

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 609**

**By Senator(s) Committee**

11           Amend by striking all after the enacting clause and inserting  
12 in lieu thereof the following:

13

14           SECTION 1. Section 19-3-41, Mississippi Code of 1972, is  
15 amended as follows:

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

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

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

69 or other surety payable to the county in such amount as the board  
70 of supervisors deems sufficient. Any private attorney with whom  
71 the county contracts under the provisions of this subsection must  
72 be a member in good standing of The Mississippi Bar. Any private  
73 collection agent or agency with whom the county contracts under  
74 the provisions of this subsection must meet all licensing  
75 requirements for doing business in the State of Mississippi.  
76 Neither the county nor any officer or employee of the county shall  
77 be liable, civilly or criminally, for any wrongful or unlawful act  
78 or omission of any person or business with whom the county has  
79 contracted under the provisions of this subsection. The  
80 Mississippi Department of Audit shall establish rules and  
81 regulations for use by counties in contracting with persons or  
82 businesses under the provisions of this subsection.

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

98 (4) If a county uses its own employees to collect any type  
99 of delinquent payment owed to the county, then from and after July  
100 1, 1999, the county may charge an additional fee for collection of  
101 the delinquent payment provided the payment has been delinquent  
102 for ninety (90) days. The collection fee may not exceed fifteen  
103 percent (15%) of the delinquent payment if the collection is made

104 within this state and may not exceed twenty-five percent (25%) of  
105 the delinquent payment if the collection is made outside this  
106 state. In conducting collection of delinquent payments, the  
107 county may utilize credit cards or electronic fund transfers. The  
108 county may pay any service fees for the use of such methods of  
109 collection from the collection fee, but not from the delinquent  
110 payment.

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

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

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

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

138 (9) The board of supervisors of any county may perform and

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

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

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

174 the levies to have been collectible in the municipality for the  
175 year immediately preceding the commencement of the term of office  
176 of said alderman or councilman; however, such bond shall not  
177 exceed the amount of One Hundred Thousand Dollars (\$100,000.00).  
178 Any taxpayer of the municipality may sue on such bond for the use  
179 of the municipality, and such taxpayer shall be liable for all  
180 costs in case his suit shall fail. No member of the city council  
181 or board of aldermen shall be surety for any other such member.

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

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

202 (4) The governing authorities of any municipality, in their  
203 discretion, may expend funds to provide for training and education  
204 of newly elected or appointed municipal officials before the  
205 beginning of the term of office or employment of such officials.  
206 Any expenses incurred for such purposes may be allowed only upon  
207 prior approval of the governing authorities. Any payments or  
208 reimbursements made under the provisions of this subsection may be

209 paid only after presentation to and approval by the governing  
210 authorities of the municipality.

211 SECTION 3. Section 21-17-1, Mississippi Code of 1972, is  
212 amended as follows:

213 21-17-1. Every municipality of this state shall be a  
214 municipal corporation and shall have power to sue and be sued; to  
215 purchase and hold real estate, either within or without the  
216 corporate limits, for all proper municipal purposes, including  
217 parks, cemeteries, hospitals, schoolhouses, houses of correction,  
218 waterworks, electric lights, sewers and other proper municipal  
219 purposes; to purchase and hold personal property for all proper  
220 municipal purposes; to acquire equipment and machinery by  
221 lease-purchase agreement and to pay interest thereon, if  
222 contracted, when needed for proper municipal purposes; to sell and  
223 convey any real and personal property owned by it, and make such  
224 order respecting the same as may be deemed conducive to the best  
225 interest of the municipality, and exercise jurisdiction over the  
226 same.

