

By: Senator(s) Michel

To: Fees, Salaries and  
Administration;  
Appropriations

## SENATE BILL NO. 2955

1 AN ACT TO AUTHORIZE THE PUBLICATION OF LEGAL NOTICES ON THE  
2 INTERNET; TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION  
3 TO CONTRACT WITH A VENDOR TO ESTABLISH A WEB SITE FOR SUCH  
4 PURPOSES; TO AMEND SECTIONS 7-7-213, 7-7-221, 9-3-5, 11-17-1,  
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97-3-111, 97-17-4, 97-43-11 AND 99-38-7, MISSISSIPPI CODE OF 1972;  
AND FOR RELATED PURPOSES.

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

**SECTION 1.** (1) All legal or public notices required by law  
to be published in newspapers may, in the discretion of the entity  
required to publish such notice, be published on an Internet Web  
site developed by the Department of Finance and Administration.  
The Department of Finance and Administration shall contract with a  
private vendor to implement the requirements of this section.  
Such vendor shall have experience in providing large-scale  
Internet and Web site service.

(2) The current rates for the publication of notices by  
newspapers shall apply to publication on the Internet. The vendor  
shall remit seventy-five percent (75%) of the receipts for such  
service to the state which shall be divided equally between the  
state, counties and municipalities.

(3) A publishing entity that publishes a notice under the  
provisions of this section shall not be required to publish such  
notice in any other manner.

**SECTION 2.** Section 7-7-213, Mississippi Code of 1972, is  
amended as follows:



7-7-213. The costs of audits and other services required by Sections 7-7-201 through 7-7-215, except for those audits and services authorized by Section 7-7-211(k) which shall be funded by appropriations made by the Legislature from such funds as it deems appropriate, shall be paid from a special fund hereby created in the State Treasury, to be known as the State Department of Audit Fund, into which will be paid each year the amounts received for performing audits required by law. Except as provided in Section 7-7-211(d) and any municipality required under this chapter to be audited by the State Auditor, the amounts to be charged for performing audits and other services shall be the actual cost, not to exceed Thirty Dollars (\$30.00) per man hour. In the event of failure by any unit of government to pay the charges authorized herein, the Department of Audit shall notify the State Fiscal Officer, and upon a determination that the charges are substantially correct, the State Fiscal Officer shall notify the defaulting unit of his determination. If payment is not made within thirty (30) days after such notification, the State Fiscal Officer shall notify the State Treasurer and Department of Public Accounts that no further warrants are to be issued to the defaulting unit until the deficiency is paid.

The cost of any service by the department not required of it under the provisions of the cited sections but made necessary by the willful fault or negligence of an officer or employee of any public office of the state shall be recovered (i) from such officer or employee and/or surety on official bond thereof and/or (ii) from the individual, partnership, corporation or association involved, in the same manner and under the same terms, when necessary, as provided the department for recovering public funds in Section 7-7-211.

The State Auditor shall deliver a copy of any audit of the fiscal and financial affairs of a county to the chancery clerk of such county and shall deliver a notice stating that a copy of such



audit is on file in the chancery clerk's office to some newspaper published in the county to be published. If no newspaper is published in the county, a copy of such notice shall be delivered to a newspaper having a general circulation therein.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 3.** Section 7-7-221, Mississippi Code of 1972, is amended as follows:

7-7-221. (1) As soon as possible after an annual audit of the fiscal and financial affairs of a county by the State Auditor, as the head of the State Department of Audit, has been made and a copy of such report of audit or examination has been filed with the board of supervisors of such county and the clerk thereof, as required in Section 7-7-215, the clerk of the board of supervisors shall publish a synopsis of such report in a form prescribed by the State Auditor.

(2) The clerk of the board of supervisors shall deliver a copy of the aforesaid synopsis to some newspaper published in the county, and, if no newspaper is published in the county, then to a newspaper having a general circulation therein, to be published.

(3) The cost of publishing the aforesaid synopsis by some newspaper in a county or by some newspaper having a general circulation therein, as hereinbefore provided, shall be paid for out of the general fund of the county upon a detailed itemized statement thereof being furnished to the clerk of the board of supervisors of such county by the publisher of the newspaper, accompanied by one (1) copy of the proof of publication thereof. The cost of such publication shall be based on the rate now fixed by law for publishing legal notices, and it shall be mandatory upon the board of supervisors of the county and the clerk thereof to pay such costs out of the county general fund.

(4) The clerk shall forward a copy of the published synopsis to the State Auditor within sixty (60) days of its publication.



If the synopsis does not substantially satisfy the requirements of this section, the State Auditor is authorized to prepare the synopsis and have it published in accordance with this section at cost to the county.

(5) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 4.** Section 9-3-5, Mississippi Code of 1972, is amended as follows:

9-3-5. If, at the commencement of any regular term, a quorum of the judges shall not be present, it shall be the duty of the clerk to adjourn the court from day to day, by an entry of the fact on the minute-book, for twelve (12) juridical days; and if a quorum of the judges shall not appear by the thirteenth day, and if there should not be a clerk, or he shall not be in attendance, any of the judges of the court in attendance may adjourn it from day to day for twelve (12) juridical days, but if two (2) of the judges shall so order, the court shall stand adjourned to a later day, and notice of the order shall be published, as for a special term. And if there be a failure of the term, it shall be the duty of the judges, or any two (2) of them, to order a special term, at such time as they may appoint, notice of which shall be published in a newspaper published in the City of Jackson, if there be one, and, if not, in some newspaper published at some other place in the state, for three (3) weeks. And after a term has regularly commenced, the court, or any of the judges, may adjourn the court from day to day or from time to time, as may be necessary and proper; and there shall not be a discontinuance of any suit, process, matter, or thing, returned or pending in the court, because a sufficient number of judges shall not attend at the commencement of the term, or at any other day to which the court may have been adjourned; and in case a quorum of judges should not



be present at any day to which the court may have been adjourned during a term, a further adjournment may be ordered.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 5.** Section 11-17-1, Mississippi Code of 1972, is amended as follows:

11-17-1. Any person holding or claiming under a tax title lands heretofore or hereafter sold for taxes, when the period of redemption has expired, may proceed by sworn complaint in the chancery court to have such title confirmed and quieted, and shall set forth in his complaint his claim under the tax sale, and the names and places of residence of all persons interested in the land, so far as known to plaintiff, or as he can ascertain by diligent inquiry. Where the names of persons in interest or their places of residence are unknown and have not been ascertained by diligent inquiry, the complaint shall so state. Where the name and places of residence of persons in interest are given they shall be made parties defendant. Where the complaint shall show that the persons interested are unknown to plaintiff and that he has made diligent inquiry for their names and could not obtain them, all persons interested may be made defendants by a notice addressed: "To all persons having or claiming any interest in the following described land, sold for taxes on (inserting date of sale), viz: (Describing land as described in the tax collector's conveyance)." The notice shall state the nature of the suit and it shall be published in accordance with the requirements of the Mississippi Rules of Civil Procedure. It shall be lawful in all cases to set forth in the complaint the names of all persons interested, as far as ascertained, and make them parties and also to join and make defendants "all persons having or claiming any legal or equitable interest in" the lands described in the complaint. Such suits shall be proceeded with as other cases; and if the complaints be taken for confessed, or if it appear that



221 plaintiff is entitled to a judgment, it shall be rendered,  
222 confirming the tax title against all persons claiming to hold the  
223 land by title existing at the time of the sale for taxes. Such  
224 judgment shall vest in the plaintiff, without any conveyance by a  
225 master or commissioner, a good and sufficient title to said land;  
226 and such judgment shall, in all courts of this state, be held as  
227 conclusive evidence that the title to said land was vested in the  
228 plaintiff, as against all persons claiming the same under the  
229 title existing prior to the sale for taxes.

230 The publication of any notice required in this section may be  
231 published on the Internet as provided in Section 1 of this act.

232 **SECTION 6.** Section 11-33-37, Mississippi Code of 1972, is  
233 amended as follows:

234 11-33-37. When any writ of attachment shall be executed and  
235 returned, if the defendant be not summoned, the clerk of the court  
236 shall cause a notice to be published once a week for three (3)  
237 weeks in some newspaper published within the county, or in some  
238 convenient county, and having a circulation in the county in which  
239 the suit is pending, stating the issuance of such attachment, at  
240 whose suit, against whose estate, for what sum, and in what court  
241 the same is pending and that unless the defendant appear on the  
242 first day of the next succeeding term of court and plead to said  
243 action, judgment will be entered, and the estate attached will be  
244 sold. Such publication may be made before or after the return  
245 term of court, but in cases of attachment against persons residing  
246 out of this state, the creditor, his agent or attorney, shall file  
247 with the clerk his affidavit-if the affidavit for the attachment  
248 do not contain such statement-showing the post office of the  
249 defendant, or that he has made diligent inquiry to ascertain it  
250 without success; and if the post office shall be stated, the clerk  
251 shall send by mail to such defendant, at his post office, a copy  
252 of such notice, and shall make it appear to the court that he has  
253 done so, before judgment shall be rendered on publication of



notice; and for a failure of duty in this respect, the clerk may be punished as for contempt.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 7.** Section 11-33-41, Mississippi Code of 1972, is amended as follows:

11-33-41. The notice of the attachment which the clerk is required to cause to be published may be in the following form, to wit:

"The State of Mississippi to \_\_\_\_\_:  
An attachment at the suit of \_\_\_\_\_ against your estate, for \_\_\_\_\_ Dollars, returnable before the Circuit Court of \_\_\_\_\_ County, at \_\_\_\_\_, Mississippi, has been executed, and is now pending in said court; and unless you appear before said court on the \_\_\_\_\_ Monday of \_\_\_\_\_ A. D. \_\_\_\_\_, and plead to said action, judgment will be entered, and the estate attached will be sold.  
\_\_\_\_\_, A. D. \_\_\_\_\_, Clerk."

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 8.** Section 11-33-43, Mississippi Code of 1972, is amended as follows:

11-33-43. If there should be no newspaper published within the county in which the attachment is pending, or in a convenient county, such notice shall be posted at the door of the courthouse of the county, and that shall be instead of publication in a newspaper.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 9.** Section 13-3-31, Mississippi Code of 1972, is amended as follows:

13-3-31. (1) Whenever it is required by law that any summons, order, citation, advertisement or other legal notice





shall be published in a newspaper in this state, it shall mean, in addition to any other requirements imposed by law, publication in some newspaper which:

(a) Maintains a general circulation predominantly to bona fide paying subscribers within the political subdivision within which publication of such legal notice is required. The term "general circulation" means numerically substantial, geographically widespread, demographically diversified circulation to bona fide paying subscribers. In no event shall the term "general circulation" be interpreted to require that legal notices be published in a newspaper having the greatest circulation. The term "bona fide paying subscribers" means persons who have subscribed at a subscription rate which is not nominal, whether by mail subscriptions, purchases through dealers and carriers, street vendors and counter sellers, or any combination thereof, but shall not include free circulation, sales at a token or nominal subscription price and sales in bulk for purposes other than for resale for individual subscribers.

(b) Maintains a legitimate list of its bona fide paying subscribers by the following categories where applicable:

- (i) Mail subscribers;
- (ii) Dealers and carriers; and
- (iii) Street vendors and counter sellers.

(c) Is not published primarily for advertising purposes and has not contained more than seventy-five percent (75%) advertising in more than one-half (1/2) of its issues during the period of twelve (12) months next prior to the first publication of any legal notice therein, excluding separate advertising supplements inserted into but separately identifiable from any regular issue or issues.

(d) Has been established and published continuously for at least twelve (12) months next prior to the first publication of such matter to be published, is regularly issued at stated



intervals no less frequently than once a week, bears a date of issue, and is numbered consecutively; provided, however, that publication on legal holidays of this state or of the United States and on Saturdays and Sundays shall not be required, and failure to publish not more than two (2) regular issues in any calendar year shall not disqualify a paper otherwise qualified.

(e) Is issued from a known office of publication, which shall be the principal public business office of the newspaper and need not be the place at which the newspaper's printing presses are physically located. A newspaper shall be deemed to be "published" at the place where its known office of publication is located.

(f) Is formed of printed sheets. However, the word "printed" does not include reproduction by the stencil, mimeograph or hectograph process.

(g) Is originated and published for the dissemination of current news and intelligence of varied, broad and general public interest, announcements and notices, opinions as editorials on a regular or irregular basis, and advertising and miscellaneous reading matter.

(h) Is not designed primarily for free circulation or for circulation at nominal rates.

(2) "Newspaper," as used in this section, shall not include a newspaper, publication, or periodical which is published, sponsored by, is directly supported financially by, or is published to further the interests of, or is directed to, or has a circulation restricted in whole or in part to any particular sect, denomination, labor or fraternal organization or other special group or class of citizens, or which primarily contains information of a specialized nature rather than information of varied, broad and general interest to the general public, or which is directed to any particular geographical portion of any given political subdivision within which publication of such legal



notice is required, rather than to such political subdivision as a whole. No newspaper otherwise qualified under this section shall be disqualified from publishing legal notices for the sole reason that such newspaper does not have as great a circulation as some other newspaper publishing in the same political subdivision.

(3) In the event of the discontinuance of the publication of all newspapers in any county qualified under this section to publish legal notices, any other such newspaper published in the same county, regardless of the length of time it has been published, shall be deemed qualified to publish such legal notices, provided such newspaper meets all requirements of this section other than the requirements of subsection (1)(d) of this section.

(4) A newspaper otherwise qualified under this section which is published in a municipality whose corporate limits encompass territory in more than one (1) county shall be qualified to publish legal notices, including foreclosure sale notices as described in Section 89-1-55, for any county a portion of whose territory is included within the municipality, irrespective of the actual physical location within the municipality of the principal public business office of the newspaper.

(5) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 10.** Section 13-3-32, Mississippi Code of 1972, is amended as follows:

13-3-32. All newspapers which were qualified to publish legal notices and which were publishing legal notices prior to July 1, 1976, shall be presumed to qualify under Section 13-3-31 unless and until a determination has been made by competent authority that such newspaper fails to meet the requirements and provisions of Section 13-3-31.



385       The publication of any notice required in this section may be  
386 published on the Internet as provided in Section 1 of this act.

387       **SECTION 11.** Section 17-1-15, Mississippi Code of 1972, is  
388 amended as follows:

389       17-1-15. The governing authority of each municipality and  
390 county shall provide for the manner in which the comprehensive  
391 plan, zoning ordinance (including the official zoning map)  
392 subdivision regulations and capital improvements program shall be  
393 determined, established and enforced, and from time to time,  
394 amended, supplemented or changed. However, no such plan,  
395 ordinance (including zoning boundaries), regulations or program  
396 shall become effective until after a public hearing, in relation  
397 thereto, at which parties in interest, and citizens, shall have an  
398 opportunity to be heard. At least fifteen (15) days' notice of  
399 the time and place of such hearing shall be published in an  
400 official paper, or a paper of general circulation, in such  
401 municipality or county.

402       The publication of any notice required in this section may be  
403 published on the Internet as provided in Section 1 of this act.

404       **SECTION 12.** Section 17-5-1, Mississippi Code of 1972, is  
405 amended as follows:

406       17-5-1. (1) The board of supervisors of any county of the  
407 state and the governing authorities of any municipality within  
408 such county may enter into a contract for the joint construction,  
409 expansion, remodeling and/or maintenance and equipping of a jail  
410 in such municipality, or within one (1) mile of the corporate  
411 limits thereof, and may issue bonds of both the county and such  
412 municipality in the manner provided by general statutes for the  
413 issuance of county and municipal bonds for such purposes, provided  
414 that in no event shall the municipality bear over fifty percent  
415 (50%) of the cost of constructing, expanding, remodeling and/or  
416 maintaining and equipping such jail. Such contract or future  
417 contracts may provide for the continued joint use of equipping,



418 repairing, reconstructing and remodeling of such jail. Before  
419 issuing any bonds for the purposes herein set forth, the board of  
420 supervisors and the governing authorities of such municipality  
421 shall adopt a joint resolution declaring their intention to issue  
422 the same, which resolution shall state the amount and purposes of  
423 the bonds to be issued, and shall fix the date upon which action  
424 will be taken to provide for the issuance of such bonds. Said  
425 resolution shall be published once a week for at least three (3)  
426 consecutive weeks in a newspaper published in the county, the  
427 first publication of such notice to be made not less than  
428 twenty-one (21) days prior to the date fixed in such resolution  
429 and the last publication to be made not more than seven (7) days  
430 prior to such date. If twenty percent (20%) or fifteen hundred  
431 (1500), whichever is less, of the qualified electors of the county  
432 and municipality, respectively, shall file a written protest  
433 against the issuance of such bonds on or before the date specified  
434 in such resolution, then an election upon the issuance of such  
435 bonds shall be called and held, and in such case such bonds or  
436 other evidences of indebtedness shall not be issued unless same  
437 are authorized by the affirmative vote of a majority of the  
438 qualified electors of said county and municipality, respectively,  
439 who vote on the proposition at such election. Notice of such  
440 election shall be given by publication in like manner as is  
441 provided for the publication of the initial resolution, and said  
442 election shall be called, held and conducted and the returns  
443 thereof made, canvassed and declared in the same manner as  
444 provided by Section 19-9-1 et seq., and Section 21-33-301 et seq.,  
445 respectively. If no such petition be filed protesting against the  
446 issuance of said bonds, then the said board of supervisors and the  
447 governing authorities of the municipality shall have the authority  
448 to issue said bonds without an election.

449 (2) If the board of supervisors of a county and the  
450 governing authorities of a municipality enter into an agreement



under the Regional Economic Development Act or an intergovernmental agreement approved by the Attorney General for the operation of a county jail, such county jail may be located outside the corporate limits of the municipality and is not subject to location restrictions in subsection (1).

(3) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 13.** Section 17-11-37, Mississippi Code of 1972, is amended as follows:

17-11-37. The governing body of the district, county or city shall adopt a resolution declaring its intention to issue bonds for the purposes authorized by this chapter, stating the amount of the bonds proposed to be issued, whether such bonds are revenue bonds or general obligation bonds, and the date upon which further action will be taken by the governing body looking forward to the issuance of such bonds. Such resolution shall be published once a week for at least three (3) successive weeks in a newspaper published and of general circulation within such county or city. The first of such publications shall be made at least twenty-one (21) days prior to the date set forth in said resolution as the date upon which further action will be taken by the governing body, and the last publication shall be made not more than seven (7) days prior to said date. If, prior to the date set forth as aforesaid, there shall be filed with the clerk of such governing body a petition in writing signed by ten percent (10%) of the qualified electors of such regional area, county or city thereof, or fifteen hundred (1500) qualified electors, whichever shall be the lesser number, requesting an election on the question of the issuance of such bonds, then such bonds shall not be issued unless authorized by a majority of the qualified electors in such regional area, county or city voting thereon at an election to be ordered by the governing body for that purpose. Notice of such



election shall be given and such election shall be held and conducted in like manner as provided by law with respect to elections held on the submission of county or city bond issues. If the proposition so submitted shall fail to receive approval at such election, then no further proceedings for the issuance of such bonds shall be taken for a period of six (6) months from and after the date of such election. If, however, no such petition shall be filed, or if such election or subsequent election on such proposition shall be assented to by a majority of the qualified electors voting thereon, then such governing body shall be authorized to proceed with the issuance of such bonds without further election.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 14.** Section 17-11-45, Mississippi Code of 1972, is amended as follows:

17-11-45. The governing body or bodies issuing bonds under this chapter shall sell such bonds in such manner and for such price as it or they may determine to be for the best interest of said governing body or bodies. No such sale shall be made at a price less than par plus accrued interest to date of delivery of the bonds of the purchaser. Notice of the sale of any such bonds shall be published at least one time not less than ten (10) days prior to the date of sale, and shall be published in a newspaper published in and having general circulation within such regional area, county or city.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 15.** Section 17-17-107, Mississippi Code of 1972, is amended as follows:

17-17-107. Before issuing any revenue bonds hereunder, the governing body of any municipality shall adopt a resolution declaring its intention to so issue, stating the amount of bonds



proposed to be issued, the purpose for which the bonds are to be issued, and the date upon which the governing body proposes to direct the issuance of such bonds. Such resolution shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper published in the county in which such municipality is located. The first publication of such resolution shall be made not less than twenty-one (21) days prior to the date fixed in such resolution for the issuance of the bonds and the last publication shall be made not more than seven (7) days prior to such date. If no newspaper be published in such county, then such notice shall be given by publishing the resolution for the required time in some newspaper having a general circulation in such county, and, in addition, by posting a copy of such resolution for at least twenty-one (21) days next preceding the date fixed therein at three (3) public places in such county. If twenty percent (20%) or fifteen hundred (1500), whichever is less, of the qualified electors of the municipality shall file a written protest against the issuance of such bonds on or before the date specified in such resolution, then an election on the question of the issuance of such bonds shall be called and held as herein provided. If no such protest be filed, then such bonds may be issued without an election at any time within a period of two (2) years after the date specified in the above-mentioned resolution. However, the governing body of such municipality, in its discretion, may nevertheless call an election on the question of the issuance of the bonds, in which event it shall not be necessary to publish the resolution declaring its intention to issue bonds as herein provided.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 16.** Section 17-17-109, Mississippi Code of 1972, is amended as follows:





17-17-109. Where an election is to be called as provided in Section 17-17-107, notice of such election shall be signed by the clerk of the governing body of any municipality and shall be published once a week for at least three (3) consecutive weeks, in at least one (1) newspaper published in such county. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date fixed for such election and the last publication shall be made not more than seven (7) days prior to such date. If no newspaper is published in such county, then such notice shall be given by publishing the same for the required time in some newspaper having a general circulation in such county and, in addition, by posting a copy of such notice for at least twenty-one (21) days next preceding such election at three (3) public places in such county.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 17.** Section 17-17-227, Mississippi Code of 1972, is amended as follows:

17-17-227. (1) Each county, in cooperation with municipalities within the county, shall prepare, adopt and submit to the commission for review and approval a local nonhazardous solid waste management plan for the county. Each local nonhazardous solid waste management plan shall include, at a minimum, the following:

(a) An inventory of the sources, composition and quantities by weight or volume of municipal solid waste annually generated within the county, and the source, composition and quantity by weight or volume of municipal solid waste currently transported into the county for management;

(b) An inventory of all existing facilities where municipal solid waste is currently being managed, including the environmental suitability and operational history of each



581 facility, and the remaining available permitted capacity for each  
582 facility;

583 (c) An inventory of existing solid waste collection  
584 systems and transfer stations within the county. The inventory  
585 shall identify the entities engaging in municipal solid waste  
586 collection within the county;

587 (d) A strategy for achieving a twenty-five percent  
588 (25%) waste reduction goal through source reduction, recycling or  
589 other waste reduction technologies;

590 (e) A projection, using acceptable averaging methods,  
591 of municipal solid waste generated within the boundaries of the  
592 county over the next twenty (20) years;

593 (f) An identification of the additional municipal solid  
594 waste management facilities, including an evaluation of  
595 alternative management technologies, and the amount of additional  
596 capacity needed to manage the quantities projected in paragraph  
597 (e);

598 (g) An estimation of development, construction,  
599 operational, closure and post-closure costs, including a proposed  
600 method for financing those costs;

601 (h) A plan for meeting any projected capacity  
602 shortfall, including a schedule and methodology for attaining the  
603 required capacity;

604 (i) A determination of need by the county,  
605 municipality, authority or district that is submitting the plan,  
606 for any new or expanded facilities. A determination of need shall  
607 include, at a minimum, the following:

608 (i) Verification that the proposed facility meets  
609 needs identified in the approved local nonhazardous solid waste  
610 management plan which shall take into account the quantities of  
611 municipal solid waste generated and the design capacities of  
612 existing facilities;



- (ii) Certification that the proposed facility complies with local land use and zoning requirements, if any;
- (iii) Demonstration, to the extent possible, that operation of the proposed facility will not negatively impact the waste reduction strategy of the county, municipality, authority or district that is submitting the plan;
- (iv) Certification that the proposed service area of the proposed facility is consistent with the local nonhazardous solid waste management plan; and
- (v) A description of the extent to which the proposed facility is needed to replace other facilities; and
- (j) Any other information the commission may require.

(2) Each local nonhazardous solid waste management plan may include:

(a) The preferred site or alternative sites for the construction of any additional municipal solid waste management facilities needed to properly manage the quantities of municipal solid waste projected for the service areas covered by the plan, including the factors which provided the basis for identifying the preferred or alternative sites; and

(b) The method of implementation of the plan with regard to the person who will apply for and acquire the permit for any planned additional facilities and the person who will own or operate any of the facilities.

(3) Each municipality shall cooperate with the county in planning for the management of municipal solid waste generated within its boundaries or the area served by that municipality. The governing authority of any municipality which does not desire to be included in the local nonhazardous solid waste management plan shall adopt a resolution stating its intent not to be included in the county plan. The resolution shall be provided to the board of supervisors and the commission. Any municipality resolving not to be included in a county waste plan shall prepare



a local nonhazardous solid waste management plan in accordance with this section.

(4) The board of supervisors of any county may enter into interlocal agreements with one or more counties as provided by law to form a regional solid waste management authority or other district to provide for the management of municipal solid waste for all participating counties. For purposes of Section 17-17-221 through Section 17-17-227, a local nonhazardous solid waste management plan prepared, adopted, submitted and implemented by the regional solid waste management authority or other district is sufficient to satisfy the planning requirements for the counties and municipalities within the boundaries of the authority or district.

(5) (a) Upon completion of its local nonhazardous solid waste management plan, the board of supervisors of the county shall publish in at least one (1) newspaper as defined in Section 13-3-31, having general circulation within the county a public notice that describes the plan, specifies the location where it is available for review, and establishes a period of thirty (30) days for comments concerning the plan and a mechanism for submitting those comments. The board of supervisors shall also notify the board of supervisors of adjacent counties of the plan and shall make it available for review by the board of supervisors of each adjacent county. During the comment period, the board of supervisors of the county shall conduct at least one (1) public hearing concerning the plan. The board of supervisors of the county shall publish twice in at least one (1) newspaper as defined in Section 13-3-31, having general circulation within the county, a notice conspicuously displayed containing the time and place of the hearing and the location where the plan is available for review.

(b) After the public hearing, the board of supervisors of the county may modify the plan based upon the public's



679 comments. Within ninety (90) days after the public hearing, each  
680 board of supervisors shall approve a local nonhazardous solid  
681 waste management plan by resolution.

682 (c) A regional solid waste management authority or  
683 other district shall declare the plan to be approved as the  
684 authority's or district's solid waste management plan upon written  
685 notification, including a copy of the resolution, that the board  
686 of supervisors of each county forming the authority or district  
687 has approved the plan.

688 (6) Upon ratification of the plan, the governing body of the  
689 county, authority or district shall submit it to the commission  
690 for review and approval in accordance with Section 17-17-225. The  
691 commission shall, by order, approve or disapprove the plan within  
692 one hundred eighty (180) days after its submission. The  
693 commission shall include with an order disapproving a plan a  
694 statement outlining the deficiencies in the plan and directing the  
695 governing body of the county, authority or district to submit,  
696 within one hundred twenty (120) days after issuance of the order,  
697 a revised plan that remedies those deficiencies. If the governing  
698 body of the county, authority or district, by resolution, requests  
699 an extension of the time for submission of a revised plan, the  
700 commission may, for good cause shown, grant one (1) extension for  
701 a period of not more than sixty (60) additional days.

702 (7) After approval of the plan or revised plan by the  
703 commission, the governing body of the county, authority or  
704 district shall implement the plan in compliance with the  
705 implementation schedule contained in the approved plan.

706 (8) The governing body of the county, authority or district  
707 shall annually review implementation of the approved plan. The  
708 commission may require the governing body of each local government  
709 or authority to revise the local nonhazardous solid waste  
710 management plan as necessary, but not more than once every five  
711 (5) years.



(9) If the commission finds that the governing body of a county, authority or district has failed to submit a local nonhazardous solid waste management plan, obtain approval of its local nonhazardous solid waste management plan or materially fails to implement its local nonhazardous solid waste management plan, the commission shall issue an order in accordance with Section 17-17-29, to the governing body of the county, authority or district.

(10) The commission may, by regulation, adopt an alternative procedure to the procedure described in this section for the preparation, adoption, submission, review and approval of minor modifications of an approved local nonhazardous solid waste management plan. For purposes of this section, minor modifications may include administrative changes or the addition of any noncommercial nonhazardous solid waste management facility.

(11) The executive director of the department shall maintain a copy of all local nonhazardous solid waste management plans that the commission has approved and any orders issued by the commission.

(12) If a public notice required in subsection (5) was published in a newspaper as defined in Section 13-3-31, having general circulation within the county but was not published in a daily newspaper of general circulation as required by subsection (5) before April 20, 1993, the commission shall not disapprove the plan for failure to publish the notice in a daily newspaper. Any plan disapproved for that reason by the commission shall be deemed approved after remedying any other deficiencies in the plan.

(13) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 18.** Section 17-17-309, Mississippi Code of 1972, is amended as follows:



17-17-309. (1) Within forty (40) days following the adoption of the final authorizing resolution, the designated representatives shall proceed to incorporate an authority by filing for record in the office of the chancery clerk of the participating counties and the Secretary of State an incorporation agreement approved by each member. The agreement shall comply in form and substance with the requirements of this section and shall be executed in the manner provided in Sections 17-17-301 through 17-17-349.

(2) The incorporation agreement of an authority shall state:

(a) The name of each participating unit of local government and the date on which the governing bodies thereof adopted an authorizing resolution;

(b) The name of the authority which must include the words "\_\_\_\_\_ Solid Waste Management Authority," or "The Solid Waste Management Authority of \_\_\_\_\_," the blank spaces to be filled in with the name of one or more of the members or other geographically descriptive term. If the Secretary of State determines that the name is identical to the name of any other corporation organized under the laws of the state or so nearly similar as to lead to confusion and uncertainty, the incorporators may insert additional identifying words so as to eliminate any duplication or similarity;

(c) The period for the duration of the authority;

(d) The location of the principal office of the authority which shall be within the boundaries of the members;

(e) That the authority is organized pursuant to Sections 17-17-301 through 17-17-349;

(f) The board setting forth the number of commissioners, terms of office and the vote of each commissioner;

(g) If the exercise by the authority of any of its powers is to be in any way prohibited, limited or conditioned, a



776 statement of the terms of such prohibition, limitation or  
777 condition;

778 (h) Any provisions relating to the vesting of title to  
779 its properties upon its dissolution which shall be vested in any  
780 member; and

781 (i) Any other related matters relating to the authority  
782 that the incorporators may choose to insert and that are not  
783 inconsistent with Sections 17-17-301 through 17-17-349 or with the  
784 laws of the state.

785 (3) The incorporation agreement shall be signed and  
786 acknowledged by the incorporators before an officer authorized by  
787 the laws of the state to take acknowledgements. When the  
788 incorporation agreement is filed for record, there shall be  
789 attached to it a certified copy of the authorizing resolution  
790 adopted by the governing body of each member.

791 (4) The incorporators shall publish a notice of  
792 incorporation once a week for two (2) successive weeks in a daily  
793 newspaper or newspapers having general circulation throughout the  
794 region to be served.

795 (5) Upon the filing for record of the agreement and the  
796 required documents, the authority shall come into existence and  
797 shall constitute a public corporation under the name set forth in  
798 the incorporation agreement. The Secretary of State shall  
799 thereupon issue a certificate of incorporation to the authority.

800 (6) The publication of any notice required in this section  
801 may be published on the Internet as provided in Section 1 of this  
802 act.

803 **SECTION 19.** Section 17-17-329, Mississippi Code of 1972, is  
804 amended as follows:

805 17-17-329. (1) The board of supervisors of a county and the  
806 governing authorities of a municipality, acting jointly or  
807 severally, shall have the power and is hereby authorized, from  
808 time to time, to issue general obligation bonds of the county or





municipality for the purpose of providing sufficient funds for capital expenditures, including the financing of the acquisition, construction, improvement or the closure, corrective action or postclosure maintenance of solid waste management facilities pursuant to the provisions of Sections 19-9-1 through 19-9-25, or 21-33-301 through 21-33-329. General obligation bonds issued pursuant to this section shall be included in the limitation of indebtedness as set forth in Sections 19-9-5 and 21-33-303.

(2) (a) In addition to compliance with the provisions of Sections 19-9-1 through 19-9-25, Sections 21-33-301 through 21-37-329, for the issuance of general obligations of the county or municipality, the county or municipality shall advertise its intention to issue general obligation bonds of the county or municipality and specify the proposed increased tax rate of the county or municipality in a newspaper of general circulation in the county or municipality. The advertisement shall be no less than one-fourth (1/4) page in size and the type used shall be no smaller than eighteen (18) point and surrounded by a one-fourth (1/4) inch solid black border. The advertisement may not be placed in that portion of the newspaper where legal notices and classified advertisements appear. It is legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least five (5) days a week, unless the only newspaper in the county or municipality is published less than five (5) days a week. It is further the intent of the Legislature that the newspaper selected be one of general interest and readership in the community, and not one of limited subject matter. The advertisement shall be run once each week for the two (2) weeks preceding the date specified in the resolution by the board of supervisors or the governing authorities of the municipality. The advertisement shall state that the county or municipality proposes to issue general obligation bonds of the county or municipality for a solid waste management facility, the proposed property tax



revenue and the procedure that may be taken by qualified electors of the county for calling an election on the question of issuance of the general obligation bonds of the county or municipality.

(b) The form and content of the notice shall be as follows:

"NOTICE OF TAX INCREASE

(Name of the County or Municipality) has proposed to increase its property tax revenue (designate one or more classes of property provided for in Section 112, Mississippi Constitution of 1890) by (percentage of increase of each class) percent, and to increase its total budget by (percentage of increase) percent for the purpose of the issuance of general obligation bonds of the county or municipality for a solid waste management facility."

If twenty percent (20%) or fifteen hundred (1500), whichever is less, of the qualified voters of the county or municipality file a written protest against the issuance of such bonds on or before the date specified in the resolution of the board of supervisors or governing authorities of the municipality, then an election on the question of the issuance of the bonds shall be called pursuant to Sections 19-9-13 and 19-9-15, or 21-33-307 through 21-33-311. If no protest is filed, then the bonds may be issued without an election, at any time, within two (2) years after the date specified in the resolution of the board of supervisors or governing authorities of the municipality.

(c) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 20.** Section 17-17-337, Mississippi Code of 1972, is amended as follows:

17-17-337. All bonds issued pursuant to Sections 17-17-329, 17-17-333 and 17-17-335 may be validated as now provided by law in Sections 31-13-1 through 31-13-11, Mississippi Code of 1972. Such validation proceedings shall be instituted in the chancery court



875 of the county in which the principal office of the authority is  
876 located, but notice of such validation proceedings shall be  
877 published at least two (2) times in a newspaper of general  
878 circulation in each of the counties, the first publication of  
879 which in each case shall be made at least ten (10) days preceding  
880 the date set for validation.

881 The publication of any notice required in this section may be  
882 published on the Internet as provided in Section 1 of this act.

883 **SECTION 21.** Section 17-17-348, Mississippi Code of 1972, is  
884 amended as follows:

885 17-17-348. (1) In addition to any notice requirements  
886 otherwise provided by law, the board of supervisors of each county  
887 and the governing authorities of each municipality, before the  
888 first day of the fiscal year, shall publish in a newspaper having  
889 a general circulation in the county, a detailed, itemized report  
890 of all revenues, costs and expenses incurred by the county or  
891 municipality during the immediately preceding county or municipal  
892 fiscal year in operating the garbage or rubbish collection or  
893 disposal system. The report shall disclose:

894 (a) The total dollar amount of revenues received or  
895 dedicated by the county or municipality during the immediately  
896 preceding fiscal year for operation of the garbage or rubbish  
897 collection or disposal system;

898 (b) The identity of each source of funding and the  
899 dollar amount received from each source of funding during the  
900 immediately preceding fiscal year for operation of the garbage or  
901 rubbish collection or disposal system, including ad valorem taxes,  
902 fees and other sources; and

903 (c) The total dollar amount expended by the county or  
904 municipality to operate the garbage or rubbish collection or  
905 disposal system, along with the names and addresses of all  
906 businesses and persons with whom the county or municipality has  
907 contracted to perform or provide garbage or rubbish collection or



disposal, the dollar amount of expenditures made under each contract and an itemized list of all other expenditures of county or municipal funds to operate and administer the garbage or rubbish collection or disposal system.

(2) The notice required under subsection (1) of this section shall be no less than one-eighth (1/8) page in size and the type used shall be no smaller than ten (10) point and surrounded by a one-fourth-inch (1/4) solid black border. The notice may not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The notice must appear in a newspaper that is published at least five (5) days a week, unless the only newspaper in the county is published less than five (5) days a week. The newspaper selected must be one of general interest and readership in the community, and not one of limited subject matter. The notice must be published at least once.

(3) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 22.** Section 17-5-7, Mississippi Code of 1972, is amended as follows:

17-5-7. Bonds authorized and issued pursuant to the provisions of Sections 17-5-3 through 17-5-11 may be issued in one or more series, may bear such date or dates, shall mature serially, not later than three (3) years from the date thereof, at such time or times, not exceeding forty (40) years from their respective dates, may bear interest at such rate or rates not exceeding five per centum (5%) per annum, payable semi-annually, may be in such denomination, may be in such form, either coupon or registered, may be payable at such place or places, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment at such place or places, may be subject to such terms of redemption, with or without premium, and may be declared or become due before the



maturity date thereof, as may be provided by the resolution authorizing their issuance. Such bonds and any interest coupons appertaining thereto shall be executed in accordance with the resolution providing for their authorization and issuance. Bonds issued under Sections 17-5-3 through 17-5-11 bearing the signatures of officers in office on the date of the signing thereof, as well as any interest coupons appertaining thereto, shall be valid and binding obligations, notwithstanding that before the delivery thereof any or all of the persons whose signatures or facsimile signatures appearing thereon shall have ceased to be officers of the county issuing the same. Bonds issued pursuant to the provisions of Sections 17-5-3 through 17-5-11 shall be negotiable for all purposes and shall possess all the qualities of a negotiable instrument. Bonds authorized and issued under the provisions of Sections 17-5-3 through 17-5-11 shall be sold and delivered only to the lowest bidder at public sale after notice thereof has been published in accordance with a motion, order, or resolution of the county proposing their issuance and sale, which notice shall be published at least one time, not less than ten (10) days prior to the date fixed for the holding of such public sale, in a daily newspaper published and circulating in the State of Mississippi. Any such bonds may be sold to the United States of America at private sale in furtherance of any loan or grant contract which may be entered into by and between the county proposing to issue such bonds and the United States. The said bonds shall not be sold for less than their par value plus accrued interest.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 23.** Section 17-18-17, Mississippi Code of 1972, is amended as follows:

17-18-17. (1) Except as provided in subsection (2) of this section, a community desiring to volunteer to host the state



974 commercial hazardous waste management facility to be operated  
975 pursuant to this chapter may propose to do so by the adoption of a  
976 resolution by a majority vote of the governing body of the local  
977 governmental unit. The committee shall determine the adequacy of  
978 any proposal to voluntarily host the state commercial hazardous  
979 waste management facility. Once a proposal to volunteer to host  
980 the state commercial hazardous waste management facility has been  
981 accepted in writing by the committee, the resolution making such  
982 proposal may not be rescinded by the governing body of the local  
983 governmental unit, unless the management category or categories  
984 determined under Section 49-29-7 is changed after the date of the  
985 submission of such category determination to the Hazardous Waste  
986 Technical Siting Committee. The governing body of the local  
987 governmental unit shall hold a minimum of two (2) public hearings  
988 prior to submission of a resolution regarding any proposal to  
989 volunteer to host the state commercial hazardous waste management  
990 facility pursuant to this chapter. The governing body of the  
991 local governmental unit shall advertise its intent to hold the  
992 public hearings. The advertisement shall be in a newspaper of  
993 general circulation in the county. The advertisement shall be no  
994 less than one-fourth (1/4) page in size and the type used shall be  
995 no smaller than eighteen (18) point and surrounded by a one-fourth  
996 (1/4) inch solid black border. The advertisement may not be  
997 placed in that portion of the newspaper where legal notices and  
998 classified advertisements appear. It is legislative intent that,  
999 whenever possible, the advertisement appear in a newspaper that is  
1000 published at least five (5) days a week, unless the only newspaper  
1001 in the county is published less than five (5) days a week. It is  
1002 further the intent of the Legislature that the newspaper selected  
1003 be one of general interest and readership in the community, and  
1004 not one of limited subject matter. The advertisement shall be run  
1005 once each week for the two (2) weeks preceding the public  
1006 hearings. The advertisement shall state that the governing body



will meet on a certain day, time and place fixed in the advertisement, which shall be not less than seven (7) days after the day the first advertisement is published, for the purpose of hearing comments regarding the proposed resolution and to explain the reasons for the proposed resolution.

(2) Washington County and Issaquena County are hereby designated as volunteer host communities without having to comply with the requirements of subsection (1) of this section.

(3) This section shall not be construed to give priority for the evaluation of potential sites to any one (1) volunteer host community over any other volunteer host community, regardless of whether the designation of a governmental unit as a volunteer host community is accomplished under subsection (1) or subsection (2) of this section.

(4) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 24.** Section 19-3-11, Mississippi Code of 1972, is amended as follows:

19-3-11. (1) In counties having only one (1) court district, the board of supervisors shall hold regular meetings at the courthouse or in the chancery clerk's office in those counties where the chancery clerk's office is in a building separate from the courthouse. However, the board of supervisors may meet in any other county-owned building if such building is located within one (1) mile of the courthouse and if, more than thirty (30) days prior to changing the meeting place, the board posts a conspicuous, permanent notice to that effect in the chancery clerk's office and in one (1) other place in the courthouse, publishes notice thereof in a newspaper published in the county, or if there be no newspaper published in the county, then in a newspaper having general circulation in the county, once each week, for at least three (3) consecutive weeks, and enters an



order upon its minutes designating and describing in full the building and room to be used as the meeting room of the board of supervisors. The board of supervisors shall meet on the first Monday of each month. However, when such meeting date falls on a legal holiday, then the said meeting shall be held on the succeeding day.

(2) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 25.** Section 19-3-19, Mississippi Code of 1972, is amended as follows:

19-3-19. The board of supervisors may, at a regular meeting, by an order on its minutes, adjourn to meet at any time it may determine upon. The president, or the vice president in the absence or disability of the president, or any three (3) members of the board, may call special meetings when deemed necessary. Notice shall be given of all special meetings, for at least five (5) days, by advertisement posted at the courthouse door, or published in a newspaper of the county, and the notice thereof, whether posted or published in a newspaper, shall be entered in full on the minutes of said meeting. However, in cases of emergency arising as a result of serious damage to county property, or to roads or bridges, or as a result of epidemic, or where immediate action is required for the repair or reconstruction of county roads or bridges, special meetings of the board of supervisors may be called, as provided herein, for the purpose of considering such emergency matters and taking appropriate action with reference thereto, upon twenty-four-hour notice given to each member of the board of supervisors in person, or by leaving a copy thereof at his usual place of residence. The order providing for an adjourned meeting, and the notice of a special meeting, shall specify each matter of business to be transacted thereat, and at such adjourned or special meetings





business shall not be transacted which is not specified in the order or notice for such meeting.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 26.** Section 19-3-33, Mississippi Code of 1972, is amended as follows:

19-3-33. The board of supervisors may have its proceedings published in some newspaper published in the county, and cause the same to be paid for out of the county treasury, but the costs of such publication shall not exceed the sum fixed by law for publishing legal notices. If there be more than one (1) newspaper published in the county, the contract for publishing the proceedings, if made, shall be let to the lowest bidder among them.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 27.** Section 19-3-35, Mississippi Code of 1972, is amended as follows:

19-3-35. The board of supervisors after each meeting shall have an itemized statement made of allowances, to whom, for what, and the amounts; a list of all contracts providing for the expenditure of money and the terms of payment thereof; a statement of all loans from sixteenth section funds, lieu land funds, and sinking, and other trust funds, setting forth to whom made, the amount, and the kind of security approved; a statement or list of all sales of timber, of all leases upon, including all leases for oil, gas and minerals upon, sixteenth section or lieu lands situated in the county or belonging to the county, showing to whom sold or made, description of land involved, the length of the term of any such lease, and the consideration therefor; and it shall also publish a recapitulation of all expenditures according to districts and also the county as a whole, and in such recapitulation the total expenses for each item shall be listed



1106 for each district, and in the total county recapitulation the  
1107 total expended from each item shall be listed and same shall be  
1108 published within fifteen (15) days after adjournment in some  
1109 newspaper of general circulation published in the county, and if  
1110 no such newspaper is published in the county, then in a newspaper  
1111 published elsewhere in the state and having a general circulation  
1112 in such county. The cost of publishing the same shall be paid for  
1113 out of the general fund of the county. The cost of such  
1114 publication shall not exceed one-half (1/2) of the rate now fixed  
1115 by law for publishing legal notices, and in no event shall the  
1116 cost of such publication exceed One Hundred Dollars (\$100.00) in  
1117 any one (1) month, save, however, in counties of classes 1 and 2  
1118 the board of supervisors may expend an amount not to exceed One  
1119 Hundred Seventy-five Dollars (\$175.00) per month for the  
1120 publication of said cumulative digest of its proceedings as  
1121 provided for above. If there be more than one (1) newspaper  
1122 published in the county, the board of supervisors shall advertise,  
1123 as provided by law, for contracts for publishing such proceedings,  
1124 and shall award the contract to the lowest bidder for a period of  
1125 two (2) years. If no bid be made for the price above mentioned,  
1126 then the proceedings shall be posted at the courthouse door as  
1127 hereinafter provided. If there be no newspaper published in such  
1128 county, then such proceedings shall be posted at the front  
1129 courthouse door.

1130 If any member of a board of supervisors or the chancery clerk  
1131 shall fail, refuse or neglect to comply with the provisions of  
1132 this section, he shall, upon conviction, be guilty of a  
1133 misdemeanor and shall be fined not more than Five Hundred Dollars  
1134 (\$500.00) for such failure, refusal or neglect for each offense  
1135 and, in addition thereto, shall be liable to a penalty of Five  
1136 Hundred Dollars (\$500.00), recoverable on his official bond by  
1137 suit filed by any county or district attorney or any interested  
1138 citizen, upon his official bond.



1139       This shall not be construed to repeal Section 19-3-33, and  
1140 where the verbatim proceedings are published as therein provided,  
1141 this section shall not apply, it being intended hereby to provide  
1142 a method of publishing the proceedings of the board of supervisors  
1143 in addition to that now provided for by Section 19-3-33. Where  
1144 publication is made under Section 19-3-33, this section shall not  
1145 be construed so as to require any other and additional  
1146 publication, or notice.

1147       The publication of any notice required in this section may be  
1148 published on the Internet as provided in Section 1 of this act.

1149       **SECTION 28.** Section 19-3-79, Mississippi Code of 1972, is  
1150 amended as follows:

1151       19-3-79. (1) Any person, corporation or other legal entity  
1152 required to obtain a state gaming license to conduct legal gaming  
1153 aboard a cruise vessel or vessel, as defined in Section 27-109-1,  
1154 as prescribed by the Mississippi Gaming Control Act shall, before  
1155 applying for such license, provide the Mississippi Gaming  
1156 Commission with a written notice of intent to apply for a license.  
1157 The "notice of intent to apply for a gaming license" shall be on a  
1158 form prescribed by the executive director of the commission and  
1159 shall state the county in which the intending licensee desires to  
1160 conduct legal gaming aboard a cruise vessel or vessel, as the case  
1161 may be. Within ten (10) days after receipt of a notice of intent  
1162 to apply for a gaming license, the commission shall require such  
1163 person, corporation or legal entity to publish the notice once  
1164 each week for three (3) consecutive weeks in a newspaper having  
1165 general circulation in the county in which the intending licensee  
1166 desires to conduct legal gaming aboard a cruise vessel or vessel,  
1167 as the case may be.

1168       (2) If no petition as prescribed in subsection (3) of this  
1169 section is filed with the board of supervisors of the applicable  
1170 county within thirty (30) days after the date of the last  
1171 publication, the board of supervisors of such county shall adopt a



1172 resolution stating that no petition was timely filed and that  
1173 legal gaming may henceforth be conducted aboard cruise vessels or  
1174 vessels, as the case may be, in such county.

1175 (3) If a petition signed by twenty percent (20%) or fifteen  
1176 hundred (1500), whichever is less, of the registered voters of a  
1177 county in which a notice of intent to apply for a gaming license  
1178 is published is filed within thirty (30) days of the date of the  
1179 last publication with the circuit clerk of the applicable county,  
1180 the board of supervisors of such county shall authorize the  
1181 circuit clerk to hold an election on the proposition of allowing  
1182 legal gaming to be conducted aboard cruise vessels or vessels, as  
1183 the case may be, in the county on the date upon which such an  
1184 election may be conducted under subsection (7). The referendum  
1185 shall be advertised, held, conducted and the result thereof  
1186 canvassed in the manner provided by law for advertising, holding  
1187 and canvassing county elections.

1188 (4) At such election, all qualified electors of such county  
1189 may vote. The ballots used at such election shall have printed  
1190 thereon a brief statement of the purpose of the election and the  
1191 words "FOR LEGAL GAMING ABOARD CRUISE VESSELS (OR VESSELS) IN THE  
1192 COUNTY AS PRESCRIBED BY LAW" and "AGAINST LEGAL GAMING ABOARD  
1193 CRUISE VESSELS (OR VESSELS) IN THE COUNTY AS PRESCRIBED BY LAW."  
1194 The voter shall vote by placing a cross (x) or check (✓) mark  
1195 opposite his choice on the proposition. If a majority of the  
1196 qualified electors who vote in such election shall vote in favor  
1197 of allowing legal gaming to be conducted aboard cruise vessels or  
1198 vessels, as the case may be, then legal gaming may henceforth be  
1199 conducted aboard cruise vessels or vessels, as the case may be, in  
1200 the county. If less than a majority of the qualified electors who  
1201 vote in such election shall vote in favor of allowing legal gaming  
1202 to be conducted aboard cruise vessels or vessels, as the case may  
1203 be, in the county, then gaming aboard cruise vessels or vessels,  
1204 as the case may be, shall be prohibited in the county until such



time as a subsequent election, held according to the restrictions specified in subsection (7), may authorize such legal gaming.

(5) In any county in which no petition is timely filed after a notice of intent to apply for a gaming license is published, or in which an election is held on the proposition of allowing legal gaming to be conducted aboard cruise vessels or vessels, as the case may be, in the county and a majority of the qualified electors who vote in such election vote in favor of allowing legal gaming to be conducted aboard cruise vessels or vessels, as the case may be, in the county, no election shall thereafter be held in that county pursuant to this section on the proposition of allowing legal gaming to be conducted aboard cruise vessels or vessels, as the case may be, in that county.

(6) Notwithstanding any provision of this section or Sections 97-33-1, 97-33-7, 97-33-17, 97-33-25 and 97-33-27 to the contrary, if an election is held pursuant to this section which causes the conducting of gaming aboard cruise vessels to be prohibited in any county in which one or more cruise vessels were operating out of a port in the county on the effective date of this chapter, the prohibition on the conducting of gaming aboard cruise vessels in that county shall not apply to the conducting of legal gaming aboard any of those cruise vessels which were still operating out of a port in that county at the time of the election.

(7) If an election has been held on the issue of allowing legal gaming to be conducted aboard cruise vessels or vessels, as the case may be, in a county, and the authority to conduct such legal gaming has been denied by the electors of such county, then a subsequent election on such issue may not be held until:

(a) The date of the next succeeding general election in which the election for President of the United States occurs; or

(b) In the case in which the authority to conduct such legal gaming has been denied by the electors of such county at



elections on three (3) different occasions, whether those occasions be successive or not, the date of the next succeeding general election occurring at least eight (8) years after the last of the three (3) occasions on which the electors denied the authority to conduct such legal gaming.

(8) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 29.** Section 19-5-21, Mississippi Code of 1972, is amended as follows:

19-5-21. (1) (a) Except as provided in paragraphs (b), (c), (d) and (g) of this subsection, the board of supervisors, to defray the cost of establishing and operating the system provided for in Section 19-5-17, may levy an ad valorem tax not to exceed four (4) mills on all taxable property within the area served by the county garbage or rubbish collection or disposal system. The service area may be comprised of unincorporated or incorporated areas of the county or both; however, no property shall be subject to this levy unless that property is within an area served by a county's garbage or rubbish collection or disposal system.

(b) The board of supervisors of any county wherein Mississippi Highways 35 and 16 intersect and having a land area of five hundred eighty-six (586) square miles may levy, in its discretion, for the purposes of establishing, operating and maintaining a garbage or rubbish collection or disposal system, an ad valorem tax not to exceed six (6) mills on all taxable property within the area served by the system as set out in paragraph (a) of this subsection.

(c) The board of supervisors of any county bordering on the Mississippi River and traversed by U.S. Highway 61, and which is intersected by Mississippi Highway 4, having a population of eleven thousand eight hundred fifty-four (11,854) according to the 1970 federal census, and having an assessed valuation of Fourteen



1271 Million Eight Hundred Seventy-two Thousand One Hundred Forty-four  
1272 Dollars (\$14,872,144.00) in 1970, may levy, in its discretion, for  
1273 the purposes of establishing, operating and maintaining a garbage  
1274 or rubbish collection or disposal system, an ad valorem tax not to  
1275 exceed six (6) mills on all taxable property within the area  
1276 served by the system as set out in paragraph (a) of this  
1277 subsection.

1278           (d) The board of supervisors of any county having a  
1279 population in excess of two hundred fifty thousand (250,000),  
1280 according to the latest federal decennial census, and in which  
1281 Interstate Highway 55 and Interstate Highway 20 intersect, may  
1282 levy, in its discretion, for the purposes of establishing,  
1283 operating and maintaining a garbage or rubbish collection or  
1284 disposal system, an ad valorem tax not to exceed seven (7) mills  
1285 on all taxable property within the area served by the system as  
1286 set out in paragraph (a) of this subsection.

1287           (e) The proceeds derived from any additional millage  
1288 levied pursuant to paragraphs (a) through (d) of this subsection  
1289 in excess of two (2) mills shall be excluded from the ten percent  
1290 (10%) increase limitation under Section 27-39-321 for the first  
1291 year of such additional levy and shall be included within such  
1292 limitation in any year thereafter. The proceeds from any millage  
1293 levied pursuant to paragraph (g) shall be excluded from the ten  
1294 percent (10%) increase limitation under Section 27-39-321 for the  
1295 first year of the levy and shall be included within the limitation  
1296 in any year thereafter.

1297           (f) The rate of the ad valorem tax levied under this  
1298 section shall be shown as a line item on the notice of ad valorem  
1299 taxes on taxable property owed by the taxpayer.

1300           (g) In lieu of the ad valorem tax authorized in  
1301 paragraphs (a), (b), (c) and (d) of this subsection, the fees  
1302 authorized in subsection (2) of this subsection and in Section  
1303 19-5-17 or any combination thereof, the board of supervisors may



levy an ad valorem tax not to exceed six (6) mills to defray the cost of establishing and operating the system provided for in Section 19-5-17 on all taxable property within the area served by the system as provided in paragraph (a) of this subsection.

Any board of supervisors levying the ad valorem tax authorized in this paragraph (g) is prohibited from assessing or collecting fees for the services provided under the system.

(2) In addition to the ad valorem taxes authorized in paragraphs (a), (b) and (c) of subsection (1) or in lieu of any other method authorized to defray the cost of establishing and operating the system provided for in Section 19-5-17, the board of supervisors of any county with a garbage or rubbish collection or disposal system may assess and collect fees to defray the costs of the services. The board of supervisors may assess and collect the fees from each single family residential generator of garbage or rubbish. The board of supervisors also may assess and collect the fees from each industrial, commercial and multifamily residential generator of garbage or rubbish for any time period that the generator has not contracted for the collection of garbage and rubbish that is ultimately disposed of at a permitted or authorized nonhazardous solid waste management facility. The fees assessed and collected under this subsection may not exceed, when added to the proceeds derived from any ad valorem tax imposed under this section and any special funds authorized under subsection (7), the actual costs estimated to be incurred by the county in operating the county garbage and rubbish collection and disposal system.

(3) (a) Before the adoption of any order to increase the ad valorem tax assessment or fees authorized by this section, the board of supervisors shall publish a notice advertising their intent to adopt an order to increase the ad valorem tax assessment or fees authorized by this section. The notice shall specify the purpose of the proposed increase, the proposed percentage increase





1337 and the proposed percentage increase in total revenues for garbage  
1338 or rubbish collection or disposal services or shall contain a copy  
1339 of the resolution by the board stating their intent to increase  
1340 the ad valorem tax assessment or fees. The notice shall be  
1341 published in a newspaper published or having general circulation  
1342 in the county for no less than three (3) consecutive weeks before  
1343 the adoption of the order. The notice shall be in print no less  
1344 than the size of eighteen (18) point and shall be surrounded by a  
1345 one-fourth (1/4) inch black border. The notice shall not be  
1346 placed in the legal section notice of the newspaper. There shall  
1347 be no language in the notice stating or implying a mandate from  
1348 the Legislature.

1349 (b) In addition to the requirement for publication of  
1350 notice, the board of supervisors shall notify each person  
1351 furnished garbage or rubbish collection or disposal service of any  
1352 increase in the ad valorem tax assessment or fees. In the case of  
1353 an increase of the ad valorem tax assessment, a notice shall be  
1354 conspicuously placed on or attached to the first ad valorem tax  
1355 bill on which the increased assessment is effective. In the case  
1356 of an increase in fees, a notice shall be conspicuously placed on  
1357 or attached to the first bill for fees on which the increased fees  
1358 or charges are assessed. There shall be no language in any notice  
1359 stating or implying a mandate from the Legislature.

1360 (4) The board of supervisors of each county shall adopt an  
1361 order determining whether or not to grant exemptions, either full  
1362 or partial, from the fees for certain classes of generators of  
1363 garbage or rubbish. If a board of supervisors grants any  
1364 exemption, it shall do so in accordance with policies and  
1365 procedures, duly adopted and entered on its minutes, that clearly  
1366 define those classes of generators to whom the exemptions are  
1367 applicable. The order granting exemptions shall be interpreted  
1368 consistently by the board when determining whether to grant or  
1369 withhold requested exemptions.



1370           (5)   (a)   The board of supervisors in any county with a  
1371 garbage or rubbish collection or disposal system only for  
1372 residents in unincorporated areas may adopt an order authorizing  
1373 any single family generator to elect not to use the county garbage  
1374 or rubbish collection or disposal system. If the board of  
1375 supervisors adopts an order, the head of any single family  
1376 residential generator may elect not to use the county garbage or  
1377 rubbish collection or disposal service by filing with the chancery  
1378 clerk the form provided for in this subsection before December 1  
1379 of each year. The board of supervisors shall develop a form that  
1380 shall be available in the office of the chancery clerk for the  
1381 head of household to elect not to use the service and to accept  
1382 full responsibility for the disposal of his garbage or rubbish in  
1383 accordance with state and federal laws and regulations. The board  
1384 of supervisors, following consultation with the Department of  
1385 Environmental Quality, shall develop and the chancery clerk shall  
1386 provide a form to each person electing not to use the service  
1387 describing penalties under state and federal law and regulations  
1388 for improper or unauthorized management of garbage. Notice that  
1389 the election may be made not to use the county service by filing  
1390 the form with the chancery clerk's office shall be published in a  
1391 newspaper published or having general circulation in the county  
1392 for no less than three (3) consecutive weeks, with the first  
1393 publication being made no sooner than five (5) weeks before the  
1394 first day of December. The notice shall state that any single  
1395 family residential generator may elect not to use the county  
1396 garbage or rubbish collection or disposal service by the  
1397 completion and filing of the form for that purpose with the  
1398 chancery clerk's office before December 1 of that year. The  
1399 notice shall also include a statement that any single family  
1400 residential generator who does not timely file the form shall be  
1401 assessed any fees levied to cover the cost of the county garbage  
1402 or rubbish collection or disposal service. The chancery clerk



1403 shall maintain a list showing the name and address of each person  
1404 who has filed a notice of intent not to use the county garbage or  
1405 rubbish collection or disposal service.

1406 (b) If the homestead property of a person lies  
1407 partially within the unincorporated service area of a county and  
1408 partially within the incorporated service area of a municipality  
1409 and both the municipality and the county provide garbage  
1410 collection and disposal service to that person, then the person  
1411 may elect to use either garbage collection and disposal service.  
1412 The person shall notify the clerk of the governing authority of  
1413 the local government whose garbage collection and disposal service  
1414 he elects not to use of his decision not to use such services by  
1415 certified mail, return receipt requested. The person shall not be  
1416 liable for any fees or charges from the service he elects not to  
1417 use.

1418 (6) The board may borrow money for the purposes of defraying  
1419 the expenses of the system in anticipation of:

1420 (a) The tax levy authorized under this section;

1421 (b) Revenues resulting from the assessment of any fees  
1422 for garbage or rubbish collection or disposal; or

1423 (c) Any combination thereof.

1424 (7) In addition to the fees or ad valorem millage authorized  
1425 under this section, a board of supervisors may use monies from any  
1426 special funds of the county that are not otherwise required by law  
1427 to be dedicated for use for a particular purpose in order to  
1428 defray the costs of the county garbage or rubbish collection or  
1429 disposal system.

1430 (8) The publication of any notice required in this section  
1431 may be published on the Internet as provided in Section 1 of this  
1432 act.

1433 **SECTION 30.** Section 19-5-23, Mississippi Code of 1972, is  
1434 amended as follows:



1435           19-5-23. The tax levy authorized by Section 19-5-21 shall  
1436 not be imposed until the board of supervisors shall have published  
1437 notice of its intention to levy same. Said notice shall be  
1438 published once each week for three (3) consecutive weeks in some  
1439 newspaper having a general circulation in such county, but not  
1440 less than twenty-one (21) days, nor more than sixty (60) days,  
1441 intervening between the time of the first notice and the meeting  
1442 at which said board proposes to levy such tax. If, within the  
1443 time of giving notice, twenty percent (20%) or fifteen hundred  
1444 (1500), whichever is less, of the qualified electors of the  
1445 district affected shall protest or file a petition against the  
1446 levy of such tax, then such tax shall not be levied unless  
1447 authorized by a majority of the qualified electors of such  
1448 district voting at an election to be called and held for that  
1449 purpose. The notice provided for herein shall only be required  
1450 prior to the initial levy except when the board of supervisors  
1451 intends to increase the levy over the amount shown in the initial  
1452 notice.

1453           The publication of any notice required in this section may be  
1454 published on the Internet as provided in Section 1 of this act.

1455           **SECTION 31.** Section 19-5-71, Mississippi Code of 1972, is  
1456 amended as follows:

1457           19-5-71. The boards of supervisors of the several counties  
1458 may, in their discretion, appropriate money from the general funds  
1459 of the county for the purpose of buying lands, personal property,  
1460 or equipment of whatever nature and kind, for experiment stations,  
1461 and may appropriate money from said county funds to aid in the  
1462 support and maintenance of such experiment stations, whether the  
1463 same be located within or without the county. When any board of  
1464 supervisors desire to appropriate funds as herein provided, they  
1465 shall first publish notice of said proposed expenditure setting  
1466 forth the amount thereof and the purposes for which said funds are  
1467 to be used, and upon petition of ten percent (10%) of the



qualified electors in said county, the board shall submit to the qualified electors at a special election to be held in said county the question of whether or not said expenditure shall be made, and in the event the majority of the qualified electors shall vote against such expenditure, then the same shall not be made, and such proposal shall not again be made within twelve (12) months from said election.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 32.** Section 19-5-81, Mississippi Code of 1972, is amended as follows:

19-5-81. Before issuing the bonds, notes or loan warrants, authorized by Section 19-5-79, the board of supervisors shall publish notice of its intention to borrow such funds and to issue loan warrants, notes or bonds, and the clerk of said board shall publish in three (3) weekly issues of some newspaper having a general circulation in the county, a copy of such order. If, within twenty-one (21) days after the first publication of a copy of such order, twenty percent (20%) of the qualified electors of the county petition the board of supervisors for an election to determine whether or not the adoption of such order should be annulled, such election shall be ordered by said board of supervisors in which the qualified electors of the county shall be eligible to participate. If at such election a majority of those voting vote in favor of the adoption of such order the same shall be valid and effective, but if a majority shall vote against such order it shall be annulled and shall be ineffective. Such election shall be held and conducted and the returns thereof made as provided by law for other county elections. If no such petition be presented within twenty-one (21) days after the first publication of a copy of such order, the order shall be valid and effective and said board may thereupon proceed to issue said loan warrants hereunder without an election on the question of the



issuance thereof.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 33.** Section 19-5-92.1, Mississippi Code of 1972, is amended as follows:

19-5-92.1. (1) The board of supervisors of any county, whenever the board determines that the health, comfort and convenience of the inhabitants of the county will be promoted, may:

(a) Alter and change the channels of streams or other water courses;

(b) Construct, reconstruct and repair bridges over streams and water courses; and

(c) Incur costs and pay necessary expenses for:

(i) Providing labor, materials and supplies to clean or clear drainage ditches, creeks or channels and to prevent erosion of such ditches, creeks or channels;

(ii) Acquiring property and obtaining easements necessary to perform work under this section; and

(iii) Reimbursing landowners for damages and injury resulting from work performed by the county under this section.

(2) The work performed and the expenses incurred under subsection (1) of this section may take place on public or private property. However, if the work is to be performed or the expenses to be incurred will take place on private property, the board of supervisors must:

(a) Make a finding, as evidenced by entry upon its minutes, that such work and/or expenses are necessary in order to promote the public health, safety and welfare of the citizens of the county;



1532           (b) Give notice, in writing, to all owners of property  
1533 that will be affected by the work for such period of time as is  
1534 reasonable to allow such owners to express any objections;

1535           (c) Not receive written objection to the work by any  
1536 owners of property that will be affected by the work within the  
1537 period of time allowed to express objections; and

1538           (d) Unless otherwise agreed, in writing, by the county  
1539 and the landowner, construct or install a culvert or bridge, at  
1540 the county's expense, at an appropriate location or locations to  
1541 provide the landowner ingress and egress to all of the property to  
1542 which the landowner had access immediately before performance of  
1543 the work by the county.

1544           (3) The county shall reimburse landowners for all damages or  
1545 injury resulting from work performed by the county under this  
1546 section.

1547           (4) The provisions of this section do not impose any  
1548 obligation or duty upon a county to perform any work or to incur  
1549 any expenditures not otherwise required by law to be performed or  
1550 incurred by a county, nor do the provisions of this section create  
1551 any rights or benefits for the owner of any public or private  
1552 property in addition to any rights or benefits as may be otherwise  
1553 provided by law.

1554           (5) No additional taxes may be imposed for the work  
1555 authorized under subsection (1) of this section until the board of  
1556 supervisors adopts a resolution declaring its intention to levy  
1557 the taxes and establishing the amount of the tax levies and the  
1558 date on which the taxes initially will be levied and collected.  
1559 This date shall be the first day of the month, but not earlier  
1560 than the first day of the second month, from the date of adoption  
1561 of the resolution. Notice of the proposed tax levy must be  
1562 published once each week for at least three (3) consecutive weeks  
1563 in a newspaper having a general circulation in the county. The  
1564 first publication of the notice shall be made not less than



twenty-one (21) days before the date fixed in the resolution on which the board of supervisors proposes to levy the taxes, and the last publication of the notice shall be made not more than seven (7) days before that date. If, within the time of giving notice, fifteen percent (15%) or two thousand five hundred (2,500), whichever is less, of the qualified electors of the county file a written petition against the levy of the taxes, then the taxes shall not be levied unless authorized by three-fifths (3/5) of the qualified electors of the county voting at an election to be called and held for that purpose.

(6) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 34.** Section 19-5-103, Mississippi Code of 1972, is amended as follows:

19-5-103. (1) In accordance with the provisions of Section 19-3-41, providing that additional powers may be conferred upon the boards of supervisors, the board of supervisors of any county bordering on the Gulf of Mexico and having two (2) judicial districts and the board of supervisors of any county adjacent to any county of this or any adjoining state wherein is located a city having a population in excess of two hundred thousand (200,000), according to the latest federal census, are hereby empowered to promulgate, adopt and enforce ordinances which are necessary and reasonable for the protection of public health and the maintenance of order in relation to the advertisement, the offering of services and the dispensation for compensation of personal services in establishments known as massage parlors and to promulgate, adopt and enforce ordinances which are necessary and reasonable for the protection of public health and the maintenance of order in relation to public displays of nudity.

(2) For the purposes of this section, the term "massage parlor" shall mean any premises where a person manipulates, rubs,





1598 caresses, touches, massages, kneads, palpates or otherwise  
1599 physically contacts the body or part or area of the body of  
1600 another person. The term "massage parlor" shall not include  
1601 gymnasias or other premises wherein persons engage in bona fide  
1602 athletic or conditioning activities, duly licensed barbershop,  
1603 beauty parlor, chiropractic clinic or other premises of a person  
1604 practicing a vocation or profession regulated and licensed by the  
1605 state.

1606 For the purposes of this section, the term "nudity" means  
1607 uncovered, or less than opaquely covered, postpubertal human  
1608 genitals, pubic areas, the postpubertal human female breast below  
1609 a point immediately above the top of the areola, or the covered  
1610 human male genitals in a discernibly turgid state. For purposes  
1611 of this definition, a female breast is considered uncovered if the  
1612 nipple only or the nipple and areola only are uncovered, however,  
1613 the term "nudity" does not include a woman's breast-feeding of her  
1614 child whether or not the breast or any part of it is exposed as  
1615 any element of breast-feeding.

1616 For the purposes of this section, the term "public display"  
1617 means the exposing, exhibiting, revealing, or in any fashion  
1618 displaying the nude human body or any representation thereof in  
1619 any location in such a manner that it may be readily seen by the  
1620 public by normal unaided vision and the term also means any play,  
1621 motion picture, dance, show or other presentation, whether  
1622 pictured, animated or live, performed before an audience and which  
1623 in whole or in part depicts or reveals nudity or sexual conduct.

1624 (3) Ordinances adopted pursuant to this section shall  
1625 comport with the elements of due process and shall include but not  
1626 be limited to specificity, adequate notice, right to hearing,  
1627 right to counsel, right to appeal adverse findings to a judicial  
1628 authority and penalties rationally related to prohibited acts.

1629 (4) Boards of supervisors proposing such ordinances shall  
1630 publish and post notice of such intentions not less than twenty



(20) days prior to the holding of a public hearing whereat the purposes and substance of such ordinances shall be fully discussed.

(5) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 35.** Section 19-5-155, Mississippi Code of 1972, is amended as follows:

19-5-155. Upon the filing of such petition, or upon the adoption of a resolution declaring the intent of the board of supervisors to incorporate such district, it shall then be the duty of the board of supervisors of such county to fix a time and place for a public hearing upon the question of the public convenience and necessity of the incorporation of the proposed district. The date fixed for such hearing shall be not more than thirty (30) days after the filing of the petition, and the date of the hearing, the place at which it shall be held, the proposed boundaries of said district, and the purpose of the hearing, shall be set forth in a notice to be signed by the clerk of the board of supervisors of such county. Such notice shall be published in a newspaper having general circulation within such proposed district once a week for at least three (3) consecutive weeks prior to the date of such hearing. The first such publication shall be made not less than twenty-one (21) days prior to the date of such hearing and the last such publication shall be made not more than fourteen (14) days prior to the date of such hearing.

If, at such public hearing, the board of supervisors finds (1) that the public convenience and necessity require the creation of the district, and (2) that the creation of the district is economically sound and desirable, the board of supervisors shall adopt a resolution making the aforesaid findings and declaring its intention to create the district on a date to be specified in such resolution. Such resolution shall also designate the name of the



proposed district, define its territorial limits which shall be fixed by said board pursuant to such hearing, and state whether or not the board of supervisors shall levy the tax authorized in Section 19-5-189, Mississippi Code of 1972, and whether or not the board of supervisors proposes to assess benefited properties as outlined in Section 19-5-191, Mississippi Code of 1972.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 36.** Section 19-5-157, Mississippi Code of 1972, is amended as follows:

19-5-157. A certified copy of the resolution so adopted shall be published in a newspaper having a general circulation within such proposed district once a week for at least three (3) consecutive weeks prior to the date specified in such resolution as the date upon which such board intends to create such district. The first such publication shall be made not less than twenty-one (21) days prior to the date specified, and the last such publication shall be made not more than fourteen (14) days prior to such date.

If twenty percent (20%) or one hundred fifty (150), whichever is the lesser, of the qualified electors of such proposed district file written petition with such board of supervisors on or before the date specified aforesaid, protesting against the creation of such district, the board of supervisors shall call an election on the question of the creation of such district. Such election shall be held and conducted by the election commissioners of the county as nearly as may be in accordance with the general laws governing elections, and such election commissioners shall determine which of the qualified electors of such county reside within the proposed district, and only such qualified electors as reside within such proposed district shall be entitled to vote in such election. Notice of such election setting forth the time, place or places, and purpose of such election shall be published



by the clerk of the board of supervisors, and such notice shall be published for the time and the manner provided in Section 19-5-155 for the publication of the resolution of intention. The ballots to be prepared for and used at said election shall be in substantially the following form:

"FOR CREATION OF \_\_\_\_\_ DISTRICT ( )

AGAINST CREATION OF \_\_\_\_\_ DISTRICT ( )"

and voters shall vote by placing a cross mark (x) or check mark (✓) opposite their choice.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 37.** Section 19-5-167, Mississippi Code of 1972, is amended as follows:

19-5-167. (1) Except as otherwise provided in this section, the powers of each district shall be vested in and exercised by a board of commissioners consisting of five (5) members to be appointed by the board of supervisors. Upon their initial appointment, one (1) of the commissioners shall be appointed for a term of one (1) year; one (1) for a term of two (2) years; one (1) for a term of three (3) years; one (1) for a term of four (4) years; and one (1) for a term of five (5) years; thereafter, each commissioner shall be appointed and shall hold office for a term of five (5) years. Any vacancy occurring on a board of commissioners shall be filled by the board of supervisors at any regular meeting of the board of supervisors, and the board of supervisors shall have the authority to fill all unexpired terms of any commissioner or commissioners. Notwithstanding the appointive authority herein granted to the board of supervisors, its legal and actual responsibilities, authority and function, subsequent to the creation of any district, shall be specifically limited to the appointive function and responsibilities outlined in Sections 19-5-179, 19-5-189 and 19-5-191. The operation, management, abolition or dissolution of such district, and all



other matters in connection therewith, shall be vested solely and only in the board of commissioners to the specific exclusion of the board of supervisors, and the abolition, dissolution or termination of any district shall be accomplished only by unanimous resolution of the board of commissioners. The board of commissioners of a fire protection district created under Sections 19-5-151 et seq., by unanimous resolution, may dissolve such district and, under Sections 19-5-215 et seq., may create a fire protection grading district consisting of the same boundaries as the previously existing fire protection district. Petition and election requirements of Sections 19-5-217 through 19-5-227 shall not apply where the board of commissioners dissolves a fire protection district and creates a fire protection grading district under this section. Except as otherwise provided herein, such board of commissioners shall have no power, jurisdiction or authority to abolish, dissolve or terminate any district while the district has any outstanding indebtedness of any kind or character, unless such dissolution or termination is accomplished under the provisions of Section 19-5-207. If a fire protection district is dissolved in accordance with this subsection, the board of supervisors may continue to levy the same millage as was being levied within the boundaries of the fire protection district before its dissolution provided that a fire protection grading district is created, in accordance with Sections 19-5-215 et seq., with identical boundaries as the previously existing fire protection district.

(2) The board of supervisors of the incorporating county, may upon receipt of a unanimous resolution from two (2) or more boards of commissioners of duly created fire protection districts, may consolidate such districts for administrative purposes. Upon receipt of unanimous resolutions requesting consolidation, the board of supervisors shall conduct a public hearing to determine the public's interest. Following such a hearing, the board may



1763 create a consolidated commission consisting of the participating  
1764 districts for administrative purposes. Such districts then shall  
1765 dissolve their respective boards of commissioners, transferring  
1766 all records to the consolidated board of commissioners. A  
1767 consolidated board of commissioners consisting of not less than  
1768 five (5) members shall be appointed with equal representation from  
1769 each participating district. Any commissioners appointed to a  
1770 consolidated fire protection district commission must comply with  
1771 eligibility requirements as authorized in Section 19-5-171. In  
1772 the event that a consolidated fire protection district commission  
1773 consists of an even number of members, the chairman elected as  
1774 authorized by Section 19-5-169 shall vote only in the event of a  
1775 tie. General powers and duties of commissioners and commissions  
1776 and other related matters as defined in Sections 19-5-151 through  
1777 19-5-207 shall apply to the entire area contained in the  
1778 consolidating fire protection districts as described in the  
1779 resolutions incorporating the fire protection districts as well as  
1780 to subsequent annexations.

1781 (3) If the creation of the district is initiated in  
1782 accordance with Section 19-5-153(3), the powers of the district  
1783 shall be vested in and exercised by a board of commissioners  
1784 selected in the following manner:

1785 (a) Upon creation of the district, the board of  
1786 directors of the former nonprofit, nonshare corporation shall  
1787 serve as the board of commissioners of the newly created water  
1788 district for a period not to exceed sixty (60) days. The initial  
1789 commissioners shall be subject to the requirements of Section  
1790 19-5-171, except the requirement for executing a bond. If an  
1791 initial commissioner fails to meet a requirement of Section  
1792 19-5-171 as provided in this section, the board of supervisors  
1793 shall appoint a member to fill that vacancy on the board of  
1794 commissioners.



1795           (b) In the resolution creating a district initiated in  
1796 accordance with Section 19-5-153(3), the board of supervisors  
1797 shall direct the existing board of directors of the rural water  
1798 association to create within the district five (5) posts from  
1799 which commissioners shall be elected. The board of supervisors  
1800 shall designate the positions to be elected from each post as Post  
1801 1, Post 2, Post 3, Post 4 and Post 5. Post 5 shall be an at large  
1802 post composed of the entire district. Within sixty (60) days  
1803 following creation of the district, the board of supervisors shall  
1804 call an election. Such election shall be held and conducted by  
1805 the election commissioners in accordance with the general laws  
1806 governing elections. The election commissioners shall determine  
1807 which of the qualified electors of the county reside within the  
1808 district and only those electors shall be entitled to vote in the  
1809 election. Notice of the election setting forth the time, place or  
1810 places and the purpose of the election shall be published by the  
1811 clerk of the board of supervisors in the manner provided in  
1812 Section 19-5-155.

1813           The initial elected commissioners shall be elected to a term  
1814 of office expiring on December 31 of the year in which the next  
1815 succeeding general election for statewide officials is held.  
1816 After the initial term of office, commissioners shall be elected  
1817 to four-year terms. Vacancies shall be filled by the procedure  
1818 set forth in Section 23-15-839.

1819           (4) The publication of any notice required in this section  
1820 may be published on the Internet as provided in Section 1 of this  
1821 act.

1822           **SECTION 38.** Section 19-5-189, Mississippi Code of 1972, is  
1823 amended as follows:

1824           19-5-189. (1) (a) Except as otherwise provided in  
1825 subsection (2) of this section for levies for fire protection  
1826 purposes and subsection (3) of this section for certain districts  
1827 providing water service, the board of supervisors of the county in



1828 which any such district exists may, according to the terms of the  
1829 resolution, levy a special tax, not to exceed four (4) mills  
1830 annually, on all of the taxable real property in such district,  
1831 the avails of which shall be paid over to the board of  
1832 commissioners of the district to be used either for the operation,  
1833 support and maintenance of the district or for the retirement of  
1834 any bonds issued by the district, or for both.

1835 (b) The proceeds derived from two (2) mills of the levy  
1836 authorized herein shall be included in the ten percent (10%)  
1837 increase limitation under Section 27-39-321, and the proceeds  
1838 derived from any additional millage levied under this subsection  
1839 in excess of two (2) mills shall be excluded from such limitation  
1840 for the first year of such additional levy and shall be included  
1841 within such limitation in any year thereafter.

1842 (2) (a) In respect to fire protection purposes, the board  
1843 of supervisors of the county in which any such district exists on  
1844 July 1, 1987, may levy a special tax annually, not to exceed the  
1845 tax levied for such purposes for the 1987 fiscal year on all of  
1846 the taxable real property in such district, the avails of which  
1847 shall be paid over to the board of commissioners of the district  
1848 to be used either for the operation, support and maintenance of  
1849 the fire protection district or for the retirement of any bonds  
1850 issued by the district for fire protection purposes, or for both.  
1851 Any such district for which no taxes have been levied for the 1987  
1852 fiscal year may be treated as having been created after July 1,  
1853 1987, for the purposes of this subsection.

1854 (b) In respect to fire protection purposes, the board  
1855 of supervisors of the county in which any such district is created  
1856 after July 1, 1987, may, according to the terms of the resolution  
1857 of intent to incorporate the district, levy a special tax not to  
1858 exceed two (2) mills annually on all of the taxable real property  
1859 in such district, the avails of which shall be paid over to the  
1860 board of commissioners of the district to be used either for the





1861 operation, support and maintenance of the fire protection district  
1862 or for the retirement of any bonds issued by the district for fire  
1863 protection purposes, or for both; however, if the district is  
1864 created pursuant to a mandatory election called by the board of  
1865 supervisors, in lieu of a petitioned election under Section  
1866 19-5-157, the board of supervisors may levy a special tax annually  
1867 not to exceed an amount to be determined by the board of  
1868 supervisors and stated in the notice of such election. The  
1869 mandatory election authorized herein shall be conducted in  
1870 accordance with paragraph (c) of this subsection. The special tax  
1871 may be increased if such increase is authorized by the electorate  
1872 pursuant to an election conducted in accordance with paragraph (c)  
1873 of this subsection.

1874           (c) The tax levy under this subsection may be increased  
1875 only when the board of supervisors has determined the need for  
1876 additional revenues, adopts a resolution declaring its intention  
1877 so to do and has held an election on the question of raising the  
1878 tax levy prescribed in this subsection. The notice calling for an  
1879 election shall state the purposes for which the additional  
1880 revenues shall be used and the amount of the tax levy to be  
1881 imposed for such purposes. The tax levy may be increased only if  
1882 the proposed increase is approved by a majority of those voting  
1883 within the district. Subject to specific provisions of this  
1884 paragraph to the contrary, the publication of notice and manner of  
1885 holding the election within the district shall be as prescribed by  
1886 law for the holding of elections for the issuance of bonds by the  
1887 board of supervisors. The election shall be held only within the  
1888 district.

1889           (d) Notwithstanding any provisions of this subsection  
1890 to the contrary, in any county bordering on the Gulf of Mexico and  
1891 the State of Louisiana, the board of supervisors may levy not to  
1892 exceed four (4) mills annually on all the taxable real property  
1893 within any fire protection district, the avails of which shall be



1894 paid over to the board of commissioners of the district to be used  
1895 either for the operation, support and maintenance of the fire  
1896 protection district or for the retirement of any bonds issued by  
1897 the district for fire protection purposes, or for both. Prior to  
1898 levying the tax under this paragraph, the board of supervisors  
1899 shall adopt a resolution declaring its intention to levy the tax.  
1900 The resolution shall describe the amount of the tax levy and the  
1901 purposes for which the proceeds of the tax will be used. The  
1902 board of supervisors shall have a copy of the resolution published  
1903 once a week for three (3) consecutive weeks in at least one (1)  
1904 newspaper published in the county and having a general circulation  
1905 therein. If no newspaper is published in the county, then notice  
1906 shall be given by publishing the resolution for the required time  
1907 in some newspaper having a general circulation in the county. A  
1908 copy of the resolution shall also be posted at three (3) public  
1909 places in the county for a period of at least twenty-one (21) days  
1910 during the time of its publication in a newspaper. If more than  
1911 twenty percent (20%) of the qualified electors of the district  
1912 shall file with the clerk of the board of supervisors, within  
1913 twenty-one (21) days after adoption of the resolution of intent to  
1914 levy the tax, a petition requesting an election on the question of  
1915 the levy of such tax, then and in that event such tax levy shall  
1916 not be made unless authorized by a majority of the votes cast at  
1917 an election to be called and held for that purpose within the  
1918 district. Notice of such election shall be given, the election  
1919 shall be held and the result thereof determined, as far as is  
1920 practicable, in the same manner as other elections are held in the  
1921 county. If an election results in favor of the tax levy or if no  
1922 election is required, the board of supervisors may levy such tax.  
1923 The board of supervisors, in its discretion, may call an election  
1924 on such question, in which event it shall not be necessary to  
1925 publish the resolution declaring its intention to have the tax  
1926 imposed.



1927                   (e) Notwithstanding any provisions of this subsection  
1928 to the contrary, in any county bordering on the Mississippi River  
1929 in which legal gaming is conducted and in which U.S. Highway 61  
1930 intersects with Highway 4, the board of supervisors may levy a  
1931 special tax not to exceed five (5) mills annually on all the  
1932 taxable real and personal property within any fire protection  
1933 district, except for utilities as defined in Section 77-3-3(d)(i)  
1934 and (iii), the avails of which shall be paid over to the board of  
1935 commissioners of the district to be used either for the operation,  
1936 support and maintenance of the fire protection district or for the  
1937 retirement of any bonds issued by the district for fire protection  
1938 purposes, or for both. Before levying the tax under this  
1939 paragraph, the board of supervisors shall adopt a resolution  
1940 declaring its intention to levy the tax. The resolution shall  
1941 describe the amount of the tax levy and the purposes for which the  
1942 proceeds of the tax will be used. The board of supervisors shall  
1943 have a copy of the resolution published once a week for three (3)  
1944 consecutive weeks in at least one (1) newspaper published in the  
1945 county and having a general circulation therein. If no newspaper  
1946 is published in the county, then notice shall be given by  
1947 publishing the resolution for the required time in some newspaper  
1948 having general circulation in the county. A copy of the  
1949 resolution shall also be posted at three (3) public places in the  
1950 county for a period of at least twenty-one (21) days during the  
1951 time of its publication in a newspaper. If more than twenty  
1952 percent (20%) of the qualified electors of the district shall file  
1953 with the clerk of the board of supervisors, within twenty-one (21)  
1954 days after adoption of the resolution of intent to levy the tax, a  
1955 petition requesting an election of the questions of the levy of  
1956 such tax, then and in that event such tax levy shall not be made  
1957 unless authorized by a majority of the votes cast at an election  
1958 to be called and held for that purpose within the district.  
1959 Notice of such election shall be given, the election shall be held



and the result thereof determined, as far as is practicable, in the same manner as other elections are held in the county. If an election results in favor of the tax levy or if no election is required, the board of supervisors may levy such tax. The board of supervisors, in its discretion, may call an election on such question, in which event it shall not be necessary to publish the resolution declaring its intention to have the tax imposed.

(f) Any taxes levied under this subsection shall be excluded from the ten percent (10%) increase limitation under Section 27-39-321.

(3) For any district authorized under Section 19-5-151(2), the board of supervisors shall not levy the special tax authorized in this section.

(4) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 39.** Section 19-5-199, Mississippi Code of 1972, is amended as follows:

19-5-199. All construction contracts by the district where the amount of the contract shall exceed Ten Thousand Dollars (\$10,000.00) shall, and construction contracts of less than Ten Thousand Dollars (\$10,000.00) may, be made upon at least three (3) weeks' public notice. Such notice shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper published in such county or having general circulation therein. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date fixed in such notice for the receipt of bids, and the last publication shall be made not more than seven (7) days prior to such date. The notice shall state the thing to be done and invite sealed proposals, to be filed with the secretary of the district, to do the work. In all such cases, before the notice shall be published, plans and specifications for the work shall be prepared by a registered



professional engineer and shall be filed with the secretary of the district and there remain. The board of commissioners of the district shall award the contract to the lowest responsible bidder who will comply with the terms imposed by such commissioners and enter into bond with sufficient sureties to be approved by the commissioners in such penalty as shall be fixed by the commissioners; however, in no case shall such bond be less than the contract price, conditioned for the prompt, proper efficient performance of the contract. Contracts of less than Ten Thousand Dollars (\$10,000.00) may be negotiated; however, the board of commissioners shall invite and receive written proposals for the work from at least three (3) contractors regularly engaged in the type of work involved.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 40.** Section 19-5-219, Mississippi Code of 1972, is amended as follows:

19-5-219. Upon the filing of such petition, or upon the adoption of a resolution declaring the intent of the board of supervisors to incorporate such district, it shall then be the duty of the board of supervisors of such county to fix a time and place for a public hearing upon the question of the public convenience and necessity of the incorporation of the proposed district solely for fire protection grading purposes. The date fixed for such hearing shall be not more than thirty (30) days after the filing of the petition, and the date of the hearing, the place at which it shall be held, the proposed boundaries of the district and the purpose of the hearing shall be set forth in a notice to be signed by the clerk of the board of supervisors of such county. Such notice shall be published in a newspaper having general circulation within such proposed district once a week for at least three (3) consecutive weeks before the date of such hearing. The first such publication shall be made not less than



twenty-one (21) days before the date of such hearing and the last such publication shall be made not more than fourteen (14) days before the date of such hearing.

If, at such public hearing, the board of supervisors finds that the public convenience and necessity require the creation of the fire protection grading district to enable the Mississippi State Rating Bureau to grade the district according to its fire insurance grading schedule, the board of supervisors shall adopt a resolution making such findings and declaring its intention to create the district on a date to be specified in such resolution. Such resolution shall also designate the name of the proposed district and define its territorial limits, which shall be fixed by the board in accordance with such hearing.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 41.** Section 19-9-11, Mississippi Code of 1972, is amended as follows:

19-9-11. Before issuing any bonds for any of the purposes enumerated in Sections 19-9-1 and 19-9-3, the board of supervisors shall adopt a resolution declaring its intention so to do, stating the amount of bonds proposed to be issued and the purpose for which the bonds are to be issued, and the date upon which the board proposes to direct the issuance of such bonds. Such resolution shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper published in such county. The first publication of such resolution shall be made not less than twenty-one (21) days prior to the date fixed in such resolution for the issuance of the bonds, and the last publication shall be made not more than seven (7) days prior to such date. If no newspaper be published in such county, then such notice shall be given by publishing the resolution for the required time in some newspaper having a general circulation in such county and, in addition, by posting a copy of such resolution for at least



2059 twenty-one (21) days next preceding the date fixed therein at  
2060 three (3) public places in such county. If twenty percent (20%),  
2061 or fifteen hundred (1500), whichever is less, of the qualified  
2062 electors of the county, supervisors district, or road district, as  
2063 the case may be, shall file a written protest against the issuance  
2064 of such bonds on or before the date specified in such resolution,  
2065 then an election on the question of the issuance of such bonds  
2066 shall be called and held as is provided in Sections 19-9-13 and  
2067 19-9-15. If no such protest be filed, then such bonds may be  
2068 issued without an election on the question of the issuance  
2069 thereof, at any time within a period of two (2) years after the  
2070 date specified in the above mentioned resolution. However, the  
2071 board of supervisors, in its discretion, may nevertheless call an  
2072 election on such question, in which event it shall not be  
2073 necessary to publish the resolution declaring its intention to  
2074 issue such bonds as herein provided.

2075 The publication of any notice required in this section may be  
2076 published on the Internet as provided in Section 1 of this act.

2077 **SECTION 42.** Section 19-9-13, Mississippi Code of 1972, is  
2078 amended as follows:

2079 19-9-13. Where an election is to be called, as provided in  
2080 Section 19-9-11, notice of such election shall be signed by the  
2081 clerk of the board of supervisors and shall be published once a  
2082 week for at least three (3) consecutive weeks, in at least one (1)  
2083 newspaper published in such county. The first publication of such  
2084 notice shall be made not less than twenty-one (21) days prior to  
2085 the date fixed for such election, and the last publication shall  
2086 be made not more than seven (7) days prior to such date. If no  
2087 newspaper is published in such county, then such notice shall be  
2088 given by publishing the same for the required time in some  
2089 newspaper having a general circulation in such county and, in  
2090 addition, by posting a copy of such notice for at least twenty-one



(21) days next preceding such election at three (3) public places in such county.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 43.** Section 19-9-27, Mississippi Code of 1972, is amended as follows:

19-9-27. The board of supervisors of any county may borrow money in anticipation of taxes for the purpose of defraying the expenses of such county, and may issue negotiable notes of the county therefor, to mature not later than April 1 of the year succeeding the year in which they are issued. The amount of money herein authorized to be borrowed shall not be in excess of twenty-five percent (25%) of the estimated amount of taxes collected and to be collected under the last preceding annual tax levies for the particular fund for which said money is borrowed. The board of supervisors may borrow said money, as hereinbefore provided, from any available fund in the county treasury, or from any other source, and such loan shall be repaid in the manner herein provided. The notes herein authorized shall bear interest at a rate to be fixed by the board, not to exceed that allowed in Section 75-17-105, Mississippi Code of 1972, and such notes shall be payable at any place to be named by the board of supervisors. Any notes or obligations issued in excess of the amount authorized to be issued under the provisions of this section shall be void. Money may be borrowed in anticipation of ad valorem taxes under the provisions of this section, regardless of whether or not such borrowing shall create an indebtedness in excess of statutory limitations.

