

By: Representative Reynolds

To: County Affairs

## HOUSE BILL NO. 1461

1 AN ACT TO AMEND SECTIONS 19-5-313 AND 19-3-41, MISSISSIPPI  
2 CODE OF 1972, TO AUTHORIZE THE USE OF EXCESS EMERGENCY TELEPHONE  
3 SERVICE CHARGES TO PURCHASE AUTOMATIC EXTERNAL DEFIBRILLATORS; AND  
4 FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 19-5-313, Mississippi Code of 1972, is  
7 amended as follows:

8 19-5-313. (1) The board of supervisors may levy an  
9 emergency telephone service charge in an amount not to exceed One  
10 Dollar (\$1.00) per residential telephone subscriber line per month  
11 and Two Dollars (\$2.00) per commercial telephone subscriber line  
12 per month for exchange telephone service. Any emergency telephone  
13 service charge shall have uniform application and shall be imposed  
14 throughout the entirety of the district to the greatest extent  
15 possible in conformity with availability of such service in any  
16 area of the district. Those districts which exist on the date of  
17 enactment of Chapter 539, Laws of 1993, shall convert to the  
18 following structure for service charge levy: If the current  
19 charge is five percent (5%) of the basic tariff service rate, the  
20 new collection shall be Eighty Cents (\$.80) per month per  
21 residential subscriber line and One Dollar and Sixty Cents (\$1.60)  
22 per month per commercial subscriber line. The collections may be  
23 adjusted as outlined in Chapter 539, Laws of 1993, and within the  
24 limits set forth herein.

25 (2) If the proceeds generated by the emergency telephone  
26 service charge exceed the amount of monies necessary to fund the  
27 service, the board of supervisors may authorize such excess funds  
28 to be expended by the county and the municipalities in the

29 counties to perform the duties and pay the costs relating to  
30 identifying roads, highways and streets, as provided by Section  
31 65-7-143, or to purchase automatic external defibrillators. The  
32 board of supervisors shall determine how the funds are to be  
33 distributed in the county and among municipalities in the county  
34 for paying the costs relating to identifying roads, highways and  
35 streets or for purchasing automatic external defibrillators. The  
36 board of supervisors may temporarily reduce the service charge  
37 rate or temporarily suspend the service charge if the proceeds  
38 generated exceed the amount that is necessary to fund the service  
39 and/or to pay costs relating to identifying roads, highways and  
40 streets or to purchase automatic external defibrillators. Such  
41 excess funds may also be used in the development of county or  
42 district communications and paging systems when used primarily for  
43 the alerting and dispatching of public safety entities and for  
44 other administrative costs such as management personnel,  
45 maintenance personnel and related building and operational  
46 requirements. Such excess funds may be placed in a depreciation  
47 fund for emergency and obsolescence replacement of equipment  
48 necessary for the operation of the overall 911 emergency telephone  
49 and alerting systems.

50 (3) No such service charge shall be imposed upon more than  
51 twenty-five (25) exchange access facilities per person per  
52 location. Trunks or service lines used to supply service to CMRS  
53 providers shall not have a service charge levied against them.  
54 Every billed service user shall be liable for any service charge  
55 imposed under this section until it has been paid to the service  
56 supplier. The duty of the service supplier to collect any such  
57 service charge shall commence upon the date of its implementation,  
58 which shall be specified in the resolution for the installation of  
59 such service. Any such emergency telephone service charge shall  
60 be added to and may be stated separately in the billing by the  
61 service supplier to the service user.

62           (4) The service supplier shall have no obligation to take  
63 any legal action to enforce the collection of any emergency  
64 telephone service charge. However, the service supplier shall  
65 annually provide the board of supervisors and board of  
66 commissioners with a list of the amount uncollected, together with  
67 the names and addresses of those service users who carry a balance  
68 that can be determined by the service supplier to be nonpayment of  
69 such service charge. The service charge shall be collected at the  
70 same time as the tariff rate in accordance with the regular  
71 billing practice of the service supplier. Good faith compliance  
72 by the service supplier with this provision shall constitute a  
73 complete defense to any legal action or claim which may result  
74 from the service supplier's determination of nonpayment and/or the  
75 identification of service users in connection therewith.

