

# 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.