

By: Representatives Hamilton, Green (34th), To: County Affairs
Shows, Martinson, Formby, Bailey

HOUSE BILL NO. 431
(As Passed the House)

1 AN ACT TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION
2 19-2-12, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE
3 AUDITOR SHALL GIVE WRITTEN NOTICE TO ANY INDIVIDUAL MEMBER OF A
4 COUNTY BOARD OF SUPERVISORS THAT HE DETERMINES TO BE IN
5 NONCOMPLIANCE WITH THE PROVISIONS OF LAW THAT REQUIRE THE COUNTY
6 TO OPERATE ON A COUNTYWIDE SYSTEM OF ROAD ADMINISTRATION; TO
7 AUTHORIZE THE STATE AUDITOR TO INSTITUTE CIVIL PROCEEDINGS AGAINST
8 SUCH SUPERVISOR IF THE SUPERVISOR REMAINS IN NONCOMPLIANCE; TO
9 PROVIDE THAT THE COURT SHALL ORDER THE SUPERVISOR IMMEDIATELY TO
10 COMPLY IF IT DETERMINES THAT SUCH SUPERVISOR IS NOT IN SUBSTANTIAL
11 COMPLIANCE; TO PROVIDE THAT VIOLATIONS OF ANY ORDER OF THE COURT
12 SHALL BE PUNISHABLE AS FOR CONTEMPT AND TO AUTHORIZE THE COURT TO
13 IMPOSE A CIVIL PENALTY UPON THE SUPERVISOR FOR ANY SUCH
14 NONCOMPLIANCE THAT THE COURT DETERMINES AS INTENTIONAL OR WILLFUL;
15 AND FOR RELATED PURPOSES.

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

17 SECTION 1. The following shall be codified as Section
18 19-2-12, Mississippi Code of 1972:

19 19-2-12. (1) If upon audit, examination or investigation,
20 the State Auditor determines that an individual member of a county
21 board of supervisors is not in substantial compliance with the
22 provisions of law that require the county to operate on a
23 countywide system of road administration, as described in Section
24 19-2-3, then the State Auditor shall give, by United States
25 Certified Mail, return receipt requested, written notification to
26 the supervisor of such noncompliance. If within thirty (30) days
27 after receipt of the notice, such supervisor, in the opinion of
28 the State Auditor, remains in noncompliance, the Auditor may
29 institute civil proceedings in the chancery court of the county in
30 which the supervisor serves. The court, upon hearing, shall
31 decide the issue and, if it determines that such supervisor is not
32 in substantial compliance, shall order the supervisor to

33 immediately and thereafter comply. Violations of any order of the
34 court shall be punishable as for contempt. In addition, the
35 court, in its discretion, may impose a civil penalty in an amount
36 not to exceed Five Thousand Dollars (\$5,000.00) upon the
37 supervisor, for which he shall be liable in his individual
38 capacity, for any such noncompliance that the court determines as
39 intentional or willful.

40 (2) The provisions of this section shall not be construed to
41 prevent the State Auditor, the Attorney General or any other
42 public official, as otherwise authorized by law, from initiating
43 or commencing civil actions or criminal proceedings by or on
44 behalf of the state or any county or political subdivision for the
45 misappropriation or the unlawful use, taking or conversion of
46 public funds or public property.

47 SECTION 2. This act shall take effect and be in force from
48 and after July 1, 1999.