

By: Senator(s) Wiggins

To: Municipalities; County
Affairs

SENATE BILL NO. 2854

1 AN ACT TO AMEND SECTION 17-13-9, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE COUNTY TAX COLLECTOR SHALL BE A PARTY TO CERTAIN
3 LOCAL AGREEMENTS BETWEEN A MUNICIPALITY AND THE COUNTY; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 17-13-9, Mississippi Code of 1972, is
7 amended as follows:

8 17-13-9. (1) Any agreement made hereunder shall specify the
9 following:

10 (a) Its duration.

11 (b) Its purpose or purposes.

12 (c) The precise organization, composition, nature and
13 powers of any separate legal or administrative entity created
14 thereby; the specific citation of statutory authority vested in
15 each of the local governmental units which is to be a party to the
16 agreement.

17 (d) The manner of financing, staffing and supplying the
18 joint or cooperative undertaking and of establishing and
19 maintaining a budget therefor; provided that the treasurer and/or



20 disbursing officer of one (1) of the local governmental units
21 shall be designated in the agreement to receive, disburse and
22 account for all funds of the joint undertaking as a part of the
23 duties of the officer or officers.

24 (e) The permissible method or methods to be employed in
25 accomplishing the partial or complete termination or amendment of
26 the agreement and for disposing of property upon such partial or
27 complete termination or amendment.

28 (f) The provision for administration, through a joint
29 board or other appropriate means, of the joint or cooperative
30 undertaking in the event that the agreement does not or may not
31 establish a separate legal entity to conduct the joint or
32 cooperative undertaking. In the case of a joint board, all local
33 governmental units party to the agreement shall be represented.

34 (g) The manner of acquiring, holding and disposing of
35 real and personal property used in the joint or cooperative
36 undertaking in the event that the agreement does not or may not
37 establish a separate legal entity to conduct the joint or
38 cooperative undertaking.

39 (h) Any other necessary and proper matters.

40 (2) (a) Any municipality may enter into an agreement with a
41 county under this chapter to provide that sales of property for
42 the nonpayment of taxes levied or the nonpayment of special
43 assessments as provided in Section 21-19-11 by such municipality
44 shall be made by the county tax collector at the county courthouse



45 in the same manner as provided by law for sales of like property
46 for unpaid county taxes, and that redemptions of property sold for
47 taxes or special assessments levied by such municipality shall be
48 made through the chancery clerk of the county.

49 (b) The county tax collector shall be a party to any
50 agreement between a municipality and county that concerns the
51 collection of taxes by the county tax collector. Any executed
52 agreement concerning the collection of taxes where the county tax
53 collector is not made a party shall be automatically void as a
54 matter of law.

55 (3) Municipalities having as a common border a road or
56 street may enter into an agreement pursuant to this chapter for
57 the provision of police protection and law enforcement within the
58 right-of-way of the street or roadway. An interlocal agreement
59 undertaken pursuant to this subsection shall make the following
60 provisions concerning violations occurring within the area subject
61 to the agreement:

62 (a) Joint or several enforcement of all penal laws of
63 the State of Mississippi which are misdemeanors made a violation
64 of city ordinance by operation of the provisions of Section
65 21-13-19;

66 (b) Prosecution in the municipal court of the
67 municipality employing the officer who made the arrest or issued
68 the citation; jurisdiction shall lie in either municipality, and
69 no charge filed in either municipal court shall be dismissed



70 because of improper venue or lack of jurisdiction asserted solely
71 on the grounds that the violation did not actually occur in the
72 jurisdiction in which it is being prosecuted if the violation
73 occurred in either jurisdiction; and

74 (c) Any actions reasonably necessary to provide police
75 protection and law enforcement pursuant to the agreement.

76 **SECTION 2.** This act shall take effect and be in force from
77 and after July 1, 2024.

