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STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

(501) 371-2007

OPINION NO. 85-60

February 25, 1985

The Honorable Jerry E. Hinshaw
Arkansas House of Representatives
Route 4, Box 444-A
Springfield, Arkansas 72764

Dear Representative Hinshaw:

This formal opinion is written in response to the following question:

Is the "visiting of graves of their deceased relatives" as outlined in the proposed amendment a "recreational purpose" as defined in Section 1 of House Bill 123?

The visiting of graves of deceased relatives does not come within the purview of "recreational purposes."

"Recreation" in its popular sense is of very comprehensive signification and includes in its general meaning games, sports and plays. McKinney v. Board of Zoning Adjustment of Kansas City, Mo. App., 308 S.W.2d 320, 325.

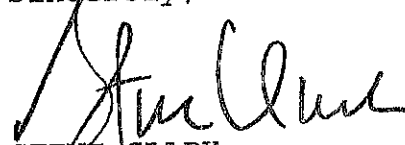
"Recreation" denotes refreshment of body or mind after toil, which may come from any pleasant and diverting exercise or employment. Comptroller of Treasury v. M. E. Rockhill, Inc., 107 A.2d 93, 96, 205 Md. 226.

"Recreational" is a term not necessarily identical in meaning with "amusement" though the two terms are synonymous when related to passing of time in pleasant or agreeable conditions. In re City of Enid, 158 P.2d 348, 352, 195 Okl. 365, 159 Alr. 358.

"Recreational purpose" is used to denote purposes that are pleasurable and for the enjoyment of the individual. The visiting of a grave is a somber occasion that does not fall within the definitions of "recreational purpose."

The foregoing opinion, which I hereby approve, was prepared by Chief Deputy Attorney General Rodney Parham.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steve Clark", written over a horizontal line.

STEVE CLARK
Attorney General

SC/RP/ljm