

1 HB368
2 172843-5
3 By Representative Shedd (N & P)
4 RFD: Local Legislation
5 First Read: 03-MAR-16

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 which have become damaged, broken, dilapidated, or
15 destroyed.

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

18 (b) The board shall consist of five 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 (d) The board shall meet quarterly and at such times
26 as the board by a majority of its members agree.

1 (e) The board may adopt necessary rules or
2 procedures to conduct its business.

3 (f) Members of the board shall serve without
4 compensation, but may be reimbursed for actual expenses
5 incurred while conducting the business of the board, according
6 to its rules or procedures.

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

9 (1) Negotiating the acquisition of any neglected
10 for-profit cemetery in the county, including a cemetery owned
11 by a private entity.

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

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

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

18 (5) At its discretion, transferring the ownership of
19 a cemetery under its authority to a non-profit board.

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

22 (b) 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 Section 5. (a) Subject to subsection (b), fifty
26 thousand dollars (\$50,000) shall be made available to the
27 board from the county general fund when the board takes action

1 to acquire a for-profit neglected cemetery under this act. The
2 funds shall come from the sales tax revenues deposited in the
3 county general fund.

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

9 Section 6. The county commission shall have no
10 authority over the board, and the county commission shall have
11 no responsibility over a cemetery in the county, as defined by
12 this act.

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

18 Section 8. All laws or parts of laws which conflict
19 with this act are repealed.

20 Section 9. This act shall become effective
21 immediately following its passage and approval by the
22 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 Representa-
tives committee on Local Legisla-
tion..... 03-MAR-16

Read for the second time and placed
on the calendar with 1 substitute
and..... 10-MAR-16

Read for the third time and passed
as amended..... 15-MAR-16

Yeas 19, Nays 0, Abstains 70

Jeff Woodard
Clerk