

1 HB93
2 214961-1
3 By Representatives Givan, Hollis, Moore (M), Rogers,
4 Alexander, Scott, Treadaway, South, Coleman, Carns, Garrett
5 and Rafferty (N & P)
6 RFD: Jefferson County Legislation
7 First Read: 11-JAN-22

A BILL
TO BE ENTITLED
AN ACT

Relating to Jefferson County; to amend Section 45-37-30, Code of Alabama 1975, to provide further for the funding of the Jefferson County Cemetery Board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-37-30, Code of Alabama 1975, as amended by Act 2021-212, 2021 Regular Session, 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

1 mausoleum and any gravestone, headstone, or other marker
2 therein.

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

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 the
14 cemetery have become damaged, broken, dilapidated, or
15 destroyed.

16 "(b) (1) The Jefferson County Cemetery Board is
17 created.

18 "(2) The board shall consist of seven members.

19 "(3)a. Four members of the board shall be appointed
20 by the members of the state House of Representatives
21 representing any part of the county, and three members shall
22 be appointed by the members of the state Senate representing
23 any part of the county. The members shall serve at the
24 pleasure of the appointing authority.

25 "b. By May 15, 2021, the members of the state House
26 of Representatives representing any part of the county shall
27 appoint one of the members of the board to serve as chair. The

1 chair shall serve until March 1, 2023. On March 1, 2023, the
2 members of the state Senate representing any part of the
3 county shall appoint one of the members of the board to serve
4 as chair for a two-year term. Thereafter, the appointment of
5 the chair of the board for two-year terms shall alternate
6 between the House members and Senate members.

7 "(4)a. The initial board members appointed in
8 accordance with subdivision (3) shall serve the following
9 terms:

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

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

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

19 "b. After the expiration of the initial term of
20 office of each board member, the term of office for all board
21 members shall be four years.

22 "(5) The board shall meet quarterly and at such
23 times as the board by a majority of its members agree.

24 "(6) The board may adopt necessary rules or
25 procedures to conduct its business.

26 "(7) Members of the board shall serve without
27 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 "(8) Board members shall serve on a volunteer basis,
4 except that they shall be reimbursed for actual expenses that
5 shall be verified and submitted to the Jefferson County
6 Commission.

7 "(c) There shall be established within the Jefferson
8 County Budget Division, a Jefferson County Cemetery Account
9 funded by revenue from the pistol permits portion dedicated to
10 the Jefferson County delegation.

11 "(d) (1) The board shall be responsible for all of
12 the following duties:

13 "a. Supervising the clean up and maintenance of any
14 neglected cemetery under its authority.

15 "b. Coordinating with the sheriff to provide inmate
16 labor to perform the maintenance of any neglected cemetery.

17 "c. Purchasing office equipment up to ~~\$500~~ five
18 hundred dollars (\$500) and other necessary materials to
19 perform the functions of the board.

20 "d. Any other business necessary to carry out the
21 purposes of this section.

22 "(2) The board may only perform maintenance on a
23 private cemetery if the board finds after a hearing that the
24 condition of the cemetery is a public nuisance.

25 "(3) The board may enforce all rules adopted
26 pursuant to this section and may institute any legal

1 proceeding, including the filing of a suit, as necessary to
2 effect compliance with this section.

3 "(e) (1) Fifty thousand dollars (\$50,000) shall be
4 made available to the board from the pistol permit fees
5 collected by the county and twenty-five thousand dollars
6 (\$25,000) from the pistol permit fees for each year
7 thereafter.

8 "(2) No later than 30 days after the effective date
9 of this act, two hundred thousand dollars (\$200,000) shall be
10 made available to the board from the pistol permit fees
11 collected by the county. This amount shall be in addition to
12 any monies made available to the board pursuant to subdivision
13 (1).

14 "(f) The county commission shall have no authority
15 over the board and the county commission shall have no
16 responsibility over a cemetery in the county, as defined by
17 this section, and no county funds shall be expended as a
18 result of the implications or implementation of this section.

19 "(g) Members of the board may not be subject to
20 civil liability arising from the conduct of the affairs of the
21 board except when the act or omission of the member of the
22 board amounts to willful or wanton misconduct, fraud, or
23 negligence.

24 "(h) This section shall only apply to cemeteries in
25 existence on May 26, 2017.

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

4 Section 2. This act shall become effective
5 immediately following its passage and approval by the
6 Governor, or its otherwise becoming law.