

By: Representative Moak

To: County Affairs

HOUSE BILL NO. 47

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

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

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

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

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

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

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

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

94 (4) If a county uses its own employees to collect any type  
95 of delinquent payment owed to the county, then from and after July  
96 1, 1999, the county may charge an additional fee for collection of

97 the delinquent payment provided the payment has been delinquent  
98 for ninety (90) days. The collection fee may not exceed fifteen  
99 percent (15%) of the delinquent payment if the collection is made  
100 within this state and may not exceed twenty-five percent (25%) of  
101 the delinquent payment if the collection is made outside this  
102 state. In conducting collection of delinquent payments, the  
103 county may utilize credit cards or electronic fund transfers. The  
104 county may pay any service fees for the use of such methods of  
105 collection from the collection fee, but not from the delinquent  
106 payment.

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

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

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

130 offices, employees and officials, whether appointed or elected.

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

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

147 (10) The board of supervisors of any county may provide  
148 funds from any available source to assist in defraying the actual  
149 expenses to maintain an office as provided in Section 9-1-36. The  
150 authority provided in this subsection shall apply to any office  
151 regardless of ownership of such office or who may be making any  
152 lease payments for such office.

153 **SECTION 2.** This act shall take effect and be in force from  
154 and after July 1, 2005.