

By: Senator(s) Dickerson

To: Fees, Salaries and  
Administration;  
County Affairs

SENATE BILL NO. 2859  
(As Sent to Governor)

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,  
4 MULTIPURPOSE CADASTRE OR OTHER ELECTRONICALLY ACCESSIBLE DATA; TO  
5 AMEND SECTION 25-61-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
6 THERETO; AND FOR RELATED PURPOSES.

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

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

10 25-58-3. (1) The board of supervisors of any county and the  
11 governing authorities of any municipality (both referred to in  
12 this section as "governing authority") are hereby authorized and  
13 empowered, in their discretion, to borrow money, pursuant to the  
14 provisions of this section to create the geographic information  
15 system and prepare the multipurpose cadastre authorized in Section  
16 25-28-1.

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

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

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

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

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

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

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

90 (7) Regardless of the method of paying for the creation of a  
91 geographic information system or for the preparation of a  
92 multipurpose cadastre, and notwithstanding anything in the  
93 Mississippi Public Records Act Section 25-61-1 et seq., to the  
94 contrary, a county or municipality which has created or acquired a  
95 geographic information system or prepared a multipurpose cadastre  
96 may assess a fee or charge in accordance with the provisions of  
97 Section 25-61-7(2). However, all fees shall be subject to a  
98 standard scale adopted by the governing authority. If the

99 governing authority has issued notes or certificates of  
100 indebtedness, any fees shall be deposited into the sinking fund  
101 and used exclusively for payment of principal and interest on the  
102 notes or certificates of indebtedness until paid in full.  
103 Thereafter, the fees shall be deposited into the county's or  
104 municipality's general fund.

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

107 25-61-7. (1) Except as provided in subsection (2) of this  
108 section, each public body may establish and collect fees  
109 reasonably calculated to reimburse it for, and in no case to  
110 exceed, the actual cost of searching, reviewing and/or duplicating  
111 and, if applicable, mailing copies of public records. Such fees  
112 shall be collected by the public body in advance of complying with  
113 the request.

114 (2) A public body may establish a standard fee scale to  
115 reimburse it for the costs of creating, acquiring and maintaining  
116 a geographic information system or multipurpose cadastre as  
117 authorized and defined under Section 25-61-1 et seq., or any other  
118 electronically accessible data. Such fees must be reasonably  
119 related to the cost of creating, acquiring and maintaining the  
120 geographic information system, multipurpose cadastre or other  
121 electronically accessible data, for the data or information  
122 contained therein or taken therefrom and for any records, papers,  
123 accounts, maps, photographs, films, cards, tapes, recordings or  
124 other materials, data or information relating thereto, whether in  
125 printed, digital or other format. In determining the fees or  
126 charges under this subsection, the public body may consider the  
127 type of information requested, the purpose or purposes for which  
128 the information has been requested and the commercial value of the  
129 information.

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