

By: Jennings

To: County Affairs

HOUSE BILL NO. 1272

1 AN ACT TO AMEND SECTION 19-3-41, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY TO INCUR COSTS
3 AND PAY NECESSARY EXPENSES IN PROVIDING LABOR, MATERIALS AND
4 SUPPLIES TO CLEAN OR CLEAR DRAINAGE DITCHES, CREEKS OR CHANNELS,
5 WHETHER ON PUBLIC OR PRIVATE PROPERTY, AND TO CORRECT OR PREVENT
6 EROSION TO SUCH DRAINAGE DITCHES, CREEKS AND CHANNELS; AND FOR
7 RELATED PURPOSES.

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

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

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

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

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

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

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

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

99 within this state and may not exceed twenty-five percent (25%) of
100 the delinquent payment if the collection is made outside this
101 state.

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

108 (6) The board of supervisors of any county may expend funds
109 to purchase, maintain and repair equipment for the electronic
110 filing and storage of filings, files, instruments, documents and
111 records using microfilm, microfiche, data processing, magnetic
112 tape, optical discs, computers or other electronic process which
113 correctly and legibly stores and reproduces or which forms a
114 medium for storage, copying or reproducing documents, files and
115 records for use by one (1), all or any combination of county
116 offices, employees and officials, whether appointed or elected.

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

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

132 with the provisions of any federal law, rule or regulation.

133 (9) The board of supervisors of any county may incur costs
134 and pay necessary expenses in providing labor, materials and
135 supplies to clean or clear drainage ditches, creeks or channels,
136 whether on public or private property, and to correct or prevent
137 erosion to such drainage ditches, creeks and channels. This
138 subsection shall not impose any obligation or duty upon the county
139 and shall not create any additional rights for the benefit of any
140 owner of public or private property.

141 SECTION 2. This act shall take effect and be in force from
142 and after July 1, 2000.