

By: Representatives Holland, Scott, Clark

To: County Affairs

HOUSE BILL NO. 1316

1 AN ACT TO AMEND SECTIONS 43-31-19, 43-31-27, 43-31-29,
2 43-31-31 AND 41-39-5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
3 COUNTIES TO WAIVE THE RESIDENCY REQUIREMENT FOR DETERMINATION OF
4 PAUPER STATUS TO QUALIFY FOR BURIAL COSTS; TO PROVIDE THAT
5 COUNTIES AND MUNICIPALITIES BURYING PAUPERS MAY USE COUNTY OR
6 MUNICIPAL EMPLOYEES AND EQUIPMENT, PURCHASE NECESSARY MATERIALS
7 AND CONTRACT FOR NECESSARY SERVICES FOR THAT PURPOSE; TO PROVIDE
8 THAT THOSE PROVISIONS DO NOT AUTHORIZE PUBLIC FUNDS TO BE USED FOR
9 CEREMONIES ASSOCIATED WITH BURIALS OR FUNERALS; AND FOR RELATED
10 PURPOSES.

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

12 **SECTION 1.** Section 43-31-19, Mississippi Code of 1972, is
13 amended as follows:

14 43-31-19. To entitle any pauper to be supported by the
15 county, he must have been a bona fide resident thereof for six (6)
16 months before his application for support; and the settlement of
17 the parent or parents shall entitle the children to a settlement.
18 The board of supervisors, in their discretion, may waive the
19 application and residency requirement for determination of pauper
20 status only to qualify for burial costs and related services to be
21 provided by the county. Nothing in this section authorizes public
22 funds to be used for ceremonies associated with burials or
23 funerals.

24 **SECTION 2.** Section 43-31-27, Mississippi Code of 1972, is
25 amended as follows:

26 43-31-27. The members of the board of supervisors shall
27 prevent the poor from strolling from one district to another; and
28 in case any pauper * * * leaves the county in which he may have a
29 settlement, and removes to another county, any member of the board
30 of supervisors may make an order to remove the pauper back to the
31 county from which he came, directed to any constable to execute.

32 But if the pauper is sick or disabled so that he cannot be
33 removed, he shall be provided for in the county in which he may be
34 found until he can be removed; and the county in which he had a
35 legal settlement shall pay all charges occasioned by the support
36 of the pauper and for removal, or burial in case of death, which
37 shall constitute a charge against the county, and may be
38 recoverable by action before the proper court. That charge shall
39 include, but not be limited to, reasonable costs for the use of
40 county employees and equipment, the purchase of necessary
41 materials, and the contracting for necessary services to provide
42 the burial. Nothing in this section authorizes public funds to be
43 used for ceremonies associated with burials or funerals. It shall
44 be the duty of the board of supervisors of the county to which any
45 pauper belongs, to receive him, on his removal, and provide for
46 him as in other cases.

47 **SECTION 3.** Section 43-31-29, Mississippi Code of 1972, is
48 amended as follows:

49 43-31-29. The boards of supervisors shall also relieve,
50 support or employ paupers found or being in the county, though not
51 entitled to a settlement therein, and, in case of their decease,
52 shall decently bury them; and all expenses shall be chargeable to
53 and recoverable from the county in which the pauper had a
54 settlement; and the board shall decently bury all strangers dying
55 in the county. Decent burial may include the use of county
56 employees and equipment, the purchase of necessary materials, and
57 the contracting for necessary services. Nothing in this section
58 authorizes public funds to be used for ceremonies associated with
59 burials and funerals.

60 **SECTION 4.** Section 43-31-31, Mississippi Code of 1972, is
61 amended as follows:

62 43-31-31. The municipal authorities of every city, town and
63 village shall bury all strangers found dead within their limits,
64 or found floating in any waters at a point adjoining their limits,

65 and all expenses or charges shall be chargeable to the county; and
66 an accurate account thereof shall be reported to the board of
67 supervisors, who shall allow the same, and order it to be paid out
68 of the county treasury; but the boards of supervisors may fix
69 maximum charges for those burials. Burial costs may include the
70 necessary use of municipal employees and equipment, the purchase
71 of necessary materials and the contracting for necessary services.
72 Nothing in this section authorizes public funds to be used for
73 ceremonies associated with burials or funerals.

74 **SECTION 5.** Section 41-39-5, Mississippi Code of 1972, is
75 amended as follows:

76 41-39-5. Any physician, hospital, funeral director,
77 embalmer, coroner or other person acquiring possession of a dead
78 human body or portion thereof that is not claimed for burial or
79 cremation within forty-eight (48) hours of its acquisition shall
80 give written notice thereof to the board of supervisors, or a
81 member thereof, of the county in which the dead body or portion
82 thereof is located, furnishing such identification of the decedent
83 as may be available. The board of supervisors shall make
84 reasonable efforts to notify members of the decedent's family or
85 other known interested persons, and, if the dead body or portion
86 thereof is not claimed for burial or cremation by any interested
87 person within five (5) days of the aforementioned written notice,
88 the board of supervisors shall, as soon as it may think
89 appropriate, authorize and direct the burial or cremation and
90 burial of the residue of the dead body or portion thereof. In its
91 discretion and where otherwise permitted to do so by law, the
92 board of supervisors may direct the disposition of the dead body
93 or portion thereof as provided by Section 41-39-7. The reasonable
94 expense of the burial or cremation and burial of the residue of a
95 dead body shall be borne by the estate of the decedent or of any
96 person liable at law for the necessities of the decedent during
97 his lifetime or, if they are unable to pay the same, by the county

108 of residence or settlement of the decedent, if known, and, if not
109 known, by the county in which the dead body or portion thereof is
110 located.

111 If the person having possession of the dead human body or
112 portion thereof has no available means of preserving the same
113 and * * * so notifies the board of supervisors, or a member
114 thereof, of the county in which the dead body or portion thereof
115 is located, it shall be the duty of the board of supervisors to
116 make arrangements for the preservation of the same until burial or
117 cremation and burial of the residue of the dead body as * * *
118 provided above in this section, and the expense of that
119 preservation shall be borne as * * * provided above in this
120 section with respect to the expense of burial or cremation.

121 The burial, cremation and preservation, and reasonable
122 expenses thereof may include the costs of the use of county
123 employees and equipment, the purchase of necessary materials and
124 the contracting for necessary services. Nothing in this section
125 authorizes public funds to be used for ceremonies associated with
126 burials or funerals.

127 **SECTION 6.** This act shall take effect and be in force from
128 and after July 1, 2007.