

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

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Cullman County; to establish a cemetery
14 board; to define terms; to provide for the members and duties
15 of the board; and to provide funding.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. This act shall apply only in Cullman
18 County.

19 Section 2. For the purposes of this act, the
20 following terms shall have the following meanings:

21 (1) BOARD. The Cullman County Cemetery Board.

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

1 (3) MAINTENANCE. The act of maintaining a cemetery,
2 including, but not limited to, any of the following:

3 a. The cutting and trimming of the lawn, shrubs, and
4 trees.

5 b. Keeping in repair the drains, water lines, roads,
6 buildings, fences, and other structures located in the
7 cemetery.

8 c. The service and repair of machinery, tools, and
9 equipment used for the maintenance of the cemetery.

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

12 a. Weeds, briars, bushes, or trees have become
13 overgrown.

14 b. Fences have become broken, decayed, or
15 dilapidated.

16 c. Graves, lots, crypts, niches, mausoleums, and
17 markers and roads, buildings, or other structures in a
18 cemetery which have become damaged, broken, dilapidated, or
19 destroyed.

20 Section 3. (a) The Cullman County Cemetery Board is
21 created.

22 (b) The board shall consist of five members.

23 (c) One member of the board shall be appointed by
24 each member of the local legislative delegation, and the local
25 legislative delegation, by majority vote, shall appoint an
26 additional member, who shall serve as the chair of the board.

1 The members shall serve at the pleasure of the local
2 legislative delegation.

3 (d) The board shall meet quarterly and at such times
4 as the board by a majority of its members agree.

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

7 (f) Members of the board shall serve without
8 compensation, but may be reimbursed for actual expenses
9 incurred while conducting the business of the board, according
10 to its rules or procedures.

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

13 (1) Negotiating the acquisition of any neglected
14 for-profit cemetery in the county, including a cemetery owned
15 by a private entity.

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

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

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

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

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

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

4 Section 5. (a) Subject to subsection (b), fifty
5 thousand dollars (\$50,000) shall be made available to the
6 board from the county general fund when the board takes action
7 to acquire a for-profit neglected cemetery under this act. The
8 funds shall come from the sales tax revenues deposited in the
9 county general fund.

10 (b) The funds made available for the purposes of
11 this act shall come only from the sales tax revenues collected
12 in the fiscal year 2016 and thereafter that is greater than
13 the sales tax revenues collected and deposited in the county
14 general fund in the fiscal year 2015.

15 Section 6. The county commission shall have no
16 authority over the board, and the county commission shall have
17 no responsibility over a cemetery in the county, as defined by
18 this act.

19 Section 7. Members of the board may not be subject
20 to civil liability arising from the conduct of the affairs of
21 the board except when the act or omission of the member of the
22 board amounts to willful or wanton misconduct, fraud, or gross
23 negligence.

24 Section 8. All laws or parts of laws which conflict
25 with this act are repealed.

1 Section 9. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.