HB108 ENROLLED



- 1 U9ECDD-2
- 2 By Representatives Givan, Treadaway, Moore (M), Rogers (N &
- 3 P)
- 4 RFD: Jefferson County Legislation
- 5 First Read: 07-Mar-23

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7 2023 Regular Session



1 Enrolled, An Act,

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- Relating to Jefferson County; to amend Section
- 4 45-37-30, Code of Alabama 1975, to further provide for the
- 5 funding of the Jefferson County Cemetery Board, and to make
- 6 nonsubstantive, technical revisions to update the existing
- 7 code language to current style.
- 8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
- 9 Section 1. Section 45-37-30, Code of Alabama 1975, is
- 10 amended to read as follows:
- 11 "\$45-37-30
- 12 (a) For the purposes of this section, the following
- 13 terms shall have the following meanings:
- 14 (1) BOARD. The Jefferson County Cemetery Board.
- 15 (2) CEMETERY. Any for profit for-profit cemetery in the
- 16 county where property is used or intended to be used for the
- interment of human remains, including, but not limited to, any
- 18 property containing a grave, lot, crypt, niche, or mausoleum
- 19 and any gravestone, headstone, or other marker therein.
- 20 (3) MAINTENANCE. The act of maintaining a cemetery,
- 21 including, but not limited to, the cutting and trimming of the
- 22 lawn, shrubs, and trees.
- 23 (4) NEGLECTED CEMETERY. A cemetery that has become
- 24 abandoned or neglected in any of the following ways:
- a. Weeds, briars, bushes, or trees have become
- overgrown.
- b. Fences have become broken, decayed, or dilapidated.
- 28 c. Graves, lots, crypts, niches, mausoleums, and



- 29 markers and roads, buildings, or other structures in the
- 30 cemetery have become damaged, broken, dilapidated, or destroyed.
- 32 (b) (1) The Jefferson County Cemetery Board is created.
- 33 (2) The board shall consist of seven members.

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appointing authority.

- 34 (3) a. Four members of the board shall be appointed by
 35 the members of the state—House of Representatives representing
 36 any part of the county, and three members shall be appointed
 37 by the members of the state—Senate representing any part of
 38 the county. The members shall serve at the pleasure of the
 - b. By May 15, 2021, the members of the state—House of Representatives representing any part of the county shall appoint one of the members of the board to serve as chair. The chair shall serve until March 1, 2023. On March 1, 2023, the members of the state—Senate representing any part of the county shall appoint one of the members of the board to serve as chair for a two-year term. Thereafter, the appointment of the chair of the board for two-year terms shall alternate between the House members and Senate members.
- 49 (4) a. The initial board members appointed in 50 accordance with subdivision (3) shall serve the following 51 terms:
- 1. Two members appointed by a member of the House of Representatives and one member appointed by a member of the Senate shall serve a two-year term.
- 2. One member appointed by a member of the House of Representatives and one member appointed by a member of the



- 57 Senate shall serve a three-year term.
- 3. One member appointed by a member of the House of
- Representatives and one member appointed by a member of the
- 60 Senate shall serve a four-year term.
- b. After the expiration of the initial term of office
- of each board member, the term of office for all board members
- 63 shall be four years.
- (5) The board shall meet quarterly and at such times as
- the board by a majority of its members agree.
- (6) The board may adopt necessary rules or procedures
- 67 to conduct its business.
- (7) Members of the board shall serve without
- 69 compensation, but may be reimbursed for actual expenses
- 70 incurred while conducting the business of the board, according
- 71 to its rules or procedures.
- 72 (8) Board members shall serve on a volunteer basis,
- 73 except that they shall be reimbursed for actual expenses that
- 74 shall be verified and submitted to the Jefferson County
- 75 Commission.
- 76 (c) There shall be established within the Jefferson
- 77 County Budget Division, a Jefferson County Cemetery Account
- funded by revenue from the pistol permits portion dedicated to
- 79 the Jefferson County delegation.
- 80 (d)(1) The board shall be responsible for all of the
- 81 following duties:
- a. Supervising the clean up and maintenance of any
- 83 neglected cemetery under its authority.
- b. Coordinating with the sheriff to provide inmate



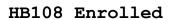
- labor to perform the maintenance of any neglected cemetery.
- c. Purchasing office equipment up to \$\frac{\\$500}{\text{five hundred}}\$
 dollars (\\$500) and other necessary materials to perform the functions of the board.
 - d. Any other business necessary to carry out the purposes of this section.

- (2) The board may only perform maintenance on a private cemetery if the board finds after a hearing that the condition of the cemetery is a public nuisance.
- (3) The board may enforce all rules adopted pursuant to this section and may institute any legal proceeding, including the filing of a suit, as necessary to effect compliance with this section.
- (e) (1) Fifty thousand dollars (\$50,000) shall be made available to the board from the pistol permit fees collected by the county and twenty-five thousand dollars (\$25,000) from the pistol permit fees for each year thereafter.
 - (2) No later than 30 days after the effective date of this act adding this amendatory language, a one-time payment of two hundred thousand dollars (\$200,000) shall be made available to the board from the pistol permit fees collected by the county. This amount shall be in addition to any monies made available to the board pursuant to subdivision (1).
- (f) The county commission shall have no authority over the board and the county commission shall have no responsibility over a cemetery in the county, as defined by this section, and no county funds shall be expended as a result of the implications or implementation of this section.





- 113 (g) Members of the board may not be subject to civil
 114 liability arising from the conduct of the affairs of the board
 115 except when the act or omission of the member of the board
 116 amounts to willful or wanton misconduct, fraud, or negligence.
- 117 (h) This section shall only apply to cemeteries in 118 existence on May 26, 2017.
- (i) A cemetery owned by a religious organization, as
 defined by Section 45-37-150.01, or a private, family-owned
 cemetery, is exempt from this section."
- Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.





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133		President and Presidi	ng Officer of	the Senate	_
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136	House of Representatives				
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138	-	I hereby certify that t	he within Act	originated	in and
139	was pas	sed by the House 06-Ap:	r-23.		
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141			John Tread	dwell	
142			Clerk		
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150	Senate	03-May-23		Passed	