227 In case any of the real property belonging to a municipality  
228 shall cease to be used for municipal purposes, the governing  
229 authorities of the municipality may sell, convey or lease the same  
230 on such terms as the municipal authorities may elect. In case of  
231 a sale on a credit, the municipality shall charge appropriate  
232 interest as contracted and shall have a lien on the same for the  
233 purchase money, as against all persons, until paid and may enforce  
234 the lien as in such cases provided by law. The deed of conveyance  
235 in such cases shall be executed in the name of the municipality by  
236 the governing authorities of the municipality pursuant to their  
237 order entered on the minutes of their meetings. In any sale or  
238 conveyance of real property, the municipality shall retain all  
239 mineral rights that it owns, together with the right of ingress  
240 and egress to remove same. Before any such lease, deed or  
241 conveyance is executed, the governing authorities of the  
242 municipality shall publish at least once each week for three (3)  
243 consecutive weeks, in a public newspaper of the municipality in

244 which the real property is located, or if no newspaper be  
245 published as such, then in a newspaper having general circulation  
246 therein, the intention to lease or sell, as the case may be, the  
247 municipally owned real property and to accept sealed competitive  
248 bids for the leasing or sale. The governing authorities of the  
249 municipality shall thereafter accept bids for the lease or sale  
250 and shall award the lease or sale to the highest bidder in the  
251 manner provided by law. However, whenever the governing  
252 authorities of the municipality shall find and determine, by  
253 resolution duly and lawfully adopted and spread upon its minutes  
254 (a) that any municipally owned real property is no longer needed  
255 for municipal or related purposes and is not to be used in the  
256 operation of the municipality, (b) that the sale of such property  
257 in the manner otherwise provided by law is not necessary or  
258 desirable for the financial welfare of the municipality, and (c)  
259 that the use of such property for the purpose for which it is to  
260 be sold, conveyed or leased will promote and foster the  
261 development and improvement of the community in which it is  
262 located and the civic, social, educational, cultural, moral,  
263 economic or industrial welfare thereof, the governing authorities  
264 of the municipality shall be authorized and empowered, in their  
265 discretion, to sell, convey or lease same for any of the purposes  
266 set forth herein without having to advertise for and accept  
267 competitive bids. In any case in which a municipality proposes to  
268 sell, convey or lease real property under the provisions of this  
269 section without advertising for and accepting competitive bids,  
270 consideration for the purchase, conveyance or lease of the  
271 property shall be not less than the average of the fair market  
272 price for such property as determined by three (3) professional  
273 property appraisers selected by the municipality and approved by  
274 the purchaser or lessee. Appraisal fees shall be shared equally  
275 by the municipality and the purchaser or lessee.

276 Whenever the governing authorities of the municipality shall  
277 find and determine by resolution duly and lawfully adopted and  
278 spread upon the minutes that municipally owned real property is



279 not used for municipal purposes and therefore surplus as set forth  
280 hereinabove:

281           (a) The governing authority may donate such lands to a  
282 bona fide not-for-profit civic or eleemosynary corporation  
283 organized and existing under the laws of the State of Mississippi  
284 and granted tax exempt status by the Internal Revenue Service and  
285 may donate such lands and necessary funds related thereto to the  
286 public school district in which the land is situated for the  
287 purposes set forth herein. Any deed or conveyance executed  
288 pursuant hereto shall contain a clause of reverter providing that  
289 the bona fide not-for-profit corporation or public school district  
290 may hold title to such lands only so long as they are continued to  
291 be used for the civic, social, educational, cultural, moral,  
292 economic or industrial welfare of the community, and that title  
293 shall revert to the municipality in the event of the cessation of  
294 such use for a period of two (2) years. In any such deed or  
295 conveyance, the municipality shall retain all mineral rights that  
296 it owns, together with the right of ingress and egress to remove  
297 same;

298           (b) The governing authority may donate such lands to a  
299 bona fide not-for-profit corporation (such as Habitat for  
300 Humanity) which is primarily engaged in the construction of  
301 housing for persons who otherwise can afford to live only in  
302 substandard housing. In any such deed or conveyance, the  
303 municipality shall retain all mineral rights that it owns,  
304 together with the right of ingress and egress to remove same;

305           (c) In the event the governing authority does not wish  
306 to donate title to such lands to the bona fide not-for-profit or  
307 eleemosynary corporation, but wishes to retain title to the lands,  
308 the governing authority may lease the lands to a bona fide  
309 not-for-profit corporation described in paragraph (a) or (b) for  
310 less than fair market value.

