

By: Senator(s) Tollison, Jackson (11th)

To: County Affairs

SENATE BILL NO. 2039

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 OF THE COUNTY; AND FOR RELATED  
5 PURPOSES.

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

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

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

29 them by law. They shall have authority to negotiate with and  
30 contract with licensed real estate brokers for the purpose of  
31 advertising and showing and procuring prospective purchasers for  
32 county-owned real property offered for sale in accordance with the  
33 provisions of Section 19-7-3.

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

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

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

91 (4) If a county uses its own employees to collect any type  
92 of delinquent payment owed to the county, then from and after July  
93 1, 1999, the county may charge an additional fee for collection of  
94 the delinquent payment provided the payment has been delinquent

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

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

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

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

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

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

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

150           (11) Upon request by the sheriff of the county, the board of  
151 supervisors of any county may, in its discretion, pay any expenses  
152 incurred during search and rescue activities directed or  
153 coordinated by the sheriff. For the purposes of this subsection,  
154 the term "search and rescue" means the acts of searching for,  
155 rescuing or recovering, by means of ground or marine activity, any  
156 person who is lost, injured or killed while out-of-doors.

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