

HB108 INTRODUCED



1 U9ECDD-1

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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A BILL
TO BE ENTITLED
AN ACT

Relating to Jefferson County; to amend Section 45-37-30, Code of Alabama 1975, to further provide for the funding of the Jefferson County Cemetery Board, and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-37-30, Code of Alabama 1975, is amended to read as follows:

"§45-37-30

(a) For the purposes of this section, the following terms ~~shall~~ have the following meanings:

(1) BOARD. The Jefferson County Cemetery Board.

(2) CEMETERY. Any ~~for-profit~~ for-profit cemetery in the county where property is used or intended to be used for the interment of human remains, including, but not limited to, any property containing a grave, lot, crypt, niche, or mausoleum and any gravestone, headstone, or other marker therein.

(3) MAINTENANCE. The act of maintaining a cemetery, including, but not limited to, the cutting and trimming of the lawn, shrubs, and trees.



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

31 a. Weeds, briars, bushes, or trees have become
32 overgrown.

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

34 c. Graves, lots, crypts, niches, mausoleums, and
35 markers and roads, buildings, or other structures in the
36 cemetery have become damaged, broken, dilapidated, or
37 destroyed.

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

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

40 (3)a. Four members of the board shall be appointed by
41 the members of the ~~state~~ House of Representatives representing
42 any part of the county, and three members shall be appointed
43 by the members of the ~~state~~ Senate representing any part of
44 the county. The members shall serve at the pleasure of the
45 appointing authority.

46 b. By May 15, 2021, the members of the ~~state~~ House of
47 Representatives representing any part of the county shall
48 appoint one of the members of the board to serve as chair. The
49 chair shall serve until March 1, 2023. On March 1, 2023, the
50 members of the ~~state~~ Senate representing any part of the
51 county shall appoint one of the members of the board to serve
52 as chair for a two-year term. Thereafter, the appointment of
53 the chair of the board for two-year terms shall alternate
54 between the House members and Senate members.

55 (4) a. The initial board members appointed in
56 accordance with subdivision (3) shall serve the following



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57 terms:

58 1. Two members appointed by a member of the House of
59 Representatives and one member appointed by a member of the
60 Senate shall serve a two-year term.

61 2. One member appointed by a member of the House of
62 Representatives and one member appointed by a member of the
63 Senate shall serve a three-year term.

64 3. One member appointed by a member of the House of
65 Representatives and one member appointed by a member of the
66 Senate shall serve a four-year term.

67 b. After the expiration of the initial term of office
68 of each board member, the term of office for all board members
69 shall be four years.

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

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

74 (7) Members of the board shall serve without
75 compensation, but may be reimbursed for actual expenses
76 incurred while conducting the business of the board, according
77 to its rules or procedures.

78 (8) Board members shall serve on a volunteer basis,
79 except that they shall be reimbursed for actual expenses that
80 shall be verified and submitted to the Jefferson County
81 Commission.

82 (c) There shall be established within the Jefferson
83 County Budget Division, a Jefferson County Cemetery Account
84 funded by revenue from the pistol permits portion dedicated to



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85 the Jefferson County delegation.

86 (d) (1) The board shall be responsible for all of the
87 following duties:

88 a. Supervising the clean up and maintenance of any
89 neglected cemetery under its authority.

90 b. Coordinating with the sheriff to provide inmate
91 labor to perform the maintenance of any neglected cemetery.

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

95 d. Any other business necessary to carry out the
96 purposes of this section.

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

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

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

108 (2) No later than 30 days after the effective date of
109 this act adding this amendatory language, a one-time payment
110 of two hundred thousand dollars (\$200,000) shall be made
111 available to the board from the pistol permit fees collected
112 by the county. This amount shall be in addition to any monies



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113 made available to the board pursuant to subdivision (1).

114 (f) The county commission shall have no authority over
115 the board and the county commission shall have no
116 responsibility over a cemetery in the county, as defined by
117 this section, and no county funds shall be expended as a
118 result of the implications or implementation of this section.

119 (g) Members of the board may not be subject to civil
120 liability arising from the conduct of the affairs of the board
121 except when the act or omission of the member of the board
122 amounts to willful or wanton misconduct, fraud, or negligence.

123 (h) This section shall only apply to cemeteries in
124 existence on May 26, 2017.

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

128 Section 2. This act shall become effective immediately
129 following its passage and approval by the Governor, or its
130 otherwise becoming law.