For the payment of such loan, the board of supervisors shall either pledge the levy of a special tax each year sufficient to pay the amount borrowed for use that year, with interest, or shall pledge that such notes shall be paid out of the first money collected from taxes for the year in which they are issued. The





aforesaid special tax, if necessary, may be in excess of the rate of taxation otherwise limited by law. The notes herein authorized shall not be issued until the board of supervisors shall have published notice of its intention to issue same; said notice to be published once each week for three (3) weeks in some newspaper having a general circulation in such county, but not less than twenty-one (21) days, nor more than sixty (60) days, intervening between the time of the first notice and the meeting at which said board proposes to issue such notes. If, within the time of giving notice, twenty percent (20%), or fifteen hundred (1500), whichever is less, of the qualified electors of the county shall protest or file a petition against the issuance of such notes, then such notes shall not be issued unless authorized by a three-fifths (3/5) majority of the qualified electors of such county, voting at an election to be called and held for that purpose.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 44.** Section 19-9-111, Mississippi Code of 1972, is amended as follows:

19-9-111. The board of supervisors of any county authorized to establish or cooperate in the establishment of economic development districts pursuant to Section 19-5-99 may, in its discretion, levy a tax of not more than two (2) mills against the taxable property in the county or the portion thereof comprising an economic development district, to be used to support and maintain such district. The levy so made shall be in addition to all other levies provided by law.

Before any such levy is made, the board of supervisors shall signify its intention to make such a levy and publish same in a newspaper published in said county for thirty (30) days prior to making said levy. In the event more than twenty percent (20%) or fifteen hundred (1500), whichever is less, of the qualified electors of said economic development district protest in writing



2157 to the board of supervisors against the imposition of such tax  
2158 levy within thirty (30) days from the date such notice is  
2159 published, then such proposed tax levy shall not be made unless  
2160 same is approved by a special election called for said purpose.  
2161 Said special election shall be conducted and had as provided by  
2162 law.

2163 The governing authorities of any municipality in a county,  
2164 which has established an economic development district or which is  
2165 included in an economic development district, may contribute to  
2166 the support of such economic development district from its general  
2167 fund.

2168 The publication of any notice required in this section may be  
2169 published on the Internet as provided in Section 1 of this act.

2170 **SECTION 45.** Section 19-9-114, Mississippi Code of 1972, is  
2171 amended as follows:

2172 19-9-114. The board of supervisors of any county bordering  
2173 on the Gulf of Mexico having a population according to the 1970  
2174 census of one hundred thirty-four thousand five hundred eighty-two  
2175 (134,582) persons, and having two (2) cities located therein each  
2176 having a population of over thirty thousand (30,000) persons  
2177 according to the 1970 census, and in which is located a deep water  
2178 port of entry and two (2) military establishments located therein,  
2179 is hereby authorized and empowered, in its discretion, to levy an  
2180 additional ad valorem tax not to exceed one (1) mill to provide  
2181 funds for the construction of a facility to house a countywide  
2182 vocational and technical educational center. Such additional levy  
2183 may be in excess of and in addition to the rate of taxation  
2184 otherwise limited by law.

2185 The tax herein authorized shall not be levied until the board  
2186 of supervisors shall have published notice of its intention to  
2187 levy same. Said notice shall be published once each week for  
2188 three (3) weeks in some newspaper having a general circulation in  
2189 such county, but not less than twenty-one (21) days, nor more than



2190 sixty (60) days, intervening between the time of the first notice  
2191 and the meeting at which said board proposes to levy such tax.  
2192 If, within the time of giving notice, twenty percent (20%) or  
2193 fifteen hundred (1500), whichever is less, of the qualified  
2194 electors of the county shall protest or file a petition against  
2195 the levy of such tax, then such tax shall not be levied unless  
2196 authorized by a three-fifths (3/5) majority of the qualified  
2197 electors of such county voting at an election to be called and  
2198 held for that purpose.

2199 The publication of any notice required in this section may be  
2200 published on the Internet as provided in Section 1 of this act.

2201 **SECTION 46.** Section 19-13-53, Mississippi Code of 1972, is  
2202 amended as follows:

2203 19-13-53. A claim under Section 19-13-51 for accidents  
2204 occurring shall be made in writing, itemized and sworn to, and  
2205 shall be filed within three (3) months after such accident occurs,  
2206 and shall remain on file with the clerk of the board of  
2207 supervisors for sixty (60) days before the first day of the term  
2208 at which it comes up for hearing. Notice of its pendency shall be  
2209 published in a newspaper published in the county at least one time  
2210 before such claim comes up for hearing, and if there be no paper  
2211 in such county, by posting notices at the courthouse and other  
2212 public places.

2213 The publication of any notice required in this section may be  
2214 published on the Internet as provided in Section 1 of this act.

2215 **SECTION 47.** Section 19-15-3, Mississippi Code of 1972, is  
2216 amended as follows:

2217 19-15-3. Whenever any county records, documents, files or  
2218 papers whatsoever are required by law to be preserved and  
2219 retained, or which are necessary or desirable to be preserved or  
2220 retained, the board of supervisors of the county shall have the  
2221 power and authority, in its discretion, to destroy or dispose of  
2222 any records, documents, files or papers after having reproductions



2223 made thereof as hereinafter provided and in accordance with a  
2224 records control schedule approved by the Local Government Records  
2225 Committee as provided in Section 25-60-1.

2226 Whenever the board of supervisors of any county shall desire  
2227 to destroy or dispose of any records, documents, files or papers,  
2228 the board shall first cause the same to be reproduced under  
2229 standards established by the Department of Archives and History  
2230 using microfilm, microfiche, data processing, computers, magnetic  
2231 tape, optical discs or other medium. If the county where records  
2232 and the like are to be destroyed or disposed of does not have or  
2233 own the necessary equipment to reproduce same, the board of  
2234 supervisors shall be authorized and empowered to enter into a  
2235 contract for the reproduction thereof, which contract may be for a  
2236 period of not more than twelve (12) months from the date thereof.  
2237 The contract shall be awarded to the lowest and best bidder after  
2238 the board of supervisors shall have advertised its intentions of  
2239 awarding such contract by publication of a notice thereof once  
2240 each week for at least three (3) consecutive weeks in some  
2241 newspaper published or having a general circulation in such  
2242 county.

2243 After reproduction of the records and the like shall have  
2244 been made, the board of supervisors shall have the power and  
2245 authority to destroy and dispose of the originals thereof after  
2246 spreading upon its minutes certification that the reproductions  
2247 are true and correct copies and disposal is in accordance with a  
2248 records control schedule approved by the Local Government Records  
2249 Committee as provided in Section 25-60-1; the reproductions shall  
2250 thereafter be preserved, retained and stored by the board of  
2251 supervisors as a record of the county, and provision shall be made  
2252 for preserving, examining and using them. Any reproductions or  
2253 copy of any original record or other documents shall be deemed to  
2254 be the original record for all purposes and shall be admissible as  
2255 evidence in all courts or administrative agencies. A facsimile,



exemplification or certified copy thereof shall, for all purposes set forth herein, be deemed to be a transcript, exemplification or certified copy of the original record.

The board of supervisors of any county is hereby authorized to pay all expenses incurred in reproducing records and the like and in making provision for the preservation, retention and storage of the reproductions from the general fund of the county.

When any of the records and the like of which reproductions are made under the provisions of this section are declared by law or are by their nature confidential and privileged records, then the reproduction thereof shall likewise be deemed to be confidential and privileged to the same extent as the original records and the like.

Nothing herein shall be construed to require the keeping and preservation of any records and documents which are not required by law or a records control schedule to be kept and preserved, or which it is not desirable or necessary to keep and preserve, and in all cases where records and the like are authorized by law to be destroyed or disposed of, they may be disposed of as authorized by a records control schedule approved by the Local Government Records Committee as provided in Section 25-60-1.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 48.** Section 19-29-7, Mississippi Code of 1972, is amended as follows:

19-29-7. (1) Any county in which there is located existing railroad properties and facilities or in which railroad properties and facilities previously existed, but were abandoned after February 5, 1976, may, by resolution, create a public body corporate and politic, to be known as a county railroad authority, which shall be authorized to exercise its functions upon the appointment and qualifications of the first commissioners thereof. Upon the adoption of a resolution creating a county railroad



2289 authority, the board of supervisors of the county shall, pursuant  
2290 to the resolution, appoint five (5) persons as commissioners of  
2291 the authority. The commissioners who are first appointed shall be  
2292 designated to serve the terms of one (1), two (2), three (3), four  
2293 (4) and five (5) years respectively. Thereafter, each  
2294 commissioner shall be appointed for a term of five (5) years,  
2295 except that vacancies occurring otherwise than by the expiration  
2296 of term shall be filled for the unexpired term in the same manner  
2297 as the original appointments. A county shall not adopt a  
2298 resolution authorized by this section without a public hearing  
2299 thereon. Notice thereof shall be given at least ten (10) days  
2300 prior thereto in a newspaper published in the county, or if there  
2301 is no newspaper published therein, then in a newspaper having  
2302 general circulation in the county.

2303 (2) Any county and a municipality within a county may create  
2304 a railroad authority under this section by resolution adopted by  
2305 the respective governing authorities. The authority shall be  
2306 governed by five (5) commissioners. The board of supervisors  
2307 shall appoint two (2) persons as commissioners of the authority.  
2308 The governing authorities of the municipality shall appoint two  
2309 (2) persons as commissioners of the authority. One (1)  
2310 commissioner shall be appointed by the municipality and the county  
2311 on a rotating basis with the municipality making the first  
2312 appointment. The terms of the commissioners shall be the same as  
2313 those provided in subsection (1) with the term designation to be  
2314 determined by the majority vote of the governing authorities of  
2315 the municipality and of the county. The municipality and the  
2316 county may dissolve the authority by a majority vote of both  
2317 governing authorities.

2318 (3) The publication of any notice required in this section  
2319 may be published on the Internet as provided in Section 1 of this  
2320 act.



2321           **SECTION 49.** Section 19-29-9, Mississippi Code of 1972, is  
2322 amended as follows:

2323           19-29-9. (1) Two (2) or more counties in which there are  
2324 located railroad properties and facilities of a railroad, or in  
2325 which such properties and facilities previously existed, but were  
2326 abandoned after February 5, 1976, may, by resolution of each,  
2327 create a public body, corporate and politic, to be known as a  
2328 regional railroad authority which shall be authorized to exercise  
2329 its functions upon the issuance by the Secretary of State of a  
2330 certificate of incorporation. The board of supervisors of each  
2331 county joining in such regional authority shall, pursuant to the  
2332 resolution organizing such authority, appoint five (5) residents  
2333 of the county as commissioners of the authority and, as soon  
2334 thereafter as practicable, the governing authorities of any  
2335 municipality in such county, through which such railroads run,  
2336 shall appoint a commissioner of the authority.

2337           If the regional authority consists of an even number of  
2338 commissioners, an additional commissioner shall be appointed by  
2339 the Governor from within the geographic boundaries of the regional  
2340 authority.

2341           (2) A regional railroad authority may be increased from time  
2342 to time to serve one or more additional counties if each  
2343 additional county and each of the counties then included in the  
2344 regional authority and the commissioners of the regional  
2345 authority, respectively, adopt a resolution consenting thereto.  
2346 If a county railroad authority for any county seeking to be  
2347 included in the regional authority is then in existence, the  
2348 commissioners of the county authority shall consent to the  
2349 inclusion of the county in the regional authority, and if the  
2350 county authority has any bonds outstanding, unless fifty-one  
2351 percent (51%) or more of the holders of the bonds consent, in  
2352 writing, to the inclusion of the county in the regional authority,  
2353 no such inclusion shall be effected. Upon the inclusion of any



2354 county in the regional authority, all rights, contracts,  
2355 obligations and property, real and personal, of the county  
2356 authority shall be in the name of and vest in the regional  
2357 authority.

2358 (3) A regional railroad authority may be decreased if each  
2359 of the counties then included in the regional authority and the  
2360 commissioners of the regional authority consent to the decrease  
2361 and make provision for the retention or disposition of its assets  
2362 and liabilities; however, if the regional authority has any bonds  
2363 outstanding, no decrease shall be effected unless seventy-five  
2364 percent (75%) or more of the holders of the bonds consent thereto  
2365 in writing.

2366 (4) A county shall not adopt any resolution authorized by  
2367 this section without a public hearing thereon. Notice thereof  
2368 shall be given at least ten (10) days prior thereto in a newspaper  
2369 published in the county, or if there is no newspaper published  
2370 therein, then in a newspaper having general circulation in the  
2371 county.

2372 (5) All commissioners of a regional railroad authority  
2373 appointed by municipalities shall be appointed for terms of five  
2374 (5) years each. Commissioners who are initially appointed by a  
2375 board of supervisors shall be designated to serve terms of one  
2376 (1), two (2), three (3), four (4) and five (5) years,  
2377 respectively; thereafter, each such term shall be five (5) years.  
2378 A vacancy occurring otherwise than by expiration of term shall be  
2379 filled for the unexpired term in the same manner as the original  
2380 appointments.

2381 (6) A regional railroad authority, in its discretion, by  
2382 resolution duly adopted and entered upon its minutes, may appoint  
2383 an executive committee from among its membership. The executive  
2384 committee shall consist of such number and shall be appointed in  
2385 such manner so as to fairly represent the counties and  
2386 municipalities served by the regional authority. The members of





2387 the executive committee shall serve for such terms as designated  
2388 by the regional authority and may be removed from the committee  
2389 before expiration of their terms in accordance with such procedure  
2390 as the regional authority may adopt. The executive committee,  
2391 when so appointed, may be authorized by the regional authority to  
2392 exercise such powers and perform such duties, with or without the  
2393 prior approval of the regional authority, as the regional  
2394 authority deems appropriate; however, the executive committee may  
2395 not exercise any power or perform any duty that is inconsistent  
2396 with or in excess of the powers and duties authorized to be  
2397 performed under the provisions of this chapter by the  
2398 commissioners of the regional authority.

2399 (7) The publication of any notice required in this section  
2400 may be published on the Internet as provided in Section 1 of this  
2401 act.

2402 **SECTION 50.** Section 19-29-18, Mississippi Code of 1972, is  
2403 amended as follows:

2404 19-29-18. (1) The governing body of a county railroad  
2405 authority or regional railroad authority, as the case may be, may  
2406 file a petition with the board of supervisors of any county  
2407 included in the railroad authority, specifying for each such  
2408 county, the rate of the ad valorem tax, not to exceed two (2)  
2409 mills, to be levied by such county on the taxable property  
2410 therein, for acquisition and maintenance of railroad properties  
2411 and facilities, and to defray operating expenses of the railroad  
2412 authority and any other expenses authorized to be incurred by the  
2413 railroad authority. Prior to levying the tax specified by the  
2414 railroad authority, the board of supervisors of each such county  
2415 shall publish notice of its intention to levy same. The notice  
2416 shall be published once each week for three (3) weeks in some  
2417 newspaper having a general circulation in the county, but not less  
2418 than twenty-one (21) days, nor more than sixty (60) days,  
2419 intervening between the time of the first notice and the meeting



2420 at which said board proposes to levy the tax. If, within the time  
2421 of giving notice, twenty percent (20%) or one thousand five  
2422 hundred (1,500) of the qualified electors of the county, whichever  
2423 is less, shall file a written protest against the levy of the tax,  
2424 then the tax shall not be levied unless authorized by three-fifths  
2425 ( $\frac{3}{5}$ ) of the qualified electors of such county, voting at an  
2426 election to be called and held for that purpose. If the tax levy  
2427 fails to be authorized at an election held in a county included in  
2428 the regional authority, then such tax levy shall not be made in  
2429 any of the counties included in such regional authority.

2430 (2) The avails of the ad valorem tax levied under authority  
2431 of this section shall be paid by the county board of supervisors  
2432 to the governing body of the railroad authority to be used as  
2433 herein authorized.

2434 (3) For any fiscal year after the initial levy of the tax,  
2435 the board of supervisors levying same shall levy such tax at a  
2436 millage rate which will produce an amount of revenue which  
2437 approximates, but does not exceed, the amount of revenue produced  
2438 from the levy for the preceding fiscal year. The county board of  
2439 supervisors shall not increase the millage rate for the purposes  
2440 authorized herein unless notice thereof is published and an  
2441 election held, if required, in the manner set forth in subsection  
2442 (1) of this section.

2443 (4) Each railroad authority shall be subject to examination  
2444 by the State Auditor.

2445 (5) The tax levy authorized in this section shall not be  
2446 included in the ten percent (10%) limitation on increases under  
2447 Sections 27-39-320 or 27-39-321.

2448 (6) The tax levy authorized in this section shall not be  
2449 reimbursable under the provisions of the Homestead Exemption Law.

2450 (7) A railroad authority created under Section 19-29-7(2)  
2451 must receive the approval of the governing authorities of the



municipality and the county creating such authority before levying any tax under this section.

(8) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 51.** Section 19-29-33, Mississippi Code of 1972, is amended as follows:

19-29-33. Bonds authorized by resolution of the authority may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, provided that the bonds of any issue shall not bear a greater overall maximum interest rate to maturity than that allowed in Section 75-17-103, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide. No bond shall bear more than one (1) rate of interest; each bond shall bear interest from its date to its stated maturity date at the interest rate specified in the bid; all bonds of the same maturity shall bear the same rate of interest from date to maturity; all interest accruing on such bonds so issued shall be payable semiannually or annually, except that the first interest coupon attached to any such bond may be for any period not exceeding one (1) year.

No interest payment shall be evidenced by more than one (1) coupon and neither cancelled nor supplemental coupons shall be permitted; the lowest interest rate specified for any bonds issued shall not be less than seventy percent (70%) of the highest interest rate specified for the same bond issue.

Each interest rate specified in any bid must be in multiples of one-eighth of one percent (1/8 of 1%) or in multiples of



one-tenth of one percent (1/10 of 1%). The denomination, form and place or places of payment of such bonds shall be fixed in the resolution or ordinance of the governing authorities issuing such bonds. Such bonds shall be executed by the manual or facsimile signature of the chairman and secretary of such authority, with the seal of the authority affixed thereto. At least one (1) signature on each bond shall be a manual signature, as specified in the resolution. The coupons may bear only the facsimile signatures of such chairman and secretary. No bonds shall be issued and sold under the provisions of this chapter for less than par and accrued interest.

The bonds may be sold at not less than par at public sale held after notice published once at least five (5) days prior to such sale in a newspaper having a general circulation in the area of operation and in a financial newspaper published in the City of Jackson, Mississippi, or in the City of New York, New York. Such bonds may be sold at not less than par to the federal government at private sale without any public advertisement.

In case any of the commissioners or officers of the authority whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

The determination of the authority, in the resolution authorizing the bonds, as to the classification of the railroad properties and facilities for which such bonds are authorized and as to the maximum period of usefulness shall be conclusive in any action or proceeding involving the validity of such bonds.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.



2518           **SECTION 52.** Section 19-31-7, Mississippi Code of 1972, is  
2519 amended as follows:

2520           19-31-7. (1) The method for the establishment of a public  
2521 improvement district shall be pursuant to an ordinance adopted by  
2522 the governing body of each county in which the land is located  
2523 granting a petition for the establishment of a public improvement  
2524 district. The petition for the establishment of a public  
2525 improvement district shall be filed by the petitioner with the  
2526 governing body of the county or counties. The petition shall  
2527 contain:

2528                   (a) A description of the boundaries of the district;

2529                   (b) The written consent to the establishment of the  
2530 district by all landowners in the district;

2531                   (c) A designation of five (5) persons to be the initial  
2532 members of the board of directors, who shall serve in that office  
2533 until replaced by elected members as provided in this chapter;

2534                   (d) The proposed name of the district;

2535                   (e) A map of the proposed district showing existing  
2536 infrastructure, if any; and

2537                   (f) Based upon available data, the proposed timetable  
2538 for construction of the district services and the estimated cost  
2539 of constructing the proposed services.

2540           (2) A public hearing on the petition shall be conducted by  
2541 the governing body of each county of the proposed district within  
2542 forty-five (45) days after the petition is filed unless an  
2543 extension of time is requested by the petitioners and granted by  
2544 the governing body of each county. The hearing shall be held at  
2545 an accessible location in each county in which the public  
2546 improvement district is to be located. The petitioner shall cause  
2547 a notice of the hearing to be published in a newspaper having  
2548 general circulation in each county at least once a week for the  
2549 four (4) successive weeks immediately prior to the hearing. Such  
2550 notice shall give the time and place for the hearing, a



description of the area to be included in the district, and any other relevant information which the establishing governing bodies may require. The advertisement shall be published in the official minutes of the local governing body.

(3) The governing body of each county shall consider the record of the public hearing and any other relevant factors in making its determination to grant or deny a petition for the establishment of a public improvement district.

(4) An ordinance establishing a public improvement district shall include the boundaries of the district, the names of the five (5) persons designated to be the initial members of the board of directors of the district and the name of the district.

(5) If all of the land in the area for the proposed district is within the territorial jurisdiction of a municipality, then the petition requesting establishment of a public improvement district under this chapter shall be filed by the petitioner with that particular municipality. In such event, the duties of the county with regard to the petition shall be the duties of the municipality. If any of the land area of a proposed district is within the land area of a municipality, the governing body of the county may not create the district without the approval of the municipality.

(6) The governing body of any governmental agency, county and/or municipality may enter into contribution agreements with the district.

(7) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 53.** Section 21-1-15, Mississippi Code of 1972, is amended as follows:

21-1-15. After the filing of said petition, and upon request therefor by the petitioners, the chancellor shall set a day certain, either in termtime or in vacation, for the hearing of



such petition and notice shall be given to all persons interested in, affected by, or having objections to the proposed incorporation, that the hearing on the petition will be held on the day fixed by the chancellor and that all such persons will have the right to appear and enter their objections, if any, to the proposed incorporation. The said notice shall be given by publication thereof in some newspaper published or having a general circulation in the territory proposed to be incorporated once each week for three (3) consecutive weeks, and by posting a copy of such notice in three (3) or more public places in such territory. The first publication of such notice and the posted notice shall be made at least thirty (30) days prior to the day fixed for the hearing of said petition, and such notice shall contain a full description of the territory proposed to be incorporated. However, if any of the territory proposed to be incorporated is located within three (3) miles of the boundaries of an existing municipality, then such existing municipality shall be made a party defendant to such petition and shall be served with process in the manner provided by law, which process shall be served at least thirty (30) days prior to the date set for the hearing.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 54.** Section 21-5-15, Mississippi Code of 1972, is amended as follows:

21-5-15. At the first regular meeting of the council that is first elected, or as soon thereafter as practicable, the council shall, by ordinance, fix the salary of the mayor and each of the councilmen (or commissioners), which ordinance shall not become operative until the same shall have been approved by a majority of the qualified electors voting at an election to be held for that purpose, as provided by this section. Said ordinance shall be published in a newspaper published in said city, and having a



2617 general circulation therein, for at least ten (10) days before  
2618 such election, and notice of the date of such election shall be  
2619 given by the council for ten (10) days by publication in a  
2620 newspaper published in such city, and having general circulation  
2621 therein. In case such ordinance shall be rejected by the electors  
2622 at such election, then a new ordinance, or ordinances, may be  
2623 passed by the council and submitted to the electors in like  
2624 manner, until the same shall have been ratified by the electors.  
2625 When an ordinance so fixing the salaries shall have been finally  
2626 adopted and approved, the salaries so fixed shall remain in effect  
2627 until altered or changed in the manner hereinafter provided.

2628 To reduce the salary so fixed it shall be sufficient that the  
2629 council adopt an ordinance to that effect, which ordinance shall  
2630 become effective upon adoption without the necessity of  
2631 publication or of an election. To increase the salary so fixed,  
2632 an ordinance shall be duly adopted, by the council, which  
2633 ordinance shall be published for ten (10) days in a newspaper  
2634 published or having a general circulation in such city, and the  
2635 ordinance shall not become effective until it shall have been  
2636 approved by a majority of the qualified electors of such city  
2637 voting at an election to be held for that purpose after notice of  
2638 such election shall have been given by the council for ten (10)  
2639 days by publication in a newspaper published in such city or  
2640 having a general circulation therein, the last notice to appear  
2641 not more than one (1) week next prior to the date of the election.

2642 Every officer or assistant, other than the mayor and  
2643 councilmen, shall receive such salary or compensation as the  
2644 council shall by ordinance provide. The salary or compensation of  
2645 all other employees of such city shall be fixed by the council  
2646 from time to time, as occasion may demand.

2647 The publication of any notice required in this section may be  
2648 published on the Internet as provided in Section 1 of this act.





2649           **SECTION 55.** Section 21-19-2, Mississippi Code of 1972, is  
2650 amended as follows:

2651           21-19-2. (1) (a) To defray the cost of establishing,  
2652 operating and maintaining the system provided for in Section  
2653 21-19-1, the governing authority of a municipality may develop a  
2654 system for the billing and/or collection of any fees or charges  
2655 imposed on each person furnished garbage and/or rubbish collection  
2656 and/or disposal service by the municipality or at the expense of  
2657 the municipality. The governing authority of the municipality  
2658 shall provide for the collection of the fees or charges.

2659           (b) The governing authority of a municipality may enter  
2660 into a contract upon mutual agreement with a public or private  
2661 corporation, nonprofit corporation, planning and development  
2662 district or a public agency, association, utility or utility  
2663 district within the area receiving garbage and/or rubbish  
2664 collection and/or disposal services from the municipality for the  
2665 purpose of developing, maintaining, operating and administering a  
2666 system for the billing and/or collection of fees or charges  
2667 imposed by the municipality for garbage and/or rubbish collection  
2668 and/or disposal services. The entity with whom the governing  
2669 authority of a municipality contracts shall notify the governing  
2670 authority of the municipality monthly of any unpaid fees or  
2671 charges assessed under this section. Any entity that contracts to  
2672 provide a service to customers, within the area being served by  
2673 the municipality's garbage and/or rubbish collection and/or  
2674 disposal system, may provide a list of its customers to the  
2675 governing authority of the municipality upon the request of the  
2676 governing authority.

2677           (2) (a) To defray the cost of establishing and operating  
2678 the system provided for in Section 21-19-1, the governing body of  
2679 a municipality may levy an ad valorem tax not to exceed four (4)  
2680 mills on all taxable property within the area served by the  
2681 municipality's garbage and/or rubbish collection and/or disposal



2682 system. The service area may be comprised of incorporated and/or  
2683 unincorporated areas within a county; however, no property shall  
2684 be subject to this levy unless that property is within an area  
2685 served by a municipality's garbage and/or rubbish collection  
2686 and/or disposal system. The rate of the ad valorem tax levied  
2687 under this section shall be shown as a line item on the notice of  
2688 ad valorem taxes on taxable property owed by the taxpayer.

2689 (b) In addition to or in lieu of any other method  
2690 authorized to defray the cost of establishing and operating the  
2691 system provided for in Section 21-19-1, the governing body of a  
2692 municipality that has established a garbage and/or rubbish  
2693 collection and/or disposal system may assess and collect fees or  
2694 charges to defray the costs of such services. The governing  
2695 authority may assess and collect the fees or charges from each  
2696 single family residential generator of garbage and/or rubbish.  
2697 The governing authority also may assess and collect such fees or  
2698 charges from each industrial, commercial and multi-family  
2699 residential generator of garbage and/or rubbish for any time  
2700 period that the generator has not otherwise contracted for the  
2701 collection of garbage and/or rubbish that is ultimately disposed  
2702 of at a permitted or authorized nonhazardous solid waste  
2703 management facility.

2704 (c) Before the adoption of any resolution or ordinance  
2705 to increase the ad valorem tax assessment or fees or charges  
2706 authorized by this section, the governing authority of a  
2707 municipality shall have published a notice advertising their  
2708 intent to increase the ad valorem tax assessment or fees or  
2709 charges authorized by this section. The notice shall specify the  
2710 purpose of the proposed increase, the proposed percentage increase  
2711 and the proposed percentage increase in total revenues for garbage  
2712 and/or rubbish collection and/or disposal services or shall  
2713 contain a copy of any resolution by the governing authority  
2714 stating their intent to increase the ad valorem tax assessment or



2715 fees or charges authorized by this section. The notice shall be  
2716 published in a newspaper having general circulation in the  
2717 municipality for no less than three (3) consecutive weeks before  
2718 the adoption of the order. The notice shall be in print no less  
2719 than the size of eighteen (18) point and shall be surrounded by a  
2720 one-fourth (1/4) inch black border. The notice shall not be  
2721 placed in the legal section notice of the newspaper. There shall  
2722 be no language in the notice inferring a mandate from the  
2723 Legislature.

2724 In addition to the requirement for publication of notice, the  
2725 governing authority of a municipality shall notify each person  
2726 furnished garbage and/or rubbish collection and/or disposal  
2727 service of any increase in the ad valorem tax assessment or fees  
2728 or charges authorized by this section. In the case of an increase  
2729 of the ad valorem tax assessment, a notice shall be conspicuously  
2730 placed on or attached to the first ad valorem tax bill on which  
2731 the increased assessment is effective. In the case of an increase  
2732 in fees or charges, a notice shall be conspicuously placed on or  
2733 attached to the first bill for fees or charges on which the  
2734 increased fees or charges are assessed. There shall be no  
2735 language in any notice inferring a mandate from the Legislature.

2736 (d) The governing authority of a municipality may adopt  
2737 an ordinance authorizing the granting of exemptions from the fees  
2738 or charges for certain generators of garbage and/or rubbish. The  
2739 ordinance shall define clearly those generators that may be  
2740 exempted and shall be interpreted consistently by the governing  
2741 authority when determining whether to grant or withhold requested  
2742 exemptions.

2743 (e) The governing authority may borrow money for the  
2744 purpose of defraying the expenses of the system in anticipation  
2745 of:

2746 (i) The tax levy authorized under this section;



2747 (ii) Revenues resulting from the assessment of any  
2748 fees or charges for garbage and/or rubbish collection and/or  
2749 disposal; or

2750 (iii) Any combination thereof.

2751 (3) (a) Fees or charges for garbage and/or rubbish  
2752 collection and/or disposal shall be assessed jointly and severally  
2753 against the generator of the garbage and/or rubbish and against  
2754 the owner of the property furnished the service. However, any  
2755 person who pays, as a part of a rental or lease agreement, an  
2756 amount for garbage and/or rubbish collection and/or disposal  
2757 services shall not be held liable upon the failure of the property  
2758 owner to pay such fees.

2759 (b) Every generator assessed the fees or charges  
2760 provided for and limited by this section and the owner of the  
2761 property occupied by that generator shall be jointly and severally  
2762 liable for the fees and/or charges so assessed. The fees or  
2763 charges shall be a lien upon the real property offered garbage  
2764 and/or rubbish collection and/or disposal service.

2765 At the discretion of the governing body of the municipality,  
2766 fees or charges assessed for the service may be assessed annually.  
2767 If fees or charges are assessed annually, the fees or charges for  
2768 each calendar year shall be a lien upon the real property offered  
2769 the service beginning on January 1 of the next immediately  
2770 succeeding calendar year. The person or entity owing the fees or  
2771 charges, upon signing a form provided by the governing authority,  
2772 may pay the fees or charges in equal installments.

2773 If fees or charges so assessed are assessed on a basis other  
2774 than annually, the fees or charges shall become a lien on the real  
2775 property offered the service on the date that the fees or charges  
2776 become due and payable.

2777 No real or personal property shall be sold to satisfy any  
2778 lien imposed under this section.



2779           The municipality shall mail a notice of the lien, including  
2780 the amount of unpaid fees or charges and a description of the  
2781 property subject to the lien, to the owner of the property subject  
2782 to the lien.

2783           (c) The municipal governing body shall notify the  
2784 county tax collector of any unpaid fees or charges assessed under  
2785 this section within ninety (90) days after such fees or charges  
2786 are due. Upon receipt of a delinquency notice, the tax collector  
2787 shall not issue or renew a motor vehicle road and bridge privilege  
2788 license for any motor vehicle owned by a person who is delinquent  
2789 in the payment of fees or charges, unless such fees or charges, in  
2790 addition to any other taxes or fees assessed against the motor  
2791 vehicle, are paid.

2792           (d) Liens created under this section may be discharged  
2793 as follows:

2794                   (i) By filing with the municipal tax collector a  
2795 receipt or acknowledgement, signed by the municipality, that the  
2796 lien has been paid or discharged; or

2797                   (ii) By depositing with the municipal tax  
2798 collector money equal to the amount of the claim, which money  
2799 shall be held for the benefit of the municipality.

2800           (4) The publication of any notice required in this section  
2801 may be published on the Internet as provided in Section 1 of this  
2802 act.

2803           **SECTION 56.** Section 21-19-13, Mississippi Code of 1972, is  
2804 amended as follows:

2805           21-19-13. (1) The governing authorities of municipalities  
2806 shall have the power to establish, alter and change the channels  
2807 of streams or other water courses, and to bridge the same,  
2808 whenever so to do will promote the health, comfort and convenience  
2809 of the inhabitants of such municipality.

2810           (2) The governing authorities of any municipality shall also  
2811 have the power and authority to incur costs and pay necessary



expenses in providing labor, materials and supplies to clean or clear drainage ditches, creeks or channels, whether on public or private property, and to incur costs and pay necessary expenses in providing labor, materials and supplies in order to prevent erosion where such erosion has been caused or will be caused by such drainage ditches, creeks or channels. This paragraph shall not impose any obligation or duty upon the municipality and shall not create any additional rights for the benefit of any owner of public or private property.

(3) No additional taxes shall be imposed for the works authorized under subsections (1) and (2) of this section until the governing authorities shall adopt a resolution declaring its intention to levy the taxes and establishing the amount of the tax levies and the date on which the taxes initially will be levied and collected. This date shall be the first day of a month but not earlier than the first day of the second month from the date of adoption of the resolution. Notice of the proposed tax levies shall be published once each week for at least three (3) weeks in a newspaper having a general circulation in the municipality. The first publication of the notice shall be made not less than twenty-one (21) days before the date fixed in the resolution on which the governing authorities propose to levy the taxes, and the last publication of the notice shall be made not more than seven (7) days before that date. If, within the time of giving notice, fifteen percent (15%) or two thousand five hundred (2,500), whichever is less, of the qualified electors of the municipality file a written petition against the levy of the taxes, then the taxes shall not be levied unless authorized by three-fifths (3/5) of the qualified electors of the municipality voting at an election to be called and held for that purpose.

(4) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.



**SECTION 57.** Section 21-19-20, Mississippi Code of 1972, is amended as follows:

21-19-20. (1) (a) A municipality shall institute proceedings to have demolished or seized an abandoned house or building that is used for the sale or use of drugs. In addition, the governing authorities of a municipality may sell, transfer or otherwise convey or use an abandoned house or building for suitable municipal purposes. The local law enforcement authority of the municipality shall have documented proof of drug sales or use in the abandoned property before a municipality may initiate proceedings to have the property demolished or seized.

(b) (i) A municipality shall institute proceedings under this section to have an abandoned house or building demolished or seized if the governing authority of the municipality determines that the house or building is a menace to the public health and safety of the community and that it constitutes a public hazard and nuisance.

(ii) Upon the receipt of a petition requesting the municipality to demolish or seize an abandoned house or building that constitutes a public hazard and nuisance signed by a majority of the residents residing within four hundred (400) feet of the property, the governing authority of the municipality shall notify the property owner that the petition has been filed and that a date for a hearing on the petition has been set. Notice to the property owner shall be by United States mail, or if the property owner or the owner's address is unknown, publication of the notice shall be made twice each week during two (2) successive weeks in a public newspaper of the county in which the municipality is located; where there is no newspaper in the county, the notice shall be published in a newspaper having a general circulation in the state. The hearing shall be held not less than thirty (30) nor more than sixty (60) days after service or completion of publication of the notice. At the hearing, the governing



authority shall determine whether the property is a menace to the public health and safety of the community which constitutes a public hazard and nuisance. If the governing authority determines that the property is a public hazard and nuisance, the municipality shall institute proceedings under subsection (2) of this section to demolish or seize the abandoned house or building.

(2) The municipality shall file a petition to declare the abandoned property a public hazard and nuisance and to have the property demolished or seized with the circuit clerk of the county in which the property or some part of the property is located. All of the owners of the property involved, and any mortgagee, trustee, or other person having any interest in or lien on the property shall be made defendants to the proceedings. The circuit clerk shall present the petition to the circuit judge who, by written order directed to the circuit clerk, shall fix the time and place for the hearing of the matter in termtime or vacation. The time of the hearing shall be fixed on a date to allow sufficient time for each defendant named to be served with process, as otherwise provided by law, not less than thirty (30) days before the hearing. If a defendant or other party in interest is not served for the specified time before the date fixed, the hearing shall be continued to a day certain to allow the thirty-day period specified.

(3) Any cost incurred by a municipality under this section for demolishing or seizing abandoned property shall be paid by the owners of the property.

(4) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 58.** Section 21-19-25, Mississippi Code of 1972, is amended as follows:

21-19-25. Any municipality within the State of Mississippi may, in the discretion of its governing authority, adopt building





2911 codes, plumbing codes, electrical codes, gas codes, sanitary  
2912 codes, or any other codes dealing with general public health,  
2913 safety or welfare, or a combination of the same, by ordinance, in  
2914 the manner prescribed in this section. Before any such code shall  
2915 be adopted, it shall be either printed or typewritten, and it  
2916 shall be presented in pamphlet form to the governing authority of  
2917 the municipality at a regular meeting. The ordinance adopting the  
2918 code shall not set out the code in full, but shall merely identify  
2919 the same. The vote on passage of the ordinance shall be the same  
2920 as on any other ordinances. After its adoption, the code shall be  
2921 certified to by the mayor and clerk of the municipality, and shall  
2922 be filed as a permanent record in the office of the clerk, who  
2923 shall not be required to transcribe and record the same in the  
2924 ordinance book as other ordinances. It shall not be necessary  
2925 that the ordinance adopting the code or the code itself be  
2926 published in full, but notice of the adoption of the code shall be  
2927 given by publication in some newspaper of the municipality for one  
2928 (1) time, or if there be no such newspaper, by posting at three  
2929 (3) or more public places within the corporate limits, a notice in  
2930 substantially the following form:

2931           Notice is given that the city (or town or village)  
2932           of \_\_\_\_\_, on the (give date of ordinance adopting  
2933           code), adopted (state type of code and other information  
2934           serving to identify the same) code.

2935           If the governing authority of any municipality adopts or has  
2936           adopted construction codes which do not have proper provisions to  
2937           maintain up-to-date amendments, specifications in such codes for  
2938           cements used in portland cement concrete shall be superseded by  
2939           nationally recognized specifications referenced in any code  
2940           adopted by the Mississippi Building Code Council.

2941           All the provisions of this section shall apply to amendments  
2942           and revisions of the code mentioned in this section. Any code  
2943           adopted in accordance with this section shall not be in force for



one (1) month after its passage, unless the municipal authorities in the ordinance authorize to the contrary. The provisions of this section shall be in addition and supplemental to any existing laws authorizing the adoption, amendment or revision of municipal ordinances or codes.

Notwithstanding any provision of this section to the contrary, any code adopted by a municipality before or after April 12, 2001, is subject to the provisions of Section 41-26-14(10).

Notwithstanding any provision of this section to the contrary, the governing authorities of each municipality in Jackson, Harrison, Hancock, Stone and Pearl River Counties shall enforce the requirements imposed under Section 17-2-1 as provided in such section.

The provisions of this section shall apply to all municipalities of this state, whether operating under the code charter, a special charter, commission form, or other form of government.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 59.** Section 21-19-51, Mississippi Code of 1972, is amended as follows:

21-19-51. The governing authorities of municipalities shall have the power and authority, in their discretion, to contribute, appropriate or donate to fair associations, domiciled in their respective county, a sum of money not to exceed Ten Thousand Dollars (\$10,000.00) per annum for the purpose of advertising, displaying, exhibiting or promoting the agricultural or industrial resources of such municipality or its respective county. The expenditure of such money, when contributed, appropriated or donated, shall be under the control of the municipality, and such governing authorities are hereby authorized and empowered to appoint one (1) or as many as three (3) individuals, in their discretion, to represent the municipal authorities in the proper



2977 expenditure of such money for said purpose in conjunction with the  
2978 fair association. Before contributing, appropriating or donating  
2979 any money to any fair association, such governing authorities  
2980 shall publish notice of their intention to contribute, appropriate  
2981 or donate money to said fair association, giving the amount of,  
2982 and the date of making said contribution, appropriation or  
2983 donation, in some newspaper published in the municipality, or  
2984 having a general circulation therein if none be there published,  
2985 for three (3) weeks ending not less than ten (10) days prior to  
2986 the making of any contribution, appropriation or donation. If,  
2987 before the making of said contribution, appropriation or donation,  
2988 twenty per centum (20%) of the adult taxpayers of the municipality  
2989 shall petition against such contribution, appropriation or  
2990 donation, then the said contribution, appropriation or donation  
2991 shall not be made, unless authorized by a majority of the electors  
2992 voting in an election to be ordered for that purpose. All of the  
2993 expenses of publishing the notice herein provided for and of  
2994 holding any election hereunder shall be paid out of the municipal  
2995 treasury.

2996 The publication of any notice required in this section may be  
2997 published on the Internet as provided in Section 1 of this act.

2998 **SECTION 60.** Section 21-27-33, Mississippi Code of 1972, is  
2999 amended as follows:

3000 21-27-33. All municipalities of the state are hereby  
3001 empowered and authorized, if they so desire, to sell, lease, or  
3002 otherwise dispose of any or all electric, water, gas or other  
3003 municipally owned public utility systems or properties on such  
3004 terms and conditions, and with such safeguards as will best  
3005 promote and protect the public interest. Said municipal  
3006 corporations are empowered and authorized to transfer title to  
3007 said public utility properties by warranty deed, bill of sale,  
3008 contract, or lease, in the manner provided by law. However,  
3009 notice of intention to make such sale, lease, or disposition of



any such system, setting out the price and other general terms and conditions of such proposed sale, lease, or disposition shall be given by publication, once a week for three (3) consecutive weeks in a legal newspaper published in such municipality, and if no such newspaper be published in said municipality, then in some newspaper having a general circulation in such municipality. After ten (10) days from the last publication of such notice, the system may be disposed of, unless within ten (10) days after the last publication of such notice a petition signed by not less than twenty per centum (20%) of the qualified voters of such municipality be filed, objecting to and protesting against such sale, lease, or disposition, in which event the same shall not be made unless submitted to a special election ordered for the purpose of determining whether a majority of those voting in such election shall vote for or against such sale, lease, or other disposition. Such election shall be ordered to be held not less than forty (40) days after the date of the last notice of the proposed sale, lease or disposition. Notice of such election, stating the purpose of election, shall be published once each week for three (3) consecutive weeks next preceding the time set for holding said election in such newspaper as herein provided. The laws governing special municipal elections shall govern the ordering and conduct of said election.

The ballots provided shall have plainly written or printed thereon the words "shall the waterworks, electric, or gas (as the case may be) system be sold, leased, or disposed of (as the case may be)" and below said words shall be suitably placed on separate lines, the words "yes" and "no," so that the voter may indicate the way he desires to vote on the question submitted.

If a majority of those voting in said election shall vote in favor of such sale, lease, or disposition, then the proper officer of the municipality may proceed to sell, lease or dispose of such system in accordance with the terms and conditions set out in the



notice of proposed intention to sell, lease or dispose of such system, as herein provided. If such election is determined against such sale, lease or disposition of such system, then such system shall not be sold, leased or disposed of, but shall remain the property of the municipality.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 61.** Section 21-27-43, Mississippi Code of 1972, is amended as follows:

21-27-43. Except as hereinafter provided, no bonds shall be issued pursuant to the authority granted in Section 21-27-23 until and unless a majority of those qualified electors of the municipality, voting on a proposition stating in general terms the maximum amount and purposes of the bonds, have approved the issuance at a special election called thereon according to law.

However, the requirement for an election to be held before the issuance of the bonds shall not apply to the issuance of the revenue bonds for the purpose of improving, repairing or extending any waterworks system, water supply system, sewage system, sewage disposal system (or the addition of a sewage disposal system to a sewage system), gas producing system, gas generating, transmission, or distribution system, electric generating, transmission, or distribution system, garbage disposal system, rubbish disposal or incinerator system, or motor vehicle transportation system, which is now, or hereafter, owned or operated by any municipality, or railroad transportation system owned or operated by any municipality located in a county bordering the Mississippi River and in which Highways 49 and 61 intersect. The revenue bonds may be issued for such purposes in the following manner: notice of intention to issue the revenue bonds, setting out the amount and other terms or conditions of the proposed issue, shall be given by publication once a week for three (3) consecutive weeks in a local newspaper published in the



municipality, and if a newspaper is not published in the municipality, then in some newspaper having a general circulation in the municipality. After ten (10) days from the last publication of the notice, the bonds may be sold under the regular procedure for selling the bonds unless, within ten (10) days after the last publication of the notice, a petition signed by not less than twenty percent (20%) of the qualified voters of such municipality be filed objecting to and protesting against such revenue bond issue, in which event the same shall not be made unless submitted to a special election ordered for the purpose of determining whether or not a majority of those voting in the election shall vote for or against the revenue bond issue. The election shall be ordered to be held not later than forty (40) days after the date of the last notice of the proposed revenue bond issue. Notice of the election, stating the purpose of the election, shall be published once each week for three (3) consecutive weeks next preceding the time set for holding the election in the newspaper, provided in this section. The laws governing municipal elections shall govern the order and conduct of the election. However, nothing in this section shall prevent the governing authorities from calling an election, whether required by petition of twenty percent (20%) of the qualified voters or not. This section shall not have application to and it shall not affect the authority granted public utilities commissions under Section 21-27-25.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 62.** Section 21-29-203, Mississippi Code of 1972, is amended as follows:

21-29-203. Said fund and system of relief to the fire department and/or police department shall be inaugurated in each municipality only in the following manner: each municipality desiring to create said fund and inaugurate this system of



3109 disability and relief for its firemen and/or policemen, shall call  
3110 an election after giving three (3) weeks consecutive notice in a  
3111 newspaper published in said city, stating the date, purpose and  
3112 time of holding said election for the electors to determine  
3113 whether or not said municipality shall adopt the "disability and  
3114 relief fund for firemen and policemen." At said election the  
3115 ballots used by the qualified electors shall read: "For the  
3116 Disability and Relief Fund for Firemen and Policemen," "Against  
3117 the Disability and Relief Fund for Firemen and Policemen." Said  
3118 election shall be held as such other elections of like nature, and  
3119 if at said election the majority of qualified electors voting  
3120 thereat, shall vote against the creation of said fund and system,  
3121 then the said fund and system shall not be created and said fund  
3122 and system shall not be inaugurated in said municipality. Should  
3123 a majority of said qualified electors voting at said election vote  
3124 in favor of the creation of said fund and the operation of said  
3125 system, the said fund and system shall be inaugurated by said  
3126 municipality.

3127 The publication of any notice required in this section may be  
3128 published on the Internet as provided in Section 1 of this act.

3129 **SECTION 63.** Section 21-33-29, Mississippi Code of 1972, is  
3130 amended as follows:

3131 21-33-29. Except as otherwise provided in Section 21-33-10,  
3132 the governing authorities of every municipality shall, at a  
3133 regular or special meeting to be held in September or October in  
3134 each year (unless a different time be fixed by order), receive the  
3135 assessment rolls of real and personal property from the assessor  
3136 and shall proceed to change, correct, revise, and equalize said  
3137 assessments in the same manner and with the same powers as is  
3138 provided for the equalization of assessments by county boards of  
3139 supervisors. When the equalization has been completed, the  
3140 governing authorities shall give ten (10) days' notice of the  
3141 regular or special meeting at which objections to such assessments



will be heard. The notice shall be given by publication at least one (1) time in a legal newspaper, if there be one published in the municipality, and if no such newspaper be published in the municipality, the notice shall be given by posting written notices thereof in five (5) or more public places in the municipality.

The publication of any notice required in this section may be published on the Internet as provided in **Section 1 of this act.**

**SECTION 64.** Section 21-33-207, Mississippi Code of 1972, is amended as follows:

21-33-207. (a) The mayor and board of aldermen or other governing authority of any municipality desiring to avail itself of the provisions of the City Utility Tax Law shall adopt an ordinance declaring its intention to have the utility tax imposed at the specified rate for the benefit of such municipality effective on and after a date fixed in the ordinance which must be at least thirty (30) days later and on the first day of a month. A certified copy of this ordinance shall be immediately forwarded to the Chairman of the State Tax Commission. The municipal authorities shall have a copy of the ordinance published once a week for three (3) consecutive weeks in at least one (1) newspaper published in the municipality and having a general circulation therein. The first publication shall be not less than twenty-eight (28) days prior to the levying date fixed in such ordinance, and the last publication shall be made not less than seven (7) days prior to such date. If no newspaper is published in the municipality, then notice shall be given by publishing the ordinance for the required time in some newspaper published in the same or an adjoining county having a general circulation in the municipality. A copy of the ordinance shall also be posted at three (3) public places in the municipality for a period of at least twenty-one (21) days during the time of its publication in a newspaper. The publication of the ordinance may be made as





provided in Section 21-17-19. Proof of publication must also be furnished to the Chairman of the State Tax Commission.

(b) If more than twenty percent (20%) of the qualified electors of the municipality having no city utility tax shall file with the clerk of the municipality within twenty-one (21) days after adoption of the ordinance of intent to qualify for the collection of the tax, a petition requesting an election on the question of the levy of such tax, then and in that event such tax levy shall not be made unless authorized by a majority of the votes cast at an election to be called and held for that purpose. Notice of such election shall be given, the election shall be held and the result thereof determined in the manner provided in Title 21, Chapter 11, of the Mississippi Code of 1972. In the event of an election resulting in favor of the levy or where no election is required, the governing authorities shall adopt another ordinance qualifying for the collection of the tax provided in the City Utility Tax Law, and shall set the first of a month following the date of such adoption as the effective date of the tax levy. A certified copy of this ordinance together with the result of the election, if any, shall be immediately furnished the Chairman of the State Tax Commission. Upon receipt of the certified ordinance and other official notice from the municipality, the chairman shall notify the utilities in such municipality which are affected by the City Utility Tax Law, and take the necessary action to collect the tax. The first payment of the tax after its adoption shall be on all receipts of the utility derived from all billings made fifteen (15) days after the effective date of said adoption.

(c) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 65.** Section 21-33-307, Mississippi Code of 1972, is amended as follows:



3206           21-33-307. Before issuing any bonds for any of the purposes  
3207 enumerated in Section 21-33-301, the governing authority of the  
3208 issuing municipality shall adopt a resolution declaring its  
3209 intention so to do, stating the amount of bonds proposed to be  
3210 issued and the purpose for which the bonds are to be issued, and  
3211 the date upon which the aforesaid authority proposes to direct the  
3212 issuance of such bonds. Such resolution shall be published once a  
3213 week for at least three (3) consecutive weeks in at least one (1)  
3214 newspaper published in such municipality. The first publication  
3215 of such resolution shall be made not less than twenty-one (21)  
3216 days prior to the date fixed in such resolution for the issuance  
3217 of the bonds, and the last publication shall be made not more than  
3218 seven (7) days prior to such date. If no newspaper be published  
3219 in such municipality, then such notice shall be given by  
3220 publishing the resolution for the required time in some newspaper  
3221 having a general circulation in such municipality and, in  
3222 addition, by posting a copy of such resolution for at least  
3223 twenty-one (21) days next preceding the date fixed therein at  
3224 three (3) public places in such municipality. The publication of  
3225 the resolution may be made as provided in Section 21-17-19. If  
3226 ten percent (10%) of the qualified electors of the municipality,  
3227 or fifteen hundred (1500), whichever is the lesser, shall file a  
3228 written protest against the issuance of such bonds on or before  
3229 the date specified in such resolution, then an election on the  
3230 question of the bonds shall be called and held as is provided in  
3231 Section 21-33-309. Notice of such election shall be signed by the  
3232 clerk of the municipality and shall be published once a week for  
3233 at least three (3) consecutive weeks in at least one (1) newspaper  
3234 published in such municipality. The first publication of such  
3235 notice shall be made not less than twenty-one (21) days prior to  
3236 the date fixed for such election, and the last publication shall  
3237 be made not more than seven (7) days prior to such date. If no  
3238 newspaper is published in such municipality, then such notice



shall be given by publishing the same for the required time in some newspaper having a general circulation in such municipality and published in the same or an adjoining county and, in addition, by posting a copy of such notice for at least twenty-one (21) days next preceding such election at three (3) public places in such municipality. If no protest be filed, then such bonds may be issued without an election on the question of the issuance thereof, at any time within a period of two (2) years after the date specified in the above-mentioned resolution. However, the governing authority of any municipality in its discretion may nevertheless call an election on such question, in which event it shall not be necessary to publish the resolution declaring its intention to issue such bonds as herein provided.

Under no circumstances shall any municipality exceed the bond limit as set by statute for municipalities.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 66.** Section 21-35-5, Mississippi Code of 1972, is amended as follows:

21-35-5. The governing authorities of each municipality of the State of Mississippi shall, not later than September 15 each year, prepare a complete budget of the municipal revenues, expenses and working cash balances estimated for the next fiscal year, and shall prepare a statement showing the aggregate revenues collected during the current year in said municipality for municipal purposes. Such statement shall show every source of revenue along with the amount derived from each source. Said budget of any municipality of one thousand five hundred (1,500) inhabitants or more, according to the last preceding federal census, with said statement of revenue and expenses, shall be published at least one (1) time during September of said year in a newspaper published in such municipality or, if no newspaper be published in such municipality, in any newspaper published in the



3272 county wherein the municipality is located. In municipalities of  
3273 less than one thousand five hundred (1,500) inhabitants, according  
3274 to the last preceding federal census, as many as three (3)  
3275 prepared statements of said budget shall be posted in three (3)  
3276 public places in said municipalities.

3277 Prior to the adoption of a budget pursuant to this section,  
3278 the governing authority of each municipality shall hold at least  
3279 one (1) public hearing to provide the general public with an  
3280 opportunity to comment on the taxing and spending plan  
3281 incorporated in the proposed budget. The public hearing shall be  
3282 held at least one (1) week prior to the adoption of the budget  
3283 with advance notice and held outside normal working hours. The  
3284 advance notice shall include an announcement published or posted  
3285 in the same manner as required for the final adopted budget.

3286 The publication of any notice required in this section may be  
3287 published on the Internet as provided in Section 1 of this act.

3288 **SECTION 67.** Section 21-35-25, Mississippi Code of 1972, is  
3289 amended as follows:

3290 21-35-25. Notwithstanding any provision in this chapter to  
3291 the contrary, the budget of any municipality may be revised as  
3292 provided in this section and under the conditions herein stated,  
3293 and when a deficit is indicated the budget shall be revised.

3294 The governing authorities of any municipality are authorized  
3295 to revise the budget for expenses of such municipality at any one  
3296 (1) regular meeting of said governing authorities held not later  
3297 than August of the first year in which such governing authorities  
3298 enter upon the discharge of their duties, provided there be funds  
3299 in the treasury of the municipality, or coming into the treasury  
3300 during the fiscal year, not appropriated by the budget of the  
3301 outgoing board of governing authorities, and there is a deficit in  
3302 any one or more items provided for in the budget of the preceding  
3303 board. This section shall not, however, validate or invalidate



3304 any contracts made, executed or entered into by the governing  
3305 authorities of the preceding term.

3306       If it appears at any time during the current fiscal year, but  
3307 not later than the regular July meeting of the board of governing  
3308 authorities, that collections of anticipated revenues from taxes  
3309 or other sources will be less than the amount estimated, and a  
3310 deficit is thereby indicated for any fund, or funds, the governing  
3311 authorities shall, at a regular meeting, revise and reduce the  
3312 budget appropriations for such funds as is anticipated will have a  
3313 deficit, so as to conform to the lowered indicated revenue,  
3314 including revenue from taxes and all other sources.

3315       If it affirmatively appears at any time during the current  
3316 fiscal year that actual collections and anticipated revenues from  
3317 taxes or other sources, including grants or donations, will exceed  
3318 the estimates, then the governing authorities may revise and  
3319 increase the budget appropriation of such fund, or funds, affected  
3320 by such increase in revenue, but no such transfer shall be made  
3321 from fund to fund, or from item to item, which will result in the  
3322 expenditure of any money for a purpose different from that for  
3323 which the tax was levied. The budget, as so revised, shall be  
3324 spread in detail upon the minutes of said board of governing  
3325 authorities. However, no such increase shall in any event be  
3326 construed to authorize expenditures or to incur obligations which  
3327 will result in a deficit in any fund, or funds.

3328       If the increase in revenue over the estimates is from other  
3329 than regular sources, including grants and donations, such excess  
3330 over the estimate may be expended for improvements and new  
3331 construction, including buildings, additions to buildings,  
3332 streets, and street improvements.

3333       If it affirmatively appears at any time during the current  
3334 fiscal year that there is in any fund or account any sum remaining  
3335 unexpended and not needed or expected to be needed for the purpose  
3336 or purposes for which appropriated in said budget, then the



governing authorities may, in their discretion, transfer such sum or any part thereof to any other fund or funds or account or accounts where needed, by order to such effect entered upon their minutes. This shall not, however, authorize the expenditure of any funds for any purpose other than that for which the levy producing such funds was made.

Any amendments made pursuant to this section to an originally adopted budget which exceed ten percent (10%) of the total amount appropriated or authorized to be expended in a particular department fund shall be published or posted within two (2) weeks of the action in a newspaper in the same manner as the final adopted budget. Separate amendments to an originally adopted budget during one fiscal year which affect a particular department fund shall be considered as one (1) amendment in determining whether the ten percent (10%) threshold requiring publication or posting has been reached. This publication or posted notice shall contain a description of the amendment, the amount of money and funds affected, and a detailed statement explaining the need and purpose of the amendment. The vote of each member of the municipality's governing authority on each amendment shall be included in the publication or posted notice.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 68.** Section 21-37-25, Mississippi Code of 1972, is amended as follows:

21-37-25. When governing authorities of any municipality shall determine that the establishment of a municipal parking facility is necessary, they shall adopt an ordinance declaring that parking spaces available along the city streets in the business district and privately owned parking facilities are insufficient to relieve congested traffic conditions which are of such a serious nature as to be inimical to the public welfare, and that in order to relieve such conditions and promote the general



3370 welfare it is necessary for said municipality to establish,  
3371 construct, and operate a municipal parking facility for motor  
3372 vehicles of members of the general public, and to acquire land and  
3373 property for such purpose, which the said municipality proposes to  
3374 proceed with. Notice of the adoption of such ordinance shall be  
3375 published once each week for three (3) successive publications in  
3376 a newspaper having a general circulation in the municipality, and  
3377 shall specify a date, not less than twenty-one (21) days after the  
3378 first publication of such notice, at which the governing  
3379 authorities of such municipality shall meet to hear any objections  
3380 or remonstrances that may be made. Such notice need not describe  
3381 or specify the contemplated location of such facility.

3382         At said meeting, or at a time and place to which same may be  
3383 adjourned, any aggrieved citizen of the municipality may appear in  
3384 person, by attorney, or by petition, and object to or protest  
3385 against the necessity of the establishment of such municipal motor  
3386 vehicle parking facility. The governing authorities shall  
3387 consider the objections and protests, if any, and may either  
3388 amend, modify or rescind said ordinance, or enter an order making  
3389 said ordinance final and authorizing the governing authorities to  
3390 proceed with the establishment of such facility, including the  
3391 acquisition of the necessary land and property.

3392         Any citizen of said municipality aggrieved at such finding  
3393 may, within ten (10) days from the date the ordinance is made  
3394 final, file a petition for an appeal to the circuit court of the  
3395 district in which said municipality is located, where an issue  
3396 shall be made up and tried as to the necessity of such parking  
3397 facility for the public welfare. The petition for appeal shall be  
3398 filed with the clerk of the said court and shall be accompanied by  
3399 a bond in the sum of Two Hundred Fifty Dollars (\$250.00),  
3400 conditioned according to law for the payment of such costs as may  
3401 be finally adjudged against the appellant, which bond shall be  
3402 approved by the clerk of said court. Upon the approval of the



bond, the clerk shall issue process to the municipality giving notice of the said appeal and commanding it to be and appear before the next term of the court, then and there to answer the same. Upon receipt of the said notice of appeal, the municipality shall promptly make up and forward to the clerk of the said court in which the appeal is pending a certified copy of the entire record in the proceedings, as shown by the files and records in its office, which record shall be docketed by the clerk in the cause and the appeal shall be heard and considered by the judge of the court (without a jury) on said record. If the aggrieved party shall prevail, a judgment shall be entered reversing the action of the municipality and setting aside and annulling the ordinance appealed from. If, however, the action of the municipality in declaring the necessity for the parking facility be affirmed, a judgment shall be entered against the appellant for all costs and the cause shall be remanded for further action by the municipality.

Either party in said cause shall have the right to an appeal to the Supreme Court of the state from the judgment of the circuit court. Such appeal shall be perfected within ten (10) days of the date of the entry of judgment by the circuit court by filing with the clerk thereof a good and sufficient bond, to be approved by the clerk, in the sum of Five Hundred Dollars (\$500.00), conditioned to pay all costs that may accrue in such appeal, and the clerk shall promptly transmit to the supreme court the record in the cause.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 69.** Section 21-39-3, Mississippi Code of 1972, is amended as follows:

21-39-3. In municipalities in which there is more than one (1) newspaper qualified to publish legal notices, the governing authorities of such municipality shall enter into a contract for





3436 the publication of its proceedings, ordinances, resolutions, and  
3437 other notices required to be published only after inviting  
3438 competitive bids from such newspapers. Such contracts shall be  
3439 let to the lowest bidder among them for a period of not more than  
3440 twelve (12) months from the date of such contract. It shall not  
3441 be necessary, however, that the governing authorities of such  
3442 municipality advertise its intention to accept such competitive  
3443 bids but it shall be sufficient if notice thereof in writing be  
3444 given to all of such newspapers by mail or delivery at least five  
3445 (5) days prior to the date on which said bids will be received,  
3446 which said notice shall specify the date on which such bids will  
3447 be received.

3448 The publication of any notice required in this section may be  
3449 published on the Internet as provided in Section 1 of this act.

3450 **SECTION 70.** Section 21-41-5, Mississippi Code of 1972, is  
3451 amended as follows:

3452 21-41-5. When the governing authorities of any municipality  
3453 shall determine to make any local or special improvement, the cost  
3454 of which or any part thereof is to be assessed against the  
3455 property benefited, they shall adopt a resolution declaring  
3456 necessary the proposed improvement describing the nature and  
3457 extent of the work, the general character of the material to be  
3458 used, and the location and terminal points of the streets,  
3459 highways, boulevards, avenues, squares, alleys or parks, or parts  
3460 thereof, or clearly define the boundary of areas in which said  
3461 improvements are to be made. In publishing said resolution  
3462 declaring the work necessary, the plans and specifications of said  
3463 work need not be published but may be referred to as being on file  
3464 in the office of the city clerk or city engineer. The publication  
3465 of the resolution may be made as provided in Section 21-17-19.  
3466 Said resolution shall fix a date when the governing authorities of  
3467 said municipality shall meet, which shall be not less than fifteen  
3468 (15) days after the date of the first publication of the notice



herein provided for, to hear any objections or remonstrances that may be made to said improvements. The notice herein provided for shall be published once each week for three (3) successive publications in a public newspaper having a general circulation in the municipality, and if no newspaper is published therein it shall be sufficient to post said notice in three (3) public places of the municipality for not less than fifteen (15) days before said meeting, one which shall be posted at the town or city hall of said municipality. Moreover, the clerk of the municipality shall send a copy of the notice, by certified mail, postage prepaid, within five (5) days after the first publication of the notice herein provided for, to the last-known address of owners of property affected by the resolution. However, failure of the clerk to mail such notice or failure of the owner to receive such notice shall not invalidate any proceeding in this chapter, where such notice has been published as provided herein. Notice declaring the work necessary shall be notice to the property owners that the work has been declared necessary.

If the governing authorities of a municipality desire to make any special or local improvement under the Regional Economic Development Act, the governing authorities also shall comply with any requirements provided therein.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 71.** Section 21-41-13, Mississippi Code of 1972, is amended as follows:

21-41-13. Upon the completion of any improvement authorized by this chapter, the governing authorities shall ascertain and determine the cost of the improvement and declare the same by resolution. Upon said completion the governing authorities shall cause to be prepared a roll or list to be called the "assessment roll" showing the names of the property owners, and, opposite each name a description of each parcel of land. Such roll shall be



3502 entered in a well-bound book prepared for that purpose, which  
3503 shall contain appropriate columns in which payments may be  
3504 credited. Said book shall be known as "assessment book for local  
3505 improvements." It shall be a public record and the entry therein  
3506 of any assessment shall be and constitute notice to the public of  
3507 the lien against the land so assessed, and no other record or  
3508 notice thereof shall be necessary to any person or corporation for  
3509 that purpose. No error, omission or mistake in regard to the name  
3510 of the owner shall be held to invalidate any assessment. After  
3511 the completion of the said assessment roll it shall be delivered  
3512 to the clerk of the municipality, or to the officer performing the  
3513 duties of such clerk, who shall thereupon give a notice by  
3514 publication in some newspaper published in said municipality that  
3515 the assessment roll (for that piece of local improvement made) has  
3516 been delivered to him and is open for inspection at his office,  
3517 and that at a time and place therein mentioned, not less than  
3518 fifteen (15) days from the date of the first publication, the  
3519 governing authorities of said municipality will meet to hear and  
3520 determine any objections or defense.

3521 The publication of any notice required in this section may be  
3522 published on the Internet as provided in Section 1 of this act.

3523 **SECTION 72.** Section 21-41-51, Mississippi Code of 1972, is  
3524 amended as follows:

3525 21-41-51. Except as may be otherwise provided, where, by any  
3526 provision of this chapter, notice is required to be given by  
3527 publication, such publication made shall be in a newspaper  
3528 published in the municipality, if there be one. If there be no  
3529 newspaper published in the municipality, then such notice shall be  
3530 posted for the prescribed period of time in at least five (5)  
3531 public places in the municipality, one of which shall be the city  
3532 or town hall, or the place of meeting of the governing  
3533 authorities, if there be no city or town hall.



3534        The publication of any notice required in this section may be  
3535 published on the Internet as provided in Section 1 of this act.

3536        **SECTION 73.** Section 21-43-117, Mississippi Code of 1972, is  
3537 amended as follows:

3538        21-43-117. (1) For initial creation of the district,  
3539 reauthorization of the district at the end of each five-year  
3540 period, amendment to the district plan within the five-year plan  
3541 period or modification of the boundaries of the district at the  
3542 end of a five-year period, the clerk of the municipality shall  
3543 notify all property owners to be included in the proposed district  
3544 of a public hearing to review the plan and receive comment about  
3545 the process for accepting or rejecting the plan. Following a  
3546 public hearing, the governing authority of the municipality shall  
3547 set an election date not more than sixty (60) days from the date  
3548 of the public hearing. The ballot shall clearly state the issue  
3549 to be decided. Only property owners of record as of the date of  
3550 initial notice given as provided in Section 21-43-111 shall be  
3551 eligible to participate in any such election.

3552        (2) Notice of an election to create, continue, amend or  
3553 extend a district shall be:

3554            (a) Mailed to each of the district property owners of  
3555 record thirty (30) days prior to the election, and

3556            (b) Published at least twice in a newspaper of general  
3557 circulation in the municipality, the first publication shall be  
3558 not less than ten (10), nor more than thirty (30) days before the  
3559 date for the election. The notice shall include a copy of the  
3560 plan, a ballot for the election and a notice about the time and  
3561 date for the election.

3562        (3) Not less than ten (10) nor more than thirty (30) days  
3563 before the date set for the election, the governing authority of  
3564 the municipality shall cause a copy of the plan and the ballot to  
3565 be posted in the lobby of its city hall.



(4) Ballots shall be marked, signed and submitted by the eligible property owner to the clerk of the municipality by the date designated on the ballot.

(5) The clerk of the municipality shall notify the property owners in the district of the result.

(6) If the plan is approved by seventy percent (70%) of the property owners, the mayor of the municipality shall review the district plan to ensure its compliance with the provisions of Sections 21-43-101 through 21-43-133.

(7) The municipality shall disburse the proceeds collected from the assessment to the designated district management group within thirty (30) days after the assessment is due.

(8) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 74.** Section 21-45-11, Mississippi Code of 1972, is amended as follows:

21-45-11. Any tax increment financing plan, at a minimum, shall contain:

(a) A statement of the objectives of a municipality with regard to the plan;

(b) A statement indicating the need and proposed use of the tax increment financing plan in relationship to the redevelopment plan;

(c) A statement containing the cost estimates of the redevelopment project and the projected sources of revenue (ad valorem taxes, sales taxes, and the proceeds of any other financial assistance) to be used to meet the costs including estimates of tax increments and the total amount of indebtedness to be incurred;

(d) A list of all real property to be included in the tax increment financing plan;



(e) The duration of the tax increment financing plan's existence;

(f) A statement of the estimated impact of the tax increment financing plan upon the revenues of all taxing jurisdictions in which a redevelopment project is located; and

(g) A statement requiring that a separate fund be established to receive ad valorem taxes and the proceeds of any other financial assistance.

Before approving any tax increment financing plan, the governing body shall hold a public hearing thereon after published notice in a newspaper in which the municipality is authorized to publish legal notices at least once and not less than ten (10) days and not more than twenty (20) days prior to the hearing.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 75.** Section 23-15-315, Mississippi Code of 1972, is amended as follows:

23-15-315. The chairman of the county executive committee shall publish a copy of his call for a meeting in some newspaper published in the municipality affected for three (3) weeks preceding the date set for said mass convention, or if there be no newspaper published in said municipality by posting notices in three (3) public places in said municipality not less than three (3) weeks before the date for said mass convention.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 76.** Section 23-15-481, Mississippi Code of 1972, is amended as follows:

23-15-481. Prior to the start of the count of the ballots, the commissioners of elections, in conjunction with the circuit clerks or officials in charge of the election shall have the automatic tabulating equipment tested to ascertain that it will accurately count the votes cast for all offices and on all



measures. Public notice of the time and place of the test shall be given at least forty-eight (48) hours prior thereto by publication once in one or more daily or weekly newspapers published in the county, city or jurisdiction where such equipment is used, if a newspaper is published therein, otherwise in a newspaper of general circulation therein. The test shall be witnessed by representatives of the political parties, candidates, the press and the public. It shall be conducted by processing a preaudited group of ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made and certified to by the officials in charge before the count is started. The tabulating equipment shall pass the same test at the conclusion of the count before the election returns are approved as official. On completion of the count, the programs, test materials and ballots shall be sealed and retained as provided for paper ballots.

The publication of any notice required in this section may be published on the Internet as provided in **Section 1 of this act.**

**SECTION 77.** Section 23-15-853, Mississippi Code of 1972, is amended as follows:

23-15-853. (1) If a vacancy happens in the representation in Congress, the vacancy shall be filled for the unexpired term by a special election, to be ordered by the Governor, within sixty (60) days after such vacancy occurs, and to be held at a time fixed by his order, and which time shall be not less than sixty (60) days after the issuance of the order of the Governor, which shall be directed to the commissioners of election of the several counties of the district, who shall, immediately on the receipt of



3664 the order, give notice of the election by publishing the same in  
3665 some newspaper having a general circulation in the county and by  
3666 posting notice thereof at the front door of the courthouse. The  
3667 order shall also be directed to the State Board of Election  
3668 Commissioners. The election shall be prepared for and conducted,  
3669 and returns shall be made, in all respects as provided for a  
3670 special election to fill vacancies.

3671 (2) Candidates for the office in such an election must  
3672 qualify with the Secretary of State by 5:00 p.m. not less than  
3673 forty-five (45) days previous to the date of the election. The  
3674 commissioners of election shall have printed on the ballot in such  
3675 special election the name of any candidate who shall have been  
3676 requested to be a candidate for the office by a petition filed  
3677 with the Secretary of State and personally signed by not less than  
3678 one thousand (1,000) qualified electors of the district. The  
3679 petition shall be filed by 5:00 p.m. not less than forty-five (45)  
3680 days previous to the date of the election.

3681 There shall be attached to each petition above provided for,  
3682 upon the time of filing with said Secretary of State, a  
3683 certificate from the appropriate registrar or registrars showing  
3684 the number of qualified electors appearing upon each such petition  
3685 which the registrar shall furnish to the petitioner upon request.

3686 The publication of any notice required in this section may be  
3687 published on the Internet as provided in Section 1 of this act.

3688 **SECTION 78.** Section 23-15-857, Mississippi Code of 1972, is  
3689 amended as follows:

3690 23-15-857. (1) When it shall happen that there is any  
3691 vacancy in a city, town or village office which is elective, the  
3692 unexpired term of which shall not exceed six (6) months, the same  
3693 shall be filled by appointment by the governing authority or  
3694 remainder of the governing authority of said city, town or  
3695 village. The municipal clerk shall certify to the Secretary of





State the fact of such appointment, and the person or persons so appointed shall be commissioned by the Governor.

(2) When it shall happen that there is any vacancy in an elective office in a city, town or village the unexpired term of which shall exceed six (6) months, the governing authority or remainder of the governing authority of said city, town or village shall make and enter on the minutes an order for an election to be held in such city, town or village to fill the vacancy and fix a date upon which such election shall be held. Such order shall be made and entered upon the minutes at the next regular meeting of the governing authority after such vacancy shall have occurred, or at a special meeting to be held not later than ten (10) days after such vacancy shall have occurred, Saturdays, Sundays and legal holidays excluded, whichever shall occur first. Such election shall be held on a date not less than thirty (30) days nor more than forty-five (45) days after the date upon which the order is adopted.

Notice of such election shall be given by the municipal clerk by notice published in a newspaper published in the municipality. Such notice shall be published once each week for three (3) successive weeks preceding the date of such election. The first notice to be published at least thirty (30) days before the date of such election. Notice shall also be given by posting a copy of such notice at three (3) public places in such municipality not less than twenty-one (21) days prior to the date of such election. One (1) of such notices shall be posted at the city, town or village hall. In the event that there is no newspaper published in the municipality, then such notice shall be published as provided for above in a newspaper which has a general circulation within the municipality and by posting as provided for above. In addition, the governing authority may publish such notice in such newspaper for such additional times as may be deemed necessary by the governing authority.



3729           Each candidate shall qualify by petition filed with the  
3730 municipal clerk by 5:00 p.m. at least twenty (20) days before the  
3731 date of the election and such petition shall be signed by not less  
3732 than the following number of qualified electors:

3733           (a) For an office of a city, town or village having a  
3734 population of one thousand (1,000) or more, not less than fifty  
3735 (50) qualified electors.

3736           (b) For an office of a city, town or village having a  
3737 population of less than one thousand (1,000), not less than  
3738 fifteen (15) qualified electors.

3739           No qualifying fee shall be required of any candidate, and the  
3740 election provided for herein shall be held as far as practicable  
3741 in the same manner as municipal general elections.

3742           The candidate receiving a majority of the votes cast in said  
3743 election shall be elected. If no candidate shall receive a  
3744 majority vote at the election, the two (2) candidates receiving  
3745 the highest number of votes shall have their names placed on the  
3746 ballot for the election to be held two (2) weeks thereafter. The  
3747 candidate receiving a majority of the votes cast in said election  
3748 shall be elected. However, if no candidate shall receive a  
3749 majority and there is a tie in the election of those receiving the  
3750 next highest vote, those receiving the next highest vote and the  
3751 candidate receiving the highest vote shall have their names placed  
3752 on the ballot for the election to be held two (2) weeks  
3753 thereafter, and whoever receives the most votes cast in such  
3754 election shall be elected.

3755           Should the election to be held two (2) weeks thereafter  
3756 result in a tie vote, the candidate to prevail shall be decided by  
3757 lot, fairly and publicly drawn under the supervision by the  
3758 election commission with the aid of two (2) or more qualified  
3759 electors of the municipality.

3760           The clerk of the election commission shall then give a  
3761 certificate of election to the person elected, and shall return to



the Secretary of State a copy of the order of holding the election and runoff election showing the results thereof, certified by the clerk of the governing authority. The person elected shall be commissioned by the Governor.

However, if nineteen (19) days prior to the date of the election only one (1) person shall have qualified as a candidate, the governing authority, or remainder of the governing authority, shall dispense with the election and appoint that one (1) candidate in lieu of an election. In the event no person shall have qualified by 5:00 p.m. at least twenty (20) days prior to the date of the election, the governing authority or remainder of the governing authority shall dispense with the election and fill the vacancy by appointment. The clerk of the governing authority shall certify to the Secretary of State the fact of the appointment, and the person so appointed shall be commissioned by the Governor.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 79.** Section 23-15-859, Mississippi Code of 1972, is amended as follows:

23-15-859. Whenever under any statute a special election is required or authorized to be held in any municipality, and the statute authorizing or requiring such election does not specify the time within which such election shall be called, or the notice which shall be given thereof, the governing authorities of the municipality shall, by resolution, fix a date upon which such election shall be held. Such date shall not be less than twenty-one (21) nor more than thirty (30) days after the date upon which such resolution is adopted, and not less than three (3) weeks' notice of such election shall be given by the clerk by a notice published in a newspaper published in the municipality once each week for three (3) weeks next preceding the date of such election, and by posting a copy of such notice at three (3) public



3795 places in such municipality. Nothing herein, however, shall be  
3796 applicable to elections on the question of the issuance of the  
3797 bonds of a municipality or to general or primary elections for the  
3798 election of municipal officers.

3799 The publication of any notice required in this section may be  
3800 published on the Internet as provided in Section 1 of this act.

3801 **SECTION 80.** Section 25-1-51, Mississippi Code of 1972, is  
3802 amended as follows:

3803 25-1-51. (1) No law enforcement officer, conservation  
3804 officer, or other person charged with the duty and responsibility  
3805 of enforcing the statutory laws of this state or any municipality  
3806 herein, whether employed full time or part time in such capacity,  
3807 or any member of his or her household can knowingly own, acquire,  
3808 bid upon, or otherwise participate as a purchaser or prospective  
3809 purchaser, either directly or indirectly, at a sale concerning any  
3810 real, personal, or mixed property which has been confiscated and  
3811 is being sold, or has been sold, or is subject to being sold  
3812 pursuant to the laws and statutes of this state. All officers  
3813 seizing any property shall turn the same over to the sheriff of  
3814 the county in which said property was seized. All real, personal,  
3815 or mixed properties confiscated under authority of law and subject  
3816 to sale as contraband properties shall be sold by the sheriff of  
3817 the county in which said property was confiscated or is stored,  
3818 after the sheriff shall first have given public notice by  
3819 publication for not less than one (1) week in a newspaper  
3820 published in said county or, if no newspaper is published in said  
3821 county, said notice shall be published not less than one (1) time  
3822 in a newspaper having general circulation in said county. The  
3823 published notice shall contain a description of the property and  
3824 other pertinent data which the sheriff may deem necessary and  
3825 proper in compliance with this section. The cost of public notice  
3826 shall be charged against and added to the cost of the property  
3827 advertised and sold by virtue of said notice. The net proceeds of



all such property sold shall be deposited in the county general fund within the manner provided by law. The sheriff shall keep a public record of all property seized, the disposition thereof, and the proceeds from the sale thereof.

(2) The failure of the sheriff to sell any property seized by him or turned over to him within ninety (90) days and any violation of the above paragraph by such prohibited person, or any other person acting for or in behalf of such prohibited person, shall be deemed to be a misdemeanor and shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), which fine shall be subject to collection from such prohibited person's bondsmen if such prohibited person be under bond and fails to pay said assessed fine when it shall have become final and collectible.

In addition thereto, upon a showing in an action begun not later than one (1) year from the date of the legal sale of the confiscated property that such prohibited person has knowingly acquired title to such confiscated property in violation of paragraph (1) hereof, the owner of such property at the time it was confiscated, or his or her heirs, legatees, administrator, or executor shall be immediately entitled to the return of such property; and the sum paid therefor by such prohibited person, or in his or her behalf, shall be forfeited. The sum so forfeited shall be applied in the same manner as it would be applied had the confiscated property been sold to or acquired by other than such prohibited person.

(3) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 81.** Section 25-7-65, Mississippi Code of 1972, is amended as follows:

25-7-65. Printers and publishers shall be entitled to the following fees:



3861           (a) For publishing in a newspaper or on the Internet as  
3862 provided in Section 1 of this act any summons, order, citation,  
3863 advertisement or notice required by law to be published in a  
3864 newspaper, Twelve Cents (12¢) for each word it contains for the  
3865 first insertion, and Ten Cents (10¢) for each of the words for  
3866 each subsequent insertion required by law; however, as an  
3867 alternative, such printers and publishers may charge such fees per  
3868 line which are acceptable to the party placing the publication not  
3869 to exceed the Twelve Cents (12¢) and Ten Cents (10¢) per word as  
3870 set out in this subsection.

3871           When four (4) or more numerals appear consecutively in any  
3872 such legal publication, four (4) numerals shall be considered as  
3873 one (1) word, and if there remains a fractional portion of such  
3874 unit of four (4) numerals therein such fraction shall also be  
3875 counted as one (1) word. In the case of numbers containing less  
3876 than four (4) numerals which are isolated from other numerals by  
3877 words in such publication, the same shall be counted as one (1)  
3878 word. When tables or tabular matter are included, each line of  
3879 the standard newspaper column shall be considered as containing at  
3880 least six (6) words.

3881           The fees authorized in this paragraph (a) shall not be  
3882 chargeable for any erroneous publication of a summons, order,  
3883 citation, advertisement or notice required by law to be published  
3884 in a newspaper, if such error is not attributable to the person or  
3885 entity requesting the publication.

3886           (b) For making proof of publication, making a copy  
3887 thereof, and for deposing to the same, Three Dollars (\$3.00); but  
3888 this section shall not apply to the publication of ordinances of  
3889 municipalities, proceedings of the board of supervisors and school  
3890 boards or audit reports.

3891           **SECTION 82.** Section 25-15-301, Mississippi Code of 1972, is  
3892 amended as follows:



3893           25-15-301. (1) The board may contract the administration  
3894 and service of the self-insured program to a third party.  
3895 Whenever the board chooses to contract with an administrator for  
3896 the insurance plan established by Section 25-15-3 et seq., it  
3897 shall comply with the procedures set forth in this section:

3898           (a) If the board determines that it should contract out  
3899 the administration of the plan to an administrator, it shall cause  
3900 to be prepared a request for proposals. This request for  
3901 proposals shall be prepared for distribution to any interested  
3902 party. Notice of the board's intention to seek proposals shall be  
3903 published in a newspaper of general circulation at least one (1)  
3904 time per week for three (3) weeks before closing the period for  
3905 interested parties to respond. Additional forms of notice may  
3906 also be used. The newspaper notice shall inform the interested  
3907 parties of the service to be contracted, existence of a request  
3908 for proposals, how it can be obtained, when a proposal must be  
3909 submitted, and to whom the proposal must be submitted. All  
3910 requests for proposals shall describe clearly what service is to  
3911 be contracted, and shall fully explain the criteria upon which an  
3912 evaluation of proposals shall be based. The criteria to be used  
3913 for evaluations shall, at minimum, include:

3914                   (i) The administrator's proven ability to handle  
3915 large group accident and health insurance plans;

3916                   (ii) The efficiency of the claims-paying  
3917 procedures;

3918                   (iii) An estimate of the total charges for  
3919 administering the plan.

3920           (b) All proposals submitted by interested parties shall  
3921 be evaluated by an internal review committee which shall apply the  
3922 same criteria to all proposals when conducting an evaluation. The  
3923 committee shall consist of at least three (3) members of the  
3924 board. The results and recommendations of the evaluation shall be  
3925 presented to the board for review. All evaluations presented to



3926 the board shall be retained by the board for at least three (3)  
3927 years. The board may accept or reject any recommendation of the  
3928 review committee, or it may conduct further inquiry into the  
3929 proposals. Any further inquiry shall be clearly documented and  
3930 all methods and recommendations shall be retained by the board and  
3931 shall spread upon its minutes its choice of administrator and its  
3932 reasons for making the choice.

3933 (c) (i) The board shall be responsible for preparing a  
3934 contract that shall be in accordance with all provisions of this  
3935 section and all other provisions of law. The contract shall also  
3936 include a requirement that the contractor shall consent to an  
3937 evaluation of his performance. Such evaluation shall occur after  
3938 the first six (6) months of the contract, and shall be reviewed at  
3939 times the board determines to be necessary. The contract shall  
3940 clearly describe the standards upon which the contractor shall be  
3941 evaluated. Evaluations shall include, but not be limited to,  
3942 efficiency in claims processing, including the processing pending  
3943 claims.

3944 (ii) The PEER Committee, at the request of the  
3945 House or Senate Appropriations Committee or the House or Senate  
3946 Insurance Committee and with funds specifically appropriated by  
3947 the Legislature for such purpose, shall contract with an  
3948 accounting firm or with other professionals to conduct a  
3949 compliance audit of any administrator responsible for  
3950 administering the insurance plan established by Section 25-15-3 et  
3951 seq. Such audit shall review the administrator's compliance with  
3952 the performance standards required for inclusion in the  
3953 administrator's contract. Such audit shall be delivered to the  
3954 Legislature no later than January 1.

3955 (2) Contracts for the administration of the insurance plan  
3956 established in Section 25-15-3 et seq. shall commence at the  
3957 beginning of the calendar year and shall end on the last day of a





calendar year. This shall not apply to contracts provided for in subsection (3) of this section.

(3) If the board determines that it is necessary to not renew the contract of an administrator, or finds it necessary to terminate a contract with or without cause as provided for in the contract of the administrator, the board is authorized to select an administrator without complying with the bid requirements in subsections (1) and (2) of this section. Such contracts shall be for the balance of the calendar year in which the nonrenewal or termination occurred, and may be for an additional calendar year if the board determines that the best interests of the plan members are served by such. Any contract negotiated on an interim basis shall include a detailed transition plan which shall ensure the orderly transfer of responsibilities between administrators and shall include, but not be limited to, provisions regarding the transfer of records, files and tapes.

(4) Except for contracts executed under the authority of subsection (3) of this section, the board shall select administrators at least six (6) months before the expiration of the current administrator's contract. The period between the selection of the new administrator and the effective date of the new contract shall be known as the transition period. Whenever the newly selected administrator is an entity different from the entity performing the administrator's function, it shall be the duty of the board to prepare a detailed transition plan which shall insure the orderly transfer of responsibilities between administrators. This plan shall be effective during the transition period, and shall include, but not be limited to, provisions regarding the transfer of records, files and tapes. Further, the plan shall detail the steps necessary to transfer records and responsibilities and set deadlines for when such steps should be completed. The board shall include in all requests for proposals, contracts with administrators, and all other contracts,



3991 provisions requiring the cooperation of administrators and  
3992 contractors in any future transition of responsibilities, and  
3993 their cooperation with the board and other contractors with  
3994 respect to ongoing coordination and delivery of health plan  
3995 services. The board shall furnish the Legislature, Governor and  
3996 advisory council with copies of all transition plans and keep them  
3997 informed of progress on such plans.

3998 (5) No brokerage fees shall be paid for the securing or  
3999 executing of any contracts pertaining to the insurance plan  
4000 established by Section 25-15-3 et seq., whether fully insured or  
4001 self-insured.

4002 (6) Any corporation, association, company or individual that  
4003 contracts with the board for the administration or service of the  
4004 self-insured plan shall remit one hundred percent (100%) of all  
4005 savings or discounts resulting from any contract to the board or  
4006 participant, or both. Any corporation, association, company or  
4007 individual that contracts with the board for the administration or  
4008 service of the self-insured plan shall allow, upon notice by the  
4009 board, the board or its designee to audit records of the  
4010 corporation, association, company or individual relative to the  
4011 corporation, association, company or individual's performance  
4012 under any contract with the board. The information maintained by  
4013 any corporation, association, company or individual, relating to  
4014 such contracts, shall be available for inspection upon request by  
4015 the board and such information shall be compiled in a manner that  
4016 will provide a clear audit trail.

4017 (7) The publication of any notice required in this section  
4018 may be published on the Internet as provided in Section 1 of this  
4019 act.

4020 **SECTION 83.** Section 27-19-133, Mississippi Code of 1972, is  
4021 amended as follows:

4022 27-19-133. Any sheriff, deputy sheriff or municipal law  
4023 enforcement officer is hereby authorized to arrest, without



warrant, any person operating, or causing to be operated, any motor vehicle contrary to the provisions of this article, within the limits of their respective jurisdiction. In case the owner, or person or persons operating, or causing to be operated, a motor vehicle shall be taken into custody because of a violation of any provision hereof, he or they may be forthwith taken before an accessible justice court judge, police justice, municipal judge or mayor, having jurisdiction of such offense, and be entitled to an immediate hearing. If such hearing cannot then be had, he shall be released from custody upon giving a good and sufficient bond to appear and answer for such violation, at such time and place as shall then be designated, in the manner provided by law, or secured by a sum equal to the maximum fine for the offense with which he is charged, or, in lieu thereof, by leaving the motor vehicle being operated by such person with such officer as may have the accused in charge. Provided, however, that should the person or persons in custody so request, the justice court judge, police justice, municipal judge or mayor before whom the complaint is made, or before whom the person or persons in custody shall be taken, shall adjourn the hearing of said case for ten (10) days upon the execution of a good and sufficient bond, in the manner as above provided, and, if the defendant or defendants fail to appear to defend said case, the sum or sums so deposited, or bond so given, shall be forfeited to the state and disposed of as bond given and money deposited for bail in other cases, or the motor vehicle which may have been left by said person or persons may be sold at public auction by order of the justice court judge, police justice, municipal judge or mayor, after giving notice of said proposed sale for three (3) consecutive weeks, in a newspaper of general circulation in the county where the arrest is made, if there be such newspaper in said county, describing accurately the motor vehicle therein and giving the date of the proposed sale. From the amount realized from such sale a sum equal to the maximum



4057 fine for the offense charged shall be disposed of in like manner;  
4058 and the surplus, if any, after deducting all expenses incurred in  
4059 keeping or sale of such vehicle, shall be returned to such owner  
4060 on demand, but no such forfeiture and disposition of such security  
4061 shall in anywise impair the jurisdiction of the justice court  
4062 judge, police justice, municipal judge or mayor, to hear and  
4063 determine any such charge made against the owner of such motor  
4064 vehicle, or the person or persons operating, or causing to be  
4065 operated, the said vehicle, or to inflict, upon conviction, any  
4066 punishment prescribed by this article. If there be no such  
4067 newspaper published in said county, then such sale shall be  
4068 advertised by posting written notice in two (2) or more public  
4069 places in said county for three (3) consecutive weeks next  
4070 preceding such sale.

4071 Any sheriff, deputy sheriff, municipal law enforcement  
4072 officer or other peace officer, who shall arrest or prefer charges  
4073 against any person alleged to have operated a motor vehicle in  
4074 violation of the provisions of this article shall, within five (5)  
4075 days after the termination of such proceedings, forward to the  
4076 commission a transcript of the court proceedings on such charges,  
4077 which transcript shall show the name of the defendant, the date of  
4078 the offense, the nature of the offense, the court in which the  
4079 proceedings were had, the disposition of the matter and the  
4080 sentence, if any, imposed by the court. Any sheriff, deputy  
4081 sheriff, municipal law enforcement officer or other peace officer,  
4082 who shall fail or refuse to forward such transcript as required  
4083 hereby, shall be guilty of a misdemeanor and, upon conviction,  
4084 shall be punished by a fine of not less than Ten Dollars (\$10.00)  
4085 nor more than One Hundred Dollars (\$100.00), or by imprisonment in  
4086 the county jail for not more than thirty (30) days, or by both  
4087 such fine and imprisonment. In addition thereto, any sheriff,  
4088 deputy sheriff, municipal law enforcement officer or other peace  
4089 officer who shall fail or refuse to forward such transcript to the



commission shall be liable on his official bond for a civil penalty of Two Hundred Fifty Dollars (\$250.00), which may be recovered upon appropriate proceedings brought by the commission in chancery court of the proper county.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 84.** Section 27-19-155, Mississippi Code of 1972, is amended as follows:

27-19-155. The license or number tag herein provided for shall be purchased by the License Tag Commission, composed of the Governor, Commissioner of Revenue, Attorney General, and the State Treasurer, upon competitive bids, after having given three (3) weeks' notice of the time and place of purchase, by publishing said notice in at least three (3) newspapers, at least one (1) of which shall be published in the State of Mississippi, for a period of three (3) weeks prior to the date of purchase. The successful bidder shall enter into a bond with some surety company, authorized to do business in the state, as surety thereon, payable to the State of Mississippi, in a sum equal to the amount of his contract, conditioned for the faithful and prompt carrying out of said bid, and, in the event of the failure to comply with the terms of said contract, the amount of said bond shall be forfeited as liquidated damages and may be recovered by the Attorney General in any appropriate action. The License Tag Commission is hereby authorized and empowered to renegotiate any contract entered into for the purchase of license tags in order to obtain any other or additional tags necessitated by the passage of this article.

