

*****Pending*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 1031

By Senator(s) Committee

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

11 SECTION 1. Section 19-3-41, Mississippi Code of 1972, is
12 amended as follows:

13 19-3-41. (1) The boards of supervisors shall have within
14 their respective counties full jurisdiction over roads, ferries
15 and bridges, except as otherwise provided by Section 170 of the
16 Constitution, and all other matters of county police. They shall
17 have jurisdiction over the subject of paupers. They shall have
18 power to levy such taxes as may be necessary to meet the demands
19 of their respective counties, upon such persons and property as
20 are subject to state taxes for the time being, not exceeding the
21 limits that may be prescribed by law. They shall cause to be
22 erected and kept in good repair, in their respective counties, a
23 good and convenient courthouse and a jail. A courthouse shall be
24 erected and kept in good repair in each judicial district and a
25 jail may be erected in each judicial district. They may close a
26 jail in either judicial district, at their discretion, where one
27 (1) jail will suffice. They shall have the power, in their
28 discretion, to prohibit or regulate the sale and use of
29 firecrackers, roman candles, torpedoes, skyrockets, and any and
30 all explosives commonly known and referred to as fireworks,
31 outside the confines of municipalities. They shall have and

32 exercise such further powers as are or shall be conferred upon
33 them by law. They shall have authority to negotiate with and
34 contract with licensed real estate brokers for the purpose of
35 advertising and showing and procuring prospective purchasers for
36 county-owned real property offered for sale in accordance with the
37 provisions of Section 19-7-3.

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

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65 the county under the provisions of this subsection shall give bond
66 or other surety payable to the county in such amount as the board
67 of supervisors deems sufficient. Any private attorney with whom
68 the county contracts under the provisions of this subsection must
69 be a member in good standing of The Mississippi Bar. Any private
70 collection agent or agency with whom the county contracts under
71 the provisions of this subsection must meet all licensing
72 requirements for doing business in the State of Mississippi.
73 Neither the county nor any officer or employee of the county shall
74 be liable, civilly or criminally, for any wrongful or unlawful act
75 or omission of any person or business with whom the county has
76 contracted under the provisions of this subsection. The
77 Mississippi Department of Audit shall establish rules and
78 regulations for use by counties in contracting with persons or
79 businesses under the provisions of this subsection.

80 (3) In addition to the authority granted under subsection
81 (2) of this section, the board of supervisors of any county, in
82 its discretion, may contract with one or more of the constables of
83 the county to collect delinquent criminal fines imposed in the
84 justice court of the county. Any such contract shall provide for
85 payment contingent upon successful collection efforts, and the
86 amount paid to a constable may not exceed twenty-five percent
87 (25%) of the amount which the constable collects. The entire
88 amount of all delinquent criminal fines collected under such a
89 contract shall be remitted by the constable to the clerk of the
90 justice court for deposit into the county general fund as provided
91 under Section 9-11-19. Any payments made to a constable pursuant
92 to a contract executed under the provisions of this section may be
93 paid only after presentation to and approval by the board of
94 supervisors of the county. This subsection shall stand repealed
95 from and after July 1, 2001.

96 (4) If a county uses its own employees to collect any type
97 of delinquent payment owed to the county, the county may charge an

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98 additional fee for collection of the delinquent payment provided
99 the payment has been delinquent for ninety (90) days. The
100 collection fee may not exceed fifteen percent (15%) of the
101 delinquent payment if the collection is made within this state and
102 may not exceed twenty-five percent (25%) of the delinquent payment
103 if the collection is made outside this state.

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

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

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

121 25-7-27. (1) Marshals and constables shall charge the
122 following fees:

123 (a) A uniform total fee in all cases, civil and
124 criminal, whether contested or uncontested, which shall include
125 all services in connection therewith, except as hereinafter
126 stated, each..... \$25.00
127 Provided, however, that in all cases where there is more than
128 one (1) defendant, for service on each additional defendant.....
129 \$ 5.00

130 Provided further, that when a complaining party has provided

131 erroneous information to the clerk of the court relating to the
132 service of process on the defendant or defendants and process
133 cannot be served after diligent search and inquiry, the uniform
134 fee shall be assessed regardless of the fact that service was not
135 completed, and that upon subsequent successful service an
136 additional fee shall be due in the following amount..... \$15.00

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

142 (c) Conveying a person charged with a crime to jail,
143 each mile \$.20

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

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

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

155 (f) For serving all warrants and other process,
156 attending all trials in state cases in which the state fails in
157 the prosecution, to be paid out of the county treasury on the
158 allowance of the board of supervisors without itemization,
159 subject, however, to the condition that the marshal or constable
160 must not have overcharged in the collection of fees for costs,
161 contrary to the provisions of this section, annually not to exceed
162 \$1,000.00

163 (2) Marshals and constables shall be paid all uncollected

164 fees levied under subsection (1) of this section in full from the
165 first proceeds received by the court from the guilty party or from
166 any other source of payment in connection with the case.

167 (3) In addition to the fees authorized to be paid to a
168 constable under subsection (1) of this section, a constable may
169 receive payments for collecting delinquent criminal fines in
170 justice court pursuant to the provisions of Section 19-3-41(3).

171 This subsection shall stand repealed from and after July 1, 2001.

172 SECTION 3. This act shall take effect and be in force from
173 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 EXTEND
5 THE DATE OF REPEAL OF THE PROVISION OF LAW THAT AUTHORIZES A
6 CONSTABLE TO RECEIVE PAYMENTS FOR COLLECTING DELINQUENT CRIMINAL
7 FINES IN JUSTICE COURT; TO PROVIDE THAT A FEE SHALL BE ASSESSED TO
8 COMPLAINING PARTIES WHO PROVIDE ERRONEOUS INFORMATION FOR SERVICE
9 OF PROCESS IN CIVIL CASES; AND FOR RELATED PURPOSES.