

By: Representative Warren

To: County Affairs

HOUSE BILL NO. 478

1 AN ACT TO AUTHORIZE COUNTIES TO USE COUNTY EQUIPMENT AND
2 EMPLOYEES TO OPEN AND CLOSE GRAVES ON PUBLIC OR PRIVATE PROPERTY
3 FOR RESIDENTS OF THE COUNTY; TO PROVIDE FOR A REFERENDUM ON THE
4 ISSUE OF WHETHER OR NOT THE COUNTY MAY PERFORM ANY OF THE ACTIONS
5 AUTHORIZED BY THIS ACT; TO REQUIRE THE BOARDS OF SUPERVISORS TO
6 IMPOSE AN EXPENDITURE LIMITATION FOR SUCH WORK; AND FOR RELATED
7 PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 SECTION 1. (1) The board of supervisors of any county, in
10 its discretion, by order duly adopted and spread upon its minutes,
11 may use county-owned equipment and county employees, subject to
12 the provisions of subsection (4) of this section, to open and
13 close graves on public or private property for residents of the
14 county.

15 (2) The order required by subsection (1) of this section
16 must set forth a total countywide expenditure limitation expressed
17 in dollars that may be expended in each fiscal year for purposes
18 authorized by this section. The expenditure limitation also must
19 appear prominently on any notice or order in connection with the
20 implementation of this section and upon any ballot authorized or
21 required in this section. In no event may any county spend in one
22 (1) fiscal year more than one-twentieth of one percent (1/20 of
23 1%) of the assessed valuation of the county for the purpose
24 described in this section.

25 (3) If the board of supervisors fails to adopt such order,
26 the county may not perform any of the services otherwise
27 authorized by this act.

28 (4) (a) Before a county, under the provisions of this

section, may open or close graves of residents of the county as prescribed in subsection (1) of this section, or may expend any funds of the county for any material, service or equipment that is necessary to perform any of such work, the question of whether or not the county may engage in such work must be submitted to a vote of the qualified electors of the county. The board of supervisors may submit such question on its own initiative, and the board of supervisors shall submit such question upon the presentation and filing of a proper petition so requesting, signed by at least twenty percent (20%) or fifteen hundred (1500), whichever is less, of the qualified electors of the county. The question may be submitted only at a regularly scheduled election to be held throughout the county, and no special election may be called solely for the purpose of submitting the question to the electors.

(b) The election must be held and conducted by the county election commissioners on a date fixed by the order of the board of supervisors, which date may be no more than sixty (60) days from the date of the filing of the petition. Notice of the election must be given by publishing the notice once each week for at least three (3) consecutive weeks in some newspaper published in the county or, if no newspaper be published therein, by publishing the notice in a newspaper in an adjoining county having a general circulation in the county involved. The election may be held not earlier than fifteen (15) days from the first publication of the notice.

(c) The election must be held and conducted, as far as may be possible, in the same manner as is provided by law for the holding of general elections. The ballots used at the election must contain a brief statement of the proposition submitted and, on separate lines, the words "I vote FOR the expenditure of not more than _____ Dollars per year for opening and closing graves of county residents by _____ County ()" "I vote AGAINST the expenditure of not more than _____ Dollars per year for

62 opening and closing graves of county residents by _____
63 County ()" with appropriate boxes in which the voters may express
64 their choice. The board of supervisors in the order described in
65 subsection (1) of this section, shall specify the correct dollars
66 in words and figures and the correct county name to be placed in
67 the ballot question. All qualified electors may vote by marking
68 the ballot with a cross (x) or check (v) mark opposite the words
69 of their choice.

70 (d) The election commissioners shall canvass and
71 determine the results of the election, and shall certify the
72 results to the board of supervisors which shall adopt and spread
73 upon its minutes an order declaring the results. If, in such
74 election, a majority of the qualified electors participating
75 therein shall vote in favor of the proposition, the order as
76 described in subsection (1) of this section will become applicable
77 and operative in the county. If, on the other hand, a majority of
78 the qualified electors participating in the election vote against
79 the proposition, this section will not become effective and
80 operative in the county and all laws prohibiting the expenditure
81 of public funds on private property or for private purposes will
82 remain in full force and effect and be administered and vigorously
83 prosecuted therein. In either case, no further election may be
84 held in the county under the provisions of this section for a
85 period of two (2) years from the date of the prior election and
86 then only upon the filing of a petition requesting an election
87 signed by at least twenty percent (20%) or fifteen hundred (1500),
88 whichever number is the lesser, of the qualified electors of the
89 county as is otherwise provided in this section.

90 (5) When this section has been made effective and operative
91 in any county as a result of an election called and held as
92 provided in this section, this section may be made ineffective and
93 inapplicable therein by an election called and held upon a
94 petition filed with the board of supervisors requesting an

election signed by at least twenty percent (20%) or fifteen hundred (1500), whichever number is the lesser, of the qualified electors of the county as is otherwise provided in this section. However, nothing in this section authorizes or permits the calling and holding of any election under this section in any county more often than once every two (2) years. If, in any such election, a majority of the qualified electors participating therein vote against the proposition, then any order adopted under this section is void.

(6) The order required by subsection (1) of this section must require that a fee of Twenty Dollars (\$20.00) be paid to the county by the person or entity benefited by the services authorized by this section. The Twenty Dollars (\$20.00) fee may be credited so as to reinstate any sum deducted from the expenditure limitation.

(7) The authority granted to counties under this section may be exercised by the board of supervisors or a member thereof in those counties that are not required to operate under a countywide system of road administration and by the county road manager in those counties that are required to operate under a countywide system of road administration.

(8) The provisions of this act do not amend or repeal the provisions of Section 19-3-42 or any other provisions of law but are supplemental and in addition thereto.

SECTION 2. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 3. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting

128 Rights Act of 1965, as amended and extended.