All license tags and numbered plates purchased under the provisions of this article, shall be paid for pursuant to an appropriation to be made for such purposes. All monies received by the State Tax Commission as registration or tag fees, either from the tax collectors, or from licenses issued by the State Tax



Commission, shall be paid into the State Treasury on the same day in which such funds are collected by the State Tax Commission.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 85.** Section 27-31-50, Mississippi Code of 1972, is amended as follows:

27-31-50. (1) The governing authority of any incorporated municipality may adopt an ordinance providing for the partial exemption from municipal ad valorem taxation of real property on which any structure or other improvement that is not less than twenty-five (25) years of age has undergone substantial rehabilitation, renovation or replacement for residential use, subject to such conditions and other restrictions authorized in this section. The ordinance may restrict such exemption to real property located within certain areas as may be determined by the governing authority and prescribed by the ordinance. The governing authority of a municipality shall establish criteria for determining whether real property qualifies for the partial exemption provided for in this section, shall require the structures or improvements to be older than twenty-five (25) years of age and may place such other restrictions and conditions on such property as may be prescribed by ordinance. The ordinance may also provide for the partial exemption from municipal ad valorem taxation of multifamily residential units which have been substantially rehabilitated by replacement for multifamily use. Any replacement structure shall not exceed the total square footage of the replaced structures by more than thirty percent (30%).

(2) The partial exemption provided by an ordinance adopted pursuant to this section may be (a) in an amount equal to the increase in the assessed value of the property resulting from the rehabilitation, renovation or replacement of the structure as determined by the tax assessor, or (b) an amount of not more than



fifty percent (50%) of the cost of the rehabilitation, renovation or replacement. The exemption may commence upon completion of the rehabilitation, renovation or replacement or on January 1 of the year following completion of the rehabilitation, renovation or replacement and shall last for a period of time not to exceed ten (10) years. The ordinance may prescribe a shorter time period for the length of the exemption, or reduce the amount of the exemption in annual steps over the length of the exemption or a portion thereof.

(3) The governing authority of a municipality may assess a fee not to exceed Fifty Dollars (\$50.00) for processing an application requesting the exemption provided for in this section. No property shall be eligible for the exemption unless the appropriate building permits have been acquired and the tax assessor has verified that the rehabilitation, renovation or replacement indicated on the application has been completed.

(4) If the governing authority of a municipality desires to grant a partial exemption after July 1, 2000, the governing authority must adopt an ordinance declaring its intention to grant the exemption and finding that such exemption will promote the economic, cultural or educational advancement of the municipality. The governing authority of the municipality shall publish notice of its intention to grant the exemption at least ten (10) days before the actual granting of the exemption.

(5) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 86.** Section 27-33-33, Mississippi Code of 1972, is amended as follows:

27-33-33. (1) The county tax assessor shall perform such duties as are generally required by him by this article and with respect to exempt homesteads, and the application therefor, and his duties are specifically defined as follows:



4188           (a) He shall, in each year the land roll is made,  
4189 require that all lands and buildings which have been or are  
4190 claimed for homestead exemption be separately assessed on the land  
4191 roll; and he shall, in the case of homestead lands not already  
4192 separately assessed on the land roll, prepare proper notice to the  
4193 board of supervisors requesting that the land assessment roll be  
4194 changed so that all homestead property shall be separately  
4195 assessed; and in the case of newly constructed dwellings, he shall  
4196 carefully inspect the same and recommend to the board the value at  
4197 which such dwellings should be assessed; and when rural lands are  
4198 divided and a part included in the homestead exemption, he shall  
4199 assess the respective tracts at the value used for cultivable  
4200 lands and for uncultivable lands, and fairly assess homesteads and  
4201 nonhomesteads at the same proportion to true value.

4202           (b) He shall keep available a supply of the prescribed  
4203 blank homestead exemption applications, and he shall require each  
4204 applicant to properly execute the application in entire conformity  
4205 with the requirements of Section 27-33-31.

4206           (c) He shall aid the applicant in executing the  
4207 application.

4208           (d) He shall notify the applicant if an application for  
4209 homestead exemption is incorrect or incomplete in any substantial  
4210 particular, and require that it be properly and completely  
4211 executed before accepting it for delivery to the clerk.

4212           (e) He shall, when an application is accepted by him,  
4213 retain the original, the duplicate and the triplicate. He shall  
4214 endorse "filed" on the quadruplicate with the date and his  
4215 official signature and return it to the applicant as evidence of  
4216 the application and that it was filed.

4217           (f) He shall promptly give to the board of supervisors  
4218 any knowledge or information he may have, or any fact he may have  
4219 knowledge of, bearing on the eligibility of the applying person or





4220 property and not revealed in the application; and note on the  
4221 application any condition requiring special consideration.

4222 (g) He shall, on the first day of each month, deliver  
4223 to the clerk of the board of supervisors all originals and  
4224 duplicates of applications for homestead exemption received and  
4225 accepted by him during the preceding month.

4226 (h) He shall attend all meetings of the board when any  
4227 matter with respect to homestead exemptions is being considered by  
4228 it and shall render such assistance and perform such services as  
4229 the board may direct from time to time.

4230 (i) He shall, at least ten (10) days but not more than  
4231 thirty (30) days prior to April 1 of each year, publish notice in  
4232 a newspaper having general circulation in the county in which he  
4233 serves as tax assessor informing persons who are receiving  
4234 homestead exemption that the tax assessor must be notified if  
4235 changes have occurred in the status of the homestead in the  
4236 property description, ownership, use or occupancy since January 1  
4237 of the preceding year and that, in the event such persons are  
4238 still eligible for homestead exemption, a new application for  
4239 homestead exemption must be filed.

4240 (2) (a) If the tax assessor discovers a change in ownership  
4241 in a portion of the homestead property that may result in the  
4242 homestead exemption being applied to ineligible property and the  
4243 owner of the homestead property fails to file a new application  
4244 during the preceding year as required by Section 27-33-31, the tax  
4245 assessor may amend the application to reflect such change on or  
4246 before June 1 of that roll year.

4247 (b) If parcel number changes occur due to reappraisal,  
4248 mapping maintenance or updates, the tax assessor may amend the  
4249 homestead application to reflect such changes on behalf of the  
4250 owner of the homestead on or before June 1 of that roll year.

4251 (c) If a change in ownership occurs because of the  
4252 death of an owner and the surviving spouse of the owner is still



4253 eligible for homestead exemption and not required to file a new  
4254 application, the tax assessor may amend the application by  
4255 removing the name of the deceased spouse and adding the surviving  
4256 spouse's birth date for the purpose of correcting the land roll  
4257 and the supplemental roll.

4258           (d) Should eligible property on an initial or renewed  
4259 application fail to be listed due to a clerical error, such  
4260 application may be amended by the tax assessor on behalf of the  
4261 applicant to list such eligible property prior to the last Monday  
4262 in August.

4263           (e) Amendments made to applications under this  
4264 subsection may be allowed by the board of supervisors and  
4265 certified to the commission.

4266           (3) The publication of any notice required in this section  
4267 may be published on the Internet as provided in Section 1 of this  
4268 act.

4269           **SECTION 87.** Section 27-35-133, Mississippi Code of 1972, is  
4270 amended as follows:

4271           27-35-133. The board of supervisors of any county is hereby  
4272 authorized to declare and proclaim the current land assessment  
4273 roll to be in force and effect for one (1) additional year, when  
4274 in the opinion of the board, the roll is in satisfactory  
4275 condition, and may be corrected by the board so that the  
4276 assessment therein will be uniform and equal with the assessment  
4277 of other property in the county, and will not cause financial loss  
4278 to the county, nor injustice to any individual taxpayer. The  
4279 board shall enter an order on its minutes at its January meeting  
4280 in the year following the year in which the land assessment roll  
4281 was made, declaring that a new land assessment will not be made  
4282 for the current year, and that the latest land roll will be  
4283 corrected and revised, and approved as the land assessment for  
4284 that year. The board shall require its clerk to make and send  
4285 promptly by mail a certified copy of the order to the county tax



assessor and to the State Tax Commission, and a copy of the order shall be published in the form of a notice to the taxpayers of the county. It shall be the duty of the Tax Commission to furnish the assessor, the clerk, and the board with all needed sheets and other forms for correcting and approving the roll as so corrected; but new binders will not be used.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 88.** Section 27-35-135, Mississippi Code of 1972, is amended as follows:

27-35-135. When the land roll is ordered by the board to be declared in force for the year following the year in which it was made, the assessor shall assemble, for presentation to the board, all necessary information which is obtainable with respect to the taxable real property in the county, and shall present to the board at its July meeting his recommendation of the changes which include the addition of buildings not on the roll, changes in ownership, subdivisions of tracts of land, and destruction of buildings, and other information which is pertinent to the circumstances enumerated in Sections 27-35-143 and 27-35-147, or as may be requested by the board, to enable it to make such changes as will cause the taxes to be charged to the person or property liable therefor, and to fix the assessments of property according to the value thereof, to the end that all property shall be assessed and taxed uniformly and equally. The board shall proceed to consider the land assessment roll along with the personal property assessment roll as is required by Sections 27-35-83 and 27-35-87, Mississippi Code of 1972, in the same manner as is done in the year in which the land roll is made. The board shall make a record of its changes, and if expedient the board may prepare, or have prepared, new pages to replace any page or pages in the roll where changes are so numerous as to cause confusion and uncertainty in the description of any property and



4319 of any individual assessment. The pages which are replaced shall  
4320 be marked void by the clerk, who shall place the new pages in the  
4321 roll at the place in the roll immediately following the pages  
4322 marked void, and shall certify copies of the new pages, one (1) to  
4323 the tax collector, and one (1) to the Tax Commission. The tax  
4324 collector and the Tax Commission shall place the pages received in  
4325 their respective copies of the roll.

4326 The board shall publish a notice to the taxpayers as required  
4327 by Section 27-35-83 that the roll is open for inspection and shall  
4328 meet and hear objections as provided by Sections 27-35-89 and  
4329 27-35-93. When all objections have been heard, the board shall  
4330 approve finally, by order, the roll as so corrected and revised,  
4331 and the clerk of the board shall prepare a new recapitulation and  
4332 a new certificate for the corrected roll and deliver one (1) copy  
4333 to the tax collector and one (1) copy to the State Tax Commission.  
4334 The roll so approved shall be the legal roll, and the values thus  
4335 fixed shall be the legal value of the property described for the  
4336 payment of taxes, and it shall be the duty of each and every  
4337 taxpayer to pay his taxes thereon according to such value.

4338 The publication of any notice required in this section may be  
4339 published on the Internet as provided in Section 1 of this act.

4340 **SECTION 89.** Section 27-39-205, Mississippi Code of 1972, is  
4341 amended as follows:

4342 27-39-205. (1) A tax rate in excess of the certified tax  
4343 rate shall not be levied under Sections 21-33-45, 27-39-307,  
4344 27-39-317 and 27-39-320 until a resolution has been approved by  
4345 the governing body of the taxing entity in accordance with the  
4346 following procedure:

4347 (a) The taxing entity shall advertise its intent to  
4348 exceed the certified tax rate in a newspaper of general  
4349 circulation in the county. A taxing entity collecting taxes in  
4350 more than one (1) county shall make the advertisement required  
4351 under this section by publication in each county where the taxing



entity collects taxes. The advertisement shall be no less than one-fourth (1/4) page in size and the type used shall be no smaller than eighteen (18) point and surrounded by a one-fourth-inch solid black border. The advertisement shall not be placed in any portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall appear in a newspaper that is published at least five (5) days a week, unless the only newspaper in the county is published less than five (5) days a week. The newspaper selected shall be one of general interest, readership and circulation in all areas of the community. The advertisement shall be published once each week for the two-week period preceding the adoption of the final budget. The advertisement shall provide that the taxing entity will meet on a certain day, date, time and place fixed in the advertisement, which shall be no less than seven (7) days after the day the first advertisement is published. The meeting on the proposed increase may coincide with the hearing on the proposed budget of the taxing entity.

(b) When the advertisement is required it shall be in the following form:

**"NOTICE OF TAX INCREASE - (Name of the taxing entity)"**

The (name of the taxing entity) will hold a public hearing on a proposed ad valorem tax revenue increase for fiscal year (insert the year) on (date and time) at (meeting place).

The (name of the taxing entity) is now operating with projected total budget revenue of \$\_\_\_\_\_. (\_\_\_\_ percent) or \$\_\_\_\_\_, of such revenue is obtained through ad valorem taxes. For next fiscal year, the proposed budget has total projected revenue of \$\_\_\_\_\_. Of that amount, (\_\_\_\_ percent) or \$\_\_\_\_\_, is proposed to be financed through a total ad valorem tax levy.

For next fiscal year, the (name of the taxing entity) plans to increase your ad valorem tax millage rate by \_\_\_\_\_ mills from



4385 \_\_\_\_\_ mills to \_\_\_\_\_ mills. This increase means that you will pay  
4386 more in ad valorem taxes on your home, automobile tag, utilities,  
4387 business fixtures and equipment and rental real property.

4388 Any citizen of (name of the taxing entity) is invited to  
4389 attend this public hearing on the proposed ad valorem tax  
4390 increase, and will be allowed to speak for a reasonable amount of  
4391 time and offer tangible evidence before any vote is taken."

4392 (2) After the hearing has been held in accordance with the  
4393 above procedures, the governing body of the taxing entity may  
4394 adopt a resolution levying a tax rate on classes of property  
4395 designated by Section 112, Mississippi Constitution of 1890, in  
4396 excess of the certified tax rate. If the resolution adopting the  
4397 tax rate is not adopted on the day of the public hearing, the  
4398 scheduled date, time and place for consideration and adoption of  
4399 the resolution shall be announced at the public hearing and the  
4400 governing body shall advertise the date, time and place of the  
4401 proposed adoption of the resolution in the same manner as provided  
4402 under subsection (1).

4403 (3) All hearings shall be open to the public. The governing  
4404 body of the taxing entity shall permit all interested parties  
4405 desiring to be heard an opportunity to present oral testimony  
4406 within reasonable time limits and offer tangible evidence.

4407 (4) Each taxing entity shall notify the county or municipal  
4408 governing body of the date, time and place of its public hearing.  
4409 No taxing entity may schedule its hearing at the same time as  
4410 another overlapping taxing entity in the same county, but all  
4411 taxing entities in which the power to set tax levies is vested in  
4412 the same governing authority may consolidate the required hearings  
4413 into one (1) hearing. The county or municipal governing body  
4414 shall resolve any conflicts in hearing dates and times after  
4415 consultation with each affected taxing entity.



(5) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 90.** Section 27-39-207, Mississippi Code of 1972, is amended as follows:

27-39-207. (1) Unless the increased revenue in a budget is derived solely from the expansion of a school district's ad valorem tax base, a school district shall not budget an increase in an ad valorem tax effort in dollars for support of the school district unless it first advertises its intention to do so at the same time that it advertises its intention to fix its budget for the next fiscal year.

(2) A request for an ad valorem tax effort in dollars for the support of the school district in excess of the certified tax rate pursuant to Sections 37-57-105 and 37-57-107 shall not be levied until an order has been approved by the school board of the school district in accordance with the following procedure:

(a) The school board of the school district shall advertise its intent to exceed the certified tax rate in a newspaper of general circulation in the county. The advertisement shall be no less than one-fourth (1/4) page in size and the type used shall be no smaller than eighteen (18) point and surrounded by a one-fourth-inch solid black border. The advertisement shall not be placed in any portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall appear in a newspaper that is published at least five (5) days a week, unless the only newspaper in the county is published less than five (5) days a week. The newspaper selected shall be one of general interest, readership and circulation in all areas of the community. The advertisement shall be published once each week for the two-week period preceding the adoption of the final budget. The advertisement shall provide that the school board of the school district will meet on a certain day, date, time and



place fixed in the advertisement, which shall be no less than seven (7) days after the day the first advertisement is published. The meeting on the proposed increase may coincide with the hearing on the proposed budget of the school board of the school district.

(b) When the advertisement is required, it shall be in the following form:

**"NOTICE OF TAX INCREASE - (Name of the school district)"**

The (name of the school district) will hold a public hearing on its proposed school district budget for fiscal year (insert the year) on (date and time) at (meeting place). At this meeting, a proposed ad valorem tax effort increase will be considered.

The (name of the school district) is now operating with projected total budget revenue of \$\_\_\_\_\_. (\_\_\_\_ percent) or \$\_\_\_\_\_, of such revenue is obtained through ad valorem taxes. For next fiscal year, the proposed budget has total projected revenue of \$\_\_\_\_\_. Of that amount, (\_\_\_\_ percent) or \$\_\_\_\_\_, is proposed to be financed through a total ad valorem tax levy.

For the next fiscal year, the (name of the school district) plans to increase your ad valorem tax millage rate by \_\_\_\_\_ mills from \_\_\_\_\_ mills to \_\_\_\_\_ mills. (This portion of the notice shall not be required if the school district does not propose an increase in the ad valorem tax millage rate.)

This increase in ad valorem tax revenue means that you will pay more in ad valorem taxes on your home, automobile tag, utilities, business fixtures and equipment and rental real property.

Any citizen of (name of the school district) is invited to attend this public hearing on the proposed ad valorem tax increase, and will be allowed to speak for a reasonable amount of time and offer tangible evidence before any vote is taken."

(3) The school board of the school district, after the hearing has been held in accordance with the above procedures, may





adopt an order requesting the levying of an ad valorem tax effort in dollars in excess of the certified tax rate. If such order is not adopted on the day of the public hearing, the scheduled date, time and place for consideration and adoption of the order shall be announced at the public hearing.

(4) All hearings shall be open to the public. The school board of the school district shall permit all interested parties desiring to be heard an opportunity to present oral testimony within reasonable time limits and offer tangible evidence.

(5) Each school board of a school district shall notify the taxing entity of the date, time and place of its public hearing. No school board of a school district may schedule its hearing at the same time as another overlapping school district in the same county.

(6) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 91.** Section 27-39-319, Mississippi Code of 1972, is amended as follows:

27-39-319. When the board of supervisors shall have made the levy of county taxes by resolution, the clerk of the board shall thereupon immediately certify the same to the State Auditor and tax collector of the county.

When a resolution levying ad valorem taxes has been adopted by the board of supervisors, the clerk of the board of supervisors shall certify immediately a copy of such resolution to the State Tax Commission. The clerk shall have the resolution of the board of supervisors printed within two (2) weeks after it is entered on the minutes of the board of supervisors, and he shall furnish any taxpayer upon request with a copy thereof. If a newspaper is published within such county, then such resolution shall be published in its entirety, at least one (1) time, within ten (10) days after its adoption. If no newspaper is published within such



county, then a copy of such resolution, in its entirety, shall be posted by such clerk in at least three (3) public places in such county, within ten (10) days after its adoption.

The clerk shall be liable on his bond for any damages sustained by his failure to comply with the requirements of this section.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 92.** Section 27-39-329, Mississippi Code of 1972, is amended as follows:

27-39-329. (1) Each county shall, in addition to all other taxes authorized by any statute and notwithstanding any limitation provided in Article 3, Chapter 39, Title 27, Mississippi Code of 1972, levy ad valorem taxes pursuant to subsection (2) of this section.

(2) (a) Any county which has, prior to October 1, 1982, under the provisions of Section 27-39-3, or any other statute authorizing the retention of any state millage or the levying of any county millage, retained a net amount of revenue produced by the state ad valorem tax collected in such county or levied any tax, the proceeds of which have been committed for any purpose authorized by Section 27-39-7 or any other statute authorizing the retention of any state millage or the levying of any county millage, or for the support of a water management district, development district or other district or authority created by law for the improvement and development or operation of a port or harbor or for the payment of any bonds, notes or other indebtedness, or for any other purpose authorized by any statute authorizing the retention of any state millage or the levying of any county millage, shall, for the Fiscal Year 1983 and annually thereafter, levy a tax sufficient to produce the amount of revenue necessary to fulfill such commitment or pay all such bonds, notes or other indebtedness together with the interest thereon as the



4548 same shall become due and payable, to continue at the same level  
4549 the support and operation of such authority or district created by  
4550 law, as long as the county remains a member, and to fulfill any  
4551 other purpose authorized by any statute authorizing the retention  
4552 of any state millage or the levying of any county millage. Any  
4553 county which has, pursuant to a contract between the Mississippi  
4554 Board of Economic Development or its predecessor and a city  
4555 located therein, retained a net amount of revenue, produced by two  
4556 (2) mills of the state ad valorem tax collected in such county,  
4557 the proceeds of which have been committed for the improvement,  
4558 development, operation and expansion of a state port or for the  
4559 payment of any indebtedness incurred for such purposes, shall, for  
4560 the Fiscal Year 1983 and annually thereafter until the completion  
4561 of property reappraisal as certified by the State Tax Commission,  
4562 levy a tax of two (2) mills to fulfill such commitment consistent  
4563 with the terms of said contract; however, for the fiscal year  
4564 after property reappraisal as certified by the State Tax  
4565 Commission and annually thereafter, such county shall levy an ad  
4566 valorem tax sufficient to generate revenue equal to the avails of  
4567 the two-mill levy imposed for the fiscal year next preceding the  
4568 initial use of such reappraised property values, to fulfill such  
4569 commitment consistent with the terms of said contract.

4570 Any county which is a member of the Tombigbee River Valley  
4571 Water Management District may at such time as the district, by  
4572 determination of the U.S. Army Corps of Engineers, has completely  
4573 fulfilled all its obligations as local sponsor for the  
4574 Tennessee-Tombigbee Waterway Project pursuant to P.L. 79-525, 60  
4575 Stat. 634 (1946), and has completely fulfilled its obligations for  
4576 any other lawful project where the district serves as local  
4577 sponsor, elect to withdraw from or terminate its membership in  
4578 said district. Upon completion as determined by the U.S. Corps of  
4579 Engineers, and in order to withdraw from or terminate its  
4580 membership in the district, the board of supervisors of any county



4581 so desiring shall declare its intention by adopting a resolution  
4582 so stipulating and spreading such executed resolution upon its  
4583 minutes and publish such resolution once each week for three (3)  
4584 consecutive weeks in some newspaper published in the county or in  
4585 a newspaper having a general circulation therein. If, within the  
4586 time of giving notice, twenty percent (20%) or fifteen hundred  
4587 (1500), whichever is less, of the qualified electors of the county  
4588 shall protest or file a petition against the county's withdrawal  
4589 from or termination of its membership in the district, then such  
4590 withdrawal or termination of membership shall not occur unless  
4591 authorized by a majority of the qualified electors of such county  
4592 voting at an election to be called and held for that purpose. If  
4593 the county's withdrawal from or termination of its membership in  
4594 the district is authorized in the manner set forth herein, the  
4595 board of supervisors shall mail by regular U.S. Mail a certified  
4596 copy of its executed resolution to the general office of the  
4597 Tombigbee River Valley Water Management District. Upon full  
4598 compliance as heretofore and hereafter directed, the Tombigbee  
4599 River Valley Water Management District shall enter its order on  
4600 its minutes terminating or withdrawing the membership of the  
4601 county as of September 30 following, thereby approving the  
4602 termination or withdrawal of the county and suspending the levy or  
4603 levies of ad valorem taxes used to support the district.  
4604 Provided, however, that the board of supervisors shall not suspend  
4605 the levy or levies of any millage pledged to support the issuance  
4606 of any bonds or notes in the name of the district during the  
4607 period of time that such county was a member of the district and  
4608 which levies were outstanding at the time of the withdrawal and/or  
4609 termination; and it is further provided, said county shall be  
4610 liable and responsible for its pro rata share of any present  
4611 and/or subsequent judgments or liens filed against the district  
4612 until the statute of limitations shall have run against the  
4613 district. "Pro rata share" shall be determined by dividing the



4614 total ad valorem tax contribution of such withdrawing county by  
4615 the total of all ad valorem tax contributions of all member  
4616 counties in the district multiplied by the total of the  
4617 outstanding bonded indebtedness and other indebtedness funded by  
4618 such ad valorem levy or levies, as of the date such indebtedness  
4619 was incurred.

4620       After the commitment has been fulfilled and is certified by  
4621 the State Tax Commission as having been fulfilled, the board of  
4622 supervisors may continue to levy a millage for each fiscal year  
4623 necessary to produce that same dollar amount as the previous  
4624 fiscal year for the same purpose or for any other purpose for  
4625 which any portion of the former state ad valorem tax levy could  
4626 heretofore have been retained, or for general county purposes.  
4627 After such commitment has been fulfilled, any county which chooses  
4628 to continue a levy for the same purpose for which such levy was  
4629 being made may do so in its discretion. Any county which wishes  
4630 to continue a levy for any other purpose for which the state ad  
4631 valorem tax could have been retained or for general county  
4632 purposes may do so only after an election has been held as  
4633 follows: such tax shall not be levied until the board shall have  
4634 published notice of its intention to levy same; said notice to be  
4635 published once each week for three (3) weeks in some newspaper  
4636 having a general circulation in the county, but not less than  
4637 twenty-one (21) days, nor more than sixty (60) days, intervening  
4638 between the time of the first notice and the meeting at which said  
4639 board proposes to levy such tax. If, within the time of giving  
4640 notice, twenty percent (20%) or three thousand (3,000) of the  
4641 qualified electors of the county, whichever is less, shall protest  
4642 or file a petition against the levy of such tax, then such tax  
4643 shall not be levied unless authorized by a three-fifths (3/5)  
4644 majority of the qualified electors of such county, voting at an  
4645 election to be called and held for that purpose.



4646           In all cases where a county which is a member of the Pat  
4647 Harrison Waterway District levied an ad valorem tax for the 1996  
4648 calendar year for any purpose authorized in this paragraph (a),  
4649 such levy is hereby ratified, confirmed and validated.

4650           (b) Beginning with taxes levied for the Fiscal Year  
4651 1983, each county shall levy each year an ad valorem tax of one  
4652 (1) mill upon all taxable property of the county which may be used  
4653 for any purpose for which counties are authorized by law to levy  
4654 an ad valorem tax, but the avails of such tax levy shall not be  
4655 expended unless and until the State Tax Commission has certified  
4656 that the county has a method of maintaining assessment records in  
4657 accordance with commission rules and regulations, has an ownership  
4658 mapping system as provided in Section 27-35-53 in conformity with  
4659 commission specifications, maintains certified appraisers as  
4660 provided in Section 27-3-52, and complies with requests by the  
4661 commission for sales data under Section 27-3-51.

4662           In the event the commission enters its order directing that  
4663 the avails of this levy be paid to the commission pursuant to  
4664 Section 27-35-113, then the county shall comply with the  
4665 commission's directions and the monies paid shall remain in escrow  
4666 until the county is in compliance with acceptable performance  
4667 standards for the appraisal of property in accordance with Section  
4668 27-35-113.

4669           The commission, prior to October 1 of each year, shall notify  
4670 each county whether or not it is certified as being in compliance  
4671 with the requirements of subsection (2) (b). A copy of the notice  
4672 shall be forwarded to the State Auditor. Any county not certified  
4673 as being in compliance with any requirements of this subsection  
4674 (2) (b), except where the commission has entered its order  
4675 requiring the escrowing of these funds pursuant to Section  
4676 27-35-113, shall deposit the avails of the levy described herein  
4677 in an interest-bearing special account and such avails, including  
4678 interest earned thereon, shall not be expended until such county



4679 has been certified by the commission, for each fiscal year, to be  
4680 in compliance with this subsection (2)(b).

4681 (c) The tax levies required in this section shall not  
4682 be exempt under the provisions of Section 27-31-101.

4683 (3) The publication of any notice required in this section  
4684 may be published on the Internet as provided in Section 1 of this  
4685 act.

4686 **SECTION 93.** Section 27-41-55, Mississippi Code of 1972, is  
4687 amended as follows:

4688 27-41-55. Except as otherwise provided in Section 27-41-2,  
4689 after the fifth day of August in each year hereafter, the tax  
4690 collector shall advertise all lands in his county on which all the  
4691 taxes due and in arrears have not been paid, as provided by law,  
4692 as well as all land which is liable to sale for the other taxes  
4693 which have matured, as required by law, for sale at the door of  
4694 the courthouse of his county or any place within the courthouse  
4695 that the tax collector deems suitable to hold such sale, provided  
4696 that the place of such sale shall be designated by the tax  
4697 collector in the advertisement of the notice of tax sale on the  
4698 last Monday of August. Such advertisement shall be inserted for  
4699 two (2) weeks in some newspaper published in the county, if there  
4700 be one, but in counties having two (2) court districts the lands  
4701 shall be advertised and sold in the district in which such lands  
4702 are situated and put up at the courthouse door thereof, and shall  
4703 contain a list of the lands to be sold in alphabetical order by  
4704 owner or in numerical order as they are contained in the  
4705 assessment roll, in substance as follows:

4706	Name of	Division of	Town-	State	County	Total
4707	Owner	Section	SECTION	ship	Range	Tax
4708						Tax
4709						Tax

4708 or by such other description as it may be assessed. Land in  
4709 cities and towns shall be described in the advertisement as it is  
4710 described on the assessment roll. Errors in alphabetical or

numerical order in the published or posted list of lands to be sold shall not invalidate any sale made pursuant to such notice.

In addition to the foregoing provisions, and at the option of the tax collector, advertisement for the sale of such county lands may be made after the fifteenth day of February in each year with the sale of such lands to be held on the first Monday of April in each year, and all of the provisions which relate to the tax sale held in August of each year shall apply thereto.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 94.** Section 27-43-3, Mississippi Code of 1972, is amended as follows:

27-43-3. The clerk shall issue the notice to the sheriff of the county of the reputed owner's residence, if he be a resident of the State of Mississippi, and the sheriff shall be required to serve personal notice as summons issued from the courts are served, and make his return to the chancery clerk issuing same. The clerk shall also mail a copy of same to the reputed owner at his usual street address, if same can be ascertained after diligent search and inquiry, or to his post office address if only that can be ascertained, and he shall note such action on the tax sales record. The clerk shall also be required to publish the name and address of the reputed owner of the property and the legal description of such property in a public newspaper of the county in which the land is located, or if no newspaper is published as such, then in a newspaper having a general circulation in such county. Such publication shall be made at least forty-five (45) days prior to the expiration of the redemption period.

If said reputed owner is a nonresident of the State of Mississippi, then the clerk shall mail a copy of said notice thereto in the same manner as hereinabove set out for notice to a





4743 resident of the State of Mississippi, except that personal notice  
4744 served by the sheriff shall not be required.

4745 Notice by mail shall be by registered or certified mail. In  
4746 the event the notice by mail is returned undelivered and the  
4747 personal notice as hereinabove required to be served by the  
4748 sheriff is returned not found, then the clerk shall make further  
4749 search and inquiry to ascertain the reputed owner's street and  
4750 post office address. If the reputed owner's street or post office  
4751 address is ascertained after the additional search and inquiry,  
4752 the clerk shall again issue notice as hereinabove set out. If  
4753 personal notice is again issued and it is again returned not found  
4754 and if notice by mail is again returned undelivered, then the  
4755 clerk shall file an affidavit to that effect and shall specify  
4756 therein the acts of search and inquiry made by him in an effort to  
4757 ascertain the reputed owner's street and post office address and  
4758 said affidavit shall be retained as a permanent record in the  
4759 office of the clerk and such action shall be noted on the tax  
4760 sales record. If the clerk is still unable to ascertain the  
4761 reputed owner's street or post office address after making search  
4762 and inquiry for the second time, then it shall not be necessary to  
4763 issue any additional notice but the clerk shall file an affidavit  
4764 specifying therein the acts of search and inquiry made by him in  
4765 an effort to ascertain the reputed owner's street and post office  
4766 address and said affidavit shall be retained as a permanent record  
4767 in the office of the clerk and such action shall be noted on the  
4768 tax sale record.

4769 For examining the records to ascertain the record owner of  
4770 the property, the clerk shall be allowed a fee of Fifty Dollars  
4771 (\$50.00); for issuing the notice the clerk shall be allowed a fee  
4772 of Two Dollars (\$2.00) and, for mailing same and noting such  
4773 action on the tax sales record, a fee of One Dollar (\$1.00); and  
4774 for serving the notice, the sheriff shall be allowed a fee of Four  
4775 Dollars (\$4.00). For issuing a second notice, the clerk shall be



4776 allowed a fee of Five Dollars (\$5.00) and, for mailing same and  
4777 noting such action on the tax sales record, a fee of Two Dollars  
4778 and Fifty Cents (\$2.50), and for serving the second notice, the  
4779 sheriff shall be allowed a fee of Four Dollars (\$4.00). The clerk  
4780 shall also be allowed the actual cost of publication. Said fees  
4781 and cost shall be taxed against the owner of said land if the same  
4782 is redeemed, and if not redeemed, then said fees are to be taxed  
4783 as part of the cost against the purchaser. The failure of the  
4784 landowner to actually receive the notice herein required shall not  
4785 render the title void, provided the clerk and sheriff have  
4786 complied with the duties herein prescribed for them.

4787       Should the clerk inadvertently fail to send notice as  
4788 prescribed in this section, then such sale shall be void and the  
4789 clerk shall not be liable to the purchaser or owner upon refund of  
4790 all purchase money paid.

4791       The publication of any notice required in this section may be  
4792 published on the Internet as provided in Section 1 of this act.

4793       **SECTION 95.** Section 27-65-3, Mississippi Code of 1972, is  
4794 amended as follows:

4795       27-65-3. The words, terms and phrases, when used in this  
4796 chapter, shall have the meanings ascribed to them herein.

4797           (a) "Tax Commission" means the State Tax Commission of  
4798 the State of Mississippi.

4799           (b) "Commissioner" means the Chairman of the State Tax  
4800 Commission.

4801           (c) "Person" means and includes any individual, firm,  
4802 copartnership, joint venture, association, corporation, promoter  
4803 of a temporary event, estate, trust or other group or combination  
4804 acting as a unit, and includes the plural as well as the singular  
4805 in number. "Person" shall include husband or wife or both where  
4806 joint benefits are derived from the operation of a business taxed  
4807 hereunder. "Person" shall also include any state, county,



4808 municipal or other agency or association engaging in a business  
4809 taxable under this chapter.

4810 (d) "Tax year" or "taxable year" means either the  
4811 calendar year or the taxpayer's fiscal year.

4812 (e) "Taxpayer" means any person liable for or having  
4813 paid any tax to the State of Mississippi under the provisions of  
4814 this chapter. A taxpayer is required to obtain a sales tax permit  
4815 under Section 27-65-27 before engaging in business in this state.  
4816 If a taxpayer fails to obtain a sales tax permit before engaging  
4817 in business in this state, the taxpayer shall pay the retail rate  
4818 on all purchases of tangible personal property and/or services in  
4819 this state, even if purchased for resale. Upon obtaining a sales  
4820 tax permit, a previously unregistered taxpayer shall file sales  
4821 tax returns for all tax periods during which he engaged in  
4822 business in this state without a sales tax permit, and report and  
4823 pay the sales tax accruing from his operation during this period  
4824 and any applicable penalties and interest. On such return, the  
4825 taxpayer may take a credit for any sales taxes paid during the  
4826 period he operated without a sales tax permit on a purchase that  
4827 would have constituted a wholesale sale if the taxpayer had a  
4828 sales tax permit at the time of the purchase and if proper  
4829 documentation exists to substantiate a wholesale sale. This  
4830 credit may also be allowed in any audit of the taxpayer. Any  
4831 penalties and interest owed by the taxpayer on the return or in an  
4832 audit for a period during which he operated without a sales tax  
4833 permit may be determined based on the sales tax accruing from the  
4834 taxpayer's operation for that period after the taking of this  
4835 credit.

4836 (f) "Sale" or "sales" includes the barter or exchange  
4837 of property as well as the sale thereof for money or other  
4838 consideration, and every closed transaction by which the title to  
4839 taxable property passes shall constitute a taxable event.



4840 "Sale" shall also include the passing of title to property  
4841 for a consideration of coupons, trading stamps or by any other  
4842 means when redemption is subsequent to the original sale by which  
4843 the coupon, stamp or other obligation was created.

4844 The situs of a sale for the purpose of distributing taxes to  
4845 municipalities shall be the same as the location of the business  
4846 from which the sale is made except that:

4847 (i) Retail sales along a route from a vehicle or  
4848 otherwise by a transient vendor shall take the situs of delivery  
4849 to the customer.

4850 (ii) The situs of wholesale sales of tangible  
4851 personal property taxed at wholesale rates, the amount of which is  
4852 allowed as a credit against the sales tax liability of the  
4853 retailer, shall be the same as the location of the business of the  
4854 retailer receiving the credit.

4855 (iii) The situs of wholesale sales of tangible  
4856 personal property taxed at wholesale rates, the amount of which is  
4857 not allowed as a credit against the sales tax liability of the  
4858 retailer, shall have a rural situs.

4859 (iv) Income received from the renting or leasing  
4860 of property used for transportation purposes between cities or  
4861 counties shall have a rural situs.

4862 (g) "Delivery charges" shall mean and include any  
4863 expenses incurred by a seller in acquiring merchandise for sale in  
4864 the regular course of business commonly known as "freight-in" or  
4865 "transportation costs-in." "Delivery charges" also include any  
4866 charges made by the seller for delivery of property sold to the  
4867 purchaser.

4868 (h) "Gross proceeds of sales" means the value  
4869 proceeding or accruing from the full sale price of tangible  
4870 personal property, including installation charges, carrying  
4871 charges, or any other addition to the selling price on account of  
4872 deferred payments by the purchaser, without any deduction for



4873 delivery charges, cost of property sold, other expenses or losses,  
4874 or taxes of any kind except those expressly exempt by this  
4875 chapter.

4876 "Gross proceeds of sales" includes consideration received by  
4877 the seller from third parties if:

4878 (i) The seller actually received consideration  
4879 from a party other than the purchaser and the consideration is  
4880 directly related to a price reduction or discount on the sale;

4881 (ii) The seller has an obligation to pass the  
4882 price reduction or discount through to the purchaser;

4883 (iii) The amount of the consideration attributable  
4884 to the sale is fixed and determinable by the seller at the time of  
4885 the sale of the item to the purchaser; and

4886 (iv) One (1) of the following criteria is met:

4887 1. The purchaser presents a coupon,  
4888 certificate or other documentation to the seller to claim a price  
4889 reduction or discount where the coupon, certificate or  
4890 documentation is authorized, distributed or granted by a third  
4891 party with the understanding that the third party will reimburse  
4892 any seller to whom the coupon, certificate or documentation is  
4893 presented;

4894 2. The purchaser identified himself or  
4895 herself to the seller as a member of a group or organization  
4896 entitled to a price reduction or discount (a "preferred customer"  
4897 card that is available to any patron does not constitute  
4898 membership in such a group); or

4899 3. The price reduction or discount is  
4900 identified as a third party price reduction or discount on the  
4901 invoice received by the purchaser or on a coupon, certificate or  
4902 other documentation presented by the purchaser.

4903 Where a trade-in is taken as part payment on tangible  
4904 personal property sold, "gross proceeds of sales" shall include  
4905 only the difference received between the selling price of the



4906 tangible personal property and the amount allowed for a trade-in  
4907 of property of the same kind. When the trade-in is subsequently  
4908 sold, the selling price thereof shall be included in "gross  
4909 proceeds of sales."

4910 "Gross proceeds of sales" shall include the value of any  
4911 goods, wares, merchandise or property purchased at wholesale or  
4912 manufactured, and any mineral or natural resources produced, which  
4913 are withdrawn or used from an established business or from the  
4914 stock in trade for consumption or any other use in the business or  
4915 by the owner. However, "gross proceeds of sales" does not include  
4916 meals prepared by a restaurant and provided at no charge to  
4917 employees of the restaurant or donated to a charitable  
4918 organization that regularly provides food to the needy and the  
4919 indigent and which has been granted exemption from the federal  
4920 income tax as an organization described in Section 501(c)(3) of  
4921 the Internal Revenue Code of 1986.

4922 "Gross proceeds of sales" shall not include bad check or  
4923 draft service charges as provided for in Section 97-19-57.

4924 (i) "Gross income" means the total charges for service  
4925 or the total receipts (actual or accrued) derived from trades,  
4926 business or commerce by reason of the investment of capital in the  
4927 business engaged in, including the sale or rental of tangible  
4928 personal property, compensation for labor and services performed,  
4929 and including the receipts from the sales of property retained as  
4930 toll, without any deduction for rebates, cost of property sold,  
4931 cost of materials used, labor costs, interest paid, losses or any  
4932 expense whatever.

4933 "Gross income" shall also include the cost of property given  
4934 as compensation when said property is consumed by a person  
4935 performing a taxable service for the donor.

4936 However, "gross income" or "gross proceeds of sales" shall  
4937 not be construed to include the value of goods returned by  
4938 customers when the total sale price is refunded either in cash or



4939 by credit, or cash discounts allowed and taken on sales. Cash  
4940 discounts shall not include the value of trading stamps given with  
4941 a sale of property.

4942 (j) "Tangible personal property" means personal  
4943 property perceptible to the human senses or by chemical analysis  
4944 as opposed to real property or intangibles and shall include  
4945 property sold on an installed basis which may become a part of  
4946 real or personal property.

4947 (k) "Installation charges" shall mean and include the  
4948 charge for the application of tangible personal property to real  
4949 or personal property without regard to whether or not it becomes a  
4950 part of the real property or retains its personal property  
4951 classification. It shall include, but not be limited to, sales in  
4952 place of roofing, tile, glass, carpets, drapes, fences, awnings,  
4953 window air conditioning units, gasoline pumps, window guards,  
4954 floor coverings, carports, store fixtures, aluminum and plastic  
4955 siding, tombstones and similar personal property.

4956 (l) "Newspaper" means a periodical which:

4957 (i) Is not published primarily for advertising  
4958 purposes and has not contained more than seventy-five percent  
4959 (75%) advertising in more than one-half (1/2) of its issues during  
4960 any consecutive twelve-month period excluding separate advertising  
4961 supplements inserted into but separately identifiable from any  
4962 regular issue or issues;

4963 (ii) Has been established and published  
4964 continuously for at least twelve (12) months;

4965 (iii) Is regularly issued at stated intervals no  
4966 less frequently than once a week, bears a date of issue, and is  
4967 numbered consecutively; provided, however, that publication on  
4968 legal holidays of this state or of the United States and on  
4969 Saturdays and Sundays shall not be required, and failure to  
4970 publish not more than two (2) regular issues in any calendar year  
4971 shall not exclude a periodical from this definition;



4972                   (iv) Is issued from a known office of publication,  
4973 which shall be the principal public business office of the  
4974 newspaper and need not be the place at which the periodical is  
4975 printed and a newspaper shall be deemed to be "published" at the  
4976 place where its known office of publication is located;

4977                   (v) Is formed of printed sheets; provided,  
4978 however, that a periodical that is reproduced by the stencil,  
4979 mimeograph or hectograph process shall not be considered to be a  
4980 "newspaper"; and

4981                   (vi) Is originated and published for the  
4982 dissemination of current news and intelligence of varied, broad  
4983 and general public interest, announcements and notices, opinions  
4984 as editorials on a regular or irregular basis, and advertising and  
4985 miscellaneous reading matter.

4986           The term "newspaper" shall include periodicals which are  
4987 designed primarily for free circulation or for circulation at  
4988 nominal rates as well as those which are designed for circulation  
4989 at more than a nominal rate.

4990           The term "newspaper" shall not include a publication or  
4991 periodical which is published, sponsored by, is directly supported  
4992 financially by, or is published to further the interests of, or is  
4993 directed to, or has a circulation restricted in whole or in part  
4994 to any particular sect, denomination, labor or fraternal  
4995 organization or other special group or class or citizens.

4996           For purposes of this paragraph, a periodical designed  
4997 primarily for free circulation or circulation at nominal rates  
4998 shall not be considered to be a newspaper unless such periodical  
4999 has made an application for such status to the Tax Commission in  
5000 the manner prescribed by the commission and has provided to the  
5001 Tax Commission documentation satisfactory to the commission  
5002 showing that such periodical meets the requirements of the  
5003 definition of the term "newspaper." However, if such periodical  
5004 has been determined to be a newspaper under action taken by the





5005 State Tax Commission on or before April 11, 1996, such periodical  
5006 shall be considered to be a newspaper without the necessity of  
5007 applying for such status. A determination by the State Tax  
5008 Commission that a publication is a newspaper shall be limited to  
5009 the application of this chapter and shall not establish that the  
5010 publication is a newspaper for any other purpose.

5011 (m) "MPC" or "Material Purchase Certificate" means a  
5012 certificate for which a person that is liable for the tax levy  
5013 under Section 27-65-21 can apply and obtain from the commissioner,  
5014 and when issued, entitles the holder to purchase materials and  
5015 services that are to become a component part of a structure to be  
5016 erected or repaired with no tax due. Any person taxable under  
5017 Section 27-65-21 who obtains an MPC for a project and purchases  
5018 materials and services in this state that are to become a  
5019 component part of a structure being erected or repaired in the  
5020 project and at any time pays sales tax on these purchases may,  
5021 after obtaining the MPC for the project, take a credit against his  
5022 sales taxes for the sales tax paid on these purchases if proper  
5023 documentation exists to substantiate the payment of the sales tax  
5024 on the purchase of component materials and services. This credit  
5025 may also be allowed in any audit of the taxpayer. Any penalties  
5026 and interest owed by the taxpayer on the return or in the audit  
5027 where this credit is taken may be determined based on the sales  
5028 tax due after the taking of this credit.

5029 The publication of any notice required in this section may be  
5030 published on the Internet as provided in Section 1 of this act.

5031 **SECTION 96.** Section 27-105-309, Mississippi Code of 1972, is  
5032 amended as follows:

5033 27-105-309. Any county failing to secure a county depository  
5034 by the advertisement to the qualified financial institutions of  
5035 the county and of the adjoining counties, shall readvertise at any  
5036 subsequent meeting of the board of supervisors, and as soon as  
5037 possible, for bids for a county depository. Such notice shall be



published once a week for three (3) weeks in some newspaper published in the county, and in a daily newspaper in Jackson, Mississippi, and shall state that the proposal is open to any qualified financial institution in the state, and that financial institutions outside of the county shall have preference over county financial institutions.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 97.** Section 27-105-367, Mississippi Code of 1972, is amended as follows:

27-105-367. (1) The board of supervisors and municipal governing authorities, by order spread on their minutes, may transfer any balance remaining in a special fund in the treasury of the county or municipality, as the case may be, to the general fund to be used for general purposes for the succeeding fiscal year if the purpose for which the special fund was created has been fully carried out. Taxes imposed for the succeeding fiscal year for county or municipal general purposes shall be reduced by the amount of such balance transferred from the special fund to the general fund.

(2) (a) When there is any surplus monies less than Two Thousand Five Hundred Dollars (\$2,500.00) in any special fund in the treasury of any county, road district, school district or other taxing district, or any municipality, and the board of supervisors, acting for the county or any road district, school district or other taxing district thereof, or the governing authorities of the municipality, as the case may be, shall desire to transfer all or part of the surplus monies in the special fund to some other fund of said county, road district, school district or other taxing district, or said municipality, as the case may be, such board of supervisors or the governing authorities of the municipality, as the case may be, shall cause an order to be entered on their minutes declaring their intention so to do, which



5071 said order shall show the name of the special fund, the amount of  
5072 surplus monies to be transferred, and the name of the fund to  
5073 which it is to be transferred, and same shall be transferred  
5074 accordingly.

5075           (b) Whenever the surplus monies in any special fund  
5076 shall be Two Thousand Five Hundred Dollars (\$2,500.00) or more,  
5077 the board of supervisors or the governing authorities of the  
5078 municipality, as the case may be, desiring to transfer such  
5079 surplus monies, shall cause notice of same to be published in some  
5080 newspaper published in the county, district or municipality, as  
5081 the case may be, for three (3) consecutive weeks or, if there be  
5082 no newspaper so published, then in some newspaper having a general  
5083 circulation in the county, district or municipality. Thereafter,  
5084 the monies shall be transferred as stated in the order not less  
5085 than thirty (30) days after the first publication in a newspaper  
5086 as above stated, unless within said thirty (30) days, a petition  
5087 against the proposed transfer, signed by twenty percent (20%) or  
5088 fifteen hundred (1500), whichever is less, of the qualified  
5089 electors residing in the county, district or municipality, as the  
5090 case may be, shall be filed with the governing body. In the event  
5091 such petition is filed, an election on the question of such  
5092 transfer shall be called and held as herein provided. Notice of  
5093 the election and manner of conducting it shall be the same as  
5094 other elections conducted within counties or municipalities, as  
5095 the case may be. The ballot shall have printed thereon the amount  
5096 of surplus monies sought to be transferred, the purpose for which  
5097 such monies were authorized to be used and a statement that a  
5098 surplus exists in such fund, and the purpose for which such monies  
5099 are sought to be used pursuant to their transfer. If a majority  
5100 of the qualified electors voting in the election vote in favor of  
5101 the transfer of surplus monies, then such monies shall be  
5102 transferred. If a majority of the qualified electors voting in  
5103 the election do not vote in favor of such transfer of surplus



monies, then such monies shall not be transferred. Provided, however, that if the question of transferring the balance remaining in a special fund, the purpose for which such fund was created having been fully carried out, fails at an election held on same, then such monies shall be invested as authorized by law and shall be calculated in the budget for the county or municipality, as the case may be, to be used for general purposes for the succeeding fiscal year. Taxes imposed for the succeeding fiscal year for county or municipal general purposes shall be reduced by the amount of such monies in such special fund.

(3) (a) When the balance remaining in any fund as set forth in subsections (1) and (2) represents a part of the proceeds of bonds sold for such county, district or municipality, and any part of said bonds or interest thereon remains unpaid, then such balance shall be transferred to the bond and interest fund to retire said bonds and interest due thereon, regardless of the amount thereof, without the necessity of publishing the order transferring same.

(b) Surplus monies in a bond and interest fund shall not be transferred unless there remains to the credit of such fund a sufficient balance to fully retire such bonds and interest thereon, including all redeemable bond coupons and the tax levy required to be made to pay principal of and interest on such bonds as they become due has been discontinued by the governing authorities of the county or municipality, as the case may be. Surplus monies in a bond and interest fund may be transferred to the general fund in accordance with subsection (1) of this section or to other funds in accordance with subsection (2) (b) of this section, regardless of the amount of the balance to be transferred.

(4) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.



5137           **SECTION 98.** Section 29-1-69, Mississippi Code of 1972, is  
5138 amended as follows:

5139           29-1-69. Lands situated in municipalities which have  
5140 heretofore escheated to or titles thereto become vested in the  
5141 state, and which have been sold by the land commissioner of the  
5142 state at a fair and reasonable price but under invalid patents,  
5143 may be conveyed to the original holder of the patents or, if he  
5144 has sold same, to his vendee at such reasonable price as the land  
5145 commissioner with the approval of the governor and the attorney  
5146 general shall fix; and such purchaser shall be allowed as credit  
5147 on such price the amount heretofore paid therefor, with six  
5148 percent (6%) interest compounded annually on the same not to  
5149 exceed the present value as fixed by such officers. And no land  
5150 heretofore sold, or attempted to be sold, shall again be sold  
5151 until a period of thirty (30) days after the mailing of notice by  
5152 registered mail to the original buyer or his vendee, if his  
5153 post-office address is known, informing such buyer or his vendee  
5154 of his rights hereunder. Whenever the post office address of such  
5155 person is not known, notice shall be published in a newspaper  
5156 published in the county where the land is located, once a week for  
5157 two (2) weeks, giving a description of such land and of the rights  
5158 of such buyers or their vendees. No deed shall be made to such  
5159 buyer or his vendee until such person shall make affidavit that he  
5160 bought the same in good faith and has not since sold his interest  
5161 therein.

5162           The publication of any notice required in this section may be  
5163 published on the Internet as provided in Section 1 of this act.

5164           **SECTION 99.** Section 29-1-201, Mississippi Code of 1972, is  
5165 amended as follows:

5166           29-1-201. (1) The Governor's Office of General Services is  
5167 hereby authorized and empowered, in its discretion, to lease for a  
5168 period of not more than fifteen (15) years all or any part of  
5169 those lands originally leased for ninety-nine (99) years as



5170 authorized by an act of the Legislature on March 2, 1875, the same  
5171 appearing as Chapter LXII, Laws of 1875; said lands lying and  
5172 being situated in the City of Jackson, First Judicial District,  
5173 State of Mississippi; or to lease such lands to a public service  
5174 corporation serving the general public of the State of Mississippi  
5175 in the City of Jackson, the lease not to exceed a period of  
5176 twenty-five (25) years; or to rent on a monthly basis the said  
5177 lands; said rental or lease to be subject to the following terms  
5178 and conditions applicable thereto:

5179 (a) That the Governor's Office of General Services find  
5180 and determine that the said lands, or parts thereof, are neither  
5181 now needed nor are they programmed by the State of Mississippi for  
5182 governmental purposes within the period of the proposed term of  
5183 said lease or rental.

5184 (b) That any lease period shall be computed from the  
5185 expiration of the present lease, if any, on said lands.

5186 (c) That the annual amount paid for leased lands be in  
5187 an amount of not less than seven and one-half percent (7-1/2%) of  
5188 the current fair market value as determined by the averaging of at  
5189 least two (2) appraisals by members of the American Institute of  
5190 Real Estate Appraisers or the Society of Real Estate Appraisers.  
5191 The said appraisals shall be made not later than six (6) months  
5192 prior to the expiration of any existing lease, and the said  
5193 appraisals shall be made available to all interested parties.  
5194 Thereafter, appraisals on said property may be made every five (5)  
5195 years (computed from the date of the beginning of each such lease)  
5196 at the insistence of either party and at the cost of the party  
5197 demanding same, and the annual dollar rent shall be adjusted in  
5198 accordance with said appraisal. All such appraisals shall be  
5199 based on land value less any improvements that may have been  
5200 heretofore added by the leaseholder in possession, or that  
5201 hereafter be added by the leaseholder in possession; provided,  
5202 however, that all improvements permanently affixed to any of the



5203 said lands under lease or rental as provided for herein shall  
5204 become the property of the State of Mississippi upon final  
5205 termination of such lease or rental.

5206 (d) That the present holders under the unexpired terms  
5207 of the existing leases shall have the first right and option to  
5208 re-lease such lands, as they now may hold, provided that the  
5209 existing leaseholders agree to pay rent at an annual amount of not  
5210 less than seven and one-half percent (7-1/2%) of the fair market  
5211 value of the property as determined by the terms and conditions  
5212 stated in paragraph (c) of this subsection, and the re-leasing of  
5213 such lands shall be subject to the other terms and conditions  
5214 stated in this section. Consideration may be given to the present  
5215 leaseholders under the existing leases in determining the term of  
5216 the lease period to be granted under the first right and option as  
5217 herein provided.

5218 (e) That in the case of monthly rental of said lands or  
5219 any part thereof, the Governor's Office of General Services is  
5220 authorized to make such terms and agreements as to the amount and  
5221 conditions thereof, and to follow such procedure as will insure  
5222 that a fair and equitable return to the state is effectuated  
5223 thereby.

5224 (f) That in the event the Governor's Office of General  
5225 Services is unable to lease the said lands as hereinabove provided  
5226 or in the event the present leaseholders fail to exercise their  
5227 option to re-lease, then in that event the Governor's Office of  
5228 General Services shall, by public notice, offer the said lands to  
5229 the highest and best bidder therefor; with said notice being  
5230 published in one or more newspapers of general circulation in each  
5231 existing congressional district; provided, however, the Governor's  
5232 Office of General Services shall reserve unto itself the right to  
5233 reject any or all such bids.

5234 (g) That any present leaseholder of said lands who  
5235 desires to exercise his right to first option to re-lease, as



provided for herein, shall notify the Governor's Office of General Services in writing of his intent to exercise that right not later than three (3) months after the said appraisals provided for in subsection (c) are made available.

(h) That any lease or rental contract or agreement entered into by virtue of this section shall be approved as to form by the Public Procurement Review Board before the same is to be effective.

(i) That all lease and rental monies from any such leases or rentals be deposited in the state land acquisition fund.

(j) Nothing in this section shall be construed to authorize the sale or transfer of title to the said lands.

(2) It is the intent and purpose of this section to provide a fair and equitable return for the lease or rental of the said seat of government lands, and to afford lessees holding existing leases the first right and option to lease the same lands that they presently hold so as to continue any business or other utilization of the said lands not to exceed the periods provided for herein; and the Governor's Office of General Services is hereby empowered and authorized to follow such procedure and to make such arrangements, not inconsistent with the provisions here, as may be reasonably necessary to effect such purpose and intent.

(3) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 100.** Section 29-3-29, Mississippi Code of 1972, is amended as follows:

29-3-29. Before any sixteenth section school land or land granted in lieu thereof may be sold or leased for industrial development thereon, therein or thereunder under the provisions of this chapter, the board of education controlling such land shall first determine that such sale or lease will be fair market value. In the determination of the fair market value of said land the





5269 comparative sales method shall be used, and the highest and best  
5270 use of said sixteenth section lands shall be determined on the  
5271 basis of finding that said land shall be susceptible to any use  
5272 that comparative land in private ownership may be used, that there  
5273 will be prompt and substantial industrial development on, in, or  
5274 under said land after the sale or lease, that the acreage to be  
5275 sold or leased is not in excess of the amount of land reasonably  
5276 required for immediate use and for such future expansion as may be  
5277 reasonably anticipated, and that such sale or lease will be  
5278 beneficial to and in the best interest of the schools of the  
5279 district for which said land is held. All of said findings,  
5280 including the amount of the sale price or gross rental for said  
5281 land, shall be spread on the minutes of the board of education.  
5282 Also, if the board of education proposes to sell said land, said  
5283 board shall first enter into a contract or obtain a legal option  
5284 to purchase, for a specified price not in excess of fair market  
5285 value, other land in the county of acreage of equivalent fair  
5286 market value, and such contract or option shall be spread on the  
5287 minutes of said board. However, not more than one hundred (100)  
5288 acres in any one (1) sixteenth section school lands in any county  
5289 may be sold under this chapter for the purpose of being made an  
5290 industrial park or a part of such industrial park, provided the  
5291 provisions of this section and Sections 57-5-1 and 57-5-23 are  
5292 fully complied with.

5293       A certified copy of the resolution or order of the board of  
5294 education, setting out the foregoing findings, together with a  
5295 certified copy of the order approving and setting out the terms of  
5296 the contract or option to purchase other lands where a sale of  
5297 land is proposed and an application to the Mississippi  
5298 Agricultural and Industrial Board for the certificate authorizing  
5299 said sale or lease, shall be forwarded to the county board of  
5300 supervisors, which board shall make an independent investigation



5301 of the proposed sale or lease and of the proposed purchase of  
5302 other land.

5303 If said county board of supervisors shall concur in the  
5304 finding of fact of the board of education, and shall find that it  
5305 is to the best interests of the schools of the district to enter  
5306 into such sale or lease, it may enter on its minutes a resolution  
5307 or order approving the action of the board of education.

5308 If the said county board of supervisors shall not concur in  
5309 the findings of the board of education, or shall find that the  
5310 proposed sale or lease will not be in the best interest of the  
5311 schools of the district, then it may, by resolution or order,  
5312 disapprove the proposed sale or lease, and such action shall be  
5313 final.

5314 There shall be reserved all minerals in, on, and under any  
5315 lands conveyed under the provisions hereof. Provided, however,  
5316 that in any county bordering on the State of Alabama, traversed by  
5317 the Tombigbee River, in which U.S. Highway 82 intersects U.S.  
5318 Highway 45 and in which is situated a state supported institution  
5319 of higher learning, upon the sale of any sixteenth section lands  
5320 for industrial purposes as provided by law, the board of  
5321 education, the superintendent of education and the Mississippi  
5322 Agricultural and Industrial Board, may sell and convey all  
5323 minerals except oil, gas, sulphur and casinghead gas on, in and  
5324 under the said sixteenth section lands so sold for industrial  
5325 purposes. Said oil, gas, sulphur and casinghead gas shall be  
5326 reserved together with such rights of use, ingress and egress as  
5327 shall not unreasonably interfere with the use of the lands by the  
5328 purchaser. Prior written approval for such use, ingress and  
5329 egress, shall be obtained from the surface owner or, if such  
5330 approval is unreasonably withheld, may be obtained from the  
5331 chancery court of the county in which said land is located.

5332 Certified copies of the resolutions or orders of the board of  
5333 supervisors and of the board of education and of the application



5334 to the Mississippi Agricultural and Industrial Board shall be  
5335 transmitted to the county superintendent of education, if there be  
5336 one in the county, who, if he approves the proposed sale or lease,  
5337 shall so certify and forward same to the Mississippi Agricultural  
5338 and Industrial Board. If there be no county superintendent of  
5339 education in the county, then the board of education whose  
5340 district embraces the entire county shall so certify and transmit  
5341 said copies to the Mississippi Agricultural and Industrial Board  
5342 for further action.

5343       Upon receipt of the aforesaid application and certified  
5344 copies of the said resolution and orders, the Mississippi  
5345 Agricultural and Industrial Board shall make investigation to  
5346 determine whether or not the proposed sale or lease of said land  
5347 will promote prompt and substantial industrial development  
5348 thereon, therein, or thereunder. If the board finds that such  
5349 sale or lease will promote prompt and substantial industrial  
5350 development thereon, therein or thereunder, and further finds that  
5351 the person, firm or corporation who proposes to establish said  
5352 industry is financially responsible, and that the acreage to be  
5353 sold or leased is not in excess of the amount of land reasonably  
5354 required for immediate use and for such future expansion as may be  
5355 reasonably anticipated, then the board, in its discretion, may  
5356 issue a certificate to the board of education of said district so  
5357 certifying, and said certificate shall be the authority for the  
5358 board of education to enter into the proposed sale or lease. If  
5359 the Mississippi Agricultural and Industrial Board does not so  
5360 find, then it shall decline to issue said certificate which action  
5361 shall be final.

5362       The Mississippi Agricultural and Industrial Board, when  
5363 issuing a certificate to the county board of education certifying  
5364 its findings and authorizing said sale or lease, may,  
5365 nevertheless, in its discretion, make such sale or lease  
5366 conditioned on and subject to the vote of the qualified electors



5367 of said district. Upon receipt of a certificate so conditioned  
5368 upon an election, or upon a petition as hereinafter provided for,  
5369 the board of education, by resolution spread upon its minutes,  
5370 shall forward a copy of the certificate to the board of  
5371 supervisors who by resolution upon its minutes, shall call an  
5372 election to be held in the manner now provided by law for holding  
5373 county elections, and shall fix in such resolution a date upon  
5374 which such an election shall be held, of which not less than three  
5375 (3) weeks notice shall be given by the clerk of said board of  
5376 supervisors by publishing a notice in a newspaper published in  
5377 said county once each week for three (3) consecutive weeks  
5378 preceding the same, or if no newspaper is published in said  
5379 county, then in a newspaper having a general circulation therein,  
5380 and by posting a notice for three (3) weeks preceding said  
5381 election at three (3) public places in said county. At such  
5382 election, all qualified voters of the county may vote, and the  
5383 ballots used shall have printed thereon a brief statement of the  
5384 proposed sale or lease of said land, including the description and  
5385 price, together with the words "For the proposed sale or lease"  
5386 and the words "Against the proposed sale or lease," and the voter  
5387 shall vote by placing a cross (x) or check (v) opposite his choice  
5388 of the proposition. Should the election provided for herein  
5389 result in favor of the proposed sale or lease by at least  
5390 two-thirds (2/3) of the votes cast being in favor of the said  
5391 proposition, the board of supervisors shall notify the board of  
5392 education who may proceed forthwith to sell or lease said land in  
5393 accordance with the proposition so submitted to the electors. If  
5394 less than two-thirds (2/3) of those voting in such special  
5395 election vote in favor of the said sale or lease, then said land  
5396 shall not be sold or leased.

5397 The board of education shall further be required, prior to  
5398 passing of a resolution expressing its intent to sell said land,  
5399 to publish a notice of intent to sell said land for three (3)



5400 consecutive weeks in a newspaper published in said county or, if  
5401 there be none, in a newspaper having a general circulation in said  
5402 county, and to post three (3) notices thereof in three (3) public  
5403 places in said county, one (1) of which shall be at the  
5404 courthouse, for said time. If within the period of three (3)  
5405 weeks following the first publication of said intent, a petition  
5406 signed by twenty percent (20%) of the qualified electors of said  
5407 county shall be filed with the board of supervisors requesting an  
5408 election concerning the sale, then an election shall be called as  
5409 hereinabove provided.

5410 The publication of any notice required in this section may be  
5411 published on the Internet as provided in Section 1 of this act.

5412 **SECTION 101.** Section 29-3-37, Mississippi Code of 1972, is  
5413 amended as follows:

5414 29-3-37. At any time when any or all portions of such land  
5415 lying in a county shall have been classified as hereinabove  
5416 required, a classification report shall be compiled by the board  
5417 of education and filed with the Public Lands Division of the  
5418 Secretary of State who shall provide forms for such purpose. The  
5419 board of education shall immediately cause notice to be given of  
5420 the completion of such classification, such notice to be published  
5421 in a newspaper in said county once each week for three (3)  
5422 consecutive weeks, or if no newspaper is published in said county  
5423 then in a newspaper having a general circulation therein, listing  
5424 all lands so classified and notifying all parties in interest that  
5425 they will have a right to appeal and object to the classification  
5426 as made. If no objections are made as to the classification of  
5427 any particular parcel of said land by the Public Lands Division of  
5428 the Secretary of State or any other party in interest, which  
5429 objection must be reduced to writing and filed with the chancery  
5430 clerk within thirty (30) days from the date of the final  
5431 publication, the classification as to such parcel or parcels of  
5432 land shall be final. A copy of such notice shall be mailed by the



5433 Superintendent of Education to each lessee of any part of such  
5434 lands, such notice to be so mailed not later than the date of the  
5435 first publication of the notice of the classification of such  
5436 land, which notice shall also set forth the classification which  
5437 has been established for all lands under lease by such lessee. If  
5438 objections are filed, then the matter shall be heard by the  
5439 chancery court in term time or in vacation, and the court shall  
5440 either confirm or modify the classification as the circumstances  
5441 shall demand. Upon the filing of such objection by an individual  
5442 other than the Public Lands Division of the Secretary of State,  
5443 the chancery clerk shall immediately forward a certified copy of  
5444 such objection to the Public Lands Division of the Secretary of  
5445 State and the appropriate board of education, along with any  
5446 necessary service of process. The Public Lands Division of the  
5447 Secretary of State and any other person aggrieved by the order of  
5448 the chancery court shall have the same rights of appeal as is  
5449 provided by law for appeals from other orders of the chancery  
5450 court, and such appeal shall be perfected as other appeals are now  
5451 required to be so perfected.

5452       The cost of any such classification or reclassification under  
5453 Section 29-3-39 shall be paid from any available sixteenth section  
5454 school funds or other school funds of the district.

5455       The publication of any notice required in this section may be  
5456 published on the Internet as provided in Section 1 of this act.

5457       **SECTION 102.** Section 29-3-45, Mississippi Code of 1972, is  
5458 amended as follows:

5459       29-3-45. (1) (a) The board of education shall, by order  
5460 placed upon its minutes, enter into an agreement with the State  
5461 Forestry Commission for the general supervision and management of  
5462 all lands classified as forest lands, as hereinabove provided, and  
5463 of all timber or other forest products under the control of the  
5464 board on sixteenth section lands, and lieu lands which have not  
5465 been so classified; however, any school board may contract with



5466 private persons or businesses for the reforestation of sixteenth  
5467 section lands. When such agreement has been entered into, no  
5468 timber or other forest products shall be sold from any of said  
5469 sixteenth section lands or lieu lands except such as have been  
5470 marked for cutting by the State Forestry Commission's employees,  
5471 and the said Forestry Commission, or its designated employee,  
5472 shall fix the minimum total cash price or minimum price per unit,  
5473 one thousand (1,000) feet or other measure, at which said marked  
5474 timber or other forest products shall be sold. Said sales may be  
5475 made for a lump sum or upon a unit price as in the opinion of the  
5476 board may be calculated to bring the greatest return. Sales shall  
5477 be made upon such other terms and conditions as to manner of  
5478 cutting, damages for cutting of unmarked trees, damages to trees  
5479 not cut and other pertinent matters as the board of education  
5480 shall approve.

5481 (b) The State Forestry Commission shall have the sole  
5482 authority and control in prescribing the forestry management  
5483 practices and scheduling of all cutting and harvesting of timber  
5484 or other forest products when such timber stands or other forest  
5485 products are determined by the State Forestry Commission to be  
5486 economically ready for cutting and harvesting; however, any school  
5487 board may contract with private persons or businesses for the  
5488 reforestation of sixteenth section lands.

5489 (c) Should a school board disagree with the Forestry  
5490 Commission concerning the time of cutting and harvesting, the  
5491 board may make an appeal to the Forestry Commission at a regular  
5492 monthly scheduled meeting of the commission. If the school board  
5493 is not satisfied after the appeal to the commission, the board may  
5494 then appeal to the Secretary of State who will make the final  
5495 decision as to the time for cutting and harvesting. In the event  
5496 that the local school board is divested of its management  
5497 authority under subsection (3) hereof, the Secretary of State  
5498 after due consultation with the Forestry Commission shall retain



5499 the right to make final decisions concerning the management and  
5500 sale of timber and other forest products.

5501 (d) It is hereby made the duty of the State Forestry  
5502 Commission, from time to time, to mark timber which should be cut  
5503 from said lands, to determine what planting, deadening or other  
5504 forestry improvements should be made, giving due consideration to  
5505 food and habitat for wildlife, and to report to the appropriate  
5506 board of education. The State Forestry Commission and the board  
5507 of education shall supervise the cutting of any timber or  
5508 harvesting of other forest products sold from said lands herein  
5509 designated and shall have authority to require any timber-cutting  
5510 operations on said lands to cease until proper adjustment is made,  
5511 whenever it shall appear that timber is being cut in violation of  
5512 the terms of the sale. In the event that it is desired to lease  
5513 any of such lands or standing timber for turpentine purposes, such  
5514 lease shall only cover such trees as the State Forestry Commission  
5515 shall designate, and said commission through its employees shall  
5516 approve the number of faces, method of chipping and boxing of such  
5517 timber, and shall fix a minimum total cash price or minimum price  
5518 per unit.

5519 (e) No sale of any timber, turpentine or other forest  
5520 products lease shall be made until notice of same shall have been  
5521 published once a week for three (3) consecutive weeks in at least  
5522 one (1) newspaper published in such county. The first publication  
5523 of such notice shall be made not less than twenty-one (21) days  
5524 prior to the date fixed for said sale, and the last publication  
5525 shall be made not more than seven (7) days prior to such date. If  
5526 no newspaper is published in such county, then such notice shall  
5527 be given by publishing the same for the required time in some  
5528 newspaper having a general circulation in such county and, in  
5529 addition thereto, by posting a copy of such notice for at least  
5530 twenty-one (21) days next preceding such sale at three (3) public  
5531 places in such county.





5532           (f) Notwithstanding the above provision pertaining to  
5533 the sale of any timber, turpentine or other forest products, in  
5534 the event that timber must be cleared from an existing road or  
5535 existing utility right-of-way, said public notice requirement may  
5536 be waived. Prior to waiver of the public notice requirement, the  
5537 State Forestry Commission must make a finding that, due to the  
5538 small area of timber to be cleared, a public notice sale would not  
5539 be in the best interest of the local board of education. If the  
5540 State Forestry Commission makes such a finding, then it shall set  
5541 the value of the timber to be paid to the local board of education  
5542 by the party requesting the timber be removed.

5543           (g) Provided, however, in the case of damage by fire,  
5544 windstorm or other natural causes which would require immediate  
5545 sale of the timber, because the time involved for advertisement as  
5546 prescribed herein would allow decay, rot or destruction  
5547 substantially decreasing the purchase price to be received had not  
5548 such delay occurred, the advertisement provisions of this section  
5549 shall not apply. The board of education, with a written  
5550 recommendation from a designated employee of the State Forestry  
5551 Commission filed in the minutes of the board of education, shall  
5552 determine when immediate sale of the timber is required. When the  
5553 board of education shall find an immediate sale necessary for the  
5554 causes stated herein, it shall, in its discretion, set the time  
5555 for receipt of bids on the purchase of said timber, but shall show  
5556 due diligence in notifying competitive bidders so that a true  
5557 competitive bid shall be received.

5558           (2) (a) A local board of education having control of the  
5559 sixteenth section lands in the Hurricane Katrina Disaster of 2005  
5560 shall be granted emergency powers to take any and all actions of a  
5561 reasonably prudent trustee acting under emergency conditions to  
5562 recover damaged timber, prevent further loss or damage to timber,  
5563 and to minimize economic loss. All such actions shall be taken in  
5564 consultation with and shall be subject to the prior approval from



5565 the Secretary of State and the State Forestry Commission. The  
5566 emergency powers shall be as follows:

5567 (i) Contract with any individual or entity for  
5568 management advice, sale of timber, clearing of damage to timber  
5569 producing lands, transporting of timber, repairing access roads to  
5570 timber lands, conducting aerial spraying, or taking any other type  
5571 of action to prevent further loss of timber or diminution in value  
5572 of existing timber as the result of the incident which  
5573 necessitated the declaration of a natural disaster. In  
5574 contracting with any individual or entity, the board of education  
5575 shall use its best efforts to ensure that all costs incurred are  
5576 reasonable and that a fair price is received for all sales.

5577 (ii) Enter into agreements with any individual,  
5578 private company, or other governmental entities for the pooling of  
5579 resources, or the sharing of costs so as to maximize the  
5580 mitigation of loss and minimize the expense of mitigating the loss  
5581 of timber.

5582 (iii) Apply for any state, federal, or private  
5583 party grant or nonrepayable funds to cover costs associated with  
5584 emergency management contracts, sale timber, including loss for  
5585 diminution of value, transporting of timber, replanting of timber,  
5586 repairing access roads to timber, conducting aerial spraying, or  
5587 reimbursement for any other action taken to prevent further timber  
5588 damage, as well as mitigating the loss of funds due to damage.

5589 (b) The emergency powers granted herein shall be for a  
5590 period of one (1) year from the date of designation as a disaster  
5591 area due to Hurricane Katrina. The emergency powers may be  
5592 extended for one (1) additional one-year period upon prior written  
5593 approval from the Secretary of State.

5594 (c) The emergency powers shall also apply to the  
5595 management of timber by the Secretary of State pursuant to  
5596 subsection (3) of this section.



5597           (d) In the event a local board of education is unable  
5598 to acquire the services of the State Forestry Commission or the  
5599 Secretary of State to meet an immediate need to salvage, remove or  
5600 take other appropriate action on damaged timber, the local board  
5601 of education shall unilaterally be granted the authority to take  
5602 such actions as necessary regarding the management or sale of  
5603 timber or other forest products.

5604           (e) In exercising emergency powers, a local board of  
5605 education or the Secretary of State shall exercise the general  
5606 powers of a trustee with the same general restrictions and general  
5607 liabilities of a trustee and shall exercise the care and skill of  
5608 an ordinary prudent person to protect the beneficiaries of the  
5609 trust under such emergency circumstances.

5610           (f) Any contractor with a local board of education or  
5611 the Secretary of State shall be entitled to rely on  
5612 representations by such board of education or the Secretary of  
5613 State as to who has authority to enter contracts for the  
5614 management or sale of timber or other forest products, and  
5615 reliance on such representations shall not be grounds for voiding  
5616 any contract.

5617           (3) (a) In the event that any member of a local board of  
5618 education may have a personal interest, either direct or indirect,  
5619 in the decisions regarding the management or sale of timber or  
5620 other forest products or in a contract for the sale of timber or  
5621 other forest products from sixteenth section school lands under  
5622 the jurisdiction and control of said board, then said board of  
5623 education shall automatically be divested of all authority and  
5624 power to manage and sell timber or other forest products on  
5625 sixteenth section lands under its control and jurisdiction. Said  
5626 divestiture shall extend for the period of service, and for one  
5627 (1) year thereafter, of the board member having a direct or  
5628 indirect personal interest in the sale or decision to sell timber  
5629 or other forest products.



5630                   (b) During the time in which any local board of  
5631 education may be divested of authority and power to manage and  
5632 sell timber and other forest products, such authority and power  
5633 shall be vested in the Secretary of State, as supervisory trustee  
5634 of sixteenth section lands. Upon the appointment or election of a  
5635 member of a local board of education who may have such an  
5636 appointment or election of a member of a local board of education  
5637 who may have such an interest in decisions and contracts regarding  
5638 the management and sale of timber or other forest products, said  
5639 board of education shall immediately notify the Secretary of State  
5640 in writing. Likewise, said board shall give written notification  
5641 to the Secretary of State within thirty (30) days prior to the  
5642 expiration of any such divestiture period. Any contractor with a  
5643 local board of education or the Secretary of State shall be  
5644 entitled to rely on representations by such board or the Secretary  
5645 of State as to who has authority to enter contracts for the  
5646 management or sale of timber or other forest products, and  
5647 reliance on such representations shall not be grounds for voiding  
5648 any contract.

5649                   (c) The laws providing for the management and sale of  
5650 timber and other forest products by local boards of education  
5651 shall apply to the management and sale of timber and other forest  
5652 products by the Secretary of State. The Mississippi Forestry  
5653 Commission shall provide the Secretary of State with advice and  
5654 services in the same manner as provided to local boards of  
5655 education.

5656                   (d) The Secretary of State shall be paid all monies  
5657 derived from the sale of timber or other forest products and shall  
5658 promptly forward the same to the superintendent of education for  
5659 such school district with instructions for the proper settlement,  
5660 deposit and investment of said monies. Such local school board  
5661 shall reimburse the Secretary of State for all direct costs  
5662 relating to the management and sale of timber or other forest



products, and in the case of a sale of timber or other forest products, the Secretary of State may deduct such direct cost from the proceeds of sale. The Secretary of State shall furnish an itemized listing of all direct cost charged to the local school district.

(4) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 103.** Section 29-3-81, Mississippi Code of 1972, is amended as follows:

29-3-81. (1) Sixteenth section lands, or any lands granted in lieu of sixteenth section lands, classified as agricultural may be leased for the cultivation of rice, or pasturage, for a term not to exceed ten (10) years. All other sixteenth section or lieu lands classified as agricultural may be leased for a term not exceeding five (5) years. All leases of land classified as agricultural shall be for a term to expire on December 31. Except in those cases when the holder of an existing lease on agricultural land elects to re-lease such land, as authorized under this subsection, it shall be the duty of the board of education to lease the sixteenth section or lieu lands at public contract after having advertised such lands for rent in a newspaper published in the county or, if no newspaper is published in the county, then in a newspaper having a general circulation therein, for two (2) successive weeks, the first being at least ten (10) days before the public contract. The lease form and the terms so prescribed shall be on file and available for inspection in the office of the superintendent from and after the public notice by advertisement and until finally accepted by the board. However, before the expiration of an existing lease of land classified as agricultural land, except as otherwise provided in subsection (2) for lands intended to be reclassified, the board of education, in its discretion and subject to the prior approval of



5696 the Secretary of State, may authorize the holder of the existing  
5697 lease to re-lease the land, on no more than one (1) occasion, for  
5698 a term not to exceed five (5) years and for a rental amount that  
5699 is no less than one hundred twenty percent (120%) of the total  
5700 rental value of the existing lease. If the holder of the existing  
5701 lease elects not to re-lease the land, the board of education  
5702 shall publish an advertisement of agricultural land for rent which  
5703 publication shall be not more than four (4) months before the  
5704 expiration of the term of an existing lease of the land. An  
5705 election by the holder of the existing lease not to re-lease the  
5706 land shall not preclude his participation in the bidding process  
5707 established under this section. Subject to the classification of  
5708 the land, the board of education shall enter into a new lease on  
5709 agricultural land before the expiration of an existing lease on  
5710 the same land, and the new lease shall take effect on the day  
5711 immediately following the day on which the existing lease expires.  
5712 The board of education may require bidders to furnish bond or  
5713 submit evidence of financial ability.

5714 Bids received by the board of education in response to the  
5715 advertisement shall be opened at a regular or special meeting of  
5716 the board. The board of education, at its option, may reject all  
5717 bids or accept the highest and best bid received in response to  
5718 the advertisement, or the board of education may hold an auction  
5719 among those who submitted bids in response to the advertisement.  
5720 If the board of education elects to hold an auction, no bidder  
5721 shall be granted any preference. The opening bid at the auction  
5722 shall be highest bid received in response to the advertisement.

5723 (2) If, during the final year of an existing lease, the  
5724 board of education notifies the holder of the existing lease that  
5725 the board of education intends to reclassify the land under  
5726 Section 29-3-39, the holder of the existing lease may re-lease the  
5727 land for a term of five (5) years and for a rental amount that is  
5728 equal to one hundred twenty percent (120%) of the total rental



5729 value of the existing lease. Thereafter, the board of education  
5730 shall proceed with the reclassification of the land, and the new  
5731 classification will be implemented upon the expiration of the  
5732 lease. This subsection does not apply if the board of education  
5733 intends to reclassify the land under the "commercial" or  
5734 "industrial" land classification based on a valid business  
5735 proposal presented to and approved by the board of education.

5736 (3) (a) If the board of education receives an acceptable  
5737 bid in response to the advertisement and elects not to hold an  
5738 auction among those submitting bids, then the holder of the  
5739 existing lease may submit a second bid in an amount not less than  
5740 one hundred five percent (105%) of the highest acceptable bid  
5741 received if the holder of the existing lease: (i) submitted a bid  
5742 in response to the advertisement; and (ii) constructed or made  
5743 improvements on the leasehold premises after receiving approval of  
5744 the board of education during the term of the existing lease. For  
5745 purposes of this subsection, the term "improvements" shall not  
5746 include any work or items that are done customarily on an annual  
5747 basis in the preparing, planting, growing, cultivating or  
5748 harvesting of crops or other farm products.

5749 (b) If the holder of the existing lease elects to  
5750 submit a second bid, the board of education shall hold an auction  
5751 among those who submitted bids in response to the advertisement.  
5752 The opening bid at the auction shall be the second bid of the  
5753 holder of the existing lease. However, no leaseholder may submit  
5754 a second bid if: (i) any rent, taxes or other payment required  
5755 under his lease are past due; or (ii) he is otherwise in default  
5756 of any term or provision of the lease and such default has not  
5757 been corrected or cured to the satisfaction of the board of  
5758 education after more than thirty (30) days' notice to the  
5759 leaseholder of the default.

5760 (c) If an auction is held, the auction may be conducted  
5761 at the meeting at which bids are opened or at a subsequent regular



or special meeting. The board shall announce the time and place of the auction at the meeting at which bids are opened, and no further notice of the auction is required.

(d) If no bid acceptable to the board of education is received after the advertisement or at auction, the board of education may lease, within ninety (90) days, the lands by private contract for an amount greater than the highest bid previously rejected in order to acquire a fair rental value for the lands. If no bids are received in response to the advertisement, the board of education may negotiate a private contract for a fair rental value, and the term of such contract shall expire on December 31 of the same calendar year in which the contract is made. The board of education may take the notes for the rent and attend to their collection. The board has the right and remedies for the security and collection of such rents given by law to the agricultural landlords.

(e) If an existing lease is terminated before the expiration of the term originally set therein, upon finding that immediate action is necessary to prevent damage or loss to growing crops or to prevent loss of opportunity to lease the land for the current growing season, the board of education may negotiate a private contract for a fair rental value, and the term of such lease shall expire on December 31 of the same calendar year in which the contract is made.

(4) Any holder of a lease on agricultural land that: (a) was granted before July 1, 1997; and (b) has an expiration date on or after April 1 but before December 31 during the final year of the lease term, may extend the term of such lease to December 31 next following the expiration date originally provided for in the lease. If such lease is extended, the rent for the period from the original expiration date in the lease to December 31 next following the original expiration date shall be one hundred five percent (105%) of the annual rent provided in the existing lease





5795 prorated over the period of the lease extension. At the  
5796 expiration of the extended lease term or at the expiration of the  
5797 original lease term if the lease holder does not extend such  
5798 lease, the land shall be offered for lease as provided in  
5799 subsections (1) and (2) of this section.

5800 (5) The publication of any notice required in this section  
5801 may be published on the Internet as provided in Section 1 of this  
5802 act.

5803 **SECTION 104.** Section 29-3-99, Mississippi Code of 1972, is  
5804 amended as follows:

5805 29-3-99. The board of education is hereby authorized and  
5806 empowered, in its discretion, to let, demise and lease sixteenth  
5807 section lands, included in the Choctaw Purchase, or the lands held  
5808 in lieu of same whether located therein or elsewhere, reserved for  
5809 the support of township schools, for exploration, mining,  
5810 production and development by any method of oil, gas, and  
5811 minerals, including (a) oil, gas, carbon dioxide and other gaseous  
5812 substances, (b) metals, compounds of metals, or metal-bearing  
5813 ores, (c) coal, including anthracite, bituminous, subbituminous,  
5814 lignite and their constituent components and products and minerals  
5815 intermingled or associated therewith, and (d) sulphur, salt, sand,  
5816 gravel, fill dirt and clay, upon such terms and conditions and for  
5817 such consideration as the board of education, in its discretion,  
5818 shall deem proper and advisable. Such leasing shall, except as  
5819 hereinafter provided, be done by competitive bids only, made upon  
5820 at least three (3) weeks public notice given by advertisement in a  
5821 newspaper published in the county wherein such lands are situated,  
5822 or if no newspaper be published in said county then in a newspaper  
5823 having general circulation therein. Such advertisement shall give  
5824 an accurate legal description of the lands to be leased, inviting  
5825 sealed proposals thereon to be filed with the superintendent of  
5826 education. Before bids are requested, the board shall prescribe  
5827 the form of the lease and shall prescribe the royalty to be



5828 retained by the lessor, the annual rental to be paid by the lessee  
5829 during the primary term of the lease, and shall have as subject to  
5830 bid only the bonus to be paid by lessee, and, for leases of coal,  
5831 the bonus to be paid by lessee for any renewal term as hereinafter  
5832 provided. The lease form and the terms so prescribed shall be on  
5833 file and available for inspection in the office of the  
5834 superintendent from and after the public notice by advertisement  
5835 and until finally accepted by the board. The board of education  
5836 shall award the lease to the highest bidder in the manner provided  
5837 by law. Said school lands shall not be leased for oil, gas, and  
5838 minerals, including metals, compounds of metals, or metal-bearing  
5839 ores, coal and clay, exploration, mining, production, and  
5840 development for a bonus of less than One Dollar (\$1.00) per acre  
5841 and a renewal rental or renewal bonus of less than One Dollar  
5842 (\$1.00) per acre per annum during the primary term. Such lands  
5843 shall not be leased for oil, gas, and other minerals for a primary  
5844 term of more than five (5) years and so long thereafter as oil,  
5845 gas or other minerals are being produced and mined from said  
5846 lands, or so long as the lease is being maintained by other lease  
5847 provisions, except that a lease shall in no event extend longer  
5848 than permitted by Section 211 of the Mississippi Constitution.  
5849 Such lands shall not be leased for coal for a primary term of more  
5850 than twenty (20) years and so long thereafter as coal is being  
5851 mined and sold or utilized by lessee from such lands or from  
5852 adjoining lands within a mine plan which includes such lands or so  
5853 long as mining operations are being prosecuted on such lands on a  
5854 continuous basis; provided, however, that any lease of coal may  
5855 provide for one (1) renewal term of not more than twenty (20)  
5856 years from and after expiration of the initial term upon payment  
5857 by lessee of a renewal bonus of not less than One Dollar (\$1.00)  
5858 per acre. Any mine plan referred to in this paragraph shall not  
5859 contain more than five thousand (5,000) acres. The royalties to  
5860 be paid shall not be less than (a) on oil, one-eighth (1/8) of



5861 that produced and saved from said lands; (b) on gas, including  
5862 casinghead gas or other gaseous substances produced from said land  
5863 and sold or used off the premises or in the manufacture of  
5864 gasoline or other products therefrom, the market value at the well  
5865 of one-eighth (1/8) of the amount realized from such sale; (c) on  
5866 coal mined on such land and sold or utilized by lessee,  
5867 one-twentieth (1/20) of the market value at the mine of each ton  
5868 of two thousand (2,000) pounds; (d) on all other minerals  
5869 produced, mined and marketed, one-sixteenth (1/16) either in kind  
5870 or value at the well or mine at lessor's election, except that on  
5871 sulphur mined and marketed, the royalty shall be not less than  
5872 Fifty Cents (50¢) per long ton, except, further, that on salt the  
5873 royalty shall be not less than Five Cents (5¢) per ton mined.  
5874 Lessee shall have free use of oil, gas, coal, and water from said  
5875 land, except water from lessor's wells, unless lessor shall agree  
5876 in writing to the use of water from lessor's wells, for all  
5877 operations hereunder, and the royalty on oil, gas, and coal shall  
5878 be computed after deducting any so used. In leasing said lands  
5879 for the mining and removal of clay, sand, gravel and fill dirt,  
5880 the bid shall be by the cubic yard truck measure and to the  
5881 highest and best bidder, provided that these materials shall not  
5882 be sold therefrom for less than the regular market price thereof,  
5883 such price to include the value of the royalty provided for  
5884 herein. The board of education shall not lease any sixteenth  
5885 section land that was sold and conveyed in fee simple forever by a  
5886 board of supervisors prior to 1890.

5887 It is further specifically provided that such leases shall  
5888 not be let at a special meeting of the board of education.

5889 Leases for metals, coals, sand, gravel, fill dirt or clay may  
5890 be executed covering land upon which leases are outstanding for  
5891 the exploration, mining, and development of oil, gas, and other  
5892 minerals, provided proper safeguards are incorporated in the lease  
5893 for the protection of the other leaseholders. All such leases



5894 shall contain suitable provisions for adequate compensation to the  
5895 surface lessee, if any, for any damage done to the leasehold  
5896 estate in such lands and for the use of a substantial portion of  
5897 the surface thereof for such mining and/or developing or  
5898 processing purposes, and for rights of ingress and egress, and all  
5899 such leases shall further contain suitable provisions for adequate  
5900 compensation to the board of education for any permanent damage  
5901 done to the surface of the land or any timber thereon. Any future  
5902 lease of said land after expiration of the present lease thereon  
5903 will be subject to the rights of any lessee under provisions  
5904 hereof.

5905       If the lessor commits any error in the leasing procedure  
5906 which renders the lease void or voidable, the lessee shall be  
5907 entitled to recover the consideration paid to secure the lease.

5908       No clay shall be leased nor removed within the boundary of  
5909 any incorporated municipality as such boundary existed on January  
5910 1, 1964, nor within one hundred fifty (150) feet of any dwelling  
5911 house which is either occupied or has been vacant less than ninety  
5912 (90) days, without the written consent of the leaseholder of the  
5913 surface from which such clay is to be leased or removed,  
5914 regardless of classification of such lands.

5915       The publication of any notice required in this section may be  
5916 published on the Internet as provided in Section 1 of this act.

5917       **SECTION 105.** Section 29-3-161, Mississippi Code of 1972, is  
5918 amended as follows:

5919       29-3-161. The board of trustees of the authority is hereby  
5920 authorized and empowered to issue bonds of the authority for the  
5921 purpose of paying the costs of acquiring, owning, constructing,  
5922 operating, repairing and maintaining the projects and works  
5923 specified herein, including related facilities, and including all  
5924 financing and financial advisory charges, interest during  
5925 construction, engineering, legal, and other expenses incidental to  
5926 and necessary for the foregoing, or for the carrying out of any



5927 power conferred by Sections 29-3-151 through 29-3-183. Said board  
5928 of trustees is authorized and empowered to issue such bonds at  
5929 such times and in such amounts as shall be provided for by  
5930 resolution of the said board of trustees.

