

By: Representative McBride

To: County Affairs

HOUSE BILL NO. 1259  
(As Passed the House)

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.