

By: Representative McBride

To: County Affairs

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1259

1 AN ACT TO AMEND SECTION 25-58-3, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE GOVERNING AUTHORITIES TO ASSESS ADDITIONAL FEE FOR DATA
3 OR INFORMATION OBTAINED FROM A GEOGRAPHIC INFORMATION SYSTEM OR
4 MULTIPURPOSE CADASTRE; TO AMEND SECTION 25-61-7, MISSISSIPPI CODE
5 OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 25-58-3, Mississippi Code of 1972, is
8 amended as follows:

9 25-58-3. (1) The board of supervisors of any county and
10 the governing authorities of any municipality (both referred to in
11 this section as "governing authority") are hereby authorized and
12 empowered, in their discretion, to borrow money, pursuant to the
13 provisions of this section to create the geographic information
14 system and prepare the multipurpose cadastre authorized in Section
15 25-28-1.

16 (2) Before any money is borrowed under the provisions of
17 this section, the governing authority shall adopt a resolution
18 declaring the necessity for such borrowing and specifying the
19 purpose for which the money borrowed is to be expended, the amount
20 to be borrowed, the date or dates of the maturity thereof, and how
21 such indebtedness is to be evidenced. The resolution shall be
22 certified over the signature of the head of the governing
23 authority.

24 (3) The borrowing shall be evidenced by negotiable notes or
25 certificates of indebtedness of the governing authority which
26 shall be signed by the principal officer and clerk of such
27 governing authority. All such notes or certificates of

28 indebtedness shall be offered at public sale by the governing
29 authority after not less than ten (10) days' advertising in a
30 newspaper having general circulation within the governing
31 authority. Each sale shall be made to the bidder offering the
32 lowest rate of interest or whose bid represents the lowest net
33 cost to the governing authority; however, the rate of interest
34 shall not exceed that now or hereafter authorized in Section
35 75-17-101, Mississippi Code of 1972. No such notes or
36 certificates of indebtedness shall be issued and sold for less
37 than par and accrued interest. All notes or certificates of
38 indebtedness shall mature in approximately equal installments of
39 principal and interest over a period not to exceed ten (10) years
40 from the dates of the issuance thereof. Principal shall be
41 payable annually, and interest shall be payable annually or
42 semiannually; provided, however, that the first payment of
43 principal or interest may be for any period not exceeding one (1)
44 year. Provided, however, if negotiable notes are outstanding from
45 not more than one (1) previous issue authorized under the
46 provisions of this section, then the schedule of payments for a
47 new or supplementary issue may be so adjusted that the schedule of
48 maturities of all notes or series of notes hereunder shall, when
49 combined, mature in approximately equal installments of principal
50 and interest over a period of ten (10) years from the date of the
51 new or supplementary issue, or if a lower interest rate will
52 thereby be secured on notes previously issued and outstanding, a
53 portion of the proceeds of any issue authorized hereunder may be
54 used to refund the balance of the indebtedness previously issued
55 under the authority of this article. Such notes or certificates
56 of indebtedness shall be issued in such form and in such
57 denominations as may be determined by the governing authority and
58 may be made payable at the office of any bank or trust company
59 selected by the governing authority. In such case, funds for the
60 payment of principal and interest due thereon shall be provided in
61 the same manner provided by law for the payment of the principal
62 and interest due on bonds issued by the governing authority.

63 (4) For the prompt payment of notes or certificates of
64 indebtedness at maturity, both principal and interest, the full

65 faith, credit and resources of the issuing entity are pledged.
66 Furthermore, the governing authority may annually levy a special
67 tax in an amount not to exceed three (3) mills upon all of its
68 taxable property, the avails of which shall be paid into a sinking
69 fund and used exclusively for the payment of principal of and
70 interest on the notes or certificates of indebtedness. Until
71 needed for expenditure, monies in the sinking fund may be invested
72 in the same manner as the governing authority is elsewhere
73 authorized by law to invest surplus funds.

74 (5) The proceeds of any notes or certificates of
75 indebtedness issued under the provisions of this section shall be
76 placed in a special fund and shall be expended only for the
77 purpose or purposes for which they were issued as shown by the
78 resolution authorizing the issuance thereof. If a balance shall
79 remain of the proceeds of such notes or certificates of
80 indebtedness after the purpose or purposes for which they were
81 issued shall have been accomplished, such balance shall be used to
82 pay such obligations at or before maturity and may be transferred
83 to any sinking fund previously established for the payment
84 thereof.

85 (6) Proceeds from the sale of notes or certificates of
86 indebtedness not immediately necessary for expenditure shall be
87 invested in the same manner as surplus funds of the governing
88 authority may be invested.

89 (7) Regardless of the method of paying for the creation of a
90 geographic information system or for the preparation of a
91 multipurpose cadastre, and notwithstanding anything in the
92 Mississippi Public Records Act Section 25-61-1 et seq., to the
93 contrary, a county or municipality which has created or acquired a
94 geographic information system or prepared a multipurpose cadastre
95 may assess a fee or charge in excess of that which would otherwise
96 be allowed by Section 25-61-7. The fee must be reasonably related
97 to the cost of creating, acquiring and maintaining the geographic

98 information system or multipurpose cadastre, for data or
99 information therein or therefrom and for any records, papers,
100 accounts, maps, photographs, films, cards, tapes, recordings or
101 other materials, data or information relating thereto, regardless
102 whether in printed, digital or other format. In determining the
103 fees or charges under this subsection, the governing authority may
104 consider the type of information requested, the purpose or
105 purposes for which the information has been requested and the
106 commercial value of the information. However, all fees shall be
107 subject to a standard scale adopted by the governing authority.
108 In the event the governing authority has issued notes or
109 certificates of indebtedness, any fees shall be deposited into the
110 sinking fund and used exclusively for payment of principal and
111 interest on the notes or certificates of indebtedness until paid
112 in full. Thereafter, the fees shall be deposited into the
113 county's or municipality's general fund.

114 SECTION 2. Section 25-61-7, Mississippi Code of 1972, is
115 amended as follows:

116 25-61-7. Except as provided in Section 25-58-3(7) of this
117 act, each public body may establish and collect fees reasonably
118 calculated to reimburse it for, and in no case to exceed, the
119 actual cost of searching, reviewing and/or duplicating and, if
120 applicable, mailing copies of public records. Such fees shall be
121 collected by the public body in advance of complying with the
122 request.

123 SECTION 3. This act shall take effect and be in force from
124 and after July 1, 1999.