

By: Representative Hines

To: County Affairs;  
Municipalities

HOUSE BILL NO. 1336

1 AN ACT TO AMEND SECTIONS 19-3-41 AND 21-17-5, MISSISSIPPI  
2 CODE OF 1972, TO REQUIRE MEMBERS OF THE GOVERNING AUTHORITIES OF  
3 COUNTIES AND MUNICIPALITIES TO ATTEND AND COMPLETE A COURSE OF  
4 TRAINING AND EDUCATION RELATING TO THE DUTIES AND RESPONSIBILITIES  
5 OF THEIR RESPECTIVE OFFICES; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 19-3-41, Mississippi Code of 1972, is  
8 amended as follows:

9 19-3-41. (1) The boards of supervisors shall have within  
10 their respective counties full jurisdiction over roads, ferries  
11 and bridges, except as otherwise provided by Section 170 of the  
12 Constitution, and all other matters of county police. They shall  
13 have jurisdiction over the subject of paupers. They shall have  
14 power to levy such taxes as may be necessary to meet the demands  
15 of their respective counties, upon such persons and property as  
16 are subject to state taxes for the time being, not exceeding the  
17 limits that may be prescribed by law. They shall cause to be  
18 erected and kept in good repair, in their respective counties, a  
19 good and convenient courthouse and a jail. A courthouse shall be  
20 erected and kept in good repair in each judicial district and a  
21 jail may be erected in each judicial district. They may close a  
22 jail in either judicial district, at their discretion, where one  
23 (1) jail will suffice. They shall have the power, in their  
24 discretion, to prohibit or regulate the sale and use of  
25 firecrackers, roman candles, torpedoes, skyrockets, and any and  
26 all explosives commonly known and referred to as fireworks,  
27 outside the confines of municipalities. They shall have and  
28 exercise such further powers as are or shall be conferred upon

29 them by law. They shall have authority to negotiate with and  
30 contract with licensed real estate brokers for the purpose of  
31 advertising and showing and procuring prospective purchasers for  
32 county-owned real property offered for sale in accordance with the  
33 provisions of Section 19-7-3.

34 (2) The board of supervisors of any county, in its  
35 discretion, may contract with a private attorney or private  
36 collection agent or agency to collect any type of delinquent  
37 payment owed to the county including, but not limited to, past due  
38 fees and fines, delinquent ad valorem taxes on personal property  
39 and delinquent ad valorem taxes on mobile homes that are entered  
40 as personal property on the mobile home rolls. Any such contract  
41 may provide for payment contingent upon successful collection  
42 efforts or payment based upon a percentage of the delinquent  
43 amount collected; however, the entire amount of all delinquent  
44 payments collected shall be remitted to the county and shall not  
45 be reduced by any collection costs or fees. There shall be due to  
46 the county from any person whose delinquent payment is collected  
47 pursuant to a contract executed under this subsection an amount,  
48 in addition to the delinquent payment, of not to exceed  
49 twenty-five percent (25%) of the delinquent payment for  
50 collections made within this state and not to exceed fifty percent  
51 (50%) of the delinquent payment for collections made outside of  
52 this state. However, in the case of delinquent fees owed to the  
53 county for garbage or rubbish collection or disposal, only the  
54 amount of the delinquent fees may be collected and no amount in  
55 addition to the delinquent fees may be collected if the board of  
56 supervisors of the county has notified the county tax collector  
57 under Section 19-5-22 for the purpose of prohibiting the issuance  
58 of a motor vehicle road and bridge privilege license tag to the  
59 person delinquent in the payment of such fees. Any private  
60 attorney or private collection agent or agency contracting with  
61 the county under the provisions of this subsection shall give bond

62 or other surety payable to the county in such amount as the board  
63 of supervisors deems sufficient. Any private attorney with whom  
64 the county contracts under the provisions of this subsection must  
65 be a member in good standing of The Mississippi Bar. Any private  
66 collection agent or agency with whom the county contracts under  
67 the provisions of this subsection must meet all licensing  
68 requirements for doing business in the State of Mississippi.  
69 Neither the county nor any officer or employee of the county shall  
70 be liable, civilly or criminally, for any wrongful or unlawful act  
71 or omission of any person or business with whom the county has  
72 contracted under the provisions of this subsection. The  
73 Mississippi Department of Audit shall establish rules and  
74 regulations for use by counties in contracting with persons or  
75 businesses under the provisions of this subsection.

