

By: Representative Hines

To: County Affairs;  
Municipalities

HOUSE BILL NO. 180

1 AN ACT TO AMEND SECTIONS 19-3-41 and 21-17-5, MISSISSIPPI  
2 CODE OF 1972, TO REQUIRE NEWLY ELECTED MEMBERS OF THE GOVERNING  
3 AUTHORITIES OF COUNTIES AND MUNICIPALITIES TO ATTEND AND COMPLETE  
4 A COURSE OF TRAINING AND EDUCATION RELATING TO THE DUTIES AND  
5 RESPONSIBILITIES OF THEIR RESPECTIVE OFFICES; TO PROVIDE THAT SUCH  
6 TRAINING MUST OCCUR WITHIN 90 DAYS OF BEING ELECTED; AND FOR  
7 RELATED PURPOSES.

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

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

11 19-3-41. (1) The boards of supervisors shall have within  
12 their respective counties full jurisdiction over roads, ferries  
13 and bridges, except as otherwise provided by Section 170 of the  
14 Constitution, and all other matters of county police. They shall  
15 have jurisdiction over the subject of paupers. They shall have  
16 power to levy such taxes as may be necessary to meet the demands  
17 of their respective counties, upon such persons and property as  
18 are subject to state taxes for the time being, not exceeding the  
19 limits that may be prescribed by law. They shall cause to be  
20 erected and kept in good repair, in their respective counties, a



21 good and convenient courthouse and a jail. A courthouse shall be  
22 erected and kept in good repair in each judicial district and a  
23 jail may be erected in each judicial district. They may close a  
24 jail in either judicial district, at their discretion, where one  
25 (1) jail will suffice. They shall have the power, in their  
26 discretion, to prohibit or regulate the sale and use of  
27 firecrackers, roman candles, torpedoes, skyrockets, and any and  
28 all explosives commonly known and referred to as fireworks,  
29 outside the confines of municipalities. They shall have and  
30 exercise such further powers as are or shall be conferred upon  
31 them by law. They shall have authority to negotiate with and  
32 contract with licensed real estate brokers for the purpose of  
33 advertising and showing and procuring prospective purchasers for  
34 county-owned real property offered for sale in accordance with the  
35 provisions of Section 19-7-3.

36 (2) The board of supervisors of any county, in its  
37 discretion, may contract with a private attorney or private  
38 collection agent or agency to collect any type of delinquent  
39 payment owed to the county including, but not limited to, past-due  
40 fees, fines and assessments, delinquent ad valorem taxes on  
41 personal property and delinquent ad valorem taxes on mobile homes  
42 that are entered as personal property on the mobile home rolls,  
43 collection fees associated with the disposal or collection of  
44 garbage, rubbish and solid waste, or with the district attorney of  
45 the circuit court district in which the county is located to



46 collect any delinquent fees, fines and other assessments. Any  
47 such contract may provide for payment contingent upon successful  
48 collection efforts or payment based upon a percentage of the  
49 delinquent amount collected; however, the entire amount of all  
50 delinquent payments collected shall be remitted to the county and  
51 shall not be reduced by any collection costs or fees. There shall  
52 be due to the county from any person whose delinquent payment is  
53 collected pursuant to a contract executed under this subsection an  
54 amount, in addition to the delinquent payment, of not to exceed  
55 twenty-five percent (25%) of the delinquent payment for  
56 collections made within this state and not to exceed fifty percent  
57 (50%) of the delinquent payment for collections made outside of  
58 this state. However, in the case of delinquent fees owed to the  
59 county for garbage or rubbish collection or disposal, only the  
60 amount of the delinquent fees, which may include an additional  
61 amount not to exceed up to One Dollar (\$1.00) or ten percent (10%)  
62 per month, whichever is greater, on the current monthly bill on  
63 the balance of delinquent monthly fees as prescribed under  
64 Sections 19-5-21 and 19-5-22, may be collected and no amount in  
65 addition to such delinquent fees may be collected if the board of  
66 supervisors of the county has notified the county tax collector  
67 under Section 19-5-22 for the purpose of prohibiting the issuance  
68 of a motor vehicle road and bridge privilege license tag to the  
69 person delinquent in the payment of such fees. Any private  
70 attorney or private collection agent or agency contracting with



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

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



96 justice court for deposit into the county general fund as provided  
97 under Section 9-11-19. Any payments made to a constable pursuant  
98 to a contract executed under the provisions of this section may be  
99 paid only after presentation to and approval by the board of  
100 supervisors of the county.

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

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



120           (6) (a) The board of supervisors of any county, in its  
121 discretion, may expend funds to provide for training and education  
122 of newly elected or appointed county officials before the  
123 beginning of the term of office or employment of such officials.  
124 Any expenses incurred for such purposes may be allowed only upon  
125 prior approval of the board of supervisors. Any payments or  
126 reimbursements made under the provisions of this subsection may be  
127 paid only after presentation to and approval by the board of  
128 supervisors.

129                   (b) Within ninety (90) days after taking office, each  
130 newly elected member of the board of supervisors shall attend and  
131 complete a course of training and education relating to the duties  
132 and responsibilities of such office. The course shall be a total  
133 of forty (40) hours in duration and shall be conducted by the  
134 Attorney General, the Secretary of State and the State Auditor, or  
135 the designees of such officials. Any expenses for such training  
136 shall be paid out of any available funds of the county.

137           (7) The board of supervisors of any county may expend funds  
138 to purchase, maintain and repair equipment for the electronic  
139 filing and storage of filings, files, instruments, documents and  
140 records using microfilm, microfiche, data processing, magnetic  
141 tape, optical discs, computers or other electronic process which  
142 correctly and legibly stores and reproduces or which forms a  
143 medium for storage, copying or reproducing documents, files and



144 records for use by one (1), all or any combination of county  
145 offices, employees and officials, whether appointed or elected.