5931        Provided, however, the bonds herein authorized shall not be  
5932 issued until the board shall have published notice of its  
5933 intention to issue same; said notice to be published once each  
5934 week for three (3) consecutive weeks in some newspaper in the  
5935 county, but not less than twenty-one (21) days nor more than sixty  
5936 (60) days intervening between the time of the first notice and the  
5937 meeting at which said board proposes to issue such bonds. If,  
5938 within the time of giving notice, not less than fifteen hundred  
5939 (1500) of the qualified electors of the county shall file a  
5940 written petition with the board of trustees of the authority  
5941 protesting the issuance of the bonds, the board of supervisors  
5942 shall call an election on the question of issuing the bonds. Such  
5943 election shall be held and conducted by the election commissioners  
5944 of the county as nearly as may be in conformity with the  
5945 provisions of Sections 19-9-13 through 19-9-17, Mississippi Code  
5946 of 1972, governing bond elections, in which election all qualified  
5947 electors of the county may vote.

5948        All such bonds so issued by said authority shall be secured  
5949 solely by pledge of the net revenues which may now or hereafter  
5950 come to the authority and by pledge of the rental income from the  
5951 sixteenth section, or lands granted in lieu thereof, to be  
5952 developed by the authority which may now or hereafter come to the  
5953 county school board and/or the trustees of the municipal separate  
5954 school district. Such bonds shall not constitute general  
5955 obligations of the State of Mississippi, or of the county creating  
5956 the authority, and such bonds shall not be secured by a pledge of  
5957 the full faith, credit and resources of said state or of said  
5958 county. "Revenues" as used in Sections 29-3-151 through 29-3-183  
5959 shall mean all charges, tolls, rates, gifts, grants, monies,



rentals and proceeds from the leasing for commercial and/or industrial use of the lands actually developed by the authority under said sections, and all other funds coming into the possession of the authority by virtue of the provisions of said sections, except the proceeds from the sale of the bonds issued hereunder. "Net revenues" as used in Sections 29-3-151 through 29-3-183 shall mean the revenues after payment of costs and expenses of management and maintenance of the project and related facilities. "Rental income" shall mean all rentals, monies or funds derived pursuant to Sections 29-3-27 et seq., Mississippi Code of 1972, from the sixteenth section, or lands granted in lieu thereof, to be developed by the authority, except such rentals, monies, or funds derived from the leasing for commercial and/or industrial use of the lands actually developed by the authority.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 106.** Section 29-3-169, Mississippi Code of 1972, is amended as follows:

29-3-169. All such bonds provided for by Sections 29-3-151 through 29-3-183 shall be securities within the meaning of Article 8 of the Mississippi Uniform Commercial Code, being Sections 75-8-101 et seq. They shall be lithographed or engraved and printed in two (2) or more colors to prevent counterfeiting. They shall be in denominations of not less than One Thousand Dollars (\$1,000.00), and may be registered as issued. Each such bond shall specify on its face the purpose for which it was issued, the total amount authorized to be issued and the interest on the bond. Such bonds shall bear interest at such rate or rates as may be determined by the sale of such bonds, provided that the bonds of any issue shall not bear a greater overall maximum interest rate to maturity than that allowed in Section 75-17-103. They shall mature annually in such amounts and at such times as shall be provided by the resolution of the board of trustees. Provided,



5993 however, that no bonds shall have a longer maturity than  
5994 twenty-five (25) years from date of issuance, and the first  
5995 maturity date thereof shall be not more than five (5) years from  
5996 the date of such bonds. The denomination, form and place or  
5997 places of payment of such bonds shall be fixed in the resolution  
5998 of the board of trustees of the authority. Such bonds shall be  
5999 signed by the chairman and the secretary of the board of trustees,  
6000 with the corporate seal affixed thereto, but the coupons may bear  
6001 only the facsimile signatures of such chairman or secretary. No  
6002 bond shall bear more than one (1) rate of interest; each bond  
6003 shall bear interest from its date to its stated maturity date at  
6004 the interest rate specified in the bid (all bonds of the same  
6005 maturity shall bear the same rate of interest); all interest  
6006 accruing on such bonds so issued shall be payable semiannually, or  
6007 annually, except that the first interest coupon attached to any  
6008 such bond may be for any period not exceeding one (1) year.

6009 No interest payment shall be evidenced by more than one (1)  
6010 coupon and supplemental coupons will not be permitted; and no  
6011 interest coupon shall vary more than twenty-five percent (25%) in  
6012 interest rate from any other interest coupon in the same bond  
6013 issue.

6014 Each interest rate specified in any bid must be in a multiple  
6015 of one-eighth of one percent ( $1/8$  of 1%) or one-tenth of one  
6016 percent ( $1/10$  of 1%) and a zero rate of interest cannot be named.

6017 Notice of the sale of any such bonds shall be published at  
6018 least two (2) times, with the first publication not less than  
6019 fourteen (14) days prior to the date of sale, and shall be so  
6020 published in one or more newspapers having a general circulation  
6021 in the area in which the development is located and in one or more  
6022 other newspapers or financial journals with a large circulation.  
6023 One (1) proof of publication shall be filed in the minutes of the  
6024 board of trustees.



6025        Such bonds may be called in, paid and redeemed as authorized  
6026 in the resolution authorizing the issue on any interest date prior  
6027 to maturity upon not less than thirty (30) days' notice to the  
6028 paying agent or agents designated in such bonds. Provided,  
6029 however, that in no case shall any premiums exceed seven percent  
6030 (7%) of the face value of such bonds.

6031        All bonds issued by the authority shall contain in substance  
6032 a statement to the effect that they are secured solely by a pledge  
6033 of the net revenues and by pledge of rental income, and that they  
6034 do not constitute general obligations of the State of Mississippi  
6035 or of the county in which the development is located, and are not  
6036 secured by a pledge of the full faith, credit and resources of  
6037 said state or of such county.

6038        All such bonds as provided for herein shall be sold under the  
6039 sealed bid procedure at public sale as now provided in Section  
6040 31-19-25, Mississippi Code of 1972. No such sale shall be at a  
6041 price so low as to require the payment of interest on the money  
6042 received therefor at more than a greater overall maximum interest  
6043 rate to maturity than that allowed in Section 75-17-103.

6044        Sections 29-3-151 through 29-3-183 shall be full and complete  
6045 authority for the issuance of the bonds provided for herein, and  
6046 no restriction or limitation otherwise prescribed by law shall  
6047 apply except as included in statutes governing and controlling  
6048 issuance of all municipal bonds.

6049        Provided, however, the board of trustees shall have the  
6050 authority to enter into cooperative agreements with the state or  
6051 federal government, or both, and to execute and deliver at private  
6052 sale notes or bonds as evidence of such indebtedness in the form  
6053 and subject to the terms and conditions as may be imposed by the  
6054 state or federal government, or both, and to pledge the income and  
6055 revenues of the authority in payment thereof.

6056        Notwithstanding the foregoing provisions of this section,  
6057 bonds referred to hereinabove may be issued pursuant to the





6058 supplemental powers and authorizations conferred by the provisions  
6059 of the Registered Bond Act, being Sections 31-21-1 through  
6060 31-21-7.

6061 The publication of any notice required in this section may be  
6062 published on the Internet as provided in Section 1 of this act.

6063 **SECTION 107.** Section 29-3-179, Mississippi Code of 1972, is  
6064 amended as follows:

6065 29-3-179. All construction contracts by the authority where  
6066 the amount of the contract shall exceed One Thousand Dollars  
6067 (\$1,000.00) shall be made upon at least three (3) weeks' public  
6068 notice by advertisement in a newspaper of general circulation in  
6069 the area, which notice shall state the thing to be done and invite  
6070 sealed proposals, to be filed with the secretary of the authority,  
6071 to do the work; and in all such cases, before the notice shall be  
6072 published, the plans and specifications for the work shall be  
6073 filed with the secretary of the authority and there remain; and  
6074 the board of trustees of the authority shall award the contract to  
6075 the lowest bidder who will comply with the terms imposed by such  
6076 trustees and enter into bond with sufficient sureties to be  
6077 approved by the trustees in such penalty as shall be fixed by the  
6078 trustees, but in no case to be less than the contract price,  
6079 conditioned for the prompt, proper and efficient performance of  
6080 the contract.

6081 The publication of any notice required in this section may be  
6082 published on the Internet as provided in Section 1 of this act.

6083 **SECTION 108.** Section 29-15-7, Mississippi Code of 1972, is  
6084 amended as follows:

6085 29-15-7. (1) The Secretary of State, in cooperation with  
6086 other state agencies, shall prepare a Preliminary Map of Public  
6087 Trust Tidelands. The preliminary map shall depict the boundary as  
6088 the current mean high water line where shoreline is undeveloped  
6089 and in developed areas or where there have been encroachments,  
6090 such maps shall depict the boundary as the determinable mean high



6091 water line nearest the effective date of the Coastal Wetlands  
6092 Protection Act.

6093 (2) The state recognizes that the boundary of the public  
6094 trust tidelands is ambulatory and that the natural inland  
6095 expansion of tide waters over land not previously subject to the  
6096 ebb and flow of the tide increases the land subject to the public  
6097 trust, while natural accretion, the gradual and imperceptible  
6098 accumulation of land by natural causes, and natural reliction, the  
6099 increase of land by permanent withdrawal or retrocession of tidal  
6100 waters by natural causes, diminish the land subject to the public  
6101 trust and increase the property owned by the contiguous upland  
6102 owner. Likewise, the state recognizes the common law doctrine as  
6103 it pertains to such tidelands, submerged lands and riparian and  
6104 littoral rights and declares such to be the law of this state.

6105 (3) The preliminary map shall be transmitted to each of the  
6106 chancery clerks of the coastal counties, and each chancery clerk  
6107 shall post such map in a public place in his office. The  
6108 Secretary of State shall also cause to be published in a newspaper  
6109 of general circulation within each coastal county a notice  
6110 announcing that a copy of the Preliminary Map of Public Trust  
6111 Tidelands is available for public inspection at the office of the  
6112 chancery clerk of that county, and shall post a similar notice in  
6113 at least three (3) public places in each coastal county in this  
6114 state. The preliminary map shall also be open to public  
6115 inspection at the office of the Secretary of State.

6116 (4) The Secretary of State shall allow sixty (60) days after  
6117 publication of the preliminary map for submission of comments  
6118 and/or additional documentation and may, at his discretion, revise  
6119 the map accordingly. Within twenty (20) days of the completion of  
6120 the period for submission of comments, the Secretary of State  
6121 shall have incorporated any revisions to the Preliminary Map of  
6122 Public Trust Tidelands and certify its final adoption. The  
6123 certified map as finally adopted shall be published as provided



6124 hereinabove. The final certified map shall be duly recorded in  
6125 the land records of the chancery clerks office in Hancock,  
6126 Harrison and Jackson Counties. Upon recordation, the certified  
6127 map shall be final to those properties not subject to the trust.  
6128 The Secretary of State shall issue to all consenting property  
6129 owners a certificate stating that the described property does not  
6130 lie within the boundary of the public trust tidelands and is not  
6131 subject to the trust. The Secretary of State shall duly file such  
6132 certificates with the proper chancery clerks office for  
6133 recordation. In addition, the certified map shall be placed in  
6134 the Secretary of State's permanent register which shall be open to  
6135 public inspection. Within one hundred twenty (120) days of final  
6136 adoption of the certified map, the Secretary of State shall  
6137 determine those property owners whose lands are subject of the  
6138 public trust and are in violation of such trust. The Secretary of  
6139 State shall notify all such owners by certified mail and shall  
6140 include an explanation of the procedure available to the occupant  
6141 to resolve any dispute with respect to this map. The notice shall  
6142 also inform occupants that after three (3) years the boundary as  
6143 set forth in the certified map shall become final unless the  
6144 occupant has submitted a contrary claim to the office of the  
6145 Secretary of State. Such property owner shall have six (6) months  
6146 to negotiate and settle differences with the Secretary of State.  
6147 The Secretary of State may allow extensions at his discretion. A  
6148 boundary determination shall be final upon agreement of the  
6149 Secretary of State and the owner and an instrument setting forth  
6150 the boundary agreement shall be duly executed and recorded in the  
6151 chancery court where the property is located. Any such boundary  
6152 agreement shall be binding on the state and other parties thereto.

6153 (5) If any dispute as to the location of the boundary of the  
6154 public trust cannot be negotiated and settled between the affected  
6155 property owners and the Secretary of State within six (6) months  
6156 after notice by the state of its claim, either the state or a



6157 person claiming an interest in the property may apply to the  
6158 chancery court of the county in which the property is located for  
6159 a resolution of the dispute and a determination of the location of  
6160 the boundary. All persons having an interest in the property  
6161 subject to the dispute shall be made a party to such proceeding.  
6162 In any such action, the state shall have the burden of proof by a  
6163 preponderance of evidence that any such land is subject to the  
6164 trust.

6165 (6) Nothing in this section is intended to preclude any  
6166 party from pursuing remedies otherwise available at law, including  
6167 but not limited to those provided in Sections 11-17-1 et seq.,  
6168 except that if no action is taken by the occupant within three (3)  
6169 years of receipt of notice as described above, the boundary as  
6170 determined by the certified map shall become final.

6171 (7) The publication of any notice required in this section  
6172 may be published on the Internet as provided in Section 1 of this  
6173 act.

6174 **SECTION 109.** Section 31-7-13, Mississippi Code of 1972, is  
6175 amended as follows:

6176 31-7-13. All agencies and governing authorities shall  
6177 purchase their commodities and printing; contract for garbage  
6178 collection or disposal; contract for solid waste collection or  
6179 disposal; contract for sewage collection or disposal; contract for  
6180 public construction; and contract for rentals as herein provided.

6181 (a) **Bidding procedure for purchases not over \$5,000.00.**

6182 Purchases which do not involve an expenditure of more than Five  
6183 Thousand Dollars (\$5,000.00), exclusive of freight or shipping  
6184 charges, may be made without advertising or otherwise requesting  
6185 competitive bids. However, nothing contained in this paragraph

6186 (a) shall be construed to prohibit any agency or governing  
6187 authority from establishing procedures which require competitive  
6188 bids on purchases of Five Thousand Dollars (\$5,000.00) or less.



6189                   (b)   **Bidding procedure for purchases over \$5,000.00 but**  
6190 **not over \$25,000.00.** Purchases which involve an expenditure of  
6191 more than Five Thousand Dollars (\$5,000.00) but not more than  
6192 Twenty-five Thousand Dollars (\$25,000.00), exclusive of freight  
6193 and shipping charges may be made from the lowest and best bidder  
6194 without publishing or posting advertisement for bids, provided at  
6195 least two (2) competitive written bids have been obtained. Any  
6196 governing authority purchasing commodities pursuant to this  
6197 paragraph (b) may authorize its purchasing agent, or his designee,  
6198 with regard to governing authorities other than counties, or its  
6199 purchase clerk, or his designee, with regard to counties, to  
6200 accept the lowest and best competitive written bid. Such  
6201 authorization shall be made in writing by the governing authority  
6202 and shall be maintained on file in the primary office of the  
6203 agency and recorded in the official minutes of the governing  
6204 authority, as appropriate. The purchasing agent or the purchase  
6205 clerk, or their designee, as the case may be, and not the  
6206 governing authority, shall be liable for any penalties and/or  
6207 damages as may be imposed by law for any act or omission of the  
6208 purchasing agent or purchase clerk, or their designee,  
6209 constituting a violation of law in accepting any bid without  
6210 approval by the governing authority. The term "competitive  
6211 written bid" shall mean a bid submitted on a bid form furnished by  
6212 the buying agency or governing authority and signed by authorized  
6213 personnel representing the vendor, or a bid submitted on a  
6214 vendor's letterhead or identifiable bid form and signed by  
6215 authorized personnel representing the vendor. "Competitive" shall  
6216 mean that the bids are developed based upon comparable  
6217 identification of the needs and are developed independently and  
6218 without knowledge of other bids or prospective bids. Bids may be  
6219 submitted by facsimile, electronic mail or other generally  
6220 accepted method of information distribution. Bids submitted by  
6221 electronic transmission shall not require the signature of the



6222 vendor's representative unless required by agencies or governing  
6223 authorities.

6224 (c) **Bidding procedure for purchases over \$25,000.00.**

6225 (i) **Publication requirement.**

6226 1. Purchases which involve an expenditure of  
6227 more than Twenty-five Thousand Dollars (\$25,000.00), exclusive of  
6228 freight and shipping charges, may be made from the lowest and best  
6229 bidder after advertising for competitive bids once each week for  
6230 two (2) consecutive weeks in a regular newspaper published in the  
6231 county or municipality in which such agency or governing authority  
6232 is located.

6233 2. The purchasing entity may designate the  
6234 method by which the bids will be received, including, but not  
6235 limited to, bids sealed in an envelope, bids received  
6236 electronically in a secure system, bids received via a reverse  
6237 auction, or bids received by any other method that promotes open  
6238 competition and has been approved by the Office of Purchasing and  
6239 Travel. The provisions of this item 2 of subparagraph (i) shall  
6240 be repealed on July 1, 2011.

6241 3. The date as published for the bid opening  
6242 shall not be less than seven (7) working days after the last  
6243 published notice; however, if the purchase involves a construction  
6244 project in which the estimated cost is in excess of Twenty-five  
6245 Thousand Dollars (\$25,000.00), such bids shall not be opened in  
6246 less than fifteen (15) working days after the last notice is  
6247 published and the notice for the purchase of such construction  
6248 shall be published once each week for two (2) consecutive weeks.  
6249 The notice of intention to let contracts or purchase equipment  
6250 shall state the time and place at which bids shall be received,  
6251 list the contracts to be made or types of equipment or supplies to  
6252 be purchased, and, if all plans and/or specifications are not  
6253 published, refer to the plans and/or specifications on file. If  
6254 there is no newspaper published in the county or municipality,



6255 then such notice shall be given by posting same at the courthouse,  
6256 or for municipalities at the city hall, and at two (2) other  
6257 public places in the county or municipality, and also by  
6258 publication once each week for two (2) consecutive weeks in some  
6259 newspaper having a general circulation in the county or  
6260 municipality in the above provided manner. On the same date that  
6261 the notice is submitted to the newspaper for publication, the  
6262 agency or governing authority involved shall mail written notice  
6263 to, or provide electronic notification to the main office of the  
6264 Mississippi Procurement Technical Assistance Program under the  
6265 Mississippi Development Authority that contains the same  
6266 information as that in the published notice.

6267                   (ii) **Bidding process amendment procedure.** If all  
6268 plans and/or specifications are published in the notification,  
6269 then the plans and/or specifications may not be amended. If all  
6270 plans and/or specifications are not published in the notification,  
6271 then amendments to the plans/specifications, bid opening date, bid  
6272 opening time and place may be made, provided that the agency or  
6273 governing authority maintains a list of all prospective bidders  
6274 who are known to have received a copy of the bid documents and all  
6275 such prospective bidders are sent copies of all amendments. This  
6276 notification of amendments may be made via mail, facsimile,  
6277 electronic mail or other generally accepted method of information  
6278 distribution. No addendum to bid specifications may be issued  
6279 within two (2) working days of the time established for the  
6280 receipt of bids unless such addendum also amends the bid opening  
6281 to a date not less than five (5) working days after the date of  
6282 the addendum.

6283                   (iii) **Filing requirement.** In all cases involving  
6284 governing authorities, before the notice shall be published or  
6285 posted, the plans or specifications for the construction or  
6286 equipment being sought shall be filed with the clerk of the board  
6287 of the governing authority. In addition to these requirements, a



6288 bid file shall be established which shall indicate those vendors  
6289 to whom such solicitations and specifications were issued, and  
6290 such file shall also contain such information as is pertinent to  
6291 the bid.

6292 (iv) **Specification restrictions.**

6293 1. Specifications pertinent to such bidding  
6294 shall be written so as not to exclude comparable equipment of  
6295 domestic manufacture. However, if valid justification is  
6296 presented, the Department of Finance and Administration or the  
6297 board of a governing authority may approve a request for specific  
6298 equipment necessary to perform a specific job. Further, such  
6299 justification, when placed on the minutes of the board of a  
6300 governing authority, may serve as authority for that governing  
6301 authority to write specifications to require a specific item of  
6302 equipment needed to perform a specific job. In addition to these  
6303 requirements, from and after July 1, 1990, vendors of relocatable  
6304 classrooms and the specifications for the purchase of such  
6305 relocatable classrooms published by local school boards shall meet  
6306 all pertinent regulations of the State Board of Education,  
6307 including prior approval of such bid by the State Department of  
6308 Education.

6309 2. Specifications for construction projects  
6310 may include an allowance for commodities, equipment, furniture,  
6311 construction materials or systems in which prospective bidders are  
6312 instructed to include in their bids specified amounts for such  
6313 items so long as the allowance items are acquired by the vendor in  
6314 a commercially reasonable manner and approved by the  
6315 agency/governing authority. Such acquisitions shall not be made  
6316 to circumvent the public purchasing laws.

6317 (v) Agencies and governing authorities may  
6318 establish secure procedures by which bids may be submitted via  
6319 electronic means.

6320 (d) **Lowest and best bid decision procedure.**





6321                   (i) **Decision procedure.** Purchases may be made  
6322 from the lowest and best bidder. In determining the lowest and  
6323 best bid, freight and shipping charges shall be included.  
6324 Life-cycle costing, total cost bids, warranties, guaranteed  
6325 buy-back provisions and other relevant provisions may be included  
6326 in the best bid calculation. All best bid procedures for state  
6327 agencies must be in compliance with regulations established by the  
6328 Department of Finance and Administration. If any governing  
6329 authority accepts a bid other than the lowest bid actually  
6330 submitted, it shall place on its minutes detailed calculations and  
6331 narrative summary showing that the accepted bid was determined to  
6332 be the lowest and best bid, including the dollar amount of the  
6333 accepted bid and the dollar amount of the lowest bid. No agency  
6334 or governing authority shall accept a bid based on items not  
6335 included in the specifications.

6336                   (ii) **Decision procedure for Certified Purchasing**  
6337 **Offices.** In addition to the decision procedure set forth in  
6338 paragraph (d)(i), Certified Purchasing Offices may also use the  
6339 following procedure: Purchases may be made from the bidder  
6340 offering the best value. In determining the best value bid,  
6341 freight and shipping charges shall be included. Life-cycle  
6342 costing, total cost bids, warranties, guaranteed buy-back  
6343 provisions, documented previous experience, training costs and  
6344 other relevant provisions may be included in the best value  
6345 calculation. This provision shall authorize Certified Purchasing  
6346 Offices to utilize a Request For Proposals (RFP) process when  
6347 purchasing commodities. All best value procedures for state  
6348 agencies must be in compliance with regulations established by the  
6349 Department of Finance and Administration. No agency or governing  
6350 authority shall accept a bid based on items or criteria not  
6351 included in the specifications.

6352                   (iii) **Construction project negotiations authority.**  
6353 If the lowest and best bid is not more than ten percent (10%)



above the amount of funds allocated for a public construction or renovation project, then the agency or governing authority shall be permitted to negotiate with the lowest bidder in order to enter into a contract for an amount not to exceed the funds allocated.

(e) **Lease-purchase authorization.** For the purposes of this section, the term "equipment" shall mean equipment, furniture and, if applicable, associated software and other applicable direct costs associated with the acquisition. Any lease-purchase of equipment which an agency is not required to lease-purchase under the master lease-purchase program pursuant to Section 31-7-10 and any lease-purchase of equipment which a governing authority elects to lease-purchase may be acquired by a lease-purchase agreement under this paragraph (e). Lease-purchase financing may also be obtained from the vendor or from a third-party source after having solicited and obtained at least two (2) written competitive bids, as defined in paragraph (b) of this section, for such financing without advertising for such bids. Solicitation for the bids for financing may occur before or after acceptance of bids for the purchase of such equipment or, where no such bids for purchase are required, at any time before the purchase thereof. No such lease-purchase agreement shall be for an annual rate of interest which is greater than the overall maximum interest rate to maturity on general obligation indebtedness permitted under Section 75-17-101, and the term of such lease-purchase agreement shall not exceed the useful life of equipment covered thereby as determined according to the upper limit of the asset depreciation range (ADR) guidelines for the Class Life Asset Depreciation Range System established by the Internal Revenue Service pursuant to the United States Internal Revenue Code and regulations thereunder as in effect on December 31, 1980, or comparable depreciation guidelines with respect to any equipment not covered by ADR guidelines. Any lease-purchase agreement entered into pursuant to this paragraph (e) may contain



6387 any of the terms and conditions which a master lease-purchase  
6388 agreement may contain under the provisions of Section 31-7-10(5),  
6389 and shall contain an annual allocation dependency clause  
6390 substantially similar to that set forth in Section 31-7-10(8).  
6391 Each agency or governing authority entering into a lease-purchase  
6392 transaction pursuant to this paragraph (e) shall maintain with  
6393 respect to each such lease-purchase transaction the same  
6394 information as required to be maintained by the Department of  
6395 Finance and Administration pursuant to Section 31-7-10(13).  
6396 However, nothing contained in this section shall be construed to  
6397 permit agencies to acquire items of equipment with a total  
6398 acquisition cost in the aggregate of less than Ten Thousand  
6399 Dollars (\$10,000.00) by a single lease-purchase transaction. All  
6400 equipment, and the purchase thereof by any lessor, acquired by  
6401 lease-purchase under this paragraph and all lease-purchase  
6402 payments with respect thereto shall be exempt from all Mississippi  
6403 sales, use and ad valorem taxes. Interest paid on any  
6404 lease-purchase agreement under this section shall be exempt from  
6405 State of Mississippi income taxation.

6406           (f) **Alternate bid authorization.** When necessary to  
6407 ensure ready availability of commodities for public works and the  
6408 timely completion of public projects, no more than two (2)  
6409 alternate bids may be accepted by a governing authority for  
6410 commodities. No purchases may be made through use of such  
6411 alternate bids procedure unless the lowest and best bidder cannot  
6412 deliver the commodities contained in his bid. In that event,  
6413 purchases of such commodities may be made from one (1) of the  
6414 bidders whose bid was accepted as an alternate.

6415           (g) **Construction contract change authorization.** In the  
6416 event a determination is made by an agency or governing authority  
6417 after a construction contract is let that changes or modifications  
6418 to the original contract are necessary or would better serve the  
6419 purpose of the agency or the governing authority, such agency or



6420 governing authority may, in its discretion, order such changes  
6421 pertaining to the construction that are necessary under the  
6422 circumstances without the necessity of further public bids;  
6423 provided that such change shall be made in a commercially  
6424 reasonable manner and shall not be made to circumvent the public  
6425 purchasing statutes. In addition to any other authorized person,  
6426 the architect or engineer hired by an agency or governing  
6427 authority with respect to any public construction contract shall  
6428 have the authority, when granted by an agency or governing  
6429 authority, to authorize changes or modifications to the original  
6430 contract without the necessity of prior approval of the agency or  
6431 governing authority when any such change or modification is less  
6432 than one percent (1%) of the total contract amount. The agency or  
6433 governing authority may limit the number, manner or frequency of  
6434 such emergency changes or modifications.

6435           (h) **Petroleum purchase alternative.** In addition to  
6436 other methods of purchasing authorized in this chapter, when any  
6437 agency or governing authority shall have a need for gas, diesel  
6438 fuel, oils and/or other petroleum products in excess of the amount  
6439 set forth in paragraph (a) of this section, such agency or  
6440 governing authority may purchase the commodity after having  
6441 solicited and obtained at least two (2) competitive written bids,  
6442 as defined in paragraph (b) of this section. If two (2)  
6443 competitive written bids are not obtained, the entity shall comply  
6444 with the procedures set forth in paragraph (c) of this section.  
6445 In the event any agency or governing authority shall have  
6446 advertised for bids for the purchase of gas, diesel fuel, oils and  
6447 other petroleum products and coal and no acceptable bids can be  
6448 obtained, such agency or governing authority is authorized and  
6449 directed to enter into any negotiations necessary to secure the  
6450 lowest and best contract available for the purchase of such  
6451 commodities.



6452                   (i)   **Road construction petroleum products price**  
6453   **adjustment clause authorization.** Any agency or governing  
6454 authority authorized to enter into contracts for the construction,  
6455 maintenance, surfacing or repair of highways, roads or streets,  
6456 may include in its bid proposal and contract documents a price  
6457 adjustment clause with relation to the cost to the contractor,  
6458 including taxes, based upon an industry-wide cost index, of  
6459 petroleum products including asphalt used in the performance or  
6460 execution of the contract or in the production or manufacture of  
6461 materials for use in such performance. Such industry-wide index  
6462 shall be established and published monthly by the Mississippi  
6463 Department of Transportation with a copy thereof to be mailed,  
6464 upon request, to the clerks of the governing authority of each  
6465 municipality and the clerks of each board of supervisors  
6466 throughout the state. The price adjustment clause shall be based  
6467 on the cost of such petroleum products only and shall not include  
6468 any additional profit or overhead as part of the adjustment. The  
6469 bid proposals or document contract shall contain the basis and  
6470 methods of adjusting unit prices for the change in the cost of  
6471 such petroleum products.

6472                   (j)   **State agency emergency purchase procedure.** If the  
6473 governing board or the executive head, or his designee, of any  
6474 agency of the state shall determine that an emergency exists in  
6475 regard to the purchase of any commodities or repair contracts, so  
6476 that the delay incident to giving opportunity for competitive  
6477 bidding would be detrimental to the interests of the state, then  
6478 the provisions herein for competitive bidding shall not apply and  
6479 the head of such agency shall be authorized to make the purchase  
6480 or repair. Total purchases so made shall only be for the purpose  
6481 of meeting needs created by the emergency situation. In the event  
6482 such executive head is responsible to an agency board, at the  
6483 meeting next following the emergency purchase, documentation of  
6484 the purchase, including a description of the commodity purchased,



6485 the purchase price thereof and the nature of the emergency shall  
6486 be presented to the board and placed on the minutes of the board  
6487 of such agency. The head of such agency, or his designee, shall,  
6488 at the earliest possible date following such emergency purchase,  
6489 file with the Department of Finance and Administration (i) a  
6490 statement explaining the conditions and circumstances of the  
6491 emergency, which shall include a detailed description of the  
6492 events leading up to the situation and the negative impact to the  
6493 entity if the purchase is made following the statutory  
6494 requirements set forth in paragraph (a), (b) or (c) of this  
6495 section, and (ii) a certified copy of the appropriate minutes of  
6496 the board of such agency, if applicable.

6497 (k) **Governing authority emergency purchase procedure.**

6498 If the governing authority, or the governing authority acting  
6499 through its designee, shall determine that an emergency exists in  
6500 regard to the purchase of any commodities or repair contracts, so  
6501 that the delay incident to giving opportunity for competitive  
6502 bidding would be detrimental to the interest of the governing  
6503 authority, then the provisions herein for competitive bidding  
6504 shall not apply and any officer or agent of such governing  
6505 authority having general or special authority therefor in making  
6506 such purchase or repair shall approve the bill presented therefor,  
6507 and he shall certify in writing thereon from whom such purchase  
6508 was made, or with whom such a repair contract was made. At the  
6509 board meeting next following the emergency purchase or repair  
6510 contract, documentation of the purchase or repair contract,  
6511 including a description of the commodity purchased, the price  
6512 thereof and the nature of the emergency shall be presented to the  
6513 board and shall be placed on the minutes of the board of such  
6514 governing authority.

6515 (l) **Hospital purchase, lease-purchase and lease**  
6516 **authorization.**



6517                   (i) The commissioners or board of trustees of any  
6518 public hospital may contract with such lowest and best bidder for  
6519 the purchase or lease-purchase of any commodity under a contract  
6520 of purchase or lease-purchase agreement whose obligatory payment  
6521 terms do not exceed five (5) years.

6522                   (ii) In addition to the authority granted in  
6523 subparagraph (i) of this paragraph (1), the commissioners or board  
6524 of trustees is authorized to enter into contracts for the lease of  
6525 equipment or services, or both, which it considers necessary for  
6526 the proper care of patients if, in its opinion, it is not  
6527 financially feasible to purchase the necessary equipment or  
6528 services. Any such contract for the lease of equipment or  
6529 services executed by the commissioners or board shall not exceed a  
6530 maximum of five (5) years' duration and shall include a  
6531 cancellation clause based on unavailability of funds. If such  
6532 cancellation clause is exercised, there shall be no further  
6533 liability on the part of the lessee. Any such contract for the  
6534 lease of equipment or services executed on behalf of the  
6535 commissioners or board that complies with the provisions of this  
6536 subparagraph (ii) shall be excepted from the bid requirements set  
6537 forth in this section.

6538                   (m) **Exceptions from bidding requirements.** Excepted  
6539 from bid requirements are:

6540                   (i) **Purchasing agreements approved by department.**  
6541 Purchasing agreements, contracts and maximum price regulations  
6542 executed or approved by the Department of Finance and  
6543 Administration.

6544                   (ii) **Outside equipment repairs.** Repairs to  
6545 equipment, when such repairs are made by repair facilities in the  
6546 private sector; however, engines, transmissions, rear axles and/or  
6547 other such components shall not be included in this exemption when  
6548 replaced as a complete unit instead of being repaired and the need  
6549 for such total component replacement is known before disassembly



6550 of the component; however, invoices identifying the equipment,  
6551 specific repairs made, parts identified by number and name,  
6552 supplies used in such repairs, and the number of hours of labor  
6553 and costs therefor shall be required for the payment for such  
6554 repairs.

6555 (iii) **In-house equipment repairs.** Purchases of  
6556 parts for repairs to equipment, when such repairs are made by  
6557 personnel of the agency or governing authority; however, entire  
6558 assemblies, such as engines or transmissions, shall not be  
6559 included in this exemption when the entire assembly is being  
6560 replaced instead of being repaired.

6561 (iv) **Raw gravel or dirt.** Raw unprocessed deposits  
6562 of gravel or fill dirt which are to be removed and transported by  
6563 the purchaser.

6564 (v) **Governmental equipment auctions.** Motor  
6565 vehicles or other equipment purchased from a federal agency or  
6566 authority, another governing authority or state agency of the  
6567 State of Mississippi, or any governing authority or state agency  
6568 of another state at a public auction held for the purpose of  
6569 disposing of such vehicles or other equipment. Any purchase by a  
6570 governing authority under the exemption authorized by this  
6571 subparagraph (v) shall require advance authorization spread upon  
6572 the minutes of the governing authority to include the listing of  
6573 the item or items authorized to be purchased and the maximum bid  
6574 authorized to be paid for each item or items.

6575 (vi) **Intergovernmental sales and transfers.**  
6576 Purchases, sales, transfers or trades by governing authorities or  
6577 state agencies when such purchases, sales, transfers or trades are  
6578 made by a private treaty agreement or through means of  
6579 negotiation, from any federal agency or authority, another  
6580 governing authority or state agency of the State of Mississippi,  
6581 or any state agency or governing authority of another state.  
6582 Nothing in this section shall permit such purchases through public





6583 auction except as provided for in subparagraph (v) of this  
6584 section. It is the intent of this section to allow governmental  
6585 entities to dispose of and/or purchase commodities from other  
6586 governmental entities at a price that is agreed to by both  
6587 parties. This shall allow for purchases and/or sales at prices  
6588 which may be determined to be below the market value if the  
6589 selling entity determines that the sale at below market value is  
6590 in the best interest of the taxpayers of the state. Governing  
6591 authorities shall place the terms of the agreement and any  
6592 justification on the minutes, and state agencies shall obtain  
6593 approval from the Department of Finance and Administration, prior  
6594 to releasing or taking possession of the commodities.

6595 (vii) **Perishable supplies or food.** Perishable  
6596 supplies or food purchased for use in connection with hospitals,  
6597 the school lunch programs, homemaking programs and for the feeding  
6598 of county or municipal prisoners.

6599 (viii) **Single source items.** Noncompetitive items  
6600 available from one (1) source only. In connection with the  
6601 purchase of noncompetitive items only available from one (1)  
6602 source, a certification of the conditions and circumstances  
6603 requiring the purchase shall be filed by the agency with the  
6604 Department of Finance and Administration and by the governing  
6605 authority with the board of the governing authority. Upon receipt  
6606 of that certification the Department of Finance and Administration  
6607 or the board of the governing authority, as the case may be, may,  
6608 in writing, authorize the purchase, which authority shall be noted  
6609 on the minutes of the body at the next regular meeting thereafter.  
6610 In those situations, a governing authority is not required to  
6611 obtain the approval of the Department of Finance and  
6612 Administration.

6613 (ix) **Waste disposal facility construction**  
6614 **contracts.** Construction of incinerators and other facilities for  
6615 disposal of solid wastes in which products either generated



6616 therein, such as steam, or recovered therefrom, such as materials  
6617 for recycling, are to be sold or otherwise disposed of; however,  
6618 in constructing such facilities, a governing authority or agency  
6619 shall publicly issue requests for proposals, advertised for in the  
6620 same manner as provided herein for seeking bids for public  
6621 construction projects, concerning the design, construction,  
6622 ownership, operation and/or maintenance of such facilities,  
6623 wherein such requests for proposals when issued shall contain  
6624 terms and conditions relating to price, financial responsibility,  
6625 technology, environmental compatibility, legal responsibilities  
6626 and such other matters as are determined by the governing  
6627 authority or agency to be appropriate for inclusion; and after  
6628 responses to the request for proposals have been duly received,  
6629 the governing authority or agency may select the most qualified  
6630 proposal or proposals on the basis of price, technology and other  
6631 relevant factors and from such proposals, but not limited to the  
6632 terms thereof, negotiate and enter contracts with one or more of  
6633 the persons or firms submitting proposals.

6634                   (x) **Hospital group purchase contracts.** Supplies,  
6635 commodities and equipment purchased by hospitals through group  
6636 purchase programs pursuant to Section 31-7-38.

6637                   (xi) **Information technology products.** Purchases  
6638 of information technology products made by governing authorities  
6639 under the provisions of purchase schedules, or contracts executed  
6640 or approved by the Mississippi Department of Information  
6641 Technology Services and designated for use by governing  
6642 authorities.

6643                   (xii) **Energy efficiency services and equipment.**  
6644 Energy efficiency services and equipment acquired by school  
6645 districts, community and junior colleges, institutions of higher  
6646 learning and state agencies or other applicable governmental  
6647 entities on a shared-savings, lease or lease-purchase basis  
6648 pursuant to Section 31-7-14.



6649                   (xiii)   **Municipal electrical utility system fuel.**  
6650 Purchases of coal and/or natural gas by municipally owned electric  
6651 power generating systems that have the capacity to use both coal  
6652 and natural gas for the generation of electric power.

6653                   (xiv)   **Library books and other reference materials.**  
6654 Purchases by libraries or for libraries of books and periodicals;  
6655 processed film, video cassette tapes, filmstrips and slides;  
6656 recorded audio tapes, cassettes and diskettes; and any such items  
6657 as would be used for teaching, research or other information  
6658 distribution; however, equipment such as projectors, recorders,  
6659 audio or video equipment, and monitor televisions are not exempt  
6660 under this subparagraph.

6661                   (xv)    **Unmarked vehicles.** Purchases of unmarked  
6662 vehicles when such purchases are made in accordance with  
6663 purchasing regulations adopted by the Department of Finance and  
6664 Administration pursuant to Section 31-7-9(2).

6665                   (xvi)   **Election ballots.** Purchases of ballots  
6666 printed pursuant to Section 23-15-351.

6667                   (xvii)   **Multichannel interactive video systems.**  
6668 From and after July 1, 1990, contracts by Mississippi Authority  
6669 for Educational Television with any private educational  
6670 institution or private nonprofit organization whose purposes are  
6671 educational in regard to the construction, purchase, lease or  
6672 lease-purchase of facilities and equipment and the employment of  
6673 personnel for providing multichannel interactive video systems  
6674 (ITSF) in the school districts of this state.

6675                   (xviii)   **Purchases of prison industry products.**  
6676 From and after January 1, 1991, purchases made by state agencies  
6677 or governing authorities involving any item that is manufactured,  
6678 processed, grown or produced from the state's prison industries.

6679                   (xix)    **Undercover operations equipment.** Purchases  
6680 of surveillance equipment or any other high-tech equipment to be  
6681 used by law enforcement agents in undercover operations, provided



6682 that any such purchase shall be in compliance with regulations  
6683 established by the Department of Finance and Administration.

6684 (xx) **Junior college books for rent.** Purchases by  
6685 community or junior colleges of textbooks which are obtained for  
6686 the purpose of renting such books to students as part of a book  
6687 service system.

6688 (xxi) **Certain school district purchases.**  
6689 Purchases of commodities made by school districts from vendors  
6690 with which any levying authority of the school district, as  
6691 defined in Section 37-57-1, has contracted through competitive  
6692 bidding procedures for purchases of the same commodities.

6693 (xxii) **Garbage, solid waste and sewage contracts.**  
6694 Contracts for garbage collection or disposal, contracts for solid  
6695 waste collection or disposal and contracts for sewage collection  
6696 or disposal.

6697 (xxiii) **Municipal water tank maintenance**  
6698 **contracts.** Professional maintenance program contracts for the  
6699 repair or maintenance of municipal water tanks, which provide  
6700 professional services needed to maintain municipal water storage  
6701 tanks for a fixed annual fee for a duration of two (2) or more  
6702 years.

6703 (xxiv) **Purchases of Mississippi Industries for the**  
6704 **Blind products.** Purchases made by state agencies or governing  
6705 authorities involving any item that is manufactured, processed or  
6706 produced by the Mississippi Industries for the Blind.

6707 (xxv) **Purchases of state-adopted textbooks.**  
6708 Purchases of state-adopted textbooks by public school districts.

6709 (xxvi) **Certain purchases under the Mississippi**  
6710 **Major Economic Impact Act.** Contracts entered into pursuant to the  
6711 provisions of Section 57-75-9(2) and (3).

6712 (xxvii) **Used heavy or specialized machinery or**  
6713 **equipment for installation of soil and water conservation**  
6714 **practices purchased at auction.** Used heavy or specialized



6715 machinery or equipment used for the installation and  
6716 implementation of soil and water conservation practices or  
6717 measures purchased subject to the restrictions provided in  
6718 Sections 69-27-331 through 69-27-341. Any purchase by the State  
6719 Soil and Water Conservation Commission under the exemption  
6720 authorized by this subparagraph shall require advance  
6721 authorization spread upon the minutes of the commission to include  
6722 the listing of the item or items authorized to be purchased and  
6723 the maximum bid authorized to be paid for each item or items.

6724 (xxviii) **Hospital lease of equipment or services.**

6725 Leases by hospitals of equipment or services if the leases are in  
6726 compliance with paragraph (1)(ii).

6727 (xxix) **Purchases made pursuant to qualified**

6728 **cooperative purchasing agreements.** Purchases made by certified  
6729 purchasing offices of state agencies or governing authorities  
6730 under cooperative purchasing agreements previously approved by the  
6731 Office of Purchasing and Travel and established by or for any  
6732 municipality, county, parish or state government or the federal  
6733 government, provided that the notification to potential  
6734 contractors includes a clause that sets forth the availability of  
6735 the cooperative purchasing agreement to other governmental  
6736 entities. Such purchases shall only be made if the use of the  
6737 cooperative purchasing agreements is determined to be in the best  
6738 interest of the governmental entity.

6739 (xxx) **School yearbooks.** Purchases of school

6740 yearbooks by state agencies or governing authorities; provided,  
6741 however, that state agencies and governing authorities shall use  
6742 for these purchases the RFP process as set forth in the  
6743 Mississippi Procurement Manual adopted by the Office of Purchasing  
6744 and Travel.

6745 (xxxi) **Design-build method and dual-phase**

6746 **design-build method of contracting.** Contracts entered into under  
6747 the provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.



6748 (xxxii) **Toll roads and bridge construction**  
6749 **projects.** Contracts entered into under the provisions of Section  
6750 65-43-1 or 65-43-3.

6751 (n) **Term contract authorization.** All contracts for the  
6752 purchase of:

6753 (i) All contracts for the purchase of commodities,  
6754 equipment and public construction (including, but not limited to,  
6755 repair and maintenance), may be let for periods of not more than  
6756 sixty (60) months in advance, subject to applicable statutory  
6757 provisions prohibiting the letting of contracts during specified  
6758 periods near the end of terms of office. Term contracts for a  
6759 period exceeding twenty-four (24) months shall also be subject to  
6760 ratification or cancellation by governing authority boards taking  
6761 office subsequent to the governing authority board entering the  
6762 contract.

6763 (ii) Bid proposals and contracts may include price  
6764 adjustment clauses with relation to the cost to the contractor  
6765 based upon a nationally published industry-wide or nationally  
6766 published and recognized cost index. The cost index used in a  
6767 price adjustment clause shall be determined by the Department of  
6768 Finance and Administration for the state agencies and by the  
6769 governing board for governing authorities. The bid proposal and  
6770 contract documents utilizing a price adjustment clause shall  
6771 contain the basis and method of adjusting unit prices for the  
6772 change in the cost of such commodities, equipment and public  
6773 construction.

6774 (o) **Purchase law violation prohibition and vendor**  
6775 **penalty.** No contract or purchase as herein authorized shall be  
6776 made for the purpose of circumventing the provisions of this  
6777 section requiring competitive bids, nor shall it be lawful for any  
6778 person or concern to submit individual invoices for amounts within  
6779 those authorized for a contract or purchase where the actual value  
6780 of the contract or commodity purchased exceeds the authorized



6781 amount and the invoices therefor are split so as to appear to be  
6782 authorized as purchases for which competitive bids are not  
6783 required. Submission of such invoices shall constitute a  
6784 misdemeanor punishable by a fine of not less than Five Hundred  
6785 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),  
6786 or by imprisonment for thirty (30) days in the county jail, or  
6787 both such fine and imprisonment. In addition, the claim or claims  
6788 submitted shall be forfeited.

6789           (p) **Electrical utility petroleum-based equipment**  
6790 **purchase procedure.** When in response to a proper advertisement  
6791 therefor, no bid firm as to price is submitted to an electric  
6792 utility for power transformers, distribution transformers, power  
6793 breakers, reclosers or other articles containing a petroleum  
6794 product, the electric utility may accept the lowest and best bid  
6795 therefor although the price is not firm.

6796           (q) **Fuel management system bidding procedure.** Any  
6797 governing authority or agency of the state shall, before  
6798 contracting for the services and products of a fuel management or  
6799 fuel access system, enter into negotiations with not fewer than  
6800 two (2) sellers of fuel management or fuel access systems for  
6801 competitive written bids to provide the services and products for  
6802 the systems. In the event that the governing authority or agency  
6803 cannot locate two (2) sellers of such systems or cannot obtain  
6804 bids from two (2) sellers of such systems, it shall show proof  
6805 that it made a diligent, good-faith effort to locate and negotiate  
6806 with two (2) sellers of such systems. Such proof shall include,  
6807 but not be limited to, publications of a request for proposals and  
6808 letters soliciting negotiations and bids. For purposes of this  
6809 paragraph (q), a fuel management or fuel access system is an  
6810 automated system of acquiring fuel for vehicles as well as  
6811 management reports detailing fuel use by vehicles and drivers, and  
6812 the term "competitive written bid" shall have the meaning as  
6813 defined in paragraph (b) of this section. Governing authorities



6814 and agencies shall be exempt from this process when contracting  
6815 for the services and products of \* \* \* fuel management or fuel  
6816 access systems under the terms of a state contract established by  
6817 the Office of Purchasing and Travel.

6818 (r) **Solid waste contract proposal procedure.** Before  
6819 entering into any contract for garbage collection or disposal,  
6820 contract for solid waste collection or disposal or contract for  
6821 sewage collection or disposal, which involves an expenditure of  
6822 more than Fifty Thousand Dollars (\$50,000.00), a governing  
6823 authority or agency shall issue publicly a request for proposals  
6824 concerning the specifications for such services which shall be  
6825 advertised for in the same manner as provided in this section for  
6826 seeking bids for purchases which involve an expenditure of more  
6827 than the amount provided in paragraph (c) of this section. Any  
6828 request for proposals when issued shall contain terms and  
6829 conditions relating to price, financial responsibility,  
6830 technology, legal responsibilities and other relevant factors as  
6831 are determined by the governing authority or agency to be  
6832 appropriate for inclusion; all factors determined relevant by the  
6833 governing authority or agency or required by this paragraph (r)  
6834 shall be duly included in the advertisement to elicit proposals.  
6835 After responses to the request for proposals have been duly  
6836 received, the governing authority or agency shall select the most  
6837 qualified proposal or proposals on the basis of price, technology  
6838 and other relevant factors and from such proposals, but not  
6839 limited to the terms thereof, negotiate and enter contracts with  
6840 one or more of the persons or firms submitting proposals. If the  
6841 governing authority or agency deems none of the proposals to be  
6842 qualified or otherwise acceptable, the request for proposals  
6843 process may be reinitiated. Notwithstanding any other provisions  
6844 of this paragraph, where a county with at least thirty-five  
6845 thousand (35,000) nor more than forty thousand (40,000)  
6846 population, according to the 1990 federal decennial census, owns





6847 or operates a solid waste landfill, the governing authorities of  
6848 any other county or municipality may contract with the governing  
6849 authorities of the county owning or operating the landfill,  
6850 pursuant to a resolution duly adopted and spread upon the minutes  
6851 of each governing authority involved, for garbage or solid waste  
6852 collection or disposal services through contract negotiations.

6853           (s) **Minority set-aside authorization.** Notwithstanding  
6854 any provision of this section to the contrary, any agency or  
6855 governing authority, by order placed on its minutes, may, in its  
6856 discretion, set aside not more than twenty percent (20%) of its  
6857 anticipated annual expenditures for the purchase of commodities  
6858 from minority businesses; however, all such set-aside purchases  
6859 shall comply with all purchasing regulations promulgated by the  
6860 Department of Finance and Administration and shall be subject to  
6861 bid requirements under this section. Set-aside purchases for  
6862 which competitive bids are required shall be made from the lowest  
6863 and best minority business bidder. For the purposes of this  
6864 paragraph, the term "minority business" means a business which is  
6865 owned by a majority of persons who are United States citizens or  
6866 permanent resident aliens (as defined by the Immigration and  
6867 Naturalization Service) of the United States, and who are Asian,  
6868 Black, Hispanic or Native American, according to the following  
6869 definitions:

6870                   (i) "Asian" means persons having origins in any of  
6871 the original people of the Far East, Southeast Asia, the Indian  
6872 subcontinent, or the Pacific Islands.

6873                   (ii) "Black" means persons having origins in any  
6874 black racial group of Africa.

6875                   (iii) "Hispanic" means persons of Spanish or  
6876 Portuguese culture with origins in Mexico, South or Central  
6877 America, or the Caribbean Islands, regardless of race.



6878 (iv) "Native American" means persons having  
6879 origins in any of the original people of North America, including  
6880 American Indians, Eskimos and Aleuts.

6881 (t) **Construction punch list restriction.** The  
6882 architect, engineer or other representative designated by the  
6883 agency or governing authority that is contracting for public  
6884 construction or renovation may prepare and submit to the  
6885 contractor only one (1) preliminary punch list of items that do  
6886 not meet the contract requirements at the time of substantial  
6887 completion and one (1) final list immediately before final  
6888 completion and final payment.

6889 (u) **Procurement of construction services by state**  
6890 **institutions of higher learning.** Contracts for privately financed  
6891 construction of auxiliary facilities on the campus of a state  
6892 institution of higher learning may be awarded by the Board of  
6893 Trustees of State Institutions of Higher Learning to the lowest  
6894 and best bidder, where sealed bids are solicited, or to the  
6895 offeror whose proposal is determined to represent the best value  
6896 to the citizens of the State of Mississippi, where requests for  
6897 proposals are solicited.

6898 (v) **Purchase authorization clarification.** Nothing in  
6899 this section shall be construed as authorizing any purchase not  
6900 authorized by law.

6901 The publication of any notice required in this section may be  
6902 published on the Internet as provided in Section 1 of this act.

6903 **SECTION 110.** Section 31-7-13.1, Mississippi Code of 1972, is  
6904 amended as follows:

6905 31-7-13.1. (1) The method of contracting for construction  
6906 described in this section shall be known as the "dual-phase  
6907 design-build method" of construction contracting. This method of  
6908 construction contracting may be used only when the Legislature has  
6909 specifically required or authorized the use of this method in the  
6910 legislation authorizing a project. At a minimum, the



determination must include a detailed explanation of why using the dual-phase design-build method for a particular project satisfies the public need better than the traditional design-bid-build method based on the following criteria:

(a) The project provides a savings in time or cost over traditional methods; and

(b) The size and type of the project is suitable for design-build.

(2) For each proposed dual-phase design-build project, a two-phase procedure for awarding a contract must be adopted. During Phase One, and before solicitation of initial proposals, the agency or governing authority shall develop, with the assistance of an architectural or engineering firm, a scope of work statement that provides prospective offerors with sufficient information regarding the requirements of the agency or governing authority. The scope of work statement must include, but is not limited to, the following information:

(a) Drawings must show overall building dimensions and major lines of dimensions, and site plans that show topography, adjacent buildings and utilities;

(b) Drawings must include information to adequately explain HVAC, electrical and structural requirements;

(c) The scope of work statement also must include building elevations, sections and design details; and

(d) The scope of work statement must include general budget parameters, schedule or delivery requirements, relevant criteria for evaluation of proposals, and any other information necessary to enable the design-builders to submit proposals that meet the needs of the agency or governing authority.

(3) The agency or governing authority shall cause to be published once a week, for at least two (2) consecutive weeks in a regular newspaper published in the county in which the project is to be located, or a newspaper with statewide circulation, a notice



6944 inviting proposals for the dual-phase design-build construction  
6945 project. The proposals shall not be opened in less than fifteen  
6946 (15) working days after the last notice is published. The notice  
6947 must inform potential offerors of how to obtain the scope of work  
6948 statement developed for the project, and the notice must contain  
6949 such other information to describe adequately the general nature  
6950 and scope of the project so as to promote full, equal and open  
6951 competition.

6952         (4) The agency or governing authority shall accept initial  
6953 proposals only from entities able to provide an experienced and  
6954 qualified design-build team that includes, at a minimum, an  
6955 architectural or engineering firm registered in Mississippi and a  
6956 contractor properly licensed and domiciled in Mississippi for the  
6957 type of work required. From evaluation of initial proposals under  
6958 Phase One, the agency or governing authority shall select a  
6959 minimum of two (2) and a maximum of five (5) design-builders as  
6960 "short-listed firms" to submit proposals for Phase Two.

6961         (5) During Phase Two, the short-listed firms will be invited  
6962 to submit detailed designs, specific technical concepts or  
6963 solutions, pricing, scheduling and other information deemed  
6964 appropriate by the agency or governing authority as necessary to  
6965 evaluate and rank acceptability of the Phase Two proposals. After  
6966 evaluation of these Phase Two proposals, the agency or governing  
6967 authority shall award a contract to the design-builder determined  
6968 to offer the best value to the public in accordance with  
6969 evaluation criteria set forth in the request for proposals, of  
6970 which price must be one, but not necessarily the only, criterion.

6971         (6) If the agency or governing authority accepts a proposal  
6972 other than the lowest dollar proposal actually submitted, the  
6973 agency or governing authority shall enter on its minutes detailed  
6974 calculations and a narrative summary showing why the accepted  
6975 proposal was determined to provide the best value, and the agency



6976 or governing authority shall state specifically on its minutes the  
6977 justification for its award.

6978 (7) All facilities that are governed by this section shall  
6979 be designed and constructed to comply with standards equal to or  
6980 exceeding the minimum building code standards employed by the  
6981 state as required under Section 31-11-33 in force at the time of  
6982 contracting. All private contractors or private entities  
6983 contracting or performing under this section must comply at all  
6984 times with all applicable laws, codes and other legal requirements  
6985 pertaining to the project.

6986 (8) At its discretion, the agency or governing authority may  
6987 award a stipulated fee equal to a percentage, as prescribed in the  
6988 request for proposals, of the project's final design and  
6989 construction budget, as prescribed in the request for proposals,  
6990 but not less than two-tenths of one percent ( $2/10$  of 1%) of the  
6991 project's final design and construction budget, to each short-list  
6992 offeror who provides a responsive, but unsuccessful, proposal. If  
6993 the agency or governing authority does not award a contract, all  
6994 responsive final list offerors shall receive the stipulated fee  
6995 based on the owner's estimate of the project final design and  
6996 construction budget as included in the request for proposals. The  
6997 agency or governing authority shall pay the stipulated fee to each  
6998 offeror within ninety (90) days after the award of the initial  
6999 contract or the decision not to award a contract. In  
7000 consideration for paying the stipulated fee, the agency or  
7001 governing authority may use any ideas or information contained in  
7002 the proposals in connection with any contract awarded for the  
7003 project, or in connection with a subsequent procurement, without  
7004 any obligation to pay any additional compensation to the  
7005 unsuccessful offerors. Notwithstanding the other provisions of  
7006 this subsection, an unsuccessful short-list offeror may elect to  
7007 waive the stipulated fee. If an unsuccessful short-list offeror  
7008 elects to waive the stipulated fee, the agency or governing



authority may not use ideas and information contained in the offeror's proposal, except that this restriction does not prevent the agency or governing authority from using any idea or information if the idea or information is also included in a proposal of an offeror that accepts the stipulated fee.

(9) This section shall not authorize the awarding of construction contracts according to any contracting method that does not require the contractor to satisfactorily perform, at a minimum, both any balance of design, using an independent professional licensed in Mississippi, and construction of the project for which the contract is awarded.

(10) The provisions of this section shall not affect any procurement by the Mississippi Transportation Commission.

(11) The provisions of this section shall not apply to procurement authorized in Section 59-5-37(3).

(12) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 111.** Section 31-7-13.2, Mississippi Code of 1972, is amended as follows:

31-7-13.2 (1) When used in this section, "construction manager at risk" means a method of project delivery in which a construction manager guarantees a maximum price for the construction of a project and in which the governing authority or board, before using this method of project delivery, shall include a detailed explanation of why using the construction manager at risk method of project delivery for a particular project satisfies the public need better than that traditional design-bid-build method based on the following criteria:

(a) The use of construction manager at risk for the project provides a savings in time or cost over traditional methods; and



7041                   (b) The size and type of the project is suitable for  
7042 use of the construction management at risk method of project  
7043 delivery.

7044           (2) When the construction manager at risk method of project  
7045 delivery is used:

7046                   (a) There may be a separate contract for design  
7047 services and a separate contract for construction services;

7048                   (b) The contract for construction services may be  
7049 entered into at the same time as a contract for the design  
7050 services or later;

7051                   (c) Design and construction of the project may be in  
7052 sequential or concurrent phases; and

7053                   (d) Finance, maintenance, operation, reconstruction or  
7054 other related services may be included for a guaranteed maximum  
7055 price.

7056           (3) When procuring design professional services under a  
7057 construction manager at risk project delivery method, the agency  
7058 or governing authority shall procure the services of a design  
7059 professional pursuant to qualifications-based selection  
7060 procedures.

7061           (4) Before the substantial completion of the design  
7062 documents, the agency or governing authority may elect to hire a  
7063 construction manager.

7064           (5) When procuring construction management services, the  
7065 agency or governing authority shall follow the  
7066 qualifications-based selection procedures as outlined in  
7067 subsection (10) of this section or the competitive sealed proposal  
7068 procedures as outlined in Section 31-17-13.

7069           (6) The agency or governing authority may require the  
7070 architect or engineer and the construction manager, by contract,  
7071 to cooperate in the design, planning and scheduling, and  
7072 construction process. The contract shall not make the primary  
7073 designer or construction manager a subcontractor or joint-venture



partner to the other or limit the primary designer's or construction manager's independent obligations to the agency or governing authority.

(7) Notwithstanding anything to the contrary in this chapter:

(a) Each project for construction under a construction manager at risk contract shall be a specific, single project with a minimum construction cost of Twenty-five Million Dollars (\$25,000,000.00).

(b) Each project under a construction manager at risk contract shall be a specific, single project. For the purposes of this paragraph, "specific, single project" means a project that is constructed at a single location, at a common location or for a common purpose.

(8) Agencies shall retain an independent architectural or engineering firm to provide guidance and administration of the professional engineering or professional architecture aspects of the project throughout the development of the scope, design, and construction of the project.

(9) The state shall, on an annual basis, compile and make public all proceedings, records, contracts and other public records relating to procurement transactions authorized under this section.

(10) For purposes of this section, the "qualifications-based selection procedure" shall include:

(a) Publicly announcing all requirements for architectural, engineering, and land surveying services, to procure these services on the basis of demonstrated competence and qualifications, and to negotiate contracts at fair and reasonable prices after the most qualified firm has been selected.

(b) Agencies or governing authorities shall establish procedures to prequalify firms seeking to provide architectural, engineering, and land surveying services or may use





7107 prequalification lists from other state agencies or governing  
7108 authorities to meet the requirements of this section.

7109 (c) Whenever a project requiring architectural,  
7110 engineering, or land surveying services is proposed for an agency  
7111 or governing authority, the agency or governing authority shall  
7112 provide advance notice published in a professional services  
7113 bulletin or advertised within the official state newspaper setting  
7114 forth the projects and services to be procured for not less than  
7115 fourteen (14) days. The professional services bulletin shall be  
7116 mailed to each firm that has requested the information or is  
7117 prequalified under Section 31-7-13. The professional services  
7118 bulletin shall include a description of each project and shall  
7119 state the time and place for interested firms to submit a letter  
7120 of interest and, if required by the public notice, a statement of  
7121 qualifications.

7122 (d) The agency or governing authority shall evaluate  
7123 the firms submitting letters of interest and other prequalified  
7124 firms, taking into account qualifications. The agency or  
7125 governing authority may consider, but shall not be limited to,  
7126 considering:

7127 (i) Ability of professional personnel;  
7128 (ii) Past record and experience;  
7129 (iii) Performance data on file;  
7130 (iv) Willingness to meet time requirements;  
7131 (v) Location;  
7132 (vi) Workload of the firm; and  
7133 (vii) Any other qualifications-based factors as  
7134 the agency or governing authority may determine in writing are  
7135 applicable.

7136 The agency or governing authority may conduct discussions  
7137 with and require public presentations by firms deemed to be the  
7138 most qualified regarding their qualifications, approach to the  
7139 project and ability to furnish the required services.



7140           (e) The agency or governing authority shall establish a  
7141 committee to select firms to provide architectural, engineering,  
7142 and land surveying services. A selection committee may include at  
7143 least one (1) public member nominated by a statewide association  
7144 of the profession affected. The public member may not be employed  
7145 or associated with any firm holding a contract with the agency or  
7146 governing authority nor may the public member's firm be considered  
7147 for a contract with that agency or governing authority while  
7148 serving as a public member of the committee. In no case shall the  
7149 agency or governing authority, before selecting a firm for  
7150 negotiation under paragraph (f) of this section, seek formal or  
7151 informal submission of verbal or written estimates of costs or  
7152 proposals in terms of dollars, hours required, percentage of  
7153 construction cost, or any other measure of compensation.

7154           (f) On the basis of evaluations, discussions, and any  
7155 presentations, the agency or governing authority shall select no  
7156 less than three (3) firms that it determines to be qualified to  
7157 provide services for the project and rank them in order of  
7158 qualifications to provide services regarding the specific project.  
7159 The agency or governing authority shall then contact the firm  
7160 ranked most preferred to negotiate a contract at a fair and  
7161 reasonable compensation. If fewer than three (3) firms submit  
7162 letters of interest and the agency or governing authority  
7163 determines that one (1) or both of those firms are so qualified,  
7164 the agency or governing authority may proceed to negotiate a  
7165 contract under paragraph (g) of this section.

7166           (g) The agency or governing authority shall prepare a  
7167 written description of the scope of the proposed services to be  
7168 used as a basis for negotiations and shall negotiate a contract  
7169 with the highest qualified firm at compensation that the agency or  
7170 governing authority determines in writing to be fair and  
7171 reasonable. In making this decision, the agency or governing  
7172 authority shall take into account the estimated value, scope,



complexity, and professional nature of the services to be rendered. In no case may the agency or governing authority establish a maximum overhead rate or other payment formula designed to eliminate firms from contention or restrict competition or negotiation of fees. If the agency or governing authority is unable to negotiate a satisfactory contract with the firm that is most preferred, negotiations with that firm shall be terminated. The agency or governing authority shall then begin negotiations with the firm that is next preferred. If the agency or governing authority is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be terminated. The agency or governing authority shall then begin negotiations with the firm that is next preferred. If the agency or governing authority is unable to negotiate a satisfactory contract with any of the selected firms, the agency or governing authority shall reevaluate the architectural, engineering, or land surveying services requested, including the estimated value, scope, complexity, and fee requirements. The agency or governing authority shall then compile a second list of not less than three (3) qualified firms and proceed in accordance with the provisions of this section. A firm negotiating a contract with an agency or governing authority shall negotiate subcontracts for architectural, engineering, and land surveying services at compensation that the firm determines in writing to be fair and reasonable based upon a written description of the scope of the proposed services.

(11) The provisions of this section shall not affect any procurement by the Mississippi Transportation Commission.

(12) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 112.** Section 31-8-7, Mississippi Code of 1972, is amended as follows:



31-8-7. (1) The counties and municipalities of the state are authorized to lease publicly owned real property to any corporation, partnership, limited partnership, joint venture or individual for the purpose of enabling such person to construct or renovate thereon any of the buildings or facilities described in Section 31-8-1 and to lease such buildings and facilities to the county or municipality. No such ground lease shall be for a primary term in excess of the primary term of the lease with respect to the buildings and facilities to be constructed thereon.

(2) The counties and municipalities of the state are authorized to sublease buildings and facilities leased pursuant to subsection (1) of this section to the United States Postal Service or to any state or federal governmental agency. Any sublease entered into pursuant to this subsection may contain an option granting the sublessee the right to purchase the leased property upon the expiration of the primary term of the sublease, or upon such earlier date as may be agreed upon, at a price not to exceed the unpaid principal balance at such time.

Before entering into any lease agreement pursuant to this subsection, the board of supervisors or the governing authorities of the municipality shall follow and be subject to the same procedures regarding publishing notice, filing protest and holding an election specified for lease agreements under Section 31-8-11, except that the notice shall not state that the rental is a continuing obligation and a charge against the general credit and leasing power of the county or municipality.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 113.** Section 31-8-11, Mississippi Code of 1972, is amended as follows:

31-8-11. Before entering into any lease agreement pursuant to this chapter secured by a pledge of its full faith and credit, the governing authorities of any county or municipality shall



7239 publish notice of their intention to receive suitable proposals  
7240 for the leasing of such buildings, facilities or equipment. Such  
7241 notice shall specify the nature of the proposed building, facility  
7242 or equipment, the general geographic area in which the same is to  
7243 be located, the term of the proposed lease agreement, that the  
7244 obligation to pay rentals during the primary term is to be a  
7245 continuing obligation of and a charge against the general credit  
7246 and leasing power of the county or municipality, and the date and  
7247 hour on or before which such proposals may be received. Such  
7248 notice shall be published by municipalities and counties in the  
7249 same manner as required for publishing notice of intention to  
7250 issue general obligation bonds of the county or municipality, as  
7251 appropriate. If at least twenty percent (20%), or fifteen hundred  
7252 (1500), of the qualified electors of a county, whichever is less,  
7253 or at least ten percent (10%), or fifteen hundred (1500), of the  
7254 qualified electors of a municipality, whichever is less, file a  
7255 written protest with the appropriate governing authorities, then  
7256 an election shall be called by the county in the same manner as  
7257 provided for the issuance of county general obligation bonds in  
7258 Sections 19-9-11 through 19-9-17, Mississippi Code of 1972, or by  
7259 a municipality in the same manner as provided for the issuance of  
7260 municipal general obligation bonds in Sections 21-33-307 through  
7261 21-33-311, Mississippi Code of 1972, to determine whether or not  
7262 the proposed lease agreement may be executed by the county or  
7263 municipality. The lease agreement shall be advertised for  
7264 competitive sealed proposals once each week for two (2)  
7265 consecutive weeks in a regular newspaper published or having a  
7266 general circulation in the county or municipality of the governing  
7267 authority. The date as published for the proposal opening shall  
7268 be not less than five (5) working days after the last published  
7269 notice. The lease shall be awarded to the person submitting the  
7270 lowest and best proposal; however, all proposals may be rejected.



7271       The publication of any notice required in this section may be  
7272 published on the Internet as provided in Section 1 of this act.

7273       **SECTION 114.** Section 31-13-5, Mississippi Code of 1972, is  
7274 amended as follows:

7275       31-13-5. When any county, municipality, school district,  
7276 road district, drainage district, levee district, sea wall  
7277 district, or any other district or subdivision authorized to issue  
7278 bonds shall take steps to issue bonds for any purpose whatever,  
7279 the officer or officers of such county, municipality, or district  
7280 charged by law with the custody of the records of same shall, if  
7281 the board issuing same so determine by order entered on its  
7282 minutes, transmit to said bond attorney a certified copy of all  
7283 legal papers pertaining to the issuance of said bonds, including  
7284 transcripts of records and ordinances, proof of publication, and  
7285 tabulation of vote, if any, and any other facts pertaining to said  
7286 issuance. Said bond attorney shall thereupon as expeditiously as  
7287 possible examine said legal papers, pass upon the sufficiency  
7288 thereof, and render an opinion in writing, addressed to the board  
7289 proposing to issue said bonds, as to the validity of same; and if  
7290 any further action on the part of said board is necessary or any  
7291 further data is desired, he shall indicate what is necessary to be  
7292 done in the premises in order to make said bonds legal, valid, and  
7293 binding. When in his opinion all necessary legal steps have been  
7294 taken to make the said bond issue legal, valid, and binding, he  
7295 shall render a written opinion to that effect and shall transmit  
7296 all legal papers, together with his opinion, to the clerk of the  
7297 chancery court of the county in which the district or municipality  
7298 proposing to issue said bonds is situated, or if said district  
7299 embraces more than one (1) county or parts of more than one (1)  
7300 county, then to the chancery clerk of any one (1) of said  
7301 counties. The chancery clerk shall file the same, enter the same  
7302 on the docket of the chancery court, and shall promptly notify the  
7303 chancellor of the district in writing that said papers are on file



7304 and the cause has been docketed. The chancellor shall then notify  
7305 the chancery clerk to set the matter for hearing at some future  
7306 date, not less than ten (10) days thereafter, and the clerk shall  
7307 give not less than five (5) days' notice by making at least one  
7308 (1) publication in some paper published in the county where the  
7309 case is docketed, addressed to the taxpayers of the county,  
7310 municipality, or district proposing to issue said bonds, advising  
7311 that the matter will be heard on the day named. If on the day set  
7312 for hearing there is no written objection filed by any taxpayer to  
7313 the issuance of said bonds, a decree approving the validity of  
7314 same shall be entered by the chancellor; and if the chancellor be  
7315 not present the clerk shall forward him the decree prepared by the  
7316 state's bond attorney for his signature, and shall enter the said  
7317 decree upon his minutes in vacation.

7318 If no written objection is filed to the validation of the  
7319 bonds, certificates of indebtedness, or other written obligations  
7320 which are being validated, by any taxpayer to the issuance of  
7321 same, then the validation decree shall be final and forever  
7322 conclusive from its date, and no appeal whatever shall lie  
7323 therefrom.

7324 If at the hearing any taxpayer of the county, municipality,  
7325 or district issuing said bonds appears and files, or has filed  
7326 written objection to the issuance of said bonds, then the  
7327 chancellor, or the chancery clerk if the chancellor be not  
7328 present, shall set the case over for another day convenient to the  
7329 chancellor, not less than ten (10) days thereafter, and shall  
7330 notify the bond attorney to appear and attend the hearing. On the  
7331 hearing the chancellor may hear additional competent, relevant and  
7332 material evidence under the rules applicable to such evidence in  
7333 the chancery court, so as to inquire into the validity of the  
7334 bonds or other obligations proposed to be issued, and enter a  
7335 decree in accordance with his finding.



Where written objections have been filed to the validation but not otherwise, if either party shall be dissatisfied with the decree of the chancellor, an appeal shall be granted as in other cases, provided such appeal be prosecuted and bond filed within twenty (20) days after the chancellor enters his decree. However, no appeal shall lie in any case unless written objection has been filed to the validation of the bonds or other obligations by the time set for the validation hearing. The chancery clerk shall certify the record to the Supreme Court as in other cases, and the Supreme Court shall hear the case as a preference case.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 115.** Section 31-17-47, Mississippi Code of 1972, is amended as follows:

31-17-47. In the event a surplus is remaining in the treasury of any county, municipality or other taxing district at the end of any fiscal year as provided by Section 31-17-45, then within ten (10) days thereafter the said board of supervisors, mayor and board of aldermen, or the governing body of other taxing districts may advertise its intention to purchase the bonds of such county, municipality, or other taxing district by publishing a notice thereof at least ten (10) days in some newspaper published in said county and one (1) other financial journal having a general circulation among bond buyers and dealers. Said advertisement shall state the amount of bonds to be purchased, the maximum price to be paid therefor, and the date upon which it will receive sealed proposals for outstanding bonds of said taxing district.

Said board of supervisors, mayor and board of aldermen, or the governing body of other taxing districts shall accept the bid or proposal determined and adjudged by it to be most favorable to such taxing district. The interest rate and maturity of the bonds





to be purchased shall be taken into consideration in determining the best bid.

However, it shall be optional with the board of supervisors, mayor and board of aldermen, or the governing body of other taxing districts as to whether or not it will advertise its intention to purchase its bonds as provided by this section. In the event the board of supervisors, mayor and board of aldermen, or the governing body of other taxing districts shall determine that it is most advantageous to the county, city, or other taxing district not to so advertise, it may buy and retire its bonds at a private sale without publication of its intention to do so.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 116.** Section 31-19-25, Mississippi Code of 1972, is amended as follows:

31-19-25. All bonds issued pursuant to any laws of this state and hereafter sold by the governing authority of or on behalf of any county, road district, school district, drainage district or other political subdivision or instrumentality of this state shall be advertised for sale on sealed bids or at public auction. Such advertisement shall be published at least two (2) times in a newspaper published in the county in which the political subdivision or instrumentality is situated, and if no newspaper is published in such county, then in a newspaper published in an adjoining county; with respect to a political subdivision or instrumentality which is composed of more than one (1) county, such advertisement shall be published at least two (2) times in a newspaper having a general circulation in each county all or a portion of which is part of the political subdivision or instrumentality. The first publication in each case shall be made at least ten (10) days preceding the date fixed for the reception of bids, and such notice shall give the time and place of sale.



7400           The governing authority may reject any and all bids, whether  
7401 so stated in the notice of sale or not. If the bonds are not sold  
7402 pursuant to such advertisement, they may be sold by the governing  
7403 authority by private sale at any time within sixty (60) days after  
7404 the date advertised for the reception of bids; but no such private  
7405 sale shall be made at a price less than the highest bid which  
7406 shall have been received pursuant to such advertisement. If not  
7407 so sold at private sale, said bonds shall be readvertised in the  
7408 manner herein prescribed.

7409           Every bid for the purchase of any of such bonds shall be  
7410 accompanied by a cashier's check, certified check or exchange,  
7411 payable to the proper governing authority, issued or certified by  
7412 a bank located in this state in the amount of not less than two  
7413 percent (2%) of the par value of the bonds offered for sale, as a  
7414 guaranty that the bidder will carry out his contract and purchase  
7415 the bonds if the bid is accepted. If the successful bidder fails  
7416 to purchase the bonds pursuant to his bid and contract, the amount  
7417 of such good faith check shall be retained by the governing  
7418 authority and covered into the proper fund as liquidated damages  
7419 for such failure.

7420           This section shall not apply to the sale of bonds by the  
7421 State of Mississippi through the State Bond Commission.

7422           A failure to comply with any provision of this section shall  
7423 not invalidate such bonds, but any member of the governing board,  
7424 commission or other governing authority who shall willfully  
7425 violate any of said provisions and shall willfully fail to give  
7426 the notices herein required shall be liable personally and on his  
7427 official bond for a penalty in each case of Five Hundred Dollars  
7428 (\$500.00) and, in addition thereto, for all financial loss that  
7429 may result to the county, municipality, road district, school  
7430 district, drainage district or other political subdivision or  
7431 instrumentality of the state or county resulting from such willful  
7432 failure to comply herewith. Such penalty and damages may be



recovered by suit of the Attorney General, a district attorney or of any citizen of such county or other political subdivision in any court of competent jurisdiction, for the use and benefit of the county or other such political subdivision or instrumentality.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 117.** Section 31-25-28, Mississippi Code of 1972, is amended as follows:

31-25-28. (1) Local governmental units may borrow money or receive grants from the bank for any of the purposes set forth in this section or Section 31-25-20(g) and pay to the bank such fees and charges for services as the bank may prescribe. Whenever any such loan is made to a local governmental unit, such local governmental unit may use available revenues for the repayment of the principal of, premium, if any, and interest on such loan, and pledge such available revenues or monies for the repayment of the principal of, premium, if any, and interest on such loan. It is the intention of the Legislature that any such pledge of revenues or other monies shall be valid and binding from the date the pledge is made; that such revenues or other monies so pledged and thereafter received by the local governmental unit shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and that the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the local governmental unit irrespective of whether such parties have notice thereof; and neither the resolutions, contracts or any other instrument by which a pledge is created need be recorded.

(2) Local governmental units may contract with the bank with respect to any such loan and such contract shall contain such terms and conditions as may be prescribed by the bank.

(3) Local governmental units may in connection with any such loan enter into any covenants and agreements with respect to such



local governmental unit's operations, revenues, assets, monies, funds or property, or such loan, as may be prescribed by the bank.

(4) Upon the making of any such loan by the bank to any local governmental unit, such local governmental unit shall be held and be deemed to have agreed that if such governmental unit fails to pay the principal of, premium, if any, and interest on any such loan as when due and payable, such governmental unit shall have waived any and all defenses to such nonpayment, and the bank, upon such nonpayment, shall thereupon avail itself of all remedies, rights and provisions of law applicable in such circumstance, including without limitation, any remedies or rights theretofore agreed to by the local governmental unit, and that such loan shall for all of the purposes of this section, be held and be deemed to have become due and payable and to be unpaid. The bank may carry out the provisions of this section and exercise all of the rights and remedies and provisions of law provided or referred to in this section and of all other applicable laws of the state.

(5) Any local governmental unit that borrows from the bank under this section may agree in writing with the bank that, as provided in this subsection, the State Tax Commission or any state agency, department or commission created pursuant to state law shall (a) withhold all or any part (as agreed by the local governmental unit) of any monies that such local governmental unit is entitled to receive from time to time pursuant to any law and that is in the possession of the State Tax Commission or any state agency, department or commission created pursuant to state law and (b) pay the same over to the bank to satisfy any delinquent payments on any such loan made to such local governmental unit under the provisions of this section and any other delinquent payments due and owing the bank by such local governmental unit, all as the same shall occur. If the bank files a copy of such written agreement, together with a statement of delinquency, with



7499 the State Tax Commission or any state agency, department or  
7500 commission created pursuant to state law, then the State Tax  
7501 Commission or any state agency, department or commission created  
7502 pursuant to state law shall immediately make the withholdings  
7503 provided in such agreement from the amounts due the local  
7504 governmental unit and shall continue to pay the same over to the  
7505 bank until all such delinquencies are satisfied.

7506 (6) Before authorizing any loan for any of the purposes  
7507 enumerated in Section 31-25-20(e), the governing authority of the  
7508 local governmental unit shall adopt a resolution declaring its  
7509 intention so to do, stating the amount of the loan proposed to be  
7510 authorized and the purpose for which the loan is to be authorized,  
7511 and the date upon which the loan will be authorized. Such  
7512 resolution shall be published once a week for at least three (3)  
7513 consecutive weeks in at least one (1) newspaper published in such  
7514 local governmental unit. The first publication of such resolution  
7515 shall be made not less than twenty-one (21) days before the date  
7516 fixed in such resolution for the authorization of the loan and the  
7517 last publication shall be made not more than seven (7) days before  
7518 such date. If no newspaper is published in such local  
7519 governmental unit, then such notice shall be given by publishing  
7520 the resolution for the required time in some newspaper having a  
7521 general circulation in such local governmental unit and, in  
7522 addition, by posting a copy of such resolution for at least  
7523 twenty-one (21) days next preceding the date fixed therein at  
7524 three (3) public places in such local governmental unit. If  
7525 fifteen percent (15%) of the qualified electors of the local  
7526 governmental unit or fifteen hundred (1500), whichever is the  
7527 lesser, file a written protest against the authorization of such  
7528 loan on or before the date specified in such resolution, then an  
7529 election on the question of the authorization of such loan shall  
7530 be called and held as otherwise provided for in connection with  
7531 the issuance of general obligation indebtedness of such local



7532 governmental unit. Notice of such election shall be given as  
7533 otherwise required in connection with the issuance of general  
7534 obligation indebtedness of such local governmental unit. If  
7535 three-fifths (3/5) of the qualified electors voting in the  
7536 election vote in favor of authorizing the loan, then the governing  
7537 authority of the local governmental unit shall proceed with the  
7538 loan; however, if less than three-fifths (3/5) of the qualified  
7539 electors voting in the election vote in favor of authorizing the  
7540 loan, then the loan shall not be incurred. If no protest be  
7541 filed, then such loan may be entered into by the local  
7542 governmental unit without an election on the question of the  
7543 authorization of such loan, at any time within a period of two (2)  
7544 years after the date specified in the resolution. However, the  
7545 governing authority of any local governmental unit in its  
7546 discretion may nevertheless call an election on such question, in  
7547 which event it shall not be necessary to publish the resolution  
7548 declaring its intention to authorize such loan as provided in this  
7549 subsection.

7550 (7) (a) The Department of Environmental Quality may borrow  
7551 money from the bank for any purpose as otherwise authorized by  
7552 this act or for the purpose of funding loan programs (including  
7553 revolving loan programs) for such local governmental unit, or  
7554 both. The Department of Environmental Quality may contract with  
7555 the bank with respect to any loan from the bank to fund such loan  
7556 programs and such loan from the bank may include any terms and  
7557 conditions as provided for in this section. If the Department of  
7558 Environmental Quality borrows funds pursuant to this subsection  
7559 (7), then such local governmental unit shall certify the following  
7560 to the bank prior to making the loan from the bank:

7561 (i) The revolving loan program or other program to  
7562 be funded through the issuance of the bonds;

7563 (ii) Available revenues which such local  
7564 governmental unit intends to use to repay the loan; and



7565                   (iii) That such local governmental unit does not  
7566 intend to request an additional appropriation from the Legislature  
7567 to pay debt service on the loan from the bank or for such  
7568 security.

7569                   (b) If such local governmental unit meets the  
7570 requirements of paragraph (a) of this subsection (7), then such  
7571 local governmental unit shall not be required to meet the  
7572 requirements of Section 31-25-27(14). Notwithstanding any other  
7573 provision of law, including any limitations or restrictions under  
7574 Section 49-17-81 et seq., such local governmental unit may  
7575 designate or pledge any funds, revenues or any other amounts  
7576 received under its loan programs designated under paragraph (a)(i)  
7577 of this subsection (7) to repay a loan from the bank under this  
7578 subsection (7). Funds, revenues or any other amounts received  
7579 under a loan program as provided under this subsection (7)  
7580 specifically include, but are not limited to, any principal and/or  
7581 interest loan repayments from any participant under the program,  
7582 any investment earnings, or other amounts held by the Department  
7583 of Environmental Quality in connection with the applicable loan  
7584 program. Any loan program of the Department of Environmental  
7585 Quality otherwise authorized by law shall be deemed to be a public  
7586 purpose for purposes of this act which the bank may loan funds  
7587 under the provisions of this act.

7588                   (c) In connection with a loan under this subsection  
7589 (7), the bank may administer and manage loan programs as provided  
7590 in the contracts with the bank to loan funds thereunder.

7591                   (d) The maximum amount that the Department of  
7592 Environmental Quality may borrow under this subsection (7) shall  
7593 not exceed Thirty-five Million Dollars (\$35,000,000.00) in the  
7594 aggregate.

7595                   (e) This subsection (7) shall stand repealed on July 1,  
7596 2008.



7597           (8) In connection with any refunding of the Ten Million Five  
7598 Hundred Seventy Thousand Dollars (\$10,570,000.00), State of  
7599 Mississippi, Department of Rehabilitation Services, Certificates  
7600 of Participation (State of Mississippi, Department of  
7601 Rehabilitation Services Project) dated August 1, 1993, the bank  
7602 may issue its bonds to provide for such refunding and the  
7603 Department of Rehabilitation Services may borrow money from the  
7604 bank for the purpose of providing for the refunding of such  
7605 Certificates of Participation. The Department of Rehabilitation  
7606 Services may contract with the bank with respect to any loan from  
7607 the bank under this subsection (8), to provide for the refunding  
7608 of such Certificates of Participation and such loan from the bank  
7609 may include any terms and conditions as provided for in this  
7610 section. In connection with the refunding of the Certificates of  
7611 Participation pursuant to this subsection (8), such refunding  
7612 shall result in an overall net present value savings to maturity  
7613 of not less than two percent (2%) of the Certificates of  
7614 Participation being refunded. In connection with any loan under  
7615 this subsection (8), the Department of Rehabilitation Services  
7616 shall not be required to meet the requirements of Section  
7617 31-25-27(14).

7618           (9) This section shall be deemed to provide an additional,  
7619 alternative and complete method for the doing of the things  
7620 authorized by this section and shall be deemed and construed to be  
7621 supplemental to any power conferred by other laws on local  
7622 governmental units and not in derogation of any such powers. Any  
7623 loan made pursuant to the provisions of this section shall not  
7624 constitute an indebtedness of the local governmental unit within  
7625 the meaning of any constitutional or statutory limitation or  
7626 restriction. In connection with a loan under this chapter, a  
7627 local governmental unit shall not be required to comply with the  
7628 provisions of any other law except as provided in this section.





(10) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 118.** Section 31-25-37, Mississippi Code of 1972, is amended as follows:

31-25-37. (1) The bank shall have the power, from time to time, to issue bonds for any of its corporate purposes, including without limitation to pay bonds, including the interest thereon, and whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and to issue bonds partly to refund bonds then outstanding and partly for any of its corporate purposes. The refunding bonds may be exchanged for bonds to be refunded or sold and the proceeds applied to the purchase, redemption or payment of such bonds.

(2) The bank shall have power to make contracts for the future sale from time to time of bonds, pursuant to which the purchaser shall be committed to purchase and the bank shall have the power to pay such consideration as it shall deem proper for such commitments.

(3) Except as otherwise provided in this subsection (3), every issue of bonds of the bank shall be general obligations of the bank payable out of any revenues or funds of the bank, subject only to the provisions of the resolution of the bank authorizing the issuance of, or to any agreements with the holders of, particular bonds pledging any particular revenues or funds. Any such bonds may be additionally secured by a pledge of any grants, subsidies, contributions, funds or moneys from the United States of America or the state or any agency or instrumentality thereof, or any other governmental unit. However, bonds issued by the bank under Section 31-25-21(k) for the purposes provided in Section 31-25-20(g) shall be general obligations of the State of Mississippi, and for the payment thereof the full faith and credit



of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such state general obligation bonds shall contain recitals on their faces substantially covering these provisions.

(4) Any law to the contrary notwithstanding, a bond issued under this chapter is fully negotiable and each holder or owner of a bond, or of any coupon appurtenant thereto, by accepting the bond or coupon shall be conclusively deemed to have agreed that the bond or coupon is fully negotiable for those purposes subject only to any provisions of bonds for registration.

(5) Bonds of the bank shall be authorized by resolution of the board of the bank, may be issued as serial bonds payable in annual installments or as term bonds or as a combination thereof, and shall bear such date or dates, mature at such time or times, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be payable from such sources in such medium of payment at such place or places within or without the state, and be subject to such terms of redemption, with or without premiums, as such resolution or resolutions may provide, except that no bond shall mature more than forty (40) years from the date of its issue. The bonds may bear interest at such rate or rates as the bank may by resolution determine, and such rate or rates shall not be limited by any other law relating to the issuance of bonds except that the interest rate on any bonds issued as general obligation bonds of the State of Mississippi shall not exceed the limits set forth in Section 75-17-101. The bonds and coupons appertaining thereto may be executed in such manner as shall be determined by the bank. In case any of the members or officers of the bank whose signatures



7695 appear on any bonds or coupons shall cease to be such members or  
7696 officers before the delivery of such bonds, such signatures shall,  
7697 nevertheless, be valid and sufficient for all purposes, the same  
7698 as if such members or officers had remained in office until such  
7699 delivery.

7700 (6) Bonds of the bank may be sold at public or private sale  
7701 at such time or times and at such price or prices as the bank  
7702 shall determine.

7703 (7) In connection with the issuance of bonds, the board of  
7704 the bank may delegate to the executive director of the bank the  
7705 power to determine the time or times of sale of such bonds, the  
7706 amounts of such bonds, the maturities of such bonds, the rate or  
7707 rates of interest of such bonds, and such other terms and details  
7708 of the bonds, as may be determined by the board of the bank;  
7709 provided, however, the board of the bank shall have adopted a  
7710 resolution making such delegation and such resolution shall  
7711 specify the maximum amount of the bonds which may be outstanding  
7712 at any one time, the maximum rate of interest or interest rate  
7713 formula (to be determined in the manner specified in such  
7714 resolution) to be incurred through the issuance of such bonds and  
7715 the maximum maturity date of such bonds. The board of the bank  
7716 may also provide in the resolution authorizing the issuance of  
7717 such bonds, in its discretion, (a) for the employment of one or  
7718 more persons or firms to assist the bank in the sale of the bonds,  
7719 (b) for the appointment of one or more banks or trust companies,  
7720 either within or without the State of Mississippi, as depository  
7721 for safekeeping, and as agent for the delivery and payment, of the  
7722 bonds, (c) for the refunding of such bonds, from time to time,  
7723 without further action by the board of the bank, unless and until  
7724 the board of the bank revokes such authority to refund, and (d)  
7725 other terms and conditions as the board of the bank may deem  
7726 appropriate. In connection with the issuance and sale of such  
7727 bonds, the board of the bank may arrange for lines of credit with



7728 any bank, firm or person for the purpose of providing an  
7729 additional source of repayment for bonds issued pursuant to this  
7730 section. Amounts drawn on such lines of credit may be evidenced  
7731 by negotiable or nonnegotiable bonds or other evidences of  
7732 indebtedness, containing such terms and conditions as the board of  
7733 the bank may authorize in the resolution approving the same, and  
7734 such notes or other evidences of indebtedness shall constitute  
7735 bonds issued under their act. The board of the bank is authorized  
7736 to pay all costs of issuance of the bonds.

7737 (8) Neither the members of the bank nor any other person  
7738 executing the bank's bonds issued pursuant to this chapter shall  
7739 be liable personally on such bonds by reason of the issuance  
7740 thereof.

7741 (9) Bonds of the bank may be issued under this chapter  
7742 without obtaining the consent of any department, division,  
7743 commission, board, body, bureau or agency of the state, and  
7744 without any other proceeding or the happening of any other  
7745 conditions or things other than those proceedings, conditions or  
7746 things which are specifically required by this chapter and by  
7747 provisions of the resolution authorizing such bonds.

7748 (10) Bonds of the bank may be validated in accordance with  
7749 the provision of Sections 31-13-1 to 31-13-11 in the same manner  
7750 as provided therein for bonds issued by a municipality. Any such  
7751 validation proceedings shall be held in the First Judicial  
7752 District of Hinds County. Notice thereof shall be given by  
7753 publication in any newspaper published in the City of Jackson and  
7754 of general circulation through the state.

7755 (11) The publication of any notice required in this section  
7756 may be published on the Internet as provided in Section 1 of this  
7757 act.

7758 **SECTION 119.** Section 31-27-23, Mississippi Code of 1972, is  
7759 amended as follows:



7760           31-27-23. The refunding bonds authorized under authority of  
7761 this chapter may, in the discretion of the governing body of the  
7762 governmental unit, be validated in the chancery court of the  
7763 county in which the governing body resides in the manner and with  
7764 the force and effect provided now or hereafter by Chapter 13,  
7765 Title 31, Mississippi Code of 1972, for the validation of  
7766 municipal bonds. If the governing body is the State Bond  
7767 Commission, the residence of the commission shall be Hinds County  
7768 for the purposes of this section. The necessary papers shall be  
7769 transmitted to the state's bond attorney by the governing body,  
7770 and the required notice shall be published in a newspaper having  
7771 general circulation in the State of Mississippi or the county in  
7772 which the refunding bonds are to be validated.

