

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled **BILL**:

H.B. No. 1031: Delinquent payments owed to county; additional fee if collection performed by county employee (HINDS).

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

16 SECTION 1. Section 19-3-41, Mississippi Code of 1972, as
17 amended by House Bill No. 1411, 1999 Regular Session, is amended
18 as follows:

19 19-3-41. (1) The boards of supervisors shall have within
20 their respective counties full jurisdiction over roads, ferries
21 and bridges, except as otherwise provided by Section 170 of the
22 Constitution, and all other matters of county police. They shall
23 have jurisdiction over the subject of paupers. They shall have
24 power to levy such taxes as may be necessary to meet the demands
25 of their respective counties, upon such persons and property as
26 are subject to state taxes for the time being, not exceeding the
27 limits that may be prescribed by law. They shall cause to be
28 erected and kept in good repair, in their respective counties, a
29 good and convenient courthouse and a jail. A courthouse shall be
30 erected and kept in good repair in each judicial district and a
31 jail may be erected in each judicial district. They may close a
32 jail in either judicial district, at their discretion, where one
33 (1) jail will suffice. They shall have the power, in their
34 discretion, to prohibit or regulate the sale and use of
35 firecrackers, roman candles, torpedoes, skyrockets, and any and
36 all explosives commonly known and referred to as fireworks,
37 outside the confines of municipalities. They shall have and
38 exercise such further powers as are or shall be conferred upon

39 them by law. They shall have authority to negotiate with and
40 contract with licensed real estate brokers for the purpose of
41 advertising and showing and procuring prospective purchasers for
42 county-owned real property offered for sale in accordance with the
43 provisions of Section 19-7-3.

44 (2) The board of supervisors of any county, in its
45 discretion, may contract with a private attorney or private
46 collection agent or agency to collect any type of delinquent
47 payment owed to the county including, but not limited to, past due
48 fees and fines, delinquent ad valorem taxes on personal property
49 and delinquent ad valorem taxes on mobile homes that are entered
50 as personal property on the mobile home rolls. Any such contract
51 may provide for payment contingent upon successful collection
52 efforts or payment based upon a percentage of the delinquent
53 amount collected; however, the entire amount of all delinquent
54 payments collected shall be remitted to the county and shall not
55 be reduced by any collection costs or fees. There shall be due to
56 the county from any person whose delinquent payment is collected
57 pursuant to a contract executed under this subsection an amount,
58 in addition to the delinquent payment, of not to exceed
59 twenty-five percent (25%) of the delinquent payment for
60 collections made within this state and not to exceed fifty percent
61 (50%) of the delinquent payment for collections made outside of
62 this state. However, in the case of delinquent fees owed to the
63 county for garbage or rubbish collection or disposal, only the
64 amount of the delinquent fees may be collected and no amount in
65 addition to the delinquent fees may be collected if the board of
66 supervisors of the county has notified the county tax collector
67 under Section 19-5-22 for the purpose of prohibiting the issuance
68 of a motor vehicle road and bridge privilege license tag to the
69 person delinquent in the payment of such fees. Any private
70 attorney or private collection agent or agency contracting with
71 the county under the provisions of this subsection shall give bond
72 or other surety payable to the county in such amount as the board
73 of supervisors deems sufficient. Any private attorney with whom

74 the county contracts under the provisions of this subsection must
75 be a member in good standing of The Mississippi Bar. Any private
76 collection agent or agency with whom the county contracts under
77 the provisions of this subsection must meet all licensing
78 requirements for doing business in the State of Mississippi.

79 Neither the county nor any officer or employee of the county shall
80 be liable, civilly or criminally, for any wrongful or unlawful act
81 or omission of any person or business with whom the county has
82 contracted under the provisions of this subsection. The
83 Mississippi Department of Audit shall establish rules and
84 regulations for use by counties in contracting with persons or
85 businesses under the provisions of this subsection.

86 (3) In addition to the authority granted under subsection
87 (2) of this section, the board of supervisors of any county, in
88 its discretion, may contract with one or more of the constables of
89 the county to collect delinquent criminal fines imposed in the
90 justice court of the county. Any such contract shall provide for
91 payment contingent upon successful collection efforts, and the
92 amount paid to a constable may not exceed twenty-five percent
93 (25%) of the amount which the constable collects. The entire
94 amount of all delinquent criminal fines collected under such a
95 contract shall be remitted by the constable to the clerk of the
96 justice court for deposit into the county general fund as provided
97 under Section 9-11-19. Any payments made to a constable pursuant
98 to a contract executed under the provisions of this section may be
99 paid only after presentation to and approval by the board of
100 supervisors of the county. * * *

101 (4) If a county uses its own employees to collect any type
102 of delinquent payment owed to the county, then from and after July
103 1, 1999, the county may charge an additional fee for collection of
104 the delinquent payment provided the payment has been delinquent
105 for ninety (90) days. The collection fee may not exceed fifteen
106 percent (15%) of the delinquent payment if the collection is made
107 within this state and may not exceed twenty-five percent (25%) of
108 the delinquent payment if the collection is made outside this

109 state.

110 (5) In addition to such authority as is otherwise granted
111 under this section, the board of supervisors of any county may
112 expend funds necessary to maintain and repair, and to purchase
113 liability insurance, tags and decals for, any personal property
114 acquired under the Federal Excess Personal Property Program that
115 is used by the local volunteer fire department.

