

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Hopkins

A Bill

SENATE BILL 593

For An Act To Be Entitled

"AN ACT CONCERNING PUBLIC CEMETERIES WHICH HAVE BEEN
LOCATED ON PRIVATE LAND; AND FOR OTHER PURPOSES."

Subtitle

"AN ACT CONCERNING PUBLIC CEMETERIES
WHICH HAVE BEEN LOCATED ON PRIVATE
LAND."

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

SECTION 1. (a) If a cemetery, located on land of a private landowner, has been open to public use for a period of at least fifty (50) years, then the cemetery shall be deemed to be public property unless:

(1) The property has been enclosed by the landowner for at least one (1) year prior to an order of the quorum court providing for the care and management of the cemetery as provided for under subsection (b); or

(2) The cemetery has been operated by the landowner for at least one (1) year prior to an order of the quorum court providing for the care and management of the cemetery as provided for under subsection (b).

(b)(1) If upon the petition of any person, the quorum court determines that a cemetery is public property under this act, the quorum court may issue an order providing for the management and care of the cemetery. The county may manage and care for the cemetery or may enter into an agreement allowing a non-profit association or corporation to provide for the management and care of the cemetery.

(2) Upon issuing an order for the management and care of the

1 public property the quorum court shall notify the landowner of its order,
2 based on the quorum court's finding that the property has become public
3 property, and shall include a copy of the provisions of this section. The
4 notice shall be by certified mail.

5 (3) No person or his or her heirs shall have, sue, or maintain
6 any action or suit, either in law or equity, for any cemetery lands more than
7 six (6) months after the person receives the notice required under this
8 section.

9 (c) The rights of the public to cemetery property under this section
10 shall be in the nature of an adverse possession. No additional conditions
11 for adverse possession shall be imposed in addition to those provided by this
12 section.

13

14 SECTION 2. All provisions of this act of a general and permanent
15 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
16 Code Revision Commission shall incorporate the same in the Code.

17

18 SECTION 3. If any provision of this act or the application thereof to
19 any person or circumstance is held invalid, such invalidity shall not affect
20 other provisions or applications of the act which can be given effect without
21 the invalid provision or application, and to this end the provisions of this
22 act are declared to be severable.

23

24 SECTION 4. All laws and parts of laws in conflict with this act are
25 hereby repealed.

26

27

28

29

30

31

32

33

34

35

