

By: Senator(s) Flowers

To: Municipalities

SENATE BILL NO. 2183

1 AN ACT TO AMEND SECTIONS 21-17-9, 21-17-11, 21-35-5 AND
2 21-41-51, MISSISSIPPI CODE OF 1972, TO REQUIRE MUNICIPALITIES TO
3 PUBLISH NOTICES IN A NEWSPAPER IN THE COUNTY WHEREIN THE
4 MUNICIPALITY IS LOCATED, INSTEAD OF A NEWSPAPER PUBLISHED IN THE
5 MUNICIPALITY; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 21-17-9, Mississippi Code of 1972, is
8 amended as follows:

9 21-17-9. When a municipality now existing, which has not
10 adopted the code charter or commission form of government, but is
11 governed by another charter, shall desire to amend its charter,
12 the same may be done in this way: the mayor and board of
13 aldermen, city council, or municipal authority, by whatever name
14 known, may prepare, in writing, the desired amendment or
15 amendments and have the same published for three (3) weeks in a
16 legal newspaper published in the county wherein the municipality
17 is located, if there be one, and, if none, then by posting for
18 said time in at least three (3) public places therein, after which
19 the proposed amendment or amendments shall be submitted to the
20 Governor, who shall submit the same to the Attorney General for
21 his opinion. The publication of the amendment or amendments may
22 be made as provided in Section 21-17-19. If the Attorney General
23 is of the opinion that the proposed amendment or amendments are
24 consistent with the Constitution and laws of the United States and
25 the Constitution of this state, the Governor shall approve the
26 proposed amendment or amendments. If, after publication is made,
27 one-tenth (1/10) of the qualified electors of the municipality
28 shall protest against the proposed amendments, or any of them, the

29 Governor shall not approve the ones protested against until they
30 shall be submitted to and ratified by a majority of the electors
31 of the municipality voting in a special election. Amendments,
32 when approved by the Governor, shall be recorded, at the expense
33 of the municipality, in the office of the Secretary of State and
34 upon the records of the mayor and board of aldermen, or other
35 governing authorities of the municipality, and when so recorded
36 shall have the force and effect of law. No amendment to the
37 private or special charter of any municipality shall be adopted or
38 approved when such amendment is in conflict with any of the
39 provisions of this title expressly made applicable to
40 municipalities operating under a private or special charter, or is
41 in conflict with the provisions of any other legislation expressly
42 made applicable to any such municipality.

43 **SECTION 2.** Section 21-17-11, Mississippi Code of 1972, is
44 amended as follows:

45 21-17-11. It shall be lawful for any number, not less than
46 twenty percent (20%) of the qualified electors of any
47 municipality, by petition, to propose an amendment or amendments
48 to the charter of such municipality not in conflict with the
49 Constitution and laws of the United States, or the Constitution of
50 this state. The said amendment or amendments shall be published
51 for three (3) weeks prior to a special election in a newspaper
52 published in the county wherein the municipality is located, if
53 there be one, and if not, by posting for said time in at least
54 three (3) public places therein. The publication of the amendment
55 or amendments may be made as provided in Section 21-17-19. If
56 such election results in favor of any such amendment or
57 amendments, then the amendment or amendments shall be submitted to
58 the Governor, as is provided in Section 21-17-9, and the procedure
59 therein outlined shall be followed, except that it shall not be
60 necessary to republish such amendment or amendments, or resubmit

61 such amendment or amendments for approval of the qualified
62 electors.

63 **SECTION 3.** Section 21-35-5, Mississippi Code of 1972, is
64 amended as follows:

65 21-35-5. The governing authorities of each municipality of
66 the State of Mississippi shall, not later than September 15 each
67 year, prepare a complete budget of the municipal revenues,
68 expenses and working cash balances estimated for the next fiscal
69 year, and shall prepare a statement showing the aggregate revenues
70 collected during the current year in said municipality for
71 municipal purposes. Such statement shall show every source of
72 revenue along with the amount derived from each source. Said
73 budget of any municipality of one thousand five hundred (1,500)
74 inhabitants or more, according to the last preceding federal
75 census, with said statement of revenue and expenses, shall be
76 published at least one (1) time during September of said year in a
77 newspaper published in * * * the county wherein the municipality
78 is located. In municipalities of less than one thousand five
79 hundred (1,500) inhabitants, according to the last preceding
80 federal census, as many as three (3) prepared statements of said
81 budget shall be posted in three (3) public places in said
82 municipalities.

83 Prior to the adoption of a budget pursuant to this section,
84 the governing authority of each municipality shall hold at least
85 one (1) public hearing to provide the general public with an
86 opportunity to comment on the taxing and spending plan
87 incorporated in the proposed budget. The public hearing shall be
88 held at least one (1) week prior to the adoption of the budget
89 with advance notice and held outside normal working hours. The
90 advance notice shall include an announcement published or posted
91 in the same manner as required for the final adopted budget.

92 **SECTION 4.** Section 21-41-51, Mississippi Code of 1972, is
93 amended as follows:

94 21-41-51. Except as may be otherwise provided, where, by any
95 provision of this chapter, notice is required to be given by
96 publication, such publication made shall be in a newspaper
97 published in the county wherein the municipality is located, if
98 there be one. If there be no newspaper published in the county,
99 then such notice shall be posted for the prescribed period of time
100 in at least five (5) public places in the municipality, one of
101 which shall be the city or town hall, or the place of meeting of
102 the governing authorities, if there be no city or town hall.

103 **SECTION 5.** This act shall take effect and be in force from
104 and after July 1, 2006.