

By: Warren

To: County Affairs

HOUSE BILL NO. 548

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

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

54 (c) The election must be held and conducted, as far as

55 may be possible, in the same manner as is provided by law for the  
56 holding of general elections. The ballots used at the election  
57 must contain a brief statement of the proposition submitted and,  
58 on separate lines, the words "I vote FOR the expenditure of not  
59 more than \_\_\_\_\_ Dollars per year for opening and closing graves  
60 of county residents by \_\_\_\_\_ County ( )" "I vote AGAINST the  
61 expenditure of not more than \_\_\_\_\_ Dollars per year for opening  
62 and closing graves of county residents by \_\_\_\_\_ County ( )"  
63 with appropriate boxes in which the voters may express their  
64 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  
95 election signed by at least twenty percent (20%) or fifteen  
96 hundred (1500), whichever number is the lesser, of the qualified  
97 electors of the county as is otherwise provided in this section.  
98 However, nothing in this section authorizes or permits the calling  
99 and holding of any election under this section in any county more  
100 often than once every two (2) years. If, in any such election, a  
101 majority of the qualified electors participating therein vote  
102 against the proposition, then any order adopted under this section  
103 is void.

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

110 (7) The authority granted to counties under this section may

111 be exercised by the board of supervisors or a member thereof in  
112 those counties that are not required to operate under a countywide  
113 system of road administration and by the county road manager in  
114 those counties that are required to operate under a countywide  
115 system of road administration.

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

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

126 SECTION 3. This act shall take effect and be in force from  
127 and after the date it is effectuated under Section 5 of the Voting  
128 Rights Act of 1965, as amended and extended.