7773           The publication of any notice required in this section may be  
7774 published on the Internet as provided in Section 1 of this act.

7775           **SECTION 120.** Section 31-29-9, Mississippi Code of 1972, is  
7776 amended as follows:

7777           31-29-9. The State Bond Commission shall sell such bonds in  
7778 the manner and at a price which will result in the lowest interest  
7779 rate on the best terms obtainable for the state, but no such sale  
7780 shall be made at a price less than par plus accrued interest to  
7781 date of delivery of the bonds to the purchaser. Notice of the  
7782 sale of any such bonds shall be published at least one time not  
7783 less than ten (10) days prior to the date of sale and shall be so  
7784 published in one or more newspapers having a general circulation  
7785 in the City of Jackson and in one or more other newspapers or  
7786 financial journals as may be directed by the State Bond  
7787 Commission.

7788           The publication of any notice required in this section may be  
7789 published on the Internet as provided in Section 1 of this act.

7790           **SECTION 121.** Section 31-31-23, Mississippi Code of 1972, is  
7791 amended as follows:



31-31-23. The State Bond Commission shall act as the issuing agent for the bonds authorized under this chapter, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do all other things necessary and advisable in connection with the issuance and sale of the bonds. The State Bond Commission may pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this chapter from the proceeds derived from the sale of the bonds. The State Bond Commission shall sell such bonds on sealed bids at public sale, and for such price as it may determine to be for the best interest of the State of Mississippi, but no such sale may be made at a price less than par plus accrued interest to the date of delivery of the bonds to the purchaser. All interest accruing on such bonds so issued shall be payable semiannually or annually; however, the first interest payment may be for any period of not more than one (1) year.

Notice of the sale of any such bond shall be published at least one (1) time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, and in one or more other newspapers or financial journals with a national circulation, to be selected by the State Bond Commission.

The State Bond Commission, when issuing any bonds under the authority of this chapter, may provide that the bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 122.** Section 31-31-33, Mississippi Code of 1972, is amended as follows:



31-31-33. The bonds authorized under the authority of this chapter may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 123.** Section 33-11-17, Mississippi Code of 1972, is amended as follows:

33-11-17. The Adjutant General is authorized to lease the Camp Shelby training site for oil and gas and other minerals exploration and to expend revenues therefrom in maintaining and developing the facilities.

He shall cause to be published a legal notice of the proposed lease once each week for three (3) consecutive weeks in a newspaper of general circulation published in Forrest, Harrison and Hinds Counties and in not less than one (1) oil and gas periodical having general circulation in this state, with the last publication to be completed not less than ten (10) days from the date sealed bids are to be received. All bids will be accompanied by a five percent (5%) bid bond in the form of a certified or cashier's check or in the form of a bid bond of a surety company qualified to do business in this state. If the Adjutant General deems the highest and best bid acceptable, he will make his recommendations in writing to the State Oil and Gas Board for its consideration. The board is hereby authorized to either approve or disapprove the bid or bids, which action shall become final. Any such lease executed by the Adjutant General for oil, gas and for other minerals shall contain contractual provisions which shall not be for more than seven-eighths (7/8) of such oil, gas



7858 and for other minerals, retaining to the state at least one-eighth  
7859 (1/8) royalty to be paid as prescribed by the State Oil and Gas  
7860 Board. No lease shall be for a primary term in excess of six (6)  
7861 years.

7862 The publication of any notice required in this section may be  
7863 published on the Internet as provided in Section 1 of this act.

7864 **SECTION 124.** Section 37-5-1, Mississippi Code of 1972, is  
7865 amended as follows:

7866 37-5-1. (1) There is hereby established a county board of  
7867 education in each county of the State of Mississippi. Said county  
7868 board of education shall consist of five (5) members, one (1) of  
7869 which, subject to the further provisions of this chapter and  
7870 except as is otherwise provided in Section 37-5-1(2), shall be  
7871 elected by the qualified electors of each board of education  
7872 district of the county. Except as is otherwise provided in  
7873 Section 37-5-3, each member so elected shall be a resident and  
7874 qualified elector of the district from which he is elected.

7875 (2) The county board of education shall apportion the county  
7876 school district into five (5) single member board of education  
7877 districts. The county board of education shall place upon its  
7878 minutes the boundaries determined for the new five (5) board of  
7879 education districts. The board of education of said county shall  
7880 thereafter publish the same in some newspaper of general  
7881 circulation within said county for at least three (3) consecutive  
7882 weeks and after having given notice of publication and recording  
7883 the same upon the minutes of the board of education of said  
7884 county, said new district lines will thereafter be effective. The  
7885 board of education of said county shall reapportion the board of  
7886 education districts in accordance with the procedure described  
7887 herein for the original apportionment of districts as soon as  
7888 practicable after the results of the 2000 decennial census are  
7889 published and as soon as practicable after every decennial census  
7890 thereafter.





(3) In counties where the office of "administrative superintendent" as defined in Section 37-6-3, Mississippi Code of 1972, has been abolished, there shall be no county board of education.

(4) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 125.** Section 37-5-18, Mississippi Code of 1972, is amended as follows:

37-5-18. In any county bordering on the Mississippi Sound and having therein at least four (4) municipal separate school districts, each member of the county board of education established by Section 37-5-1 for such county shall be elected from and shall be a resident and qualified elector in a special district determined in the following manner:

The board of education of such a county shall apportion the county into five (5) board of education districts in the territory outside the municipal separate school districts and these board of education districts shall be divided as nearly equal as possible according to population, incumbency and other factors heretofore pronounced by the courts. The board of education shall place upon its minutes the boundaries determined for the new five (5) board of education districts. The board of education of said county shall thereafter publish the same in some newspaper of general circulation within said county for at least three (3) consecutive weeks and after having given notice of publication and recording the same upon the minutes of the board of education of said county, said new district lines will thereafter be effective.

All incumbents now holding office within the district as presently constituted shall continue holding their respective offices provided they reside within the new district for the remainder of the term of office to which they have heretofore been elected and all members from the respective district shall be



7924 elected from the new board of education district constituted as  
7925 herein provided in the same manner provided by law for the  
7926 election of members of the county board of education. Any  
7927 vacancies in the office, whether occasioned by redistricting or by  
7928 other cause, shall be filled in the manner presently provided by  
7929 law for the filling of vacancies.

7930 The publication of any notice required in this section may be  
7931 published on the Internet as provided in Section 1 of this act.

7932 **SECTION 126.** Section 37-5-63, Mississippi Code of 1972, is  
7933 amended as follows:

7934 37-5-63. Notwithstanding the provisions of Section 37-5-61,  
7935 the office of county superintendent of education may be made  
7936 appointive in any county in the manner herein provided. Upon the  
7937 filing of a petition signed by not less than twenty percent (20%)  
7938 of the qualified electors of such county, it shall be the duty of  
7939 the board of supervisors of such county, within sixty (60) days  
7940 after the filing of such petition, to call a special election at  
7941 which there shall be submitted to the qualified electors of such  
7942 county the question of whether the office of county superintendent  
7943 of education of said county shall continue to be elective or shall  
7944 be filled by appointment by the county board of education of said  
7945 county. However, where a Class 3 county having an area in excess  
7946 of eight hundred twenty-five (825) square miles has a county unit  
7947 school system comprising less than an entire county, the petition  
7948 shall only be signed by electors residing within the county unit  
7949 school district and only electors of said district shall vote on  
7950 the proposition of appointing the county superintendent of  
7951 education.

7952 The order calling such special election shall designate the  
7953 date upon which same shall be held and a notice of such election,  
7954 signed by the clerk of the board of supervisors, shall be  
7955 published once a week for at least three (3) consecutive weeks in  
7956 at least one (1) newspaper published in such county. The first



publication of such notice shall be made not less than twenty-one (21) days prior to the date fixed for such election and the last publication shall be made not more than seven (7) days prior to such date. If no newspaper is published in such county then such notice shall be given by publication of same for the required time in some newspaper having a general circulation in such county and, in addition, by posting a copy of such notice for at least twenty-one (21) days next preceding such election at three (3) public places in such county, one (1) of which shall be at the door of the county courthouse in each judicial district.

Said election shall be held, as far as is practicable, in the same manner as other elections are held in such county and all qualified electors of the county may vote therein. If a majority of such qualified electors who vote in such election shall vote in favor of the appointment of the county superintendent of education by the county board of education then, at the expiration of the term of the county superintendent of education then in office, the county superintendent of education of said county shall not be elected but shall thereafter be appointed by the county board of education for a term of not more than four (4) years; otherwise, said office shall remain elective.

No special election shall be held in any county under the provisions of this section more often than once in every four (4) years, and no change from the elective to the appointive method of the selection of the county superintendent of education shall become effective except at the expiration of the term of the county superintendent of education in office at the time such election is held.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 127.** Section 37-7-105, Mississippi Code of 1972, is amended as follows:



7989           37-7-105. (1) In cases where two (2) or more school boards  
7990 determine that it is appropriate that their existing boundaries be  
7991 altered to provide better service to students, each school board  
7992 shall enter on its minutes the legal description of new district  
7993 lines and shall publish the order altering such districts in some  
7994 newspaper published and having a general circulation in such  
7995 district(s) once each week for three (3) consecutive weeks, which  
7996 said order shall be duly certified by the president of said school  
7997 board. If no newspaper be published in said school district, then  
7998 such order shall be published for the required time in some  
7999 newspaper having a general circulation therein, and, in addition,  
8000 a copy of said order shall be posted for the required time at  
8001 three (3) public places in the school district. The order so  
8002 published shall contain a provision giving notice that said order  
8003 shall become final thirty (30) days after the first publication of  
8004 said notice unless a petition is filed protesting against same  
8005 within such time. In the event no such petition be filed, the  
8006 said order shall become final at said time. However, in the event  
8007 twenty percent (20%) or fifteen hundred (1500), whichever is less,  
8008 of the qualified electors of any school district altered by such  
8009 order shall file a petition with the school board, within thirty  
8010 (30) days after the first publication of said notice, protesting  
8011 against the alteration of such district, then an election shall be  
8012 called and held, on order of the school board, by the county  
8013 election commission(s), after publication of legal notice of such  
8014 election, which said election shall be held within thirty (30)  
8015 days after the first publication of the notice of such election.  
8016 At such election the question shall be submitted to the qualified  
8017 electors of the district or districts in which a petition is filed  
8018 as to whether or not such district or districts shall be altered  
8019 as provided in the said order of the school board. If a majority  
8020 of those voting in said election in each district affected and  
8021 from which a petition is filed shall vote in favor of the order of



8022 the school board then such order shall become final. If a  
8023 majority of those voting in said election in any district from  
8024 which a petition is filed shall vote against the order of the  
8025 school board then such order shall be void and of no effect and no  
8026 further attempt to make the proposed change in such district shall  
8027 be made for a period of at least two (2) years after the date of  
8028 said election.

8029 (2) When the orders of all boards adopting the new lines  
8030 have been entered and are final, all orders shall be submitted to  
8031 and considered by the State Board of Education as prescribed in  
8032 Section 37-7-113, Mississippi Code of 1972. If the new lines are  
8033 approved by the State Board of Education, the new district lines  
8034 shall be submitted to the Attorney General of the United States  
8035 for preclearance or to the United States District Court for the  
8036 District of Columbia for a declaratory judgment in accordance with  
8037 the provisions of the Voting Rights Act of 1965, as amended and  
8038 extended. In the event the change in the school district lines  
8039 are either precleared by the United States Department of Justice,  
8040 or approved by the United States District Court, the State Board  
8041 of Education shall formally declare the new lines as the new  
8042 boundaries of the school districts.

8043 (3) Should two (2) or more school districts determine that  
8044 they wish to consolidate, the following actions shall be taken by  
8045 the districts to perfect this consolidation: (a) Each board shall  
8046 state its intent to consolidate with the other district or  
8047 districts by passing a resolution of the board to that effect and  
8048 spreading it on the minutes of the districts; and (b) each school  
8049 board shall publish the order consolidating such districts in some  
8050 newspaper having a general circulation in such district(s) once  
8051 each week for three (3) consecutive weeks, which said order shall  
8052 be duly certified by the president of said school board. The  
8053 order so published shall contain a provision giving notice that  
8054 said order shall become final thirty (30) days after the first



8055 publication of said notice unless a petition is filed protesting  
8056 against same within such time. In the event no such petition be  
8057 filed, the said order shall become final on said date. However,  
8058 in the event twenty percent (20%) or fifteen hundred (1500),  
8059 whichever is less, of the qualified electors of any one (1) of the  
8060 school districts affected by the proposed consolidation shall file  
8061 a petition with the applicable school board, within thirty (30)  
8062 days after the first publication of said notice, protesting  
8063 against the consolidation of such district or districts, then an  
8064 election shall be called and held in such school districts where  
8065 petitions were filed, on order of the school board, by the county  
8066 election commission(s), after publication of legal notice of such  
8067 election, which said election shall be held within thirty (30)  
8068 days after the first publication of the notice of such election.  
8069 At such election the question shall be submitted to the qualified  
8070 electors of any district or districts in which petitions were  
8071 filed as to whether or not such district or districts shall be  
8072 consolidated as provided in the said order of the school boards.  
8073 If a majority of those voting in said election shall vote in favor  
8074 of the order of the school boards then such order shall become  
8075 final. Should less than a majority of the electors of any single  
8076 school district vote in favor of the adoption of the proposed  
8077 consolidation, such school district shall not participate in any  
8078 voluntary consolidation as authorized in this subsection, and the  
8079 proposed consolidation plan adopted by such districts shall be  
8080 void.

8081 After the order of the local school boards becomes final, it  
8082 shall be submitted to and considered by the State Board of  
8083 Education. If approved by the State Board of Education, the  
8084 consolidation shall be submitted by the local school boards to the  
8085 appropriate federal agencies for approval. After all preclearance  
8086 has been received, the State Board of Education shall declare the



8087 new boundaries of the consolidated school district and all action  
8088 shall proceed as outlined under law using the new boundaries.

8089       Upon preclearance of such consolidation, all school boards  
8090 shall approve a joint resolution for the election of five (5) new  
8091 board members from single member districts as provided by law.  
8092 These elections shall be scheduled prior to May 1 of the year in  
8093 which the consolidation is to become effective. The new  
8094 consolidated district shall become effective on July 1 of that  
8095 same year. The superintendent of any district created through  
8096 consolidation shall be appointed if all of the school districts  
8097 which are consolidating had previously appointed their  
8098 superintendents. The superintendent of any district created  
8099 through consolidation shall be elected if all of the school  
8100 districts which are consolidating had previously elected their  
8101 superintendents. In the event two (2) or more school districts  
8102 consolidating under the provisions of this section shall have  
8103 previously appointed one or more superintendents and elected the  
8104 remainder, the superintendent shall be elected or appointed in  
8105 accordance with the method utilized by the consolidating school  
8106 district or districts with the larger or largest student  
8107 populations. The superintendent shall begin work as the  
8108 superintendent on July 1 of such year when the consolidation  
8109 becomes effective. The order to consolidate shall invalidate the  
8110 contracts of the superintendents of the preceding districts and  
8111 shall terminate the term of the superintendent if that person was  
8112 elected. The order to consolidate shall invalidate the term of  
8113 any school board member beyond July 1 of that year whether they  
8114 are elected or appointed. Any school board member from any school  
8115 district may be eligible to run for election to the new  
8116 consolidated school board.

8117       Each school board shall be responsible for establishing the  
8118 contracts for teachers and principals for the next school year  
8119 with the consultation of the successor school board if they have



8120 been selected at the time such decisions are to be made. The  
8121 selection of administrator in the central administration office  
8122 shall be the responsibility of the successor school board. No  
8123 existing dates for renewal of contracts shall invalidate the  
8124 responsibility of the successor school board in taking such  
8125 action. The successor school board may enter into these contracts  
8126 at any time following their election, but no later than July 1 of  
8127 that year. It shall also be the responsibility of the successor  
8128 school board to prepare and approve the budget of the new  
8129 district. The successor school board may use staff from the  
8130 existing districts to prepare the budget. The school board shall  
8131 have authority to approve the budget prior to the July 1 date and  
8132 shall follow the time line established for budget preparation  
8133 under the law. Should either district at the time of  
8134 consolidation have more liabilities than assets, then the  
8135 successor school board shall be authorized to levy an ad valorem  
8136 tax upon the taxable property in the territory of the district  
8137 where the deficit exists, a tax not to exceed five percent (5%) of  
8138 the existing tax levy for the sole purpose of reducing the  
8139 deficit. When the deficit is eliminated, then such tax levy shall  
8140 be terminated. Any taxes levied to bring about the equalization  
8141 of funding, to equalize pay scales or levied in the territory of a  
8142 newly created district where a deficit exists, shall constitute a  
8143 "new program" for the purposes of ad valorem tax limitations as  
8144 prescribed in Sections 27-39-321 and 37-57-107, Mississippi Code  
8145 of 1972.

8146 (4) The publication of any notice required in this section  
8147 may be published on the Internet as provided in Section 1 of this  
8148 act.

8149 **SECTION 128.** Section 37-7-203, Mississippi Code of 1972, is  
8150 amended as follows:

8151 37-7-203. (1) The boards of trustees of all municipal  
8152 separate school districts created under the provisions of Article





8153 1 of this chapter, either with or without added territory, shall  
8154 consist of five (5) members, each to be chosen for a term of five  
8155 (5) years, but so chosen that the term of office of one (1) member  
8156 shall expire each year. In the event the added territory of a  
8157 municipal separate school district furnishes fifteen percent (15%)  
8158 or more of the pupils enrolled in the schools of such district,  
8159 then at least one (1) member of the board of trustees of such  
8160 school district shall be a resident of the added territory outside  
8161 the corporate limits. In the event the added territory of a  
8162 municipal separate school district furnishes thirty percent (30%)  
8163 or more of the pupils enrolled in the schools of such district,  
8164 then not more than two (2) members of the board of trustees of  
8165 such school district shall be residents of the added territory  
8166 outside the corporate limits. In the event the added territory of  
8167 a municipal separate school district in a county in which  
8168 Mississippi Highways 8 and 15 intersect furnishes thirty percent  
8169 (30%) or more of the pupils enrolled in the schools of such  
8170 district, then the five (5) members of the board of trustees of  
8171 such school district shall be elected at large from such school  
8172 district for a term of five (5) years each except that the two (2)  
8173 elected trustees presently serving on such board shall continue to  
8174 serve for their respective terms of office. The three (3)  
8175 appointed trustees presently serving on such board shall continue  
8176 to serve until their successors are elected in March of 1975 in  
8177 the manner provided for in Section 37-7-215. At such election,  
8178 one (1) trustee shall be elected for a term of two (2) years, one  
8179 (1) for a term of three (3) years and one (1) for a term of five  
8180 (5) years. Subsequent terms for each successor trustee shall be  
8181 for five (5) years. In the event one (1) of two (2) municipal  
8182 separate school districts located in any county with two (2)  
8183 judicial districts, District 1 being comprised of Supervisors  
8184 Districts 1, 2, 4 and 5, and District 2 being comprised of  
8185 Supervisors District 3, with added territory embraces three (3)



full supervisors districts of a county, one (1) trustee shall be elected from each of the three (3) supervisors districts outside the corporate limits of the municipality. In the further event that the territory of a municipal separate school district located in any county with two (2) judicial districts, District 1 being comprised of Supervisors Districts 1, 2, 4 and 5, and District 2 being comprised of Supervisors District 3, with added territory embraces four (4) full supervisors districts in the county, and in any county in which a municipal separate school district embraces the entire county in which Highways 14 and 15 intersect, one (1) trustee shall be elected from each supervisors district.

Except as otherwise provided herein, the trustees of such a municipal separate school district shall be elected by a majority of the governing authorities of the municipality at the first meeting of the governing authorities held in the month of February of each year, and the term of office of the member so elected shall commence on the first Saturday of March following. In the case of a member of said board of trustees who is required to come from the added territory outside the corporate limits as is above provided, such member of the board of trustees shall be elected by the qualified electors of the school district residing in such added territory outside the corporate limits at the same time and in the same manner as is otherwise provided in this article for the election of trustees of school districts other than municipal separate school districts.

In the event that a portion of a county school district is reconstituted, in the manner provided by law, into a municipal separate school district with added territory and in the event that the trustees to be elected from the added territory are requested to be elected from separate election districts within the added territory, instead of elected at large, by the Attorney General of the United States as a result of and pursuant to preclearance under Section 5 of the Voting Rights Act of 1965 as



8219 amended and extended, and in the event the added territory of a  
8220 municipal separate school district of a municipality furnishes  
8221 thirty percent (30%) or more of the pupils enrolled in the schools  
8222 of such district, then two (2) members of the board of trustees  
8223 shall be residents of the added territory outside the corporate  
8224 limits of such municipality and shall be elected from special  
8225 trustee election districts by the qualified electors thereof as  
8226 herein provided. The board of trustees of the school district  
8227 shall apportion the added territory into two (2) special trustee  
8228 election districts as nearly as possible according to population  
8229 and other factors heretofore pronounced by the courts. The board  
8230 of trustees of the school district shall thereafter publish the  
8231 same in a newspaper of general circulation within said school  
8232 district for at least two (2) consecutive weeks; and after having  
8233 given notice of publication and recording the same upon the  
8234 minutes of the board of trustees of the school district, said new  
8235 district lines shall thereafter be effective. Any person elected  
8236 from the new trustee election districts constituted herein shall  
8237 be elected in the manner provided for in Section 37-7-215 for a  
8238 term of five (5) years. Any vacancy in the office of a trustee  
8239 elected from such trustee election district, whether occasioned by  
8240 redistricting or by other cause, shall be filled by appointment of  
8241 the governing authorities of the municipality, provided that the  
8242 person so appointed shall serve only until the first Saturday of  
8243 March following his appointment, at which time a person shall be  
8244 elected for the remainder of the unexpired term in the manner  
8245 provided in Section 37-7-215.

8246 In any county organizing a countywide municipal separate  
8247 school district after January 1, 1965, the trustees thereof to be  
8248 elected from outside the municipality, such trustees shall be  
8249 elected by the board of supervisors of such county, and the  
8250 superintendent of such school district shall have authority to pay  
8251 out and distribute the funds of said district. In the event a



8252 municipal separate school district should occupy territory in a  
8253 county other than that in which the municipality is located and  
8254 fifteen percent (15%) or more of the pupils enrolled in the  
8255 schools of such district shall come from the territory of the  
8256 district in the county other than that in which the municipality  
8257 is located, the territory of such county in which the municipality  
8258 is not located shall be entitled to one (1) member on the board of  
8259 trustees of such school district. Said trustee shall be a  
8260 resident of the territory of that part of the district lying in  
8261 the county in which the municipality is not located and shall be  
8262 elected by the qualified electors of the territory of such county  
8263 at the same time and in the same manner as is provided for the  
8264 election of trustees of school districts other than municipal  
8265 separate school districts having territory in two (2) or more  
8266 counties.

8267 All vacancies shall be filled for the unexpired terms by  
8268 appointment of the governing authorities of the municipality;  
8269 except that in the case of the trustees coming from the added  
8270 territory outside the corporate limits, the person so appointed  
8271 shall serve only until the first Saturday of March following his  
8272 appointment, at which time a person shall be elected for the  
8273 remainder of the unexpired term in the manner otherwise provided  
8274 herein.

8275 No person who is a member of such governing body, or who is  
8276 an employee of the municipality, or who is a member of the county  
8277 board of education, or who is a trustee of any public, private or  
8278 sectarian school or college located in the county, inclusive of  
8279 the municipal separate school district, or who is a teacher in or  
8280 a trustee of said school district, shall be eligible for  
8281 appointment to said board of trustees.

8282 (2) In counties of less than fifteen thousand (15,000)  
8283 people having a municipal separate school district with added  
8284 territory which embraces all the territory of a county, one (1) or



more trustees of such district shall be nominated from each supervisors district upon petition of fifty (50) qualified electors of said district, or twenty percent (20%) of the qualified electors of such district, whichever number shall be smaller, and shall be elected by a plurality of the vote of the qualified electors of said county. One (1) trustee so elected shall reside in each supervisors district of the county. In such counties embraced entirely by a municipal separate school district there shall be no county board of education after the formation of such district and the county superintendent of education shall act as superintendent of schools of said district and shall be appointed by the board of trustees of said district, and the provisions of subsection (1) of this section and the first paragraph of Section 37-7-211 shall not apply to such districts.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 129.** Section 37-7-207, Mississippi Code of 1972, is amended as follows:

37-7-207. (1) All school districts reconstituted or created under the provisions of Article 1 of this chapter, and which lie wholly within one (1) county, but not including municipal separate and countywide districts, shall be governed by a board of five (5) trustees. The first board of trustees of such districts shall be appointed by the county board of education, and the original appointments shall be so made that one (1) trustee shall be appointed to serve until the first Saturday of March following such appointments, one (1) for one (1) year longer, one (1) for two (2) years longer, one (1) for three (3) years longer, and one (1) for four (4) years longer. After such original appointments, the trustees of such school districts shall be elected by the qualified electors of such school districts in the manner provided for in Sections 37-7-223 through 37-7-229, with each trustee to be elected for a term of five (5) years. The five (5) members of the



8318 board of trustees of such consolidated school district shall be  
8319 elected from special trustee election districts by the qualified  
8320 electors thereof, as herein provided. The board of trustees of  
8321 any such consolidated school district shall apportion the  
8322 consolidated school district into five (5) special trustee  
8323 election districts. The board of trustees of such school district  
8324 shall place upon its minutes the boundaries determined for the new  
8325 five (5) trustee election districts. The board of trustees shall  
8326 thereafter publish the same in a newspaper of general circulation  
8327 within said school district for at least three (3) consecutive  
8328 weeks; and after having given notice of publication and recording  
8329 the same upon the minutes of the board of trustees, said new  
8330 district lines shall thereafter be effective.

8331       On the first Tuesday after the first Monday in November, in  
8332 any year in which any consolidated school district shall elect to  
8333 utilize the authority to create single member election districts,  
8334 an election shall be held in each such district in this state for  
8335 the purpose of electing the board of trustees of such district.  
8336 At said election the member of the said board from District One  
8337 shall be elected for a term of one (1) year, the member from  
8338 District Two shall be elected for a term of two (2) years, the  
8339 member from District Three shall be elected for a term of three  
8340 (3) years, the member from District Four shall be elected for a  
8341 term of four (4) years, and the member from District Five shall be  
8342 elected for a term of five (5) years. Thereafter, members shall  
8343 be elected at general elections as vacancies occur for terms of  
8344 five (5) years each. Trustees elected from single member election  
8345 districts as provided above shall otherwise be elected as provided  
8346 for in Sections 37-7-223 through 37-7-229. All members of the  
8347 said board of trustees shall take office on the first Monday of  
8348 January following the date of their election. All vacancies which  
8349 may occur during a term shall be filled by appointment of the  
8350 consolidated school district trustees, but the person so appointed



shall serve only until the next general election following such appointment, at which time a person shall be elected for the remainder of the unexpired term at the same time and in the same manner as a trustee is elected for the full term then expiring.

The person so elected to the unexpired term shall take office immediately. Said appointee shall be selected from the qualified electors of the district in which the vacancy occurs.

(2) All school districts reconstituted and created under the provisions of Article 1 of this chapter, which embrace territory in two (2) or more counties, but not including municipal separate school districts, shall be governed by a board of five (5) trustees. In making the original appointments, the several county boards of education shall appoint the trustee or trustees to which the territory in such county is entitled, and, by agreement between the county boards concerned, one (1) person shall be appointed to serve until the first Saturday of March following, one (1) for one (1) year longer, one (1) for two (2) years longer, one (1) for three (3) years longer and one (1) for four (4) years longer. Thereafter, such trustees shall be elected as is provided for in Sections 37-7-223 through 37-7-229, for a term of five (5) years. The five (5) members of the board of trustees of such line consolidated school district shall be elected from special trustee election districts by the qualified electors thereof, as herein provided. The existing board of trustees of such line consolidated school district shall apportion the line consolidated school district into five (5) special trustee election districts. The board of trustees shall place upon its minutes the boundaries determined for the new five (5) trustee election districts. The board of trustees shall thereafter publish the same in a newspaper of general circulation within said school district for at least three (3) consecutive weeks; and after having given notice of publication and recording the same upon the minutes of the board of trustees, said new district lines shall thereafter be



8384 effective. Provided, however, that in any line consolidated  
8385 school district encompassing two (2) or more counties created  
8386 pursuant to Laws, 1953, Extraordinary Session, Chapter 12, Section  
8387 8, in which, as a condition precedent to the creation of said  
8388 district, each county belonging thereto was contractually  
8389 guaranteed to always have at least one (1) representative on said  
8390 board, in order that said condition precedent may be honored and  
8391 guaranteed, in any year in which the board of trustees of such  
8392 line consolidated school district does not have at least one (1)  
8393 member from each county or part thereof forming such district, the  
8394 board of trustees in such district shall be governed by a board of  
8395 a sufficient number of trustees to fulfill this guarantee, five  
8396 (5) of whom shall be elected from the five (5) special trustee  
8397 election districts which shall be as nearly equal as possible and  
8398 one (1) member trustee appointed at large from each county not  
8399 having representation on the elected board. In such cases, the  
8400 board of supervisors of each county shall make written agreement  
8401 to guarantee the manner of appointment of at least one (1)  
8402 representative from each county in the district, placing such  
8403 written agreement on the minutes of each board of supervisors in  
8404 each county.

8405       On the first Tuesday after the first Monday in November, in  
8406 any year in which any line consolidated school district shall  
8407 elect to utilize the authority to create single member election  
8408 districts, an election shall be held in each such district in this  
8409 state for the purpose of electing the board of trustees of such  
8410 district. At said election the member of the said board from  
8411 District One shall be elected for a term of one (1) year, the  
8412 member from District Two shall be elected for a term of two (2)  
8413 years, the member from District Three shall be elected for a term  
8414 of three (3) years, the member from District Four shall be elected  
8415 for a term of four (4) years, and the member from District Five  
8416 shall be elected for a term of five (5) years. Thereafter,





8417 members shall be elected at general elections as vacancies occur  
8418 for terms of five (5) years each. Trustees elected from single  
8419 member election districts as provided above shall otherwise be  
8420 elected as provided for in Sections 37-7-223 through 37-7-229.  
8421 All members of the said board of trustees shall take office on the  
8422 first Monday of January following the date of their election. In  
8423 all elections, the trustee elected shall be a resident and  
8424 qualified elector of the district entitled to the representation  
8425 upon the board, and he shall be elected only by the qualified  
8426 electors of such district. All vacancies which may occur during a  
8427 term of office shall be filled by appointment of the consolidated  
8428 line school district trustees, but the person so appointed shall  
8429 serve only until the next general election following such  
8430 appointment, at which time a person shall be elected for the  
8431 remainder of the unexpired term at the same time and in the same  
8432 manner as the trustee is elected for the full term then expiring.  
8433 The person so elected to the unexpired term shall take office  
8434 immediately.

8435 (3) The publication of any notice required in this section  
8436 may be published on the Internet as provided in Section 1 of this  
8437 act.

8438 **SECTION 130.** Section 37-7-213, Mississippi Code of 1972, is  
8439 amended as follows:

8440 37-7-213. Notice of said election shall be given at least  
8441 twenty-one (21) days before the election by the superintendent by  
8442 posting a notice thereof in at least three (3) public places in  
8443 the school district upon the bulletin board of all school  
8444 buildings in such school district, and in addition thereto, notice  
8445 shall be made by publication once in each week during three (3)  
8446 successive weeks in a public newspaper of the county in which the  
8447 election shall take place, if there be such a newspaper, and where  
8448 there is no newspaper in the county, the notice shall be posted at  
8449 the courthouse door of the county and published as above provided



8450 in a public newspaper in an adjoining county, or at the seat of  
8451 government of the state, and the period of said publication shall  
8452 be deemed completed at the end of twenty-one (21) days from the  
8453 date of the first publication; provided, there have been three (3)  
8454 publications made as hereinabove required. Such notice shall  
8455 contain a statement of the time and place for the holding of the  
8456 election, the number of trustees to be elected, and whether same  
8457 be for a full term or for an unexpired term. In addition, the  
8458 notice shall contain the names of the candidates for each position  
8459 to be filled and the area to be represented by each. In addition  
8460 thereto, the principal, teacher or superintendent of each school  
8461 within such district shall announce the date, time, purpose and  
8462 place of holding said election to the pupils at least three (3)  
8463 times during the week immediately preceding same.

8464 The publication of any notice required in this section may be  
8465 published on the Internet as provided in Section 1 of this act.

8466 **SECTION 131.** Section 37-7-301, Mississippi Code of 1972, is  
8467 amended as follows:

8468 37-7-301. The school boards of all school districts shall  
8469 have the following powers, authority and duties in addition to all  
8470 others imposed or granted by law, to wit:

8471 (a) To organize and operate the schools of the district  
8472 and to make such division between the high school grades and  
8473 elementary grades as, in their judgment, will serve the best  
8474 interests of the school;

8475 (b) To introduce public school music, art, manual  
8476 training and other special subjects into either the elementary or  
8477 high school grades, as the board shall deem proper;

8478 (c) To be the custodians of real and personal school  
8479 property and to manage, control and care for same, both during the  
8480 school term and during vacation;



8481                   (d) To have responsibility for the erection, repairing  
8482 and equipping of school facilities and the making of necessary  
8483 school improvements;

8484                   (e) To suspend or to expel a pupil or to change the  
8485 placement of a pupil to the school district's alternative school  
8486 or homebound program for misconduct in the school or on school  
8487 property, as defined in Section 37-11-29, on the road to and from  
8488 school, or at any school-related activity or event, or for conduct  
8489 occurring on property other than school property or other than at  
8490 a school-related activity or event when such conduct by a pupil,  
8491 in the determination of the school superintendent or principal,  
8492 renders that pupil's presence in the classroom a disruption to the  
8493 educational environment of the school or a detriment to the best  
8494 interest and welfare of the pupils and teacher of such class as a  
8495 whole, and to delegate such authority to the appropriate officials  
8496 of the school district;

8497                   (f) To visit schools in the district, in their  
8498 discretion, in a body for the purpose of determining what can be  
8499 done for the improvement of the school in a general way;

8500                   (g) To support, within reasonable limits, the  
8501 superintendent, principal and teachers where necessary for the  
8502 proper discipline of the school;

8503                   (h) To exclude from the schools students with what  
8504 appears to be infectious or contagious diseases; provided,  
8505 however, such student may be allowed to return to school upon  
8506 presenting a certificate from a public health officer, duly  
8507 licensed physician or nurse practitioner that the student is free  
8508 from such disease;

8509                   (i) To require those vaccinations specified by the  
8510 State Health Officer as provided in Section 41-23-37;

8511                   (j) To see that all necessary utilities and services  
8512 are provided in the schools at all times when same are needed;



8513                   (k) To authorize the use of the school buildings and  
8514 grounds for the holding of public meetings and gatherings of the  
8515 people under such regulations as may be prescribed by said board;

8516                   (l) To prescribe and enforce rules and regulations not  
8517 inconsistent with law or with the regulations of the State Board  
8518 of Education for their own government and for the government of  
8519 the schools, and to transact their business at regular and special  
8520 meetings called and held in the manner provided by law;

8521                   (m) To maintain and operate all of the schools under  
8522 their control for such length of time during the year as may be  
8523 required;

8524                   (n) To enforce in the schools the courses of study and  
8525 the use of the textbooks prescribed by the proper authorities;

8526                   (o) To make orders directed to the superintendent of  
8527 schools for the issuance of pay certificates for lawful purposes  
8528 on any available funds of the district and to have full control of  
8529 the receipt, distribution, allotment and disbursement of all funds  
8530 provided for the support and operation of the schools of such  
8531 school district whether such funds be derived from state  
8532 appropriations, local ad valorem tax collections, or otherwise.  
8533 The local school board shall be authorized and empowered to  
8534 promulgate rules and regulations that specify the types of claims  
8535 and set limits of the dollar amount for payment of claims by the  
8536 superintendent of schools to be ratified by the board at the next  
8537 regularly scheduled meeting after payment has been made;

8538                   (p) To select all school district personnel in the  
8539 manner provided by law, and to provide for such employee fringe  
8540 benefit programs, including accident reimbursement plans, as may  
8541 be deemed necessary and appropriate by the board;

8542                   (q) To provide athletic programs and other school  
8543 activities and to regulate the establishment and operation of such  
8544 programs and activities;



8545           (r) To join, in their discretion, any association of  
8546 school boards and other public school-related organizations, and  
8547 to pay from local funds other than minimum foundation funds, any  
8548 membership dues;

8549           (s) To expend local school activity funds, or other  
8550 available school district funds, other than minimum education  
8551 program funds, for the purposes prescribed under this paragraph.  
8552 "Activity funds" shall mean all funds received by school officials  
8553 in all school districts paid or collected to participate in any  
8554 school activity, such activity being part of the school program  
8555 and partially financed with public funds or supplemented by public  
8556 funds. The term "activity funds" shall not include any funds  
8557 raised and/or expended by any organization unless commingled in a  
8558 bank account with existing activity funds, regardless of whether  
8559 the funds were raised by school employees or received by school  
8560 employees during school hours or using school facilities, and  
8561 regardless of whether a school employee exercises influence over  
8562 the expenditure or disposition of such funds. Organizations shall  
8563 not be required to make any payment to any school for the use of  
8564 any school facility if, in the discretion of the local school  
8565 governing board, the organization's function shall be deemed to be  
8566 beneficial to the official or extracurricular programs of the  
8567 school. For the purposes of this provision, the term  
8568 "organization" shall not include any organization subject to the  
8569 control of the local school governing board. Activity funds may  
8570 only be expended for any necessary expenses or travel costs,  
8571 including advances, incurred by students and their chaperons in  
8572 attending any in-state or out-of-state school-related programs,  
8573 conventions or seminars and/or any commodities, equipment, travel  
8574 expenses, purchased services or school supplies which the local  
8575 school governing board, in its discretion, shall deem beneficial  
8576 to the official or extracurricular programs of the district,  
8577 including items which may subsequently become the personal



8578 property of individuals, including yearbooks, athletic apparel,  
8579 book covers and trophies. Activity funds may be used to pay  
8580 travel expenses of school district personnel. The local school  
8581 governing board shall be authorized and empowered to promulgate  
8582 rules and regulations specifically designating for what purposes  
8583 school activity funds may be expended. The local school governing  
8584 board shall provide (i) that such school activity funds shall be  
8585 maintained and expended by the principal of the school generating  
8586 the funds in individual bank accounts, or (ii) that such school  
8587 activity funds shall be maintained and expended by the  
8588 superintendent of schools in a central depository approved by the  
8589 board. The local school governing board shall provide that such  
8590 school activity funds be audited as part of the annual audit  
8591 required in Section 37-9-18. The State Department of Education  
8592 shall prescribe a uniform system of accounting and financial  
8593 reporting for all school activity fund transactions;

8594 (t) To contract, on a shared savings, lease or  
8595 lease-purchase basis, for energy efficiency services and/or  
8596 equipment as provided for in Section 31-7-14, not to exceed ten  
8597 (10) years;

8598 (u) To maintain accounts and issue pay certificates on  
8599 school food service bank accounts;

8600 (v) (i) To lease a school building from an individual,  
8601 partnership, nonprofit corporation or a private for-profit  
8602 corporation for the use of such school district, and to expend  
8603 funds therefor as may be available from any nonminimum program  
8604 sources. The school board of the school district desiring to  
8605 lease a school building shall declare by resolution that a need  
8606 exists for a school building and that the school district cannot  
8607 provide the necessary funds to pay the cost or its proportionate  
8608 share of the cost of a school building required to meet the  
8609 present needs. The resolution so adopted by the school board  
8610 shall be published once each week for three (3) consecutive weeks



8611 in a newspaper having a general circulation in the school district  
8612 involved, with the first publication thereof to be made not less  
8613 than thirty (30) days prior to the date upon which the school  
8614 board is to act on the question of leasing a school building. If  
8615 no petition requesting an election is filed prior to such meeting  
8616 as hereinafter provided, then the school board may, by resolution  
8617 spread upon its minutes, proceed to lease a school building. If  
8618 at any time prior to said meeting a petition signed by not less  
8619 than twenty percent (20%) or fifteen hundred (1500), whichever is  
8620 less, of the qualified electors of the school district involved  
8621 shall be filed with the school board requesting that an election  
8622 be called on the question, then the school board shall, not later  
8623 than the next regular meeting, adopt a resolution calling an  
8624 election to be held within such school district upon the question  
8625 of authorizing the school board to lease a school building. Such  
8626 election shall be called and held, and notice thereof shall be  
8627 given, in the same manner for elections upon the questions of the  
8628 issuance of the bonds of school districts, and the results thereof  
8629 shall be certified to the school board. If at least three-fifths  
8630 (3/5) of the qualified electors of the school district who voted  
8631 in such election shall vote in favor of the leasing of a school  
8632 building, then the school board shall proceed to lease a school  
8633 building. The term of the lease contract shall not exceed twenty  
8634 (20) years, and the total cost of such lease shall be either the  
8635 amount of the lowest and best bid accepted by the school board  
8636 after advertisement for bids or an amount not to exceed the  
8637 current fair market value of the lease as determined by the  
8638 averaging of at least two (2) appraisals by certified general  
8639 appraisers licensed by the State of Mississippi. The term "school  
8640 building" as used in this paragraph (v) (i) shall be construed to  
8641 mean any building or buildings used for classroom purposes in  
8642 connection with the operation of schools and shall include the  
8643 site therefor, necessary support facilities, and the equipment



8644 thereof and appurtenances thereto such as heating facilities,  
8645 water supply, sewage disposal, landscaping, walks, drives and  
8646 playgrounds. The term "lease" as used in this paragraph (v) (i)  
8647 may include a lease/purchase contract;

8648 (ii) If two (2) or more school districts propose  
8649 to enter into a lease contract jointly, then joint meetings of the  
8650 school boards having control may be held but no action taken shall  
8651 be binding on any such school district unless the question of  
8652 leasing a school building is approved in each participating school  
8653 district under the procedure hereinabove set forth in paragraph  
8654 (v) (i). All of the provisions of paragraph (v) (i) regarding the  
8655 term and amount of the lease contract shall apply to the school  
8656 boards of school districts acting jointly. Any lease contract  
8657 executed by two (2) or more school districts as joint lessees  
8658 shall set out the amount of the aggregate lease rental to be paid  
8659 by each, which may be agreed upon, but there shall be no right of  
8660 occupancy by any lessee unless the aggregate rental is paid as  
8661 stipulated in the lease contract. All rights of joint lessees  
8662 under the lease contract shall be in proportion to the amount of  
8663 lease rental paid by each;

8664 (w) To employ all noninstructional and noncertificated  
8665 employees and fix the duties and compensation of such personnel  
8666 deemed necessary pursuant to the recommendation of the  
8667 superintendent of schools;

8668 (x) To employ and fix the duties and compensation of  
8669 such legal counsel as deemed necessary;

8670 (y) Subject to rules and regulations of the State Board  
8671 of Education, to purchase, own and operate trucks, vans and other  
8672 motor vehicles, which shall bear the proper identification  
8673 required by law;

8674 (z) To expend funds for the payment of substitute  
8675 teachers and to adopt reasonable regulations for the employment  
8676 and compensation of such substitute teachers;





8677                   (aa) To acquire in its own name by purchase all real  
8678 property which shall be necessary and desirable in connection with  
8679 the construction, renovation or improvement of any public school  
8680 building or structure. Whenever the purchase price for such real  
8681 property is greater than Fifty Thousand Dollars (\$50,000.00), the  
8682 school board shall not purchase the property for an amount  
8683 exceeding the fair market value of such property as determined by  
8684 the average of at least two (2) independent appraisals by  
8685 certified general appraisers licensed by the State of Mississippi.  
8686 If the board shall be unable to agree with the owner of any such  
8687 real property in connection with any such project, the board shall  
8688 have the power and authority to acquire any such real property by  
8689 condemnation proceedings pursuant to Section 11-27-1 et seq.,  
8690 Mississippi Code of 1972, and for such purpose, the right of  
8691 eminent domain is hereby conferred upon and vested in said board.  
8692 Provided further, that the local school board is authorized to  
8693 grant an easement for ingress and egress over sixteenth section  
8694 land or lieu land in exchange for a similar easement upon  
8695 adjoining land where the exchange of easements affords substantial  
8696 benefit to the sixteenth section land; provided, however, the  
8697 exchange must be based upon values as determined by a competent  
8698 appraiser, with any differential in value to be adjusted by cash  
8699 payment. Any easement rights granted over sixteenth section land  
8700 under such authority shall terminate when the easement ceases to  
8701 be used for its stated purpose. No sixteenth section or lieu land  
8702 which is subject to an existing lease shall be burdened by any  
8703 such easement except by consent of the lessee or unless the school  
8704 district shall acquire the unexpired leasehold interest affected  
8705 by the easement;

8706                   (bb) To charge reasonable fees related to the  
8707 educational programs of the district, in the manner prescribed in  
8708 Section 37-7-335;



8709                   (cc) Subject to rules and regulations of the State  
8710 Board of Education, to purchase relocatable classrooms for the use  
8711 of such school district, in the manner prescribed in Section  
8712 37-1-13;

8713                   (dd) Enter into contracts or agreements with other  
8714 school districts, political subdivisions or governmental entities  
8715 to carry out one or more of the powers or duties of the school  
8716 board, or to allow more efficient utilization of limited resources  
8717 for providing services to the public;

8718                   (ee) To provide for in-service training for employees  
8719 of the district;

8720                   (ff) As part of their duties to prescribe the use of  
8721 textbooks, to provide that parents and legal guardians shall be  
8722 responsible for the textbooks and for the compensation to the  
8723 school district for any books which are not returned to the proper  
8724 schools upon the withdrawal of their dependent child. If a  
8725 textbook is lost or not returned by any student who drops out of  
8726 the public school district, the parent or legal guardian shall  
8727 also compensate the school district for the fair market value of  
8728 the textbooks;

8729                   (gg) To conduct fund-raising activities on behalf of  
8730 the school district that the local school board, in its  
8731 discretion, deems appropriate or beneficial to the official or  
8732 extracurricular programs of the district; provided that:

8733                   (i) Any proceeds of the fund-raising activities  
8734 shall be treated as "activity funds" and shall be accounted for as  
8735 are other activity funds under this section; and

8736                   (ii) Fund-raising activities conducted or  
8737 authorized by the board for the sale of school pictures, the  
8738 rental of caps and gowns or the sale of graduation invitations for  
8739 which the school board receives a commission, rebate or fee shall  
8740 contain a disclosure statement advising that a portion of the



8741 proceeds of the sales or rentals shall be contributed to the  
8742 student activity fund;

8743 (hh) To allow individual lessons for music, art and  
8744 other curriculum-related activities for academic credit or  
8745 nonacademic credit during school hours and using school equipment  
8746 and facilities, subject to uniform rules and regulations adopted  
8747 by the school board;

8748 (ii) To charge reasonable fees for participating in an  
8749 extracurricular activity for academic or nonacademic credit for  
8750 necessary and required equipment such as safety equipment, band  
8751 instruments and uniforms;

8752 (jj) To conduct or participate in any fund-raising  
8753 activities on behalf of or in connection with a tax-exempt  
8754 charitable organization;

8755 (kk) To exercise such powers as may be reasonably  
8756 necessary to carry out the provisions of this section;

8757 (ll) To expend funds for the services of nonprofit arts  
8758 organizations or other such nonprofit organizations who provide  
8759 performances or other services for the students of the school  
8760 district;

8761 (mm) To expend federal No Child Left Behind Act funds,  
8762 or any other available funds that are expressly designated and  
8763 authorized for that use, to pay training, educational expenses,  
8764 salary incentives and salary supplements to employees of local  
8765 school districts; except that incentives shall not be considered  
8766 part of the local supplement as defined in Section 37-151-5(o),  
8767 nor shall incentives be considered part of the local supplement  
8768 paid to an individual teacher for the purposes of Section  
8769 37-19-7(1). Mississippi Adequate Education Program funds or any  
8770 other state funds may not be used for salary incentives or salary  
8771 supplements as provided in this paragraph (mm);

8772 (nn) To use any available funds, not appropriated or  
8773 designated for any other purpose, for reimbursement to the



8774 state-licensed employees from both in state and out of state, who  
8775 enter into a contract for employment in a school district, for the  
8776 expense of moving when the employment necessitates the relocation  
8777 of the licensed employee to a different geographical area than  
8778 that in which the licensed employee resides before entering into  
8779 the contract. The reimbursement shall not exceed One Thousand  
8780 Dollars (\$1,000.00) for the documented actual expenses incurred in  
8781 the course of relocating, including the expense of any  
8782 professional moving company or persons employed to assist with the  
8783 move, rented moving vehicles or equipment, mileage in the amount  
8784 authorized for county and municipal employees under Section  
8785 25-3-41 if the licensed employee used his personal vehicle or  
8786 vehicles for the move, meals and such other expenses associated  
8787 with the relocation. No licensed employee may be reimbursed for  
8788 moving expenses under this section on more than one (1) occasion  
8789 by the same school district. Nothing in this section shall be  
8790 construed to require the actual residence to which the licensed  
8791 employee relocates to be within the boundaries of the school  
8792 district that has executed a contract for employment in order for  
8793 the licensed employee to be eligible for reimbursement for the  
8794 moving expenses. However, the licensed employee must relocate  
8795 within the boundaries of the State of Mississippi. Any individual  
8796 receiving relocation assistance through the Critical Teacher  
8797 Shortage Act as provided in Section 37-159-5 shall not be eligible  
8798 to receive additional relocation funds as authorized in this  
8799 paragraph;

8800 (oo) To use any available funds, not appropriated or  
8801 designated for any other purpose, to reimburse persons who  
8802 interview for employment as a licensed employee with the district  
8803 for the mileage and other actual expenses incurred in the course  
8804 of travel to and from the interview at the rate authorized for  
8805 county and municipal employees under Section 25-3-41;



8806                   (pp) Consistent with the report of the Task Force to  
8807 Conduct a Best Financial Management Practices Review, to improve  
8808 school district management and use of resources and identify cost  
8809 savings as established in Section 8 of Chapter 610, Laws of 2002,  
8810 local school boards are encouraged to conduct independent reviews  
8811 of the management and efficiency of schools and school districts.  
8812 Such management and efficiency reviews shall provide state and  
8813 local officials and the public with the following:

8814                   (i) An assessment of a school district's  
8815 governance and organizational structure;

8816                   (ii) An assessment of the school district's  
8817 financial and personnel management;

8818                   (iii) An assessment of revenue levels and sources;

8819                   (iv) An assessment of facilities utilization,  
8820 planning and maintenance;

8821                   (v) An assessment of food services, transportation  
8822 and safety/security systems;

8823                   (vi) An assessment of instructional and  
8824 administrative technology;

8825                   (vii) A review of the instructional management and  
8826 the efficiency and effectiveness of existing instructional  
8827 programs; and

8828                   (viii) Recommended methods for increasing  
8829 efficiency and effectiveness in providing educational services to  
8830 the public;

8831                   (qq) To enter into agreements with other local school  
8832 boards for the establishment of an educational service agency  
8833 (ESA) to provide for the cooperative needs of the region in which  
8834 the school district is located, as provided in Section 37-7-345.  
8835 This paragraph shall repeal on July 1, 2010;

8836                   (rr) To implement a financial literacy program for  
8837 students in Grades 10 and 11. The board may review the national  
8838 programs and obtain free literature from various nationally



8839 recognized programs. After review of the different programs, the  
8840 board may certify a program that is most appropriate for the  
8841 school districts' needs. If a district implements a financial  
8842 literacy program, then any student in Grade 10 or 11 may  
8843 participate in the program. The financial literacy program shall  
8844 include, but is not limited to, instruction in the same areas of  
8845 personal business and finance as required under Section  
8846 37-1-3(2) (b). The school board may coordinate with volunteer  
8847 teachers from local community organizations, including, but not  
8848 limited to, the following: United States Department of  
8849 Agriculture Rural Development, United States Department of Housing  
8850 and Urban Development, Junior Achievement, bankers and other  
8851 nonprofit organizations. Nothing in this paragraph shall be  
8852 construed as to require school boards to implement a financial  
8853 literacy program;

8854 (ss) To collaborate with the State Board of Education,  
8855 Community Action Agencies or the Department of Human Services to  
8856 develop and implement a voluntary program to provide services for  
8857 a full-day prekindergarten program that addresses the cognitive,  
8858 social, and emotional needs of four-year-old and three-year-old  
8859 children. The school board may utilize nonstate source special  
8860 funds, grants, donations or gifts to fund the voluntary program;

8861 (tt) With respect to any lawful, written obligation of  
8862 a school district, including, but not limited to, leases  
8863 (excluding leases of sixteenth section public school trust land),  
8864 bonds, notes, or other agreement, to agree in writing with the  
8865 obligee that the State Tax Commission or any state agency,  
8866 department or commission created under state law may:

8867 (i) Withhold all or any part (as agreed by the  
8868 school board) of any monies which such local school board is  
8869 entitled to receive from time to time under any law and which is  
8870 in the possession of the State Tax Commission, or any state  
8871 agency, department or commission created under state law; and



8872                   (ii) Pay the same over to any financial  
8873 institution, trustee or other obligee, as directed in writing by  
8874 the school board, to satisfy all or part of such obligation of the  
8875 school district.

8876           The school board may make such written agreement to withhold  
8877 and transfer funds irrevocable for the term of the written  
8878 obligation and may include in the written agreement any other  
8879 terms and provisions acceptable to the school board. If the  
8880 school board files a copy of such written agreement with the State  
8881 Tax Commission, or any state agency, department or commission  
8882 created under state law then the State Tax Commission or any state  
8883 agency, department or commission created under state law shall  
8884 immediately make the withholdings provided in such agreement from  
8885 the amounts due the local school board and shall continue to pay  
8886 the same over to such financial institution, trustee or obligee  
8887 for the term of the agreement.

8888           This paragraph (tt) shall not grant any extra authority to a  
8889 school board to issue debt in any amount exceeding statutory  
8890 limitations on assessed value of taxable property within such  
8891 school district or the statutory limitations on debt maturities,  
8892 and shall not grant any extra authority to impose, levy or collect  
8893 a tax which is not otherwise expressly provided for, and shall not  
8894 be construed to apply to sixteenth section public school trust  
8895 land;

8896           (uu) With respect to any matter or transaction that is  
8897 competitively bid by a school district, to accept from any bidder  
8898 as a good faith deposit or bid bond or bid surety, the same type  
8899 of good faith deposit or bid bond or bid surety that may be  
8900 accepted by the state or any other political subdivision on  
8901 similar competitively bid matters or transactions. This paragraph  
8902 (uu) shall not be construed to apply to sixteenth section public  
8903 school trust land. The school board may authorize the investment  
8904 of any school district funds in the same kind and manner of



8905 investments, including pooled investments, as any other political  
8906 subdivision, including community hospitals;

8907 (vv) To utilize the alternate method for the conveyance  
8908 or exchange of unused school buildings and/or land, reserving a  
8909 partial or other undivided interest in the property, as  
8910 specifically authorized and provided in Section 37-7-485,  
8911 Mississippi Code of 1972;

8912 (ww) To delegate, privatize or otherwise enter into a  
8913 contract with private entities for the operation of any and all  
8914 functions of nonacademic school process, procedures and operations  
8915 including, but not limited to, cafeteria workers, janitorial  
8916 services, transportation, professional development, achievement  
8917 and instructional consulting services materials and products,  
8918 purchasing cooperatives, insurance, business manager services,  
8919 auditing and accounting services, school safety/risk prevention,  
8920 data processing and student records, and other staff services;  
8921 however, the authority under this paragraph does not apply to the  
8922 leasing, management or operation of sixteenth section lands.  
8923 Local school districts, working through their regional education  
8924 service agency, are encouraged to enter into buying consortia with  
8925 other member districts for the purposes of more efficient use of  
8926 state resources as described in Section 37-7-345;

8927 (xx) To partner with entities, organizations and  
8928 corporations for the purpose of benefiting the school district;  
8929 and

8930 (yy) To borrow funds from the Rural Economic  
8931 Development Authority for the maintenance of school buildings.

8932 The publication of any notice required in this section may be  
8933 published on the Internet as provided in Section 1 of this act.

8934 **SECTION 132.** Section 37-7-355, Mississippi Code of 1972, is  
8935 amended as follows:

8936 37-7-355. (1) Any school district by resolution of the  
8937 school board is hereby empowered, without public or competitive





8938 bidding, to sell, lease, lend, grant or convey to a corporation,  
8939 individual or partnership pursuant to Sections 37-7-351 through  
8940 37-7-359 or to permit such corporation, individual or partnership  
8941 to use, maintain or operate as part of any public school facility,  
8942 any real or personal property which may be necessary, useful or  
8943 convenient for the purposes of the school district. Any such  
8944 conveyances may include sale-leaseback or lease-leaseback  
8945 arrangements, without the necessity of complying with the  
8946 requirements of Article 9 of Chapter 7 of Title 37, Mississippi  
8947 Code of 1972, or any other general laws which might be applicable  
8948 thereto, with regard to disposal of surplus property. Any such  
8949 sale, lease, loan, grant, conveyance or permit may be made or  
8950 given with or without consideration and for a period of time not  
8951 to exceed twenty (20) years for agreements entered into under any  
8952 agreement and on any terms and conditions which may be approved by  
8953 such school district. Provided, however, that any such sale,  
8954 lease, loan, grant, conveyance or permit executed under authority  
8955 of this section shall provide that title to any real property  
8956 transferred by a local school district shall revert to the school  
8957 district at the expiration of the term.

8958       (2) The resolution adopted by the school board or governing  
8959 authority shall be published once each week for three (3)  
8960 consecutive weeks in a newspaper having a general circulation in  
8961 the school district involved, with the first publication thereof  
8962 to be made not less than thirty (30) days prior to the date upon  
8963 which the school board or governing authority is to take final  
8964 action upon the question of sale, lease, loan, grant or conveyance  
8965 to an authority. If no petition requesting an election is filed  
8966 prior to such meeting as hereinafter provided, then the school  
8967 board or governing authority may, in its discretion, at said  
8968 meeting, by resolution spread upon its minutes, give final  
8969 approval to such sale, lease, loan, grant or conveyance. If at  
8970 any time prior to such meeting a petition signed by not less than



8971 twenty percent (20%) or fifteen hundred (1500), whichever is less,  
8972 of the qualified electors of the school district involved shall be  
8973 filed with the school board or governing authority requesting that  
8974 an election be called on the question, then the school board or  
8975 governing authority shall, not later than the next regular  
8976 meeting, adopt a resolution calling an election to be held within  
8977 such school district upon the question of authorizing such sale,  
8978 lease, loan, grant or conveyance to an authority. Such election  
8979 shall be called and held, and notice thereof shall be given, in  
8980 the same manner as for elections upon the question of issuing  
8981 bonds of school districts, and the results thereof shall be  
8982 certified to the school board or governing authority. If at least  
8983 three-fifths (3/5) of the qualified electors of the school  
8984 district who voted in such election shall vote in favor of  
8985 authorizing said action, then the school board or governing  
8986 authority shall proceed to sell, lease, lend, grant or convey such  
8987 property as prayed for in the original resolution of the school  
8988 board or governing authority; however, unless at least  
8989 three-fifths (3/5) of the qualified electors voting in an election  
8990 vote in favor of such action, then no sale, lease, loan, grant or  
8991 conveyance shall be made.

8992 (3) The publication of any notice required in this section  
8993 may be published on the Internet as provided in Section 1 of this  
8994 act.

8995 **SECTION 133.** Section 37-7-431, Mississippi Code of 1972, is  
8996 amended as follows:

8997 37-7-431. Whenever the school board of any school district  
8998 shall find and determine, by resolution duly and lawfully adopted  
8999 and spread upon its minutes, (a) that it shall need other lands  
9000 located within the school district for school purposes, (b) that  
9001 the district owns lands of equal value to such needed lands which  
9002 could be exchanged for such needed lands, (c) that the value of  
9003 the two (2) tracts is equal according to qualified appraisals, and



9004 (d) that the owners of the other lands are agreeable to such  
9005 exchange, the school board of such school district shall be  
9006 authorized and empowered, in its discretion, to negotiate a trade  
9007 of lands upon such terms and conditions as the school board may,  
9008 in its discretion, deem proper in consideration of the needs of  
9009 the district and of the benefits which will inure to the said  
9010 school district.

9011 Any such trade of lands shall be subject to approval by the  
9012 chancery court of the county in which the school lands lie.  
9013 Notice of the hearing before the chancery court shall be published  
9014 in a newspaper of general circulation in the school district for  
9015 three (3) consecutive weeks, the first notice to be at least  
9016 thirty (30) days prior to the hearing.

9017 The publication of any notice required in this section may be  
9018 published on the Internet as provided in Section 1 of this act.

9019 **SECTION 134.** Section 37-7-507, Mississippi Code of 1972, is  
9020 amended as follows:

9021 37-7-507. Notwithstanding any of the provisions of Sections  
9022 37-7-501 through 37-7-511, any school district to which all or a  
9023 part of the territory of a dissolved school district is annexed  
9024 may, by agreement of the school board thereof, assume the payment  
9025 of all or any part of the outstanding bonds or other indebtedness  
9026 of the dissolved district even though it is not mandatorily  
9027 required so to do under the provisions of said sections.

9028 In addition, no such assumption of indebtedness under the  
9029 provisions of this section shall be binding and effective until  
9030 the school board of the school district proposing to assume such  
9031 indebtedness shall adopt a resolution declaring its intention so  
9032 to do, stating the amount, the nature of the indebtedness to be  
9033 assumed and the date upon which such board proposes to take final  
9034 action assuming such indebtedness. Such resolution shall be  
9035 published once a week for at least three (3) consecutive weeks in  
9036 at least one (1) newspaper published or having a general



9037 circulation in the school district proposing to assume such  
9038 indebtedness. The first publication of such resolution shall be  
9039 made not less than twenty-one (21) days prior to the date  
9040 specified in such resolution for final action, and the last  
9041 publication shall be made not more than seven (7) days prior to  
9042 such date. If twenty percent (20%) of the qualified electors of  
9043 the school district proposing to assume such indebtedness shall  
9044 file a written protest against such assumption of indebtedness on  
9045 or before the date specified in such resolution, then an election  
9046 upon the question of the assumption of such indebtedness shall be  
9047 called and held in said school district in the same manner as  
9048 other special elections are held therein. If no such protest be  
9049 filed, then such assumption of indebtedness shall become binding  
9050 and effective without an election on the question. If an election  
9051 is called under the provisions of this section, notice thereof  
9052 shall be given for the same time and in the same manner required  
9053 for the publication of the resolution hereinabove referred to, and  
9054 such election shall be held as far as practicable in the same  
9055 manner as state and county elections are held. At such election  
9056 all qualified electors of the school district may vote, and the  
9057 ballots used thereat shall have printed thereon a brief statement  
9058 of the purpose of the school board to assume such indebtedness,  
9059 together with the amount thereof, and the words: "For the  
9060 assumption of the indebtedness," and "Against the assumption of  
9061 the indebtedness," and the voter shall vote by placing a cross (x)  
9062 or check mark (v) opposite his choice on the proposition. If at  
9063 said election three-fifths (3/5) of the qualified electors of the  
9064 school district who vote in said election vote in favor of the  
9065 assumption of such indebtedness, then such indebtedness shall be  
9066 assumed by the school board; otherwise, such indebtedness shall  
9067 not be assumed.

9068 The publication of any notice required in this section may be  
9069 published on the Internet as provided in Section 1 of this act.



9070           **SECTION 135.** Section 37-9-12, Mississippi Code of 1972, is  
9071 amended as follows:

9072           37-9-12. The qualified electors of any county having an  
9073 elected county superintendent of education on July 1, 1986, shall  
9074 decide at the November 1988 general election whether (a) to  
9075 continue to have such office elected, or (b) to abolish such  
9076 office of county superintendent of education in the county.  
9077 Provided, however, that no such referendum shall be held on the  
9078 office of administrative superintendent in a county having an  
9079 administrative superintendent as defined in Section 37-6-3,  
9080 Mississippi Code of 1972. The county board of supervisors of such  
9081 counties shall publish notice of said election once a week for at  
9082 least three (3) consecutive weeks prior to the November 1988  
9083 general election in at least one (1) newspaper published or  
9084 circulated in such county. The proposition shall be submitted to  
9085 a vote of all qualified electors residing outside the territory of  
9086 any municipal separate or special municipal separate school  
9087 district located within such county. Such election shall be held  
9088 in the same manner as other elections are held in the county. If  
9089 a majority of the qualified electors who voted in such election  
9090 vote in favor of the abolition of such office, such abolishment  
9091 shall be effective at the end of any regular term of office or  
9092 whenever a vacancy shall occur in said office. In counties where  
9093 the office of elected county superintendent of education has been  
9094 abolished, it shall not be reinstated.

9095           The publication of any notice required in this section may be  
9096 published on the Internet as provided in Section 1 of this act.

9097           **SECTION 136.** Section 37-17-6, Mississippi Code of 1972, is  
9098 amended as follows:

9099           37-17-6. (1) The State Board of Education, acting through  
9100 the Commission on School Accreditation, shall establish and  
9101 implement a permanent performance-based accreditation system, and



9102 all public elementary and secondary schools shall be accredited  
9103 under this system.

9104 (2) No later than June 30, 1995, the State Board of  
9105 Education, acting through the Commission on School Accreditation,  
9106 shall require school districts to provide school classroom space  
9107 that is air conditioned as a minimum requirement for  
9108 accreditation.

9109 (3) (a) Beginning with the 1994-1995 school year, the State  
9110 Board of Education, acting through the Commission on School  
9111 Accreditation, shall require that school districts employ  
9112 certified school librarians according to the following formula:

9113	Number of Students	Number of Certified
9114	Per School Library	School Librarians
9115	0 - 499 Students	½ Full-time Equivalent
9116		Certified Librarian
9117	500 or More Students	1 Full-time Certified
9118		Librarian

9119 (b) The State Board of Education, however, may increase  
9120 the number of positions beyond the above requirements.

9121 (c) The assignment of such school librarians to the  
9122 particular schools shall be at the discretion of the local school  
9123 district. No individual shall be employed as a certified school  
9124 librarian without appropriate training and certification as a  
9125 school librarian by the State Department of Education.

9126 (d) School librarians in such district shall spend at  
9127 least fifty percent (50%) of direct work time in a school library  
9128 and shall devote no more than one-fourth (1/4) of the workday to  
9129 administrative activities which are library related.

9130 (e) Nothing in this subsection shall prohibit any  
9131 school district from employing more certified school librarians  
9132 than are provided for in this section.

9133 (f) Any additional mileage levied to fund school  
9134 librarians required for accreditation under this subsection shall

be included in the tax increase limitation set forth in Sections 37-57-105 and 37-57-107 and shall not be deemed a new program for purposes of the limitation.

(4) On or before December 31, 2002, the State Board of Education shall implement the performance-based accreditation system for school districts and for individual schools which shall include the following:

(a) High expectations for students and high standards for all schools, with a focus on the basic curriculum;

(b) Strong accountability for results with appropriate local flexibility for local implementation;

(c) A process to implement accountability at both the school district level and the school level;

(d) Individual schools shall be held accountable for student growth and performance;

(e) Set annual performance standards for each of the schools of the state and measure the performance of each school against itself through the standard that has been set for it;

(f) A determination of which schools exceed their standards and a plan for providing recognition and rewards to such schools;

(g) A determination of which schools are failing to meet their standards and a determination of the appropriate role of the State Board of Education and the State Department of Education in providing assistance and initiating possible intervention;

(h) Development of a comprehensive student assessment system to implement these requirements; and

(i) The State Board of Education may, based on a written request that contains specific reasons for requesting a waiver from the school districts affected by Hurricane Katrina of 2005, hold harmless school districts from assignment of district and school level accountability ratings for the 2005-2006 school



9168 year. The State Board of Education upon finding an extreme  
9169 hardship in the school district may grant the request. It is the  
9170 intent of the Legislature that all school districts maintain the  
9171 highest possible academic standards and instructional programs in  
9172 all schools as required by law and the State Board of Education.

9173 The State Board of Education may continue to assign school  
9174 district performance levels by using a number classification and  
9175 may assign individual school performance levels by using a number  
9176 classification to be consistent with school district performance  
9177 levels.

9178 (5) Nothing in this section shall be deemed to require a  
9179 nonpublic school which receives no local, state or federal funds  
9180 for support to become accredited by the State Board of Education.

9181 (6) The State Board of Education shall create an  
9182 accreditation audit unit under the Commission on School  
9183 Accreditation to determine whether schools are complying with  
9184 accreditation standards.

9185 (7) The State Board of Education shall be specifically  
9186 authorized and empowered to withhold adequate education program  
9187 fund allocations, whichever is applicable, to any public school  
9188 district for failure to timely report student, school personnel  
9189 and fiscal data necessary to meet state and/or federal  
9190 requirements.

9191 (8) Deleted.

9192 (9) The State Board of Education shall establish, for those  
9193 school districts failing to meet accreditation standards, a  
9194 program of development to be complied with in order to receive  
9195 state funds, except as otherwise provided in subsection (14) of  
9196 this section when the Governor has declared a state of emergency  
9197 in a school district or as otherwise provided in Section 206,  
9198 Mississippi Constitution of 1890. The state board, in  
9199 establishing these standards, shall provide for notice to schools  
9200 and sufficient time and aid to enable schools to attempt to meet





9201 these standards, unless procedures under subsection (14) of this  
9202 section have been invoked.

9203 (10) Beginning July 1, 1998, the State Board of Education  
9204 shall be charged with the implementation of the program of  
9205 development in each applicable school district as follows:

9206 (a) Develop an impairment report for each district  
9207 failing to meet accreditation standards in conjunction with school  
9208 district officials;

9209 (b) Notify any applicable school district failing to  
9210 meet accreditation standards that it is on probation until  
9211 corrective actions are taken or until the deficiencies have been  
9212 removed. The local school district shall develop a corrective  
9213 action plan to improve its deficiencies. For district academic  
9214 deficiencies, the corrective action plan for each such school  
9215 district shall be based upon a complete analysis of the following:  
9216 student test data, student grades, student attendance reports,  
9217 student dropout data, existence and other relevant data. The  
9218 corrective action plan shall describe the specific measures to be  
9219 taken by the particular school district and school to improve:  
9220 (i) instruction; (ii) curriculum; (iii) professional development;  
9221 (iv) personnel and classroom organization; (v) student incentives  
9222 for performance; (vi) process deficiencies; and (vii) reporting to  
9223 the local school board, parents and the community. The corrective  
9224 action plan shall describe the specific individuals responsible  
9225 for implementing each component of the recommendation and how each  
9226 will be evaluated. All corrective action plans shall be provided  
9227 to the State Board of Education as may be required. The decision  
9228 of the State Board of Education establishing the probationary  
9229 period of time shall be final;

9230 (c) Offer, during the probationary period, technical  
9231 assistance to the school district in making corrective actions.  
9232 Beginning July 1, 1998, subject to the availability of funds, the  
9233 State Department of Education shall provide technical and/or



9234 financial assistance to all such school districts in order to  
9235 implement each measure identified in that district's corrective  
9236 action plan through professional development and on-site  
9237 assistance. Each such school district shall apply for and utilize  
9238 all available federal funding in order to support its corrective  
9239 action plan in addition to state funds made available under this  
9240 paragraph;

9241 (d) Assign department personnel or contract, in its  
9242 discretion, with the institutions of higher learning or other  
9243 appropriate private entities with experience in the academic,  
9244 finance and other operational functions of schools to assist  
9245 school districts;

9246 (e) Provide for publication of public notice at least  
9247 one (1) time during the probationary period, in a newspaper  
9248 published within the jurisdiction of the school district failing  
9249 to meet accreditation standards, or if no newspaper is published  
9250 therein, then in a newspaper having a general circulation therein.  
9251 The publication shall include the following: declaration of  
9252 school system's status as being on probation; all details relating  
9253 to the impairment report, and other information as the State Board  
9254 of Education deems appropriate. Public notices issued under this  
9255 section shall be subject to Section 13-3-31 and not contrary to  
9256 other laws regarding newspaper publication.

9257 (11) (a) If the recommendations for corrective action are  
9258 not taken by the local school district or if the deficiencies are  
9259 not removed by the end of the probationary period, the Commission  
9260 on School Accreditation shall conduct a hearing to allow such  
9261 affected school district to present evidence or other reasons why  
9262 its accreditation should not be withdrawn. Subsequent to its  
9263 consideration of the results of such hearing, the Commission on  
9264 School Accreditation shall be authorized, with the approval of the  
9265 State Board of Education, to withdraw the accreditation of a



9266 public school district, and issue a request to the Governor that a  
9267 state of emergency be declared in that district.

9268           (b) If the State Board of Education and the Commission  
9269 on School Accreditation determine that an extreme emergency  
9270 situation exists in a school district which jeopardizes the  
9271 safety, security or educational interests of the children enrolled  
9272 in the schools in that district and such emergency situation is  
9273 believed to be related to a serious violation or violations of  
9274 accreditation standards or state or federal law, the State Board  
9275 of Education may request the Governor to declare a state of  
9276 emergency in that school district. For purposes of this  
9277 paragraph, such declarations of a state of emergency shall not be  
9278 limited to those instances when a school district's impairments  
9279 are related to a lack of financial resources, but also shall  
9280 include serious failure to meet minimum academic standards, as  
9281 evidenced by a continued pattern of poor student performance.

9282           (c) Whenever the Governor declares a state of emergency  
9283 in a school district in response to a request made under paragraph  
9284 (a) or (b) of this subsection, the State Board of Education may  
9285 take one or more of the following actions:

9286           (i) Declare a state of emergency, under which some  
9287 or all of state funds can be escrowed except as otherwise provided  
9288 in Section 206, Constitution of 1890, until the board determines  
9289 corrective actions are being taken or the deficiencies have been  
9290 removed, or that the needs of students warrant the release of  
9291 funds. Such funds may be released from escrow for any program  
9292 which the board determines to have been restored to standard even  
9293 though the state of emergency may not as yet be terminated for the  
9294 district as a whole;

9295           (ii) Override any decision of the local school  
9296 board or superintendent of education, or both, concerning the  
9297 management and operation of the school district, or initiate and



9298 make decisions concerning the management and operation of the  
9299 school district;

9300 (iii) Assign an interim conservator, or in its  
9301 discretion, contract with a private entity with experience in the  
9302 academic, finance and other operational functions of schools and  
9303 school districts, who will have those powers and duties prescribed  
9304 in subsection (14) of this section;

9305 (iv) Grant transfers to students who attend this  
9306 school district so that they may attend other accredited schools  
9307 or districts in a manner which is not in violation of state or  
9308 federal law;

9309 (v) For states of emergency declared under  
9310 paragraph (a) only, if the accreditation deficiencies are related  
9311 to the fact that the school district is too small, with too few  
9312 resources, to meet the required standards and if another school  
9313 district is willing to accept those students, abolish that  
9314 district and assign that territory to another school district or  
9315 districts. If the school district has proposed a voluntary  
9316 consolidation with another school district or districts, then if  
9317 the State Board of Education finds that it is in the best interest  
9318 of the pupils of the district for such consolidation to proceed,  
9319 the voluntary consolidation shall have priority over any such  
9320 assignment of territory by the State Board of Education;

9321 (vi) For states of emergency declared under  
9322 paragraph (b) only, reduce local supplements paid to school  
9323 district employees, including, but not limited to, instructional  
9324 personnel, assistant teachers and extracurricular activities  
9325 personnel, if the district's impairment is related to a lack of  
9326 financial resources, but only to an extent which will result in  
9327 the salaries being comparable to districts similarly situated, as  
9328 determined by the State Board of Education;



9329 (vii) For states of emergency declared under  
9330 paragraph (b) only, the State Board of Education may take such  
9331 action as prescribed in Section 37-17-13.

9332 (d) At such time as satisfactory corrective action has  
9333 been taken in a school district in which a state of emergency has  
9334 been declared, the State Board of Education may request the  
9335 Governor to declare that the state of emergency no longer exists  
9336 in the district.

9337 (e) Not later than July 1 of each year, the State  
9338 Department of Education shall develop an itemized accounting of  
9339 the expenditures associated with the management of the conservator  
9340 process with regard to each school district in which a conservator  
9341 has been appointed, and an assessment as to the extent to which  
9342 the conservator has achieved, or failed to achieve, the goals for  
9343 which the conservator was appointed to guide the local school  
9344 district.

9345 (12) Upon the declaration of a state of emergency in a  
9346 school district under subsection (11) of this section, the  
9347 Commission on School Accreditation shall be responsible for public  
9348 notice at least once a week for at least three (3) consecutive  
9349 weeks in a newspaper published within the jurisdiction of the  
9350 school district failing to meet accreditation standards, or if no  
9351 newspaper is published therein, then in a newspaper having a  
9352 general circulation therein. The size of such notice shall be no  
9353 smaller than one-fourth (1/4) of a standard newspaper page and  
9354 shall be printed in bold print. If a conservator has been  
9355 appointed for the school district, such notice shall begin as  
9356 follows: "By authority of Section 37-17-6, Mississippi Code of  
9357 1972, as amended, adopted by the Mississippi Legislature during  
9358 the 1991 Regular Session, this school district (name of school  
9359 district) is hereby placed under the jurisdiction of the State  
9360 Department of Education acting through its appointed conservator  
9361 (name of conservator)."



9362           The notice also shall include, in the discretion of the State  
9363 Board of Education, any or all details relating to the school  
9364 district's emergency status, including the declaration of a state  
9365 of emergency in the school district and a description of the  
9366 district's impairment deficiencies, conditions of any  
9367 conservatorship and corrective actions recommended and being  
9368 taken. Public notices issued under this section shall be subject  
9369 to Section 13-3-31 and not contrary to other laws regarding  
9370 newspaper publication.

9371           Upon termination of the state of emergency in a school  
9372 district, the Commission on School Accreditation shall cause  
9373 notice to be published in the school district in the same manner  
9374 provided in this section, to include any or all details relating  
9375 to the corrective action taken in the school district which  
9376 resulted in the termination of the state of emergency.

9377           (13) The State Board of Education or the Commission on  
9378 School Accreditation shall have the authority to require school  
9379 districts to produce the necessary reports, correspondence,  
9380 financial statements, and any other documents and information  
9381 necessary to fulfill the requirements of this section.

9382           Nothing in this section shall be construed to grant any  
9383 individual, corporation, board or conservator the authority to  
9384 levy taxes except in accordance with presently existing statutory  
9385 provisions.

9386           (14) (a) Whenever the Governor declares a state of  
9387 emergency in a school district in response to a request made under  
9388 subsection (11) of this section, the State Board of Education, in  
9389 its discretion, may assign an interim conservator to the school  
9390 district, or in its discretion, may contract with an appropriate  
9391 private entity with experience in the academic, finance and other  
9392 operational functions of schools and school districts, who will be  
9393 responsible for the administration, management and operation of



9394 the school district, including, but not limited to, the following  
9395 activities:

9396 (i) Approving or disapproving all financial  
9397 obligations of the district, including, but not limited to, the  
9398 employment, termination, nonrenewal and reassignment of all  
9399 licensed and nonlicensed personnel, contractual agreements and  
9400 purchase orders, and approving or disapproving all claim dockets  
9401 and the issuance of checks; in approving or disapproving  
9402 employment contracts of superintendents, assistant superintendents  
9403 or principals, the interim conservator shall not be required to  
9404 comply with the time limitations prescribed in Sections 37-9-15  
9405 and 37-9-105;

9406 (ii) Supervising the day-to-day activities of the  
9407 district's staff, including reassigning the duties and  
9408 responsibilities of personnel in a manner which, in the  
9409 determination of the conservator, will best suit the needs of the  
9410 district;

9411 (iii) Reviewing the district's total financial  
9412 obligations and operations and making recommendations to the  
9413 district for cost savings, including, but not limited to,  
9414 reassigning the duties and responsibilities of staff;

9415 (iv) Attending all meetings of the district's  
9416 school board and administrative staff;

9417 (v) Approving or disapproving all athletic, band  
9418 and other extracurricular activities and any matters related to  
9419 those activities;

9420 (vi) Maintaining a detailed account of  
9421 recommendations made to the district and actions taken in response  
9422 to those recommendations;

9423 (vii) Reporting periodically to the State Board of  
9424 Education on the progress or lack of progress being made in the  
9425 district to improve the district's impairments during the state of  
9426 emergency; and



9427                   (viii) Appointing a parent advisory committee,  
9428 comprised of parents of students in the school district, which may  
9429 make recommendations to the conservator concerning the  
9430 administration, management and operation of the school district.

9431       Except when, in the determination of the State Board of  
9432 Education, the school district's impairment is related to a lack  
9433 of financial resources, the cost of the salary of the conservator  
9434 and any other actual and necessary costs related to the  
9435 conservatorship paid by the State Department of Education shall be  
9436 reimbursed by the local school district from funds other than  
9437 adequate education program funds. The department shall submit an  
9438 itemized statement to the superintendent of the local school  
9439 district for reimbursement purposes, and any unpaid balance may be  
9440 withheld from the district's adequate education program funds.

9441       At such time as the Governor, pursuant to the request of the  
9442 State Board of Education, declares that the state of emergency no  
9443 longer exists in a school district, the powers and  
9444 responsibilities of the interim conservator assigned to such  
9445 district shall cease.

9446           (b) In order to provide loans to school districts under  
9447 a state of emergency which have impairments related to a lack of  
9448 financial resources, the School District Emergency Assistance Fund  
9449 is created as a special fund in the State Treasury into which  
9450 monies may be transferred or appropriated by the Legislature from  
9451 any available public education funds. The maximum amount that may  
9452 be appropriated or transferred to the School District Emergency  
9453 Assistance Fund for any one (1) emergency shall be Two Million  
9454 Dollars (\$2,000,000.00), and the maximum amount that may be  
9455 appropriated during any fiscal year shall be Three Million Dollars  
9456 (\$3,000,000.00).

9457       The State Board of Education may loan monies from the School  
9458 District Emergency Assistance Fund to a school district that is  
9459 under a state of emergency in such amounts, as determined by the





9460 board, which are necessary to correct the district's impairments  
9461 related to a lack of financial resources. The loans shall be  
9462 evidenced by an agreement between the school district and the  
9463 State Board of Education and shall be repayable in principal,  
9464 without necessity of interest, to the State General Fund or the  
9465 Education Enhancement Fund, depending on the source of funding for  
9466 such loan, by the school district from any allowable funds that  
9467 are available. The total amount loaned to the district shall be  
9468 due and payable within five (5) years after the impairments  
9469 related to a lack of financial resources are corrected. If a  
9470 school district fails to make payments on the loan in accordance  
9471 with the terms of the agreement between the district and the State  
9472 Board of Education, the State Department of Education, in  
9473 accordance with rules and regulations established by the State  
9474 Board of Education, may withhold that district's adequate  
9475 education program funds in an amount and manner that will  
9476 effectuate repayment consistent with the terms of the agreement;  
9477 such funds withheld by the department shall be deposited into the  
9478 State General Fund or the Education Enhancement Fund, as the case  
9479 may be.

9480       The State Board of Education shall develop a protocol that  
9481 will outline the performance standards and requisite time line  
9482 deemed necessary for extreme emergency measures. If the State  
9483 Board of Education determines that an extreme emergency exists,  
9484 simultaneous with the powers exercised in this subsection, it  
9485 shall take immediate action against all parties responsible for  
9486 the affected school districts having been determined to be in an  
9487 extreme emergency. Such action shall include, but not be limited  
9488 to, initiating civil actions to recover funds and criminal actions  
9489 to account for criminal activity. Any funds recovered by the  
9490 State Auditor or the State Board of Education from the surety  
9491 bonds of school officials or from any civil action brought under



this subsection shall be applied toward the repayment of any loan made to a school district hereunder.

(15) In the event a majority of the membership of the school board of any school district resigns from office, the State Board of Education shall be authorized to assign an interim conservator, who shall be responsible for the administration, management and operation of the school district until such time as new board members are selected or the Governor declares a state of emergency in that school district under subsection (11), whichever occurs first. In such case, the State Board of Education, acting through the interim conservator, shall have all powers which were held by the previously existing school board, and may take such action as prescribed in Section 37-17-13 and/or one or more of the actions authorized in this section.

(16) (a) If the Governor declares a state of emergency in a school district, the State Board of Education may take all such action pertaining to that school district as is authorized under subsection (11) or (14) of Section 37-17-6, including the appointment of an interim conservator. The State Board of Education shall also have the authority to issue a written request with documentation to the Governor asking that the office of the superintendent of such school district be subject to recall. If the Governor declares that the office of the superintendent of such school district is subject to recall, the local school board or the county election commission, as the case may be, shall take the following action:

(i) If the office of superintendent is an elected office, in those years in which there is no general election, the name shall be submitted by the State Board of Education to the county election commission, and the county election commission shall submit the question at a special election to the voters eligible to vote for the office of superintendent within the county, and such special election shall be held within sixty (60)



9525 days from notification by the State Board of Education. The  
9526 ballot shall read substantially as follows:

9527 "Shall County Superintendent of Education \_\_\_\_\_ (here the  
9528 name of the superintendent shall be inserted) of the \_\_\_\_\_  
9529 (here the title of the school district shall be inserted) be  
9530 retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

9531 If a majority of those voting on the question votes against  
9532 retaining the superintendent in office, a vacancy shall exist  
9533 which shall be filled in the manner provided by law; otherwise,  
9534 the superintendent shall remain in office for the term of such  
9535 office, and at the expiration of such term shall be eligible for  
9536 qualification and election to another term or terms.

9537 (ii) If the office of superintendent is an  
9538 appointive office, the name of the superintendent shall be  
9539 submitted by the president of the local school board at the next  
9540 regular meeting of the school board for retention in office or  
9541 dismissal from office. If a majority of the school board voting  
9542 on the question vote against retaining the superintendent in  
9543 office, a vacancy shall exist which shall be filled as provided by  
9544 law, otherwise the superintendent shall remain in office for the  
9545 duration of his employment contract.

9546 (b) The State Board of Education may issue a written  
9547 request with documentation to the Governor asking that the  
9548 membership of the school board of such school district shall be  
9549 subject to recall. Whenever the Governor declares that the  
9550 membership of the school board is subject to recall, the county  
9551 election commission or the local governing authorities, as the  
9552 case may be, shall take the following action:

9553 (i) If the members of the local school board are  
9554 elected to office, in those years in which the specific member's  
9555 office is not up for election, the name of the school board member  
9556 shall be submitted by the State Board of Education to the county  
9557 election commission, and the county election commission at a



9558 special election shall submit the question to the voters eligible  
9559 to vote for the particular member's office within the county or  
9560 school district, as the case may be, and such special election  
9561 shall be held within sixty (60) days from notification by the  
9562 State Board of Education. The ballot shall read substantially as  
9563 follows:

9564 "Members of the \_\_\_\_\_ (here the title of the school  
9565 district shall be inserted) School Board who are not up for  
9566 election this year are subject to recall because of the school  
9567 district's failure to meet critical accountability standards as  
9568 defined in the letter of notification to the Governor from the  
9569 State Board of Education. Shall the member of the school board  
9570 representing this area, \_\_\_\_\_ (here the name of the school  
9571 board member holding the office shall be inserted), be retained in  
9572 office? Yes \_\_\_\_\_ No \_\_\_\_\_"

9573 If a majority of those voting on the question vote against  
9574 retaining the member of the school board in office, a vacancy in  
9575 that board member's office shall exist which shall be filled in  
9576 the manner provided by law; otherwise, the school board member  
9577 shall remain in office for the term of such office, and at the  
9578 expiration of the term of office, the member shall be eligible for  
9579 qualification and election to another term or terms of office.  
9580 However, if a majority of the school board members are recalled in  
9581 the special election, the Governor shall authorize the board of  
9582 supervisors of the county in which the school district is situated  
9583 to appoint members to fill the offices of the members recalled.  
9584 The board of supervisors shall make such appointments in the  
9585 manner provided by law for filling vacancies on the school board,  
9586 and the appointed members shall serve until the office is filled  
9587 at the next regular special election or general election.

9588 (ii) If the local school board is an appointed  
9589 school board, the name of all school board members shall be  
9590 submitted as a collective board by the president of the municipal



9591 or county governing authority, as the case may be, at the next  
9592 regular meeting of the governing authority for retention in office  
9593 or dismissal from office. If a majority of the governing  
9594 authority voting on the question vote against retaining the board  
9595 in office, a vacancy shall exist in each school board member's  
9596 office, which shall be filled as provided by law; otherwise, the  
9597 members of the appointed school board shall remain in office for  
9598 the duration of their term of appointment, and such members may be  
9599 reappointed.

9600 (iii) If the local school board is comprised of  
9601 both elected and appointed members, the elected members shall be  
9602 subject to recall in the manner provided in subparagraph (i) of  
9603 this subsection, and the appointed members shall be subject to  
9604 recall in the manner provided in subparagraph (ii).

9605 (17) Beginning with the school district audits conducted for  
9606 the 1997-1998 fiscal year, the State Board of Education, acting  
9607 through the Commission on School Accreditation, shall require each  
9608 school district to comply with standards established by the State  
9609 Department of Audit for the verification of fixed assets and the  
9610 auditing of fixed assets records as a minimum requirement for  
9611 accreditation.

9612 (18) Before December 1, 1999, the State Board of Education  
9613 shall recommend a program to the Education Committees of the House  
9614 of Representatives and the Senate for identifying and rewarding  
9615 public schools that improve or are high performing. The program  
9616 shall be described by the board in a written report, which shall  
9617 include criteria and a process through which improving schools and  
9618 high-performing schools will be identified and rewarded.

9619 The State Superintendent of Education and the State Board of  
9620 Education also shall develop a comprehensive accountability plan  
9621 to ensure that local school boards, superintendents, principals  
9622 and teachers are held accountable for student achievement. A  
9623 written report on the accountability plan shall be submitted to



the Education Committees of both houses of the Legislature before December 1, 1999, with any necessary legislative recommendations.

(19) Before January 1, 2008, the State Board of Education shall evaluate and submit a recommendation to the Education Committees of the House of Representatives and the Senate on inclusion of graduation rate and dropout rate in the school level accountability system.

(20) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 137.** Section 37-29-431, Mississippi Code of 1972, is amended as follows:

37-29-431. If the board of trustees of the Mississippi Gulf Coast Junior College District shall not elect itself to cause an election to be held, it shall immediately upon the adoption of the resolution mentioned in Section 37-29-429 certify the same to the boards of supervisors of each county and immediately cause notice of the proposed issuance of said bonds to be published once a week for three (3) consecutive weeks in each of the four (4) counties of the district in a newspaper having general circulation therein. Said notice shall state that the determination to issue said bonds has been made by the board of trustees and the same will be issued unless, within thirty (30) days after the first publication of said notice, a petition signed by at least ten percent (10%) or twenty-five hundred (2500), whichever is less, of the qualified electors of the county shall be filed with the board of supervisors of the county protesting against the issuance of said bonds and seeking an election with respect thereto. If no protest be filed, the clerk of the board of supervisors shall immediately so certify to the secretary of the board of trustees of the junior college district and the said bonds may be then issued as proposed.



9656           If ten percent (10%) or twenty-five hundred (2500), whichever  
9657 is less, of the qualified electors of any of the counties shall  
9658 file their protest with the clerk of the board of supervisors of  
9659 the county demanding an election on the issuance of said bonds,  
9660 the board of supervisors shall promptly meet and consider said  
9661 petition. If the said board shall find the petition to be  
9662 sufficient, it shall enter an order directing the election  
9663 commission of said county to cause an election to be held in the  
9664 said county, fixing the date therefor in the order, to determine  
9665 whether or not bonds shall be issued for the purposes set out in  
9666 the resolution of the board of trustees and in the maximum amount  
9667 therein provided. It shall thereupon become the duty of the  
9668 election commissioners of the county to hold said election on the  
9669 date fixed by the board of supervisors. Said election shall be  
9670 held as nearly as is practicable in accordance with the laws  
9671 governing general elections, and three (3) weeks notice of said  
9672 election shall be given by publication in a newspaper having  
9673 general circulation in the county. The ballot used shall  
9674 substantially describe the bond issue proposal and electors shall  
9675 be permitted to vote for the bond issue or against the bond issue.