116 (6) The board of supervisors of any county may expend funds
117 to purchase, maintain and repair equipment for the electronic
118 filing and storage of filings, files, instruments, documents and
119 records using microfilm, microfiche, data processing, magnetic
120 tape, optical discs, computers or other electronic process which
121 correctly and legibly stores and reproduces or which forms a
122 medium for storage, copying or reproducing documents, files and
123 records for use by one, all or any combination of county offices,
124 employees and officials, whether appointed or elected.

125 (7) In addition to the authority granted in this section,
126 the board of supervisors of any county may expend funds as
127 provided in Section 29-3-23(2).

128 (8) The board of supervisors of any county may perform and
129 exercise any duty, responsibility or function, may enter into
130 agreements and contracts, may provide and deliver any services or
131 assistance, and may receive, expend and administer any grants,
132 gifts, matching funds, loans or other monies, in accordance with
133 and as may be authorized by any federal law, rule or regulation
134 creating, establishing or providing for any program, activity or
135 service. The provisions of this paragraph shall not be construed
136 as authorizing any county, the board of supervisors of any county
137 or any member of a board of supervisors to perform any function or
138 activity that is specifically prohibited under the laws of this
139 state or as granting any authority in addition to or in conflict
140 with the provisions of any federal law, rule or regulation.

141 SECTION 2. Section 25-7-27, Mississippi Code of 1972, is
142 amended as follows:

143 25-7-27. (1) Marshals and constables shall charge the

144 following fees:

145 (a) A uniform total fee in all cases, civil and
146 criminal, whether contested or uncontested, which shall include
147 all services in connection therewith, except as hereinafter
148 stated, each..... \$25.00

149 Provided, however, that in all cases where there is more than
150 one (1) defendant, for service on each additional defendant.....
151 \$ 5.00

152 Provided further, that when a complaining party has provided
153 erroneous information to the clerk of the court relating to the
154 service of process on the defendant or defendants and process
155 cannot be served after diligent search and inquiry, the uniform
156 fee shall be assessed upon subsequent successful service and an
157 additional fee shall be due in the following amount..... \$15.00

158 (b) Provided, however, that after final judgment has
159 been enrolled, further proceedings involving levy of execution on
160 judgments, and attachment and garnishment proceedings shall be a
161 new suit for which the marshal or constable shall be entitled to
162 the following fee..... \$25.00

163 (c) For conveying a person charged with a crime to
164 jail, mileage reimbursement in an amount not to exceed the rate
165 established under Section 25-3-41(2).

166 To be paid out of the county treasury on the allowance of the
167 board of supervisors, when the state fails in the prosecution, or
168 the person is convicted but is not able to pay the costs.

169 (d) For other service, the same fees allowed sheriffs
170 for similar services.

171 (e) For service as a bailiff in any court in a civil
172 case, to be paid by the county on allowance of the court on
173 issuance of a warrant therefor, an amount equal to the per diem
174 compensation provided under Section 25-3-69 for each day, or part
175 thereof, for which he serves as bailiff when the court is in
176 session.

177 (f) For serving all warrants and other process,
178 attending all trials in state cases in which the state fails in

179 the prosecution, to be paid out of the county treasury on the
180 allowance of the board of supervisors without itemization,
181 subject, however, to the condition that the marshal or constable
182 must not have overcharged in the collection of fees for costs,
183 contrary to the provisions of this section, annually not to exceed
184 \$1,000.00

185 (2) Marshals and constables shall be paid all uncollected
186 fees levied under subsection (1) of this section in full from the
187 first proceeds received by the court from the guilty party or from
188 any other source of payment in connection with the case.

189 (3) In addition to the fees authorized to be paid to a
190 constable under subsection (1) of this section, a constable may
191 receive payments for collecting delinquent criminal fines in
192 justice court pursuant to the provisions of Section
193 19-3-41(3). * * *

194 SECTION 3. Section 1 of this act shall take effect and be in
195 force from and after its passage. Section 2 of this act shall
196 take effect and be in force from and after July 1, 1999.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 19-3-41 AND 25-7-27, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE ANY COUNTY THAT USES ITS OWN EMPLOYEES
3 TO COLLECT ANY TYPE OF DELINQUENT PAYMENT OWED TO THE COUNTY TO
4 COLLECT AN ADDITIONAL AMOUNT FOR THE COST OF COLLECTION; TO
5 CLARIFY THE AUTHORITY OF COUNTIES TO EXERCISE CERTAIN DUTIES,
6 PERFORM CERTAIN FUNCTIONS AND ADMINISTER CERTAIN PROGRAMS CREATED
7 OR ESTABLISHED BY FEDERAL LAW; TO DELETE THE DATE OF REPEAL OF THE
8 PROVISIONS OF LAW THAT AUTHORIZE A CONSTABLE TO RECEIVE PAYMENTS
9 FOR COLLECTING DELINQUENT CRIMINAL FINES IN JUSTICE COURT; TO
10 PROVIDE THAT A FEE SHALL BE ASSESSED TO COMPLAINING PARTIES WHO
11 PROVIDE ERRONEOUS INFORMATION FOR SERVICE OF PROCESS IN CIVIL
12 CASES; TO REVISE THE MILEAGE REIMBURSEMENT RATE PAID TO CONSTABLES

