

By: Senator(s) Younger, Carmichael

To: Accountability,  
Efficiency, Transparency

## SENATE BILL NO. 2861

1 AN ACT TO AMEND SECTION 19-7-39, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY TO MAINTAIN ANY  
3 PUBLIC OR PRIVATE NONPROFIT CEMETERY LOCATED WITHIN THE COUNTY BUT  
4 OUTSIDE THE CORPORATE BOUNDARY OF ANY MUNICIPALITY; TO AMEND  
5 SECTION 21-37-21, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE  
6 GOVERNING AUTHORITIES OF MUNICIPALITIES TO MAINTAIN AND REPAIR ANY  
7 PUBLIC OR PRIVATE NONPROFIT CEMETERY LOCATED WITHIN THE  
8 MUNICIPALITY CORPORATE BOUNDARY; AND FOR RELATED PURPOSES.

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

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

12 19-7-39. The board of supervisors of any county \* \* \* is  
13 authorized to maintain and repair any public or private nonprofit  
14 cemetery located within the county but located outside the  
15 corporate boundary of any municipality in the county. The expense  
16 of such maintenance may be paid from any available county funds.  
17 For purposes of this section, public or private nonprofit  
18 cemeteries shall include abandoned community, religious or  
19 fraternal cemeteries, but shall not include family burial grounds  
20 or for-profit perpetual care cemeteries subject to Section  
21 41-43-31, et seq.



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

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

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

44       The governing authorities of municipalities are authorized to  
45   maintain and repair any public or private nonprofit cemetery  
46   located within the municipality corporate boundary. For purposes



of this section, public or private nonprofit cemeteries shall include abandoned community, religious or fraternal cemeteries, but shall not include family burial grounds or for-profit perpetual care cemeteries subject to Section 41-43-31, et seq. The expense of such maintenance may be paid from any available municipal funds.

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

The governing authorities of any municipality having a population in excess of seven thousand five hundred (7,500) according to the latest available federal census and being located in a county having an area in excess of eight hundred twenty-five (825) square miles which is traversed by a link of the National System of Interstate and Defense Highways, may, in its discretion, appoint a cemetery board of trustees of not less than five (5) nor



72 more than seven (7) members to serve for staggered terms of office  
73 with full power and authority to administer and operate its  
74 cemetery, including, but not limited to, authority for the  
75 establishment of a fund, from a portion of the proceeds from the  
76 sale of cemetery lots, to be held in trust and invested by said  
77 trustees to the end of insuring perpetual care and maintenance of  
78 said cemetery with the least possible tax levies. The municipal  
79 governing authorities and the trustees are authorized and  
80 empowered to promulgate and adopt reasonable rules and  
81 regulations, not inconsistent with law, deemed essential in  
82 carrying out the provisions of this section.

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

