

By: Representative Holland

To: County Affairs;
Accountability, Efficiency,
Transparency

HOUSE BILL NO. 291

1 AN ACT TO AMEND SECTION 19-5-22, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE BOARD OF SUPERVISORS OF ANY COUNTY SHALL PROVIDE
3 NOTICE OF DELINQUENT GARBAGE FEES WITHIN A CERTAIN TIME PERIOD TO
4 THE INDIVIDUAL WHO OWES THE DELINQUENT FEES; TO PROVIDE THAT IF
5 SUCH NOTICE IS NOT PROVIDED WITHIN THE TIME PERIOD, THEN THE BOARD
6 OF SUPERVISORS FORFEITS THE PAYMENT FOR THE DELINQUENT FEES AS
7 WELL AS ANY PENALTIES THAT MAY BE ASSESSED AGAINST THE PERSON WHO
8 OWES THE DELINQUENT GARBAGE FEES; TO BRING FORWARD SECTION
9 15-1-29, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF AMENDMENT; AND
10 FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 19-5-22, Mississippi Code of 1972, is
13 amended as follows:

14 19-5-22. (1) Fees for garbage or rubbish collection or
15 disposal shall be assessed jointly and severally against the
16 generator of the garbage or rubbish and against the owner of the
17 property furnished the service. In addition to such fees, an
18 additional amount not to exceed up to One Dollar (\$1.00) or ten
19 percent (10%) per month, whichever is greater, on the current
20 monthly bill may be assessed on the balance of any delinquent
21 monthly fees. Any person who pays, as a part of a rental or lease
22 agreement, an amount for garbage or rubbish collection or disposal



23 services shall not be held liable upon the failure of the property
24 owner to pay those fees.

25 (2) Every generator assessed the fees authorized by Section
26 19-5-21 and the owner of the property occupied by that generator
27 shall be jointly and severally liable for the fees. The fees
28 shall be a lien upon the real property offered garbage or rubbish
29 collection or disposal service.

30 The board of supervisors may assess the fees annually. If
31 the fees are assessed annually, the fees for each calendar year
32 shall be a lien upon the real property beginning on January 1 of
33 the next immediately succeeding calendar year. The person or
34 entity owing the fees, upon signing a form provided by the board
35 of supervisors, may pay the fees in equal installments.

36 If fees are assessed on a basis other than annually, the fees
37 shall become a lien on the real property offered the service on
38 the date that the fees become due and payable.

39 No real or personal property shall be sold to satisfy any
40 lien imposed under this subsection (2).

41 The county shall mail a notice of the lien, including the
42 amount of unpaid fees and a description of the property subject to
43 the lien, to the owner of the property.

44 (3) Liens created under subsection (2) may be discharged by
45 filing with the circuit clerk a receipt or acknowledgement, signed
46 by the designated county official or billing and collection
47 entity, that the lien has been paid or discharged.



48 (4) (a) The board of supervisors may notify the tax
49 collector of any unpaid fees assessed under Section 19-5-21 within
50 ninety (90) days after the fees are due. Before notifying the tax
51 collector, the board of supervisors shall provide notice of the
52 delinquency to the person who owes the delinquent fees and shall
53 afford an opportunity for a hearing, that complies with the due
54 process protections the board deems necessary, consistent with the
55 Constitutions of the United States and the State of Mississippi.
56 The board of supervisors shall establish procedures for the manner
57 in which notice shall be given and the contents of the notice;
58 however, each notice shall include the amount of fees and shall
59 prescribe the procedure required for payment of the delinquent
60 fees. The board of supervisors may designate a disinterested
61 individual to serve as hearing officer.

62 (b) Upon receipt of a delinquency notice, the tax
63 collector shall not issue or renew a motor vehicle road and bridge
64 privilege license for any motor vehicle owned by a person who is
65 delinquent in the payment of fees unless those fees in addition to
66 any other taxes or fees assessed against the motor vehicle are
67 paid. Payment of all delinquent garbage fees shall be deemed a
68 condition of receiving a motor vehicle road and privilege license
69 tag.

70 (c) The tax collector may forward the motor vehicle
71 road and privilege license tag renewal notices to the designated
72 county official or entity that is responsible for the billing and



73 collection of the county garbage fees. The designated county
74 official or the billing and collection entity shall identify those
75 license tags that shall not be issued due to delinquent garbage
76 fees. The designated county official or the billing and
77 collection entity shall stamp a message on the license tag renewal
78 notices that the tag will not be renewed until delinquent garbage
79 fees are paid. The designated county official or the billing and
80 collection entity shall return the license tag notices to the tax
81 collector before the first of the month.

82 (d) Any appeal from a decision of the board of
83 supervisors under this section regarding payment of delinquent
84 garbage fees may be taken as provided in Section 11-51-75.

85 (e) If any board of supervisors fails to provide
86 notice, as prescribed under this subsection, to a person who owes
87 any delinquent fees assessed under Section 19-5-21 within five (5)
88 years of the delinquency, then a board of supervisors shall
89 forfeit its rights to the payment of such fees and no penalties,
90 including the prohibition against issuing or renewing a motor
91 vehicle road and bridge privilege license tag, as provided under
92 this subsection, may be brought against the person who owes the
93 fees.

94 (5) The board of supervisors may levy the garbage fees as a
95 special assessment against the property in lieu of the lien
96 authorized in this section. The board of supervisors shall
97 certify to the tax collector the assessment due from the owner of



98 the property. The tax collector shall enter the assessment upon
99 the annual tax roll of the county and shall collect the assessment
100 at the same time he collects the county ad valorem taxes on the
101 property.

102 No real or personal property shall be sold to satisfy any
103 assessment imposed under this subsection (5).

104 **SECTION 2.** Section 15-1-29, Mississippi Code of 1972, is
105 brought forward as follows:

106 15-1-29. Except as otherwise provided in the Uniform
107 Commercial Code, actions on an open account or account stated not
108 acknowledged in writing, signed by the debtor, and on any
109 unwritten contract, express or implied, shall be commenced within
110 three (3) years next after the cause of such action accrued, and
111 not after, except that an action based on an unwritten contract of
112 employment shall be commenced within one (1) year next after the
113 cause of such action accrued, and not after.

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