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

149 (9) The board of supervisors of any county may perform and  
150 exercise any duty, responsibility or function, may enter into  
151 agreements and contracts, may provide and deliver any services or  
152 assistance, and may receive, expend and administer any grants,  
153 gifts, matching funds, loans or other monies, in accordance with  
154 and as may be authorized by any federal law, rule or regulation  
155 creating, establishing or providing for any program, activity or  
156 service. The provisions of this subsection shall not be construed  
157 as authorizing any county, the board of supervisors of any county  
158 or any member of a board of supervisors to perform any function or  
159 activity that is specifically prohibited under the laws of this  
160 state or as granting any authority in addition to or in conflict  
161 with the provisions of any federal law, rule or regulation.

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



168 (11) The board of supervisors of any county may reimburse  
169 the cost of an insured's deductible for an automobile insurance  
170 coverage claim if the claim has been paid for damages to the  
171 insured's property arising from the negligence of a duly  
172 authorized officer, agent, servant, attorney or employee of the  
173 county in the performance of his or her official duties, and the  
174 officer, agent, servant, attorney or employee owning or operating  
175 the motor vehicle is protected by immunity under the Mississippi  
176 Tort Claims Act, Section 11-46-1 et seq.

177 **SECTION 2.** Section 21-17-5, Mississippi Code of 1972, is  
178 amended as follows:

179 21-17-5. (1) The governing authorities of every  
180 municipality of this state shall have the care, management and  
181 control of the municipal affairs and its property and finances.  
182 In addition to those powers granted by specific provisions of  
183 general law, the governing authorities of municipalities shall  
184 have the power to adopt any orders, resolutions or ordinances with  
185 respect to such municipal affairs, property and finances which are  
186 not inconsistent with the Mississippi Constitution of 1890, the  
187 Mississippi Code of 1972, or any other statute or law of the State  
188 of Mississippi, and shall likewise have the power to alter, modify  
189 and repeal such orders, resolutions or ordinances. Except as  
190 otherwise provided in subsection (2) of this section, the powers  
191 granted to governing authorities of municipalities in this section  
192 are complete without the existence of or reference to any specific





193 authority granted in any other statute or law of the State of  
194 Mississippi. Unless otherwise provided by law, before entering  
195 upon the duties of their respective offices, the aldermen or  
196 councilmen of every municipality of this state shall give bond,  
197 with sufficient surety, to be payable, conditioned and approved as  
198 provided by law, in a penalty equal to five percent (5%) of the  
199 sum of all the municipal taxes shown by the assessment rolls and  
200 the levies to have been collectible in the municipality for the  
201 year immediately preceding the commencement of the term of office  
202 of said alderman or councilman; however, such bond shall not  
203 exceed One Hundred Thousand Dollars (\$100,000.00). For all  
204 municipalities with a population more than two thousand (2,000)  
205 according to the latest federal decennial census, the amount of  
206 the bond shall not be less than Fifty Thousand Dollars  
207 (\$50,000.00). Any taxpayer of the municipality may sue on such  
208 bond for the use of the municipality, and such taxpayer shall be  
209 liable for all costs in case his suit shall fail. No member of  
210 the city council or board of aldermen shall be surety for any  
211 other such member.

212 (2) Unless such actions are specifically authorized by  
213 another statute or law of the State of Mississippi, this section  
214 shall not authorize the governing authorities of municipalities to  
215 (a) levy taxes of any kind or increase the levy of any authorized  
216 tax, (b) issue bonds of any kind, (c) change the requirements,  
217 practices or procedures for municipal elections or establish any



218 new elective office, (d) change the procedure for annexation of  
219 additional territory into the municipal boundaries, (e) change the  
220 structure or form of the municipal government, (f) permit the  
221 sale, manufacture, distribution, possession or transportation of  
222 alcoholic beverages, (g) grant any donation, or (h) without prior  
223 legislative approval, regulate, directly or indirectly, the amount  
224 of rent charged for leasing private residential property in which  
225 the municipality does not have a property interest.

226 (3) Nothing in this or any other section shall be construed  
227 so as to prevent any municipal governing authority from paying any  
228 municipal employee not to exceed double his ordinary rate of pay  
229 or awarding any municipal employee not to exceed double his  
230 ordinary rate of compensatory time for work performed in his  
231 capacity as a municipal employee on legal holidays. The governing  
232 authority of any municipality shall enact leave policies to ensure  
233 that a public safety employee is paid or granted compensatory time  
234 for the same number of holidays for which any other municipal  
235 employee is paid.

236 (4) (a) The governing authority of any municipality, in its  
237 discretion, may expend funds to provide for training and education  
238 of newly elected or appointed municipal officials before the  
239 beginning of the term of office or employment of such officials.  
240 Any expenses incurred for such purposes may be allowed only upon  
241 prior approval of the governing authority. Any payments or  
242 reimbursements made under the provisions of this subsection may be



243 paid only after presentation to and approval by the governing  
244 authority of the municipality.

245 (b) Within ninety (90) days after taking office, each  
246 newly elected official shall attend and complete a course of  
247 training and education relating to the duties and responsibilities  
248 of such office. The course shall be a total of forty (40) hours  
249 in duration and shall be conducted by the Attorney General, the  
250 Secretary of State and the State Auditor, or the designees of such  
251 officials. Any expenses for such training shall be paid out of  
252 any available funds of the municipality.

253 (5) The governing authority of any municipality may lease  
254 the naming rights to municipal property to a private commercial  
255 entity.

256 **SECTION 3.** This act shall take effect and be in force from  
257 and after July 1, 2018.

