

1 the discretion of the board of county commissioners of the county
2 wherein such cemetery is to be located and operated. The request to
3 establish such proposed cemetery shall be set forth in a written
4 application made to the board of county commissioners, provided that
5 the form of the application shall be prescribed and furnished by the
6 board and shall contain such information as the board may require;
7 provided, however, that no such certificate of authority shall be
8 required for establishing or operating any cemetery, graveyard or
9 burial ground in such cities containing a population over three
10 hundred thousand (300,000), authority for the construction and
11 operation of which shall be obtained from the governmental planning
12 commission having jurisdiction over zoning and building regulations
13 covering the area wherein such cemetery, graveyard or burial ground
14 is located.

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

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

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

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

4 (c) After the filing of the application for a certificate of
5 authority, the board of county commissioners shall make or cause to
6 be made a careful investigation and examination relating to the
7 financial standing and character of the organizers of the proposed
8 cemetery, the character and qualifications and experience of the
9 officers and managers thereof, for the use of the board, which
10 information shall be considered confidential; of the adequacy of the
11 initial investment in the proposed cemetery; of the adequacy of the
12 planned perpetual care fund if the proposed cemetery is to be a
13 perpetual care cemetery; of the proximity of the proposed cemetery
14 to human dwellings and the sanitary and health conditions in regard
15 to the location of the proposed cemetery; and of the public
16 necessity for the cemetery in the community in which such proposed
17 cemetery is to be located and operated; and if the board of county
18 commissioners, after the public hearing herein provided, shall
19 determine any of the questions unfavorable to the applicant, the
20 applicant shall not be approved and the certificate of authority
21 shall not be issued, and if such questions be determined favorably
22 by the board, the board shall approve the application and the
23 certificate of authority shall be issued.

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

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

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

18 Notwithstanding the provisions of Section 42 of Title 50 of the
19 Oklahoma Statutes, governing boards of any incorporated municipality
20 shall be authorized to permit the burial of human remains or the
21 relocation of human remains to a new burial place on the grounds of
22 a public institution or private facility located within the
23 municipal boundaries which the governing board deems appropriate.
24 Provided, such burial ground shall not be used for commercial

1 cemetery purposes nor shall the governing body permit burial sites
2 on any private residential property.

3 SECTION 3. This act shall become effective November 1, 2014.
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5 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated
6 04/02/2014 - DO PASS.
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