

By: Representatives Markham, Gibbs, Miles

To: County Affairs

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 608

1 AN ACT TO AMEND SECTION 19-3-41, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY TO EXPEND FUNDS
3 AND USE COUNTY EMPLOYEES, MATERIAL AND EQUIPMENT FOR THE PURPOSE
4 OF PLUGGING AND FILLING ABANDONED WATER WELLS ON PRIVATE PROPERTY
5 WITHIN THE COUNTY; AND FOR RELATED 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) The board of supervisors of any county, in its
151 discretion, and upon request of a landowner in the county, may
152 expend funds from any available source and may authorize the use
153 of county employees, material and equipment for the purpose of
154 plugging and filling abandoned water wells on private property
155 within the county. Before authorizing the performance of any
156 services under the provisions of this subsection, the board of
157 supervisors shall require the landowner to agree, in writing, not
158 to sue and to hold harmless the county, its officials and its
159 employees from any damages or injury to any person or property

160 arising out of any act or omission by the county, its officials or
161 its employees under the provisions of this subsection.

162 **SECTION 2.** This act shall take effect and be in force from
163 and after July 1, 2007.