

By: Representatives Harness, Paden

To: County Affairs;  
Appropriations

HOUSE BILL NO. 565

1 AN ACT TO AMEND SECTION 19-3-47, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE ANY COUNTY, WHICH IS LOCATED UNITED STATES HIGHWAY 84  
3 AND UNITED STATES HIGHWAY 61 AND THE NATCHEZ TRACE PARKWAY, TO  
4 EMPLOY ANNUALLY AN ATTORNEY AS A FULL-TIME EMPLOYEE OF THE COUNTY  
5 UNDER CERTAIN CONDITIONS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 19-3-47, Mississippi Code of 1972, is  
8 amended as follows:

9 19-3-47. (1) (a) The board of supervisors shall have the  
10 power, in its discretion, to employ counsel by the year at an  
11 annual salary at an amount that it deems proper, not to exceed the  
12 maximum annual amount authorized by law for payment to a member of  
13 the board.

14 (b) The board of supervisors shall have the power, in  
15 its discretion, to employ counsel in all civil cases in which the  
16 county is interested, including eminent domain proceedings, the  
17 examination and certification of title to property the county is  
18 acquiring and in criminal cases against a county officer for  
19 malfeasance or dereliction of duty in office, when by the criminal



20 conduct of the officer the county may be liable to be affected  
21 pecuniarily, with the counsel to conduct the proceeding instead of  
22 the district attorney, or in conjunction with him, and to pay the  
23 counsel out of the county treasury or the road fund that may be  
24 involved reasonable compensation, or if counsel so employed is  
25 retained on an annual basis as provided in this subsection,  
26 reasonable additional compensation for his services.

27 (c) The board of supervisors shall have the power, in  
28 its discretion, to pay reasonable compensation to attorneys who  
29 may be employed by it in the matter of the issuance of bonds and  
30 the drafting of orders and resolutions in connection therewith. In  
31 no instance shall the attorney's fee for the services exceed the  
32 following amounts, to wit:

33 One percent (1%) of the first Five Hundred Thousand Dollars  
34 (\$500,000.00) of any one (1) bond issue; one-half percent (1/2%)  
35 of the amount of the issue in excess of Five Hundred Thousand  
36 Dollars (\$500,000.00) but not more than One Million Dollars  
37 (\$1,000,000.00); and one-fourth percent (1/4%) of the amount of  
38 the issue in excess of One Million Dollars (\$1,000,000.00). The  
39 limitations imposed in this paragraph shall not apply to any bond  
40 issue for which a declaration to issue the bonds has heretofore  
41 been adopted by proper resolution.

42 (d) This subsection shall not in anyway amend or repeal  
43 or otherwise affect subsection (2) of this section, but this  
44 subsection shall remain in full force and effect.



45           (2) The board of supervisors of any county, in addition to  
46 the authority conferred upon it in subsection (1) of this section,  
47 may employ, in its discretion, a firm of attorneys to represent it  
48 as its regular attorneys on the same terms, conditions and  
49 compensation as provided for employment of an attorney as its  
50 regular attorney. However, there shall not be both an attorney  
51 and a firm of attorneys employed at the same time as the regular  
52 attorney for the board.

53           (3) In any county having a 1980 federal census population in  
54 excess of one hundred eighteen thousand (118,000), and in which is  
55 located a major refinery for the production of petroleum products  
56 and a facility for the construction of ships for the United States  
57 Navy; in any county which is traversed by an interstate highway  
58 and having a 1980 federal census population in excess of sixty-six  
59 thousand (66,000), and in which is located a comprehensive  
60 university operated by the Board of Trustees of State Institutions  
61 of Higher Learning and a National Guard training base; in any  
62 county in which is located the State Capitol and the state's  
63 largest municipality; in any county which is traversed by  
64 Interstate Highway 55, United States Highway 51 and United States  
65 Highway 98; in any county bordering the Gulf of Mexico, having a  
66 1980 federal census population in excess of one hundred  
67 fifty-seven thousand (157,000), and in which is located a  
68 state-owned port; in any county which is located United States  
69 Highway 84 and United States Highway 61, and the Natchez Trace



70 Parkway; and in any county which is traversed by Interstate  
71 Highway 20, United States Highway 49 and United States Highway 80,  
72 and in which is located the State Hospital and an international  
73 airport; all of which foregoing criteria the Legislature finds to  
74 be conducive to industrial development requiring the issuance of  
75 industrial revenue bonds and which counties would gain benefits by  
76 employment of counsel in the manner authorized by this subsection,  
77 the board of supervisors, as an alternative to the authority  
78 conferred upon it in subsections (1) and (2) of this section, may  
79 employ annually, in its discretion, an attorney as a full-time  
80 employee of the county, subject to the following conditions:

81 (a) The attorney shall maintain an office in the county  
82 courthouse or other county-owned building and shall represent the  
83 board of supervisors and all county agencies responsible to the  
84 board;

85 (b) The attorney shall be employed by the board of  
86 supervisors in the matter of the issuance of all bonds of the  
87 county and the drafting of resolutions in connection therewith,  
88 and shall represent the board in all state and federal courts.  
89 Attorney's fees for the services which otherwise would have been  
90 paid to an attorney under paragraph (1)(c) of this section shall  
91 be paid into the county general fund and used to defray the salary  
92 of the attorney and his necessary office expenses;

93 (c) During his employment by the county, the attorney  
94 shall not engage otherwise in the practice of civil or criminal



95 law and shall not be associated with any other attorney or firm of  
96 attorneys;

97 (d) The board of supervisors shall have the power, in  
98 its discretion, to pay the attorney an annual salary not to exceed  
99 the maximum annual salary authorized by law to be paid to the  
100 county judge of that county; and

101 (e) The board of supervisors may authorize, in its  
102 discretion, the employment of special counsel to assist the  
103 counsel employed pursuant to this subsection, provided that the  
104 board shall determine and spread on its minutes that the  
105 employment of the special counsel is necessary and in the best  
106 interest of the county and setting forth the duties or  
107 responsibilities assigned to the special counsel.

108 **SECTION 2.** This act shall take effect and be in force from  
109 and after July 1, 2022.

