

By: Green

To: County Affairs;
Municipalities

HOUSE BILL NO. 609
(As Passed the House)

1 AN ACT TO AMEND SECTIONS 19-3-41 AND 21-17-5, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY
3 AND THE GOVERNING AUTHORITIES OF ANY MUNICIPALITY TO EXPEND FUNDS
4 TO PROVIDE TRAINING AND EDUCATION FOR NEWLY ELECTED OR APPOINTED
5 COUNTY OR MUNICIPAL OFFICIALS BEFORE THE BEGINNING OF THE TERM OF
6 OFFICE OR EMPLOYMENT OF SUCH OFFICIALS; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 19-3-41, Mississippi Code of 1972, is
9 amended as follows:[JWB1]

10 19-3-41. (1) The boards of supervisors shall have within
11 their respective counties full jurisdiction over roads, ferries
12 and bridges, except as otherwise provided by Section 170 of the
13 Constitution, and all other matters of county police. They shall
14 have jurisdiction over the subject of paupers. They shall have
15 power to levy such taxes as may be necessary to meet the demands
16 of their respective counties, upon such persons and property as
17 are subject to state taxes for the time being, not exceeding the
18 limits that may be prescribed by law. They shall cause to be
19 erected and kept in good repair, in their respective counties, a
20 good and convenient courthouse and a jail. A courthouse shall be
21 erected and kept in good repair in each judicial district and a
22 jail may be erected in each judicial district. They may close a
23 jail in either judicial district, at their discretion, where one
24 (1) jail will suffice. They shall have the power, in their
25 discretion, to prohibit or regulate the sale and use of
26 firecrackers, roman candles, torpedoes, skyrockets, and any and
27 all explosives commonly known and referred to as fireworks,
28 outside the confines of municipalities. They shall have and

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

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

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

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

92 (4) If a county uses its own employees to collect any type
93 of delinquent payment owed to the county, then from and after July
94 1, 1999, the county may charge an additional fee for collection of
95 the delinquent payment provided the payment has been delinquent
96 for ninety (90) days. The collection fee may not exceed fifteen
97 percent (15%) of the delinquent payment if the collection is made
98 within this state and may not exceed twenty-five percent (25%) of

99 the delinquent payment if the collection is made outside this
100 state.

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

107 (6) The board of supervisors of any county, in its
108 discretion, may expend funds to provide for training and education
109 of newly elected or appointed county officials before the
110 beginning of the term of office or employment of such officials.
111 Any expenses incurred for such purposes may be allowed only upon
112 prior approval of the board of supervisors. Any payments or
113 reimbursements made under the provisions of this subsection may be
114 paid only after presentation to and approval by the board of
115 supervisors.

116 (7) 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 (1), all or any combination of county
124 offices, employees and officials, whether appointed or elected.

125 (8) 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 (9) 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 21-17-5, Mississippi Code of 1972, is
142 amended as follows:[JWB2]

143 21-17-5. (1) The governing authorities of every
144 municipality of this state shall have the care, management and
145 control of the municipal affairs and its property and finances.
146 In addition to those powers granted by specific provisions of
147 general law, the governing authorities of municipalities shall
148 have the power to adopt any orders, resolutions or ordinances with
149 respect to such municipal affairs, property and finances which are
150 not inconsistent with the Mississippi Constitution of 1890, the
151 Mississippi Code of 1972, or any other statute or law of the State
152 of Mississippi, and shall likewise have the power to alter, modify
153 and repeal such orders, resolutions or ordinances. Except as
154 otherwise provided in subsection (2) of this section, the powers
155 granted to governing authorities of municipalities in this section
156 are complete without the existence of or reference to any specific
157 authority granted in any other statute or law of the State of
158 Mississippi. Unless otherwise provided by law, before entering
159 upon the duties of their respective offices, the aldermen or
160 councilmen of every municipality of this state shall give bond,
161 with sufficient surety, to be payable, conditioned and approved as
162 provided by law, in a penalty equal to five percent (5%) of the
163 sum of all the municipal taxes shown by the assessment rolls and
164 the levies to have been collectible in the municipality for the

165 year immediately preceding the commencement of the term of office
166 of said alderman or councilman; however, such bond shall not
167 exceed the amount of One Hundred Thousand Dollars (\$100,000.00).
168 Any taxpayer of the municipality may sue on such bond for the use
169 of the municipality, and such taxpayer shall be liable for all
170 costs in case his suit shall fail. No member of the city council
171 or board of aldermen shall be surety for any other such member.

172 (2) Unless such actions are specifically authorized by
173 another statute or law of the State of Mississippi, this section
174 shall not authorize the governing authorities of a municipality to
175 (a) levy taxes of any kind or increase the levy of any authorized
176 tax, (b) issue bonds of any kind, (c) change the requirements,
177 practices or procedures for municipal elections or establish any
178 new elective office, (d) change the procedure for annexation of
179 additional territory into the municipal boundaries, (e) change the
180 structure or form of the municipal government, (f) permit the
181 sale, manufacture, distribution, possession or transportation of
182 alcoholic beverages, (g) grant any donation, or (h) without prior
183 legislative approval, regulate, directly or indirectly, the amount
184 of rent charged for leasing private residential property in which
185 the municipality does not have a property interest.

186 (3) Nothing in this or any other section shall be construed
187 so as to prevent any municipal governing authority from paying any
188 municipal employee not to exceed double his ordinary rate of pay
189 or awarding any municipal employee not to exceed double his
190 ordinary rate of compensatory time for work performed in his
191 capacity as a municipal employee on legal holidays.

192 (4) The governing authorities of any municipality, in their
193 discretion, may expend funds to provide for training and education
194 of newly elected or appointed municipal officials before the
195 beginning of the term of office or employment of such officials.
196 Any expenses incurred for such purposes may be allowed only upon
197 prior approval of the governing authorities. Any payments or

198 reimbursements made under the provisions of this subsection may be
199 paid only after presentation to and approval by the governing
200 authorities of the municipality.

201 SECTION 3. This act shall take effect and be in force from
202 and after July 1, 2000.