

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

To: County Affairs

## 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  
8 shall maintain and regulate all of the public cemeteries owned or  
9 controlled by the county or any municipality within the county  
10 limits. The board of supervisors shall also have the power and  
11 authority to enlarge all public cemeteries owned or controlled by  
12 the county or any municipality within the county limits.

13 (2) The board of supervisors of a county, in its discretion,  
14 may maintain and repair any abandoned public or private nonprofit  
15 cemetery located within the boundaries of the county. The expense  
16 of the maintenance of an abandoned public or private nonprofit  
17 cemetery may be paid from any available county funds. For the  
18 purposes of this section, the term "public or private nonprofit  
19 cemetery" includes an abandoned community, religious or fraternal



20 cemetery; however, the term does not include family burial grounds  
21 or a for-profit perpetual care cemetery that is subject to  
22 Sections 41-43-31 through 41-43-57. "Abandoned cemetery" means a  
23 cemetery which shows signs of neglect, including, without  
24 limitation, the unchecked growth of vegetation, repeated and  
25 unchecked acts of vandalism, or the disintegration of grave  
26 markers or boundaries and for which no person can be found who is  
27 legally responsible and financially capable of the upkeep of such  
28 cemetery.

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

42 **SECTION 2.** Section 39-5-19, Mississippi Code of 1972, is  
43 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 be paid from any available county funds. For the purposes of this section, the term "public or private nonprofit cemetery" includes an abandoned community, religious or fraternal cemetery; however, the term does not include family burial grounds or a for-profit



69 perpetual care cemetery that is subject to Sections 41-43-31  
70 through 41-43-57. "Abandoned cemetery" means a cemetery which  
71 shows signs of neglect, including, without limitation, the  
72 unchecked growth of vegetation, repeated and unchecked acts of  
73 vandalism, or the disintegration of grave markers or boundaries  
74 and for which no person can be found who is legally responsible  
75 and financially capable of the upkeep of such cemetery.

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

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

