

By: Representative Yancey

To: County Affairs

## HOUSE BILL NO. 1158

1 AN ACT TO AMEND SECTION 19-5-22, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE A BOARD OF SUPERVISORS TO DESIGNATE FROM AMONG ITS OWN  
3 MEMBERSHIP, FROM THE STAFF OF THE COUNTY, OR SOME OTHER QUALIFIED,  
4 IMPARTIAL, AND DISINTERESTED PERSON TO SERVE AS HEARING OFFICER IN  
5 DISPUTES REGARDING DELINQUENT SOLID WASTE FEES; AND FOR RELATED  
6 PURPOSES.

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

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

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



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

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

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

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

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

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

43           (3)   Liens created under subsection (2) may be discharged by  
44   filing with the chancery clerk a receipt or acknowledgement,



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

(4) (a) The board of supervisors may notify the tax collector of any unpaid fees assessed under Section 19-5-21 within ninety (90) days after the fees are due. Before notifying the tax collector, the board of supervisors shall provide notice of the delinquency to the person who owes the delinquent fees and shall afford an opportunity for a hearing, that complies with the due process protections the board deems necessary, consistent with the Constitutions of the United States and the State of Mississippi. The board of supervisors shall establish procedures for the manner in which notice shall be given and the contents of the notice; however, each notice shall include the amount of fees and shall prescribe the procedure required for payment of the delinquent fees. The board of supervisors may designate \* \* \* a hearing officer either from among its own membership, from the staff of the county or some other qualified and impartial person, but in no event shall the hearing officer be the attorney for the board of supervisors or a staff member of the tax collector's office. No hearing officer may have an interest in the outcome of a hearing, nor may a hearing officer be related to a board member or the person who owes delinquent fees. The board of supervisors shall continue to update the delinquency notice to the tax collector at least once per quarter of each year.



69           (b) Upon receipt of a delinquency notice, the tax  
70 collector shall not issue or renew a motor vehicle road and bridge  
71 privilege license for any motor vehicle owned by a person who is  
72 delinquent in the payment of fees unless those fees in addition to  
73 any other taxes or fees assessed against the motor vehicle are  
74 paid. Payment of all delinquent garbage fees shall be deemed a  
75 condition of receiving a motor vehicle road and privilege license  
76 tag.

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

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

92           (5) The board of supervisors may levy the garbage fees as a  
93 special assessment against the property in lieu of the lien



94 authorized in this section. The board of supervisors shall  
95 certify to the tax collector the assessment due from the owner of  
96 the property. The tax collector shall enter the assessment upon  
97 the annual tax roll of the county and shall collect the assessment  
98 at the same time he collects the county ad valorem taxes on the  
99 property.

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

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

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

