

1 SB72  
2 115289-2  
3 By Senator Mitchell  
4 RFD: Governmental Affairs  
5 First Read: 12-JAN-10  
6 PFD: 01/04/2010

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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11 To amend Sections 11-47-60, 11-47-68, and 11-47-70,  
12 Code of Alabama 1975, relating to reinterment and abandonment  
13 of cemeteries, to require the approval of the governing body  
14 of the municipality or county to declare a cemetery abandoned,  
15 and to further provide for reinterment.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Sections 11-47-60, 11-47-68, and  
18 11-47-70, Code of Alabama 1975, are amended to read as  
19 follows:

20 "§11-47-60.

21 "(a) Any cemetery corporation or association,  
22 including religious bodies, owning or controlling any cemetery  
23 within this state may, with the consent and approval of the  
24 governing body of the city or town in which such cemetery is  
25 located or with the consent and approval of the governing body  
26 of the county if such cemetery is located outside the limits  
27 of an incorporated municipality, by resolution of its board of

1 directors or other governing body, when assented to in writing  
2 filed with the secretary by at least three fourths of the lot  
3 owners and holders of such corporation or association or  
4 ratified and approved by like vote thereof at any regular  
5 meeting of the cemetery corporation or association or at a  
6 meeting specially called for that purpose, declare for the  
7 abandonment in whole or in part of such cemetery as a burial  
8 place for the human dead and for the removal of human remains  
9 interred therein to another cemetery or cemeteries in this  
10 state or for the depositing of such remains in a memorial  
11 mausoleum or columbarium as provided in this division.

12 "(b) Any corporation sole or other person owning or  
13 controlling any cemetery or the lands on which any grave or  
14 cemetery is located in this state, may with the consent and  
15 approval of the governing body of the city or town in which  
16 such cemetery is located or with the consent and approval of  
17 the governing body of the county if such cemetery is located  
18 outside the limits of an incorporated municipality, also  
19 declare for the abandonment in whole or in part of any such  
20 cemetery owned or controlled by such corporation sole or other  
21 person and for the removal of human remains interred therein  
22 to another cemetery or cemeteries in this state or the  
23 depositing of such remains in a memorial mausoleum or  
24 columbarium as provided in this division.

25 "§11-47-68.

26 "After the removal and reinterment or deposit in a  
27 mausoleum or columbarium of the bodies disinterred from any

1 such abandoned cemetery or part thereof the cemetery  
2 corporation, association, corporation sole or other person  
3 owning or controlling such abandoned cemetery lands and making  
4 such removals shall cause to be erected upon or imbedded in  
5 any lot or plat wherein any such body is reinterred a suitable  
6 permanent marker identifying such remains and shall prepare a  
7 complete map or plat describing and showing the location and  
8 subdivision into lots and plats of the cemetery lands where  
9 such bodies are reinterred or a plan of any mausoleum or  
10 columbarium wherein such bodies may be deposited, and there  
11 shall also be attached to any such map or plat or plans a  
12 description of the name of each person whose body is so  
13 reinterred or deposited, where known, and the lot or plat in  
14 the cemetery or the niche or compartment in any mausoleum or  
15 columbarium where such body is reinterred or deposited. Such  
16 map or plat shall be kept on file in the office of such  
17 cemetery corporation, association, corporation sole or other  
18 person making such removals and reinterments or depositing  
19 bodies in a mausoleum or columbarium and shall at all times be  
20 open to inspection by the relatives or friends of those so  
21 reinterred or deposited and a copy of the map or plat shall be  
22 filed with the probate office of the county in which the  
23 cemetery is located. If a body is reinterred or deposited in a  
24 county other than the county from which the body was removed,  
25 a copy of the map or plat shall be filed with the probate  
26 office of both counties.

27 "§11-47-70.

1           "(a) Whenever the remains of any person shall have  
2 been removed from any cemetery by any relative or friend of  
3 such person under ~~the provisions of~~ Section 11-47-65, the  
4 person causing such removal shall also ~~be entitled to~~ remove  
5 any associated vault, monument, headstone, coping, or other  
6 improvement appurtenant to the grave from which such remains  
7 have been removed, and the affidavit or written consent given  
8 under ~~the provisions of~~ Section 11-47-65 shall be sufficient  
9 warrant and authority for the cemetery corporation,  
10 association, corporation sole, or other person owning or  
11 controlling such cemetery to permit such removal of any vault,  
12 monument, headstone, coping, or other improvement appurtenant  
13 to such grave. All grave objects removed pursuant to Section  
14 11-47-65 shall stay with the human remains and be reinstalled  
15 at the new burial site to duplicate the original configuration  
16 as close as possible.

17           "(b) Whenever the remains of any person buried in  
18 any lot or plat shall have been removed and any vault,  
19 monument, headstone, coping or other improvement appurtenant  
20 thereto shall remain on said lot or plat for more than 90 days  
21 after the removal of the last human remains therefrom, such  
22 vault, monument, headstone, coping or other improvement may be  
23 removed and disposed of by the cemetery corporation,  
24 association, corporation sole or other person owning or  
25 controlling such cemetery lands and thereafter no person  
26 claiming any interest in said lot or plat or any such vault,  
27 monument, headstone, coping or other improvement appurtenant

1 thereto shall have the right to maintain in any court any  
2 action in relation to any such vault, monument, headstone,  
3 coping or other improvement so removed or disposed of."

4 Section 2. This act shall become effective on the  
5 first day of the third month following its passage and  
6 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate committee on Governmental Affairs .....	12-JAN-10
Read for the second time and placed on the calen- dar 1 amendment .....	14-JAN-10
Read for the third time and passed as amended ...	17-FEB-10

Yeas 27  
Nays 0

McDowell Lee  
Secretary