

By: Senator(s) Harkins

To: County Affairs

SENATE BILL NO. 2277

1 AN ACT TO AMEND SECTION 19-5-22, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE A BOARD OF SUPERVISORS TO DESIGNATE THE ATTORNEY FOR THE  
3 BOARD OF SUPERVISORS TO SERVE AS HEARING OFFICER IN DISPUTES  
4 REGARDING DELINQUENT SOLID WASTE FEES; AND FOR RELATED PURPOSES.

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

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

8 19-5-22. (1) Fees for garbage or rubbish collection or  
9 disposal shall be assessed jointly and severally against the  
10 generator of the garbage or rubbish and against the owner of the  
11 property furnished with the service. In addition to such fees, an  
12 additional amount not to exceed up to One Dollar (\$1.00) or ten  
13 percent (10%) per month, whichever is greater, on the current  
14 monthly bill may be assessed on the balance of any delinquent  
15 monthly fees. Any person who pays, as a part of a rental or lease  
16 agreement, an amount for garbage or rubbish collection or disposal  
17 services shall not be held liable upon the failure of the property  
18 owner to pay those fees.



19           (2)   (a)   Every generator assessed the fees authorized by  
20 Section 19-5-21 and the owner of the property occupied by that  
21 generator shall be jointly and severally liable for the fees.

22                   (b)   Subject to subsection (6) of this section, the fees  
23 shall be a lien upon the real property offered garbage or rubbish  
24 collection or disposal service.

25                   (c)   (i)   The board of supervisors may assess the fees  
26 annually. If the fees are assessed annually, the fees for each  
27 calendar year shall be a lien upon the real property beginning on  
28 January 1 of the next immediately succeeding calendar year subject  
29 to subsection (6) of this section. The person or entity owing the  
30 fees, upon signing a form provided by the board of supervisors,  
31 may pay the fees in equal installments.

32                           (ii)   If fees are assessed on a basis other than  
33 annually, the fees shall become a lien upon the real property  
34 offered the service on the date that the fees become due and  
35 payable subject to subsection (6) of this section.

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

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

41           (3)   Liens created under subsection (2) may be discharged by  
42 filing with the chancery clerk a receipt or \* \* \* acknowledgment,



43 signed by the designated county official or billing and collection  
44 entity, that the lien has been paid or discharged.

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

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



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

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

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

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



93 at the same time he or she collects the county ad valorem taxes on  
94 the property.

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

97 (6) Liens created under this statute shall be contained in  
98 the chancery clerk's office in a separate hard copy book format  
99 and/or a digital format and shall include all information  
100 necessary for the recording and indexing therein. The registry  
101 created herein shall be created on or before January 1, 2024.

102 **SECTION 2.** This act shall take effect and be in force from  
103 and after its passage.

