurisdiction over zoning and building regulations covering the area wherein such cemetery, graveyard or burial ground is located.

(b) The board of county commissioners shall not approve an application nor issue a certificate of authority until:

1. The board shall make or cause to be made an investigation and examination of the applicant and the application.

2. The board shall give notice of such application, and the hearing to be held thereon, by publication once a week for two (2) consecutive weeks in a newspaper having a general circulation in the county in which the applicant proposes to locate and operate the cemetery.

3. The board shall, after the date of the said publication, hold a public hearing on the application in such place in the county as it shall designate.

(c) After the filing of the application for a certificate of authority, the board of county commissioners shall make or cause to be made a careful investigation and examination relating to the financial standing and character of the organizers of the proposed cemetery, the character and qualifications and experience of the officers and managers thereof, for the use of the board, which information shall be considered confidential; of the adequacy of the initial investment in the proposed cemetery; of the adequacy of the planned perpetual care fund if the proposed cemetery is to be a perpetual care cemetery; of the proximity of the proposed cemetery to human dwellings and the sanitary and health conditions in regard to the location of the proposed cemetery; and of the public necessity for the cemetery in the community in which such proposed cemetery is to be located and operated; and if the board of county commissioners, after the public hearing herein provided, shall determine any of the questions unfavorable to the applicant, the applicant shall not be approved and the certificate of authority

shall not be issued, and if such questions be determined favorably by the board, the board shall approve the application and the certificate of authority shall be issued.

(d) At the public hearing any person who is interested may appear and be heard, either in person or by his attorney. Within sixty (60) days from the date of such hearing the board of county commissioners shall render its findings and decision, in such form and detail as it shall prescribe, and a copy of the same shall be forwarded to the applicant and all persons who have entered an appearance.

(e) All expenses which may be incurred by the board of county commissioners in performing its duties as provided in this section shall be paid to the board by the applicant at the time of filing the application for the certificate of authority, provided such expenses shall in no event exceed Five Hundred Dollars ($500.00) and any balance remaining unexpended shall be returned to the applicant by the board at the conclusion of the hearing.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 42.1 of Title 50, unless there is created a duplication in numbering, reads as follows:

Notwithstanding the provisions of Section 42 of Title 50 of the Oklahoma Statutes, governing boards of any incorporated municipality shall be authorized to permit the burial of human remains or the relocation of human remains to a new burial place on the grounds of a public institution or private facility located within the municipal boundaries which the governing board deems appropriate. Provided, such burial ground shall not be used for commercial cemetery purposes nor shall the governing body permit burial sites on any private residential property.

SECTION 3. This act shall become effective November 1, 2014.

Passed the Senate the 12th day of March, 2014.

Presiding Officer of the Senate

Passed the House of Representatives the 14th day of April, 2014.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 15th

day of April, 20 14, at 3:46 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 21st

day of April, 20 14, at 2:49 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 21st

day of April, 20 14, at 5:40 o'clock P. M.

By: Chris Benge