

LEGISLATIVE BILL 932

Approved by the Governor April 9, 1996

Introduced by Cudaback, 36

AN ACT relating to cemeteries; to amend sections 12-808 to 12-810, Reissue Revised Statutes of Nebraska; to provide pedestrian access to certain pioneer cemeteries; to eliminate a provision relating to county maintenance expenditures; to harmonize provisions; to repeal the original sections; and to outright repeal section 12-811, Reissue Revised Statutes of Nebraska.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 12-808, Reissue Revised Statutes of Nebraska, is amended to read:

12-808. For purposes of sections 12-807 to ~~12-811~~ 12-810 and section 2 of this act, an abandoned and neglected pioneer cemetery shall be defined according to the following criteria:

(1) Such cemetery was founded, or the land upon which such cemetery is situated was given, granted, donated, sold, or deeded to the founders of the cemetery prior to January 1, 1900;

(2) Such cemetery contains the grave or graves of a person or persons who were homesteaders, immigrants from a foreign nation, prairie farmers, pioneers, sodbusters, first generation Nebraskans, or Civil War veterans; and

(3) Such cemetery has been generally abandoned and neglected for a period of at least twenty years.

Sec. 2. An owner of property upon which is located a pioneer cemetery affected by sections 12-807 to 12-810 shall not deny pedestrian access to such cemetery as prescribed by this section. Pedestrian access to a pioneer cemetery affected by sections 12-807 to 12-810 shall be granted on Memorial Day and from November 1 through March 1. When possible, visitors to such a pioneer cemetery shall notify the property owner of their presence prior to accessing the cemetery. The property owner may specify a pathway to the cemetery if such pathway is reasonable in direction and accessibility.

Sec. 3. Section 12-809, Reissue Revised Statutes of Nebraska, is amended to read:

12-809. Care given to such cemetery by a county under sections 12-807 to ~~12-811~~ 12-810 may include the removal of shrubbery, trees, or brush, the erection of adequate fences, the planting of grass, flowers, trees, and shrubbery, repair and uprighting of tombstones and gravemarkers, and any other care normally accorded to cemeteries.

Sec. 4. Section 12-810, Reissue Revised Statutes of Nebraska, is amended to read:

12-810. Any county affected by sections 12-807 to ~~12-811~~ 12-810 shall provide for one mowing annually of such cemetery within a period of two weeks prior to Memorial Day. Within five years after maintenance and preservation of such cemetery is commenced by such county, a historical marker giving the date of the establishment of the cemetery and a short history of the cemetery shall be placed at the site of such cemetery. One directional marker showing the way to such cemetery may be placed on the nearest state highway to such cemetery.

Sec. 5. Original sections 12-808 to 12-810, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 6. The following section is outright repealed: Section 12-811, Reissue Revised Statutes of Nebraska.