

By: Senator(s) Kirby

To: County Affairs

SENATE BILL NO. 2002

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.

