

By: Senator(s) Gollott, Hewes

To: Public Health and Welfare

SENATE BILL NO. 2969

1 AN ACT TO REQUIRE CEMETERIES TO BE REGISTERED AND TO PROVIDE
2 THE NAMES AND ADDRESSES OF THE OWNERS; TO AUTHORIZE THE STATE
3 BOARD OF FUNERAL SERVICE TO MAINTAIN REGISTER OF CEMETERIES; TO
4 AMEND SECTIONS 73-11-49 AND 73-11-63, MISSISSIPPI CODE OF 1972, TO
5 CONFORM; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** (1) All cemeteries in the state shall register
8 with the Mississippi State Board of Funeral Service. The
9 registration shall contain the following information:

10 (a) The name of the cemetery, the date of
11 incorporation, if incorporated, and the location and boundaries of
12 the cemetery.

13 (b) The name and addresses of the owners of the
14 cemetery, or the officers and directors of the corporation.

15 (2) No later than thirty (30) days prior to the sale or
16 transfer of any cemetery required to be registered, or the sale or
17 transfer of the controlling interest in a cemetery corporation,
18 the transferor shall notify the board and submit such information
19 as may be required by the board.

20 (3) Any change in the addresses of the owners, officers or
21 directors shall be reported to the board within ten (10) days of
22 such change.

23 **SECTION 2.** Section 73-11-49, Mississippi Code of 1972, is
24 amended as follows:

25 73-11-49. (1) The board is authorized to select from its
26 own membership a chairman, vice chairman and secretary-treasurer.
27 Election of officers shall be held at the first regularly
28 scheduled meeting of the fiscal year.

29 (2) All members of the board shall be reimbursed for their
30 necessary traveling expenses and mileage incident to their
31 attendance upon the business of the board, as provided in Section
32 25-3-41, and shall receive a per diem as provided in Section
33 25-3-69 for every day actually spent upon the business of the
34 board, not to exceed twenty (20) days per year unless authorized
35 by a majority vote of the board.

36 (3) All monies received by the board shall be paid into a
37 special fund in the State Treasury to the credit of the board and
38 shall be used by the board for paying the traveling and necessary
39 expenses and per diem of the members of the board while on board
40 business, and for paying other expenses necessary for the
41 operation of the board in carrying out and involving the
42 provisions of this chapter.

43 (4) The board shall employ an administrator of the board,
44 who shall have complete supervision and be held responsible for
45 the direction of the office of the board, shall have supervision
46 over field inspections and enforcement of the provisions of this
47 chapter, shall have such other duties as may be assigned by the
48 board, shall be responsible and answerable to the board. The
49 board may employ such other clerical assistants and employees as
50 may be necessary to carry out the provisions of this chapter, and
51 the terms and conditions of such employment shall be determined by
52 the board in accordance with applicable state law and rules and
53 regulations of the State Personnel Board.

54 (5) The board, when it shall deem necessary, shall be
55 represented by an assistant attorney general duly appointed by the
56 Attorney General of this state, and may also request and receive
57 the assistance of other state agencies and county and district
58 attorneys, all of whom are authorized to provide the assistance
59 requested.

60 (6) The board shall have subpoena power in enforcing the
61 provisions of this chapter.

62 (7) The board shall adopt and promulgate rules and
63 regulations for the transaction of its business in accordance with
64 the provisions of the Mississippi Administrative Procedures Law
65 (Section 25-43-1 et seq.). No rule or regulation promulgated by
66 the board affecting any person or agency outside the board shall
67 be adopted, amended or repealed without a public hearing on the
68 proposed action. The board shall give written notice at least
69 thirty (30) days in advance of any meeting with respect to any
70 proposed adoption, amendment or repeal of a rule or regulation of
71 the board, in accordance with the Administrative Procedures Act,
72 as well as notifying the duly elected presidents and secretaries
73 of the Mississippi Funeral Directors Association and the
74 Mississippi Funeral Directors and Morticians Association, or their
75 successors.

76 (8) The board may designate the administrator to perform
77 inspections under this chapter, may employ an individual to
78 perform such inspections or may contract with any other individual
79 or entity to perform such inspections. Any individual or entity
80 that performs such inspections shall have the right of entry into
81 any place in which the business or practice of funeral service
82 and/or funeral directing is carried on or advertised as being
83 carried on, for the purpose of inspection, for the investigation
84 of complaints coming before the board and for such other matters
85 as the board may direct.

86 (9) The board shall not adopt any rule or regulation
87 pertaining to the transportation of dead bodies, and shall not
88 adopt any rule or regulation requiring dead bodies to be embalmed
89 except as required by the State Department of Health's Rule 43 or
90 any subsequent rule adopted by the department.

91 (10) The board shall keep a register of cemeteries in this
92 state and the names and addresses of the owners, officers or
93 directors of each cemetery. The board may adopt rules and

94 regulations to implement the registration program and may assess a
95 registration fee not to exceed One Hundred Dollars (\$100.00).

96 **SECTION 3.** Section 73-11-63, Mississippi Code of 1972, is
97 amended as follows:

98 73-11-63. Nothing in this chapter shall be construed to
99 authorize the regulation or licensing of cemeteries or cemetery
100 chapels by the board, except the registration program of
101 cemeteries and except the regulation or licensing of any funeral
102 establishment operated by a cemetery. In addition, nothing in
103 this chapter shall be construed to prevent or interfere with the
104 ceremonies, customs, religious rites or religion of any people,
105 denomination, or sect, or to prevent or interfere with any
106 religious denomination, sect or anybody composed of persons of a
107 denomination, or to prevent or interfere with any church or
108 synagogue from having its committee or committees prepare human
109 bodies for burial or the families, friends or neighbors of
110 deceased persons who prepare and bury their dead without charge.

111 **SECTION 4.** This act shall take effect and be in force from
112 and after July 1, 2007.