

By: Ross

To: County Affairs;  
Municipalities

SENATE BILL NO. 2369  
(As Passed the Senate)

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 FOR THE TRAINING OF NEWLY ELECTED OR APPOINTED OFFICIALS PRIOR TO  
5 THE BEGINNING OF THEIR TERM; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 19-3-41, Mississippi Code of 1972, is  
8 amended as follows:[JMR1]

9 19-3-41. (1) The boards of supervisors shall have within  
10 their respective counties full jurisdiction over roads, ferries  
11 and bridges, except as otherwise provided by Section 170 of the  
12 Constitution, and all other matters of county police. They shall  
13 have jurisdiction over the subject of paupers. They shall have  
14 power to levy such taxes as may be necessary to meet the demands  
15 of their respective counties, upon such persons and property as  
16 are subject to state taxes for the time being, not exceeding the  
17 limits that may be prescribed by law. They shall cause to be  
18 erected and kept in good repair, in their respective counties, a  
19 good and convenient courthouse and a jail. A courthouse shall be  
20 erected and kept in good repair in each judicial district and a  
21 jail may be erected in each judicial district. They may close a  
22 jail in either judicial district, at their discretion, where one  
23 (1) jail will suffice. They shall have the power, in their  
24 discretion, to prohibit or regulate the sale and use of  
25 firecrackers, roman candles, torpedoes, skyrockets, and any and  
26 all explosives commonly known and referred to as fireworks,  
27 outside the confines of municipalities. They shall have and

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

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

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

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

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

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

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

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

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

118 (8) The board of supervisors of any county, in its  
119 discretion, may expend funds to provide for training and education  
120 of newly elected or appointed officials prior to the beginning of  
121 the term of office of the newly elected or appointed official.  
122 Any expenses incurred under the provisions of this subsection may  
123 only be allowed upon prior approval of the board of supervisors of  
124 the county. Any payments or reimbursements made under the  
125 provisions of this subsection may be paid only after presentation  
126 to and approval by the board of supervisors of the county.

127 (9) The board of supervisors of any county may perform and  
128 exercise any duty, responsibility or function, may enter into  
129 agreements and contracts, may provide and deliver any services or  
130 assistance, and may receive, expend and administer any grants,

131 gifts, matching funds, loans or other monies, in accordance with  
132 and as may be authorized by any federal law, rule or regulation  
133 creating, establishing or providing for any program, activity or  
134 service. The provisions of this paragraph shall not be construed  
135 as authorizing any county, the board of supervisors of any county  
136 or any member of a board of supervisors to perform any function or  
137 activity that is specifically prohibited under the laws of this  
138 state or as granting any authority in addition to or in conflict  
139 with the provisions of any federal law, rule or regulation.

140 SECTION 2. Section 21-17-5, Mississippi Code of 1972, is  
141 amended as follows:[JMR2]

142 21-17-5. (1) The governing authorities of every  
143 municipality of this state shall have the care, management and  
144 control of the municipal affairs and its property and finances.  
145 In addition to those powers granted by specific provisions of  
146 general law, the governing authorities of municipalities shall  
147 have the power to adopt any orders, resolutions or ordinances with  
148 respect to such municipal affairs, property and finances which are  
149 not inconsistent with the Mississippi Constitution of 1890, the  
150 Mississippi Code of 1972, or any other statute or law of the State  
151 of Mississippi, and shall likewise have the power to alter, modify  
152 and repeal such orders, resolutions or ordinances. Except as  
153 otherwise provided in subsection (2) of this section, the powers  
154 granted to governing authorities of municipalities in this section  
155 are complete without the existence of or reference to any specific  
156 authority granted in any other statute or law of the State of  
157 Mississippi. Unless otherwise provided by law, before entering  
158 upon the duties of their respective offices, the aldermen or  
159 councilmen of every municipality of this state shall give bond,  
160 with sufficient surety, to be payable, conditioned and approved as  
161 provided by law, in a penalty equal to five percent (5%) of the  
162 sum of all the municipal taxes shown by the assessment rolls and  
163 the levies to have been collectible in the municipality for the

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

171 (2) The governing authority of any municipality, in its  
172 discretion may expend funds to provide for training and education  
173 of newly elected or appointed officials prior to the beginning of  
174 the term of office of the newly elected or appointed official.  
175 Any expenses incurred under the provisions of this subsection may  
176 only be allowed upon prior approval of the governing authority of  
177 the municipality. Any payments or reimbursements made under the  
178 provisions of this subsection may be paid only after presentation  
179 to and approval by the governing authority of the municipality.

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

194 (4) Nothing in this or any other section shall be construed  
195 so as to prevent any municipal governing authority from paying any  
196 municipal employee not to exceed double his ordinary rate of pay

197 or awarding any municipal employee not to exceed double his  
198 ordinary rate of compensatory time for work performed in his  
199 capacity as a municipal employee on legal holidays.

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