

Written In Stone

By Sherry Johnston

Evergreen Courant ~ 22 November 2007

Cemetery Access Law

This past September marked a very important event in the lives of cemetery preservationists in Alabama. The Cemetery Preservation Bill #SB464 was approved by the State Legislature signed by the Honorable Governor Bob Riley and became law. This law addresses the problem many persons have had in having the right to access the final burial places of their ancestors, usually located on landlocked plots of land privately owned.

According to the Access Law, in Section 1. (a) as a landowner, you must provide ingress and egress to the cemetery, graves, or burial sites by (1) family members, friends, or descendants of deceased persons buried there; (2) any cemetery plot owner; and (3) any person engaged in genealogical, historical, or cultural research, who has given reasonable notice to the owner of record or to the lessees, or both.

Section (b) provides instruction to those who wish to access the property in obtaining permission, and the rights of the landowner in the protection and liabilities of their property. Section (c) also instructs those who wish to enter onto private lands how to conduct themselves and consequences thereof.

In Section 2 of the Access Law, there is information given on how a county commission can establish a county cemetery rehabilitation authority to designate, register and maintain neglected cemeteries lying outside any municipal area within the county.

In the eyes of cemetery preservationists across Alabama, we are indeed thankful for the efforts by Senator "Walking" Wendell Mitchell (D, Luverne) for his support in helping us get this very important piece of legislation passed. We also have two other bills, SB465 & 466, remaining in the Senate Governmental Affairs Committee for future action. On November 29th, 2007, the Historic Cemetery Study Commission will once again meet to discuss future plans of implementing the Access Law and the other bills.

For a copy of the Cemetery Preservation Access Law, please contact me at canebrakesociety@yahoo.com or call at 251/578-2670.