

By: Senator(s) Doxey

To: Environment Prot, Cons
and Water Res

SENATE BILL NO. 2745

1 AN ACT TO AMEND SECTION 19-5-21, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE A PERSON WHOSE HOMESTEAD PROPERTY LIES PARTIALLY WITHIN
3 THE SOLID WASTE SERVICE AREA OF A MUNICIPALITY AND PARTIALLY
4 WITHIN THE SOLID WASTE SERVICE AREA OF THE COUNTY, MAY ELECT NOT
5 TO USE THE COUNTY SOLID WASTE SERVICE PROVIDER; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** Section 19-5-21, Mississippi Code of 1972, is
9 amended as follows:

10 19-5-21. (1) (a) Except as provided in paragraphs (b),
11 (c), (d) and (g) of this subsection, the board of supervisors, to
12 defray the cost of establishing and operating the system provided
13 for in Section 19-5-17, may levy an ad valorem tax not to exceed
14 four (4) mills on all taxable property within the area served by
15 the county garbage or rubbish collection or disposal system. The
16 service area may be comprised of unincorporated or incorporated
17 areas of the county or both; however, no property shall be subject
18 to this levy unless that property is within an area served by a
19 county's garbage or rubbish collection or disposal system.

20 (b) The board of supervisors of any county wherein
21 Mississippi Highways 35 and 16 intersect and having a land area of
22 five hundred eighty-six (586) square miles may levy, in its
23 discretion, for the purposes of establishing, operating and
24 maintaining a garbage or rubbish collection or disposal system, an
25 ad valorem tax not to exceed six (6) mills on all taxable property
26 within the area served by the system as set out in paragraph (a)
27 of this subsection.

28 (c) The board of supervisors of any county bordering on
29 the Mississippi River and traversed by U.S. Highway 61, and which

30 is intersected by Mississippi Highway 4, having a population of
31 eleven thousand eight hundred fifty-four (11,854) according to the
32 1970 federal census, and having an assessed valuation of Fourteen
33 Million Eight Hundred Seventy-two Thousand One Hundred Forty-four
34 Dollars (\$14,872,144.00) in 1970, may levy, in its discretion, for
35 the purposes of establishing, operating and maintaining a garbage
36 or rubbish collection or disposal system, an ad valorem tax not to
37 exceed six (6) mills on all taxable property within the area
38 served by the system as set out in paragraph (a) of this
39 subsection.

40 (d) The board of supervisors of any county having a
41 population in excess of Two Hundred Fifty Thousand (250,000),
42 according to the latest federal decennial census, and in which
43 Interstate Highway 55 and Interstate Highway 20 intersect, may
44 levy, in its discretion, for the purposes of establishing,
45 operating and maintaining a garbage or rubbish collection or
46 disposal system, an ad valorem tax not to exceed seven (7) mills
47 on all taxable property within the area served by the system as
48 set out in paragraph (a) of this subsection.

49 (e) The proceeds derived from any additional millage
50 levied pursuant to paragraphs (a) through (d) of this subsection
51 in excess of two (2) mills shall be excluded from the ten percent
52 (10%) increase limitation under Section 27-39-321 for the first
53 year of such additional levy and shall be included within such
54 limitation in any year thereafter. The proceeds from any millage
55 levied pursuant to paragraph (g) shall be excluded from the ten
56 percent (10%) increase limitation under Section 27-39-321 for the
57 first year of the levy and shall be included within the limitation
58 in any year thereafter.

59 (f) The rate of the ad valorem tax levied under this
60 section shall be shown as a line item on the notice of ad valorem
61 taxes on taxable property owed by the taxpayer.

62 (g) In lieu of the ad valorem tax authorized in
63 paragraphs (a), (b), (c) and (d) of this subsection, the fees
64 authorized in subsection (2) of this subsection and in Section
65 19-5-17 or any combination thereof, the board of supervisors may
66 levy an ad valorem tax not to exceed six (6) mills to defray the
67 cost of establishing and operating the system provided for in
68 Section 19-5-17 on all taxable property within the area served by
69 the system as provided in paragraph (a) of this subsection.

70 Any board of supervisors levying the ad valorem tax
71 authorized in this paragraph (g) is prohibited from assessing or
72 collecting fees for the services provided under the system.

73 (2) In addition to the ad valorem taxes authorized in
74 paragraphs (a), (b) and (c) of subsection (1) or in lieu of any
75 other method authorized to defray the cost of establishing and
76 operating the system provided for in Section 19-5-17, the board of
77 supervisors of any county with a garbage or rubbish collection or
78 disposal system may assess and collect fees to defray the costs of
79 the services. The board of supervisors may assess and collect the
80 fees from each single family residential generator of garbage or
81 rubbish. The board of supervisors also may assess and collect the
82 fees from each industrial, commercial and multifamily residential
83 generator of garbage or rubbish for any time period that the
84 generator has not contracted for the collection of garbage and
85 rubbish that is ultimately disposed of at a permitted or
86 authorized nonhazardous solid waste management facility. The fees
87 assessed and collected under this subsection may not exceed, when
88 added to the proceeds derived from any ad valorem tax imposed
89 under this section and any special funds authorized under
90 subsection (7), the actual costs estimated to be incurred by the
91 county in operating the county garbage and rubbish collection and
92 disposal system.

