

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
6
7 2023 Regular Session



HB108 Enrolled

1 Enrolled, An Act,

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3 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
17 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:

25 a. Weeds, briars, bushes, or trees have become
26 overgrown.

27 b. Fences have become broken, decayed, or dilapidated.

28 c. Graves, lots, crypts, niches, mausoleums, and



HB108 Enrolled

29 markers and roads, buildings, or other structures in the
30 cemetery have become damaged, broken, dilapidated, or
31 destroyed.

32 (b) (1) The Jefferson County Cemetery Board is created.

33 (2) The board shall consist of seven members.

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
39 appointing authority.

40 b. By May 15, 2021, the members of the ~~state~~House of
41 Representatives representing any part of the county shall
42 appoint one of the members of the board to serve as chair. The
43 chair shall serve until March 1, 2023. On March 1, 2023, the
44 members of the ~~state~~Senate representing any part of the
45 county shall appoint one of the members of the board to serve
46 as chair for a two-year term. Thereafter, the appointment of
47 the chair of the board for two-year terms shall alternate
48 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:

52 1. Two members appointed by a member of the House of
53 Representatives and one member appointed by a member of the
54 Senate shall serve a two-year term.

55 2. One member appointed by a member of the House of
56 Representatives and one member appointed by a member of the



HB108 Enrolled

57 Senate shall serve a three-year term.

58 3. One member appointed by a member of the House of
59 Representatives and one member appointed by a member of the
60 Senate shall serve a four-year term.

61 b. After the expiration of the initial term of office
62 of each board member, the term of office for all board members
63 shall be four years.

64 (5) The board shall meet quarterly and at ~~such~~ times as
65 the board by a majority of its members agree.

66 (6) The board may adopt necessary rules or procedures
67 to conduct its business.

68 (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
78 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:

82 a. Supervising the clean up and maintenance of any
83 neglected cemetery under its authority.

84 b. Coordinating with the sheriff to provide inmate



HB108 Enrolled

85 labor to perform the maintenance of any neglected cemetery.

86 c. Purchasing office equipment up to ~~\$500~~ five hundred
87 dollars (\$500) and other necessary materials to perform the
88 functions of the board.

89 d. Any other business necessary to carry out the
90 purposes of this section.

91 (2) The board may only perform maintenance on a private
92 cemetery if the board finds after a hearing that the condition
93 of the cemetery is a public nuisance.

94 (3) The board may enforce all rules adopted pursuant to
95 this section and may institute any legal proceeding, including
96 the filing of a suit, as necessary to effect compliance with
97 this section.

98 (e) (1) Fifty thousand dollars (\$50,000) shall be made
99 available to the board from the pistol permit fees collected
100 by the county and twenty-five thousand dollars (\$25,000) from
101 the pistol permit fees for each year thereafter.

102 (2) No later than 30 days after the effective date of
103 this act adding this amendatory language, a one-time payment
104 of two hundred thousand dollars (\$200,000) shall be made
105 available to the board from the pistol permit fees collected
106 by the county. This amount shall be in addition to any monies
107 made available to the board pursuant to subdivision (1).

108 (f) The county commission shall have no authority over
109 the board and the county commission shall have no
110 responsibility over a cemetery in the county, as defined by
111 this section, and no county funds shall be expended as a
112 result of the implications or implementation of this section.



HB108 Enrolled

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.

119 (i) A cemetery owned by a religious organization, as
120 defined by Section 45-37-150.01, or a private, family-owned
121 cemetery, is exempt from this section."

122 Section 2. This act shall become effective immediately
123 following its passage and approval by the Governor, or its
124 otherwise becoming law.



HB108 Enrolled

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 06-Apr-23.

John Treadwell
Clerk

Senate

03-May-23

Passed