

By: Representatives Barton, Bennett

To: County Affairs; Revenue
and Expenditure General Bills

HOUSE BILL NO. 1202

1 AN ACT TO AMEND SECTION 19-3-41, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THAT THE BOARDS OF SUPERVISORS OF COUNTIES HAVE THE
3 AUTHORITY TO CONTRACT WITH COLLECTION AGENCIES FOR THE COLLECTION
4 OF FEES ASSOCIATED WITH THE DISPOSAL OR COLLECTION OF GARBAGE,
5 RUBBISH AND SOLID WASTES; 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, fines and assessments, delinquent ad valorem taxes on
39 personal property and delinquent ad valorem taxes on mobile homes
40 that are entered as personal property on the mobile home rolls,
41 collection fees associated with the disposal or collection of
42 garbage, rubbish and solid waste, or with the district attorney of
43 the circuit court district in which the county is located to
44 collect any delinquent fees, fines and other assessments. Any



45 such contract may provide for payment contingent upon successful
46 collection efforts or payment based upon a percentage of the
47 delinquent amount collected; however, the entire amount of all
48 delinquent payments collected shall be remitted to the county and
49 shall not be reduced by any collection costs or fees. There shall
50 be due to the county from any person whose delinquent payment is
51 collected pursuant to a contract executed under this subsection an
52 amount, in addition to the delinquent payment, of not to exceed
53 twenty-five percent (25%) of the delinquent payment for
54 collections made within this state and not to exceed fifty percent
55 (50%) of the delinquent payment for collections made outside of
56 this state. However, in the case of delinquent fees owed to the
57 county for garbage or rubbish collection or disposal, only the
58 amount of the delinquent fees may be collected and no amount in
59 addition to the delinquent fees may be collected if the board of
60 supervisors of the county has notified the county tax collector
61 under Section 19-5-22 for the purpose of prohibiting the issuance
62 of a motor vehicle road and bridge privilege license tag to the
63 person delinquent in the payment of such fees. Any private
64 attorney or private collection agent or agency contracting with
65 the county under the provisions of this subsection shall give bond
66 or other surety payable to the county in such amount as the board
67 of supervisors deems sufficient. Any private attorney with whom
68 the county contracts under the provisions of this subsection must
69 be a member in good standing of The Mississippi Bar. Any private



70 collection agent or agency with whom the county contracts under
71 the provisions of this subsection must meet all licensing
72 requirements for doing business in the State of Mississippi.
73 Neither the county nor any officer or employee of the county shall
74 be liable, civilly or criminally, for any wrongful or unlawful act
75 or omission of any person or business with whom the county has
76 contracted under the provisions of this subsection. The
77 Mississippi Department of Audit shall establish rules and
78 regulations for use by counties in contracting with persons or
79 businesses under the provisions of this subsection. In addition,
80 a county must solicit and receive requests for proposals before
81 entering into any contract under this subsection for the
82 collection of collection fees associated with the disposal or
83 collection of garbage, rubbish and solid waste.

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



95 under Section 9-11-19. Any payments made to a constable pursuant
96 to a contract executed under the provisions of this section may be
97 paid only after presentation to and approval by the board of
98 supervisors of the county.

99 (4) If a county uses its own employees to collect any type
100 of delinquent payment owed to the county, then from and after July
101 1, 1999, the county may charge an additional fee for collection of
102 the delinquent payment provided the payment has been delinquent
103 for ninety (90) days. The collection fee may not exceed
104 twenty-five percent (25%) of the delinquent payment if the
105 collection is made within this state and may not exceed fifty
106 percent (50%) of the delinquent payment if the collection is made
107 outside this state. In conducting collection of delinquent
108 payments, the county may utilize credit cards or electronic fund
109 transfers. The county may pay any service fees for the use of
110 such methods of collection from the collection fee, but not from
111 the delinquent payment.

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

118 (6) The board of supervisors of any county, in its
119 discretion, may expend funds to provide for training and education



120 of newly elected or appointed county officials before the
121 beginning of the term of office or employment of such officials.
122 Any expenses incurred for such purposes may be allowed only upon
123 prior approval of the board of supervisors. Any payments or
124 reimbursements made under the provisions of this subsection may be
125 paid only after presentation to and approval by the board of
126 supervisors.

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

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

139 (9) The board of supervisors of any county may perform and
140 exercise any duty, responsibility or function, may enter into
141 agreements and contracts, may provide and deliver any services or
142 assistance, and may receive, expend and administer any grants,
143 gifts, matching funds, loans or other monies, in accordance with
144 and as may be authorized by any federal law, rule or regulation



145 creating, establishing or providing for any program, activity or
146 service. The provisions of this subsection shall not be construed
147 as authorizing any county, the board of supervisors of any county
148 or any member of a board of supervisors to perform any function or
149 activity that is specifically prohibited under the laws of this
150 state or as granting any authority in addition to or in conflict
151 with the provisions of any federal law, rule or regulation.

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

158 (11) The board of supervisors of any county may reimburse
159 the cost of an insured's deductible for an automobile insurance
160 coverage claim if the claim has been paid for damages to the
161 insured's property arising from the negligence of a duly
162 authorized officer, agent, servant, attorney or employee of the
163 county in the performance of his or her official duties, and the
164 officer, agent, servant, attorney or employee owning or operating
165 the motor vehicle is protected by immunity under the Mississippi
166 Tort Claims Act, Section 11-46-1 et seq.

167 **SECTION 2.** This act shall take effect and be in force from
168 and after July 1, 2016.

