

By: Representative Deweese

To: County Affairs

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1069

1 AN ACT TO AMEND SECTION 19-5-22, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE CHANCERY CLERK OF THE COUNTY TO MAINTAIN A HARD COPY
3 BOOK FORMAT OR DIGITAL FORMAT OF ANY LIEN THAT ARISES AGAINST REAL
4 PROPERTY AS A RESULT OF A COUNTY'S ASSESSMENT OF UNPAID FEES FOR
5 GARBAGE OR RUBBISH COLLECTION; TO REMOVE THE PROVISION OF LAW THAT
6 PROVIDES PROOF OF PAYMENT OF GARBAGE LIENS MAY BE FILED WITH THE
7 CIRCUIT CLERK OF THE COUNTY; AND FOR RELATED PURPOSES.

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

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

11 19-5-22. (1) Fees for garbage or rubbish collection or
12 disposal shall be assessed jointly and severally against the
13 generator of the garbage or rubbish and against the owner of the
14 property furnished the service. In addition to such fees, an
15 additional amount not to exceed up to One Dollar (\$1.00) or ten
16 percent (10%) per month, whichever is greater, on the current
17 monthly bill may be assessed on the balance of any delinquent
18 monthly fees. Any person who pays, as a part of a rental or lease
19 agreement, an amount for garbage or rubbish collection or disposal



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

22 (2) Every generator assessed the fees authorized by Section
23 19-5-21 and the owner of the property occupied by that generator
24 shall be jointly and severally liable for the fees. The fees
25 shall be a lien upon the real property offered garbage or rubbish
26 collection or disposal service.

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

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

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

38 The county shall mail a notice of the lien, including the
39 amount of unpaid fees and a description of the property subject to
40 the lien, to the owner of the property.

41 (3) Liens created under subsection (2) * * * shall be
42 contained in the chancery clerk's office in a separate hard copy
43 book format and/or a digital format and shall include information
44 determined to be needed for the recording and indexing of liens.



45 Such information contained in the chancery clerk's office
46 concerning the lien, as set out under this paragraph, shall be a
47 public record.

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 (5) The board of supervisors may levy the garbage fees as a
86 special assessment against the property in lieu of the lien
87 authorized in this section. The board of supervisors shall
88 certify to the tax collector the assessment due from the owner of
89 the property. The tax collector shall enter the assessment upon
90 the annual tax roll of the county and shall collect the assessment
91 at the same time he collects the county ad valorem taxes on the
92 property.

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



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