76           (5) The amounts collected by the service supplier  
77 attributable to any emergency telephone service charge shall be  
78 due the county treasury monthly. The amount of service charge  
79 collected each month by the service supplier shall be remitted to  
80 the county no later than sixty (60) days after the close of the  
81 month. A return, in such form as the board of supervisors and the  
82 service supplier agree upon, shall be filed with the county,  
83 together with a remittance of the amount of service charge  
84 collected payable to the county. The service supplier shall  
85 maintain records of the amount of service charge collected for a  
86 period of at least two (2) years from date of collection. The  
87 board of supervisors and board of commissioners shall receive an  
88 annual audit of the service supplier's books and records with  
89 respect to the collection and remittance of the service charge.  
90 From the gross receipts to be remitted to the county, the service  
91 supplier shall be entitled to retain as an administrative fee, an  
92 amount equal to one percent (1%) thereof. From and after March  
93 10, 1987, the service charge is a county fee and is not subject to  
94 any sales, use, franchise, income, excise or any other tax, fee or

95 assessment and shall not be considered revenue of the service  
96 supplier for any purpose.

97 (6) In order to provide additional funding for the district,  
98 the board of commissioners may receive federal, state, county or  
99 municipal funds, as well as funds from private sources, and may  
100 expend such funds for the purposes of Section 19-5-301 et seq.

101 **SECTION 2.** Section 19-3-41, Mississippi Code of 1972, is  
102 amended as follows:

103 19-3-41. (1) The boards of supervisors shall have within  
104 their respective counties full jurisdiction over roads, ferries  
105 and bridges, except as otherwise provided by Section 170 of the  
106 Constitution, and all other matters of county police. They shall  
107 have jurisdiction over the subject of paupers. They shall have  
108 power to levy such taxes as may be necessary to meet the demands  
109 of their respective counties, upon such persons and property as  
110 are subject to state taxes for the time being, not exceeding the  
111 limits that may be prescribed by law. They shall cause to be  
112 erected and kept in good repair, in their respective counties, a  
113 good and convenient courthouse and a jail. A courthouse shall be  
114 erected and kept in good repair in each judicial district and a  
115 jail may be erected in each judicial district. They may close a  
116 jail in either judicial district, at their discretion, where one  
117 (1) jail will suffice. They shall have the power, in their  
118 discretion, to prohibit or regulate the sale and use of  
119 firecrackers, roman candles, torpedoes, skyrockets, and any and  
120 all explosives commonly known and referred to as fireworks,  
121 outside the confines of municipalities. They shall have and  
122 exercise such further powers as are or shall be conferred upon  
123 them by law. They shall have authority to negotiate with and  
124 contract with licensed real estate brokers for the purpose of  
125 advertising and showing and procuring prospective purchasers for  
126 county-owned real property offered for sale in accordance with the  
127 provisions of Section 19-7-3.

128           (2) The board of supervisors of any county, in its  
129 discretion, may contract with a private attorney or private  
130 collection agent or agency to collect any type of delinquent  
131 payment owed to the county including, but not limited to, past due  
132 fees and fines, delinquent ad valorem taxes on personal property  
133 and delinquent ad valorem taxes on mobile homes that are entered  
134 as personal property on the mobile home rolls. Any such contract  
135 may provide for payment contingent upon successful collection  
136 efforts or payment based upon a percentage of the delinquent  
137 amount collected; however, the entire amount of all delinquent  
138 payments collected shall be remitted to the county and shall not  
139 be reduced by any collection costs or fees. There shall be due to  
140 the county from any person whose delinquent payment is collected  
141 pursuant to a contract executed under this subsection an amount,  
142 in addition to the delinquent payment, of not to exceed  
143 twenty-five percent (25%) of the delinquent payment for  
144 collections made within this state and not to exceed fifty percent  
145 (50%) of the delinquent payment for collections made outside of  
146 this state. However, in the case of delinquent fees owed to the  
147 county for garbage or rubbish collection or disposal, only the  
148 amount of the delinquent fees may be collected and no amount in  
149 addition to the delinquent fees may be collected if the board of  
150 supervisors of the county has notified the county tax collector  
151 under Section 19-5-22 for the purpose of prohibiting the issuance  
152 of a motor vehicle road and bridge privilege license tag to the  
153 person delinquent in the payment of such fees. Any private  
154 attorney or private collection agent or agency contracting with  
155 the county under the provisions of this subsection shall give bond  
156 or other surety payable to the county in such amount as the board  
157 of supervisors deems sufficient. Any private attorney with whom  
158 the county contracts under the provisions of this subsection must  
159 be a member in good standing of The Mississippi Bar. Any private  
160 collection agent or agency with whom the county contracts under