311           Every municipality shall also be authorized and empowered to  
312 loan to private persons or entities, whether organized for profit  
313 or nonprofit, funds received from the United States Department of

314 Housing and Urban Development (HUD) under an urban development  
315 action grant or a community development block grant under the  
316 Housing and Community Development Act of 1974 (Public Law 93-383),  
317 as amended, and to charge interest thereon if contracted, provided  
318 that no such loan shall include any funds from any revenues other  
319 than the funds from the United States Department of Housing and  
320 Urban Development; to make all contracts and do all other acts in  
321 relation to the property and affairs of the municipality necessary  
322 to the exercise of its governmental, corporate and administrative  
323 powers; and to exercise such other or further powers as are  
324 otherwise conferred by law.

325         The governing authorities of any municipality may contract  
326 with a private attorney or private collection agent or agency to  
327 collect any type of delinquent payment owed to the municipality  
328 including, but not limited to, past due fees and fines. Any such  
329 contract debt may provide for payment contingent upon successful  
330 collection efforts or payment based upon a percentage of the  
331 delinquent amount collected; however, the entire amount of all  
332 delinquent payments collected shall be remitted to the  
333 municipality and shall not be reduced by any collection costs or  
334 fees. Any private attorney or private collection agent or agency  
335 contracting with the municipality under the provisions of this  
336 paragraph shall give bond or other surety payable to the  
337 municipality in such amount as the governing authorities of the  
338 municipality deem sufficient. Any private attorney with whom the  
339 municipality contracts under the provisions of this paragraph must  
340 be a member in good standing of The Mississippi Bar. Any private  
341 collection agent or agency with whom the municipality contracts  
342 under the provisions of this paragraph must meet all licensing  
343 requirements for doing business in the State of Mississippi.  
344 Neither the municipality nor any officer or employee of the  
345 municipality shall be liable, civilly or criminally, for any  
346 wrongful or unlawful act or omission of any person or business  
347 with whom the municipality has contracted under the provisions of  
348 this paragraph. The Mississippi Department of Audit shall

349 establish rules and regulations for use by municipalities in  
350 contracting with persons or businesses under the provisions of  
351 this paragraph. If a municipality uses its own employees to  
352 collect any type of delinquent payment owed to the municipality,  
353 then from and after July 1, 2000, the municipality may charge an  
354 additional fee for collection of the delinquent payment provided  
355 the payment has been delinquent for ninety (90) days. The  
356 collection fee may not exceed fifteen percent (15%) of the  
357 delinquent payment if the collection is made within this state and  
358 may not exceed twenty-five percent (25%) of the delinquent payment  
359 if the collection is made outside this state. In conducting  
360 collection of delinquent payments, the municipality may utilize  
361 credit cards or electronic fund transfers. The municipality may  
362 pay any service fees for the use of such methods of collection  
363 from the collection fee, but not from the delinquent payment.

364 In addition to such authority as is otherwise granted under  
365 this section, the governing authorities of any municipality may  
366 expend funds necessary to maintain and repair, and to purchase  
367 liability insurance, tags and decals for, any personal property  
368 acquired under the Federal Excess Personal Property Program that  
369 is used by the local volunteer fire department.

370 The governing authorities of any municipality may, in its  
371 discretion, donate personal property or funds to the public school  
372 district or districts located in the municipality for the  
373 promotion of educational programs of the district or districts  
374 within the municipality.

375 The powers conferred by this section shall be in addition and  
376 supplemental to the powers conferred by any other law, and nothing  
377 contained in this section shall be construed to prohibit, or to  
378 prescribe conditions concerning, any practice or practices  
379 authorized under any other law.

380 SECTION 4. This act shall take effect and be in force from  
381 and after July 1, 2000.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 19-3-41, 21-17-5 AND 21-17-1,  
2MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF SUPERVISORS OF  
3ANY COUNTY AND THE GOVERNING AUTHORITIES OF ANY MUNICIPALITY TO  
4EXPEND FUNDS TO PROVIDE TRAINING AND EDUCATION FOR NEWLY ELECTED  
5OR APPOINTED COUNTY OR MUNICIPAL OFFICIALS BEFORE THE BEGINNING OF  
6THE TERM OF OFFICE OR EMPLOYMENT OF SUCH OFFICIALS; TO AUTHORIZE  
7COUNTIES AND MUNICIPALITIES TO UTILIZE CREDIT CARDS OR ELECTRONIC  
8FUND TRANSFERS IN CONDUCTING COLLECTION OF DELINQUENT PAYMENTS;  
9AND FOR RELATED PURPOSES.