9676           Within three (3) days, Sundays and legal holidays excluded,  
9677 after the holding of said election, the election commissioners  
9678 shall certify to the board of trustees of the junior college  
9679 district and to the board of supervisors of the county the result  
9680 of said election. If after all of the elections have been held in  
9681 the counties where the same have been called and the results  
9682 thereof duly certified, the board of trustees shall determine that  
9683 the majority of the qualified electors voting in any two (2)  
9684 counties of the district, one (1) of which shall border on the  
9685 Gulf of Mexico, shall have voted for the said bond issue, then the  
9686 said bonds may be issued; otherwise the said bonds shall not be  
9687 issued as proposed.



If an election on the issuance of the bonds shall have been called in any county and it shall appear that no elections are being called in other counties or in a sufficient number of counties to result in an effective election, then the board of supervisors of the county having called the election may give notice of the cancellation thereof at any time prior to the actual date of said election.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 138.** Section 37-29-433, Mississippi Code of 1972, is amended as follows:

37-29-433. If it shall be determined to proceed with the issuance of the said bonds the same may be validated and sold as other bonds of the county or counties except that the sale shall be made by the board of trustees of the Mississippi Gulf Coast Junior College District and the validation proceedings may be held before the chancery court of any county of the district. Notice of the validation herein shall, however, be published as provided by law in each of the counties of the district.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 139.** Section 37-29-437, Mississippi Code of 1972, is amended as follows:

37-29-437. After the budget shall have been prepared as is provided for in Section 37-29-415, the Board of Trustees of the Mississippi Gulf Coast Junior College District shall certify the same in writing to the boards of supervisors of the several counties and shall certify to the said boards of supervisors the number of mills of ad valorem taxation required to make provisions for the revenue required in said budget. It shall thereupon become the duty of the board of supervisors of each of the four (4) counties to levy the taxes in the number of mills specified by the board of trustees. The tax levy for maintenance and operation





9721 of the district shall not exceed four (4) mills nor shall the levy  
9722 for capital outlay, including purchase of lands, construction and  
9723 equipment of buildings and structures, making of major repairs,  
9724 and for the retirement of bonds, exceed three (3) mills.

9725        Promptly upon having certified the requirements of the  
9726 district to the several boards of supervisors the board of  
9727 trustees of the district shall cause publication of notice to be  
9728 made in each county in a newspaper published or having general  
9729 circulation therein giving notice of the filing of the request for  
9730 the levy aforesaid. Said notice shall be published at least one  
9731 time and within ten (10) days after the certification of the  
9732 request for such levy to the boards of supervisors. The said  
9733 notice shall provide that the said levy requested will be made in  
9734 each county unless a petition signed by twenty percent (20%) of  
9735 the qualified electors of the district shall be filed with the  
9736 secretary of the board of trustees of the said district within  
9737 thirty (30) days from the date of the first publication protesting  
9738 against the said levy and demanding an election thereon. In the  
9739 event of the filing of such a petition, it shall be the duty of  
9740 the secretary forthwith to call a special meeting of the board of  
9741 trustees of the district setting forth the fact of the filing of  
9742 such petition in the notice of the call and the said board shall  
9743 promptly meet and consider the said petition. If it shall find  
9744 that the same does in fact protest against the said levies and is  
9745 in fact signed by at least twenty percent (20%) of the qualified  
9746 electors of the said district, it shall then so certify to the  
9747 boards of supervisors of the several counties. As early as  
9748 possible but not later than fifteen (15) days after the receipt of  
9749 such notice, it shall be the duty of the board of supervisors of  
9750 each county to enter an order directing the election commissioners  
9751 of the county to proceed to hold an election in all of the voting  
9752 precincts of said county to determine whether or not the levy



9753 shall be made as requested by the board of trustees of the  
9754 district.

9755         The said election shall be held within thirty (30) days from  
9756 the date of the said order of the board of supervisors requesting  
9757 that the same be called and notice thereof shall be published once  
9758 a week for three (3) weeks during the period between the order  
9759 directing the election commissioners to hold the same and the  
9760 actual date thereof.

9761         The election shall be held in accordance with the laws  
9762 governing general elections as nearly as is practicable and the  
9763 election commissioners of each county shall, promptly after the  
9764 holding of said election, certify to the secretary of the board of  
9765 trustees of the district the result thereof in each county,  
9766 certifying also the number of qualified electors in each county on  
9767 the date of the holding of said election. The board of trustees  
9768 of the district shall promptly meet and consider the several  
9769 certificates of the election commissioners and shall determine the  
9770 result of said election in the district. If it shall be  
9771 determined that a majority of the qualified electors of the  
9772 district have voted against the levy requested, the same shall not  
9773 be made but the board of supervisors in each county shall continue  
9774 in effect the levy made for the preceding fiscal year. If it be  
9775 determined that a majority of the qualified electors has not voted  
9776 against said levy, it shall be the duty of the board of  
9777 supervisors of each county to make the levy as requested. In any  
9778 event, the levy for full faith and credit bonds outstanding as  
9779 obligations of the county before May 10, 1962, for capital outlays  
9780 and improvements for Perkinson Junior College and/or bonds  
9781 subsequently issued shall be continued in effect in accordance  
9782 with the obligations undertaken in the issuance of said bonds.  
9783 All of such bond levies, however, as are reasonably required to  
9784 meet the annual maturities and interest on outstanding bonds shall  
9785 be considered a part of the three (3) mill maximum above provided



for capital outlays, buildings, purchase of land and other similar items hereinbefore mentioned.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 140.** Section 37-47-59, Mississippi Code of 1972, is amended as follows:

37-47-59. All bonds issued under the authority of this chapter may, in the discretion of the State Bond Commission, be validated in the Chancery Court of Hinds County, Mississippi, in the manner and with the force and effect now or hereafter provided by Chapter 13, Title 31, of the Mississippi Code of 1972. In the event of such validation, the necessary papers shall be transmitted to the State Bond Attorney by the secretary of said State Bond Commission and the required notice shall be addressed to the taxpayers of the State of Mississippi and shall be published in a newspaper of general circulation published in the City of Jackson, Mississippi.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 141.** Section 37-57-104, Mississippi Code of 1972, is amended as follows:

37-57-104. (1) Each school board shall submit to the levying authority for the school district a certified copy of an order adopted by the school board requesting an ad valorem tax effort in dollars for the support of the school district. The copy of the order shall be submitted by the school board when the copies of the school district's budget are filed with the levying authority pursuant to Section 37-61-9. Upon receipt of the school board's order requesting the ad valorem tax effort in dollars, the levying authority shall determine the millage rate necessary to generate funds equal to the dollar amount requested by the school board. For the purpose of calculating this millage rate, any additional amount that is levied pursuant to Section 37-57-105(1)



9819 to cover anticipated delinquencies and costs of collection or any  
9820 amount that may be levied for the payment of the principal and  
9821 interest on school bonds or notes shall be excluded from the  
9822 limitation of fifty-five (55) mills provided for in subsection (2)  
9823 of this section.

9824       (2) (a) Except as otherwise provided under paragraph (b) or  
9825 (c) of this subsection, if the millage rate necessary to generate  
9826 funds equal to the dollar amount requested by the school board is  
9827 greater than fifty-five (55) mills, and if this millage rate is  
9828 higher than the millage then being levied pursuant to the school  
9829 board's order requesting the ad valorem tax effort for the  
9830 currently existing fiscal year, then the levying authority shall  
9831 call a referendum on the question of exceeding, during the next  
9832 fiscal year, the then existing millage rate being levied for  
9833 school district purposes. The referendum shall be scheduled for  
9834 not more than six (6) weeks after the date on which the levying  
9835 authority receives the school board's order requesting the ad  
9836 valorem tax effort.

9837       When a referendum has been called, notice of the referendum  
9838 shall be published at least five (5) days per week, unless the  
9839 only newspaper published in the school district is published less  
9840 than five (5) days per week, for at least three (3) consecutive  
9841 weeks, in at least one (1) newspaper published in the school  
9842 district. The notice shall be no less than one-fourth (1/4) page  
9843 in size, and the type used shall be no smaller than eighteen (18)  
9844 point and surrounded by a one-fourth-inch solid black border. The  
9845 notice may not be placed in that portion of the newspaper where  
9846 legal notices and classified advertisements appear. The first  
9847 publication of the notice shall be made not less than twenty-one  
9848 (21) days before the date fixed for the referendum, and the last  
9849 publication shall be made not more than seven (7) days before that  
9850 date. If no newspaper is published in the school district, then  
9851 the notice shall be published in a newspaper having a general



9852 circulation in the school district. The referendum shall be held,  
9853 as far as is practicable, in the same manner as other referendums  
9854 and elections are held in the county or municipality. At the  
9855 referendum, all registered, qualified electors of the school  
9856 district may vote. The ballots used at the referendum shall have  
9857 printed thereon a brief statement of the amount and purpose of the  
9858 increased tax levy and the words "FOR INCREASING THE MILLAGE  
9859 LEVIED FOR SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY  
9860 LEVIED) MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S  
9861 ORDER) MILLS," and "AGAINST INCREASING THE MILLAGE LEVIED FOR  
9862 SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY LEVIED)  
9863 MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S ORDER)  
9864 MILLS." The voter shall vote by placing a cross (X) or checkmark  
9865 (✓) opposite his choice on the proposition.

9866 If a majority of the registered, qualified electors of the  
9867 school district who vote in the referendum vote in favor of the  
9868 question, then the ad valorem tax effort in dollars requested by  
9869 the school board shall be approved. However, if a majority of the  
9870 registered, qualified electors who vote in the referendum vote  
9871 against the question, the millage rate levied by the levying  
9872 authority shall not exceed the millage then being levied pursuant  
9873 to the school board's order requesting the ad valorem tax effort  
9874 for the then currently existing fiscal year.

9875 Nothing in this subsection shall be construed to require any  
9876 school district that is levying more than fifty-five (55) mills  
9877 pursuant to Sections 37-57-1 and 37-57-105 to decrease its millage  
9878 rate to fifty-five (55) mills or less. Further, nothing in this  
9879 subsection shall be construed to require a referendum in a school  
9880 district where the requested ad valorem tax effort in dollars  
9881 requires a millage rate of greater than fifty-five (55) mills but  
9882 the requested dollar amount does not require any increase in the  
9883 then existing millage rate. Further, nothing in this subsection  
9884 shall be construed to require a referendum in a school district



9885 where, because of a decrease in the assessed valuation of the  
9886 district, a millage rate of greater than fifty-five (55) mills is  
9887 necessary to generate funds equal to the dollar amount generated  
9888 by the ad valorem tax effort for the currently existing fiscal  
9889 year.

9890 (b) Provided, however, that if a levying authority is  
9891 levying in excess of fifty-five (55) mills on July 1, 1997, the  
9892 levying authority may levy an additional amount not exceeding  
9893 three (3) mills in the aggregate for the period beginning July 1,  
9894 1997, and ending June 30, 2003, subject to the limitation on  
9895 increased receipts from ad valorem taxes prescribed in Sections  
9896 37-57-105 and 37-57-107.

9897 (c) If the levying authority for any school district  
9898 lawfully has decreased the millage levied for school district  
9899 purposes, but subsequently determines that there is a need to  
9900 increase the millage rate due to a disaster in which the Governor  
9901 has declared a disaster emergency or the President of the United  
9902 States has declared an emergency or major disaster, then the  
9903 levying authority may increase the millage levied for school  
9904 district purposes up to an amount that does not exceed the millage  
9905 rate in any one (1) of the immediately preceding ten (10) fiscal  
9906 years without any referendum that otherwise would be required  
9907 under this subsection.

9908 (3) If the millage rate necessary to generate funds equal to  
9909 the dollar amount requested by the school board is equal to  
9910 fifty-five (55) mills or less, but the dollar amount requested by  
9911 the school board exceeds the next preceding fiscal year's ad  
9912 valorem tax effort in dollars by more than four percent (4%), but  
9913 not more than seven percent (7%) (as provided for under subsection  
9914 (4) of this section), then the school board shall publish notice  
9915 thereof at least five (5) days per week, unless the only newspaper  
9916 published in the school district is published less than five (5)  
9917 days per week, for at least three (3) consecutive weeks in a



9918 newspaper published in the school district. The notice shall be  
9919 no less than one-fourth (1/4) page in size, and the type used  
9920 shall be no smaller than eighteen (18) point and surrounded by a  
9921 one-fourth-inch solid black border. The notice may not be placed  
9922 in that portion of the newspaper where legal notices and  
9923 classified advertisements appear. The first publication shall be  
9924 made not less than fifteen (15) days before the final adoption of  
9925 the budget by the school board. If no newspaper is published in  
9926 the school district, then the notice shall be published in a  
9927 newspaper having a general circulation in the school district. If  
9928 at any time before the adoption of the budget a petition signed by  
9929 not less than twenty percent (20%) or fifteen hundred (1500),  
9930 whichever is less, of the registered, qualified electors of the  
9931 school district is filed with the school board requesting that a  
9932 referendum be called on the question of exceeding the next  
9933 preceding fiscal year's ad valorem tax effort in dollars by more  
9934 than four percent (4%), then the school board shall adopt, not  
9935 later than the next regular meeting, a resolution calling a  
9936 referendum to be held within the school district upon the  
9937 question. The referendum shall be called and held, and notice  
9938 thereof shall be given, in the same manner provided for in  
9939 subsection (2) of this section. The ballot shall contain the  
9940 language "FOR THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)" and  
9941 "AGAINST THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)." If a  
9942 majority of the registered, qualified electors of the school  
9943 district who vote in the referendum vote in favor of the question,  
9944 then the increase requested by the school board shall be approved.  
9945 For the purposes of this subsection, the revenue sources excluded  
9946 from the increase limitation under Section 37-57-107 also shall be  
9947 excluded from the limitation described in this subsection in the  
9948 same manner as they are excluded under Section 37-57-107.  
9949 Provided, however, that any increases requested by the school  
9950 board as a result of the required local contribution to the



9951 Mississippi Adequate Education Program, as certified to the local  
9952 school district by the State Board of Education under Section  
9953 37-151-7(2), Mississippi Code of 1972, shall not be subject to the  
9954 four percent (4%) and/or seven percent (7%) tax increase  
9955 limitations provided in this section.

9956         (4) If the millage rate necessary to generate funds equal to  
9957 the dollar amount requested by the school board is equal to  
9958 fifty-five (55) mills or less, but the dollar amount requested by  
9959 the school board exceeds the seven percent (7%) increase  
9960 limitation provided for in Section 37-57-107, the school board may  
9961 exceed the seven percent (7%) increase limitation only after the  
9962 school board has determined the need for additional revenues and  
9963 three-fifths (3/5) of the registered, qualified electors voting in  
9964 a referendum called by the levying authority have voted in favor  
9965 of the increase. The notice and manner of holding the referendum  
9966 shall be as prescribed in subsection (2) of this section for a  
9967 referendum on the question of increasing the millage rate in  
9968 school districts levying more than fifty-five (55) mills for  
9969 school district purposes.

9970         (5) The aggregate receipts from ad valorem taxes levied for  
9971 school district purposes pursuant to Sections 37-57-1 and  
9972 37-57-105, excluding collection fees, additional revenue from the  
9973 ad valorem tax on any newly constructed properties or any existing  
9974 properties added to the tax rolls or any properties previously  
9975 exempt which were not assessed in the next preceding year, and  
9976 amounts received by school districts from the School Ad Valorem  
9977 Tax Reduction Fund pursuant to Section 37-61-35, shall be subject  
9978 to the increase limitation under this section and Section  
9979 37-57-107.

9980         (6) The school board shall pay to the levying authority all  
9981 costs that are incurred by the levying authority in the calling  
9982 and holding of any election under this section.





(7) The provisions of this section shall not be construed to affect in any manner the authority of school boards to levy millage for the following purposes:

(a) The issuance of bonds, notes and certificates of indebtedness, as authorized in Sections 37-59-1 through 37-59-45 and Sections 37-59-101 through 37-59-115;

(b) The lease of property for school purposes, as authorized under the Emergency School Leasing Authority Act of 1986 (Sections 37-7-351 through 37-7-359);

(c) The lease or lease-purchase of school buildings, as authorized under Section 37-7-301;

(d) The issuance of promissory notes in the event of a shortfall of ad valorem taxes and/or revenue from local sources, as authorized under Section 27-39-333; and

(e) The construction of school buildings outside the school district, as authorized under Section 37-7-401.

Any millage levied for the purposes specified in this subsection shall be excluded from the millage limitations established under this section.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 142.** Section 37-57-105, Mississippi Code of 1972, is amended as follows:

37-57-105. (1) In addition to the taxes levied under Section 37-57-1, the levying authority for the school district, as defined in Section 37-57-1, upon receipt of a certified copy of an order adopted by the school board of the school district requesting an ad valorem tax effort in dollars for the support of the school district, shall, at the same time and in the same manner as other ad valorem taxes are levied, levy an annual ad valorem tax in the amount fixed in such order upon all of the taxable property of such school district, which shall not be less than the millage rate certified by the State Board of Education as



10016 the uniform minimum school district ad valorem tax levy for the  
10017 support of the adequate education program in such school district  
10018 under Section 37-57-1. Provided, however, that any school  
10019 district levying less than the uniform minimum school district ad  
10020 valorem tax levy on July 1, 1997, shall only be required to  
10021 increase its local district maintenance levy in four (4) mill  
10022 annual increments in order to attain such millage requirements.  
10023 In making such levy, the levying authority shall levy an  
10024 additional amount sufficient to cover anticipated delinquencies  
10025 and costs of collection so that the net amount of money to be  
10026 produced by such levy shall be equal to the amount which is  
10027 requested by said school board. The proceeds of such tax levy,  
10028 excluding levies for the payment of the principal of and interest  
10029 on school bonds or notes and excluding levies for costs of  
10030 collection, shall be placed in the school depository to the credit  
10031 of the school district and shall be expended in the manner  
10032 provided by law for the purpose of supplementing teachers'  
10033 salaries, extending school terms, purchasing furniture, supplies  
10034 and materials, and for all other lawful operating and incidental  
10035 expenses of such school district, funds for which are not provided  
10036 by adequate education program fund allotments.

10037 The monies authorized to be received by school districts from  
10038 the School Ad Valorem Tax Reduction Fund pursuant to Section  
10039 37-61-35 shall be included as ad valorem tax receipts. The  
10040 levying authority for the school district, as defined in Section  
10041 37-57-1, shall reduce the ad valorem tax levy for such school  
10042 district in an amount equal to the amount distributed to such  
10043 school district from the School Ad Valorem Tax Reduction Fund each  
10044 calendar year pursuant to said Section 37-61-35. Such reduction  
10045 shall not be less than the millage rate necessary to generate a  
10046 reduction in ad valorem tax receipts equal to the funds  
10047 distributed to such school district from the School Ad Valorem Tax  
10048 Reduction Fund pursuant to Section 37-61-35. Such reduction shall



10049 not be deemed to be a reduction in the aggregate amount of support  
10050 from ad valorem taxation for purposes of Section 37-19-11. The  
10051 millage levy certified by the State Board of Education as the  
10052 uniform minimum ad valorem tax levy or the millage levy that would  
10053 generate funds in an amount equal to a school district's district  
10054 entitlement, as defined in Section 37-22-1(2)(e), shall be subject  
10055 to the provisions of this paragraph.

10056       In any county where there is located a nuclear generating  
10057 power plant on which a tax is assessed under Section 27-35-309(3),  
10058 such required levy and revenue produced thereby may be reduced by  
10059 the levying authority in an amount in proportion to a reduction in  
10060 the base revenue of any such county from the previous year. Such  
10061 reduction shall be allowed only if the reduction in base revenue  
10062 equals or exceeds five percent (5%). "Base revenue" shall mean  
10063 the revenue received by the county from the ad valorem tax levy  
10064 plus the revenue received by the county from the tax assessed  
10065 under Section 27-35-309(3) and authorized to be used for any  
10066 purposes for which a county is authorized by law to levy an ad  
10067 valorem tax. For purposes of determining if the reduction equals  
10068 or exceeds five percent (5%), a levy of millage equal to the prior  
10069 year's millage shall be hypothetically applied to the current  
10070 year's ad valorem tax base to determine the amount of revenue to  
10071 be generated from the advalorem tax levy. For the purposes of  
10072 this section and Section 37-57-107, the portion of the base  
10073 revenue used for the support of any school district shall be  
10074 deemed to be the aggregate receipts from ad valorem taxes for the  
10075 support of any school district. This paragraph shall apply to  
10076 taxes levied for the 1987 fiscal year and for each fiscal year  
10077 thereafter. If the Mississippi Supreme Court or another court  
10078 finally adjudicates that the tax levied under Section 27-35-309(3)  
10079 is unconstitutional, then this paragraph shall stand repealed.

10080       (2) When the tax is levied upon the territory of any school  
10081 district located in two (2) or more counties, the order of the



10082 school board requesting the levying of such tax shall be certified  
10083 to the levying authority of each of the counties involved, and  
10084 each of the levying authorities shall levy the tax in the manner  
10085 specified herein. The taxes so levied shall be collected by the  
10086 tax collector of the levying authority involved and remitted by  
10087 the tax collector to the school depository of the home county to  
10088 the credit of the school district involved as provided above,  
10089 except that taxes for collection fees may be retained by the  
10090 levying authority for deposit into its general fund.

10091 (3) The aggregate receipts from ad valorem taxes levied for  
10092 school district purposes, excluding collection fees, pursuant to  
10093 this section and Section 37-57-1 shall be subject to the increased  
10094 limitation under Section 37-57-107; however, if the ad valorem tax  
10095 effort in dollars requested by the school district for the fiscal  
10096 year exceeds the next preceding fiscal year's ad valorem tax  
10097 effort in dollars by more than four percent (4%) but not more than  
10098 seven percent (7%), then the school board shall publish notice  
10099 thereof once each week for at least three (3) consecutive weeks in  
10100 a newspaper having general circulation in the school district  
10101 involved, with the first publication thereof to be made not less  
10102 than fifteen (15) days prior to the final adoption of the budget  
10103 by the school board. If at any time prior to said adoption a  
10104 petition signed by not less than twenty percent (20%) or fifteen  
10105 hundred (1500), whichever is less, of the qualified electors of  
10106 the school district involved shall be filed with the school board  
10107 requesting that an election be called on the question of exceeding  
10108 the next preceding fiscal year's ad valorem tax effort in dollars  
10109 by more than four percent (4%) but not more than seven percent  
10110 (7%), then the school board shall, not later than the next regular  
10111 meeting, adopt a resolution calling an election to be held within  
10112 such school district upon such question. The election shall be  
10113 called and held, and notice thereof shall be given, in the same  
10114 manner for elections upon the questions of the issuance of the



10115 bonds of school districts, and the results thereof shall be  
10116 certified to the school board. The ballot shall contain the  
10117 language "For the School Tax Increase Over Four Percent (4%)" and  
10118 "Against the School Tax Increase Over Four Percent (4%)." If a  
10119 majority of the qualified electors of the school district who  
10120 voted in such election shall vote in favor of the question, then  
10121 the stated increase requested by the school board shall be  
10122 approved. For the purposes of this paragraph, the revenue sources  
10123 excluded from the increased limitation under Section 37-57-107  
10124 shall also be excluded from the limitation described herein in the  
10125 same manner as they are excluded under Section 37-57-107.

10126 The publication of any notice required in this section may be  
10127 published on the Internet as provided in Section 1 of this act.

10128 **SECTION 143.** Section 37-59-13, Mississippi Code of 1972, is  
10129 amended as follows:

10130 37-59-13. Where an election has been called, as provided in  
10131 Section 37-59-11, notice of such election shall be signed by the  
10132 president of the school board and shall be published once a week  
10133 for at least three (3) consecutive weeks, in at least one (1)  
10134 newspaper published in such school district. The first  
10135 publication of such notice shall be made not less than twenty-one  
10136 (21) days prior to the date fixed for such election, and the last  
10137 publication shall be made not more than seven (7) days prior to  
10138 such date. If no newspaper is published in such school district,  
10139 then such notice shall be given by publishing the same for the  
10140 required time in some newspaper having a general circulation in  
10141 such school district.

10142 The publication of any notice required in this section may be  
10143 published on the Internet as provided in Section 1 of this act.

10144 **SECTION 144.** Section 37-61-9, Mississippi Code of 1972, is  
10145 amended as follows:

10146 37-61-9. (1) On or before the fifteenth day of August of  
10147 each year, the local school board of each school district, with



10148 the assistance of the superintendent of schools, shall prepare and  
10149 file with the levying authority for the school district, as  
10150 defined in Section 37-57-1, at least two (2) copies of a budget of  
10151 estimated expenditures for the support, maintenance and operation  
10152 of the public schools of the school district for the fiscal year  
10153 commencing on July 1 of such year. Such budget shall be prepared  
10154 on forms prescribed and provided by the State Auditor and shall  
10155 contain such information as the State Auditor may require.

10156 (2) In addition, on or before the fifteenth day of August of  
10157 each year, the local school board of each school district, with  
10158 the assistance of the superintendent of schools, shall prepare and  
10159 file with the State Department of Education such budgetary  
10160 information as the State Board of Education may require. The  
10161 State Board of Education shall prescribe and provide forms to each  
10162 school district for this purpose.

10163 (3) Prior to the adoption of a budget pursuant to this  
10164 section, the school board of each school district shall hold at  
10165 least one (1) public hearing to provide the general public with an  
10166 opportunity to comment on the taxing and spending plan  
10167 incorporated in the proposed budget. The public hearing shall be  
10168 held at least one (1) week prior to the adoption of the budget  
10169 with advance notice. After final adoption of the budget, a  
10170 synopsis of such budget in a form prescribed by the State  
10171 Department of Audit shall be published in a newspaper having  
10172 general circulation in the school district on a date different  
10173 from the date on which the county or any municipality therein may  
10174 publish its budget.

10175 (4) There shall be imposed limitations on budgeted  
10176 expenditures for certain administration costs, as defined  
10177 hereinafter, in an amount not greater than One Hundred Fifty  
10178 Thousand Dollars (\$150,000.00) plus four percent (4%) of the  
10179 expenditures of all school districts each year. For purposes of  
10180 this subsection, "administration costs" shall be defined as



10181 expenditures for salaries and fringe benefits paid for central  
10182 administration costs from all sources of revenue in the following  
10183 expenditure functions as defined in the MISSISSIPPI PUBLIC SCHOOL  
10184 DISTRICT FINANCIAL ACCOUNTING MANUAL:

- 10185           2300 =     Support Services - General Administration
- 10186           2310 =     Board of Education Services
- 10187           2320 =     Executive Administration Services
- 10188           2330 =     Special Area Administration Services
- 10189           2500 =     Business Services
- 10190           2510 =     Fiscal Services
- 10191           2520 =     Purchasing Services
- 10192           2530 =     Warehousing and Distributing Services
- 10193           2540 =     Printing, Publishing and Duplicating Services
- 10194           2590 =     Other Support Services - Business

10195           Any costs classified as "administration costs" for purposes  
10196 of this subsection which can be demonstrated by the local school  
10197 district to be an expenditure that results in a net cost savings  
10198 to the district that may otherwise require budget expenditures for  
10199 functions not covered under the definition of administration costs  
10200 herein may be excluded from the limitations imposed herein. The  
10201 local school board shall make a specific finding of such costs and  
10202 spread such finding upon its minutes, which shall be subject to  
10203 the approval of the Office of Educational Accountability of the  
10204 State Department of Education. Any school district required to  
10205 make expenditure cuts, as a result of application of this  
10206 subsection, shall not be required to reduce such expenditures more  
10207 than twenty-five percent (25%) in any year in order to comply with  
10208 this mandate.

10209           The State Auditor shall ensure that functions in all  
10210 expenditure categories to which this administrative limitation  
10211 applies shall be properly classified.

10212           This section shall not apply to central administration with  
10213 five (5) or less full-time employees, or to those school districts

which can substantiate that comparable reductions have occurred in administrative costs for the five-year period immediately prior to school year 1993-1994. In the event the application of this section may jeopardize the fiscal integrity or operations of the school district, have an adverse impact on the ability of the district to deliver educational services, or otherwise restrict the district from achieving or maintaining a quality education program, the State Board of Education shall be authorized to exempt the application of this section to such school district pursuant to rules and regulations of the State Board of Education consistent with the intent of this section.

(5) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 145.** Section 37-101-43, Mississippi Code of 1972, is amended as follows:

37-101-43. (a) Except as otherwise provided in Section 37-101-44, and subject to the provisions of Section 37-101-42, before entering into or awarding any such lease contract under the provisions of Section 37-101-41, the Board of Trustees of State Institutions of Higher Learning shall cause the interested state-supported institution upon which a facility is proposed to be constructed to select and submit three (3) architects to the board. Thereupon, the board shall approve and employ an architect, who shall be paid by the interested institution from any funds available to the interested institution. The architect, under the direction of the interested institution, shall prepare complete plans and specifications for the facility desired to be constructed on the leased property.

Upon completion of the plans and specifications and the approval thereof by the board, and before entering into any lease contract, the board shall cause to be published once a week for at least three (3) consecutive weeks and not less than twenty-one





10247 (21) days in at least one (1) newspaper having a general  
10248 circulation in the county in which the interested institution is  
10249 located and in one (1) newspaper with a general statewide  
10250 circulation, a notice inviting bids or proposals for the leasing,  
10251 construction and leasing back of the land and constructed  
10252 facility, the facility to be constructed in accordance with the  
10253 plans and specifications. The notice shall distinctly state the  
10254 thing to be done, and invite sealed proposals, to be filed with  
10255 the board, to do the thing to be done. The notice shall contain  
10256 the following specific provisions, together with such others as  
10257 the board in its discretion deems appropriate, to wit: bids shall  
10258 be accompanied by a bid security evidenced by a certified or  
10259 cashier's check or bid-bond payable to the board in a sum of not  
10260 less than five percent (5%) of the gross construction cost of the  
10261 facility to be constructed as estimated by the board and the bids  
10262 shall contain proof satisfactory to the board of interim and  
10263 permanent financing. The board shall state in the notice when  
10264 construction shall commence. The bid shall contain the proposed  
10265 contractor's certificate of responsibility number and bidder's  
10266 license. In all cases, before the notice shall be published, the  
10267 plans and specifications shall be filed with the board and also in  
10268 the office of the president of the interested institution, there  
10269 to remain.

10270 The board shall award the lease contract to the lowest and  
10271 best bidder, who will comply with the terms imposed by the  
10272 contract documents. At the time of the awarding of the lease  
10273 contract the successful bidder shall enter into bond with  
10274 sufficient sureties, to be approved by the board, in such penalty  
10275 as may be fixed by the board, but in no case to be less than the  
10276 estimated gross construction cost of the facility to be  
10277 constructed as estimated by the board, conditioned for the prompt,  
10278 proper and efficient performance of the contract. The bond shall  
10279 be made by an authorized corporate surety bonding company. The



10280 bid security herein provided for shall be forfeited if the  
10281 successful bidder fails to enter into lease contract and commence  
10282 construction within the time limitation set forth in the notice.  
10283 At such time, and simultaneously with the signing of the contract,  
10284 the successful bidder shall deposit a sum of money, in cash or  
10285 certified or cashier's check, not less than the bid security  
10286 previously deposited as bid security to reimburse the interested  
10287 institution for all sums expended by it for architectural services  
10288 and other expenditures of the board and interested institution  
10289 connected with the bidded lease contract, of which such other  
10290 anticipated expenditures notice is to be given to bidder in the  
10291 notice. The bid security posted by an unsuccessful bidder shall  
10292 be refunded to him.

10293 (b) Under the authority granted under Section 37-101-44, the  
10294 requirements of paragraph (a) of this section shall not apply to  
10295 the Board of Trustees of State Institutions of Higher Learning to  
10296 grant to universities the authority to contract with a single  
10297 entity for privately financed design and construction of  
10298 facilities on university campuses.

10299 (c) The publication of any notice required in this section  
10300 may be published on the Internet as provided in Section 1 of this  
10301 act.

10302 **SECTION 146.** Section 37-101-145, Mississippi Code of 1972,  
10303 is amended as follows:

10304 37-101-145. Before any timber, trees, dead wood, or stumps,  
10305 standing, growing or being upon lands shall be sold from said  
10306 lands as is authorized in Section 37-101-141, and before any lands  
10307 shall be leased for oil, gas and mineral purposes, or other  
10308 purposes as is authorized in Section 37-101-143, the Board of  
10309 Trustees of State Institutions of Higher Learning shall advertise  
10310 its intention to do so by publication in a newspaper in the City  
10311 of Jackson, and also in a newspaper published in each county where  
10312 such lands are situated, such notice to be published once a week



10313 for three (3) consecutive weeks preceding such sale or lease, and  
10314 by posting one (1) notice at the courthouse in the county or  
10315 counties where the lands are situated. In any county having no  
10316 paper published therein, the publication shall be placed in some  
10317 paper having a general circulation in said county. Said board  
10318 shall sell or lease at public auction, or by sealed bids, at the  
10319 place designated in said notices, to the highest and best bidder  
10320 for cash. The board shall have the right to reject any or all of  
10321 such bids.

10322 The publication of any notice required in this section may be  
10323 published on the Internet as provided in Section 1 of this act.

10324 **SECTION 147.** Section 37-101-155, Mississippi Code of 1972,  
10325 is amended as follows:

10326 37-101-155. Before any of the land named in Section  
10327 37-101-153, shall be leased for oil, gas and mineral purposes, the  
10328 Board of Trustees of State Institutions of Higher Learning shall  
10329 give notice of its intention by publishing a notice in some  
10330 newspaper in the City of Jackson and also a newspaper published in  
10331 the county or counties where such lands are situated, giving the  
10332 time and place that said board will receive bids. Said notice  
10333 shall be published once each week for three (3) consecutive weeks.  
10334 Said board at said time and place will receive sealed bids for  
10335 such lease or leases, and will consider the highest and best bid  
10336 that is the most advantageous to the institution or institutions.  
10337 The board shall have the right to reject any or all such bids.

10338 The publication of any notice required in this section may be  
10339 published on the Internet as provided in Section 1 of this act.

10340 **SECTION 148.** Section 37-101-313, Mississippi Code of 1972,  
10341 is amended as follows:

10342 37-101-313. The State Bond Commission shall act as the  
10343 issuing agent for such bonds, prescribe the form of the bonds,  
10344 advertise for and accept bids, issue and sell the bonds so  
10345 authorized to be sold, pay all fees and costs incurred in such



10346 issuance and sale, and do any and all other things necessary and  
10347 advisable in connection with the issuance and sale of such bonds.  
10348 The State Bond Commission shall sell such bonds on sealed bids at  
10349 public sale and for such price as it may determine to be for the  
10350 best interest of the State of Mississippi, but no such sale shall  
10351 be made at a price less than par plus accrued interest to date of  
10352 delivery of the bonds to the purchaser. All bonds shall bear  
10353 interest at such rate or rates not exceeding the limits set forth  
10354 in Section 75-17-101, Mississippi Code of 1972. All interest  
10355 accruing on such bonds so issued shall be payable semiannually or  
10356 annually; provided that the first interest payment may be for any  
10357 period of not more than one (1) year.

10358 Each interest rate specified in any bid must be in a multiple  
10359 of one-eighth of one percent ( $1/8$  of 1%) or one-tenth of one  
10360 percent ( $1/10$  of 1%) and a zero rate of interest cannot be named.

10361 Notice of the sale of any such bond shall be published at  
10362 least one (1) time, the first of which shall be made not less than  
10363 ten (10) days prior to the date of sale, and shall be so published  
10364 in one or more newspapers having a general circulation in the City  
10365 of Jackson, Mississippi, and in one or more other newspapers or  
10366 financial journals with a national circulation, to be selected by  
10367 the State Bond Commission.

10368 The State Bond Commission, when issuing any bonds under the  
10369 authority of Sections 37-101-301 through 37-101-331, may provide  
10370 that bonds, at the option of the State of Mississippi, may be  
10371 called in for payment and redemption in reverse order of maturity  
10372 at the call price named therein and accrued interest on such date  
10373 or dates named therein.

10374 The publication of any notice required in this section may be  
10375 published on the Internet as provided in Section 1 of this act.

10376 **SECTION 149.** Section 37-101-321, Mississippi Code of 1972,  
10377 is amended as follows:



10378           37-101-321. The bonds authorized under the authority of  
10379 Sections 37-101-301 through 37-101-331 may be validated in the  
10380 Chancery Court of the First Judicial District of Hinds County,  
10381 Mississippi, in the manner and with the force and effect provided  
10382 now or hereafter by Chapter 13, Title 31, Mississippi Code of  
10383 1972, for the validation of county, municipal, school district and  
10384 other bonds. The notice to taxpayers required by the aforesaid  
10385 statute shall be published in a newspaper published in the City of  
10386 Jackson, Mississippi.

10387           The publication of any notice required in this section may be  
10388 published on the Internet as provided in Section 1 of this act.

10389           **SECTION 150.** Section 37-104-23, Mississippi Code of 1972, is  
10390 amended as follows:

10391           37-104-23. The Authority may sell the revenue bonds in such  
10392 a manner and for such price as it may determine to be for the best  
10393 interest of the State of Mississippi, but no such sale shall be  
10394 made at a price less than par, plus accrued interest to date of  
10395 delivery of the bonds to the purchaser. Notice of the sale of any  
10396 revenue bonds shall be published at least one (1) time not less  
10397 than ten (10) days prior to the date of sale, and shall be so  
10398 published in one or more newspapers published in Jackson,  
10399 Mississippi, and having general circulation within the State of  
10400 Mississippi, and in one or more other newspapers or financial  
10401 journals as may be directed by the Authority.

10402           The publication of any notice required in this section may be  
10403 published on the Internet as provided in Section 1 of this act.

10404           **SECTION 151.** Section 37-104-27, Mississippi Code of 1972, is  
10405 amended as follows:

10406           37-104-27. Revenue bonds may be issued without any other  
10407 proceeding or the happening of any other conditions or things than  
10408 those proceedings, conditions and things which are specified or  
10409 required in this chapter. The revenue bonds authorized under this  
10410 chapter may, in the discretion of the Authority, be validated by



10411 the Chancery Court of Hinds County, Mississippi, in the manner and  
10412 with the force and effect provided now or hereafter by Sections  
10413 31-13-1 through 31-13-11, Mississippi Code of 1972, for the  
10414 validation of county, municipal, school district and other bonds.  
10415 The necessary papers for such validation proceedings shall be  
10416 transmitted to the State Bond Attorney by the Authority and the  
10417 required notice shall be published in a newspaper published in the  
10418 City of Jackson, Mississippi.

10419 The publication of any notice required in this section may be  
10420 published on the Internet as provided in Section 1 of this act.

10421 **SECTION 152.** Section 37-105-1, Mississippi Code of 1972, is  
10422 amended as follows:

10423 37-105-1. The Board of Trustees of State Institutions of  
10424 Higher Learning is hereby authorized and empowered to enact  
10425 traffic rules and regulations for the control, direction, parking  
10426 and general regulation of traffic and automobiles on the campus  
10427 and streets of any state institution of higher learning under the  
10428 supervision of such board.

10429 Any rules and regulations promulgated hereunder shall become  
10430 effective only after notice of the enactment of same has been  
10431 published in three (3) consecutive weekly issues of the college  
10432 newspaper and in a newspaper published and having general  
10433 circulation in the county or municipality where the institution to  
10434 which same pertain is located; such notice shall state where the  
10435 full text of such rules and regulations may be found on file. In  
10436 addition, such rules and regulations shall be posted on five (5)  
10437 bulletin boards at each such institution for a period of four (4)  
10438 weeks after their promulgation.

10439 The publication of any notice required in this section may be  
10440 published on the Internet as provided in Section 1 of this act.

10441 **SECTION 153.** Section 37-113-13, Mississippi Code of 1972, is  
10442 amended as follows:



10443           37-113-13. The superintendent of education of each county,  
10444 after due notice published, shall give certificates of selection  
10445 to the number of students to which the county is entitled to have  
10446 admitted to the Mississippi State University of Agriculture and  
10447 Applied Science, and this in addition to those already in the  
10448 university, if any. This selection of new students shall be made  
10449 by drawing, if more than the county's quota apply.

10450           The certificate of selection shall be attested by the clerk  
10451 of the board of supervisors under its seal, and shall entitle the  
10452 holder to admission into the university, with all its privileges,  
10453 to pursue all its industrial branches selected, and to enter the  
10454 subclass or class for which he is fitted.

10455           The publication of any notice required in this section may be  
10456 published on the Internet as provided in Section 1 of this act.

10457           **SECTION 154.** Section 37-113-45, Mississippi Code of 1972, is  
10458 amended as follows:

10459           37-113-45. Any such county as is provided for in Section  
10460 37-113-43 is hereby authorized and empowered to issue and sell its  
10461 bonds, notes or other evidences of indebtedness for the purpose of  
10462 providing funds with which to make the contribution or donation  
10463 authorized under the provisions of said section. Such bonds,  
10464 notes or other evidences of indebtedness shall not be issued in an  
10465 amount which will exceed the limit of indebtedness of said county  
10466 as such limit is prescribed by Sections 19-9-1 through 19-9-31,  
10467 Mississippi Code of 1972. Before issuing any such bonds, notes or  
10468 other evidences of indebtedness, the board of supervisors acting  
10469 for such county shall adopt a resolution declaring its intention  
10470 to issue the same, stating the amount and purpose thereof and  
10471 fixing the date upon which an election will be held on the  
10472 proposition. Notice of such election shall be given by  
10473 publication of such resolution once a week for at least three (3)  
10474 consecutive weeks in at least one (1) newspaper published in said  
10475 county. The first publication of such notice shall be made not



10476 less than twenty-one (21) days prior to the date fixed in such  
10477 resolution for the holding of said election as aforesaid and the  
10478 last publication shall be made not more than seven (7) days prior  
10479 to such date. At such election all qualified electors of said  
10480 county may vote and the ballots used shall have printed thereon a  
10481 brief statement of the amount and purpose of the bonds, notes or  
10482 other evidences of indebtedness proposed to be issued and the  
10483 voter shall vote by placing a cross (x) or check (✓) opposite his  
10484 choice on the proposition. The bonds, notes or other evidences of  
10485 indebtedness authorized herein shall not be issued unless  
10486 authorized by the affirmative vote of a majority of the qualified  
10487 voters of said county who vote on the proposition at such  
10488 election. Such election shall be conducted and the returns  
10489 thereof made, canvassed, and declared as nearly as may be in like  
10490 manner as is now or may hereafter be provided by law in the case  
10491 of general elections in counties. In the event that the question  
10492 of the issuance of such bonds, notes or other evidences of  
10493 indebtedness be not authorized at such election, such question  
10494 shall not again be submitted to a vote until the expiration of a  
10495 period of six (6) months, from and after the date of such  
10496 election.

10497       Such bonds, notes or other evidences of indebtedness shall  
10498 bear such date or dates, shall be of such denomination or  
10499 denominations, shall be payable at such place or places, shall  
10500 bear such rate or rates of interest and shall mature in such  
10501 amounts and at such times as may be provided and directed by the  
10502 board of supervisors of said county. Such bonds shall bear  
10503 interest at a rate or rates not exceeding six percent (6%) per  
10504 annum and shall mature in not more than twenty-five (25) years  
10505 from the date thereof and shall be sold for not less than par and  
10506 accrued interest.

10507       Any bonds authorized to be issued at an election as provided  
10508 for in this section shall be issued by such county, acting by and





10509 through its board of supervisors, at such times and in such  
10510 amounts as shall be provided for by resolution of the Board of  
10511 Trustees of State Institutions of Higher Learning.

10512 All bonds, notes or other evidences of indebtedness issued  
10513 hereunder shall be secured by a pledge of the full faith, credit  
10514 and resources of such county. There shall annually be levied upon  
10515 all taxable property within said county an ad valorem tax in  
10516 addition to all other taxes, sufficient to provide for the payment  
10517 of the principal of and the interest on said bonds, notes or other  
10518 evidences of indebtedness as the same respectively mature and  
10519 accrue.

10520 The publication of any notice required in this section may be  
10521 published on the Internet as provided in Section 1 of this act.

10522 **SECTION 155.** Section 37-115-63, Mississippi Code of 1972, is  
10523 amended as follows:

10524 37-115-63. Any such county as is provided for in Section  
10525 37-115-61 is hereby authorized and empowered to issue and sell its  
10526 bonds, notes or other evidences of indebtedness for the purpose of  
10527 providing funds with which to make the contribution or donation  
10528 authorized under the provisions of said section. Such bonds,  
10529 notes or other evidences of indebtedness shall not be issued in an  
10530 amount which will exceed the limit of indebtedness of said county  
10531 as such limit is prescribed by Laws, 1932, Chapter 235 as now or  
10532 hereafter amended. Before issuing any such bonds, notes or other  
10533 evidences of indebtedness, the board of supervisors, acting for  
10534 such county, shall adopt a resolution declaring its intention to  
10535 issue the same, stating the amount and purpose thereof and fixing  
10536 the date upon which an election will be held on the proposition.  
10537 The full text of such resolution shall be published once a week  
10538 for at least three (3) consecutive weeks in at least one (1)  
10539 newspaper published in said county. The first publication of such  
10540 notice shall be made not less than twenty-one (21) days prior to  
10541 the date fixed in such resolution as aforesaid and the last



10542 publication shall be made not more than seven (7) days prior to  
10543 such date. The bonds, notes or other evidences of indebtedness  
10544 authorized herein shall not be issued unless authorized by the  
10545 affirmative vote of a majority of the qualified voters of said  
10546 county who vote on the proposition at such election. Such  
10547 election shall be conducted and the returns thereof made,  
10548 canvassed and declared as nearly as may be in like manner as is  
10549 now or may hereafter be provided by law in the case of general  
10550 elections in counties. In the event that the question of the  
10551 issuance of such bonds, notes or other evidences of indebtedness  
10552 be not authorized at such election, such question shall not again  
10553 be submitted to a vote until the expiration of a period of six (6)  
10554 months from and after the date of such election.

10555       Such bonds, notes or other evidences of indebtedness shall  
10556 bear such date or dates, shall be of such denomination or  
10557 denominations, shall be payable at such place or places, shall  
10558 bear such rate or rates of interest and shall mature in such  
10559 amounts and at such times as may be provided and directed by the  
10560 board of supervisors of said county. Such bonds shall bear  
10561 interest at a rate or rates not exceeding six percent (6%) per  
10562 annum and shall mature in not more than twenty-five (25) years  
10563 from the date thereof and shall be sold for not less than par and  
10564 accrued interest.

10565       All bonds, notes or other evidences of indebtedness issued  
10566 hereunder shall be secured by a pledge of the full faith, credit  
10567 and resources of such county. There shall annually be levied upon  
10568 all taxable property within said county an ad valorem tax in  
10569 addition to all other taxes, sufficient to provide for the payment  
10570 of the principal of and the interest on said bonds, notes or other  
10571 evidences of indebtedness as the same respectively mature and  
10572 accrue.

10573       The publication of any notice required in this section may be  
10574 published on the Internet as provided in Section 1 of this act.



10575           **SECTION 156.** Section 37-115-71, Mississippi Code of 1972, is  
10576 amended as follows:

10577           37-115-71. Any such county as is provided for in Section  
10578 37-115-69 is hereby authorized and empowered to issue and sell its  
10579 bonds, notes or other evidences of indebtedness for the purpose of  
10580 providing funds with which to make the contribution or donation  
10581 authorized under the provisions of said section. Such bonds,  
10582 notes or other evidences of indebtedness shall not be issued in an  
10583 amount which will exceed the limit of indebtedness of said county  
10584 as such limit is prescribed by Sections 19-9-1 through 19-9-31,  
10585 Mississippi Code of 1972. Before issuing any such bonds, notes or  
10586 other evidences of indebtedness, the board of supervisors acting  
10587 for such county shall adopt a resolution declaring its intention  
10588 to issue the same, stating the amount and purpose thereof and  
10589 fixing the date upon which an election will be held on the  
10590 proposition. Notice of such election shall be given by  
10591 publication of such resolution once a week for at least three (3)  
10592 consecutive weeks in at least one (1) newspaper published in said  
10593 county. The first publication of such notice shall be made not  
10594 less than twenty-one (21) days prior to the date fixed in such  
10595 resolution for the holding of said election as aforesaid and the  
10596 last publication shall be made not more than seven (7) days prior  
10597 to such date. At such election all qualified electors of said  
10598 county may vote and the ballots used shall have printed thereon a  
10599 brief statement of the amount and purpose of the bonds, notes or  
10600 other evidences of indebtedness proposed to be issued and the  
10601 voter shall vote by placing a cross (X) or check (✓) opposite his  
10602 choice on the proposition. The bonds, notes or other evidences of  
10603 indebtedness authorized herein shall not be issued unless  
10604 authorized by the affirmative vote of a majority of the qualified  
10605 voters of said county who vote on the proposition at such  
10606 election.



10607           Such election shall be conducted and the returns thereof  
10608 made, canvassed, and declared as nearly as may be in like manner  
10609 as is now or may hereafter be provided by law in the case of  
10610 general elections in counties. In the event that the question of  
10611 the issuance of such bonds, notes or other evidences of  
10612 indebtedness be not authorized at such election, such question  
10613 shall not again be submitted to a vote until the expiration of a  
10614 period of six (6) months, from and after the date of such  
10615 election.

10616           Such bonds, notes or other evidences of indebtedness shall  
10617 bear such date or dates, shall be of such denomination or  
10618 denominations, shall be payable at such place or places, shall  
10619 bear such rate or rates of interest and shall mature in such  
10620 amounts and at such times as may be provided and directed by the  
10621 board of supervisors of said county. Such bonds shall bear  
10622 interest at a rate or rates not exceeding six percent (6%) per  
10623 annum and shall mature in not more than twenty-five (25) years  
10624 from the date thereof and shall be sold for not less than par and  
10625 accrued interest.

10626           Any bonds authorized to be issued at an election as provided  
10627 for in this section shall be issued by such county, acting by and  
10628 through its board of supervisors, at such times and in such  
10629 amounts as shall be provided for by resolution of the Board of  
10630 Trustees of State Institutions of Higher Learning.

10631           All bonds, notes or other evidences of indebtedness issued  
10632 hereunder shall be secured by a pledge of the full faith, credit  
10633 and resources of such county. There shall annually be levied upon  
10634 all taxable property within said county an ad valorem tax in  
10635 addition to all other taxes, sufficient to provide for the payment  
10636 of the principal of and the interest on said bonds, notes or other  
10637 evidences of indebtedness as the same respectively mature and  
10638 accrue.



The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 157.** Section 37-117-9, Mississippi Code of 1972, is amended as follows:

37-117-9. The superintendent of education of each county, after due notice published, shall examine applicants, not qualified to enter by certificate from an accredited school, upon questions prepared and submitted by the President of the Mississippi University for Women, and, with the consent of the board of supervisors, shall give certificates of selection to the number of girls to which his county is entitled, in addition to those already in the said college, if any. County superintendents shall make their appointments of students to the said college not later than July 1 of each year.

The certificate of selection shall be attested by the clerk of the board of supervisors, under its seal, and shall entitle the holder to admission into the said college, with all the privileges thereof, to pursue all the industrial branches selected, and to enter the subclass or class for which she is fitted.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 158.** Section 37-145-29, Mississippi Code of 1972, is amended as follows:

37-145-29. The State Bond Commission shall sell such bonds in the manner and at a price which will result in the lowest interest rate on the best terms obtainable for the state, but no such sale shall be made at a price less than par plus accrued interest to date of delivery of the bonds to the purchaser. Notice of the sale of any such bonds shall be published at least one (1) time not less than ten (10) days prior to the date of sale and shall be so published in one or more newspapers having a general circulation in the City of Jackson and in one or more



10671 other newspapers or financial journals as may be directed by the  
10672 State Bond Commission.

10673 The publication of any notice required in this section may be  
10674 published on the Internet as provided in Section 1 of this act.

10675 **SECTION 159.** Section 37-145-35, Mississippi Code of 1972, is  
10676 amended as follows:

10677 37-145-35. Such general obligation bonds may be issued  
10678 without any other proceedings or the happening of any other  
10679 conditions or things than those proceedings, conditions and things  
10680 which are specified or required by Sections 37-145-23 through  
10681 37-145-41. Any resolution providing for the issuance of general  
10682 obligation bonds under the provisions of Sections 37-145-23  
10683 through 37-145-41 shall become effective immediately upon its  
10684 adoption by the State Bond Commission, and any such resolution may  
10685 be adopted at any regular, special or adjourned meeting of the  
10686 State Bond Commission by a majority of its members.

10687 The bonds authorized under the authority of Sections  
10688 37-145-23 through 37-145-41 may, in the discretion of the State  
10689 Bond Commission, be validated in the Chancery Court of the First  
10690 Judicial District of Hinds County, Mississippi, in the manner and  
10691 with the force and effect provided now or hereafter by Chapter 13,  
10692 Title 31, Mississippi Code of 1972, for the validation of county,  
10693 municipal, school district and other bonds. The necessary papers  
10694 for such validation proceedings shall be transmitted to the State  
10695 Bond Commission, and the required notice shall be published in a  
10696 newspaper published in the City of Jackson, Mississippi.

10697 The publication of any notice required in this section may be  
10698 published on the Internet as provided in Section 1 of this act.

10699 **SECTION 160.** Section 39-13-3, Mississippi Code of 1972, is  
10700 amended as follows:

10701 39-13-3. The governing authority of each municipality and  
10702 county, either independently or jointly with the governing  
10703 authority of an adjacent municipality or county, or both, is



10704 hereby empowered, in its discretion, to enact ordinances providing  
10705 for the creation of one or more local historic preservation  
10706 commissions to advise on the establishment and location of  
10707 potential historic districts and the designation of potential  
10708 historic landmarks and landmark sites within the jurisdictional  
10709 area of the governing authority. The governing authorities of  
10710 each municipality and county, either independently or jointly with  
10711 the governing authorities of an adjacent municipality, may enact  
10712 ordinances for the establishment of such local historic districts,  
10713 historic landmarks and landmark sites within the jurisdictional  
10714 area of the governing authorities as these authorities shall  
10715 choose to designate. Each such ordinance shall be adopted after  
10716 investigation of the historical, architectural, archaeological and  
10717 cultural significance of the buildings, structures, features,  
10718 sites and surroundings of such districts, landmarks or landmark  
10719 sites and after having held public hearing thereon. Notice of  
10720 such public hearing, specifying the boundaries of any proposed  
10721 historic district and the location of proposed historic landmarks  
10722 and landmark sites shall be published once a week for at least  
10723 three (3) consecutive weeks in at least one (1) newspaper  
10724 published in such municipality or county. The first publication  
10725 of such resolution shall be made not less than twenty-one (21)  
10726 days prior to the date fixed in such resolution for the public  
10727 hearing and the last publication shall be made not more than seven  
10728 (7) days prior to such date. If no newspaper be published in such  
10729 municipality or county, then such notice shall be given by  
10730 publishing the resolution for the required time in some newspaper  
10731 having a general circulation in such municipality or county.

10732 An ordinance to establish a local historic preservation  
10733 commission may precede an ordinance to designate one or more local  
10734 historic districts and one or more landmarks or landmark sites.  
10735 Whenever governing authorities enact such an ordinance creating a  
10736 historic preservation commission before an ordinance or ordinances



10737 designating one or more local historic districts and one or more  
10738 landmarks or landmark sites, the local historic preservation  
10739 commission shall review such potential local historic districts or  
10740 potential landmarks or landmark sites and make a recommendation to  
10741 the governing authorities before such designation.

10742 The publication of any notice required in this section may be  
10743 published on the Internet as provided in Section 1 of this act.

10744 **SECTION 161.** Section 39-13-11, Mississippi Code of 1972, is  
10745 amended as follows:

10746 39-13-11. A governing authority may provide by local  
10747 ordinance the procedures to be followed to designate historic  
10748 districts, landmarks and landmark sites. Such an ordinance may  
10749 provide that a governing authority may designate such properties  
10750 upon the recommendation of a local historic preservation  
10751 commission.

10752 A potential historic district or landmark or landmark site  
10753 may be proposed for designation by either a majority of the  
10754 members of a local historic preservation commission or an owner of  
10755 a potential landmark or landmark site or an organization which has  
10756 as one of its central purposes the promotion of historic  
10757 preservation objectives. If in private ownership, a landmark site  
10758 must include significant surviving landscape features to qualify  
10759 for designation unless its primary significance is archeological,  
10760 and new construction after review and approval, shall be built to  
10761 fit into such landscape features rather than replace them or shall  
10762 be designed to avoid insofar as possible an archeological resource  
10763 rather than replace it. If in public ownership, a local historic  
10764 preservation commission shall discourage new construction on a  
10765 site of great significance to the entire community unless the new  
10766 construction can be located on a portion of the site which will  
10767 permit a continuing understanding of its historical character and  
10768 will avoid damage to surviving landscape features or an  
10769 archeological resource.





10770           Once a nomination has been filed with an existing historic  
10771 preservation commission or the governing authority of a  
10772 municipality or county proposing to create such a commission and  
10773 designate one or more local properties, a decision on whether to  
10774 proceed with the designation must be made within six (6) months.

10775           When a historic preservation commission already exists within  
10776 a community, a majority of the commission's members must vote in  
10777 favor of any proposed designation in order for the file supporting  
10778 the designation to be sent forward to the local governing  
10779 authority for its consideration. No file purporting to justify a  
10780 proposed designation may be forwarded to a governing authority  
10781 unless the commission's recommendation includes a map that clearly  
10782 delineates boundaries for the proposed designation, a verbal  
10783 description and justification of the proposed boundaries and a  
10784 written statement of significance for the historic district or  
10785 landmark or landmark site proposed for designation. Unless  
10786 justification is contained in a designating ordinance, the  
10787 boundary for any historic landmark shall include an entire tax  
10788 parcel and may include adjoining tax parcels that were  
10789 historically linked to the primary parcel during the period of  
10790 greatest historic significance for the landmark structure.

10791           The local governing authority must conduct at least one (1)  
10792 public hearing on the proposed designation and notice of the  
10793 public hearing must be published weekly for at least three (3)  
10794 consecutive weeks in a local newspaper authorized to publish legal  
10795 notices.

10796           The local governing authority must take action on the  
10797 proposed designation within sixty (60) days of the public hearing,  
10798 either to adopt a designating ordinance or to reject the proposed  
10799 designation.

10800           As quickly as would be reasonably possible, a local historic  
10801 preservation commission must notify other municipal agencies and  
10802 any appropriate county or state agencies of the designation of a



10803 historic district, landmark or landmark site. The commission must  
10804 maintain in its official files an updated list and map of local  
10805 designations and provide copies of such a map to other  
10806 governmental agencies within one (1) week of the preparation of a  
10807 new version of the map.

10808 The publication of any notice required in this section may be  
10809 published on the Internet as provided in Section 1 of this act.

10810 **SECTION 162.** Section 39-17-109, Mississippi Code of 1972, is  
10811 amended as follows:

10812 39-17-109. The State Bond Commission shall act as the  
10813 issuing agent for the bonds authorized under Sections 39-17-101  
10814 through 39-17-127, prescribe the form of the bonds, advertise for  
10815 and accept bids, issue and sell the bonds so authorized to be  
10816 sold, pay all fees and costs incurred in such issuance and sale,  
10817 and do all other things necessary and advisable in connection with  
10818 the issuance and sale of the bonds. The State Bond Commission may  
10819 pay the costs that are incident to the sale, issuance and delivery  
10820 of the bonds authorized under Sections 39-17-101 through 39-17-127  
10821 from the proceeds derived from the sale of the bonds. The State  
10822 Bond Commission shall sell such bonds on sealed bids at public  
10823 sale, and for such price as it may determine to be for the best  
10824 interest of the State of Mississippi, but no such sale may be made  
10825 at a price less than parplus accrued interest to the date of  
10826 delivery of the bonds to the purchaser. All interest accruing on  
10827 such bonds so issued shall be payable semiannually or annually;  
10828 however, the first interest payment may be for any period of not  
10829 more than one (1) year.

10830 Notice of the sale of any such bond shall be published at  
10831 least one (1) time, not less than ten (10) days before the date of  
10832 sale, and shall be so published in one or more newspapers  
10833 published or having a general circulation in the City of Jackson,  
10834 Mississippi, and in one or more other newspapers or financial



10835 journals with a national circulation, to be selected by the State  
10836 Bond Commission.

10837       The State Bond Commission, when issuing any bonds under the  
10838 authority of Sections 39-17-101 through 39-17-127, may provide  
10839 that the bonds, at the option of the State of Mississippi, may be  
10840 called in for payment and redemption at the call price named  
10841 therein and accrued interest on such date or dates named therein.

10842       The publication of any notice required in this section may be  
10843 published on the Internet as provided in Section 1 of this act.

10844       **SECTION 163.** Section 39-17-119, Mississippi Code of 1972, is  
10845 amended as follows:

10846       39-17-119. The bonds authorized under the authority of  
10847 Sections 39-17-101 through 39-17-127 may be validated in the  
10848 Chancery Court of the First Judicial District of Hinds County,  
10849 Mississippi, in the manner and with the force and effect provided  
10850 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
10851 validation of county, municipal, school district and other bonds.  
10852 The notice to taxpayers required by such statutes shall be  
10853 published in a newspaper published or having a general circulation  
10854 in the City of Jackson, Mississippi.

10855       The publication of any notice required in this section may be  
10856 published on the Internet as provided in Section 1 of this act.

10857       **SECTION 164.** Section 39-19-9, Mississippi Code of 1972, is  
10858 amended as follows:

10859       39-19-9. A museum may terminate a loan for unclaimed  
10860 property in its possession as follows:

10861       (a) The museum shall make a good faith and reasonable  
10862 search for the identity and last known address of the lender from  
10863 the museum records and other records reasonably available to  
10864 museum staff. If the museum identifies the lender and the  
10865 lender's last known address, the museum shall give actual notice  
10866 to the lender that the loan is terminated pursuant to subsection  
10867 (b) of this section. If the identify or the last known address of



10868 the lender remains unknown after the search, the museum shall give  
10869 notice by publication pursuant to subsection (c) of this section.

10870 (b) Actual notice of termination of a loan of unclaimed  
10871 property shall take substantially the following form. The museum  
10872 shall send a letter by restricted certified mail to the lender at  
10873 the lender's last known address giving a notice of termination of  
10874 the loan, which shall include the following information:

10875 (i) Date of notice of termination;

10876 (ii) Name of lender;

10877 (iii) Description of property in sufficient detail  
10878 for ready identification;

10879 (iv) Approximate beginning date of the loan (and  
10880 termination date, if applicable), if known;

10881 (v) The name and address of the appropriate museum  
10882 official to be contacted regarding the loan; and

10883 (vi) A statement that within ninety (90) days of  
10884 the date of the notice of termination, the lender is required to  
10885 remove the property from the museum or contact the designated  
10886 official in the museum in writing to preserve the lender's  
10887 interests in the property and that failure to do so will result in  
10888 the loss of all rights in the property pursuant to Section  
10889 39-19-11.

10890 (c) If the museum is unable to identify sufficient  
10891 information to send actual notice pursuant to subsection (a) of  
10892 this section, or if a signed return receipt of a notice sent by  
10893 restricted certified mail under subsection (b) of this section is  
10894 not received by the museum within thirty (30) days after the  
10895 notice is mailed, the museum shall publish the notice of  
10896 termination of loan containing all the information available to  
10897 the museum as provided in subsection (b) (i) through (v) of this  
10898 section at least twice, sixty (60) or more days apart, in a  
10899 publication of general circulation in the county in which the



museum is located, and the county of the lender's last known address, if known.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 165.** Section 41-11-11, Mississippi Code of 1972, is amended as follows:

41-11-11. (1) From and after July 1, 1989, the Kuhn Memorial State Hospital at Vicksburg, the South Mississippi State Hospital at Laurel, and the Matty Hersee Hospital at Meridian shall be closed, and the Legislature shall not appropriate any funds for the operation of those hospitals after that date. For each such hospital for which title to the hospital buildings and the land upon which they are located remains in the State of Mississippi after closure of the hospital, except for any part thereof which has been previously leased to a political subdivision or which is used by another state agency or department, the Governor's Office of General Services, Bureau of Building, Grounds and Real Property Management, shall be authorized to sell and transfer title to each of such hospital buildings and such land to any individual, corporation or other entity for an amount not less than the fair market value thereof as determined by three (3) real estate appraisers. However, prior to any such sale, the Office of General Services shall publish notice of its intention to sell the same in a newspaper of general circulation in the county in which the property is located and in Hinds County, Mississippi, and in such publication shall solicit requests for proposals for the use of such property by agencies, departments or political subdivisions of the State of Mississippi. If proposals are received, the Office of General Services shall review the proposals to determine if any proposed use of the property, both real and personal, will reasonably be used to provide a needed service not presently provided by the State of Mississippi or by a political subdivision thereof. If the Office



10933 of General Services determines that such needed service may be  
10934 provided by another state agency, department or political  
10935 subdivision, it shall transfer title to the real and personal  
10936 property, as may be needed, to such agency, department or  
10937 political subdivision subject to any leases or uses of the  
10938 property by another state agency, department or political  
10939 subdivision. If no proposals are received, the Office of General  
10940 Services may proceed with the sale of the property as provided  
10941 above in this subsection. The Office of General Services shall  
10942 submit to the Governor and the Legislature a copy of all proposals  
10943 received and a detailed statement and explanation of its decision  
10944 to transfer or not transfer such property no later than October 1,  
10945 1989. Any funds received from the sale of such buildings and land  
10946 shall be paid into the State General Fund.

10947 (2) Any equipment and supplies of such hospitals which  
10948 cannot be used by any transferee agency, department or political  
10949 subdivision and which may be used by the University Medical Center  
10950 or any other agency or institution of the state shall be offered  
10951 to the Medical Center and other state agencies and institutions,  
10952 and may be given to any such agency or institution desiring the  
10953 same upon request, at no charge. If the same equipment or  
10954 supplies are requested by more than one (1) agency or institution,  
10955 the State Fiscal Management Board shall determine which agency or  
10956 institution will be given the equipment or supplies being  
10957 requested. Any equipment and supplies remaining after being  
10958 offered to the state agencies and institutions shall be sold by  
10959 the Fiscal Management Board after advertising for bids thereon.  
10960 Any funds received from the sale of such equipment and supplies  
10961 shall be paid into the State General Fund.

10962 (3) None of such hospitals shall admit any person as an  
10963 inpatient into the hospital after June 15, 1989. Each of the  
10964 hospitals shall make every effort to locate and make arrangements  
10965 with hospitals or other appropriate institutions to provide



10966 treatment and care to any patients who will continue to need  
10967 treatment and care after June 30, 1989.

10968 (4) Any monies owed to such hospitals but not collected by  
10969 June 30, 1989, including, but not limited to payments from  
10970 Medicare, health or hospitalization insurance, other third  
10971 parties, or from the patient or his family or estate, shall be  
10972 paid to the Fiscal Management Board, which shall transfer all such  
10973 monies received into the State General Fund. Any valid debts or  
10974 other obligations of such hospitals incurred before July 1, 1989,  
10975 which have not been paid or finally satisfied by June 30, 1989,  
10976 including any that were not billed to the hospitals until after  
10977 June 30, 1989, shall remain an obligation of the state and shall  
10978 be paid by the Fiscal Management Board from funds appropriated for  
10979 such purpose. Any ending cash balance of any such hospital on  
10980 June 30, 1989, shall be applied to payment of any indebtedness or  
10981 other obligations of that hospital before any other funds are used  
10982 for such purpose.

10983 (5) The publication of any notice required in this section  
10984 may be published on the Internet as provided in Section 1 of this  
10985 act.

10986 **SECTION 166.** Section 41-13-15, Mississippi Code of 1972, is  
10987 amended as follows:

10988 41-13-15. (1) Any county and/or any political or judicial  
10989 subdivision of a county and/or any municipality of the State of  
10990 Mississippi, acting individually or jointly, may acquire and hold  
10991 real estate for a community hospital either recognized and/or  
10992 licensed as such by either the State of Mississippi or the United  
10993 States Government, and may, after complying with applicable health  
10994 planning and licensure statutes, construct a community hospital  
10995 thereon and/or appropriate funds according to the provisions of  
10996 this chapter for the construction, remodeling, maintaining,  
10997 equipping, furnishing and expansion of such facilities by the  
10998 board of trustees upon such real estate.



10999           (2) Where joint ownership of a community hospital is  
11000 involved, the owners are hereby authorized to contract with each  
11001 other for determining the pro rata ownership of such community  
11002 hospital, the proportionate cost of maintenance and operation, and  
11003 the proportionate financing that each will contribute to the  
11004 community hospital.

11005           (3) The owners may likewise contract with each other, or on  
11006 behalf of any subordinate political or judicial subdivision, or  
11007 with the board of trustees of a community hospital, and/or any  
11008 agency of the State of Mississippi or the United States  
11009 Government, for necessary purposes related to the establishment,  
11010 operation or maintenance of community hospitals and related  
11011 programs wherever located, and may either accept from, sell or  
11012 contribute to the other entities, monies, personal property or  
11013 existing health facilities. The owners or the board of trustees  
11014 may also receive monies, property or any other valuables of any  
11015 kind through gifts, donations, devises or other recognized means  
11016 from any source for the purpose of hospital use.

11017           (4) Owners and boards of trustees, acting jointly or  
11018 severally, may acquire and hold real estate for offices for  
11019 physicians and other health care practitioners and related health  
11020 care or support facilities, provided that any contract for the  
11021 purchase of real property must be ratified by the owner, and may  
11022 thereon construct and equip, maintain and remodel or expand such  
11023 offices and related facilities, and the board of trustees may  
11024 lease same to members of the hospital staff or others at a rate  
11025 deemed to be in the best interest of the community hospital.

11026           (5) If any political or judicial subdivision of a county is  
11027 obligated hereunder, the boundaries of such district shall not be  
11028 altered in such a manner as to relieve any portion thereof of its  
11029 obligation hereunder.

11030           (6) Owners may convey to any other owner any or all  
11031 property, real or personal, comprising any existing community





11032 hospital, including related facilities, wherever located, owned by  
11033 such conveying owner. Such conveyance shall be upon such terms  
11034 and conditions as may be agreed upon and may make such provisions  
11035 for transfers of operating funds and/or for the assumption of  
11036 liabilities of the community hospital as may be deemed appropriate  
11037 by the respective owners.

11038       (7) (a) Except as provided for in subsection (11) of this  
11039 section, owners may lease all or part of the property, real or  
11040 personal, comprising a community hospital, including any related  
11041 facilities, wherever located, and/or assets of such community  
11042 hospital, to any individual, partnership or corporation, whether  
11043 operating on a nonprofit basis or on a profit basis, or to the  
11044 board of trustees of such community hospital or any other owner or  
11045 board of trustees, subject to the applicable provisions of  
11046 subsections (8), (9) and (10) of this section. The term of such  
11047 lease shall not exceed fifty (50) years. Such lease shall be  
11048 conditioned upon (i) the leased facility continuing to operate in  
11049 a manner safeguarding community health interests; (ii) the  
11050 proceeds from the lease being first applied against such bonds,  
11051 notes or other evidence of indebtedness as are issued pursuant to  
11052 Section 41-13-19 as and when they are due, provided that the terms  
11053 of the lease shall cover any indebtedness pursuant to Section  
11054 41-13-19; and (iii) any surplus proceeds from the lease being  
11055 deposited in the general fund of the owner, which proceeds may be  
11056 used for any lawful purpose. Such lease shall be subject to the  
11057 express approval of the board of trustees of the community  
11058 hospital, except in the case where the board of trustees of the  
11059 community hospital will be the lessee. However, owners may not  
11060 lease any community hospital to the University of Mississippi  
11061 Medical Center unless first the University of Mississippi Medical  
11062 Center has obtained authority to lease such hospital under  
11063 specific terms and conditions from the Board of Trustees of State  
11064 Institutions of Higher Learning.



11065           If the owner wishes to lease a community hospital without an  
11066 option to sell it and the approval of the board of trustees of the  
11067 community hospital is required but is not given within thirty (30)  
11068 days of the request for its approval by the owner, then the owner  
11069 may enter such lease as described herein on the following  
11070 conditions: A resolution by the owner describing its intention to  
11071 enter such lease shall be published once a week for at least three  
11072 (3) consecutive weeks in at least one (1) newspaper published in  
11073 the county or city, as the case may be, or if none be so  
11074 published, in a newspaper having a general circulation therein.  
11075 The first publication of such notice shall be made not less than  
11076 twenty-one (21) days prior to the date fixed in such resolution  
11077 for the lease of the community hospital and the last publication  
11078 shall be made not more than seven (7) days prior to such date. If,  
11079 on or prior to the date fixed in such resolution for the lease of  
11080 the community hospital, there shall be filed with the clerk of the  
11081 owner a petition signed by twenty percent (20%) or fifteen hundred  
11082 (1500), whichever is less, of the qualified voters of such owner,  
11083 requesting that an election be called and held on the question of  
11084 the lease of the community hospital, then it shall be the duty of  
11085 the owner to call and provide for the holding of an election as  
11086 petitioned for. In such case, no such lease shall be entered into  
11087 unless authorized by the affirmative vote of the majority of the  
11088 qualified voters of such owner who vote on the proposition at such  
11089 election. Notice of such election shall be given by publication  
11090 in like manner as hereinabove provided for the publication of the  
11091 initial resolution. Such election shall be conducted and the  
11092 return thereof made, canvassed and declared as nearly as may be in  
11093 like manner as is now or may hereafter be provided by law in the  
11094 case of general elections in such owner. If, on or prior to the  
11095 date fixed in the owner's resolution for the lease of the  
11096 community hospital, no such petition as described above is filed  
11097 with the clerk of the owner, then the owner may proceed with the



11098 lease subject to the other requirements of this section. Subject  
11099 to the above conditions, the lease agreement shall be upon such  
11100 terms and conditions as may be agreed upon and may make such  
11101 provision for transfers of tangible and intangible personal  
11102 property and operating funds and/or for the assumption of  
11103 liabilities of the community hospital and for such lease payments,  
11104 all as may be deemed appropriate by the owners.

11105 (b) Owners may sell and convey all or part of the  
11106 property, real or personal, comprising a community hospital,  
11107 including any related facilities, wherever located, and/or assets  
11108 of such community hospital, to any individual, partnership or  
11109 corporation, whether operating on a nonprofit basis or on a profit  
11110 basis, or to the board of trustees of such community hospital or  
11111 any other owner or board of trustees, subject to the applicable  
11112 provisions of subsections (8) and (10) of this section. Such sale  
11113 and conveyance shall be upon such terms and conditions as may be  
11114 agreed upon by the owner and the purchaser that are consistent  
11115 with the requirements of this section, and the parties may make  
11116 such provisions for the transfer of operating funds or for the  
11117 assumption of liabilities of the facility, or both, as they deem  
11118 appropriate. However, such sale and conveyance shall be  
11119 conditioned upon (i) the facility continuing to operate in a  
11120 manner safeguarding community health interests; (ii) the proceeds  
11121 from such sale being first applied against such bonds, notes or  
11122 other evidence of indebtedness as are issued pursuant to Section  
11123 41-13-19 as and when they are due, provided that the terms of the  
11124 sale shall cover any indebtedness pursuant to Section 41-13-19;  
11125 and (iii) any surplus proceeds from the sale being deposited in  
11126 the general fund of the owner, which proceeds may be used for any  
11127 lawful purpose. However, owners may not sell or convey any  
11128 community hospital to the University of Mississippi Medical Center  
11129 unless first the University of Mississippi Medical Center has  
11130 obtained authority to purchase such hospital under specific terms



11131 and conditions from the Board of Trustees of State Institutions of  
11132 Higher Learning.

11133 (8) Whenever any owner decides that it may be in its best  
11134 interests to sell or lease a community hospital as provided for  
11135 under subsection (7) of this section, the owner shall first  
11136 contract with a certified public accounting firm, a law firm or  
11137 competent professional health care or management consultants to  
11138 review the current operating condition of the community hospital.  
11139 The review shall consist of, at minimum, the following:

11140 (a) A review of the community's inpatient facility  
11141 needs based on current workload, historical trends and  
11142 projections, based on demographic data, of future needs.

11143 (b) A review of the competitive market for services,  
11144 including other hospitals which serve the same area, the services  
11145 provided and the market perception of the competitive hospitals.

11146 (c) A review of the hospital's strengths relative to  
11147 the competition and its capacity to compete in light of projected  
11148 trends and competition.

11149 (d) An analysis of the hospital's options, including  
11150 service mix and pricing strategies. If the study concludes that a  
11151 sale or lease should occur, the study shall include an analysis of  
11152 which option would be best for the community and how much revenues  
11153 should be derived from the lease or sale.

11154 (9) After the review and analysis under subsection (8) of  
11155 this section, an owner may choose to sell or lease the community  
11156 hospital. If an owner chooses to sell such hospital or lease the  
11157 hospital with an option to sell it, the owner shall follow the  
11158 procedure specified in subsection (10) of this section. If an  
11159 owner chooses to lease the hospital without an option to sell it,  
11160 it shall first spread upon its minutes why such a lease is in the  
11161 best interests of the persons living in the area served by the  
11162 facility to be leased, and it shall make public any and all  
11163 findings and recommendations made in the review required under



11164 proposals for the lease, which shall state clearly the minimum  
11165 required terms of all respondents and the evaluation process that  
11166 will be used when the owner reviews the proposals. The owner  
11167 shall lease to the respondent submitting the highest and best  
11168 proposal. In no case may the owner deviate from the process  
11169 provided for in the request for proposals.

11170 (10) If an owner wishes to sell such community hospital or  
11171 lease the hospital with an option to sell it, the owner first  
11172 shall conduct a public hearing on the issue of the proposed sale  
11173 or lease with an option to sell the hospital. Notice of the date,  
11174 time, location and purpose of the public hearing shall be  
11175 published once a week for at least three (3) consecutive weeks in  
11176 at least one (1) newspaper published in the county or city, as the  
11177 case may be, or if none be so published, in a newspaper having a  
11178 general circulation therein. The first publication of the notice  
11179 shall be made not less than twenty-one (21) days before the date  
11180 of the public hearing and the last publication shall be made not  
11181 more than seven (7) days before that date. If, after the public  
11182 hearing, the owner chooses to sell or lease with an option to sell  
11183 the hospital, the owner shall adopt a resolution describing its  
11184 intention to sell or lease with an option to sell the hospital,  
11185 which shall include the owner's reasons why such a sale or lease  
11186 is in the best interests of the persons living in the area served  
11187 by the facility to be sold or leased. The owner then shall  
11188 publish a copy of the resolution; the requirements for proposals  
11189 for the sale or lease with an option to sell the hospital, which  
11190 shall state clearly the minimum required terms of all respondents  
11191 and the evaluation process that will be used when the owner  
11192 reviews the proposals; and the date proposed by the owner for the  
11193 sale or lease with an option to sell the hospital. Such  
11194 publication shall be made once a week for at least three (3)  
11195 consecutive weeks in at least one (1) newspaper published in the  
11196 county or city, as the case may be, or if none be so published, in



11197 a newspaper having a general circulation therein. The first  
11198 publication of the notice shall be made not less than twenty-one  
11199 (21) days before the date proposed for the sale or lease with an  
11200 option to sell the hospital and the last publication shall be made  
11201 not more than seven (7) days before that date. If, on or before  
11202 the date proposed for the sale or lease of the hospital, there is  
11203 filed with the clerk of the owner a petition signed by twenty  
11204 percent (20%) or fifteen hundred (1500), whichever is less, of the  
11205 qualified voters of the owner, requesting that an election be  
11206 called and held on the question of the sale or lease with an  
11207 option to sell the hospital, then it shall be the duty of the  
11208 owner to call and provide for the holding of an election as  
11209 petitioned for. In that case, no such sale or lease shall be  
11210 entered into unless authorized by the affirmative vote of the  
11211 majority of the qualified voters of the owner who vote on the  
11212 proposition at such election. Notice of the election shall be  
11213 given by publication in the same manner as provided for the  
11214 publication of the initial resolution. The election shall be  
11215 conducted and the return thereof made, canvassed and declared in  
11216 the same manner as provided by law in the case of general  
11217 elections in the owner. If, on or before the date proposed for  
11218 the sale or lease of the hospital, no such petition is filed with  
11219 the clerk of the owner, then the owner may sell or lease with an  
11220 option to sell the hospital. Such sale or lease shall be made to  
11221 the respondent submitting the highest and best proposal. In no  
11222 case may the owner deviate from the process provided for in the  
11223 request for proposals.

11224 (11) A lessee of a community hospital, under a lease entered  
11225 into under the authority of Section 41-13-15, in effect prior to  
11226 July 15, 1993, or an affiliate thereof, may extend or renew such  
11227 lease whether or not an option to renew or extend the lease is  
11228 contained in the lease, for a term not to exceed fifteen (15)  
11229 years, conditioned upon (a) the leased facility continuing to



11230 operate in a manner safeguarding community health interest; (b)  
11231 proceeds from the lease being first applied against such bonds,  
11232 notes or other evidence of indebtedness as are issued pursuant to  
11233 Section 41-13-19; (c) surplus proceeds from the lease being used  
11234 for health related purposes; (d) subject to the express approval  
11235 of the board of trustees of the community hospital; and (e)  
11236 subject to the express approval of the owner. If no board of  
11237 trustees is then existing, the owner shall have the right to enter  
11238 into a lease upon such terms and conditions as agreed upon by the  
11239 parties. Any lease entered into under this subsection (11) may  
11240 contain an option to purchase the hospital, on such terms as the  
11241 parties shall agree.

11242 (12) The publication of any notice required in this section  
11243 may be published on the Internet as provided in Section 1 of this  
11244 act.

11245 **SECTION 167.** Section 41-13-19, Mississippi Code of 1972, is  
11246 amended as follows:

11247 41-13-19. Such counties, cities and towns, supervisors  
11248 districts, judicial districts and election districts of a county  
11249 are authorized and empowered to make appropriations of the funds  
11250 thereof for the purpose of Sections 41-13-15 through 41-13-51, and  
11251 are hereby authorized and empowered to issue and sell the bonds,  
11252 notes or other evidences of indebtedness thereof, for the purpose  
11253 of providing funds with which to acquire real estate for and to  
11254 establish, erect, build, construct, remodel, add to, acquire,  
11255 equip and furnish community hospitals, nurses' homes, health  
11256 centers, health departments, diagnostic or treatment centers,  
11257 rehabilitation facilities, nursing homes and related facilities  
11258 under the provisions of such sections. Such bonds, notes or other  
11259 evidences of indebtedness secured by a pledge of the full faith,  
11260 credit, and resources of the issuing entity shall not be issued in  
11261 an amount which will exceed the limit of indebtedness of the  
11262 county, city, town, supervisors district, judicial district or



11263 election district issuing the same, as such limit is prescribed by  
11264 Sections 19-9-1 et seq., and Sections 21-33-301 et seq.,  
11265 Mississippi Code of 1972.

11266       Before issuing any such bonds, notes or other evidences of  
11267 indebtedness secured by a pledge of the full faith, credit, and  
11268 resources of the issuing entity, the board of supervisors, acting  
11269 for a county or supervisors district, judicial district or  
11270 election district thereof, or the mayor and board of aldermen, or  
11271 city council, or other like governing body, acting for a city or  
11272 town, shall adopt a resolution declaring its intention to issue  
11273 the same, stating the amount and purposes thereof, whether such  
11274 hospital, nurses' home, health center, health department,  
11275 diagnostic or treatment center, rehabilitation facility, nursing  
11276 home or related facilities are to be erected, acquired, remodeled,  
11277 equipped, furnished, maintained and operated by such county, city,  
11278 town or supervisors district separately, or jointly with one or  
11279 more other counties, cities, towns, supervisors districts,  
11280 judicial districts or election districts of a county, and fixing  
11281 the date upon which further action will be taken to provide for  
11282 the issuance of such bonds, notes or other evidences of  
11283 indebtedness. The full text of such resolution shall be published  
11284 once a week for at least three (3) consecutive weeks in at least  
11285 one (1) newspaper published in the county or city, as the case may  
11286 be, or if none be so published, in a newspaper having a general  
11287 circulation therein. The first publication of such notice shall  
11288 be made not less than twenty-one (21) days prior to the date fixed  
11289 in such resolution, as aforesaid, and the last publication shall  
11290 be made not more than seven (7) days prior to such date. If, on  
11291 or prior to the date fixed in such resolution, as aforesaid, there  
11292 shall be filed with the clerk of the body by which such resolution  
11293 was adopted a petition signed by twenty percent (20%) or fifteen  
11294 hundred (1500), whichever is less, of the qualified voters of such  
11295 county, city, town, supervisors district, judicial district or





11296 election district, as the case may be, requesting that an election  
11297 be called and held on the question of the issuance of such bonds,  
11298 notes or other evidences of indebtedness, then it shall be the  
11299 duty of the board of supervisors, board of aldermen, city council,  
11300 or other governing body, as the case may be, to call and provide  
11301 for the holding of an election as petitioned for. In such case no  
11302 such bonds, notes or other evidences of indebtedness secured by a  
11303 pledge of the full faith, credit, and resources of the issuing  
11304 entity shall be issued unless authorized by the affirmative vote  
11305 of a majority of the qualified voters of such county, city, town,  
11306 supervisors district, judicial district or election district, as  
11307 the case may be, who vote on the proposition at such election.  
11308 Notice of such election shall be given by publication in like  
11309 manner as hereinabove provided for the publication of the initial  
11310 resolution. Such election shall be conducted and the return  
11311 thereof made, canvassed and declared as nearly as may be in like  
11312 manner as is now or may hereafter be provided by law in the case  
11313 of general elections in such county, city, town, supervisors  
11314 district, judicial district or election district.

11315 In the discretion of the board of supervisors, board of  
11316 aldermen, city council, or other governing body, as the case may  
11317 be, and after adoption of a resolution declaring its intention to  
11318 issue such bonds, notes or other evidences of indebtedness secured  
11319 by a pledge of the full faith, credit, and resources of the  
11320 issuing entity, an election on the question of the issuance of  
11321 such bonds, notes or other evidences of indebtedness may be called  
11322 and held as hereinabove provided without the necessity of  
11323 publishing said resolution and whether or not a protest to the  
11324 issuance be filed with the clerk of the governing body. In the  
11325 event that the question of the issuance of such bonds, notes or  
11326 other evidences of indebtedness secured by a pledge of the full  
11327 faith, credit, and resources of the issuing entity be not  
11328 authorized at such election, such question shall not again be



11329 submitted to a vote until the expiration of a period of six (6)  
11330 months from and after the date of such election.

11331 In the event of any joint operation or proposed joint  
11332 operation as provided by Section 41-13-15, there shall be separate  
11333 bond issues, and the board or boards of supervisors acting for a  
11334 county, supervisors district, judicial district or election  
11335 district, the governing bodies of the municipality or  
11336 municipalities, as the case may be, shall each issue the bonds,  
11337 notes, or other evidences of indebtedness of the county, town,  
11338 city, supervisors district, judicial district or election  
11339 district, or districts, in such amounts as having been agreed upon  
11340 by the respective boards of supervisors and governing bodies of  
11341 the towns or cities, and in so doing follow and comply with the  
11342 provisions of Sections 41-13-19 through 41-13-23.

11343 The publication of any notice required in this section may be  
11344 published on the Internet as provided in Section 1 of this act.

11345 **SECTION 168.** Section 41-26-13, Mississippi Code of 1972, is  
11346 amended as follows:

11347 41-26-13. (1) A public water system shall, as soon as  
11348 practicable, notify the county or district health department, the  
11349 board and the administrator if one (1) of the following conditions  
11350 exist: (a) the system is not in compliance with the Mississippi  
11351 Primary Drinking Water Regulations; (b) the system fails to  
11352 perform monitoring required by regulations adopted by the board;  
11353 (c) the system is subject to a variance granted for an inability  
11354 to meet a maximum contaminant level requirement; (d) the system is  
11355 subject to an exemption; or (e) the system fails to comply with  
11356 the requirements prescribed by a variance or exemption.

11357 (2) In addition, the system shall provide public notice.  
11358 The notice shall be published at least once every three (3) months  
11359 in a newspaper of general circulation in the area which is served  
11360 by the water system, as determined by the director. The notice  
11361 shall not be placed in the legal section of the newspaper. The



11362 notice shall be furnished to the other communications media  
11363 serving the area as soon as practicable after the discovery of any  
11364 condition for which the notice is required. If the water bills of  
11365 a public water system are issued more often than once every three  
11366 (3) months, the notice shall be included in at least one (1) water  
11367 bill of the system every three (3) months, and if a public water  
11368 system issues its water bills less often than once every three (3)  
11369 months, the notice shall be included in each water bill issued by  
11370 the system.

11371 (3) The publication of any notice required in this section  
11372 may be published on the Internet as provided in Section 1 of this  
11373 act.

11374 **SECTION 169.** Section 41-29-177, Mississippi Code of 1972, is  
11375 amended as follows:

11376 41-29-177. (1) Except as otherwise provided in Section  
11377 41-29-176, Mississippi Code of 1972, when any property, other than  
11378 a controlled substance, raw material or paraphernalia, is seized  
11379 under the Uniform Controlled Substances Law, proceedings under  
11380 this section shall be instituted within thirty (30) days from the  
11381 date of seizure or the subject property shall be immediately  
11382 returned to the party from whom seized.

11383 (2) A petition for forfeiture shall be filed in the name of  
11384 the State of Mississippi, the county or the municipality and may  
11385 be filed in the county in which the seizure is made, the county in  
11386 which the criminal prosecution is brought or the county in which  
11387 the owner of the seized property is found. Forfeiture proceedings  
11388 may be brought in the circuit court or the county court if a  
11389 county court exists in the county and the value of the seized  
11390 property is within the jurisdictional limits of the county court  
11391 as set forth in Section 9-9-21, Mississippi Code of 1972. A copy  
11392 of such petition shall be served upon the following persons by  
11393 service of process in the same manner as in civil cases:

11394 (a) The owner of the property, if address is known;



11395           (b) Any secured party who has registered his lien or  
11396 filed a financing statement as provided by law, if the identity of  
11397 such secured party can be ascertained by the Bureau of Narcotics  
11398 or the local law enforcement agency by making a good faith effort  
11399 to ascertain the identity of such secured party as described in  
11400 subsections (3), (4), (5), (6) and (7) of this section;

11401           (c) Any other bona fide lienholder or secured party or  
11402 other person holding an interest in the property in the nature of  
11403 a security interest of whom the Mississippi Bureau of Narcotics or  
11404 the local law enforcement agency has actual knowledge;

11405           (d) Any holder of a mortgage, deed of trust, lien or  
11406 encumbrance of record, if the property is real estate, by making a  
11407 good faith inquiry as described in subsection (8) of this section;  
11408 and

11409           (e) Any person in possession of property subject to  
11410 forfeiture at the time that it was seized.

11411           (3) If the property is a motor vehicle susceptible of  
11412 titling under the Mississippi Motor Vehicle Title Law and if there  
11413 is any reasonable cause to believe that the vehicle has been  
11414 titled, the Bureau of Narcotics or the local law enforcement  
11415 agency shall make inquiry of the State Tax Commission as to what  
11416 the records of the State Tax Commission show as to who is the  
11417 record owner of the vehicle and who, if anyone, holds any lien or  
11418 security interest which affects the vehicle.

11419           (4) If the property is a motor vehicle and is not titled in  
11420 the State of Mississippi, then the Bureau of Narcotics or the  
11421 local law enforcement agency shall attempt to ascertain the name  
11422 and address of the person in whose name the vehicle is licensed,  
11423 and if the vehicle is licensed in a state which has in effect a  
11424 certificate of title law, the bureau or the local law enforcement  
11425 agency shall make inquiry of the appropriate agency of that state  
11426 as to what the records of the agency show as to who is the record  
11427 owner of the vehicle and who, if anyone, holds any lien, security



11428 interest or other instrument in the nature of a security device  
11429 which affects the vehicle.

11430 (5) If the property is of a nature that a financing  
11431 statement is required by the laws of this state to be filed to  
11432 perfect a security interest affecting the property and if there is  
11433 any reasonable cause to believe that a financing statement  
11434 covering the security interest has been filed under the laws of  
11435 this state, the Bureau of Narcotics or the local law enforcement  
11436 agency shall make inquiry of the appropriate office designated in  
11437 Section 75-9-501, Mississippi Code of 1972, as to what the records  
11438 show as to who is the record owner of the property and who, if  
11439 anyone, has filed a financing statement affecting the property.

11440 (6) If the property is an aircraft or part thereof and if  
11441 there is any reasonable cause to believe that an instrument in the  
11442 nature of a security device affects the property, then the Bureau  
11443 of Narcotics or the local law enforcement agency shall make  
11444 inquiry of the Mississippi Department of Transportation as to what  
11445 the records of the Federal Aviation Administration show as to who  
11446 is the record owner of the property and who, if anyone, holds an  
11447 instrument in the nature of a security device which affects the  
11448 property.

