MISSISSIPPI LEGISLATURE

By: Representatives Moak, Mitchell

REGULAR SESSION 2002

To: County Affairs

HOUSE BILL NO. 1299

AN ACT TO AMEND SECTION 19-3-41, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A PRIVATE ATTORNEY OR PRIVATE COLLECTION AGENT OR AGENCY WITH WHOM THE COUNTY HAS CONTRACTED TO COLLECT A DELINQUENT DEBT FOR THE COUNTY TO BE PAID NOT TO EXCEED FIFTY PERCENT OF THE DELINQUENT AMOUNT COLLECTED; TO INCREASE THE MAXIMUM ADDITIONAL FEE THAT A COUNTY IS AUTHORIZED TO CHARGE A PERSON WHO IS DELINQUENT IN THE PAYMENT OF ANY TYPE OF DEBT TO THE COUNTY IF THE COUNTY CONTRACTS WITH A PRIVATE ATTORNEY OR COLLECTION AGENT OR AGENCY FOR COLLECTION OF THE DEBT; AND FOR RELATED PURPOSES.

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

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

19-3-41. (1) The boards of supervisors shall have within their respective counties full jurisdiction over roads, ferries and bridges, except as otherwise provided by Section 170 of the Constitution, and all other matters of county police. They shall have jurisdiction over the subject of paupers. They shall have power to levy such taxes as may be necessary to meet the demands of their respective counties, upon such persons and property as are subject to state taxes for the time being, not exceeding the limits that may be prescribed by law. They shall cause to be erected and kept in good repair, in their respective counties, a good and convenient courthouse and a jail. A courthouse shall be erected and kept in good repair in each judicial district and a jail may be erected in each judicial district. They may close a jail in either judicial district, at their discretion, where one (1) jail will suffice. They shall have the power, in their discretion, to prohibit or regulate the sale and use of firecrackers, roman candles, torpedoes, skyrockets, and any and all explosives commonly known and referred to as fireworks,
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 based upon a percentage not to exceed fifty percent (50%) of the delinquent amount collected;
however, the entire amount of all delinquent payments collected
shall first be remitted to the county and before payment of any
collection costs or fees to the private attorney or private
collection agent or agency pursuant to the contract. 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 fifty percent (50%) of the delinquent payment.
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. In conducting collection of delinquent payments, the county may utilize credit cards or electronic fund transfers. The county may pay any service fees for the use of such methods of collection from the collection fee, but not from the delinquent payment.

(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, in its discretion, may expend funds to provide for training and education of newly elected or appointed county officials before the beginning of the term of office or employment of such officials. Any expenses incurred for such purposes may be allowed only upon prior approval of the board of supervisors. 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.

(7) 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.

(8) 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).

(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. This act shall take effect and be in force from and after July 1, 2002.