76 (3) In addition to the authority granted under subsection  
77 (2) of this section, the board of supervisors of any county, in  
78 its discretion, may contract with one or more of the constables of  
79 the county to collect delinquent criminal fines imposed in the  
80 justice court of the county. Any such contract shall provide for  
81 payment contingent upon successful collection efforts, and the  
82 amount paid to a constable may not exceed twenty-five percent  
83 (25%) of the amount which the constable collects. The entire  
84 amount of all delinquent criminal fines collected under such a  
85 contract shall be remitted by the constable to the clerk of the  
86 justice court for deposit into the county general fund as provided  
87 under Section 9-11-19. Any payments made to a constable pursuant  
88 to a contract executed under the provisions of this section may be  
89 paid only after presentation to and approval by the board of  
90 supervisors of the county.

91 (4) If a county uses its own employees to collect any type  
92 of delinquent payment owed to the county, then from and after July  
93 1, 1999, the county may charge an additional fee for collection of  
94 the delinquent payment provided the payment has been delinquent

95 for ninety (90) days. The collection fee may not exceed fifteen  
96 percent (15%) of the delinquent payment if the collection is made  
97 within this state and may not exceed twenty-five percent (25%) of  
98 the delinquent payment if the collection is made outside this  
99 state. In conducting collection of delinquent payments, the  
100 county may utilize credit cards or electronic fund transfers. The  
101 county may pay any service fees for the use of such methods of  
102 collection from the collection fee, but not from the delinquent  
103 payment.

104 (5) In addition to such authority as is otherwise granted  
105 under this section, the board of supervisors of any county may  
106 expend funds necessary to maintain and repair, and to purchase  
107 liability insurance, tags and decals for, any personal property  
108 acquired under the Federal Excess Personal Property Program that  
109 is used by the local volunteer fire department.

110 (6) (a) The board of supervisors of any county, in its  
111 discretion, may expend funds to provide for training and education  
112 of newly elected or appointed county officials before the  
113 beginning of the term of office or employment of such officials.  
114 Any expenses incurred for such purposes may be allowed only upon  
115 prior approval of the board of supervisors. Any payments or  
116 reimbursements made under the provisions of this subsection may be  
117 paid only after presentation to and approval by the board of  
118 supervisors.

119 (b) Within ninety (90) days after taking office, each  
120 member of the board of supervisors shall attend and complete a  
121 course of training and education relating to the duties and  
122 responsibilities of members of the board of supervisors. The  
123 course shall be a total of forty (40) hours in duration and shall  
124 be conducted by the Attorney General, the Secretary of State and  
125 the State Auditor, or the designees of such officials. Any  
126 expenses for such training shall be paid out of any available  
127 funds of the county.

128           (7) The board of supervisors of any county may expend funds  
129 to purchase, maintain and repair equipment for the electronic  
130 filing and storage of filings, files, instruments, documents and  
131 records using microfilm, microfiche, data processing, magnetic  
132 tape, optical discs, computers or other electronic process which  
133 correctly and legibly stores and reproduces or which forms a  
134 medium for storage, copying or reproducing documents, files and  
135 records for use by one (1), all or any combination of county  
136 offices, employees and officials, whether appointed or elected.

137           (8) In addition to the authority granted in this section,  
138 the board of supervisors of any county may expend funds as  
139 provided in Section 29-3-23(2).

140           (9) The board of supervisors of any county may perform and  
141 exercise any duty, responsibility or function, may enter into  
142 agreements and contracts, may provide and deliver any services or  
143 assistance, and may receive, expend and administer any grants,  
144 gifts, matching funds, loans or other monies, in accordance with  
145 and as may be authorized by any federal law, rule or regulation  
146 creating, establishing or providing for any program, activity or  
147 service. The provisions of this paragraph shall not be construed  
148 as authorizing any county, the board of supervisors of any county  
149 or any member of a board of supervisors to perform any function or  
150 activity that is specifically prohibited under the laws of this  
151 state or as granting any authority in addition to or in conflict  
152 with the provisions of any federal law, rule or regulation.