11449 (7) In the case of all other personal property subject to  
11450 forfeiture, if there is any reasonable cause to believe that an  
11451 instrument in the nature of a security device affects the  
11452 property, then the Bureau of Narcotics or the local law  
11453 enforcement agency shall make a good faith inquiry to identify the  
11454 holder of any such instrument.

11455 (8) If the property is real estate, the Bureau of Narcotics  
11456 or the local law enforcement agency shall make inquiry of the  
11457 chancery clerk of the county wherein the property is located to  
11458 determine who is the owner of record and who, if anyone, is a  
11459 holder of a bona fide mortgage, deed of trust, lien or  
11460 encumbrance.



11461           (9) In the event the answer to an inquiry states that the  
11462 record owner of the property is any person other than the person  
11463 who was in possession of it when it was seized, or states that any  
11464 person holds any lien, encumbrance, security interest, other  
11465 interest in the nature of a security interest, mortgage or deed of  
11466 trust which affects the property, the Bureau of Narcotics or the  
11467 local law enforcement agency shall cause any record owner and also  
11468 any lienholder, secured party, other person who holds an interest  
11469 in the property in the nature of a security interest, or holder of  
11470 an encumbrance, mortgage or deed of trust which affects the  
11471 property to be named in the petition of forfeiture and to be  
11472 served with process in the same manner as in civil cases.

11473           (10) If the owner of the property cannot be found and served  
11474 with a copy of the petition of forfeiture, or if no person was in  
11475 possession of the property subject to forfeiture at the time that  
11476 it was seized and the owner of the property is unknown, the Bureau  
11477 of Narcotics or the local law enforcement agency shall file with  
11478 the clerk of the court in which the proceeding is pending an  
11479 affidavit to such effect, whereupon the clerk of the court shall  
11480 publish notice of the hearing addressed to "the Unknown Owner of  
11481 \_\_\_\_\_," filling in the blank space with a reasonably  
11482 detailed description of the property subject to forfeiture.  
11483 Service by publication shall contain the other requisites  
11484 prescribed in Section 11-33-41, and shall be served as provided in  
11485 Section 11-33-37, Mississippi Code of 1972, for publication of  
11486 notice for attachments at law.

11487           (11) No proceedings instituted pursuant to the provisions of  
11488 this article shall proceed to hearing unless the judge conducting  
11489 the hearing is satisfied that this section has been complied with.  
11490 Any answer received from an inquiry required by subsections (3)  
11491 through (8) of this section shall be introduced into evidence at  
11492 the hearing.



11493        (12) The publication of any notice required in this section  
11494 may be published on the Internet as provided in Section 1 of this  
11495 act.

11496        **SECTION 170.** Section 41-55-35, Mississippi Code of 1972, is  
11497 amended as follows:

11498        41-55-35. Notice of the intention to create an air ambulance  
11499 service district shall be published at least three (3) times  
11500 during a period of twenty-one (21) days in one (1) newspaper  
11501 circulated in the county in which shall be stated the counties  
11502 cooperating to create the district, the date the district shall be  
11503 created, and the purpose of the district. If twenty percent (20%)  
11504 or one thousand five hundred (1,500) of the qualified electors of  
11505 said county shall file a written protest against the creation of  
11506 said district on or before the date specified in such resolution  
11507 then an election on the question of said county joining said  
11508 district shall be called and held as provided by law. The  
11509 determination of said issue shall be determined by a majority of  
11510 the qualified electors voting in said election.

11511        The publication of any notice required in this section may be  
11512 published on the Internet as provided in Section 1 of this act.

11513        **SECTION 171.** Section 43-5-35, Mississippi Code of 1972, is  
11514 amended as follows:

11515        43-5-35. The director shall publish notification of the  
11516 conference in the following manner:

11517        (a) Not less than thirty (30) days prior to the date of  
11518 the conference the director shall mail notices of this meeting to  
11519 the executive officer of any agency or institution of the State of  
11520 Mississippi which, in the opinion of the board, is charged with or  
11521 can contribute to the education, training or assistance of blind  
11522 or deaf citizens of the State of Mississippi. It shall be the  
11523 duty of such executive officer upon receipt of such notification  
11524 to attend or appoint an officer or employee of his agency to  
11525 attend and participate in the conference.



11526           The notice required by this subsection shall include time and  
11527 place of the conference and reference to Sections 43-5-31 through  
11528 43-5-39 regarding the required attendance of a representative from  
11529 a designated agency.

11530           (b) The director shall cause notice to be published in  
11531 a newspaper or newspapers having general circulation throughout  
11532 the state. Such notice shall appear at least three (3) times with  
11533 the first publication appearing not less than twenty-five (25)  
11534 days prior to the date of the conference and the last publication  
11535 appearing not more than five (5) days prior to the date of the  
11536 conference.

11537           (c) The director is directed and authorized to utilize  
11538 any mass communication media that may be available at no cost to  
11539 the board to publicize the conference.

11540           (d) The director shall notify private organizations and  
11541 persons known to have an interest in the education, training and  
11542 assistance of the deaf and blind of the meeting and to invite  
11543 their attendance and participation.

11544           The publication of any notice required in this section may be  
11545 published on the Internet as provided in Section 1 of this act.

11546           **SECTION 172.** Section 43-13-120, Mississippi Code of 1972, is  
11547 amended as follows:

11548           43-13-120. (1) Any person who is a Medicaid recipient and  
11549 is receiving medical assistance for services provided in a  
11550 long-term care facility under the provisions of Section 43-13-117  
11551 from the Division of Medicaid in the Office of the Governor, who  
11552 dies intestate and leaves no known heirs, shall have deemed,  
11553 through his acceptance of such medical assistance, the Division of  
11554 Medicaid as his beneficiary to all such funds in an amount not to  
11555 exceed Two Hundred Fifty Dollars (\$250.00) which are in his  
11556 possession at the time of his death. Such funds, together with  
11557 any accrued interest thereon, shall be reported by the long-term





11558 care facility to the State Treasurer in the manner provided in  
11559 subsection (2).

11560 (2) The report of such funds shall be verified, shall be on  
11561 a form prescribed or approved by the Treasurer, and shall include  
11562 (a) the name of the deceased person and his last known address  
11563 prior to entering the long-term care facility; (b) the name and  
11564 last known address of each person who may possess an interest in  
11565 such funds; and (c) any other information which the Treasurer  
11566 prescribes by regulation as necessary for the administration of  
11567 this section. The report shall be filed with the Treasurer prior  
11568 to November 1 of each year in which the long-term care facility  
11569 has provided services to a person or persons having funds to which  
11570 this section applies.

11571 (3) Within one hundred twenty (120) days from November 1 of  
11572 each year in which a report is made pursuant to subsection (2),  
11573 the Treasurer shall cause notice to be published in a newspaper  
11574 having general circulation in the county of this state in which is  
11575 located the last known address of the person or persons named in  
11576 the report who may possess an interest in such funds, or if no  
11577 such person is named in the report, in the county in which is  
11578 located the last known address of the deceased person prior to  
11579 entering the long-term care facility. If no address is given in  
11580 the report or if the address is outside of this state, the notice  
11581 shall be published in a newspaper having general circulation in  
11582 the county in which the facility is located. The notice shall  
11583 contain (a) the name of the deceased person; (b) his last known  
11584 address prior to entering the facility; (c) the name and last  
11585 known address of each person named in the report who may possess  
11586 an interest in such funds; and (d) a statement that any person  
11587 possessing an interest in such funds must make a claim therefor to  
11588 the Treasurer within ninety (90) days after such publication date  
11589 or the funds will become the property of the State of Mississippi.  
11590 In any year in which the Treasurer publishes a notice of abandoned



11591 property under Section 89-12-27, the Treasurer may combine the  
11592 notice required by this section with the notice of abandoned  
11593 property. The cost to the Treasurer of publishing the notice  
11594 required by this section shall be paid by the Division of  
11595 Medicaid.

11596 (4) Each long-term care facility that makes a report of  
11597 funds of a deceased person under this section shall pay over and  
11598 deliver such funds, together with any accrued interest thereon, to  
11599 the Treasurer not later than ten (10) days after notice of such  
11600 funds has been published by the Treasurer as provided in  
11601 subsection (3). If a claim to such funds is not made by any  
11602 person having an interest therein within ninety (90) days of the  
11603 published notice, the Treasurer shall place such funds in the  
11604 special account in the State Treasury to the credit of the  
11605 "Governor's Office - Division of Medicaid" to be expended by the  
11606 Division of Medicaid for the purposes provided under Mississippi  
11607 Medicaid Law.

11608 (5) This section shall not be applicable to any Medicaid  
11609 patient in a long-term care facility of a state institution listed  
11610 in Section 41-7-73, who has a personal deposit fund as provided  
11611 for in Section 41-7-90.

11612 (6) The publication of any notice required in this section  
11613 may be published on the Internet as provided in Section 1 of this  
11614 act.

11615 **SECTION 173.** Section 43-27-201, Mississippi Code of 1972, is  
11616 amended as follows:

11617 43-27-201. (1) The purpose of this section is to outline  
11618 and structure a long-range proposal in addition to certain  
11619 immediate objectives for improvements in the juvenile correctional  
11620 facilities of the Division of Youth Services of the Mississippi  
11621 Department of Human Services in order to provide modern and  
11622 efficient correctional and rehabilitation facilities for juvenile



11623 offenders in Mississippi, who are committing an increasing  
11624 percentage of serious and violent crimes.

11625       (2) The Department of Finance and Administration, acting  
11626 through the Bureau of Building, Grounds and Real Property  
11627 Management, using funds from bonds issued under this chapter,  
11628 monies appropriated by the Legislature for such purposes, federal  
11629 matching or other federal funds, federal grants or other available  
11630 funds from whatever source, shall provide for, by construction,  
11631 lease, lease-purchase or otherwise, and equip the following  
11632 juvenile correctional facilities under the jurisdiction and  
11633 responsibility of the Division of Youth Services of the Department  
11634 of Human Services:

11635           (a) Construct an additional one-hundred-fifty-bed,  
11636 stand-alone, medium security juvenile correctional facility for  
11637 habitual violent male offenders, which complies with American  
11638 Correctional Association Accreditation standards and applicable  
11639 building and fire safety codes. The medium security, male  
11640 juvenile facility location shall be on property owned by the  
11641 Division of Youth Services, or its successor, or at a site  
11642 selected by the Bureau of Building, Grounds and Real Property  
11643 Management on land which is hereafter donated to the state  
11644 specifically for the location of such facility.

11645           (b) Construct an additional one-hundred-bed minimum  
11646 security juvenile correctional facility for female offenders, and  
11647 an additional stand-alone, fifteen-bed maximum security juvenile  
11648 correctional facility for female offenders, which complies with  
11649 American Correctional Association Accreditation standards and  
11650 applicable building and fire safety codes. The minimum security  
11651 and maximum security female juvenile facilities location shall be  
11652 on property owned by the Division of Youth Services, or its  
11653 successor, or at a site selected by the Bureau of Building,  
11654 Grounds and Real Property Management on land which is hereafter



11655 donated to the state specifically for the location of such  
11656 facility.

11657 (3) Upon the selection of a proposed site for a correctional  
11658 facility for juveniles authorized under subsection (2), the Bureau  
11659 of Building, Grounds and Real Property Management of the  
11660 Department of Finance and Administration shall notify the board of  
11661 supervisors of the county in which such facility is proposed to be  
11662 located and shall publish a notice as hereinafter set forth in a  
11663 newspaper having general circulation in such county. Such notice  
11664 shall include a description of the tract of land in the county  
11665 whereon the facility is proposed to be located, the nature and  
11666 size of the facility and the date on which the determination of  
11667 the Bureau of Building, Grounds and Real Property Management shall  
11668 be final as to the location of such facility, which date shall not  
11669 be less than forty-five (45) days following the first publication  
11670 of such notice. Such notice shall include a brief summary of the  
11671 provisions of this section pertaining to the petition for an  
11672 election on the question of the location of the juvenile housing  
11673 facility in such county. Such notice shall be published not less  
11674 than one (1) time each week for at least three (3) consecutive  
11675 weeks in at least one (1) newspaper published in such county.

11676 If no petition requesting an election is filed before the  
11677 date of final determination stated in such notice, then the bureau  
11678 shall give final approval to the location of such facility.

11679 If at any time before the aforesaid date a petition signed by  
11680 twenty percent (20%), or fifteen hundred (1500), whichever is  
11681 less, of the qualified electors of the county involved shall be  
11682 filed with the board of supervisors requesting that an election be  
11683 called on the question of locating such facility, then the board  
11684 of supervisors shall adopt a resolution calling an election to be  
11685 held within such county upon the question of the location of such  
11686 facility. Such election shall be held, as far as practicable, in  
11687 the same manner as other elections are held in counties. At such



11688 election, all qualified electors of the county may vote, and the  
11689 ballots used at such election shall have printed thereon a brief  
11690 statement of the facility to be constructed and the words "For the  
11691 construction of the facility in (here insert county name) County"  
11692 and "Against the construction of the facility in (here insert  
11693 county name) County." The voter shall vote by placing a cross (X)  
11694 or check mark (✓) opposite his choice on the proposition. When  
11695 the results of the election on the question of the construction of  
11696 the facility shall have been canvassed by the election  
11697 commissioners of the county and certified by them to the board of  
11698 supervisors, it shall be the duty of the board of supervisors to  
11699 determine and adjudicate whether or not a majority of the  
11700 qualified electors who voted thereon in such election voted in  
11701 favor of the construction of the facilities in such county.  
11702 Unless a majority of the qualified electors who voted in such  
11703 election shall have voted in favor of the construction of the  
11704 facilities in such county, then such facility shall not be  
11705 constructed in such county.

11706 (4) The Division of Youth Services shall establish, maintain  
11707 and operate an Adolescent Offender Program (AOP), which may  
11708 include non-Medicaid assistance eligible juveniles. Beginning  
11709 July 1, 2006, subject to availability of funds appropriated  
11710 therefor by the Legislature, the Division of Youth Services shall  
11711 phase in AOPs in every county of the state over a period of four  
11712 (4) years. The phase-in of the AOPs shall be as follows:

11713 (a) As of July 1, 2007, not less than twenty (20)  
11714 counties shall be served by at least one (1) AOP;

11715 (b) As of July 1, 2008, not less than forty (40)  
11716 counties shall be served by at least one (1) AOP;

11717 (c) As of July 1, 2009, not less than sixty (60)  
11718 counties shall be served by at least one (1) AOP; and

11719 (d) As of July 1, 2010, all eighty-two (82) counties  
11720 shall be served by at least one (1) AOP.



11721 AOP professional services, salaries, facility offices,  
11722 meeting rooms and related supplies and equipment may be provided  
11723 through contract with local mental health or other nonprofit  
11724 community organizations. Each AOP must incorporate evidence-based  
11725 practices and positive behavioral intervention that includes two  
11726 (2) or more of the following elements: academic, tutoring,  
11727 literacy, mentoring, vocational training, substance abuse  
11728 treatment, family counseling and anger management. Programs may  
11729 include, but shall not be limited to, after school and weekend  
11730 programs, job readiness programs, home detention programs,  
11731 community service conflict resolution programs, restitution and  
11732 community service.

11733 (5) The Division of Youth Services shall operate and  
11734 maintain the Forestry Camp Number 43 at the Columbia Training  
11735 School, originally authorized and constructed in 1973, to consist  
11736 of a twenty-bed dormitory, four (4) offices, a classroom, kitchen,  
11737 dining room, day room and apartment. The purpose of this camp  
11738 shall be to train juvenile detention residents for community  
11739 college and other forestry training programs.

11740 (6) The Division of Youth Services shall establish a ten-bed  
11741 transitional living facility for the temporary holding of training  
11742 school adolescents who have reached their majority, have completed  
11743 the GED requirement, and are willing to be rehabilitated until  
11744 they are placed in jobs, job training or postsecondary programs.  
11745 Such transitional living facility may be operated pursuant to  
11746 contract with a nonprofit community support organization.

11747 (7) The publication of any notice required in this section  
11748 may be published on the Internet as provided in Section 1 of this  
11749 act.

11750 **SECTION 174.** Section 43-27-215, Mississippi Code of 1972, is  
11751 amended as follows:

11752 43-27-215. The State Bond Commission shall act as the  
11753 issuing agent for the bonds authorized under Sections 43-27-207



through 43-27-233, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do all other things necessary and advisable in connection with the issuance and sale of the bonds. The State Bond Commission may pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under Sections 43-27-207 through 43-27-233 from the proceeds derived from the sale of the bonds. The State Bond Commission shall sell such bonds on sealed bids at public sale, and for such price as it may determine to be for the best interest of the State of Mississippi, but no such sale may be made at a price less than par plus accrued interest to the date of delivery of the bonds to the purchaser. All interest accruing on such bonds so issued shall be payable semiannually or annually; however, the first interest payment may be for any period of not more than one (1) year.

Notice of the sale of any such bond shall be published at least one (1) time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, and in one or more other newspapers or financial journals with a national circulation, to be selected by the State Bond Commission.

The State Bond Commission, when issuing any bonds under the authority of Sections 43-27-207 through 43-27-233, may provide that the bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 175.** Section 43-27-225, Mississippi Code of 1972, is amended as follows:



11786           43-27-225. The bonds authorized under the authority of  
11787 Sections 43-27-207 through 43-27-233 may be validated in the  
11788 Chancery Court of the First Judicial District of Hinds County,  
11789 Mississippi, in the manner and with the force and effect provided  
11790 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
11791 validation of county, municipal, school district and other bonds.  
11792 The notice to taxpayers required by such statutes shall be  
11793 published in a newspaper published or having a general circulation  
11794 in the City of Jackson, Mississippi.

11795           The publication of any notice required in this section may be  
11796 published on the Internet as provided in Section 1 of this act.

11797           **SECTION 176.** Section 43-33-25, Mississippi Code of 1972, is  
11798 amended as follows:

11799           43-33-25. Bonds of an authority shall be authorized by its  
11800 resolution and may be issued in one or more series and shall bear  
11801 such date or dates, mature at such time or times, bear interest at  
11802 such rate or rates, not to exceed that allowed in Section  
11803 75-17-103, Mississippi Code of 1972, be in such denomination or  
11804 denominations, be in such form, either coupon or registered, carry  
11805 such conversion or registration privileges, have such rank or  
11806 priority, be executed in such manner, be payable in such medium of  
11807 payment, at such place or places, and be subject to such terms of  
11808 redemption (with or without premium) as such resolution, its trust  
11809 indenture or mortgage may provide. No bond shall bear more than  
11810 one (1) rate of interest; each bond shall bear interest from its  
11811 date to its stated maturity date at the interest rate specified in  
11812 the bid; all bonds of the same maturity shall bear the same rate  
11813 of interest from date to maturity; all interest accruing on such  
11814 bonds so issued shall be payable semiannually or annually, except  
11815 that the first interest coupon attached to any such bond may be  
11816 for any period not exceeding one (1) year.

11817           No interest payment shall be evidenced by more than one (1)  
11818 coupon and neither cancelled nor supplemental coupons shall be





11819 permitted; the lowest interest rate specified for any bonds issued  
11820 shall not be less than seventy percent (70%) of the highest  
11821 interest rate specified for the same bond issued. The interest  
11822 rate of any one (1) interest coupon shall not exceed the maximum  
11823 interest rate allowed on such bonds.

11824       Each interest rate specified in any bid must be in multiples  
11825 of one-eighth of one percent ( $1/8$  of 1%) or in multiples of  
11826 one-tenth of one percent ( $1/10$  of 1%). The denomination, form,  
11827 and place, or places, of payment of such bonds shall be fixed in  
11828 the resolution or ordinance of the governing authorities issuing  
11829 such bonds. Such bonds shall be executed by the manual or  
11830 facsimile signature of the chairman and secretary of such  
11831 authority, with the seal of the authority impressed, imprinted or  
11832 reproduced thereon. At least one (1) signature on each bond shall  
11833 be a manual signature, as specified in the resolution. The  
11834 coupons may bear only the facsimile signatures of such chairman  
11835 and secretary. No bonds shall be issued and sold under the  
11836 provisions of this article for less than par and accrued interest.

11837       The bonds may be sold at not less than par at public sale  
11838 held after notice published once at least five (5) days prior to  
11839 such sale in a newspaper having a general circulation in the area  
11840 of operation and in a financial newspaper published in the City of  
11841 Jackson, Mississippi, or in the City of New York, New York. Such  
11842 bonds may be sold at not less than par to the federal government  
11843 or to a federally chartered corporation at private sale without  
11844 any public advertisement.

11845       In case any of the commissioners or officers of the authority  
11846 whose signatures appear on any bonds or coupons shall cease to be  
11847 such commissioners or officers before the delivery of such bonds,  
11848 such signatures shall, nevertheless, be valid and sufficient for  
11849 all purposes, the same as if such commissioners or officers had  
11850 remained in office until such delivery. Any provision of any law



11851 to the contrary notwithstanding, any bonds issued pursuant to this  
11852 article shall be fully negotiable.

11853 In any suit, action or proceedings, involving the validity or  
11854 enforceability of any bond of an authority or the security  
11855 therefor, any such bond reciting in substance that it has been  
11856 issued by the authority to aid in financing a housing project to  
11857 provide dwelling accommodations for persons of low income shall be  
11858 conclusively deemed to have been issued for a housing project of  
11859 such character, and said project shall be conclusively deemed to  
11860 have been planned, located and constructed in accordance with the  
11861 purposes and provisions of this article.

11862 The publication of any notice required in this section may be  
11863 published on the Internet as provided in Section 1 of this act.

11864 **SECTION 177.** Section 43-33-113, Mississippi Code of 1972, is  
11865 amended as follows:

11866 43-33-113. The board of supervisors of a county shall not  
11867 adopt any resolution authorized by Sections 43-33-103, 43-33-107  
11868 or 43-33-109 of this article unless a public hearing has first  
11869 been held. The clerk of such county shall give notice of the  
11870 time, place, and purpose of the public hearing at least ten (10)  
11871 days prior to the day on which the hearing is to be held, in a  
11872 newspaper published in such county, or if there is no newspaper  
11873 published in such county, then in a newspaper published in the  
11874 state and having a general circulation in such county. Upon the  
11875 date fixed for such public hearing an opportunity to be heard  
11876 shall be granted to all residents of such county and to all other  
11877 interested persons.

11878 In determining whether dwelling accommodations are unsafe or  
11879 unsanitary the board of supervisors of a county shall take into  
11880 consideration the safety and sanitation of dwellings, the light  
11881 and air space available to the inhabitants of such dwellings, the  
11882 degree of overcrowding, the size and arrangement of the rooms and



11883 the extent to which conditions exist in such dwellings which  
11884 endanger life or property by fire or other causes.

11885 In connection with the issuance of bonds or the incurring of  
11886 other obligations, a regional housing authority may covenant as to  
11887 limitations on its right to adopt resolutions relating to the  
11888 increase or decrease of its area of operation.

11889 The publication of any notice required in this section may be  
11890 published on the Internet as provided in Section 1 of this act.

11891 **SECTION 178.** Section 43-33-129, Mississippi Code of 1972, is  
11892 amended as follows:

11893 43-33-129. No governing body of a city or other municipality  
11894 shall adopt a resolution as provided in Sections 43-33-105 or  
11895 43-33-127 declaring that there is a need for a housing authority  
11896 (other than a housing authority established by such municipality)  
11897 to exercise its powers within such municipality, unless a public  
11898 hearing has first been held by such governing body and unless such  
11899 governing body shall have found in substantially the following  
11900 terms: (a) that unsanitary or unsafe inhabited dwelling  
11901 accommodations exist in such municipality or that there is a  
11902 shortage of safe or sanitary dwelling accommodations in such  
11903 municipality available to persons of low income at rentals they  
11904 can afford; and (b) that these conditions can be best remedied  
11905 through the exercise of the aforesaid housing authority's powers  
11906 within the territorial boundaries of such municipality. Such  
11907 findings shall not have the effect of establishing a housing  
11908 authority for any such municipality under the Housing Authorities  
11909 Law nor of thereafter preventing such municipality from  
11910 establishing a housing authority or joining in the creation of a  
11911 consolidated housing authority or the increase of the area of  
11912 operation of a consolidated housing authority. The clerk of the  
11913 city or other municipality shall give notice of the time, place  
11914 and purpose of the public hearing at least ten (10) days prior to  
11915 the date on which the hearing is to be held, in a newspaper



11916 published in such municipality, or if there is no newspaper  
11917 published in such municipality, then in a newspaper published in  
11918 the state and having a general circulation in such municipality.  
11919 Upon the date fixed for such public hearing an opportunity to be  
11920 heard shall be granted to all residents of such municipality and  
11921 to all other interested persons.

11922 During the time that, pursuant to these findings, a housing  
11923 authority has outstanding (or is under contract to issue) any  
11924 evidences of indebtedness for a project within the city or other  
11925 municipality, no other housing authority may undertake a project  
11926 within such municipality without the consent of said housing  
11927 authority which has such outstanding indebtedness or obligation.

11928 The publication of any notice required in this section may be  
11929 published on the Internet as provided in Section 1 of this act.

11930 **SECTION 179.** Section 43-33-729, Mississippi Code of 1972, is  
11931 amended as follows:

11932 **[Through June 30, 2009, this section shall read as follows:]**

11933 43-33-729. (1) The corporation may from time to time issue  
11934 its negotiable bonds and notes in such principal amounts as, in  
11935 the opinion of the corporation, shall be necessary to provide  
11936 sufficient funds for achieving the corporate purposes thereof,  
11937 including operating expenses and reserves, the payment of interest  
11938 on bonds and notes of the corporation, establishment of reserves  
11939 to secure such bonds and notes, and all other expenditures of the  
11940 corporation incident to and necessary or convenient to carry out  
11941 its corporate purposes and powers. Provided, except as otherwise  
11942 authorized herein, bonds and notes may be issued annually under  
11943 this article in an aggregate principal amount not to exceed One  
11944 Hundred Seventy-five Million Dollars (\$175,000,000.00), excluding  
11945 bonds and notes issued to refund outstanding bonds and notes,  
11946 bonds and notes in which the corporation acts as a conduit issuer  
11947 and bonds and notes issued for purposes related to Hurricane  
11948 Katrina. Such annual period shall be the same as the fiscal year



11949 of the state, commencing with the annual period of July 1, 2006,  
11950 to June 30, 2007.

11951 (2) The provisions of Sections 75-71-1 through 75-71-57,  
11952 Mississippi Code of 1972 (the "Mississippi Securities Act"), shall  
11953 not apply to bonds and notes issued under the authority of this  
11954 article, and no application for a formal exemption from the  
11955 provisions of such act shall be required with respect to such  
11956 bonds and notes.

11957 (3) Except as may otherwise be expressly provided by the  
11958 corporation, all bonds and notes issued by the corporation shall  
11959 be general obligations of the corporation, secured by the full  
11960 faith and credit of the corporation and payable out of any monies,  
11961 assets or revenues of the corporation, subject only to any  
11962 agreement with the bondholders or noteholders pledging any  
11963 particular monies, assets or revenues.

11964 The corporation may issue bonds or notes to which the  
11965 principal and interest are payable:

11966 (a) Exclusively from the revenues of the corporation  
11967 resulting from the use of the proceeds of such bonds or notes; or

11968 (b) Exclusively from any particular revenues of the  
11969 corporation, whether or not resulting from the use of the proceeds  
11970 of such bonds or notes.

11971 (4) Any bonds or notes issued by the corporation may be  
11972 additionally secured:

11973 (a) By private insurance, by a direct pay or standby  
11974 letter of credit, or by any other credit enhancement facility  
11975 procured by the corporation for the payment of any such bonds;

11976 (b) By a pledge of any grant, subsidy or contribution  
11977 from the United States or any agency or instrumentality thereof,  
11978 or from the state or any agency, instrumentality or political  
11979 subdivision thereof, or from any person, firm or corporation; or

11980 (c) By the pledge of any securities, funds or reserves  
11981 (or earnings thereon) available to the corporation.



11982           (5) Bonds and notes issued by the corporation shall be  
11983 authorized by a resolution or resolutions of the corporation  
11984 adopted as provided for by this article; provided, that any such  
11985 resolution authorizing the issuance of bonds or notes may delegate  
11986 to an officer or officers of the corporation the power to issue  
11987 such bonds or notes from time to time and to fix the details of  
11988 any such issues of bonds or notes by an appropriate certification  
11989 of such authorized officer.

11990           (6) Except as specifically provided in this article, no  
11991 notice, consent or approval by any governmental body or public  
11992 officer shall be required as a prerequisite to the issuance, sale  
11993 or delivery of any bonds or notes of the corporation pursuant to  
11994 the provisions of this article. However, all bonds or notes  
11995 issued pursuant to this article may be validated, except as  
11996 otherwise provided in this section, in accordance with the  
11997 provisions of Sections 31-13-1 through 31-13-11, Mississippi Code  
11998 of 1972, in the same manner as provided therein for bonds issued  
11999 by a municipality. Any such validation proceedings shall be held  
12000 in the First Judicial District of Hinds County, Mississippi.  
12001 Notice thereof shall be given by publication in any newspaper  
12002 published in the City of Jackson, Mississippi, and of general  
12003 circulation throughout the state.

12004           (7) It is hereby determined that the corporation is the sole  
12005 entity in the state authorized to issue bonds or notes for the  
12006 purposes of financing low and moderate income rental or  
12007 residential housing as set forth in this article. In addition,  
12008 the corporation shall have the power to issue mortgage credit  
12009 certificates, as provided by Section 25 of the Internal Revenue  
12010 Code of 1954, as amended, and to comply with all of the terms and  
12011 conditions set forth in Section 25, as the same may be amended  
12012 from time to time.

12013           **[From and after July 1, 2009, this section shall read as**  
12014 **follows:]**



12015           43-33-729. (1) The corporation may from time to time issue  
12016 its negotiable bonds and notes in such principal amounts as, in  
12017 the opinion of the corporation, shall be necessary to provide  
12018 sufficient funds for achieving the corporate purposes thereof,  
12019 including operating expenses and reserves, the payment of interest  
12020 on bonds and notes of the corporation, establishment of reserves  
12021 to secure such bonds and notes, and all other expenditures of the  
12022 corporation incident to and necessary or convenient to carry out  
12023 its corporate purposes and powers. Provided, except as otherwise  
12024 authorized herein, bonds and notes shall not be issued under this  
12025 article in an aggregate principal amount exceeding the aggregate  
12026 principal amount of bonds and notes outstanding on July 1, 2009,  
12027 excluding bonds and notes issued to refund outstanding bonds and  
12028 notes, bonds and notes in which the corporation acts as a conduit  
12029 issuer and bonds and notes issued for purposes related to  
12030 Hurricane Katrina.

12031           (2) The provisions of Sections 75-71-1 through 75-71-57,  
12032 Mississippi Code of 1972 (the "Mississippi Securities Act"), shall  
12033 not apply to bonds and notes issued under the authority of this  
12034 article, and no application for a formal exemption from the  
12035 provisions of such act shall be required with respect to such  
12036 bonds and notes.

12037           (3) Except as may otherwise be expressly provided by the  
12038 corporation, all bonds and notes issued by the corporation shall  
12039 be general obligations of the corporation, secured by the full  
12040 faith and credit of the corporation and payable out of any monies,  
12041 assets or revenues of the corporation, subject only to any  
12042 agreement with the bondholders or noteholders pledging any  
12043 particular monies, assets or revenues.

12044           The corporation may issue bonds or notes to which the  
12045 principal and interest are payable:

12046           (a) Exclusively from the revenues of the corporation  
12047 resulting from the use of the proceeds of such bonds or notes; or



12048 (b) Exclusively from any particular revenues of the  
12049 corporation, whether or not resulting from the use of the proceeds  
12050 of such bonds or notes.

12051 (4) Any bonds or notes issued by the corporation may be  
12052 additionally secured:

12053 (a) By private insurance, by a direct pay or standby  
12054 letter of credit, or by any other credit enhancement facility  
12055 procured by the corporation for the payment of any such bonds;

12056 (b) By a pledge of any grant, subsidy or contribution  
12057 from the United States or any agency or instrumentality thereof,  
12058 or from the state or any agency, instrumentality or political  
12059 subdivision thereof, or from any person, firm or corporation; or

12060 (c) By the pledge of any securities, funds or reserves  
12061 (or earnings thereon) available to the corporation.

12062 (5) Bonds and notes issued by the corporation shall be  
12063 authorized by a resolution or resolutions of the corporation  
12064 adopted as provided for by this article; provided, that any such  
12065 resolution authorizing the issuance of bonds or notes may delegate  
12066 to an officer or officers of the corporation the power to issue  
12067 such bonds or notes from time to time and to fix the details of  
12068 any such issues of bonds or notes by an appropriate certification  
12069 of such authorized officer.

12070 (6) Except as specifically provided in this article, no  
12071 notice, consent or approval by any governmental body or public  
12072 officer shall be required as a prerequisite to the issuance, sale  
12073 or delivery of any bonds or notes of the corporation pursuant to  
12074 the provisions of this article. However, all bonds or notes  
12075 issued pursuant to this article may be validated, except as  
12076 otherwise provided in this section, in accordance with the  
12077 provisions of Sections 31-13-1 through 31-13-11, Mississippi Code  
12078 of 1972, in the same manner as provided therein for bonds issued  
12079 by a municipality. Any such validation proceedings shall be held  
12080 in the First Judicial District of Hinds County, Mississippi.





12081 Notice thereof shall be given by publication in any newspaper  
12082 published in the City of Jackson, Mississippi, and of general  
12083 circulation throughout the state.

12084 (7) It is hereby determined that the corporation is the sole  
12085 entity in the state authorized to issue bonds or notes for the  
12086 purposes of financing low and moderate income rental or  
12087 residential housing as set forth in this article. In addition,  
12088 the corporation shall have the power to issue mortgage credit  
12089 certificates, as provided by Section 25 of the Internal Revenue  
12090 Code of 1954, as amended, and to comply with all of the terms and  
12091 conditions set forth in Section 25, as the same may be amended  
12092 from time to time.

12093 (8) The publication of any notice required in this section  
12094 may be published on the Internet as provided in Section 1 of this  
12095 act.

12096 **SECTION 180.** Section 43-33-775, Mississippi Code of 1972, is  
12097 amended as follows:

12098 43-33-775. The State Bond Commission shall act as the  
12099 issuing agent for the bonds authorized under Sections 43-33-767  
12100 through 43-33-797, prescribe the form of the bonds, advertise for  
12101 and accept bids, issue and sell the bonds so authorized to be  
12102 sold, pay all fees and costs incurred in such issuance and sale,  
12103 and do any and all other things necessary and advisable in  
12104 connection with the issuance and sale of such bonds. The  
12105 commission is authorized and empowered to pay the costs that are  
12106 incident to the sale, issuance and delivery of the bonds  
12107 authorized under Sections 43-33-767 through 43-33-797 from the  
12108 proceeds derived from the sale of such bonds. The commission  
12109 shall sell such bonds on sealed bids at public sale, and for such  
12110 price as it may determine to be for the best interest of the State  
12111 of Mississippi, but no such sale shall be made at a price less  
12112 than par plus accrued interest to the date of delivery of the  
12113 bonds to the purchaser. All interest accruing on such bonds so



12114 issued shall be payable semiannually or annually; however, the  
12115 first interest payment may be for any period of not more than one  
12116 (1) year.

12117 Notice of the sale of any such bond shall be published at  
12118 least one (1) time, not less than ten (10) days before the date of  
12119 sale, and shall be so published in one or more newspapers  
12120 published or having a general circulation in the City of Jackson,  
12121 Mississippi, and in one or more other newspapers or financial  
12122 journals with a national circulation, to be selected by the  
12123 commission.

12124 The commission, when issuing any bonds under the authority of  
12125 Sections 43-33-767 through 43-33-797, may provide that bonds, at  
12126 the option of the State of Mississippi, may be called in for  
12127 payment and redemption at the call price named therein and accrued  
12128 interest on such date or dates named therein.

12129 The publication of any notice required in this section may be  
12130 published on the Internet as provided in Section 1 of this act.

12131 **SECTION 181.** Section 43-33-783, Mississippi Code of 1972, is  
12132 amended as follows:

12133 43-33-783. The bonds authorized under the authority of  
12134 Sections 43-33-767 through 43-33-797 may be validated in the  
12135 Chancery Court of the First Judicial District of Hinds County,  
12136 Mississippi, in the manner and with the force and effect provided  
12137 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
12138 validation of county, municipal, school district and other bonds.  
12139 The notice to taxpayers required by such statutes shall be  
12140 published in a newspaper published or having a general circulation  
12141 in the City of Jackson, Mississippi.

12142 The publication of any notice required in this section may be  
12143 published on the Internet as provided in Section 1 of this act.

12144 **SECTION 182.** Section 43-35-21, Mississippi Code of 1972, is  
12145 amended as follows:



12146           43-35-21. (a) A municipality shall have power to issue  
12147 bonds from time to time, in its discretion, to finance the  
12148 undertaking of any urban renewal project under this article,  
12149 including, without limiting the generality thereof, the payment of  
12150 principal and interest upon any advances for surveys and plans,  
12151 and shall also have power to issue refunding bonds for the payment  
12152 or retirement of such bonds previously issued by it. Such bonds  
12153 shall be made payable, as to both principal and interest, solely  
12154 from the income, proceeds, revenues, and funds of the municipality  
12155 derived from or held in connection with its undertaking and  
12156 carrying out of urban renewal projects under this article.  
12157 Payment of such bonds, both as to principal and interest, may be  
12158 further secured by a pledge of any loan, grant or contribution  
12159 from the federal government or other source, in aid of any urban  
12160 renewal projects of the municipality under this article, and by a  
12161 mortgage of any such urban renewal projects, or any part thereof  
12162 title to which is in the municipality.

12163           (b) Bonds issued under this section shall not constitute an  
12164 indebtedness within the meaning of any constitutional or statutory  
12165 debt limitation or restriction, and shall not be subject to the  
12166 provisions of any other law or charter relating to the  
12167 authorization, issuance or sale of bonds. Bonds issued under the  
12168 provisions of this article are declared to be issued for an  
12169 essential public and governmental purpose and, together with  
12170 interest thereon and income therefrom, shall be exempted from all  
12171 taxes.

12172           (c) Bonds issued under this section shall be authorized by  
12173 resolution or ordinance of the local governing body and may be  
12174 issued in one or more series and shall bear such date or dates, be  
12175 payable upon demand or mature at such time or times, not to exceed  
12176 thirty (30) years from date of issue, bear interest at such rate  
12177 or rates, not exceeding that allowed in Section 75-17-103, be in  
12178 such denomination or denominations, be in such form either coupon



12179 or registered, carry such conversion or registration privileges,  
12180 have such rank or priority, be executed in such manner, be payable  
12181 in such medium of payment, at such place or places, and be subject  
12182 to such terms of redemption (with or without premium), be secured  
12183 in such manner, and have such other characteristics, as may be  
12184 provided by such resolution or trust indenture or mortgage issued  
12185 pursuant thereto. Any bond issue to be awarded and sold to the  
12186 United States of America or any agency thereof shall mature at  
12187 such time or times, not to exceed thirty-five (35) years, as shall  
12188 be prescribed in the ordinance authorizing their issuance.

12189 (d) Such bonds may be sold at not less than par at public  
12190 sales held after notice published prior to such sale in a  
12191 newspaper having a general circulation in the area of operation  
12192 and in such other medium of publication as the municipality may  
12193 determine or may be exchanged for other bonds on the basis of par.  
12194 Such bonds may be sold to the federal government at private sale  
12195 at not less than par, and, in the event less than all of the  
12196 authorized principal amount of such bonds is sold to the federal  
12197 government, the balance may be sold at private sale at not less  
12198 than par at an interest cost to the municipality of not to exceed  
12199 the interest cost to the municipality of the portion of the bonds  
12200 sold to the federal government.

12201 (e) In case any of the public officials of the municipality  
12202 whose signatures appear on any bonds or coupons issued under this  
12203 article shall cease to be such officials before the delivery of  
12204 such bonds, such signatures shall, nevertheless, be valid and  
12205 sufficient for all purposes, the same as if such officials had  
12206 remained in office until such delivery. Any provision of any law  
12207 to the contrary notwithstanding, any bonds issued pursuant to this  
12208 article shall be fully negotiable.

12209 (f) In any suit, action or proceeding involving the validity  
12210 or enforceability of any bond issued under this article, or the  
12211 security therefor, any such bond reciting in substance that it has



12212 been issued by the municipality in connection with an urban  
12213 renewal project, shall be conclusively deemed to have been issued  
12214 for such purpose and such project shall be conclusively deemed to  
12215 have been planned, located and carried out in accordance with the  
12216 provisions of this article.

12217 (g) The publication of any notice required in this section  
12218 may be published on the Internet as provided in Section 1 of this  
12219 act.

12220 **SECTION 183.** Section 43-35-109, Mississippi Code of 1972, is  
12221 amended as follows:

12222 43-35-109. Complaints or orders issued by a public officer  
12223 pursuant to an ordinance adopted under this article shall be  
12224 served upon persons either personally or by registered mail; but  
12225 if the whereabouts of such persons is unknown, and the same cannot  
12226 be ascertained by the public officer in the exercise of reasonable  
12227 diligence, and the public officer shall make an affidavit to that  
12228 effect, then the serving of such complaint or order upon such  
12229 persons may be made by publishing the same once each week for two  
12230 (2) successive weeks in a newspaper printed and published in the  
12231 municipality, or, in the absence of such a newspaper, in one  
12232 printed and published in the county and circulating in the  
12233 municipality in which the dwellings are located. A copy of such  
12234 complaint or order shall be posted in a conspicuous place on  
12235 premises affected by the complaint or order. A copy of such  
12236 complaint or order shall also be filed in the proper office or  
12237 offices for the filing of lis pendens notices in the county in  
12238 which the dwelling is located, and such filing of the complaint  
12239 shall have the same force and effect as other lis pendens notices  
12240 provided by law. The rules and evidence prevailing in courts of  
12241 law or equity shall not be controlling in hearings before the  
12242 public officer.

12243 The publication of any notice required in this section may be  
12244 published on the Internet as provided in Section 1 of this act.



12245           **SECTION 184.** Section 45-23-9, Mississippi Code of 1972, is  
12246 amended as follows:

12247           45-23-9. (1) The advisory committee shall recommend the  
12248 adoption of definitions, rules and regulations for the safe  
12249 construction, installation, inspection, care and good practice in  
12250 the operation, maintenance and repair of boilers and pressure  
12251 vessels by the State Board of Health (hereinafter board).

12252           (a) The definitions, rules and regulations so  
12253 formulated for new construction shall be based upon and at all  
12254 times follow the generally accepted nationwide engineering  
12255 standards, formulae and practices established and pertaining to  
12256 boiler and pressure vessel construction and safety, and the  
12257 advisory committee shall at its first meeting recommend the  
12258 adoption of an existing published codification thereof known as  
12259 the Boiler and Pressure Vessel Code of the American Society of  
12260 Mechanical Engineers (hereinafter ASME), with the amendments, code  
12261 cases and interpretations thereto made and approved by ASME, and  
12262 may likewise recommend the amendments and interpretations  
12263 subsequently made and published by the same authority; and when so  
12264 adopted, the same shall be deemed incorporated into and to  
12265 constitute a part of the whole of the definitions, rules and  
12266 regulations of the committee. Amendments, code cases and  
12267 interpretations to the code so adopted shall be effective  
12268 immediately upon being promulgated, to the end that the  
12269 definitions, rules and regulations shall at all times follow the  
12270 generally accepted nationwide engineering standards.

12271           (b) The advisory committee shall recommend the adoption  
12272 of rules and regulations for the inspection, care and good  
12273 practice in operation, maintenance and repair of boilers and  
12274 pressure vessels which were in use in this state prior to the date  
12275 upon which the first rules and regulations under this chapter  
12276 pertaining to existing installations become effective, or during  
12277 the twelve-month period immediately thereafter. The rules and



12278 regulations so formulated and recommended shall be based upon and  
12279 at all times follow the generally accepted nationwide engineering  
12280 standards.

12281 (2) The rules and regulations and any subsequent amendments  
12282 thereto adopted by the board shall, immediately following a  
12283 hearing upon not less than thirty (30) day's notice as hereinafter  
12284 provided, be approved and published and when so promulgated shall  
12285 have the force and effect of law, except that the rules applying  
12286 to the construction of new boilers and pressure vessels shall not  
12287 become mandatory until twelve (12) months after their promulgation  
12288 by the board. Subsequent amendments to the rules and regulations  
12289 adopted by the board shall be permissive immediately and shall  
12290 become mandatory twelve (12) months after their promulgation.

12291 (3) Notice of the hearing shall give the time and place of  
12292 the hearing and shall state the matters to be considered. Such  
12293 notice shall be given to all persons directly affected by such  
12294 hearing. In the event all persons directly affected are unknown,  
12295 notice shall be perfected by publication in a newspaper of general  
12296 circulation in the northern, central and southern Supreme Court  
12297 districts of this state at least thirty (30) days prior to such  
12298 hearing.

12299 The publication of any notice required in this section may be  
12300 published on the Internet as provided in Section 1 of this act.

12301 **SECTION 185.** Section 47-4-3, Mississippi Code of 1972, is  
12302 amended as follows:

12303 47-4-3. (1) Before a private correctional facility may be  
12304 located in the county, the board of supervisors shall by  
12305 resolution duly adopted and entered on its minutes specify the  
12306 location of the facility, the nature and size of the facility, the  
12307 type of inmates to be incarcerated and the identity of the private  
12308 entity which will operate the facility. The board shall publish a  
12309 notice as hereinafter set forth in a newspaper having general  
12310 circulation in such county. Such notice shall include location of



12311 the facility, the nature and size of the facility, the type of  
12312 inmates to be incarcerated and the identity of the entity which  
12313 will operate the facility. Such notice shall include a brief  
12314 summary of the provisions of this section pertaining to the  
12315 petition for an election on the question of the location of the  
12316 private correctional facility in such county. Such notice shall  
12317 be published not less than one (1) time each week for at least  
12318 three (3) consecutive weeks in at least one (1) newspaper having  
12319 general circulation in the county.

12320 (2) If a petition signed by twenty percent (20%), or fifteen  
12321 hundred (1500), whichever is less, of the qualified electors of  
12322 the county is filed within sixty (60) days of the date of the last  
12323 publication of the notice with the board of supervisors requesting  
12324 that an election be called on the question of locating such  
12325 facility, then the board of supervisors shall adopt a resolution  
12326 calling an election to be held within such county upon the  
12327 question of the location of such facility. Such election shall be  
12328 held, as far as practicable, in the same manner as other elections  
12329 are held in counties. At such election, all qualified electors of  
12330 the county may vote, and the ballots used at such election shall  
12331 have printed thereon a brief statement of the facility to be  
12332 constructed and the words "For the construction of the private  
12333 correctional facility in (here insert county name) County" and  
12334 "Against the construction of the private correctional facility in  
12335 (here insert county name) County." The voter shall vote by  
12336 placing a cross (X) or check mark (✓) opposite his choice on the  
12337 proposition. When the results of the election on the question of  
12338 the construction of the facility shall have been canvassed by the  
12339 election commissioners of the county and certified by them to the  
12340 board of supervisors, it shall be the duty of the board of  
12341 supervisors to determine and adjudicate whether or not a majority  
12342 of the qualified electors who voted thereon in such election voted  
12343 in favor of the construction of the facility in such county. If a





majority of the qualified electors who voted in such election vote against the construction of the facility, then the facility shall not be constructed in the county.

(3) If no petition as prescribed in subsection (2) of this section is filed with the board of supervisors within sixty (60) days of the date of the last publication of the notice, the board of supervisors shall by a resolution duly adopted and entered on its minutes, state that no petition was timely filed and the board may give final approval to the location of the facility.

(4) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 186.** Section 47-7-17, Mississippi Code of 1972, is amended as follows:

47-7-17. Within one (1) year after his admission and at such intervals thereafter as it may determine, the board shall secure and consider all pertinent information regarding each offender, except any under sentence of death or otherwise ineligible for parole, including the circumstances of his offense, his previous social history, his previous criminal record, including any records of law enforcement agencies or of a youth court regarding that offender's juvenile criminal history, his conduct, employment and attitude while in the custody of the department, and the reports of such physical and mental examinations as have been made. The board shall furnish at least three (3) months' written notice to each such offender of the date on which he is eligible for parole.

Before ruling on the application for parole of any offender, the board may have the offender appear before it and interview him. The hearing shall be held two (2) months prior to the month of eligibility in order for the department to address any special conditions required by the board. No application for parole of a person convicted of a capital offense shall be considered by the



12377 board unless and until notice of the filing of such application  
12378 shall have been published at least once a week for two (2) weeks  
12379 in a newspaper published in or having general circulation in the  
12380 county in which the crime was committed. The board shall also  
12381 give notice of the filing of the application for parole to the  
12382 victim of the offense for which the prisoner is incarcerated and  
12383 being considered for parole or, in case the offense be homicide, a  
12384 designee of the immediate family of the victim, provided the  
12385 victim or designated family member has furnished in writing a  
12386 current address to the board for such purpose. A parole shall be  
12387 ordered only for the best interest of society, not as an award of  
12388 clemency; it shall not be considered to be a reduction of sentence  
12389 or pardon. An offender shall be placed on parole only when  
12390 arrangements have been made for his proper employment or for his  
12391 maintenance and care, and when the board believes that he is able  
12392 and willing to fulfill the obligations of a law-abiding citizen.  
12393 Within forty-eight (48) hours prior to the release of an offender  
12394 on parole, the Director of Records of the department shall give  
12395 the written notice which is required pursuant to Section 47-5-177.  
12396 Every offender while on parole shall remain in the legal custody  
12397 of the department from which he was released and shall be amenable  
12398 to the orders of the board. The board, upon rejecting the  
12399 application for parole of any offender, shall within thirty (30)  
12400 days following such rejection furnish that offender in general  
12401 terms the reasons therefor in writing. Upon determination by the  
12402 board that an offender is eligible for release by parole, notice  
12403 shall also be given by the board to the victim of the offense or  
12404 the victim's family member, as indicated above, regarding the date  
12405 when the offender's release shall occur, provided a current  
12406 address of the victim or the victim's family member has been  
12407 furnished in writing to the board for such purpose.



12408 Failure to provide notice to the victim or the victim's  
12409 family member of the filing of the application for parole or of  
12410 any decision made by the board regarding parole shall not  
12411 constitute grounds for vacating an otherwise lawful parole  
12412 determination nor shall it create any right or liability, civilly  
12413 or criminally, against the board or any member thereof.

12414 A letter of protest against granting an offender parole shall  
12415 not be treated as the conclusive and only reason for not granting  
12416 parole.

12417 The board may adopt such other rules not inconsistent with  
12418 law as it may deem proper or necessary with respect to the  
12419 eligibility of offenders for parole, the conduct of parole  
12420 hearings, or conditions to be imposed upon parolees, including a  
12421 condition that the parolee submit, as provided in Section 47-5-601  
12422 to any type of breath, saliva or urine chemical analysis test, the  
12423 purpose of which is to detect the possible presence of alcohol or  
12424 a substance prohibited or controlled by any law of the State of  
12425 Mississippi or the United States. The board shall have the  
12426 authority to adopt rules permitting certain offenders to be placed  
12427 on unsupervised parole. However, in no case shall an offender be  
12428 placed on unsupervised parole before he has served a minimum of  
12429 three (3) years of supervised parole.

12430 The publication of any notice required in this section may be  
12431 published on the Internet as provided in Section 1 of this act.

12432 **SECTION 187.** Section 49-5-91, Mississippi Code of 1972, is  
12433 amended as follows:

12434 49-5-91. The State Bond Commission shall sell such bonds on  
12435 sealed bids at public sale, and for such price as it may determine  
12436 to be for the best interest of the State of Mississippi, but no  
12437 such sale shall be made at a price less than par plus accrued  
12438 interest to date of delivery of the bonds to the purchaser. The  
12439 bonds authorized by Sections 49-5-86 through 49-5-98 shall not  
12440 bear a greater overall maximum interest rate to maturity than



12441 seven percent (7%) per annum. No bond shall bear more than one  
12442 (1) rate of interest; each bond shall bear interest from its date  
12443 to its stated maturity date at the interest rate specified in the  
12444 bid; all bonds of the same maturity shall bear the same rate of  
12445 interest from date to maturity; all interest accruing on such  
12446 bonds so issued shall be payable semiannually or annually, except  
12447 that the first interest coupon attached to any such bond may be  
12448 for any period not exceeding one (1) year.

12449 No interest payment shall be evidenced by more than one (1)  
12450 coupon and neither cancelled nor supplemental coupons shall be  
12451 permitted; the lowest interest rate specified for any bonds issued  
12452 shall not be less than seventy percent (70%) of the highest  
12453 interest rate specified for the same bond issue. The interest  
12454 rate of any one (1) maturity shall not exceed seven percent (7%).

12455 Each interest rate specified in any bid must be in a multiple  
12456 of one-eighth of one percent ( $1/8$  of 1%) or one-tenth of one  
12457 percent ( $1/10$  of 1%), and a zero rate of interest cannot be named.

12458 Notice of the sale of any such bonds shall be published at  
12459 least two (2) times, the first of which shall be made not less  
12460 than ten (10) days prior to the date of sale, and shall be so  
12461 published in one or more newspapers having a general circulation  
12462 in the City of Jackson and in one or more other newspapers or  
12463 financial journals with a large national circulation, to be  
12464 selected by the State Bond Commission.

12465 The State Bond Commission, when issuing any bonds under the  
12466 authority of Sections 49-5-86 through 49-5-98, shall provide that  
12467 bonds maturing eleven (11) or more years after the date of the  
12468 issuance of such bonds may, at the option of the State of  
12469 Mississippi, be called in for payment and redemption in reverse  
12470 numerical order at the call price named therein and accrued  
12471 interest, or on the tenth anniversary of the date of issue, or on  
12472 any interest payment date thereafter prior to maturity.



12473        The publication of any notice required in this section may be  
12474 published on the Internet as provided in Section 1 of this act.

12475        **SECTION 188.** Section 49-5-94, Mississippi Code of 1972, is  
12476 amended as follows:

12477        49-5-94. Such general obligation bonds may be issued without  
12478 any other proceedings or the happening of any other conditions or  
12479 things than those proceedings, conditions and things which are  
12480 specified or required by Sections 49-5-86 through 49-5-98. Any  
12481 resolution providing for the issuance of general obligation bonds  
12482 under the provisions of Sections 49-5-86 through 49-5-98 shall  
12483 become effective immediately upon its adoption by the State Bond  
12484 Commission, and any such resolution may be adopted at any regular,  
12485 special or adjourned meeting of the State Bond Commission by a  
12486 majority of its members.

12487        The bonds authorized under the authority of Sections 49-5-86  
12488 through 49-5-98 shall be validated in the chancery court of Hinds  
12489 County, Mississippi, in the manner and with the force and effect  
12490 provided now or hereafter by Chapter 13, Title 31, Mississippi  
12491 Code of 1972, for the validation of county, municipal, school  
12492 district, and other bonds. The necessary papers for such  
12493 validation proceedings shall be transmitted to the State Bond  
12494 Attorney by the secretary of the State Bond Commission, and the  
12495 required notice shall be published in a newspaper published in the  
12496 City of Jackson, Mississippi.

12497        The publication of any notice required in this section may be  
12498 published on the Internet as provided in Section 1 of this act.

12499        **SECTION 189.** Section 49-7-251, Mississippi Code of 1972, is  
12500 amended as follows:

12501        49-7-251. (1) Except as otherwise provided in Section  
12502 49-7-257, when any property is seized pursuant to Section  
12503 49-7-103, 49-15-21(2) or 59-21-33, Mississippi Code of 1972,  
12504 proceedings under this section shall be instituted promptly.  
12505 Provided, however, that the seizing law enforcement agency may, in



12506 the sound exercise of discretion, decide not to bring a forfeiture  
12507 action if the interests of bona fide lienholders or secured  
12508 creditors equal or exceed the value of the seized property, or if  
12509 other factors would produce a negative economic result. Provided  
12510 further, that no property shall be subject to forfeiture which has  
12511 been stolen from its owner if the owner can be identified and  
12512 prosecution for the theft has been initiated.

12513 (2) A petition for forfeiture shall be filed promptly in the  
12514 name of the State of Mississippi, the county or the municipality  
12515 and may be filed in the county in which the seizure is made, the  
12516 county in which the criminal prosecution is brought or the county  
12517 in which the owner of the seized property is found. Forfeiture  
12518 proceedings may be brought in the circuit court or the county  
12519 court if a county court exists in the county and the value of the  
12520 seized property is within the jurisdictional limits of the county  
12521 court as set forth in Section 9-9-21, Mississippi Code of 1972. A  
12522 copy of such petition shall be served upon the following persons  
12523 by service of process in the same manner as in civil cases:

12524 (a) The owner of the property, if address is known;

12525 (b) Any secured party who has registered his lien or  
12526 filed a financing statement as provided by law, if the identity of  
12527 such secured party can be ascertained by the Department of  
12528 Wildlife Conservation or the local law enforcement agency by  
12529 making a good faith effort to ascertain the identity of such  
12530 secured party as described in subsections (3), (4), (5), (6) and  
12531 (7) of this section;

12532 (c) Any other bona fide lienholder or secured party or  
12533 other person holding an interest in the property in the nature of  
12534 a security interest of whom the Department of Wildlife  
12535 Conservation or the local law enforcement agency has actual  
12536 knowledge; and

12537 (d) Any person in possession of property subject to  
12538 forfeiture at the time that it was seized.



12539           (3) If the property is a motor vehicle susceptible of  
12540 titling under the Mississippi Motor Vehicle Title Law and if there  
12541 is any reasonable cause to believe that the vehicle has been  
12542 titled, the Department of Wildlife Conservation or the local law  
12543 enforcement agency shall make inquiry of the State Tax Commission  
12544 as to what the records of the State Tax Commission show as to who  
12545 is the record owner of the vehicle and who, if anyone, holds any  
12546 lien or security interest which affects the vehicle.

12547           (4) If the property is a motor vehicle and is not titled in  
12548 the State of Mississippi, then the Department of Wildlife  
12549 Conservation or the local law enforcement agency shall attempt to  
12550 ascertain the name and address of the person in whose name the  
12551 vehicle is licensed, and if the vehicle is licensed in a state  
12552 which has in effect a certificate of title law, the Department of  
12553 Wildlife Conservation or the local law enforcement agency shall  
12554 make inquiry of the appropriate agency of that state as to what  
12555 the records of the agency show as to who is the record owner of  
12556 the vehicle and who, if anyone, holds any lien, security interest  
12557 or other instrument in the nature of a security device which  
12558 affects the vehicle.

12559           (5) If the property is of a nature that a financing  
12560 statement is required by the laws of this state to be filed to  
12561 perfect a security interest affecting the property and if there is  
12562 any reasonable cause to believe that a financing statement  
12563 covering the security interest has been filed under the laws of  
12564 this state, the Department of Wildlife Conservation or the local  
12565 law enforcement agency shall make inquiry of the appropriate  
12566 office designated in Section 75-9-501, Mississippi Code of 1972,  
12567 as to what the records show as to who is the record owner of the  
12568 property and who, if anyone, has filed a financing statement  
12569 affecting the property.

12570           (6) If the property is an aircraft or part thereof and if  
12571 there is any reasonable cause to believe that an instrument in the



12572 nature of a security device affects the property, then the  
12573 Department of Wildlife Conservation or the local law enforcement  
12574 agency shall make inquiry of the Administrator of the Mississippi  
12575 Aeronautics Commission as to what the records of the Federal  
12576 Aviation Administration show as to who is the record owner of the  
12577 property and who, if anyone, holds an instrument in the nature of  
12578 a security device which affects the property.

12579       (7) In the case of all other personal property subject to  
12580 forfeiture, if there is any reasonable cause to believe that an  
12581 instrument in the nature of a security device affects the  
12582 property, then the Department of Wildlife Conservation or the  
12583 local law enforcement agency shall make a good faith inquiry to  
12584 identify the holder of any such instrument.

12585       (8) In the event the answer to an inquiry states that the  
12586 record owner of the property is any person other than the person  
12587 who was in possession of it when it was seized, or states that any  
12588 person holds any lien, encumbrance, security interest, other  
12589 interest in the nature of a security interest, mortgage or deed of  
12590 trust which affects the property, the Department of Wildlife  
12591 Conservation or the local law enforcement agency shall cause any  
12592 record owner and also any lienholder, secured party, other person  
12593 who holds an interest in the property in the nature of a security  
12594 interest which affects the property to be named in the petition of  
12595 forfeiture and to be served with process in the same manner as in  
12596 civil cases.

12597       (9) If the owner of the property cannot be found and served  
12598 with a copy of the petition of forfeiture, or if no person was in  
12599 possession of the property subject to forfeiture at the time that  
12600 it was seized and the owner of the property is unknown, the  
12601 Department of Wildlife Conservation or the local law enforcement  
12602 agency shall file with the clerk of the court in which the  
12603 proceeding is pending an affidavit to such effect, whereupon the  
12604 clerk of the court shall publish notice of the hearing addressed





12605 to "the Unknown Owner of \_\_\_\_\_," filling in the blank  
12606 space with a reasonably detailed description of the property  
12607 subject to forfeiture. Service by publication shall contain the  
12608 other requisites prescribed in Section 11-33-41, Mississippi Code  
12609 of 1972, and shall be served as provided in Section 11-33-37,  
12610 Mississippi Code of 1972, for publication of notice for  
12611 attachments at law.

12612 (10) No proceedings instituted pursuant to the provisions of  
12613 this section shall proceed to hearing unless the judge conducting  
12614 the hearing is satisfied that this section has been complied with.  
12615 Any answer received from an inquiry required by subsections (3)  
12616 through (7) of this section shall be introduced into evidence at  
12617 the hearing.

12618 (11) The publication of any notice required in this section  
12619 may be published on the Internet as provided in Section 1 of this  
12620 act.

12621 **SECTION 190.** Section 49-9-15, Mississippi Code of 1972, is  
12622 amended as follows:

12623 49-9-15. The commission shall set hearings at such times and  
12624 places, after having given thirty (30) days notice thereof by  
12625 publication in some newspaper published in the State of  
12626 Mississippi of general circulation within the state, at which  
12627 hearings evidence shall be received in regard to the operation of  
12628 boats and equipment in the taking of mussels in the fresh waters  
12629 of this state. After such hearings, the commission shall issue  
12630 reasonable rules and regulations in regard to same, and if the  
12631 evidence so indicates, shall, in order to prevent the depletion of  
12632 mussel beds and to insure the proper propagation of mussels, adopt  
12633 such regulations as it deems necessary.

12634 The publication of any notice required in this section may be  
12635 published on the Internet as provided in Section 1 of this act.

12636 **SECTION 191.** Section 49-15-23, Mississippi Code of 1972, is  
12637 amended as follows:



49-15-23. (1) (a) The Mississippi Commission on Marine Resources and the Commission on Wildlife, Fisheries and Parks are hereby authorized and empowered to establish the dividing line between salt and fresh waters, and when such line has been established and notice thereof given as provided herein, it shall be recognized in the courts in connection with any proceedings under the game and fish laws of this state. Such line may be changed from time to time by the Mississippi Commission on Marine Resources and the Commission on Wildlife, Fisheries and Parks on proper publication of such changes.

(b) In establishing the dividing line between salt and fresh waters, no part of the Bay of St. Louis shall be declared to be fresh water.

(c) In establishing the dividing line between salt and fresh waters, none of the waters within the municipal boundaries of the City of Pascagoula, as they existed on January 1, 1981, shall be declared to be fresh water.

(d) In establishing the dividing line between salt and fresh waters, no part of Bayou Cassotte and its tributaries, Bang Bayou and its tributaries, Bayou Cumbest and its tributaries, Crooked Bayou, Middle Bayou and that part of Heron Bayou with its tributaries which lie in the State of Mississippi shall be declared to be fresh water.

(2) Whenever any dividing line is established or changed as above provided, notice shall be given to the public by publication for three (3) weeks in a newspaper published and having general circulation in the county or counties affected thereby, and a description of the dividing line shall be filed in the office of the chancery clerk of such counties or county.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 192.** Section 49-15-201, Mississippi Code of 1972, is amended as follows:



12671           49-15-201. (1) Except as otherwise provided in Section  
12672 49-15-207, when any property is seized pursuant to Section  
12673 49-15-21 or 59-21-33, Mississippi Code of 1972, proceedings under  
12674 this section shall be instituted promptly. The seizing law  
12675 enforcement agency may, in the sound exercise of discretion,  
12676 decide not to bring a forfeiture action if the interests of bona  
12677 fide lien holders or secured creditors equal or exceed the value  
12678 of the seized property, or if other factors would produce a  
12679 negative economic result. No property shall be subject to  
12680 forfeiture which has been stolen from its owner if the owner can  
12681 be identified and prosecution for the theft has been initiated.

12682           (2) A petition for forfeiture shall be filed promptly in the  
12683 name of the State of Mississippi, the county or the municipality  
12684 and may be filed in the county in which the seizure is made, the  
12685 county in which the criminal prosecution is brought or the county  
12686 in which the owner of the seized property is found. Forfeiture  
12687 proceedings may be brought in the circuit court or the county  
12688 court if a county court exists in the county and the value of the  
12689 seized property is within the jurisdictional limits of the county  
12690 court as set forth in Section 9-9-21, Mississippi Code of 1972. A  
12691 copy of such petition shall be served upon the following persons  
12692 by service of process in the same manner as in civil cases:

12693                   (a) The owner of the property, if address is known;

12694                   (b) Any secured party who has registered his lien or  
12695 filed a financing statement as provided by law, if the identity of  
12696 such secured party can be ascertained by the Department of Marine  
12697 Resources or the local law enforcement agency by making a good  
12698 faith effort to ascertain the identity of such secured party as  
12699 described in subsections (3), (4), (5), (6) and (7) of this  
12700 section;

12701                   (c) Any other bona fide lien holder or secured party or  
12702 other person holding an interest in the property in the nature of



12703 a security interest of whom the Department of Marine Resources or  
12704 the local law enforcement agency has actual knowledge; and

12705 (d) Any person in possession of property subject to  
12706 forfeiture at the time that it was seized.

12707 (3) If the property is a motor vehicle susceptible of  
12708 titling under the Mississippi Motor Vehicle Title Law and if there  
12709 is any reasonable cause to believe that the vehicle has been  
12710 titled, the Department of Marine Resources or the local law  
12711 enforcement agency shall make inquiry of the State Tax Commission  
12712 as to what the records of the State Tax Commission show as to who  
12713 is the record owner of the vehicle and who, if anyone, holds any  
12714 lien or security interest which affects the vehicle.

12715 (4) If the property is a motor vehicle and is not titled in  
12716 the State of Mississippi, then the Department of Marine Resources  
12717 or the local law enforcement agency shall attempt to ascertain the  
12718 name and address of the person in whose name the vehicle is  
12719 licensed, and if the vehicle is licensed in a state which has in  
12720 effect a certificate of title law, the Department of Marine  
12721 Resources or the local law enforcement agency shall make inquiry  
12722 of the appropriate agency of that state as to what the records of  
12723 the agency show as to who is the record owner of the vehicle and  
12724 who, if anyone, holds any lien, security interest or other  
12725 instrument in the nature of a security device which affects the  
12726 vehicle.

12727 (5) If the property is of a nature that a financing  
12728 statement is required by the laws of this state to be filed to  
12729 perfect a security interest affecting the property and if there is  
12730 any reasonable cause to believe that a financing statement  
12731 covering the security interest has been filed under the laws of  
12732 this state, the Department of Marine Resources or the local law  
12733 enforcement agency shall make inquiry of the appropriate office  
12734 designated in Section 75-9-501, Mississippi Code of 1972, as to  
12735 what the records show as to who is the record owner of the



12736 property and who, if anyone, has filed a financing statement  
12737 affecting the property.

12738 (6) If the property is an aircraft or part thereof and if  
12739 there is any reasonable cause to believe that an instrument in the  
12740 nature of a security device affects the property, then the  
12741 Department of Marine Resources or the local law enforcement agency  
12742 shall make inquiry as to what the records of the Federal Aviation  
12743 Administration show as to who is the record owner of the property  
12744 and who, if anyone, holds an instrument in the nature of a  
12745 security device which affects the property.

12746 (7) In the case of all other personal property subject to  
12747 forfeiture, if there is any reasonable cause to believe that an  
12748 instrument in the nature of a security device affects the  
12749 property, then the Department of Marine Resources or the local law  
12750 enforcement agency shall make a good faith inquiry to identify the  
12751 holder of any such instrument.

12752 (8) If the answer to an inquiry states that the record owner  
12753 of the property is any person other than the person who was in  
12754 possession of it when it was seized, or states that any person  
12755 holds any lien, encumbrance, security interest, other interest in  
12756 the nature of a security interest, mortgage or deed of trust which  
12757 affects the property, the Department of Marine Resources or the  
12758 local law enforcement agency shall cause any record owner and also  
12759 any lien holder, secured party, other person who holds an interest  
12760 in the property in the nature of a security interest which affects  
12761 the property to be named in the petition of forfeiture and to be  
12762 served with process in the same manner as in civil cases.

12763 (9) If the owner of the property cannot be found and served  
12764 with a copy of the petition of forfeiture, or if no person was in  
12765 possession of the property subject to forfeiture at the time that  
12766 it was seized and the owner of the property is unknown, the  
12767 Department of Marine Resources or the local law enforcement agency  
12768 shall file with the clerk of the court in which the proceeding is



12769 pending an affidavit to such effect, whereupon the clerk of the  
12770 court shall publish notice of the hearing addressed to "the  
12771 Unknown Owner of \_\_\_\_\_," filling in the blank space with  
12772 a reasonably detailed description of the property subject to  
12773 forfeiture. Service by publication shall contain the other  
12774 requisites prescribed in Section 11-33-41, Mississippi Code of  
12775 1972, and shall be served as provided in Section 11-33-37,  
12776 Mississippi Code of 1972, for publication of notice for  
12777 attachments at law.

12778 (10) No proceedings instituted pursuant to the provisions of  
12779 this section shall proceed to hearing unless the judge conducting  
12780 the hearing is satisfied that this section has been complied with.  
12781 Any answer received from an inquiry required by subsections (3)  
12782 through (7) of this section shall be introduced into evidence at  
12783 the hearing.

12784 (11) The publication of any notice required in this section  
12785 may be published on the Internet as provided in Section 1 of this  
12786 act.

12787 **SECTION 193.** Section 49-17-25, Mississippi Code of 1972, is  
12788 amended as follows:

12789 49-17-25. (1) Prior to the adoption, amendment or repeal of  
12790 rules and regulations necessary to implement this chapter,  
12791 Sections 17-17-1 through 17-17-47, Sections 21-27-201 through  
12792 21-27-221, Sections 37-138-1 through 37-138-31, and all other laws  
12793 administered by the department, the commission shall conduct a  
12794 public hearing or hearings thereon after public notice. Such  
12795 notice shall be given by publication once a week for three (3)  
12796 successive weeks in a newspaper having a general circulation  
12797 throughout the state. The notice shall contain a description of  
12798 the proposed regulation and the time, date and place of the  
12799 hearing.

12800 (2) Additionally, the adoption, amendment or repeal of any  
12801 rule or regulation under this chapter, Sections 17-17-1 through



12802 17-17-47, Sections 21-27-201 through 21-27-221, Sections 37-138-1  
12803 through 37-138-31 and all other laws administered by the  
12804 department shall be governed by the "Mississippi Administrative  
12805 Procedures Law." Any rule or regulation heretofore or hereafter  
12806 adopted, amended or repealed in substantial compliance with the  
12807 procedural requirements under Section 25-43-7 shall be valid. A  
12808 proceeding to contest any rule or regulation on the ground of  
12809 noncompliance with the procedural requirements of this section  
12810 must be commenced within one (1) year from the effective date of  
12811 the rule or regulation.

12812 (3) Notice of rules and regulations adopted by the  
12813 commission shall be published once in a newspaper having general  
12814 circulation throughout the state.

12815 (4) The publication of any notice required in this section  
12816 may be published on the Internet as provided in Section 1 of this  
12817 act.

12818 **SECTION 194.** Section 49-17-121, Mississippi Code of 1972, is  
12819 amended as follows:

12820 49-17-121. No bonds shall be issued pursuant to the  
12821 provisions of Sections 49-17-101 through 49-17-123 until the  
12822 proposal of the governing board to issue the bonds shall receive  
12823 the approval of the board. Whenever the governing board shall  
12824 propose to issue bonds pursuant to the provisions of said  
12825 sections, it shall file its petition to the board setting forth:  
12826 (a) a brief description of the pollution control facilities  
12827 proposed to be undertaken; (b) a statement setting forth the  
12828 action taken by the pollution control authority in connection with  
12829 the pollution control facilities; (c) a reasonable estimate of the  
12830 cost of the pollution control facilities; (d) a general summary of  
12831 the terms and conditions of the lease/sale; and (e) financial  
12832 statements on lessee company. Upon the filing of the petition the  
12833 board shall, as soon as practicable, make such investigation as it  
12834 deems advisable, and if it finds that the proposed pollution



12835 control facilities are intended to promote the purposes of  
12836 Sections 49-17-101 through 49-17-123 and may be reasonably  
12837 anticipated to effect such result, it shall be authorized to  
12838 approve the pollution control facilities, and at any time not  
12839 exceeding six (6) years following such approval, the governing  
12840 board may proceed with the issuance of bonds for the pollution  
12841 control facilities. Notice of the approval by the board shall be  
12842 published at least once by the governing board in a newspaper  
12843 having general circulation in the county where the pollution  
12844 control facilities are to be located. The governing board shall  
12845 thereupon adopt and publish as required by law a resolution  
12846 declaring its intention to issue said bonds.

12847 Any qualified elector may challenge the validity of such  
12848 approval by intervention in the bond validation proceedings.

12849 Authority hereby vested in any governing board to issue, and  
12850 the board to approve, revenue bonds pursuant to and in accordance  
12851 with Sections 49-17-101 through 49-17-123 is supplemental to, and  
12852 may be exercised irrespective of Sections 27-39-15, 57-1-1 through  
12853 57-1-51, 57-1-71 through 57-1-83, 57-1-101 through 57-1-107, and  
12854 57-3-1 through 57-3-33, Mississippi Code of 1972.

12855 The publication of any notice required in this section may be  
12856 published on the Internet as provided in Section 1 of this act.

12857 **SECTION 195.** Section 49-17-759, Mississippi Code of 1972, is  
12858 amended as follows:

12859 49-17-759. All bonds (other than refunding bonds, interim  
12860 notes and certificates of indebtedness, which may be validated)  
12861 issued pursuant to this act shall be validated as now provided by  
12862 law in Sections 31-13-1 through 31-13-11, Mississippi Code of  
12863 1972; however, notice of such validation proceedings shall be  
12864 addressed to the citizens of the respective public agencies (a)  
12865 which have contracted with the county authority pursuant to this  
12866 act, and (b) whose contracts and the payments to be made by the  
12867 public agencies thereunder constitute security for the bonds of





12868 such county authority proposed to be issued, and that such notice  
12869 shall be published at least once in a newspaper or newspapers  
12870 having a general circulation within the geographical boundaries of  
12871 each of the contracting public agencies to whose citizens the  
12872 notice is addressed. Such validation proceedings shall be  
12873 instituted in any chancery courts within the boundaries of the  
12874 county authority. The validity of the bonds so validated and of  
12875 the contracts and payments to be made by the public agencies  
12876 thereunder constituting security for the bonds shall be forever  
12877 conclusive against the county authority and the public agencies  
12878 which are parties to said contracts; and the validity of said  
12879 bonds and said contracts and the payments to be made thereunder  
12880 shall never be called in question in any court in this state.

12881 The publication of any notice required in this section may be  
12882 published on the Internet as provided in Section 1 of this act.

12883 **SECTION 196.** Section 49-19-408, Mississippi Code of 1972, is  
12884 amended as follows:

12885 49-19-408. (1) A person may enter in or upon public or  
12886 private lands or waters, except buildings, while in the lawful  
12887 performance of forest inventory duties for the Mississippi  
12888 Institute for Forest Inventory without criminal liability for  
12889 trespass. The person shall make a good faith attempt to announce  
12890 and identify himself and his intentions before entering upon  
12891 private property, and an announcement of such intentions shall be  
12892 published in the legal notices in a newspaper having a general  
12893 circulation within the county at least twenty-one (21) days before  
12894 the date specified for entry upon private property.

12895 (2) This section does not relieve the person from any civil  
12896 liability that otherwise is actionable at law or in equity, and  
12897 does not relieve the person from criminal liability for trespass  
12898 if the entry in or upon the property extends beyond the property  
12899 or area that is necessary to actually perform the forest inventory  
12900 duties.



(3) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 197.** Section 49-27-15, Mississippi Code of 1972, is amended as follows:

49-27-15. (1) Not later than sixty (60) days from the receipt of any application, the commission shall publish notice of a date on or before which written objections to any application must be filed. If written objection is filed or if the applicant requests a hearing, then a hearing must be held within twenty (20) days after the date on or before which objections must be filed unless a later date for the hearing is agreed to by all parties. Notice of the date on or before which objections must be filed shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper of general circulation in the county in which the affected wetlands are located. The last publication of such notice shall be made not more than seven (7) days prior to such date. The published notice shall describe the site of the proposed activity and shall give a general description of the proposed regulated activity. Further, notice shall be given describing the date, time and place for the hearing by U.S. Mail, postage prepaid, to each of the objectors and to the applicant at the address furnished to the commission by the parties, and by causing a copy of such notice to be published at least one time in one (1) newspaper having a general circulation in the county in which the affected wetlands are located.

(2) An applicant shall pay the estimated costs of public notice and publication fees before the notice is published.

(3) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 198.** Section 49-27-71, Mississippi Code of 1972, is amended as follows:



12934           49-27-71. (1) (a) The department may remove from the  
12935 coastal wetlands, as defined in Section 49-27-5(a), Mississippi  
12936 Code of 1972, or from any private or man-made canal with a  
12937 navigable connection to coastal wetlands, any vessel which is  
12938 derelict, or has been determined by the department to be a public  
12939 safety or environmental hazard, having been relinquished, deserted  
12940 or left by the owner with the intention of abandoning the vessel.  
12941 Any vessel submerged in or on the coastal wetlands or submerged in  
12942 any private or man-made canal, with a navigable connection to  
12943 coastal wetlands, in excess of thirty (30) days is declared  
12944 abandoned and a derelict vessel. For the purposes of this  
12945 section, no vessel submerged more than one hundred (100) years  
12946 will be considered derelict.

12947           (b) Any owner or operator of a derelict vessel shall be  
12948 liable to the State of Mississippi for the restoration of all  
12949 affected coastal wetlands and all costs associated with the  
12950 removal of the vessel.

12951           (2) (a) If the last known owner or operator of a derelict  
12952 vessel is ascertainable, the owner or operator shall be notified  
12953 by certified mail to remove the derelict vessel and restore the  
12954 affected coastal wetlands within thirty (30) days of the date of  
12955 the notice. Failure to remove the vessel may result in the  
12956 imposition of the damages provided in subsection (3).

12957           (b) When the owner or operator of the derelict vessel  
12958 is unknown or cannot be located after diligent search and inquiry,  
12959 notice shall be given by publishing in a newspaper having general  
12960 circulation in the county where the derelict vessel is located the  
12961 intent to remove and dispose of the derelict vessel. The notice  
12962 shall be published once a week for three (3) consecutive weeks.  
12963 The derelict vessel may be removed ten (10) days after the last  
12964 date of publication.

12965           (c) The municipality or county where the vessel is  
12966 located may remove the derelict vessel or request the department



12967 to contract for the removal of the derelict vessel. The cost of  
12968 the removal of the derelict vessel shall be paid by the  
12969 municipality or the county where the vessel is located. If the  
12970 county or municipality cannot pay the cost of removal, the  
12971 department may pay the cost of removal, if funds are available.

12972 (d) Any derelict vessel salvaged may be destroyed or  
12973 otherwise disposed of without additional notice to the owner or  
12974 operator and the value thereof, if any, applied as an offset to  
12975 the cost of the removal of the derelict vessel and restoration of  
12976 the affected coastal wetlands.

12977 (e) If an owner or operator is subsequently identified,  
12978 the owner or operator shall be liable for double the cost of the  
12979 removal of the derelict vessel and the restoration of the affected  
12980 coastal wetlands, attorneys' fees and all costs of court. Upon  
12981 recovery of these damages, the county, municipality or department,  
12982 as the case may be, shall be reimbursed the costs of the removal  
12983 of the derelict vessel and restoration of the coastal wetlands.

12984 (f) In addition to providing notice by publication or  
12985 to the known owner or operator, notice shall be sent by mail to  
12986 the Mississippi Department of Archives and History for a  
12987 determination as to whether the vessel to be removed is of  
12988 archaeological, historical or architectural significance under the  
12989 state antiquities law. The Department of Archives and History  
12990 shall respond within thirty (30) days to the notice and advise  
12991 whether or not the vessel should be preserved.

12992 (3) The chancery court of the county where the vessel is  
12993 located shall have jurisdiction and by writ of mandatory  
12994 injunction, order the removal of the vessel by the owner or  
12995 operator. The chancery court shall allow a reasonable time for  
12996 completion of the restoration of the coastal wetlands and removal  
12997 of the vessel. The chancery court may, in its discretion, order  
12998 as damages a sum not to exceed Five Hundred Dollars (\$500.00) per  
12999 day for each day such violation has existed. The chancery court



13000 may further order as damages a sum not to exceed Five Hundred  
13001 Dollars (\$500.00) per day for each day that the violation exists  
13002 beyond the date set by the court in its injunction for the removal  
13003 of the vessel and the restoration of the coastal wetlands.  
13004 Additionally, the owner or operator shall be liable for reasonable  
13005 attorneys' fees and all costs of court.

13006 (4) Any reimbursed cost of removal and any fines and damages  
13007 collected in excess of the cost of the removal of the vessel and  
13008 the restoration of the affected coastal wetlands shall be  
13009 deposited in a special fund in the State Treasury to be known as  
13010 the "Derelict Vessel Fund." The fund shall be administered by the  
13011 department. Any funds deposited in the fund shall be used to  
13012 cover the administrative costs and removal costs incurred by the  
13013 department for the removal of vessels. Any remaining funds shall  
13014 be used as a match for municipal and county funds to cover the  
13015 costs of removing additional vessels.

13016 (5) Any sunken or submerged vessel in or on the coastal  
13017 wetlands within any designated navigation channel or within one  
13018 hundred (100) yards of the boundaries of any state, county or  
13019 municipal port may be declared a hazard to navigation and subject  
13020 to immediate removal and disposal by the department. Any sunken  
13021 or submerged vessel in or on the coastal wetlands that is leaking  
13022 any hazardous substances, chemicals or fuels may be declared an  
13023 environmental hazard and subject to immediate removal and disposal  
13024 by the department. The owners of a vessel removed in accordance  
13025 with this subsection shall be liable for the costs associated with  
13026 the salvage and disposal of the vessel and any damages to the  
13027 flora and fauna within the coastal wetlands.

13028 (6) The department is authorized to enter into contracts  
13029 with individuals, firms and corporations for the removal of  
13030 vessels. The salvage value, if any, of the vessel may be used to  
13031 offset the cost of the removal of the vessel and the restoration  
13032 of the coastal wetlands. The department may enter into



13033 noncompetitive contracts or agreements with any state or federal  
13034 entity for the removal of vessels.

13035 (7) The commission shall adopt rules and regulations  
13036 necessary and appropriate to carry out this section. The  
13037 commission may also enter into interstate or intrastate efforts  
13038 toward this end, and may seek and utilize aid from all federal,  
13039 state and local sources in this endeavor.

13040 (8) The State of Mississippi, the commission, the department  
13041 and their employees and representatives shall not be liable for  
13042 any damage resulting from the removal, sale or disposal of any  
13043 vessel declared a derelict or hazardous vessel pursuant to this  
13044 section.

13045 (9) The publication of any notice required in this section  
13046 may be published on the Internet as provided in Section 1 of this  
13047 act.

13048 **SECTION 199.** Section 49-28-5, Mississippi Code of 1972, is  
13049 amended as follows:

13050 49-28-5. (1) Upon the filing of a petition, the board of  
13051 supervisors shall fix a time and place for a public hearing upon  
13052 the question of the public convenience and necessity of the  
13053 incorporation of the proposed district. The date fixed for the  
13054 hearing shall be not more than thirty (30) days after the filing  
13055 of the petition. The time, date and location of the hearing, the  
13056 proposed boundaries of the district, and the purpose of the  
13057 hearing shall be set forth in a notice to be signed by the clerk  
13058 of the board of supervisors. The notice shall be published in a  
13059 newspaper having general circulation within the proposed district  
13060 once a week for at least three (3) consecutive weeks before the  
13061 date of the hearing. The first publication of the notice shall be  
13062 made not less than twenty-one (21) days before the date of the  
13063 hearing and the last publication shall be made not more than seven  
13064 (7) days before the date of the hearing.



13065           (2) If, at the public hearing, the board of supervisors  
13066 finds (a) that the public convenience and necessity require the  
13067 creation of the district and (b) that the creation of the district  
13068 is economically sound and desirable, then the board of supervisors  
13069 shall adopt a resolution making those findings and declaring its  
13070 intention to create the district on a date to be specified in the  
13071 resolution. The resolution shall also designate the name of the  
13072 proposed district, define its territorial limits which shall be  
13073 fixed by the board of supervisors pursuant to the hearing, and  
13074 state whether or not the board of supervisors shall levy the ad  
13075 valorem tax authorized in Section 49-28-27 and whether or not the  
13076 board of supervisors proposes to make special assessments against  
13077 benefited properties as outlined in Section 49-28-29.

13078           (3) The publication of any notice required in this section  
13079 may be published on the Internet as provided in Section 1 of this  
13080 act.

13081           **SECTION 200.** Section 49-28-7, Mississippi Code of 1972, is  
13082 amended as follows:

13083           49-28-7. (1) A certified copy of the adopted resolution  
13084 shall be published in a newspaper having a general circulation  
13085 within the proposed district once a week for at least three (3)  
13086 consecutive weeks before the date specified in the resolution as  
13087 the date upon which the board of supervisors intends to create the  
13088 district. The first publication of the notice shall be made not  
13089 less than twenty-one (21) days before the date specified, and the  
13090 last publication shall be made not more than seven (7) days before  
13091 the date.

13092           (2) If twenty percent (20%) or one hundred fifty (150),  
13093 whichever is less, of the qualified electors of the county  
13094 residing within the proposed district file a written petition with  
13095 the board of supervisors on or before the date specified in the  
13096 resolution under subsection 1 of this section protesting the  
13097 creation of the district, the board of supervisors shall call an



13098 election on the question of the creation of the district. The  
13099 election shall be held and conducted by the election commissioners  
13100 of the county, as far as is practicable in accordance with the  
13101 general laws governing elections. The election commissioners  
13102 shall determine which of the qualified electors of the county  
13103 reside within the proposed district, and only those qualified  
13104 electors as reside within the proposed district shall be entitled  
13105 to vote in the election. Notice of the election setting forth the  
13106 time, place or places, and purpose of the election shall be  
13107 published by the clerk of the board of supervisors. The notice  
13108 shall be published for the time and in the manner provided in  
13109 Section 49-28-5 for the publication of the resolution of intent.  
13110 The ballot to be prepared for and used at the election shall be in  
13111 substantially the following form:

13112 "FOR CREATION OF \_\_\_\_\_ DISTRICT: ( )  
13113 AGAINST CREATION OF \_\_\_\_\_ DISTRICT: ( )."

13114 Voters shall vote by placing a cross mark (X) or check mark (✓)  
13115 opposite their choice.

13116 (3) The publication of any notice required in this section  
13117 may be published on the Internet as provided in Section 1 of this  
13118 act.

13119 **SECTION 201.** Section 49-35-9, Mississippi Code of 1972, is  
13120 amended as follows:

13121 49-35-9. (1) (a) If the department and a brownfield party  
13122 reach a proposed agreement, then at least thirty (30) days before  
13123 the date that the commission considers the proposed brownfield  
13124 agreement under Section 49-35-11, the department shall publish a  
13125 public notice in a newspaper of general circulation in the county  
13126 or counties in which the brownfield agreement site is located.  
13127 The public notice shall (i) describe the proposed brownfield  
13128 agreement, including the proposed brownfield agreement site; (ii)  
13129 request public comment on the proposed agreement within thirty  
13130 (30) days after the date of publication of the notice; and (iii)





13131 provide the date and location of the commission's consideration of  
13132 the proposed brownfield agreement. A copy of the proposed  
13133 brownfield agreement shall be filed for public inspection in the  
13134 county courthouse of the county or counties in which the proposed  
13135 brownfield agreement site is located.

13136 (b) The commission shall notify in writing the  
13137 governing authority of the local government in which the proposed  
13138 site is located.

13139 (c) At the time of publication of the public notice  
13140 under paragraph (a) of this subsection, an applicant brownfield  
13141 party shall notify by certified mail, each record owner of  
13142 property contiguous to the brownfield agreement site identified by  
13143 the brownfield party after examination of the land records of the  
13144 county or counties in which the brownfield agreement site is  
13145 located at the address contained in the county records, if  
13146 available. No brownfield agreement shall be declared invalid  
13147 based on failure of any person to receive notice under this  
13148 subsection.

13149 (d) The commission may by regulation require additional  
13150 public notice.

13151 (2) The department may conduct a public hearing on the  
13152 proposed brownfield agreement in the county in which the majority  
13153 of the proposed brownfield agreement site is located, or in any  
13154 other location in the local area of the proposed brownfield  
13155 agreement site that is convenient to the members of the public who  
13156 may have an interest in the proposed brownfield agreement. The  
13157 department shall publish a notice of the hearing in a newspaper of  
13158 general circulation in the county or counties in which the  
13159 proposed brownfield agreement site is located. The department  
13160 shall provide to the commission for review before its  
13161 consideration of the proposed brownfield agreement all public  
13162 comments and the transcript of any public hearing on the proposed  
13163 brownfield agreement.



(3) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 202.** Section 51-4-9, Mississippi Code of 1972, is amended as follows:

51-4-9. (1) After the eligibility assessment of a stream is completed by the department, and the Legislature enacts legislation approving the eligibility, the stream may be nominated as provided in this section. The department, through the executive director, shall establish an advisory council for that stream. The advisory council must be appointed as early as possible to assist the work of the department. Each council must consist of members who represent a broad range of interest in the vicinity of the eligible stream and shall include, but not be limited to, at least one (1) member from the department, local government, agricultural interests, forestry interests, business interests, conservation interests, recreational interests and riparian landowners who shall constitute a majority of the council. The advisory council shall elect a chairman. The advisory council shall assist and advise the department concerning the nomination of the stream for the program.

(2) The department shall hold a public meeting in the vicinity of the eligible stream proposed for nomination to the State Scenic Streams Stewardship Program. This public meeting must be conducted before any action by the department to nominate the eligible stream for inclusion in the State Scenic Streams Stewardship Program. The purpose of this meeting is to receive public comments concerning the proposed nomination of the eligible stream. Notice of this meeting must be published at least thirty (30) days before the meeting in a newspaper having general circulation in each county containing or bordering the eligible stream under study and in a newspaper having general circulation in the state. The department shall notify, in writing, the



13197 landowners along the eligible stream. The department and the  
13198 advisory council shall consider the public comments in its  
13199 decision whether to nominate the stream.

13200 (3) Following the public meeting and after consideration of  
13201 the public comments, the department and the advisory council may  
13202 nominate the eligible stream for designation as a scenic stream  
13203 and inclusion in the program. In order for a stream to be listed  
13204 as eligible for nomination to the State Scenic Streams Stewardship  
13205 Program, the nomination must be filed as a bill and adopted by the  
13206 Legislature. No stream shall be designated as a scenic stream and  
13207 placed in the program until the Legislature has duly enacted  
13208 legislation designating the stream as scenic and placing it in the  
13209 State Scenic Streams Stewardship Program.

13210 (4) The publication of any notice required in this section  
13211 may be published on the Internet as provided in Section 1 of this  
13212 act.

13213 **SECTION 203.** Section 51-4-11, Mississippi Code of 1972, is  
13214 amended as follows:

13215 51-4-11. (1) After the Legislature has designated a stream  
13216 as a state scenic stream, the department shall publish a notice of  
13217 the designation and provide written notice to the affected units  
13218 of local government and landowners. Notice of the designation  
13219 also must be published in a newspaper of general circulation in  
13220 the state to apprise interested parties of the opportunities under  
13221 this chapter. The notice must describe the boundaries of the  
13222 stream or stream segment.

