

By: Senator(s) Norwood, Hickman, Simmons
(13th)

To: County Affairs

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2798

1 AN ACT TO REQUIRE BOARDS OF SUPERVISORS TO MAINTAIN AND
2 REPAIR PUBLIC CEMETERIES WITHIN THE COUNTY BOUNDARIES OR IN ANY
3 MUNICIPALITY LOCATED WITHIN THE COUNTY; TO BRING FORWARD SECTIONS
4 39-5-19 AND 19-7-39, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF
5 POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** (1) The board of supervisors of each county may
8 maintain and regulate all of the public cemeteries owned or
9 controlled by the county or any municipality within the county
10 limits. If the board elects to maintain or repair any municipally
11 owned cemetery upon a complaint by a constituent, the board of
12 supervisors may pay the expense of maintenance or repair from any
13 available county funds and subsequently bill the municipality for
14 reimbursement. The board of supervisors shall also have the power
15 and authority to enlarge all public cemeteries owned or controlled
16 by the county or any municipality within the county limits.

17 (2) The board of supervisors of a county, in its discretion,
18 may maintain and repair any abandoned public or private nonprofit
19 cemetery located within the boundaries of the county. The expense



20 of the maintenance of an abandoned public or private nonprofit
21 cemetery may be paid from any available county funds. For the
22 purposes of this section, the term "public or private nonprofit
23 cemetery" includes an abandoned community, religious or fraternal
24 cemetery; however, the term does not include family burial grounds
25 or a for-profit perpetual care cemetery that is subject to
26 Sections 41-43-31 through 41-43-57. "Abandoned cemetery" means a
27 cemetery which shows signs of neglect, including, without
28 limitation, the unchecked growth of vegetation, repeated and
29 unchecked acts of vandalism, or the disintegration of grave
30 markers or boundaries and for which no person can be found who is
31 legally responsible and financially capable of the upkeep of such
32 cemetery.

33 (3) Should there be situated wholly within the corporate
34 limits of any municipality or boundaries of a county a cemetery
35 which, because of age, abandonment of graves by private owners, or
36 for other good cause, is not being properly maintained, and
37 thereby becomes detrimental to the public health and welfare, and
38 should the board of supervisors of the county in which it exists
39 determine that it is to the best interest of the county or
40 municipality that the board of supervisors assume the maintenance
41 of such cemetery, then such board shall have the power and they
42 are hereby authorized to acquire title to such cemetery by gift,
43 purchase, eminent domain, or otherwise and are authorized to



thereafter maintain, repair, enlarge, fence or otherwise improve such cemetery.

SECTION 2. Section 39-5-19, Mississippi Code of 1972, is brought forward as follows:

39-5-19. Upon the official certificate of the trustees of the state department of archives and history that any abandoned cemetery is of historical significance and should be repaired, rehabilitated, or maintained as a historical monument, the boards of supervisors of the respective counties in this state are hereby authorized and empowered, in their discretion, to repair, rehabilitate, and maintain any such cemetery within the borders of the county over which such board has jurisdiction.

Subject to like certificate from the said trustees, the board of supervisors in adjoining counties may, in their discretion, jointly accomplish such repairs, rehabilitation, or maintenance in those instances where the cemetery in question occupies territory which at one time or another was located as a part of said adjoining counties.

SECTION 3. Section 19-7-39, Mississippi Code of 1972, is brought forward as follows:

19-7-39. The board of supervisors of any county is authorized, in its discretion, to maintain and repair any abandoned public or private nonprofit cemetery located within the county but located outside the corporate boundary of any municipality in the county. The expense of such maintenance may



69 be paid from any available county funds. For the purposes of this
70 section, the term "public or private nonprofit cemetery" includes
71 an abandoned community, religious or fraternal cemetery; however,
72 the term does not include family burial grounds or a for-profit
73 perpetual care cemetery that is subject to Sections 41-43-31
74 through 41-43-57. "Abandoned cemetery" means a cemetery which
75 shows signs of neglect, including, without limitation, the
76 unchecked growth of vegetation, repeated and unchecked acts of
77 vandalism, or the disintegration of grave markers or boundaries
78 and for which no person can be found who is legally responsible
79 and financially capable of the upkeep of such cemetery.

80 The board of supervisors of any county is authorized to
81 accept, in the name of the county, title by deed to any cemetery
82 located within the county but located outside the corporate
83 boundary of any municipality in the county which, due to age,
84 abandonment of graves by private owners or for other good cause,
85 is not being properly maintained or repaired and thereby have
86 become detrimental to the public health and welfare. No
87 acceptance of title by deed shall be valid unless a motion thereof
88 shall be made at a regular or special meeting of the board,
89 adopted by a majority of the board's membership, and entered upon
90 the minutes. No county funds or other public funds shall be
91 expended by the board for the purpose of purchasing such cemetery.
92 The board shall have the power to maintain, repair, enlarge, fence



93 or otherwise improve any cemetery, title to which has been
94 accepted by the board.

95 **SECTION 4.** This act shall take effect and be in force from
96 and after July 1, 2025.

