

By: Representatives Snowden, Dixon

To: County Affairs;
Municipalities

HOUSE BILL NO. 1477
(As Sent to Governor)

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



20 shows signs of neglect, including, without limitation, the
21 unchecked growth of vegetation, repeated and unchecked acts of
22 vandalism, or the disintegration of grave markers or boundaries
23 and for which no person can be found who is legally responsible
24 and financially capable of the upkeep of such cemetery.

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

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

42 21-37-21. The governing authorities of municipalities shall
43 have the power and authority to maintain, repair, and enlarge all
44 of the public cemeteries owned or controlled by such



45 municipalities, within or without the municipal limits, at the
46 expense of the treasury of such municipality.

47 The governing authorities of a municipality, in its
48 discretion, may maintain and repair any abandoned public or
49 private nonprofit cemetery located within the corporate boundaries
50 of the municipality. The expense of the maintenance of an
51 abandoned public or private nonprofit cemetery may be paid from
52 any available municipal funds. For the purposes of this section,
53 the term "public or private nonprofit cemetery" includes an
54 abandoned community, religious or fraternal cemetery; however, the
55 term does not include family burial grounds or a for-profit
56 perpetual care cemetery that is subject to Sections 41-43-31
57 through 41-43-57. "Abandoned cemetery" means a cemetery which
58 shows signs of neglect, including, without limitation, the
59 unchecked growth of vegetation, repeated and unchecked acts of
60 vandalism, or the disintegration of grave markers or boundaries
61 and for which no person can be found who is legally responsible
62 and financially capable of the upkeep of such cemetery.

63 Should there be situated wholly within the corporate limits
64 of any municipality a cemetery which, because of age, abandonment
65 of graves by private owners, or for other good cause, is not being
66 properly maintained, and thereby becomes detrimental to the public
67 health and welfare, and should the governing authorities of that
68 municipality determine that it is to the best interest of
69 the * * * municipality that the municipality assume the



70 maintenance of such cemetery, then such governing authorities
71 shall have the power and they are hereby authorized to acquire
72 title to such cemetery by gift, purchase, eminent domain, or
73 otherwise and are authorized to thereafter maintain, repair,
74 enlarge, fence or otherwise improve such cemetery.

75 The governing authorities of any municipality having a
76 population in excess of seven thousand five hundred (7,500)
77 according to the latest available federal census and being located
78 in a county having an area in excess of eight hundred twenty-five
79 (825) square miles which is traversed by a link of the National
80 System of Interstate and Defense Highways, may, in its discretion,
81 appoint a cemetery board of trustees of not less than five (5) nor
82 more than seven (7) members to serve for staggered terms of office
83 with full power and authority to administer and operate its
84 cemetery, including but not limited to authority for the
85 establishment of a fund, from a portion of the proceeds from the
86 sale of cemetery lots, to be held in trust and invested by * * *
87 the trustees to the end of insuring perpetual care and maintenance
88 of * * * the cemetery with the least possible tax levies. The
89 municipal governing authorities and the trustees are authorized
90 and empowered to promulgate and adopt reasonable rules and
91 regulations, not inconsistent with law, deemed essential in
92 carrying out the provisions of this section.

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

