

By: Senator(s) Kirby, Harkins, Rhodes

To: County Affairs

SENATE BILL NO. 2495

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 A 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 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 acknowledgement,



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 an opportunity for a hearing, that complies with the due
51 process protections the board deems necessary, consistent with the
52 Constitutions of the United States and the State of Mississippi.
53 The board of supervisors shall establish procedures for the manner
54 in which notice shall be given and the contents of the notice;
55 however, each notice shall include the amount of fees and shall
56 prescribe the procedure required for payment of the delinquent
57 fees. The board of supervisors may designate a disinterested
58 individual to serve as hearing officer. The board of supervisors
59 may alternatively designate the attorney for the board of
60 supervisors to serve as hearing officer. The board of supervisors
61 shall continue to update the delinquency notice to the tax
62 collector at least once per quarter of each year.

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



68 paid. Payment of all delinquent garbage fees shall be deemed a
69 condition of receiving a motor vehicle road and privilege license
70 tag.

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

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

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



92 at the same time he collects the county ad valorem taxes on the
93 property.

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

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

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