153           **SECTION 2.** Section 21-17-5, Mississippi Code of 1972, is  
154 amended as follows:

155           21-17-5. (1) The governing authorities of every  
156 municipality of this state shall have the care, management and  
157 control of the municipal affairs and its property and finances.  
158 In addition to those powers granted by specific provisions of  
159 general law, the governing authorities of municipalities shall  
160 have the power to adopt any orders, resolutions or ordinances with

161 respect to such municipal affairs, property and finances which are  
162 not inconsistent with the Mississippi Constitution of 1890, the  
163 Mississippi Code of 1972, or any other statute or law of the State  
164 of Mississippi, and shall likewise have the power to alter, modify  
165 and repeal such orders, resolutions or ordinances. Except as  
166 otherwise provided in subsection (2) of this section, the powers  
167 granted to governing authorities of municipalities in this section  
168 are complete without the existence of or reference to any specific  
169 authority granted in any other statute or law of the State of  
170 Mississippi. Unless otherwise provided by law, before entering  
171 upon the duties of their respective offices, the aldermen or  
172 councilmen of every municipality of this state shall give bond,  
173 with sufficient surety, to be payable, conditioned and approved as  
174 provided by law, in a penalty equal to five percent (5%) of the  
175 sum of all the municipal taxes shown by the assessment rolls and  
176 the levies to have been collectible in the municipality for the  
177 year immediately preceding the commencement of the term of office  
178 of said alderman or councilman; however, such bond shall not  
179 exceed the amount of One Hundred Thousand Dollars (\$100,000.00).  
180 Any taxpayer of the municipality may sue on such bond for the use  
181 of the municipality, and such taxpayer shall be liable for all  
182 costs in case his suit shall fail. No member of the city council  
183 or board of aldermen shall be surety for any other such member.

184 (2) Unless such actions are specifically authorized by  
185 another statute or law of the State of Mississippi, this section  
186 shall not authorize the governing authorities of a municipality to  
187 (a) levy taxes of any kind or increase the levy of any authorized  
188 tax, (b) issue bonds of any kind, (c) change the requirements,  
189 practices or procedures for municipal elections or establish any  
190 new elective office, (d) change the procedure for annexation of  
191 additional territory into the municipal boundaries, (e) change the  
192 structure or form of the municipal government, (f) permit the  
193 sale, manufacture, distribution, possession or transportation of

194 alcoholic beverages, (g) grant any donation, or (h) without prior  
195 legislative approval, regulate, directly or indirectly, the amount  
196 of rent charged for leasing private residential property in which  
197 the municipality does not have a property interest.

198 (3) Nothing in this or any other section shall be construed  
199 so as to prevent any municipal governing authority from paying any  
200 municipal employee not to exceed double his ordinary rate of pay  
201 or awarding any municipal employee not to exceed double his  
202 ordinary rate of compensatory time for work performed in his  
203 capacity as a municipal employee on legal holidays.

204 (4) (a) The governing authorities of any municipality, in  
205 their discretion, may expend funds to provide for training and  
206 education of newly elected or appointed municipal officials before  
207 the beginning of the term of office or employment of such  
208 officials. Any expenses incurred for such purposes may be allowed  
209 only upon prior approval of the governing authorities. Any  
210 payments or reimbursements made under the provisions of this  
211 subsection may be paid only after presentation to and approval by  
212 the governing authorities of the municipality.

213 (b) Within ninety (90) days after taking office, each  
214 member of the governing authorities shall attend and complete a  
215 course of training and education relating to the duties and  
216 responsibilities of municipal governing authorities. The course  
217 shall be a total of forty (40) hours in duration and shall be  
218 conducted by the Attorney General, the Secretary of State and the  
219 State Auditor, or the designees of such officials. Any expenses  
220 for such training shall be paid out of any available funds of the  
221 municipality.

222 **SECTION 3.** This act shall take effect and be in force from  
223 and after July 1, 2005.