161 the provisions of this subsection must meet all licensing  
162 requirements for doing business in the State of Mississippi.  
163 Neither the county nor any officer or employee of the county shall  
164 be liable, civilly or criminally, for any wrongful or unlawful act  
165 or omission of any person or business with whom the county has  
166 contracted under the provisions of this subsection. The  
167 Mississippi Department of Audit shall establish rules and  
168 regulations for use by counties in contracting with persons or  
169 businesses under the provisions of this subsection.

170 (3) In addition to the authority granted under subsection  
171 (2) of this section, the board of supervisors of any county, in  
172 its discretion, may contract with one or more of the constables of  
173 the county to collect delinquent criminal fines imposed in the  
174 justice court of the county. Any such contract shall provide for  
175 payment contingent upon successful collection efforts, and the  
176 amount paid to a constable may not exceed twenty-five percent  
177 (25%) of the amount which the constable collects. The entire  
178 amount of all delinquent criminal fines collected under such a  
179 contract shall be remitted by the constable to the clerk of the  
180 justice court for deposit into the county general fund as provided  
181 under Section 9-11-19. Any payments made to a constable pursuant  
182 to a contract executed under the provisions of this section may be  
183 paid only after presentation to and approval by the board of  
184 supervisors of the county.

185 (4) If a county uses its own employees to collect any type  
186 of delinquent payment owed to the county, then from and after July  
187 1, 1999, the county may charge an additional fee for collection of  
188 the delinquent payment provided the payment has been delinquent  
189 for ninety (90) days. The collection fee may not exceed fifteen  
190 percent (15%) of the delinquent payment if the collection is made  
191 within this state and may not exceed twenty-five percent (25%) of  
192 the delinquent payment if the collection is made outside this  
193 state. In conducting collection of delinquent payments, the

194 county may utilize credit cards or electronic fund transfers. The  
195 county may pay any service fees for the use of such methods of  
196 collection from the collection fee, but not from the delinquent  
197 payment.

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

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

213 (7) The board of supervisors of any county may expend funds  
214 to purchase, maintain and repair equipment for the electronic  
215 filing and storage of filings, files, instruments, documents and  
216 records using microfilm, microfiche, data processing, magnetic  
217 tape, optical discs, computers or other electronic process which  
218 correctly and legibly stores and reproduces or which forms a  
219 medium for storage, copying or reproducing documents, files and  
220 records for use by one (1), all or any combination of county  
221 offices, employees and officials, whether appointed or elected.

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

225 (9) The board of supervisors of any county may perform and  
226 exercise any duty, responsibility or function, may enter into

227 agreements and contracts, may provide and deliver any services or  
228 assistance, and may receive, expend and administer any grants,  
229 gifts, matching funds, loans or other monies, in accordance with  
230 and as may be authorized by any federal law, rule or regulation  
231 creating, establishing or providing for any program, activity or  
232 service. The provisions of this paragraph shall not be construed  
233 as authorizing any county, the board of supervisors of any county  
234 or any member of a board of supervisors to perform any function or  
235 activity that is specifically prohibited under the laws of this  
236 state or as granting any authority in addition to or in conflict  
237 with the provisions of any federal law, rule or regulation.

238 (10) The board of supervisors of any county may provide  
239 funds from any available source to assist in defraying the actual  
240 expenses to maintain an office as provided in Section 9-1-36. The  
241 authority provided in this subsection shall apply to any office  
242 regardless of ownership of such office or who may be making any  
243 lease payments for such office.

244 (11) In addition to the authority granted in this section,  
245 the board of supervisors of any county may expend excess funds as  
246 provided in Section 19-5-313 to purchase automatic external  
247 defibrillators.

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