

By: Representatives Snowden, Dixon

To: County Affairs;
Municipalities

HOUSE BILL NO. 1477

1 AN ACT TO AMEND SECTIONS 19-7-39 AND 21-37-21, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE COUNTIES AND MUNICIPALITIES, IN THEIR
3 DISCRETION, TO EXPEND FUNDS FOR THE MAINTENANCE AND REPAIR OF
4 ABANDONED PUBLIC AND PRIVATE NONPROFIT CEMETERIES; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 19-7-39, Mississippi Code of 1972, is
8 amended as follows:

9 19-7-39. The board of supervisors of any county * * * is
10 authorized, in its discretion, to maintain and repair any public
11 or private nonprofit cemetery located within the county but
12 located outside the corporate boundary of any municipality in the
13 county. For the purposes of this section, the term "public or
14 private nonprofit cemetery" includes an abandoned community,
15 religious or fraternal cemetery; however, the term does not
16 include family burial grounds or a for-profit perpetual care
17 cemetery that is subject to Sections 41-43-31 through 41-43-57.
18 The expense of such maintenance may be paid from any available
19 county funds.



20 The board of supervisors of any county is authorized to
21 accept, in the name of the county, title by deed to any cemetery
22 located within the county but located outside the corporate
23 boundary of any municipality in the county which, due to age,
24 abandonment of graves by private owners or for other good cause,
25 is not being properly maintained or repaired and thereby have
26 become detrimental to the public health and welfare. No acceptance
27 of title by deed shall be valid unless a motion thereof shall be
28 made at a regular or special meeting of the board, adopted by a
29 majority of the board's membership, and entered upon the minutes.
30 No county funds or other public funds shall be expended by the
31 board for the purpose of purchasing such cemetery. The board shall
32 have the power to maintain, repair, enlarge, fence or otherwise
33 improve any cemetery, title to which has been accepted by the
34 board.

35 **SECTION 2.** Section 21-37-21, Mississippi Code of 1972, is
36 amended as follows:

37 21-37-21. The governing authorities of municipalities shall
38 have the power and authority to maintain, repair, and enlarge all
39 of the public cemeteries owned or controlled by such
40 municipalities, within or without the municipal limits, at the
41 expense of the treasury of such municipality.

42 The governing authorities of a municipality, in its
43 discretion, may maintain and repair any public or private
44 nonprofit cemetery located within the corporate boundaries of the



45 municipality. For the purposes of this section, the term "public
46 or private nonprofit cemetery" includes an abandoned community,
47 religious or fraternal cemetery; however, the term does not
48 include family burial grounds or a for-profit perpetual care
49 cemetery that is subject to Sections 41-43-31 through 41-43-57.
50 The expense of the maintenance of an abandoned public or private
51 nonprofit cemetery may be paid from any available municipal funds.

52 Should there be situated wholly within the corporate limits
53 of any municipality a cemetery which, because of age, abandonment
54 of graves by private owners, or for other good cause, is not being
55 properly maintained, and thereby becomes detrimental to the public
56 health and welfare, and should the governing authorities of that
57 municipality determine that it is to the best interest of
58 the * * * municipality that the municipality assume the
59 maintenance of such cemetery, then such governing authorities
60 shall have the power and they are hereby authorized to acquire
61 title to such cemetery by gift, purchase, eminent domain, or
62 otherwise and are authorized to thereafter maintain, repair,
63 enlarge, fence or otherwise improve such cemetery.

64 The governing authorities of any municipality having a
65 population in excess of seven thousand five hundred according to
66 the latest available federal census and being located in a county
67 having an area in excess of eight hundred twenty-five square miles
68 which is traversed by a link of the National System of Interstate
69 and Defense Highways, may, in its discretion, appoint a cemetery



70 board of trustees of not less than five nor more than seven
71 members to serve for staggered terms of office with full power and
72 authority to administer and operate its cemetery, including but
73 not limited to authority for the establishment of a fund, from a
74 portion of the proceeds from the sale of cemetery lots, to be held
75 in trust and invested by * * * the trustees to the end of insuring
76 perpetual care and maintenance of * * * the cemetery with the
77 least possible tax levies. The municipal governing authorities
78 and the trustees are authorized and empowered to promulgate and
79 adopt reasonable rules and regulations, not inconsistent with law,
80 deemed essential in carrying out the provisions of this section.

81 **SECTION 3.** This act shall take effect and be in force from
82 and after July 1, 2019.

