

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

SENATE BILL 1037

4
5 By: Senators Bryles, Madison, Malone
6 By: Representative Pickett

For An Act To Be Entitled

10 AN ACT TO CREATE REGISTRATION AND MAINTENANCE
11 PROCEDURES FOR CERTAIN ABANDONED CEMETERIES; AND
12 FOR OTHER PURPOSES.

Subtitle

15 AN ACT TO CREATE REGISTRATION AND
16 MAINTENANCE PROCEDURES FOR CERTAIN
17 ABANDONED CEMETERIES.

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19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. Arkansas Code § 20-17-905(e), concerning the definition of
23 an "abandoned cemetery", is amended to read as follows:

24 (e) For the purposes of this section, an "abandoned cemetery" is a
25 cemetery:

26 (1) For which no permanent maintenance fund as provided in § 20-
27 17-1013 has been established;

28 (2) Which is not suitably maintained and preserved as a
29 cemetery; ~~and~~

30 (3) In which there have been no interments for a period of ~~seven~~
31 ~~(7)~~ fifteen (15) years; and

32 (4) Which contains at least six (6) permanent grave markers.

33
34 SECTION 2. Arkansas Code Title 20, Chapter 17, Subchapter 9 is amended
35 to add additional sections to read as follows:

36 20-17-907. County abandoned cemetery registration boards.



1 (a) The county judge shall appoint three (3) members to an abandoned
2 cemetery registration board if:

3 (1) At least ten (10) qualified voters within the county
4 petition the county judge to provide minimum maintenance for a specific
5 abandoned cemetery; and

6 (2) In the case of private property, the property owner agrees
7 in writing that the abandoned cemetery may be accessed for minimum
8 maintenance.

9 (b) Each member must be a real property owner in the county.

10 (c)(1) The initial board members shall be appointed to serve for terms
11 of one (1), two (2), and three (3) years.

12 (2) The length of the term of each member shall be determined by
13 the county judge when making the appointment.

14 (d) As the terms of the board members expire, the judge shall appoint
15 successor board members to hold office for a term of three (3) years.

16 (e) The county judge may reappoint a board member whose term is
17 expiring.

18 (f) If a vacancy occurs before a board member's term expires, the
19 county judge shall appoint a new member to complete the term.

20 (g) Members of the board shall serve without pay or other compensation
21 for their services.

22 (h)(1) The board shall select one (1) of the board members as chair.

23 (2) The chair shall serve at the pleasure of the board.

24
25 20-17-908. Responsibilities of county abandoned cemetery registration
26 boards.

27 (a) A county abandoned cemetery registration board shall have the
28 authority to register abandoned cemeteries within the county as defined in §
29 20-17-905, but only after a petition has been filed pursuant to § 20-17-907.

30 (b) At any time, the board may conduct an examination of a petitioned
31 abandoned cemetery within the county.

32 (c)(1) If funds and voluntary manpower are available, the board shall
33 provide for the cleaning of petitioned abandoned cemeteries within the county
34 that meet minimum requirements for maintenance at least one (1) time in the
35 spring and one (1) time in the fall.

36 (2) Cleaning is intended to remove weeds, debris, and foreign

1 material that degrade the burial site.

2 (d) The board may post a small sign to inform the public that the
3 abandoned cemetery is under the care of the board.

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5 20-17-909. Minimum maintenance for petitioned abandoned cemeteries.
6 Petitioned abandoned cemeteries that are no more than one (1) acre in
7 size are eligible for minimum maintenance.

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9 20-17-910. Abandoned cemeteries on private property.

10 (a) If a petitioned abandoned cemetery is on private property with no
11 access by the public, the property owner may grant permission to the county
12 abandoned cemetery registration board to enter for maintenance by providing a
13 written statement.

14 (b) The statement shall be notarized and shall provide a conditional
15 easement to the board for ingress and egress for the purpose of maintenance.

16 (c) The easement must be recorded at the county courthouse within
17 sixty (60) days after signing.

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19 20-17-911. Minimum maintenance providers.

20 Minimum maintenance for petitioned abandoned cemeteries may be secured
21 from any source the county abandoned cemetery registration board can obtain,
22 including work release prisoners.

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