SENATE BILL NO. 2369
(As Sent to Governor)

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.
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7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
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9 SECTION 1. Section 19-3-41, Mississippi Code of 1972, is
10 amended as follows:[JMR1]
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12 19-3-41. (1) The boards of supervisors shall have within
13 their respective counties full jurisdiction over roads, ferries
14 and bridges, except as otherwise provided by Section 170 of the
15 Constitution, and all other matters of county police. They shall
16 have jurisdiction over the subject of paupers. They shall have
17 power to levy such taxes as may be necessary to meet the demands
18 of their respective counties, upon such persons and property as
19 are subject to state taxes for the time being, not exceeding the
20 limits that may be prescribed by law. They shall cause to be
21 erected and kept in good repair, in their respective counties, a
22 good and convenient courthouse and a jail. A courthouse shall be
23 erected and kept in good repair in each judicial district and a
24 jail may be erected in each judicial district. They may close a
25 jail in any judicial district, at their discretion, where one
26 (1) jail will suffice. They shall have the power, in their
27 discretion, to prohibit or regulate the sale and use of
28 firecrackers, roman candles, torpedoes, skyrockets, and any and
29 all explosives commonly known and referred to as fireworks,
30 outside the confines of municipalities. They shall have and
exercise such further powers as are or shall be conferred upon

them by law. They shall have authority to negotiate with and

contract with licensed real estate brokers for the purpose of

advertising and showing and procuring prospective purchasers for

county-owned real property offered for sale in accordance with the

provisions of Section 19-7-3.

(2) The board of supervisors of any county, in its
discretion, may contract with a private attorney or private
collection agent or agency to collect any type of delinquent
payment owed to the county including, but not limited to, past due
fees and fines, delinquent ad valorem taxes on personal property
and delinquent ad valorem taxes on mobile homes that are entered
as personal property on the mobile home rolls. Any such contract
may provide for payment contingent upon successful collection
efforts or payment based upon a percentage of the delinquent
amount collected; however, the entire amount of all delinquent
payments collected shall be remitted to the county and shall not
be reduced by any collection costs or fees. There shall be due to
the county from any person whose delinquent payment is collected
pursuant to a contract executed under this subsection an amount,
in addition to the delinquent payment, of not to exceed
twenty-five percent (25%) of the delinquent payment for
collections made within this state and not to exceed fifty percent
(50%) of the delinquent payment for collections made outside of
this state. However, in the case of delinquent fees owed to the
county for garbage or rubbish collection or disposal, only the
amount of the delinquent fees may be collected and no amount in
addition to the delinquent fees may be collected if the board of
supervisors of the county has notified the county tax collector
under Section 19-5-22 for the purpose of prohibiting the issuance
of a motor vehicle road and bridge privilege license tag to the
person delinquent in the payment of such fees. Any private
attorney or private collection agent or agency contracting with
the county under the provisions of this subsection shall give bond
or other surety payable to the county in such amount as the board
of supervisors deems sufficient. Any private attorney with whom
the county contracts under the provisions of this subsection must
be a member in good standing of The Mississippi Bar. Any private
collection agent or agency with whom the county contracts under
the provisions of this subsection must meet all licensing
requirements for doing business in the State of Mississippi.
Neither the county nor any officer or employee of the county shall
be liable, civilly or criminally, for any wrongful or unlawful act
or omission of any person or business with whom the county has
contracted under the provisions of this subsection. The
Mississippi Department of Audit shall establish rules and
regulations for use by counties in contracting with persons or
businesses under the provisions of this subsection.

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

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

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

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

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

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

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

SECTION 2. Section 21-17-5, Mississippi Code of 1972, is
amended as follows:

21-17-5. (1) The governing authorities of every
municipality of this state shall have the care, management and
control of the municipal affairs and its property and finances.
In addition to those powers granted by specific provisions of
general law, the governing authorities of municipalities shall
have the power to adopt any orders, resolutions or ordinances with
respect to such municipal affairs, property and finances which are
not inconsistent with the Mississippi Constitution of 1890, the
Mississippi Code of 1972, or any other statute or law of the State
of Mississippi, and shall likewise have the power to alter, modify
and repeal such orders, resolutions or ordinances. Except as
otherwise provided in subsection (2) of this section, the powers
granted to governing authorities of municipalities in this section
are complete without the existence of or reference to any specific
authority granted in any other statute or law of the State of
Mississippi. Unless otherwise provided by law, before entering
upon the duties of their respective offices, the aldermen or
councilmen of every municipality of this state shall give bond,
with sufficient surety, to be payable, conditioned and approved as
provided by law, in a penalty equal to five percent (5%) of the
sum of all the municipal taxes shown by the assessment rolls and
the levies to have been collectible in the municipality for the
year immediately preceding the commencement of the term of office of said alderman or councilman; however, such bond shall not exceed the amount of One Hundred Thousand Dollars ($100,000.00). Any taxpayer of the municipality may sue on such bond for the use of the municipality, and such taxpayer shall be liable for all costs in case his suit shall fail. No member of the city council or board of aldermen shall be surety for any other such member.

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

(3) Unless such actions are specifically authorized by another statute or law of the State of Mississippi, this section shall not authorize the governing authorities of a municipality to:

(a) levy taxes of any kind or increase the levy of any authorized tax, (b) issue bonds of any kind, (c) change the requirements, practices or procedures for municipal elections or establish any new elective office, (d) change the procedure for annexation of additional territory into the municipal boundaries, (e) change the structure or form of the municipal government, (f) permit the sale, manufacture, distribution, possession or transportation of alcoholic beverages, (g) grant any donation, or (h) without prior legislative approval, regulate, directly or indirectly, the amount of rent charged for leasing private residential property in which the municipality does not have a property interest.

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

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