

By: Minor

To: Environment Prot,
Cons and Water Res;
Judiciary

SENATE BILL NO. 3055

1 AN ACT TO AMEND SECTION 19-5-22 MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT PROPERTY MAY BE SOLD TO SATISFY GARBAGE FEE LIEN; AND
3 FOR RELATED PURPOSES.

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

5 SECTION 1. Section 19-5-22, Mississippi Code of 1972, is
6 amended as follows:[LTR1]

7 19-5-22. (1) Fees for garbage or rubbish collection or
8 disposal shall be assessed jointly and severally against the
9 generator of the garbage or rubbish and against the owner of the
10 property furnished the service. Any person who pays, as a part of
11 a rental or lease agreement, an amount for garbage or rubbish
12 collection or disposal services shall not be held liable upon the
13 failure of the property owner to pay those fees.

14 (2) Every generator assessed the fees authorized by Section
15 19-5-21 and the owner of the property occupied by that generator
16 shall be jointly and severally liable for the fees. The fees
17 shall be a lien upon the real property offered garbage or rubbish
18 collection or disposal service.

19 The board of supervisors may assess the fees annually. If
20 the fees are assessed annually, the fees for each calendar year
21 shall be a lien upon the real property beginning on January 1 of
22 the next immediately succeeding calendar year. The person or
23 entity owing the fees, upon signing a form provided by the board
24 of supervisors, may pay the fees in equal installments.

25 If fees are assessed on a basis other than annually, the fees
26 shall become a lien on the real property offered the service on

27 the date that the fees become due and payable.

28 * * * Real * * * property may be sold to satisfy any lien
29 imposed under this subsection (2).

30 The county shall mail a notice of the lien, including the
31 amount of unpaid fees and a description of the property subject to
32 the lien, to the owner of the property.

33 (3) Liens created under subsection (2) may be discharged by
34 filing with the circuit clerk a receipt or acknowledgement, signed
35 by the designated county official or billing and collection
36 entity, that the lien has been paid or discharged.

37 (4) (a) The board of supervisors may notify the tax
38 collector of any unpaid fees assessed under Section 19-5-21 within
39 ninety (90) days after the fees are due. Before notifying the tax
40 collector, the board of supervisors shall provide notice of the
41 delinquency to the person who owes the delinquent fees and shall
42 afford an opportunity for a hearing, that complies with the due
43 process protections the board deems necessary, consistent with the
44 Constitutions of the United States and the State of Mississippi.
45 The board of supervisors shall establish procedures for the manner
46 in which notice shall be given and the contents of the notice;
47 however, each notice shall include the amount of fees and shall
48 prescribe the procedure required for payment of the delinquent
49 fees. The board of supervisors may designate a disinterested
50 individual to serve as hearing officer.

51 (b) Upon receipt of a delinquency notice, the tax
52 collector shall not issue or renew a motor vehicle road and bridge
53 privilege license for any motor vehicle owned by a person who is
54 delinquent in the payment of fees unless those fees in addition to
55 any other taxes or fees assessed against the motor vehicle are
56 paid. Payment of all delinquent garbage fees shall be deemed a
57 condition of receiving a motor vehicle road and privilege license
58 tag.

59 (c) The tax collector may forward the motor vehicle

60 road and privilege license tag renewal notices to the designated
61 county official or entity that is responsible for the billing and
62 collection of the county garbage fees. The designated county
63 official or the billing and collection entity shall identify those
64 license tags that shall not be issued due to delinquent garbage
65 fees. The designated county official or the billing and
66 collection entity shall stamp a message on the license tag renewal
67 notices that the tag will not be renewed until delinquent garbage
68 fees are paid. The designated county official or the billing and
69 collection entity shall return the license tag notices to the tax
70 collector before the first of the month.

71 (d) Any appeal from a decision of the board of
72 supervisors under this section regarding payment of delinquent
73 garbage fees may be taken as provided in Section 11-51-75.

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