

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 312**

Introduced by Sanders, 45; Aguilar, 35; Albrecht, 17; Blood, 3; Clements,  
2; Slama, 1.

Read first time January 12, 2021

Committee: General Affairs

- 1 A BILL FOR AN ACT relating to cemeteries; to amend sections 12-501 and
- 2 12-502, Revised Statutes Cumulative Supplement, 2020; to change
- 3 cemetery association membership eligibility and record-keeping
- 4 requirements; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 12-501, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

3 12-501 (1) For purposes of sections 12-501 to 12-532, cemetery  
4 association means an association formed under such sections.

5 (2) Every cemetery, other than those owned, operated, and maintained  
6 by the state, by towns, villages, and cities, by churches, by public  
7 charitable corporations, by cemetery districts, and by fraternal and  
8 benevolent societies, shall be owned, conducted, and managed by cemetery  
9 associations organized and incorporated as provided in sections 12-501 to  
10 12-532 except as specifically provided in sections 12-530 and 12-812.

11 (3) The establishment of a cemetery by any agency other than those  
12 enumerated in this section shall constitute a nuisance, and its operation  
13 may be enjoined at the suit of any taxpayer in the state.

14 (4) It shall be lawful for any number of persons, not less than  
15 five, who are either residents of the county in which they desire to form  
16 themselves into an association or owners of a lot within a cemetery in  
17 such county, to form themselves into a cemetery association and to elect  
18 any number of their members, not less than three, to serve as trustees,  
19 and one member as clerk, who shall continue in office during the pleasure  
20 of the association. All such elections shall take place at a meeting of  
21 four or more members of such association by a majority vote of those  
22 present. A notice for such meeting shall be published in a local  
23 newspaper, or posted in three places within the precinct or township in  
24 which the cemetery is or will be located, at least fifteen days prior to  
25 the meeting.

26 Sec. 2. Section 12-502, Revised Statutes Cumulative Supplement,  
27 2020, is amended to read:

28 12-502 The clerk of the cemetery association shall make out a true  
29 record of the proceedings of the meeting provided for by section 12-501  
30 and certify and deliver the same to the clerk of the county in which the  
31 cemetery is located ~~such meeting is held~~, together with the name by which

1 such association shall be known. The county clerk, immediately upon the  
2 receipt of such certified statement, shall record the same in a book  
3 provided by the county clerk for that purpose at the expense of the  
4 county and shall be entitled to the same fees for the services as the  
5 county clerk is entitled to demand for other similar services. After the  
6 making of such record by the county clerk, the trustees and the  
7 associated members and successors shall be invested with the powers,  
8 privileges, and immunities incident to aggregate corporations. A  
9 certified transcript of the record made by the county clerk shall be  
10 deemed and taken in all courts and places whatsoever within this state as  
11 prima facie evidence of the existence of such cemetery association.

12       Sec. 3.   Original sections 12-501 and 12-502, Revised Statutes  
13 Cumulative Supplement, 2020, are repealed.