

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

HOUSE BILL NO. 431  
(As Sent to Governor)

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.