93 (3) (a) Before the adoption of any order to increase the ad
94 valorem tax assessment or fees authorized by this section, the

95 board of supervisors shall publish a notice advertising their
96 intent to adopt an order to increase the ad valorem tax assessment
97 or fees authorized by this section. The notice shall specify the
98 purpose of the proposed increase, the proposed percentage increase
99 and the proposed percentage increase in total revenues for garbage
100 or rubbish collection or disposal services or shall contain a copy
101 of the resolution by the board stating their intent to increase
102 the ad valorem tax assessment or fees. The notice shall be
103 published in a newspaper published or having general circulation
104 in the county for no less than three (3) consecutive weeks before
105 the adoption of the order. The notice shall be in print no less
106 than the size of eighteen (18) point and shall be surrounded by a
107 one-fourth (1/4) inch black border. The notice shall not be
108 placed in the legal section notice of the newspaper. There shall
109 be no language in the notice stating or implying a mandate from
110 the Legislature.

111 (b) In addition to the requirement for publication of
112 notice, the board of supervisors shall notify each person
113 furnished garbage or rubbish collection or disposal service of any
114 increase in the ad valorem tax assessment or fees. In the case of
115 an increase of the ad valorem tax assessment, a notice shall be
116 conspicuously placed on or attached to the first ad valorem tax
117 bill on which the increased assessment is effective. In the case
118 of an increase in fees, a notice shall be conspicuously placed on
119 or attached to the first bill for fees on which the increased fees
120 or charges are assessed. There shall be no language in any notice
121 stating or implying a mandate from the Legislature.

122 (4) The board of supervisors of each county shall adopt an
123 order determining whether or not to grant exemptions, either full
124 or partial, from the fees for certain classes of generators of
125 garbage or rubbish. If a board of supervisors grants any
126 exemption, it shall do so in accordance with policies and
127 procedures, duly adopted and entered on its minutes, that clearly

128 define those classes of generators to whom the exemptions are
129 applicable. The order granting exemptions shall be interpreted
130 consistently by the board when determining whether to grant or
131 withhold requested exemptions.

132 (5) (a) The board of supervisors in any county with a
133 garbage or rubbish collection or disposal system only for
134 residents in unincorporated areas may adopt an order authorizing
135 any single family generator to elect not to use the county garbage
136 or rubbish collection or disposal system. If the board of
137 supervisors adopts an order, the head of any single family
138 residential generator may elect not to use the county garbage or
139 rubbish collection or disposal service by filing with the chancery
140 clerk the form provided for in this subsection before December 1
141 of each year. The board of supervisors shall develop a form that
142 shall be available in the office of the chancery clerk for the
143 head of household to elect not to use the service and to accept
144 full responsibility for the disposal of his garbage or rubbish in
145 accordance with state and federal laws and regulations. The board
146 of supervisors, following consultation with the Department of
147 Environmental Quality, shall develop and the chancery clerk shall
148 provide a form to each person electing not to use the service
149 describing penalties under state and federal law and regulations
150 for improper or unauthorized management of garbage. Notice that
151 the election may be made not to use the county service by filing
152 the form with the chancery clerk's office shall be published in a
153 newspaper published or having general circulation in the county
154 for no less than three (3) consecutive weeks, with the first
155 publication being made no sooner than five (5) weeks before the
156 first day of December. The notice shall state that any single
157 family residential generator may elect not to use the county
158 garbage or rubbish collection or disposal service by the
159 completion and filing of the form for that purpose with the
160 chancery clerk's office before December 1 of that year. The

161 notice shall also include a statement that any single family
162 residential generator who does not timely file the form shall be
163 assessed any fees levied to cover the cost of the county garbage
164 or rubbish collection or disposal service. The chancery clerk
165 shall maintain a list showing the name and address of each person
166 who has filed a notice of intent not to use the county garbage or
167 rubbish collection or disposal service.

168 (b) If the homestead property of a person lies partially
169 within the unincorporated service area of a county and partially
170 within the incorporated service area of a municipality, the person
171 may elect not to use the county garbage collection and disposal
172 service. If a person elects not to use the county service, then
173 the person shall not be liable for such fees or charges.

174 (6) The board may borrow money for the purposes of defraying
175 the expenses of the system in anticipation of:

176 (a) The tax levy authorized under this section;

177 (b) Revenues resulting from the assessment of any fees
178 for garbage or rubbish collection or disposal; or

179 (c) Any combination thereof.

180 (7) In addition to the fees or ad valorem millage authorized
181 under this section, a board of supervisors may use monies from any
182 special funds of the county that are not otherwise required by law
183 to be dedicated for use for a particular purpose in order to
184 defray the costs of the county garbage or rubbish collection or
185 disposal system.

186 **SECTION 2.** This act shall take effect and be in force from
187 and after its passage.