

By: Representative Deweese

To: County Affairs

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; AND FOR RELATED PURPOSES.

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

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

9 19-5-22. (1) Fees for garbage or rubbish collection or
10 disposal shall be assessed jointly and severally against the
11 generator of the garbage or rubbish and against the owner of the
12 property furnished the service. In addition to such fees, an
13 additional amount not to exceed up to One Dollar (\$1.00) or ten
14 percent (10%) per month, whichever is greater, on the current
15 monthly bill may be assessed on the balance of any delinquent
16 monthly fees. Any person who pays, as a part of a rental or lease
17 agreement, an amount for garbage or rubbish collection or disposal
18 services shall not be held liable upon the failure of the property
19 owner to pay those fees.



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

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

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

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

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

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



44 (b) Liens created under subsection (2) shall be
45 contained in the chancery clerk's office in a separate hard copy
46 book format and/or a digital format and shall include information
47 determined to be needed for the recording and indexing of liens.
48 Such information contained in the chancery clerk's office
49 concerning the lien, as set out under this paragraph, shall be a
50 public record.

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

65 (b) Upon receipt of a delinquency notice, the tax
66 collector shall not issue or renew a motor vehicle road and bridge
67 privilege license for any motor vehicle owned by a person who is
68 delinquent in the payment of fees unless those fees in addition to



69 any other taxes or fees assessed against the motor vehicle are
70 paid. Payment of all delinquent garbage fees shall be deemed a
71 condition of receiving a motor vehicle road and privilege license
72 tag.

73 (c) The tax collector may forward the motor vehicle
74 road and privilege license tag renewal notices to the designated
75 county official or entity that is responsible for the billing and
76 collection of the county garbage fees. The designated county
77 official or the billing and collection entity shall identify those
78 license tags that shall not be issued due to delinquent garbage
79 fees. The designated county official or the billing and
80 collection entity shall stamp a message on the license tag renewal
81 notices that the tag will not be renewed until delinquent garbage
82 fees are paid. The designated county official or the billing and
83 collection entity shall return the license tag notices to the tax
84 collector before the first of the month.

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

88 (5) The board of supervisors may levy the garbage fees as a
89 special assessment against the property in lieu of the lien
90 authorized in this section. The board of supervisors shall
91 certify to the tax collector the assessment due from the owner of
92 the property. The tax collector shall enter the assessment upon
93 the annual tax roll of the county and shall collect the assessment



94 at the same time he collects the county ad valorem taxes on the
95 property.

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

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

