

1 HB34
2 175445-4
3 By Representatives Givan, Moore (M) and Alexander (N & P)
4 RFD: Jefferson County Legislation
5 First Read: 07-FEB-17
6 PFD: 12/15/2016

1 b. Keeping in repair the drains, water lines, roads,
2 buildings, fences, and other structures located in the
3 cemetery.

4 c. The service and repair of machinery, tools, and
5 equipment used for the maintenance of the cemetery.

6 (4) NEGLECTED CEMETERY. A cemetery that has become
7 abandoned or neglected in any of the following ways:

8 a. Weeds, briars, bushes, or trees have become
9 overgrown.

10 b. Fences have become broken, decayed, or
11 dilapidated.

12 c. Graves, lots, crypts, niches, mausoleums, and
13 markers and roads, buildings, or other structures in a
14 cemetery have become damaged, broken, dilapidated, or
15 destroyed.

16 Section 3. (a) The Jefferson County Cemetery Board
17 is created.

18 (b) The board shall consist of ~~five~~ seven members.

19 ~~(c) One member of the board shall be appointed by~~
20 ~~each member of the local legislative delegation, and the local~~
21 ~~legislative delegation, by majority vote, shall appoint an~~
22 ~~additional member, who shall serve as the chair of the board.~~
23 ~~The members shall serve at the pleasure of the local~~
24 ~~legislative delegation.~~

25 (c) Four members of the board shall be appointed by
26 the members of the State House of Representatives representing
27 any part of the county, and three members shall be appointed

1 by the members of the State Senate representing any part of
2 the county. The local legislative delegation, by majority
3 vote, shall appoint one of the members to serve as the chair
4 of the board. The members shall serve at the pleasure of the
5 appointing authority.

6 (d) (1) The initial board members appointed in
7 accordance with subsection (c) shall serve the following
8 terms:

9 a. Two members appointed by a member of the House of
10 Representatives and one member appointed by a member of the
11 Senate shall serve a two-year term.

12 b. One member appointed by a member of the House of
13 Representatives and one member appointed by a member of the
14 Senate shall serve a three-year term.

15 c. One member appointed by a member of the House of
16 Representatives and one member appointed by a member of the
17 Senate shall serve a four-year term.

18 (2) After the expiration of the initial term of
19 office of each board member, the term of office for all board
20 members shall be four years.

21 ~~(d)~~ (e) The board shall meet quarterly and at such
22 times as the board by a majority of its members agree.

23 ~~(e)~~ (f) The board may adopt necessary rules or
24 procedures to conduct its business.

25 ~~(f)~~ (g) Members of the board shall serve without
26 compensation, but may be reimbursed for actual expenses

1 incurred while conducting the business of the board, according
2 to its rules or procedures.

3 Section 4. (a) The board shall be responsible for
4 all of the following duties:

5 (1) Negotiating the acquisition of any neglected
6 for-profit cemetery in the county, including a cemetery owned
7 by a private entity.

8 (2) Supervising the clean up and maintenance of any
9 neglected cemetery under its authority.

10 (3) Coordinating with the sheriff to provide inmate
11 labor to perform the maintenance of any neglected cemetery.

12 (4) Purchasing equipment and other necessary
13 materials to perform the functions of the board.

14 (5) At its discretion, transferring the ownership of
15 a cemetery under its authority to a nonprofit board.

16 (6) Any other business necessary to carry out the
17 purposes of this act.

18 (b) The board may only perform maintenance on a
19 private cemetery if the board finds after a hearing that the
20 condition of the cemetery is a public nuisance.

21 (c) The board shall have the authority to enforce
22 all rules adopted pursuant to this act and may institute any
23 legal proceeding, including the filing of a suit, as necessary
24 to effect compliance with this act.

25 Section 5. (a) ~~Subject to subsection (b), fifty~~
26 Fifty thousand dollars (\$50,000) shall be made available to
27 the board from the ~~county general fund~~ pistol permit fees

1 collected by the county and twenty-five thousand (\$25,000)
2 from the pistol permit fees for each year thereafter when the
3 board takes action to acquire a for-profit neglected cemetery
4 under this act. ~~The funds shall come from the sales tax~~
5 ~~revenues deposited in the county general fund.~~

6 ~~(b) The funds made available for the purposes of~~
7 ~~this act shall come only from the sales tax revenues collected~~
8 ~~in the fiscal year 2016 and thereafter that is greater than~~
9 ~~the sales tax revenues collected and deposited in the county~~
10 ~~general fund in the fiscal year 2015.~~

11 Section 6. The county commission shall have no
12 authority over the board and the county commission shall have
13 no responsibility over a cemetery in the county, as defined by
14 this act, and no county funds shall be expended as a result of
15 the implications or implementation of this act.

16 Section 7. Members of the board may not be subject
17 to civil liability arising from the conduct of the affairs of
18 the board except when the act or omission of the member of the
19 board amounts to willful or wanton misconduct, fraud, or ~~gross~~
20 negligence.

21 Section 8. All laws or parts of laws which conflict
22 with this act are repealed.

23 Section 9. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-ferred to the House of Representatives committee on Jefferson County Legislation..... 07-FEB-17

Read for the second time and placed on the calendar 3 amendments 23-FEB-17

Read for the third time and passed as amended..... 07-MAR-17

Yeas 33, Nays 0, Abstains 2

Motion to Reconsider adopted by Voice Vote.....07-MAR-17

Read for the third time and passed as amended..... 07-MAR-17

Yeas 40, Nays 0, Abstains 51

Jeff Woodard
Clerk