

By: Senator(s) Tollison

To: County Affairs

SENATE BILL NO. 2091

1 AN ACT TO AMEND SECTION 19-3-41, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY TO PAY EXPENSES  
3 INCURRED DURING SEARCH AND RESCUE ACTIVITIES DIRECTED OR  
4 COORDINATED BY THE SHERIFF; AND FOR RELATED PURPOSES.

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

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

8 19-3-41. (1) The boards of supervisors shall have within  
9 their respective counties full jurisdiction over roads, ferries  
10 and bridges, except as otherwise provided by Section 170 of the  
11 Constitution, and all other matters of county police. They shall  
12 have jurisdiction over the subject of paupers. They shall have  
13 power to levy such taxes as may be necessary to meet the demands  
14 of their respective counties, upon such persons and property as  
15 are subject to state taxes for the time being, not exceeding the  
16 limits that may be prescribed by law. They shall cause to be  
17 erected and kept in good repair, in their respective counties, a  
18 good and convenient courthouse and a jail. A courthouse shall be  
19 erected and kept in good repair in each judicial district and a  
20 jail may be erected in each judicial district. They may close a  
21 jail in either judicial district, at their discretion, where one  
22 (1) jail will suffice. They shall have the power, in their  
23 discretion, to prohibit or regulate the sale and use of  
24 firecrackers, roman candles, torpedoes, skyrockets, and any and  
25 all explosives commonly known and referred to as fireworks,  
26 outside the confines of municipalities. They shall have and  
27 exercise such further powers as are or shall be conferred upon  
28 them by law. They shall have authority to negotiate with and

29 contract with licensed real estate brokers for the purpose of  
30 advertising and showing and procuring prospective purchasers for  
31 county-owned real property offered for sale in accordance with the  
32 provisions of Section 19-7-3.

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

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

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

90 (4) If a county uses its own employees to collect any type  
91 of delinquent payment owed to the county, then from and after July  
92 1, 1999, the county may charge an additional fee for collection of  
93 the delinquent payment provided the payment has been delinquent  
94 for ninety (90) days. The collection fee may not exceed fifteen

95 percent (15%) of the delinquent payment if the collection is made  
96 within this state and may not exceed twenty-five percent (25%) of  
97 the delinquent payment if the collection is made outside this  
98 state. In conducting collection of delinquent payments, the  
99 county may utilize credit cards or electronic fund transfers. The  
100 county may pay any service fees for the use of such methods of  
101 collection from the collection fee, but not from the delinquent  
102 payment.

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

109 (6) The board of supervisors of any county, in its  
110 discretion, may expend funds to provide for training and education  
111 of newly elected or appointed county officials before the  
112 beginning of the term of office or employment of such officials.  
113 Any expenses incurred for such purposes may be allowed only upon  
114 prior approval of the board of supervisors. Any payments or  
115 reimbursements made under the provisions of this subsection may be  
116 paid only after presentation to and approval by the board of  
117 supervisors.

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

127 (8) In addition to the authority granted in this section,

128 the board of supervisors of any county may expend funds as  
129 provided in Section 29-3-23(2).

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

143 (10) Upon request by the sheriff of the county, the board of  
144 supervisors of any county may, in its discretion, pay any expenses  
145 incurred during search and rescue activities directed or  
146 coordinated by the sheriff. For the purposes of this subsection,  
147 the term "search and rescue" means the acts of searching for,  
148 rescuing or recovering, by means of ground or marine activity, any  
149 person who is lost, injured or killed while out of doors.

150 **SECTION 2.** This act shall take effect and be in force from  
151 and after July 1, 2004.