13223 (2) (a) The department and the advisory council shall  
13224 develop a cooperative voluntary stewardship plan for the scenic  
13225 stream. The department shall consult and cooperate with the State  
13226 Soil and Water Conservation Commission and the State Forestry  
13227 Commission in developing the stewardship options utilizing current  
13228 best management practices. Any other affected state agency may  
13229 also make recommendations to the department. The plan shall



13230 identify current and traditional uses along the stream and outline  
13231 goals, objectives and action strategies to address the management  
13232 of resources along the stream.

13233 (b) The plan shall utilize best management practices to  
13234 maintain the scenic values of the stream while ensuring the rights  
13235 of riparian landowners to continue existing agriculture, forestry,  
13236 water supply, recreational, commercial and industrial uses and any  
13237 other uses identified in the plan.

13238 (3) (a) The plan shall provide several stewardship options  
13239 for a landowner. The options shall vary in length of commitment,  
13240 degree of involvement and enforceability. An option may be  
13241 modified to meet the needs of a landowner based on the individual  
13242 attributes of the stream.

13243 (b) Participation in the stewardship plan is voluntary.  
13244 A landowner is under no obligation to participate in the plan. A  
13245 participating landowner must give at least thirty (30) days'  
13246 notice of his intent to terminate a nonbinding option and to  
13247 withdraw from the program.

13248 (4) (a) The department may receive by gift, devise, grant  
13249 or dedication, conservation easements or other interest in real  
13250 property for the State Scenic Streams Stewardship Program.

13251 (b) If any land is donated to the state for the Scenic  
13252 Streams Stewardship Program and the land ceases to be used in the  
13253 program, the title to the land reverts to the donor.

13254 (5) Any lands placed in the State Scenic Streams Stewardship  
13255 Program may be obtained only from private or corporate owners  
13256 voluntarily. Land placed in the State Scenic Streams Stewardship  
13257 Program shall not be obtained by eminent domain.

13258 (6) The publication of any notice required in this section  
13259 may be published on the Internet as provided in Section 1 of this  
13260 act.

13261 **SECTION 204.** Section 51-7-11, Mississippi Code of 1972, is  
13262 amended as follows:



13263           51-7-11. Upon the filing of a petition for creation of a  
13264 master water management district, and after fixing of the time,  
13265 date, and place of hearing by the chancellor, the chancery clerk  
13266 of the county wherein such petition is filed shall immediately  
13267 publish a notice directed to the owners of land to be embraced in  
13268 the proposed district, giving notice of the said petition and  
13269 designating a date, not less than ten (10) days nor more than  
13270 twenty (20) days after the last publication of notice, at which a  
13271 hearing will be had on the petition. Said notice shall be  
13272 published in a newspaper in each county wherein a part of such  
13273 district is situated, such paper to have a general circulation in  
13274 the area in said county wherein such portion of such district may  
13275 be located, and said notice shall be published for three (3) weeks  
13276 in such newspaper. If there be no newspaper published in such  
13277 county, then the notice provided herein shall be posted for not  
13278 less than fifteen (15) days, with one (1) copy being posted on the  
13279 bulletin board at the county courthouse and two (2) copies posted  
13280 at public places in the area proposed to be included in said  
13281 master water management district. Said notice shall call upon  
13282 landowners in such proposed district to show cause, if any,  
13283 against establishment of such district, and such notice shall be  
13284 in substantially the following form, to wit: "To all persons  
13285 owning any interest in the following described lands, to wit:  
13286 (with a description of the lands to be in subdivisions no smaller  
13287 than quarter sections)."

13288           Upon the date designated in the notice, or upon a subsequent  
13289 day to which the matter may be continued, the chancery court shall  
13290 hear all objections, if any are offered, to the organization of  
13291 said district. Unless at the hearing at least one-third (1/3) of  
13292 the landowners owning at least one-half (1/2) of the land proposed  
13293 to be included in the district or at least one-half (1/2) of the  
13294 landowners owning at least one-third (1/3) of the land proposed to  
13295 be included in the district shall object to the organization,



13296 further proceedings shall be had as hereinafter provided; but the  
13297 district shall not be organized in the event of such objection by  
13298 at least one-third (1/3) of the landowners owning at least  
13299 one-half (1/2) of the land or by at least one-half (1/2) of the  
13300 landowners owning at least one-third (1/3) of the land, excluding  
13301 state-owned lands.

13302 The publication of any notice required in this section may be  
13303 published on the Internet as provided in Section 1 of this act.

13304 **SECTION 205.** Section 51-7-17, Mississippi Code of 1972, is  
13305 amended as follows:

13306 51-7-17. As soon as said plans have been developed as  
13307 hereinbefore provided, a report thereof shall be made by the  
13308 commissioners, who shall file the same with the clerk of the  
13309 chancery court. Such report shall include the approval thereof by  
13310 the board of any levee district within which any master water  
13311 management district shall be located in whole or in part. Such  
13312 report shall contain an estimate of the local share of the cost of  
13313 carrying out the works of improvement, together with an estimate  
13314 of the total benefits that will accrue to the land in the proposed  
13315 district. Upon the filing of said report and after fixing a time,  
13316 date, and place of hearing by the chancellor, the clerk of the  
13317 chancery court shall thereupon give notice by publication that a  
13318 hearing will be held on said report and designating a date not  
13319 less than twenty (20) days and not more than thirty (30) days  
13320 after the last publication of notice on which such hearing will be  
13321 held. Said notice shall be published in a newspaper in each  
13322 county wherein a part of such district is situated, such newspaper  
13323 to have a general circulation in the area in said county wherein  
13324 such portion of such district may be located; and said notice  
13325 shall be published for three (3) weeks in such newspaper. If  
13326 there be no newspaper published in such county, then the notice  
13327 provided herein shall be posted for not less than fifteen (15)  
13328 days, with one (1) copy being posted on the bulletin board at the



13329 county courthouse and two (2) copies posted at public places in  
13330 the area proposed to be included in the master water management  
13331 district. The notice shall call upon landowners in the district  
13332 to show cause, if any, against approval of the report by the  
13333 chancery court.

13334 The publication of any notice required in this section may be  
13335 published on the Internet as provided in Section 1 of this act.

13336 **SECTION 206.** Section 51-7-30, Mississippi Code of 1972, is  
13337 amended as follows:

13338 51-7-30. If the commissioners at any time either before or  
13339 after the organization of the district find that other land not  
13340 embraced within the boundaries of the district will be benefited  
13341 by the proposed improvement or improvements already made, they  
13342 shall assess the estimated benefit to such lands and shall  
13343 specially report to the chancery court, or chancellor in vacation,  
13344 the assessments which they have made on land beyond the boundaries  
13345 of the district, as already established. It shall thereupon be  
13346 the duty of the clerk of the chancery court to give notice by two  
13347 (2) weekly insertions in a newspaper published in the county where  
13348 such lands lie, describing the additional lands which have been  
13349 assessed. The owners of real property so assessed shall be  
13350 allowed not less than ten (10) days after the last required  
13351 publication of such notice in which to file with the clerk of the  
13352 chancery court in writing their protest against being so assessed,  
13353 or included within the district. The chancery court, or  
13354 chancellor in vacation, shall, within ninety (90) days,  
13355 investigate the question whether the lands beyond the boundaries  
13356 of the district so assessed by the commissioners will in fact be  
13357 benefited by the making of the improvement, and from its finding  
13358 in that regard, either the property owner or the commissioners  
13359 may, within twenty (20) days, appeal to the Supreme Court. If the  
13360 finding is in favor of the commissioners, the limits of the



district shall be extended so as to embrace any lands that may be benefited by the making of the improvement.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 207.** Section 51-9-111, Mississippi Code of 1972, is amended as follows:

51-9-111. The board of water commissioners shall make a written report on the preliminary study or plans furnished them and shall, within thirty (30) days after receipt of the said study, file such report with the chancery court setting forth their recommendations concerning the proposed water supply district. After the filing of the report of the board of water commissioners, and upon motion of the petitioners, the chancellor shall enter an order fixing the date for a hearing of the cause on the original petition, the exhibit, the report and recommendations of the board of water commissioners, and any answers filed or other pleadings. The chancery clerk shall give notice of such hearing to all persons interested by posting notices thereof at the door of the courthouse of the county or counties in which the district is situated and in at least ten (10) public places in said proposed district, and also by publishing said notice at least once a week for three (3) consecutive weeks in a newspaper published in Hinds County and in a newspaper published in each of the other counties proposed to be included in such water supply district. If there is no newspaper published in any such county, then it shall be sufficient to publish said notice in a newspaper having a general circulation in such county. Such notice shall be addressed to the property owners and qualified electors of such proposed district and all other persons interested, shall state when and in what court said petition was and is filed, shall state the counties included in such district, and shall command all such persons to appear before the chancery court, or the chancellor in vacation, at the Chancery Court Building in the First Judicial





13394 District of Hinds County, upon the date fixed by the chancellor to  
13395 show cause, if any they can, why the proposed water supply  
13396 district should not be organized and established as prayed for in  
13397 said petition. The date of such hearing shall not be less than  
13398 twenty-one (21) days nor more than forty (40) days after the last  
13399 publication of such notice. It shall be sufficient in describing  
13400 the lands to be included in the water supply district to name the  
13401 counties to be included therein in the publication or notice  
13402 hereinbefore mentioned.

13403 If the court or chancellor finds that the notice or  
13404 publication was not given as provided for in this article, it  
13405 shall not thereby lose jurisdiction, but the court or chancellor  
13406 shall order due publication or notice to be given and shall  
13407 continue the hearing until such publication or notice shall be  
13408 properly given, and the court or chancellor shall thereupon  
13409 proceed as though publication or notice had been properly given in  
13410 the first instance.

13411 The publication of any notice required in this section may be  
13412 published on the Internet as provided in Section 1 of this act.

13413 **SECTION 208.** Section 51-9-115, Mississippi Code of 1972, is  
13414 amended as follows:

13415 51-9-115. If the court or chancellor thereof finds that the  
13416 proposed water supply district should be organized, the chancellor  
13417 shall then order an election in each county in the proposed  
13418 district, which election shall be held not less than twenty-one  
13419 (21) nor more than forty-five (45) days from the date of such  
13420 order, whereby the qualified electors within such counties may  
13421 determine if such county shall be a part of such proposed  
13422 district; and such order for an election shall be interlocutory  
13423 and not appealable. A substantial copy of the court order shall  
13424 be published once a week for at least three (3) consecutive weeks  
13425 in at least one (1) newspaper published in each county in such  
13426 district. If there is no newspaper published in any such county,



13427 then it shall be sufficient to publish said notice in a newspaper  
13428 having a general circulation in such county and, in addition, by  
13429 posting a copy of such notice for at least twenty-one (21) days  
13430 following the issuance of such order at three (3) public places in  
13431 such county. Notice of the election shall be given by publishing  
13432 a substantial copy of the court order providing for the election  
13433 once a week for at least three (3) consecutive weeks, in at least  
13434 one (1) newspaper published in each county in which an election is  
13435 to be held. The first publication of such notice shall be made  
13436 not less than twenty-one (21) days prior to the date fixed for  
13437 such election. If no newspaper is published in any such county,  
13438 then such notice shall be given by publishing the same for the  
13439 required time in some newspaper having a general circulation in  
13440 such county and, in addition, by posting a copy of such notice for  
13441 at least twenty-one (21) days next preceding such election at  
13442 three (3) public places in such county.

13443 The publication of any notice required in this section may be  
13444 published on the Internet as provided in Section 1 of this act.

13445 **SECTION 209.** Section 51-9-123, Mississippi Code of 1972, is  
13446 amended as follows:

13447 51-9-123. All construction contracts by the district, where  
13448 the amount of the contract shall exceed Two Thousand Five Hundred  
13449 Dollars (\$2,500.00), shall be made upon at least three (3) weeks'  
13450 public notice by advertisement in a newspaper of general  
13451 circulation in the district, which notice shall state the thing to  
13452 be done and invite sealed proposals, to be filed with the  
13453 secretary of the district, to do the work; and in all such cases,  
13454 before the notice shall be published, the plans and specification  
13455 for the work shall be filed with the secretary of the district and  
13456 there remain. The board of directors of the district shall award  
13457 the contract to the lowest bidder, who will comply with the terms  
13458 imposed by such board and enter into bond with sufficient  
13459 sureties, to be approved by the board, in such penalty as shall be



13460 fixed by such board, but in no case to be less than the contract  
13461 price, conditioned for the prompt, proper, and efficient  
13462 performance of the contract.

13463 The publication of any notice required in this section may be  
13464 published on the Internet as provided in Section 1 of this act.

13465 **SECTION 210.** Section 51-9-141, Mississippi Code of 1972, is  
13466 amended as follows:

13467 51-9-141. All bonds issued pursuant to this article shall be  
13468 validated as now provided by law by Sections 31-13-1 through  
13469 31-13-11, Mississippi Code of 1972. The services of the state's  
13470 bond attorney may be employed in the preparation of such bond  
13471 resolutions, forms, or proceedings as may be necessary, for which  
13472 he shall be paid a reasonable fee. Such validation proceedings  
13473 shall be instituted in the Chancery Court of the First Judicial  
13474 District of Hinds County, Mississippi, but notice of such  
13475 validation proceedings shall be published at least two (2) times  
13476 in a newspaper of general circulation and published in each of the  
13477 counties comprising the Pearl River Valley Water Supply District,  
13478 the first publication of which in each case shall be made at least  
13479 ten (10) days preceding the date set for the validation.

13480 The publication of any notice required in this section may be  
13481 published on the Internet as provided in Section 1 of this act.

13482 **SECTION 211.** Section 51-9-149, Mississippi Code of 1972, is  
13483 amended as follows:

13484 51-9-149. (1) The board of directors shall designate one or  
13485 more qualified state depositories within the district to serve as  
13486 depositories for the funds of the district, and all funds of the  
13487 district other than funds required by any trust agreement to be  
13488 deposited, from time to time, with the trustee or any paying agent  
13489 for outstanding bonds of the district shall be deposited in such  
13490 depository or depositories. Any such designated depository shall  
13491 be eligible to hold funds of the district to the extent that it is  
13492 qualified as a depository for state funds.



13493           (2) Before designating a depository or depositories, the  
13494 board of directors shall issue a notice stating the time and place  
13495 the board will meet for such purpose and inviting the qualified  
13496 state depositories in the district to submit applications to be  
13497 designated depositories. The term of service for depositories  
13498 shall be prescribed by the board. Such notice shall be published  
13499 one (1) time in a newspaper or newspapers published in the  
13500 district and specified by the board.

13501           (3) At the time mentioned in the notice, the board shall  
13502 consider the applications and the management and condition of the  
13503 depositories filing them, and shall designate as depositories the  
13504 qualified state depository or depositories which offer the most  
13505 favorable terms and conditions for the handling of the funds of  
13506 the district and which the board finds have proper management and  
13507 are in condition to warrant handling of district funds.  
13508 Membership on the board of directors of an officer or director of  
13509 a depository shall not disqualify such depository from being  
13510 designated as a depository.

13511           (4) If no applications acceptable to the board are received  
13512 by the time stated in the notice, the board shall designate some  
13513 qualified state depository or depositories within or without the  
13514 district upon such terms and conditions as it may find  
13515 advantageous to the district. Any such designated depository  
13516 shall be eligible to hold funds of the district to the extent that  
13517 it is qualified as a depository for state funds.

13518           (5) The publication of any notice required in this section  
13519 may be published on the Internet as provided in Section 1 of this  
13520 act.

13521           **SECTION 212.** Section 51-9-209, Mississippi Code of 1972, is  
13522 amended as follows:

13523           51-9-209. All bonds (other than refunding bonds, interim  
13524 notes and certificate of indebtedness) issued pursuant to this act  
13525 shall be validated as now provided by law in Sections 31-13-1



13526 through 31-13-11, Mississippi Code of 1972; provided, however,  
13527 that notice of such validation proceedings shall be addressed to  
13528 the taxpayers of any public agency (i) which has contracted with  
13529 the district pursuant to this act and whose contracts and the  
13530 payments to be made by the public agency thereunder constitute  
13531 security for the bonds of the district proposed to be issued, or  
13532 (ii) which is a member of the district. Such notice shall be  
13533 published at least once in a newspaper or newspapers having a  
13534 general circulation within the geographical boundaries of each of  
13535 the public agencies to whose taxpayers the notice is addressed.  
13536 Such validation proceedings shall be instituted in the First  
13537 Judicial District of the Chancery Court of Hinds County. The  
13538 validity of the bonds so validated and of the contracts and  
13539 payments to be made by the public agencies thereunder constituting  
13540 security for the bonds shall be forever conclusive against the  
13541 district and the public agencies which are parties to said  
13542 contracts; and the validity of said bonds and said contracts and  
13543 the payment to be made thereunder shall never be called in  
13544 question in any court in this state.

13545 The publication of any notice required in this section may be  
13546 published on the Internet as provided in Section 1 of this act.

13547 **SECTION 213.** Section 51-11-27, Mississippi Code of 1972, is  
13548 amended as follows:

13549 51-11-27. All bonds issued pursuant to this chapter shall be  
13550 validated as now provided by law in Sections 31-13-1 through  
13551 31-13-11, Mississippi Code of 1972. Such validation proceedings  
13552 shall be instituted in the Chancery Court of the First Judicial  
13553 District of Hinds County, Mississippi, where the principal office  
13554 of the district is located, but notice of such validation  
13555 proceedings shall be published at least two (2) times in a  
13556 newspaper of general circulation in and published in each of the  
13557 counties comprising the Pearl River Basin Development District,



the first publication of which in each case shall be made at least ten (10) days preceding the date set for validation.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 214.** Section 51-11-39, Mississippi Code of 1972, is amended as follows:

51-11-39. (1) The board of directors shall designate one or more qualified state depositories within the district to serve as depositories for the funds of the district, and all funds of the district other than funds required by any trust agreement to be deposited, from time to time, with the trustee or any paying agent for outstanding bonds of the district shall be deposited in such depository or depositories. Any such designated depository shall be eligible to hold funds of the district to the extent that it is qualified as a depository for state funds.

(2) Before designating a depository or depositories, the board of directors shall issue a notice stating the time and place the board will meet for such purpose and inviting the qualified state depositories in the district to submit applications to be designated depositories. The term of service for depositories shall be prescribed by the board. Such notice shall be published one (1) time in a newspaper or newspapers published in the district and specified by the board.

(3) At the time mentioned in the notice, the board shall consider the applications and the management and conditions of the depositories which offer the most favorable terms and conditions for the handling of the funds of the district, and which the board finds have proper management and are in condition to warrant handling of district funds in the manner as provided under the chapter on depositories. Membership on the board of directors of an officer or director of a depository shall not disqualify such depository from being designated as a depository.



13590           (4) If no applications acceptable to the board are received  
13591 by the time stated in the notice, the board shall designate some  
13592 qualified state depository or depositories within the district  
13593 upon such terms and conditions as it may find advantageous to the  
13594 district. Any such designated depository shall be eligible to  
13595 hold funds of the district to the extent that it is qualified as a  
13596 depository for state funds.

13597           (5) The publication of any notice required in this section  
13598 may be published on the Internet as provided in Section 1 of this  
13599 act.

13600           **SECTION 215.** Section 51-11-65, Mississippi Code of 1972, is  
13601 amended as follows:

13602           51-11-65. Before issuing bonds for any of the purposes  
13603 authorized in Sections 51-11-53 through 51-11-85, the board of  
13604 directors of the district shall declare its intention to issue the  
13605 bonds by resolution spread upon its minutes, fixing in the  
13606 resolution the maximum amount of bonds, the purpose for which they  
13607 are to be issued, the date upon which an election shall be held in  
13608 the district, and the place or places at which the election shall  
13609 be held. A certified copy of the resolution shall be furnished to  
13610 the county election commissioners of each county having lands  
13611 lying in the district, and the county election commissioners shall  
13612 conduct such elections. Notice of the election shall be signed by  
13613 the secretary of the board of directors of the district and shall  
13614 be published once a week for at least three (3) consecutive weeks  
13615 in at least one (1) newspaper published in each county in which  
13616 any part of the district lies, and in each municipality lying  
13617 within the district. The first publication of the notice shall be  
13618 made not less than twenty-one (21) days before the date fixed for  
13619 that election, and the last publication shall be made not more  
13620 than seven (7) days before that date. If no newspaper is  
13621 published in any municipality, then the notice shall be given by  
13622 publishing the notice for the required time in some newspaper



13623 having a general circulation in the municipality and published in  
13624 the same or an adjoining county and, in addition, by posting a  
13625 copy of the notice for at least twenty-one (21) days before the  
13626 election in at least three (3) public places in the municipality.

13627 The publication of any notice required in this section may be  
13628 published on the Internet as provided in Section 1 of this act.

13629 **SECTION 216.** Section 51-11-75, Mississippi Code of 1972, is  
13630 amended as follows:

13631 51-11-75. All bonds issued under Sections 51-11-53 through  
13632 51-11-85 shall be validated as provided in Sections 31-13-1 to  
13633 31-13-11. The services of the state's bond attorney may be  
13634 employed in the preparation of any bond resolutions, forms, or  
13635 proceedings as may be necessary, for which the state's bond  
13636 attorney shall be paid a reasonable fee. The validation  
13637 proceedings shall be instituted in the chancery court of the  
13638 county having jurisdiction of the district, but notice of that  
13639 validation proceedings shall be published at least two (2) times  
13640 in a newspaper of general circulation and published in each of the  
13641 counties comprising the district. The first publication of the  
13642 notice in each case shall be made at least ten (10) days before  
13643 the date set for the validation.

13644 The publication of any notice required in this section may be  
13645 published on the Internet as provided in Section 1 of this act.

13646 **SECTION 217.** Section 51-13-113, Mississippi Code of 1972, is  
13647 amended as follows:

13648 51-13-113. All construction contracts by the district, where  
13649 the amount of the contract shall exceed Two Thousand Five Hundred  
13650 Dollars (\$2,500.00), shall be made upon at least three (3) weeks'  
13651 public notice by advertisement in a newspaper of general  
13652 circulation in the district, which notice shall state the thing to  
13653 be done and invite sealed proposals, to be filed with the  
13654 secretary of the district, to do the work; and in all such cases,  
13655 before the notice shall be published, the plans and specifications





13656 for the work shall be filed with the secretary of the district and  
13657 there remain. The board of directors of the district shall award  
13658 the contract to the lowest and best bidder, who will comply with  
13659 the terms imposed by such board and enter into bond with  
13660 sufficient sureties, to be approved by the board, in such penalty  
13661 as shall be fixed by such board but in no case to be less than the  
13662 contract price, conditioned for the prompt, proper, and efficient  
13663 performance of the contract.

13664 The publication of any notice required in this section may be  
13665 published on the Internet as provided in Section 1 of this act.

13666 **SECTION 218.** Section 51-13-133, Mississippi Code of 1972, is  
13667 amended as follows:

13668 51-13-133. All bonds issued pursuant to this article shall  
13669 be validated as now provided by law of Sections 31-13-1 through  
13670 31-13-11, Mississippi Code of 1972. The services of the state's  
13671 bond attorney may be employed in the preparation of such bond  
13672 resolutions, forms or proceedings as may be necessary, for which  
13673 he shall be paid a reasonable fee. Such validation proceedings  
13674 shall be instituted in the chancery court of the county in which  
13675 the principal office of the district is located, but notice of  
13676 such validation proceedings shall be published at least two (2)  
13677 times in a newspaper of general circulation and published in each  
13678 of the counties comprising the Tombigbee River Valley Water  
13679 Management District, the first publication of which in each case  
13680 shall be made at least ten (10) days preceding the date set for  
13681 the validation.

13682 The publication of any notice required in this section may be  
13683 published on the Internet as provided in Section 1 of this act.

13684 **SECTION 219.** Section 51-13-141, Mississippi Code of 1972, is  
13685 amended as follows:

13686 51-13-141. (1) The board of directors shall designate one  
13687 or more qualified state depositories within the district to serve  
13688 as depositories for the funds of the district, and all funds of



13689 the district other than funds required by any trust agreement to  
13690 be deposited, from time to time, with the trustee or any paying  
13691 agent for outstanding bonds of the district, shall be deposited in  
13692 such depository or depositories.

13693 (2) Before designating a depository or depositories, the  
13694 board of directors shall issue a notice stating the time and place  
13695 the board will meet for such purpose and inviting the qualified  
13696 state depositories in the district to submit applications to be  
13697 designated depositories. The term of service for depositories  
13698 shall be prescribed by the board. Such notice shall be published  
13699 one (1) time in a newspaper or newspapers published in the  
13700 district and specified by the board.

13701 (3) At the time mentioned in the notice, the board shall  
13702 consider the applications and the management and condition of the  
13703 depositories filing them, and shall designate as depositories the  
13704 qualified state depository or depositories which offer the most  
13705 favorable terms and conditions for the handling of the funds of  
13706 the district and which the board finds have proper management and  
13707 are in condition to warrant handling of district funds, and in the  
13708 manner as provided under the chapter on depositories. Any such  
13709 designated depository shall be eligible to hold funds of the  
13710 district to the extent that it is qualified as a depository for  
13711 state funds. Membership on the board of directors of an officer  
13712 or director of a depository shall not disqualify such depository  
13713 from being designated as a depository.

13714 (4) If no applications acceptable to the board are received  
13715 by the time stated in the notice, the board shall designate some  
13716 qualified state depository or depositories within the district  
13717 upon such terms and conditions as it may find advantageous to the  
13718 district. Any such designated depository shall be eligible to  
13719 hold funds of the district to the extent that it is qualified as a  
13720 depository for state funds.



(5) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 220.** Section 51-15-109, Mississippi Code of 1972, is amended as follows:

51-15-109. The board of water commissioners shall file a written answer to the petition within thirty (30) days after such service. After the filing of the answer of the board of water commissioners, and upon motion of the petitioners, the chancellor shall enter an order fixing the date for a hearing of the cause on the original petition, the exhibits, the answer of the board of water commissioners, and any other answers filed or other pleadings. The chancery clerk shall give notice of such hearing to all persons interested by posting notices thereof at the door of the courthouse of the county or counties in which the district is situated and in at least ten (10) public places in said proposed district, and also by publishing said notice at least once a week for three (3) consecutive weeks in a newspaper published in each of the counties proposed to be included in such waterway district. If there is no newspaper published in any such county, then it shall be sufficient to publish said notice in a newspaper having a general circulation in such county. Such notice shall be addressed to the property owners and qualified electors of such proposed district and all other persons interested, shall state when and in what court said petition was and is filed, shall state the counties included in such district, and shall command all such persons to appear before the chancery court, or the chancellor in vacation, at the chancery court building of Forrest County upon the date fixed by the chancellor to show cause, if any they can, why the proposed waterway district should not be organized and established as prayed for in said petition. The date for such hearing shall not be less than twenty-one (21) days nor more than forty (40) days after the last



13754 publication of such notice. It shall be sufficient in describing  
13755 the lands to be included in the waterway district to name the  
13756 counties to be included therein in the publication or notice  
13757 hereinbefore mentioned.

13758 If the court or chancellor finds that the notice or  
13759 publication was not given as provided for in this article, it  
13760 shall not thereby lose jurisdiction, but the court or chancellor  
13761 shall order due publication or notice to be given and shall  
13762 continue the hearing until such publication or notice shall be  
13763 properly given; and the court or chancellor shall thereupon  
13764 proceed as though publication or notice had been properly given in  
13765 the first instance.

13766 The publication of any notice required in this section may be  
13767 published on the Internet as provided in Section 1 of this act.

13768 **SECTION 221.** Section 51-15-113, Mississippi Code of 1972, is  
13769 amended as follows:

13770 51-15-113. If the court or chancellor thereof finds that the  
13771 proposed waterway district should be organized, a decree shall be  
13772 so entered by the court which shall become final unless an  
13773 election is called as hereinafter provided. A notice as provided  
13774 by the decree of the court creating such district shall be  
13775 published once each week for at least three (3) consecutive weeks  
13776 in at least one (1) newspaper having general circulation or  
13777 published in each county of the district as specified in such  
13778 decree, stating that the decree shall become final forty-five (45)  
13779 days after its entry unless twenty percent (20%) of the qualified  
13780 electors of any county or counties shall petition the court for an  
13781 election on the question of the inclusion of such county in the  
13782 district. If there be no newspaper published in any such county,  
13783 then it shall be sufficient to publish such notice in a newspaper  
13784 having general circulation in said county and, in addition, to  
13785 post a copy of such notice for at least twenty-one (21) days next  
13786 preceding the decree becoming final at three (3) public places in



13787 such county. The first publication of such notice shall be made  
13788 in each county within ten (10) days after entry of said decree.  
13789 In the event such petition is filed by twenty percent (20%) of the  
13790 qualified electors of any county, an election shall be held in  
13791 such county as hereinafter provided. The election shall be held  
13792 not less than twenty-one (21) nor more than forty-five (45) days  
13793 from the final date of such order, whereby the qualified electors  
13794 within such county may determine if such county shall be a part of  
13795 such proposed district. The election shall be called by the board  
13796 of supervisors of the county, and notice of the election shall be  
13797 given by publishing a substantial copy of the order of the board  
13798 of supervisors providing for the election once a week for at least  
13799 three (3) consecutive weeks, in at least one (1) newspaper  
13800 published in each county in which an election is to be held. The  
13801 first publication of such notice shall be made not less than  
13802 twenty-one (21) days prior to the date fixed for such election.  
13803 If no newspaper is published in any such county, then such notice  
13804 shall be given by publishing the same for the required time in  
13805 some newspaper having a general circulation in such county and, in  
13806 addition, by posting a copy of such notice for at least twenty-one  
13807 (21) days next preceding such election at three (3) public places  
13808 in such county.

13809 The publication of any notice required in this section may be  
13810 published on the Internet as provided in Section 1 of this act.

13811 **SECTION 222.** Section 51-15-139, Mississippi Code of 1972, is  
13812 amended as follows:

13813 51-15-139. All bonds issued pursuant to this article shall  
13814 be validated as now provided by law of Sections 31-13-1 through  
13815 31-13-11, Mississippi Code of 1972. The services of the state's  
13816 bond attorney may be employed in the preparation of such bond  
13817 resolutions, forms, or proceedings as may be necessary, for which  
13818 he shall be paid a reasonable fee. Such validation proceedings  
13819 shall be instituted in the chancery court of the county in which



13820 the principal office of the district is located, but notice of  
13821 such validation proceedings shall be published at least two (2)  
13822 times in a newspaper of general circulation and published in each  
13823 of the counties comprising the Pat Harrison Waterway District, the  
13824 first publication of which in each case shall be made at least ten  
13825 (10) days preceding the date set for the validation.

13826 The publication of any notice required in this section may be  
13827 published on the Internet as provided in Section 1 of this act.

13828 **SECTION 223.** Section 51-15-147, Mississippi Code of 1972, is  
13829 amended as follows:

13830 51-15-147. (a) The board of directors shall designate one  
13831 or more qualified state depositories within the district to serve  
13832 as depositories for the funds of the district, and all funds of  
13833 the district other than funds required by any trust agreement to  
13834 be deposited, from time to time, with the trustee or any paying  
13835 agent for outstanding bonds of the district, shall be deposited in  
13836 such depository or depositories. Any such designated depository  
13837 shall be eligible to hold funds of the district to the extent that  
13838 it is qualified as a depository for state funds.

13839 (b) Before designating a depository or depositories, the  
13840 board of directors shall issue a notice stating the time and place  
13841 the board will meet for such purpose and inviting the qualified  
13842 state depositories in the district to submit applications to be  
13843 designated depositories. The term of service for depositories  
13844 shall be prescribed by the board. Such notice shall be published  
13845 one (1) time in a newspaper or newspapers published in the  
13846 district and specified by the board.

13847 (c) At the time mentioned in the notice, the board shall  
13848 consider the applications and the management and conditions of the  
13849 depositories which offer the most favorable terms and conditions  
13850 for the handling of the funds of the district, and which the board  
13851 finds have proper management and are in condition to warrant  
13852 handling of district funds in the manner as provided under the



chapter on depositories. Membership on the board of directors of an officer or director of a depository shall not disqualify such depository from being designated as a depository.

(d) If no applications acceptable to the board are received by the time stated in the notice, the board shall designate some qualified state depository or depositories within the district upon such terms and conditions as it may find advantageous to the district. Any such designated depository shall be eligible to hold funds of the district to the extent that it is qualified as a depository for state funds.

(e) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 224.** Section 51-29-5, Mississippi Code of 1972, is amended as follows:

51-29-5. When one-fourth (1/4) or more of the owners of real property within a proposed drainage district shall file a petition in the chancery court of the county to establish a drainage district to embrace their property, describing generally the region which it is intended shall be embraced within the district, it shall be the duty of the chancery clerk to immediately publish a notice in a newspaper having a circulation in the proposed district for two (2) successive insertions, directed to the owners of the land to be embraced in the proposed district, giving notice of the said petition and designating a date, not less than ten (10) days after the last publication of notice, at which a hearing may be had on said petition. Upon the date designated in the notice, or upon a subsequent day to which the matter may be continued, the chancery court or the chancellor in vacation shall hear all objections, if any are offered, to the organization of said district, and unless at the hearing a majority of the landowners owning half or more of the land proposed to be included in the proposed district shall object to the organization, further



13886 proceedings shall be had as hereinafter provided; but if such a  
13887 majority shall protest, the court or chancellor shall not proceed  
13888 with the organization of said district. If in either event it be  
13889 determined by the court or chancellor to proceed with the  
13890 organization of the proposed district, the court or chancellor  
13891 shall enter an order appointing as temporary commissioners three  
13892 (3) landowners of the territory proposed to be drained, who shall  
13893 take the oath required by Section 268 of Article 14 of the  
13894 Constitution of the state and give bond in the penalty of not less  
13895 than One Thousand Dollars (\$1,000.00) payable to the county, and  
13896 whose term of office shall expire upon the permanent organization  
13897 of the district. Said temporary commissioners shall immediately  
13898 organize and select a competent engineer, who shall give bond  
13899 payable to the county in a sum of not less than One Thousand  
13900 Dollars (\$1,000.00), to be fixed by said commissioners for the  
13901 faithful discharge of his duties, and who shall be liable upon  
13902 such bond for negligence or incompetency causing loss to the  
13903 county or district.

13904         The engineer shall proceed forthwith to make a survey and  
13905 ascertain the region which will be benefited by the proposed  
13906 improvement, giving a general idea of its character and the cost  
13907 of drainage, and making such suggestions as to the size of the  
13908 drainage ditches and the location as he may deem advisable.

13909         All expenses incident to the survey, legal expenses, and the  
13910 cost of publication shall be paid by the county as the work  
13911 progresses upon a proper showing; but all expenses incurred by the  
13912 county shall be paid out of the proceeds of the first assessment  
13913 levied under this chapter.

13914         Said temporary commissioners may, by and with the consent of  
13915 the court or chancellor, for the purpose of prosecuting the  
13916 preliminary work, paying the expenses incident to the survey,  
13917 attorney's fees, legal expenses, costs of publication, and other  
13918 necessary expenses, borrow money at a rate of interest not





13919 exceeding that allowed in Section 75-17-105, and issue negotiable  
13920 notes, certificates or other evidences of indebtedness therefor  
13921 signed by the said three (3) temporary commissioners and payable  
13922 either within or without the state to the person or persons from  
13923 whom such money is borrowed, or bearer, or bearer simply, as said  
13924 commissioners may elect. The said temporary commissioners may  
13925 also issue to the engineer, or other persons who do the said  
13926 preliminary work, negotiable evidences of debt signed by the three  
13927 (3) said temporary commissioners, bearing interest at a rate not  
13928 to exceed that allowed in Section 75-17-105. None of the said  
13929 evidences of indebtedness so issued shall run for more than two  
13930 (2) years, they shall be nontaxable, and said commissioners may  
13931 pledge all assessments on the land proposed to be drained for the  
13932 payment of said evidences of indebtedness. Said evidences of  
13933 indebtedness may be paid off either out of any general fund of the  
13934 drainage district if organized, or out of the proceeds of the  
13935 first assessments levied under this chapter; but in the event the  
13936 said district is not organized after said indebtedness has been  
13937 incurred, then the board of supervisors may levy an acreage or an  
13938 ad valorem tax against the lands embraced in said proposed  
13939 drainage district in the manner hereinafter provided.

13940       Notwithstanding the foregoing provisions of this section,  
13941 bonds referred to hereinabove may be issued pursuant to the  
13942 supplemental powers and authorizations conferred by the provisions  
13943 of the Registered Bond Act, being Sections 31-21-1 through  
13944 31-21-7.

13945       The publication of any notice required in this section may be  
13946 published on the Internet as provided in Section 1 of this act.

13947       **SECTION 225.** Section 51-29-7, Mississippi Code of 1972, is  
13948 amended as follows:

13949       51-29-7. If land in more than one (1) county is embraced in  
13950 the proposed district, the application shall be addressed to the  
13951 chancery court of any county of such district, and all proceedings



13952 shall be had in such chancery court. The chancery court, or the  
13953 chancellor in vacation, shall apportion all costs between the  
13954 county or counties in proportion to the benefit assessed in each  
13955 county, and such expenses as were incurred prior to the time when  
13956 such assessment was made shall be apportioned between the counties  
13957 in the proportion which the chancery court, or the chancellor in  
13958 vacation, shall deem to be just and equitable. All notices, in  
13959 that event, shall be published in newspapers having a bona fide  
13960 circulation in each county in which the district embraces land.  
13961 All such districts shall be numbered consecutively or else shall  
13962 receive names selected by the chancery court or the chancellor in  
13963 vacation.

13964 The publication of any notice required in this section may be  
13965 published on the Internet as provided in Section 1 of this act.

13966 **SECTION 226.** Section 51-29-9, Mississippi Code of 1972, is  
13967 amended as follows:

13968 51-29-9. As soon as the engineer has completed his survey of  
13969 the proposed drainage district, he shall make a report thereof to  
13970 the said temporary commissioners, who shall file the same with the  
13971 clerk of the chancery court. Upon the filing of the report of  
13972 said engineer, the chancery court, or the chancellor in vacation,  
13973 shall enter an order directing the clerk of the chancery court to  
13974 give notice by publication for two (2) weeks by two (2) insertions  
13975 in some newspaper published and having a general circulation in  
13976 the county or counties in which the lands of the proposed district  
13977 lie, calling upon all persons owning property within said district  
13978 to appear before the chancery court, or chancellor in vacation, on  
13979 the date and at the time and place fixed by said order, which date  
13980 shall not be earlier than twenty (20) days and not later than  
13981 forty (40) days after the first publication, to show cause in  
13982 favor of or against the establishment of the district.

13983 At the time named in said notice, the court, or chancellor in  
13984 vacation, shall hear all property owners within the proposed



13985 drainage district who wish to appear and advocate or resist the  
13986 establishment of the said district. Any petition of proponents or  
13987 objectors, advocating or resisting the establishment of said  
13988 district, shall be filed with the clerk of said court prior to the  
13989 time designated for said hearing. If the court, or chancellor in  
13990 vacation, deems it to be in the best interest of the owners of the  
13991 real property within the said district that same shall become a  
13992 drainage district under the terms of this chapter, he shall make  
13993 an order establishing same as a drainage district, subject to all  
13994 the terms and provisions of this chapter. Upon the organization  
13995 of said drainage district, it shall, in its corporate name by its  
13996 commissioners, henceforth have power to contract and be contracted  
13997 with, to sue and be sued, to plead and be impleaded, and to do and  
13998 perform in the name of such district all such acts and things for  
13999 the accomplishment of the purpose for which it was organized.

14000 The publication of any notice required in this section may be  
14001 published on the Internet as provided in Section 1 of this act.

14002 **SECTION 227.** Section 51-29-29, Mississippi Code of 1972, is  
14003 amended as follows:

14004 51-29-29. Said commissioners shall proceed to assess the  
14005 land within the district and shall inscribe in a book the  
14006 description of each tract of land, the benefit to accrue to each  
14007 tract by reason of such improvement, and shall enter such  
14008 assessments of benefits opposite the description, together with an  
14009 estimate of what the landowner will probably have to pay on such  
14010 assessment for the first year. The assessment shall embrace not  
14011 merely the land, but all railroad and other improvements on lands  
14012 which will be benefited by the drainage system. In preparing the  
14013 description of the lands so assessed, the commissioners may use  
14014 either (1) the descriptions of lands and subdivisions thereof as  
14015 shown on the official United States Government surveys and plats  
14016 of lands within the district; (2) the descriptions of lands and  
14017 subdivisions thereof as shown upon any plat of lands within the



14018 district and recorded upon the land records of the county in which  
14019 said lands are located; (3) any metes and bounds descriptions  
14020 found in the latest filed conveyance of said lands and of record  
14021 in the records of deeds of the county in which said lands are  
14022 located, and in such case it shall be sufficient to describe said  
14023 lands by stating the number of acres and the general location of  
14024 the land within the section, together with the book and page  
14025 numbers of said conveyance. They shall place opposite each tract  
14026 of land the name of the supposed owner, as shown by the last  
14027 county land assessment roll; but a mistake in the name shall not  
14028 vitiate the assessment. If any landowner or private corporation  
14029 or any other drainage district has dug ditches or made drainage  
14030 work that can be profitably used as a part of the general proposed  
14031 system, the value of such ditches or drainage work to the district  
14032 shall be assessed by said commissioners and shall appear upon the  
14033 assessment and be paid for by the district, either in cash or by  
14034 reduction of assessment. The commissioners shall also assess and  
14035 place upon said roll or book of assessment, opposite each tract of  
14036 land, all damages that will accrue to any landowner by reason of  
14037 the proposed improvement, including all injury to lands taken or  
14038 damaged; and when said commissioners return no assessment of  
14039 damages as to any tract of land, it shall be deemed a finding by  
14040 them that no damages will be sustained. If the commissioners, at  
14041 any time either before or after the organization of the district,  
14042 find that other land not embraced within the boundaries of the  
14043 district will be benefited by the proposed improvement or  
14044 improvements already made, they shall assess the estimated benefit  
14045 to such lands and shall specially report to the chancery court, or  
14046 chancellor in vacation, the assessments which they have made on  
14047 land beyond the boundaries of the district, as already  
14048 established. It shall thereupon be the duty of the clerk of the  
14049 chancery court to give notice by two (2) weekly insertions in a  
14050 newspaper published in the county where such lands lie describing



14051 the additional lands which have been assessed; and the owners of  
14052 real property so assessed shall be allowed not less than ten (10)  
14053 days after the last publication of such notice in which to file  
14054 with the clerk of the chancery court their protest against being  
14055 so assessed, or included within the district. The chancery court,  
14056 or chancellor in vacation, shall, at its next succeeding session  
14057 after the time for filing of such protest shall have expired,  
14058 investigate the question whether the lands beyond the boundaries  
14059 of the district so assessed by the commissioners will in fact be  
14060 benefited by the making of the improvement, and from its finding  
14061 in that regard, either the property owner or the commissioners of  
14062 the district may, within twenty (20) days appeal to the supreme  
14063 court. If the finding is in favor of the commissioners, the  
14064 limits of the district shall be extended so as to embrace any  
14065 lands that may be benefited by the making of the improvement.  
14066 When their assessment is completed, the commissioners shall  
14067 subscribe such assessment and deposit it with the clerk of the  
14068 chancery court where it shall be kept and preserved as a public  
14069 record; provided that, for the purpose of providing funds with  
14070 which to clean out, restore, repair and rehabilitate the whole or  
14071 any part of the drainage system of such district or for the  
14072 purpose of cooperating with the United States or any agency  
14073 thereof in such works, there may be imposed a uniform assessment  
14074 on each acre of unsubdivided land lying within the district, and a  
14075 uniform assessment by lot on subdivided land lying within the  
14076 district, and the records required in this chapter shall show the  
14077 amount of the assessment in lieu of the amount of benefits to  
14078 accrue to each tract. Taxes levied hereunder are hereby declared  
14079 to be taxes for maintenance purposes and shall not diminish in any  
14080 manner the amount of assessed benefits in any such district which  
14081 is otherwise available for the payment of any outstanding bonds of  
14082 such district.



14083           The assessments provided for in this section may be made even  
14084 though evidences of indebtedness have been issued or validated or  
14085 both prior thereto, but the lien of the holders of any such  
14086 indebtedness shall not be impaired thereby.

14087           The publication of any notice required in this section may be  
14088 published on the Internet as provided in Section 1 of this act.

14089           **SECTION 228.** Section 51-29-31, Mississippi Code of 1972, is  
14090 amended as follows:

14091           51-29-31. Upon the filing of such assessment, the chancery  
14092 court, or the chancellor in vacation, shall enter an order  
14093 directing the clerk of the chancery court to give notice by  
14094 publication for two (2) weeks by two (2) insertions in some  
14095 newspaper published and having a general circulation in each of  
14096 the counties within which the lands of the district may lie,  
14097 stating that the owners of lands assessed for drainage purposes in  
14098 said district, if they desire, may appear before the chancery  
14099 court, or chancellor in vacation, on the date and time and place  
14100 fixed by said order, which date shall be not less than ten (10)  
14101 days after the last publication of said notice, and present  
14102 complaints, if any they have, against the assessment of land in  
14103 the district.

14104           The clerk of the chancery court shall publish said notice as  
14105 directed by said order. The said notice shall give description of  
14106 the lands assessed in as large tracts as the description will  
14107 permit and shall state that said lands have been assessed for  
14108 drainage purposes in said district; that any owner of real  
14109 property, or the improvements thereon, within the district who  
14110 conceives himself to be aggrieved by the assessment of benefits or  
14111 damages or deems that the assessment of other lands in the  
14112 district is inadequate shall file his written complaint or  
14113 objection, in specific terms, with the clerk of said court prior  
14114 to the time designated for said hearing.



14115        The publication of any notice required in this section may be  
14116 published on the Internet as provided in Section 1 of this act.

14117        **SECTION 229.** Section 51-29-39, Mississippi Code of 1972, is  
14118 amended as follows:

14119        51-29-39. In lieu of the method provided in Sections  
14120 51-29-29 through 51-29-35 for acquiring land and making  
14121 compensation for damages, the drainage commissioners may adopt the  
14122 following method for acquiring lands and making compensation for  
14123 damages, to wit:

14124        The commissioners may, at any time after the organization of  
14125 the district, appraise the value of any land taken or to be taken  
14126 for the purposes of the proposed improvement, according to the  
14127 plans of the district on file, and the damages resulting to the  
14128 owners from such taking. The board may specify, in case of any  
14129 property, the particular purpose for which and the extent to which  
14130 easement is desired, and the assessment of property in such case  
14131 shall represent only the damages resulting from the use so  
14132 specified. They may make a complete appraisalment of all such  
14133 lands, taken or to be taken, at one time, or at any time make  
14134 appraisalments as it becomes necessary or desirable. When the  
14135 commissioners have made their appraisalment of lands taken, they  
14136 shall certify to the same and file it with the clerk of the  
14137 chancery court of the county in which the land lies. The court,  
14138 or chancellor in vacation, shall enter an order designating the  
14139 date, time, and place for the hearing of objections to such  
14140 appraisalment, either at a regular term of the court or in  
14141 vacation. The clerk shall issue a summons directed to the sheriff  
14142 of the county or counties of the state in which any landowner or  
14143 other person interested may reside, commanding him to summon such  
14144 owner or owners or interested persons to appear at the time and  
14145 place named. If the owner of any land sought to be taken is an  
14146 infant or person of unsound mind, the summons may be served on his  
14147 guardian; and the guardian in such cases is authorized, subject to



14148 the approval of the chancellor in termtime or vacation, to sell  
14149 and convey such property and dedicate it thus to the public use,  
14150 or he may agree upon the damages and thereby bind the ward. If  
14151 there is no guardian in such case, the chancellor in vacation may,  
14152 on application of anyone in interest, appoint a guardian ad litem  
14153 to represent such infant or person of unsound mind, whose acts and  
14154 doings in the premises shall be valid and binding on the ward.  
14155 The chancellor may require a bond of such guardian ad litem. The  
14156 clerk of the court shall notify the guardian ad litem of his  
14157 appointment and the amount of bond required, if any, by certified  
14158 mail sent to the post office address of the guardian. If the  
14159 owner of such land is a nonresident of the state or cannot be  
14160 found, or if the owner is unknown, and this shall apply to any  
14161 person interested, upon affidavit to that fact being made by the  
14162 commissioners or by their agent or attorney, service of the  
14163 summons may be delivered to any of his agents in charge of the  
14164 land; or publication shall be made in the manner provided by law  
14165 for publication for nonresident and unknown parties in chancery  
14166 suits. If the land belongs to a deceased person whose estate is  
14167 being administered, the summons may be served upon the executor or  
14168 administrator, who shall, for all purposes of this chapter, be  
14169 authorized to act for the owner, and shall be responsible on his  
14170 bond accordingly. Such notice, when published, need only state  
14171 that the hearing will be for the purpose of confirming the report  
14172 of the commissioners as to the appraisalment of land taken for the  
14173 use of the district. The notice shall contain the names of the  
14174 owners or persons interested in such land and their post office  
14175 address, if known, and if unknown, that fact shall be so stated,  
14176 and shall contain a list of the land, described by section  
14177 numbers, belonging to such nonresident owners through which the  
14178 ditches of the district are to run, or which such lands are to be  
14179 taken for the uses of the district.





14180           If any owner is not satisfied with the amount allowed by the  
14181 commissioners for lands taken by reason of the construction of  
14182 such proposed system according to the plans of the district, he  
14183 shall file with the clerk of the court written objections, in  
14184 specific terms, prior to the time designated for the hearing.

14185           If no written objections are filed, a decree confirming the  
14186 appraisal shall be rendered, and upon payment of the amount to  
14187 the chancery clerk, the commissioners of the district may enter  
14188 upon and take possession of the property and appropriate it to the  
14189 public use of the district and the title of the property shall  
14190 thereupon vest in the district. The clerk shall receipt upon the  
14191 decree for the money paid, and the decree with the receipt thereon  
14192 shall be recorded.

14193           If written objections are filed prior to the time set for the  
14194 hearing, the court or chancellor in vacation shall proceed to hear  
14195 the objections filed, trying the cause or causes without the  
14196 intervention of a jury.

14197           No judgment by default shall be entered against an owner or  
14198 person interested residing in this state unless it appears that he  
14199 has been duly served with summons at least thirty (30) days before  
14200 the return day, and no judgment by default shall be rendered  
14201 against any nonresident or unknown person or persons interested  
14202 unless proper publication has been made.

14203           The publication of any notice required in this section may be  
14204 published on the Internet as provided in Section 1 of this act.

14205           **SECTION 230.** Section 51-29-79, Mississippi Code of 1972, is  
14206 amended as follows:

14207           51-29-79. The drainage district shall not cease to exist  
14208 upon the completion of its drainage system, but shall continue to  
14209 exist as a body corporate for the purpose of preserving the system  
14210 of drainage, keeping the ditch clear from obstruction, extending,  
14211 widening, or deepening the ditches from time to time, and for  
14212 doing such other things and acts in order to carry out the



14213 purposes of this chapter and of the drainage system so  
14214 established, as may be found advantageous to the district. For  
14215 those purposes, the board of commissioners may borrow money and  
14216 issue its bonds in such sums and in the manner provided in this  
14217 chapter, and may from time to time apply to the chancery court, or  
14218 chancellor in vacation, for the levying of additional assessments  
14219 upon the benefits for the payment of said work or said bonds.  
14220 Upon the filing of such application or petition with the clerk of  
14221 the chancery court, he shall give notice by publication by two (2)  
14222 insertions in a newspaper published in each of the counties in  
14223 which the district embraces land. Any property owner seeking to  
14224 resist such additional levy may appear at the next term of the  
14225 chancery court, or the chancellor in vacation, not less than ten  
14226 (10) days after the last insertion of said notice and urge his  
14227 objections to such levy. In case he fails to appear, such levy  
14228 shall stand with the force of a final judgment, but either the  
14229 property owners or the commissioners may appeal to the Supreme  
14230 Court not later than twenty (20) days after the date of such levy.

14231 The publication of any notice required in this section may be  
14232 published on the Internet as provided in Section 1 of this act.

14233 **SECTION 231.** Section 51-29-103, Mississippi Code of 1972, is  
14234 amended as follows:

14235 51-29-103. Any district which has heretofore been organized,  
14236 including swamp land districts, or which may hereafter be  
14237 organized under other statutes, may become a district under the  
14238 terms of this chapter as follows:

14239 If one-third (1/3) of the landowners owning a majority of the  
14240 acreage or a majority of the landowners owning a third of the  
14241 acreage of real property within any such district shall petition  
14242 the chancery court, or chancellor in vacation, to constitute them  
14243 a drainage district under the terms hereof, the clerk of the  
14244 chancery court shall give notice of the application by two (2)  
14245 weeks' publication in some newspaper published and having a bona



14246 fide circulation in the county or counties in which the lands of  
14247 said district lie, stating the time when said petition will be  
14248 heard and the object of said petition. All owners of real  
14249 property within the district shall have the right to appear and  
14250 contest the said petition, or support the same. The chancery  
14251 court, or chancellor in vacation, shall hear the evidence and  
14252 shall either grant the petition or deny the same, as he may deem  
14253 it most advantageous to the property owners of the district and to  
14254 the public benefit. If he grants the petition, the said district  
14255 shall have all the rights and powers and be subject to all the  
14256 obligations and provisions provided by the terms of this chapter.  
14257 If the majority of the landowners or the majority of the owners of  
14258 the acreage therein petition for the adoption of this chapter, the  
14259 court or chancellor must make an order declaring that such  
14260 district shall henceforth be governed by the terms of this  
14261 chapter, and shall appoint commissioners according to its terms,  
14262 who shall carry into effect without delay the proposed drainage  
14263 improvements.

14264 The publication of any notice required in this section may be  
14265 published on the Internet as provided in Section 1 of this act.

14266 **SECTION 232.** Section 51-29-111, Mississippi Code of 1972, is  
14267 amended as follows:

14268 51-29-111. In case assessment of benefits of a drainage  
14269 district organized and operating under the provisions of this  
14270 chapter is set up on the assessment roll of such drainage district  
14271 by government survey subdivisions and any such land is thereafter  
14272 conveyed so that the separate ownership thereof is in lesser  
14273 quantities or units than that as set up on such assessment roll,  
14274 or in case such assessed subdivision is divided into lesser  
14275 fractions in its ownership so that there are several separate  
14276 ownerships of the originally assessed subdivision and it is  
14277 necessary that the said assessment and tax thereon be apportioned  
14278 among the several owners thereof, the board of drainage



14279 commissioners in which such land is situated, at the request of  
14280 any such owner or on its own motion, may by an order spread on its  
14281 minutes apportion the assessment of benefit thereof to the several  
14282 parts or fractions of such originally assessed government survey  
14283 subdivision so as to provide on the assessment rolls for the  
14284 particular land upon which the several owners thereof may pay the  
14285 tax thereon; provided that the apportionment of such tax shall  
14286 never increase or diminish the total assessment of such originally  
14287 assessed government survey subdivision as set up on the assessment  
14288 rolls of such district or impair in any wise the lien of the bonds  
14289 or obligations of said district as issued against the same.  
14290 Before any such change may be made, the clerk of the board of  
14291 drainage commissioners shall give notice that such action is  
14292 sought to be taken, which notice shall be published in a weekly  
14293 newspaper published in the county in which such land is situated  
14294 for three (3) weeks preceding the meeting at which such action is  
14295 to be taken. This notice shall state that it is proposed that  
14296 such board will apportion the assessment of benefits as set up on  
14297 the assessment rolls of the named drainage district on the date to  
14298 be named at the place to be named, and shall carry a description  
14299 of the lands to be affected as well as the name of the owner  
14300 thereof as set up on said assessment roll. Such notice by  
14301 publication, as provided herein, shall also be directed to all  
14302 bondholders or persons interested in said drainage district or the  
14303 lands embraced therein, and shall specifically give the date and  
14304 place of said meeting. Upon the hearing of said matter before  
14305 such drainage commissioners and all objections thereto, any party,  
14306 person, firm, corporation, bondholder, other landowners within the  
14307 drainage district, or persons in any wise interested or affected  
14308 by the decision of such drainage commissioners in apportioning or  
14309 refusing to apportion such assessment may appeal from the decision  
14310 of such drainage commissioners by giving written notice to the  
14311 said drainage commissioners within fifteen (15) days after their



14312 decision. Such appeal shall be to the chancery court of the  
14313 county in which the land involved shall be situated, and if the  
14314 land involved is situated in more than one (1) county, then to the  
14315 chancery court of either county. When such appeal is requested by  
14316 any party interested, it shall be the duty of the clerk of the  
14317 board of drainage commissioners to file with the chancery clerk  
14318 the petitions requesting the tax apportionment and all papers in  
14319 connection with the cause, within thirty (30) days after the  
14320 request of said appeal, if made within the time hereinabove  
14321 required. The chancery clerk shall file said papers and docket  
14322 the case as any other cause in the chancery court, and it shall be  
14323 heard accordingly. Costs shall be taxed as any other cases in the  
14324 chancery court.

14325 The publication of any notice required in this section may be  
14326 published on the Internet as provided in Section 1 of this act.

14327 **SECTION 233.** Section 51-29-115, Mississippi Code of 1972, is  
14328 amended as follows:

14329 51-29-115. Subdistricts may be formed under this chapter in  
14330 the following manner: When one-third (1/3) of the landowners  
14331 owning a majority of the acreage or a majority of the landowners  
14332 owning one-third (1/3) of the acreage or real property within a  
14333 proposed subdistrict, composed of lands wholly within a district  
14334 or partly within and partly without such district, shall petition  
14335 the chancery court to establish a subdistrict to embrace their  
14336 property, describing generally the region which it is intended  
14337 shall be embraced within the subdistrict, and shall file a good  
14338 bond to pay for the expenses of the survey of the proposed  
14339 subdistrict in case the district is not formed, it shall be the  
14340 duty of the chancery court, or chancellor in vacation, to enter an  
14341 order directing the commissioners of the main district to  
14342 forthwith proceed to cause a survey to be made and to ascertain  
14343 the limits of the region which will be benefited by a proposed  
14344 system of improvements, giving a general idea of its character and



14345 the costs of drainage, and making such suggestions as to the size  
14346 of the drainage ditches and their location as the commissioners  
14347 may deem advisable, and to file their report with the clerk of the  
14348 chancery court. All expenses of preparing such plans and  
14349 estimates and costs of publication shall be paid by the board of  
14350 supervisors, as the work progresses, upon proper showing by the  
14351 commissioners of said district; but all expenses incurred by said  
14352 subdistrict shall be repaid out of the proceeds of the first money  
14353 received by the proposed subdistrict.

14354       The clerk of the chancery court shall thereupon give notice  
14355 by publication for two (2) weeks by two (2) insertions in some  
14356 newspaper published in the county or counties in which said  
14357 subdistrict will be located, calling upon all persons owning real  
14358 property within said subdistrict to appear before the chancery  
14359 court, or chancellor in vacation, on some day fixed by said clerk  
14360 not less than ten (10) days after the last publication to show  
14361 cause in favor of or against the establishing of the subdistrict.  
14362 If it shall appear to the court or chancellor that the  
14363 organization of the proposed subdistrict will conduce to the  
14364 public benefit and to the interest of real property therein, it  
14365 shall make an order upon its records establishing said  
14366 subdistrict. Nothing in this section shall be construed so as to  
14367 prohibit the formation and organization of a drainage district  
14368 wholly or partly within a district already organized. A district  
14369 independent of the district already organized may be organized  
14370 where a part or all of the lands are not in the district already  
14371 organized, provided that one-third (1/3) of the landowners owning  
14372 a majority of the acreage or a majority of the landowners owning a  
14373 third of the acreage or real property within such proposed  
14374 district shall petition the chancery court of any county of such  
14375 district to constitute them a drainage district under the terms of  
14376 this chapter, and thereupon proceedings shall be had in all  
14377 respects in conformity with this chapter for the creation of a



14378 drainage district under its terms. When such a district is  
14379 organized as now provided by law for the organization of drainage  
14380 districts, it shall have all the rights, powers, and privileges of  
14381 any other district, having its commissioners and other officers  
14382 selected in the manner now provided by law; and such district  
14383 shall have full power to make and levy assessments, issue bonds  
14384 independent of any other district, and to do all other things now  
14385 provided by law for the formation and organization of drainage  
14386 districts. When any such district is organized, the several  
14387 parcels of land thereof that are included within the corporate  
14388 limits of any district shall still be liable to the district  
14389 already organized for assessments for benefits thereafter levied,  
14390 if any are received by them; and in like manner shall receive  
14391 credit for any work done which is a benefit to the district  
14392 already organized. The foregoing provisions of this chapter shall  
14393 apply to the organization of the subdistrict, the same as to the  
14394 organization of the district.

14395       When the court or chancellor has established a subdistrict,  
14396 he shall appoint the commissioners of the subdistrict; and the  
14397 proceedings thereafter shall conform in all respects to the  
14398 provisions of this chapter relating to the drainage district.  
14399 Said commissioners are empowered and authorized to issue bonds of  
14400 said subdistrict, and said bonds shall be designated as the bonds  
14401 of said subdistrict; and all the foregoing provisions of this  
14402 chapter in reference to the issuance of the bonds of said drainage  
14403 district shall apply to and govern the issuance of bonds of each  
14404 particular subdistrict. The proceeds of the sale or money  
14405 obtained on the bonds of any subdistrict shall be used and applied  
14406 exclusively to the work of constructing and maintaining the  
14407 internal drains of said subdistrict in the carrying out and  
14408 perfecting its internal drains. Separate accounts shall be kept  
14409 by the treasurer and depositories of said commission with each  
14410 subdrainage district, so that there can be seen at all times the



14411 exact financial condition of each subdistrict, both as to its  
14412 receipts and disbursements.

14413 The publication of any notice required in this section may be  
14414 published on the Internet as provided in Section 1 of this act.

14415 **SECTION 234.** Section 51-29-133, Mississippi Code of 1972, is  
14416 amended as follows:

14417 51-29-133. When such reports are filed, the clerk of the  
14418 chancery court shall thereupon give notice for two (2) weeks by  
14419 two (2) insertions in some newspaper published in the county or  
14420 counties in which the land proposed to be included in and added to  
14421 the existing drainage district is located, calling upon all  
14422 persons owning the land within the said territory to appear before  
14423 the chancery court, or chancellor in vacation, not less than ten  
14424 (10) days after the last publication of said notice to show cause  
14425 in favor of or against the extension of the boundaries of said  
14426 district so as to include and embrace their lands therein. If it  
14427 shall appear to the court or chancellor that the extension of the  
14428 boundaries of said drainage district, so as to include the  
14429 additional territory and the construction of the proposed  
14430 improvements, will be conducive to the public health, to the  
14431 public benefit, and to the interest of the land and the owners  
14432 thereof, he shall enter an order extending the boundaries of said  
14433 drainage district so as to embrace and include said territory, and  
14434 establishing the same as a part of said existing drainage  
14435 district.

14436 The publication of any notice required in this section may be  
14437 published on the Internet as provided in Section 1 of this act.

14438 **SECTION 235.** Section 51-29-147, Mississippi Code of 1972, is  
14439 amended as follows:

14440 51-29-147. Upon the adoption of such resolution, the said  
14441 board of commissioners of said drainage district may file its  
14442 petition in the chancery court of any one (1) of the counties in  
14443 which it embraces land, requesting said court, or the chancellor





14444 thereof in vacation, to set a date for a hearing upon said  
14445 proposal, either in termtime or vacation, not less than three (3)  
14446 weeks after the date of the decree fixing the same, and to direct  
14447 the clerk of said court to give notice of the time, date, and  
14448 place of such hearing by publication at least once each week for  
14449 two (2) consecutive weeks. Such notice shall be published in a  
14450 newspaper or newspapers having general circulation in each of the  
14451 counties in which any of said districts shall embrace land, the  
14452 date of the first publication to be not less than ten (10) days  
14453 prior to the date set for said hearing. Said notice shall be  
14454 addressed to the officials, landowners, taxpayers, and other  
14455 persons interested in said drainage districts proposed to be  
14456 affected by said consolidation, shall contain a statement that  
14457 written protests or objections to the proposed consolidation may  
14458 be filed with the clerk of said court at any time prior to the  
14459 date set for said hearing, and shall state that a failure to so  
14460 file such written protest or objection prior to said date shall  
14461 forever bar and preclude such protest or objection. Said notice  
14462 may be in substantially the following form:

14463 NOTICE  
14464 TO THE OFFICIALS, LANDOWNERS, AND TAXPAYERS OF, AND OTHER PERSONS  
14465 INTERESTED IN (Here name all of the drainage districts proposed to  
14466 be affected):

14467 Notice is hereby given that the Board of Commissioners of  
14468 (here insert name of the drainage district making the proposal)  
14469 has filed its petition in the Chancery Court of \_\_\_\_\_ County,  
14470 Mississippi, proposing to combine the territory of (here insert  
14471 names of tributary drainage districts proposed to be  
14472 consolidated) with that of said (drainage district making  
14473 proposal), so as to form of such combined territory a single  
14474 consolidated drainage district embracing the territory of all of  
14475 said districts, under the governing authority of a single Board of  
14476 Commissioners to be appointed by said court (or chancellor in



14477 vacation), said proposed consolidated drainage district to have  
14478 all of the power and authority of a drainage district organized  
14479 and existing under Chapter 29, Title 51, Mississippi Code of 1972.  
14480 Notice is further given that said matter has been set for hearing  
14481 by the Chancery Court of \_\_\_\_\_ County, Mississippi (or the  
14482 chancellor thereof in vacation, as the case may be) at \_\_\_\_\_  
14483 o'clock \_\_\_\_\_ M. on the day of \_\_\_\_\_ 20\_\_\_\_, at the county  
14484 court house at \_\_\_\_\_, Mississippi; and that any official,  
14485 landowner or taxpayer of, or other person interested in any of the  
14486 aforesaid drainage districts, who desires to oppose such proposed  
14487 consolidation, must file his protest or objection in writing with  
14488 the clerk of said court prior to said date set for said hearing,  
14489 and that a failure to do so before said date forever will preclude  
14490 and bar such protest or objection. Witness my hand and seal of  
14491 office, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
14492 Clerk of the Chancery Court of  
14493 \_\_\_\_\_ County, Mississippi.

14494 The publication of any notice required in this section may be  
14495 published on the Internet as provided in Section 1 of this act.

14496 **SECTION 236.** Section 51-29-161, Mississippi Code of 1972, is  
14497 amended as follows:

14498 51-29-161. The owner or owners of any tract or tracts of  
14499 land situated within the boundaries of any drainage district that  
14500 embraces land in more than one (1) county of the state and was  
14501 organized under this chapter may, in event the United States  
14502 government, any agency or instrumentality thereof, or any  
14503 corporation organized under an Act of the Congress of the United  
14504 States for the purpose of engaging in any reforestation activity  
14505 accepts a proposal of said owner or owners for the sale thereof,  
14506 file a petition in the chancery court of the county in which the  
14507 drainage district was organized, describing therein the tract or  
14508 tracts of land in said district on which the proposal of said  
14509 owner or owners for sale as aforesaid has been accepted as said



14510 tract or tracts are described in the assessment roll of the  
14511 district, stating the total amount of assessments of benefits  
14512 against each said tract and also the total amount thereof  
14513 remaining unpaid at the time of the filing of such petition, and  
14514 praying an acquittance of said tract or tracts from all  
14515 outstanding indebtedness and assessments of benefits of said  
14516 district whatever and a release thereof from the boundaries of  
14517 said district on payment of the total amount of assessment of  
14518 benefits of said district against said tract or tracts remaining  
14519 unpaid on the filing of such petition. Thereupon the clerk of  
14520 such chancery court shall issue notices, addressed to all the  
14521 landowners of said district and to all holders of the outstanding  
14522 indebtedness of said district, of a hearing on such petition at  
14523 the next succeeding term of said court, or in vacation, at a time  
14524 and place to be fixed by the chancellor, which notice shall be  
14525 published in a weekly newspaper having a bona fide circulation in  
14526 each county, any part of which is included within the boundaries  
14527 of such district, for two (2) successive issues.

14528 The publication of any notice required in this section may be  
14529 published on the Internet as provided in Section 1 of this act.

14530 **SECTION 237.** Section 51-31-25, Mississippi Code of 1972, is  
14531 amended as follows:

14532 51-31-25. Upon the petition being filed in the office of the  
14533 clerk of said chancery court, said clerk shall cause three (3)  
14534 weeks' notice of the filing of said petition to be given,  
14535 addressed "To all persons interested," by posting notices thereof  
14536 at the door of the courthouse of the county or counties in which  
14537 the district is situated and in at least ten (10) of the most  
14538 public places in said proposed district, and also by publishing  
14539 said notice at least once a week for three (3) consecutive weeks  
14540 in some newspaper or newspapers published in the county in which  
14541 the larger part of said district lies, if there be any newspaper  
14542 published in said county. Such notice shall state when and in



14543 what court said petition was and is filed, with the general  
14544 description of the land included in the said proposed drainage  
14545 district and the boundaries of said drainage district, and when  
14546 the said petitioners will ask a hearing of said petition. If any  
14547 of the landowners in said district are nonresidents of said county  
14548 or counties in which said proposed district will lie, or  
14549 nonresidents of this state, the petition shall be accompanied by  
14550 an affidavit giving the names and post office address of said  
14551 nonresidents, if known, and if unknown, stating that upon diligent  
14552 inquiry their places of residence and post offices cannot be  
14553 ascertained; and the clerk shall send a copy of the notice which  
14554 has been published as above provided by registered mail to each of  
14555 said nonresidents whose residence or post office is known, which  
14556 notice shall be mailed by said clerk not later than five (5) days  
14557 before the date set for hearing of the petition. The certificate  
14558 of the clerk, with registered letter receipts attached, or the  
14559 affidavit of any other credible person affixed to copy of such  
14560 notice shall be sufficient evidence of the posting, mailing, and  
14561 publication of such notice.

14562 The publication of any notice required in this section may be  
14563 published on the Internet as provided in Section 1 of this act.

14564 **SECTION 238.** Section 51-31-35, Mississippi Code of 1972, is  
14565 amended as follows:

14566 51-31-35. The commissioners shall also find and determine  
14567 whether all of the lands in said proposed drainage district will  
14568 be benefited thereby, or drain into and have their outlet by and  
14569 through the drains and ditches to be constructed in said proposed  
14570 drainage district. If they shall find, by reason of any errors,  
14571 mistakes, or misunderstanding, that any part of the lands  
14572 described in said petition do not drain into said watershed and  
14573 proposed ditches and drains, they may report that the same shall  
14574 be excluded from said district when organized. Upon the report of  
14575 the commissioners being filed with the clerk of the court in which



such proceedings are had, the said clerk shall cause three (3) weeks' notice thereof to be given, addressed "To all persons interested," by publication in some newspaper in said county in which such proceedings are had, if there be any newspaper so published. If there be no newspaper so published, the notice shall be posted for three (3) weeks in ten (10) conspicuous places in said district, but he shall not be required to mail notices to any persons or give any other or further notice than the mere publication thereof. Such notice shall state the time of filing such report, that a map and description of the work laid off and proposed to be constructed is on file in his office, and a description of the lands, if any, proposed to be thrown out or excluded from said district, and upon what day application will be made for confirmation of said report, at which time all persons interested may appear and contest the confirmation thereof, or propose that the report ought to be modified in any particular, and offer any competent evidence in support thereof. The day fixed by the clerk for the hearing of said report shall be at a certain day of the next succeeding term of said court as provided by this chapter, or at a certain day in vacation when the chancellor of said court may appear and hear the same.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 239.** Section 51-31-47, Mississippi Code of 1972, is amended as follows:

51-31-47. When the commissioners shall have completed their assessments of damages and benefits, they shall file the same with the clerk of the chancery court; and the clerk is authorized to set down and fix a time for the hearing of objections to such assessments, at the request of said commissioners, at any time that the court, or chancellor in vacation, may be able to hear the same as herein provided. The clerk shall cause a notice to be published at least once a week for two (2) successive weeks, of



14609 the time set for hearing objections to such assessments, which  
14610 time for hearing shall not be less than fifteen (15) days nor  
14611 longer than thirty (30) days from the time of filing the same,  
14612 unless a longer time shall be ordered by the court or chancellor  
14613 or requested by the commissioners. Said publication shall be made  
14614 in any newspaper published in the county, if there be one  
14615 published in the county where the cause is pending; otherwise, by  
14616 posting written notices in ten (10) public places in the district,  
14617 and shall be sufficient, and the only notice required of the  
14618 filing of said assessment roll and the time set for hearing  
14619 objections thereto.

14620 The publication of any notice required in this section may be  
14621 published on the Internet as provided in Section 1 of this act.

14622 **SECTION 240.** Section 51-31-57, Mississippi Code of 1972, is  
14623 amended as follows:

14624 51-31-57. When the commissioners shall have made their  
14625 appraisalment of the land taken or to be taken, they shall certify  
14626 the same and file it with the clerk of the chancery court of the  
14627 county in which the land lies, and if the proceedings be in  
14628 another county, also with said clerk in the county where the  
14629 proceedings are had. The clerk shall thereupon set down and fix a  
14630 time for the hearing of objections to such appraisalment, at the  
14631 request of the commissioners, to be heard by the chancery court,  
14632 or the chancellor in vacation. The clerk shall issue a summons  
14633 directed to the sheriff of the county or counties of this state in  
14634 which any landowner or other person interested may reside,  
14635 commanding him to summon such owner or owners or other interested  
14636 person to be and appear at the time and place named. If the owner  
14637 of any land sought to be taken be an infant or person of unsound  
14638 mind, the summons may be executed on his guardian; and the  
14639 guardian in such cases is authorized, subject to the approval of  
14640 the chancellor in termtime or vacation, to sell and convey such  
14641 property and dedicate it thus to the public use, or he may agree



upon the damages and thereby bind the ward. If there be no guardian in such case, the chancellor in vacation may, on application of any one in interest, appoint a guardian ad litem to represent such infant or person of unsound mind, whose acts and doings in the premises shall be valid and binding on the ward. The chancellor may require a bond of such guardian ad litem. If the owner of such land be a nonresident of the state or cannot be found, or if the owner be unknown, and this shall apply to any person interested, upon affidavit to that fact being made by the commissioners or by their agent or attorney, service of the summons may be had on any of his agents in charge of the land; or publication shall be made in the manner provided by law for publication for nonresident and unknown parties in chancery suits. If the land belong to a deceased person whose estate is being administered, the summons may be served on the executor or administrator, who shall, for all purposes of this chapter, be authorized to act for the owner, and he shall be responsible on his bond accordingly. Such notice, when published, need only state that the hearing will be for the purpose of confirming the report of the commissioners as to the appraisalment of land taken for the use of the district and through which the ditches of the district are to run; it shall contain the names of the owners or persons interested in such land and their post office address, if known, and if unknown that fact shall be so stated; and it shall further contain a list of the land, described by section numbers, belonging to such nonresident owners and through which the ditches of the district are to run. If any owner is not satisfied with the amount allowed by the commissioners for land taken by reason of the construction of such proposed system according to the plans of said district, he shall file written objections thereto on or before the day named in the summons or notice.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.



**SECTION 241.** Section 51-31-71, Mississippi Code of 1972, is amended as follows:

51-31-71. After the organization of any drainage district under this chapter, and after the confirmation of the assessment as in this chapter provided, and after laying out a system of main drains for said drainage district, the said commissioners shall advertise for bids for the construction of said ditches by publishing a notice for three (3) weeks in some newspaper in the county in which such district is organized, stating the time when and place where they will receive bids for the construction of such work. The time fixed for receiving and opening said bids shall not be less than twenty-two (22) days from the time of the first publication. Said notice shall specify the kind and nature of the work to be done, the amount thereof as estimated by the engineer, and in what manner payment thereof will be made. They shall meet at the time and place designated in said notice and open said bids, and said contracts shall be let to the lowest responsible bidder. The said commissioners shall have the right to reject any and all bids if they deem that the same are too high, and may adjourn said letting to a future time and continue said advertisement until that time.

The commissioners shall take and file a certificate of publication of such notice with the clerk; and upon the acceptance of any bid for the construction of any work, they shall require said bidder to enter into contract with them for the faithful performance of said work according to the plans, specifications, profile, and estimates of the engineer, and require said contractor to enter into bonds for the faithful performance of said work within the time and in the manner specified in said contract.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.





14707           **SECTION 242.** Section 51-31-115, Mississippi Code of 1972, is  
14708 amended as follows:

14709           51-31-115. Before the sale of any such bonds, notes, or  
14710 other objects of indebtedness provided for in Sections 51-31-111  
14711 and 51-31-113, the drainage commissioners shall publish notice to  
14712 all parties interested for at least ten (10) days of their  
14713 intention to issue said additional bonds. Any time after the  
14714 expiration of the ten (10) days from the action of the chancellor  
14715 in approving the action of the commissioners in the issuance of  
14716 such bonds, notes, or evidence of indebtedness, and after ten (10)  
14717 days from the entry of the order of the chancellor, made in term  
14718 time or vacation, approving the action of the commissioners in  
14719 issuing such bonds, notes, or other evidences of indebtedness, any  
14720 bonds, notes, or other evidences of indebtedness issued and sold  
14721 by the commissioners shall be a lien on the lands assessed in the  
14722 drainage district and shall be noncontestable.

14723           The publication of any notice required in this section may be  
14724 published on the Internet as provided in Section 1 of this act.

14725           **SECTION 243.** Section 51-31-121, Mississippi Code of 1972, is  
14726 amended as follows:

14727           51-31-121. Upon the filing of said report with the clerk, he  
14728 shall make an entry to that effect upon the minutes of said court  
14729 and shall set down and fix the term of court next thereafter  
14730 convening, or shall set down and fix a day in vacation, as he may  
14731 deem best, when the court, or the chancellor in vacation, shall  
14732 hear said matter. The clerk shall thereupon give notice by  
14733 publication for two (2) weeks, by two (2) insertions in some  
14734 newspaper published in the county in which the greater part of the  
14735 land lies, notifying all persons interested to appear at the term  
14736 of court, or day set in vacation, and show cause, if any, why said  
14737 subdistrict should not be organized or bonds be issued to pay for  
14738 said work.



14739           However, the day set for hearing shall not be more than sixty  
14740   (60) days after the first of said notices is published. The said  
14741   notice by publication shall be full and complete notice to any and  
14742   all persons interested, and shall confer full and complete power  
14743   and authority upon the court, or chancellor in vacation, to act in  
14744   said matter.

14745           The publication of any notice required in this section may be  
14746   published on the Internet as provided in Section 1 of this act.

14747           **SECTION 244.** Section 51-31-139, Mississippi Code of 1972, is  
14748   amended as follows:

14749           51-31-139. On petition of one-third (1/3) of the landowners  
14750   owning one-half (1/2) of the land or one-half (1/2) of the  
14751   landowners owning one-third (1/3) of the land located in any  
14752   drainage district, the chancery court, if it be satisfied that the  
14753   petition contains the percentage of the landowners as outlined  
14754   above, shall set a date and place for a hearing on the matter and  
14755   order notice given of the time and the place of said hearing, the  
14756   same to be set in vacation, or termtime, according to the order of  
14757   the chancellor. The notice shall be given by three (3) weeks'  
14758   publication in a newspaper published or having general circulation  
14759   in the county where the drainage district is located, and shall be  
14760   directed substantially to the landowners, lienholders,  
14761   bondholders, and all others interested in the drainage district  
14762   referred to. Said notice shall be complete on the publication of  
14763   the same in the said newspaper for three (3) consecutive weekly  
14764   issues, the first notice to be at least three (3) weeks before the  
14765   date of hearing. At the time and place fixed for the hearing or  
14766   at any other time or place to which the same shall have been  
14767   lawfully postponed by the chancellor, the said chancery court, if  
14768   satisfied that the aforesaid conditions have been fulfilled and  
14769   that all projects of said drainage district have been completed,  
14770   shall transfer all the duties, power, and authority of any  
14771   drainage commission or drainage commissioners of any drainage



14772 district lying wholly within one (1) county, and impose the same  
14773 upon the board of supervisors of the county in which the  
14774 particular drainage district lies. The board of supervisors of  
14775 the county in which any such completed drainage project lies shall  
14776 have charge of maintenance, repair, and upkeep of such completed  
14777 construction project and shall make report of same annually to the  
14778 chancery court of the county, but no additional compensation shall  
14779 be allowed the board of supervisors for the discharge of services  
14780 hereby imposed. It is provided that on the making of the order of  
14781 transfer, as above outlined, the compensation and authority of any  
14782 drainage commissioner or set of drainage commissioners regarding  
14783 any such drainage district, as above outlined, shall immediately  
14784 cease on the signing of the decree of transfer above provided for.

14785       It is distinctly provided that this section shall not apply  
14786 in any manner whatsoever to drainage districts lying in two (2) or  
14787 more counties of the state.

14788       The publication of any notice required in this section may be  
14789 published on the Internet as provided in Section 1 of this act.

14790       **SECTION 245.** Section 51-31-141, Mississippi Code of 1972, is  
14791 amended as follows:

14792       51-31-141. Any district which has heretofore been organized,  
14793 including swamp land districts, or which may hereafter be  
14794 organized under other statutes may become a district under the  
14795 terms of this chapter as follows:

14796       If one-third (1/3) of the landowners owning a majority of the  
14797 acreage or a majority of the landowners owning one-third (1/3) of  
14798 the acreage of real property within any such district shall  
14799 petition the chancery court or chancellor in vacation to  
14800 constitute them a drainage district under the terms hereof, the  
14801 clerk of the chancery court shall give notice of the application  
14802 by two (2) weeks' publication in some newspaper published and  
14803 having a bona fide circulation in the county or counties in which  
14804 the lands of said district lie, stating the time when said



14805 petition will be heard and the object of said petition. All  
14806 owners of real property within the district shall have the right  
14807 to appear and contest the said petition, or support the same. The  
14808 chancery court, or chancellor in vacation, shall hear the evidence  
14809 and shall either grant the petition or deny the same, as he may  
14810 deem it most advantageous to the property owners of the district  
14811 and to the public benefit. If he grants the petition, the said  
14812 district shall have all the rights and powers and be subject to  
14813 all the obligations and provisions provided by the terms of this  
14814 chapter. If the majority of the landholders or the majority of  
14815 the owners of the acreage therein petition for the adoption of  
14816 this chapter, the court or chancellor must make an order declaring  
14817 that such district shall henceforth be governed by the terms of  
14818 this chapter, and shall appoint commissioners according to its  
14819 terms, who shall carry into effect without delay the proposed  
14820 drainage improvements.

14821 The publication of any notice required in this section may be  
14822 published on the Internet as provided in Section 1 of this act.

14823 **SECTION 246.** Section 51-33-5, Mississippi Code of 1972, is  
14824 amended as follows:

14825 51-33-5. Before the additional powers granted by Sections  
14826 51-33-1 through 51-33-9 shall become applicable to any drainage  
14827 district in this state, the commissioners of such district shall  
14828 file a petition in the chancery court requesting such additional  
14829 powers as set forth herein, whereupon the chancery clerk shall  
14830 immediately publish a notice in a newspaper having general  
14831 circulation in the said drainage district for two (2) successive  
14832 insertions, giving notice of said petition and designating a date,  
14833 not less than ten (10) days after the last publication of notice,  
14834 at which a hearing may be had on said petition; and proceedings  
14835 shall be conducted in so far as possible in accordance with  
14836 procedures set forth for determining whether or not the district



14837 shall be created in the first instance, and the chancellor shall  
14838 render his decree accordingly.

14839 The publication of any notice required in this section may be  
14840 published on the Internet as provided in Section 1 of this act.

14841 **SECTION 247.** Section 51-33-25, Mississippi Code of 1972, is  
14842 amended as follows:

14843 51-33-25. Before issuing any certificates of indebtedness  
14844 hereunder, the commissioners of such district shall give notice of  
14845 their intention to do so and shall cause such notice to be  
14846 published in some newspaper having a general circulation in each  
14847 county wherein such district is situated. Such publication shall  
14848 be made once each week for two (2) consecutive weeks prior to the  
14849 date to be named therein, when the commissioners shall meet to  
14850 hear objections of any interested person as to why such  
14851 certificates of indebtedness should not be issued and taxes levied  
14852 for the payment thereof, as herein provided. At the time and  
14853 place fixed for the holding of such hearing, the commissioners of  
14854 such district shall hear and act upon all such objections in a  
14855 summary manner, and their disposition thereof shall be final and  
14856 conclusive on all parties.

14857 The publication of any notice required in this section may be  
14858 published on the Internet as provided in Section 1 of this act.

14859 **SECTION 248.** Section 51-33-37, Mississippi Code of 1972, is  
14860 amended as follows:

14861 51-33-37. For the purpose of funding or paying any legal  
14862 indebtedness, now or hereafter outstanding, of any drainage  
14863 district organized and existing under any law or laws of the State  
14864 of Mississippi or that may be hereafter organized under any law of  
14865 the state, to the extent that same when added to the outstanding  
14866 bonded indebtedness of the district shall not exceed the balance  
14867 due to the district on the assessment of land of the district, the  
14868 drainage commissioners and court for such district may issue bonds  
14869 of the district aggregating such amount, provided that interest on



14870 such indebtedness may not be calculated against the district in  
14871 determining the amount of such indebtedness. Such funding bonds  
14872 shall be of such denominations, shall mature at such time or times  
14873 not exceeding fifty (50) years from their date, shall be issued in  
14874 such manner, amount or amounts, and shall not bear a greater  
14875 overall maximum interest rate to maturity than that allowed in  
14876 Section 75-17-101, payable semiannually, as the administrative or  
14877 governing authority of the district may determine. Such bonds may  
14878 be sold at such price and in such manner as the administrative or  
14879 governing authority may determine, subject, however, to the  
14880 approval of the court. Any discount or expense resulting from the  
14881 sale of such funding bonds may be paid out of any available funds  
14882 of the district. Such funding bonds shall be signed and executed  
14883 by the drainage commissioners in charge of the district. However,  
14884 before issuing such funding bonds hereunder, the administrative or  
14885 governing authority of such district shall give notice of its  
14886 intention to do so and shall cause such notice to be published in  
14887 some newspaper having a general circulation in the county of such  
14888 district. Such publication shall be made once each week for three  
14889 (3) consecutive weeks prior to the date, to be named therein, when  
14890 the administrative or governing authority shall meet to hear the  
14891 objections of any interested person as to why such funding bonds  
14892 should not be issued and taxes levied, within the amount of the  
14893 assessed benefits, for the purpose of paying the principal and  
14894 interest on such bonds. At the time and place fixed for the  
14895 holding of such hearing, the administrative or governing authority  
14896 of such district shall hear and dispose of all such objections in  
14897 a summary manner. Any objector having filed his objections prior  
14898 to the hearing may appeal from the decision of such administrative  
14899 or governing authority to the chancery court having jurisdiction  
14900 of the affairs of said district, on making and filing, within ten  
14901 (10) days from date of hearing, appeal bond in the penal sum of  
14902 Two Hundred Dollars (\$200.00) approved by the clerk of said



14903 chancery court, conditioned to pay all costs which may be adjudged  
14904 against objector.

14905 Taxes for the payment of such bond obligations issued  
14906 hereunder shall be levied annually on and against the land of the  
14907 district, as is provided for the levying of other taxes of the  
14908 district and in proportion to the assessed benefits of the  
14909 district.

14910 Notwithstanding the foregoing provisions of this section,  
14911 bonds referred to hereinabove may be issued pursuant to the  
14912 supplemental powers and authorizations conferred by the provisions  
14913 of the Registered Bond Act, being Sections 31-21-1 through  
14914 31-21-7.

14915 The publication of any notice required in this section may be  
14916 published on the Internet as provided in Section 1 of this act.

14917 **SECTION 249.** Section 51-33-39, Mississippi Code of 1972, is  
14918 amended as follows:

14919 51-33-39. For the purpose of refunding bonded indebtedness,  
14920 now or hereafter outstanding, of any drainage district organized  
14921 and existing under any law or laws of the State of Mississippi or  
14922 that may be hereafter organized under any law of the state,  
14923 whenever such drainage district is or may hereafter become unable  
14924 to pay all or any part of the principal and interest on its bonds,  
14925 or whenever the best interest of the district may require, the  
14926 drainage commissioners and court for such district may issue  
14927 refunding bonds of such district in an amount which shall not  
14928 exceed the aggregate of the amount of bonds to be refunded and  
14929 accrued interest thereon. Such refunding bonds shall be of such  
14930 denomination, shall mature at such time or times not exceeding  
14931 fifty (50) years from their date, shall be issued in such manner,  
14932 amount or amounts, and shall not bear a greater overall maximum  
14933 interest rate to maturity than that allowed in Section 75-17-101,  
14934 payable semiannually, as the administrative or governing authority  
14935 of the district may determine. Such refunding bonds may be



14936 exchanged for the bonds to be refunded, upon consent of the  
14937 holders thereof, or may be sold at such price and in such manner  
14938 as the administrative or governing authority may determine,  
14939 subject however to the approval of the court. Any discount or  
14940 expense resulting from the sale of such refunding bonds may be  
14941 paid out of any available funds of the district. If the  
14942 outstanding bonds shall not have matured, they may be refunded  
14943 only with the consent of the holder or holders thereof, which  
14944 consent shall be sufficiently evidenced by the surrender of the  
14945 bonds to be refunded. Such refunding bonds shall be signed and  
14946 executed by the drainage commissioners in charge of the district.  
14947 However, before issuing any refunding bonds hereunder, the  
14948 administrative and governing authority of such district shall give  
14949 notice of its intention to do so and shall cause such notice to be  
14950 published in some newspaper having a general circulation in the  
14951 county of such district. Such publication shall be made once each  
14952 week for three (3) consecutive weeks prior to the date, to be  
14953 named therein, when the administrative or governing authority  
14954 shall meet to hear the objections of any interested person as to  
14955 why such refunding bonds should not be issued and taxes levied, in  
14956 addition to the assessed benefits, for the purpose of paying  
14957 interest on such bonds. At the time and place fixed for the  
14958 holding of such hearing, the administrative or governing authority  
14959 of such district shall hear and dispose of all such objections in  
14960 a summary manner, and its disposition thereof shall be final and  
14961 conclusive on all parties.

14962 The publication of any notice required in this section may be  
14963 published on the Internet as provided in Section 1 of this act.

14964 **SECTION 250.** Section 51-33-71, Mississippi Code of 1972, is  
14965 amended as follows:

14966 51-33-71. Any landowner desiring to take advantage of  
14967 Sections 51-33-69 through 51-33-73 shall first make application to  
14968 the drainage commissioners of the district in which his land is





14969 located, giving the description of the land sought to be released  
14970 and whether he desires to pay for the release of such land in  
14971 cash, or with bonds or coupons, or by credit on judgment rendered  
14972 against the district for bonds and interest coupons. It shall  
14973 thereupon be the duty of the drainage commissioners of such  
14974 district to enter such application upon the minutes of the  
14975 district and determine and enter upon such minutes the amount  
14976 which the drainage commissioners find to be a reasonable cash  
14977 value for the release of such lands. They shall advise such  
14978 landowner of their action and, if such landowner shall agree in  
14979 writing to pay such amount, the drainage commissioners shall  
14980 thereupon notify by registered mail the bondholders of the  
14981 district, or so many of them as they may be able to ascertain the  
14982 address of, of such application and request the approval of such  
14983 bondholders of the release of such land. If the holders of as  
14984 much as seventy-five percent (75%) of the outstanding bonded  
14985 indebtedness of the district, including bonds and coupons for  
14986 which judgment has been rendered against the district but not  
14987 including bonds or coupons which have become barred by the  
14988 statutes of limitation, approve such release in writing, the  
14989 drainage commissioners shall file a petition in the chancery court  
14990 of the county in which the affairs of the district are being  
14991 administered, requesting the approval of said court, or the  
14992 chancellor in vacation, of the release of such land. They shall  
14993 state in such petition the description of the land sought to be  
14994 released, the price to be paid for such release, how such payment  
14995 is to be made, and the name and address of all known bondholders.  
14996 There shall be attached to such petition the written approval of  
14997 such of the bondholders as have approved the release of such land.  
14998 Upon the filing of such petition the clerk of said court shall fix  
14999 a day for the hearing thereof, not less than ten (10) days nor  
15000 more than two (2) weeks from the date of the filing of such  
15001 petition, and shall cause not less than seven (7) days' notice of



15002 such hearing to be given by publication in at least one (1) issue  
15003 of a public newspaper published in the county in which such  
15004 petition is filed, a copy of which notice shall be mailed by the  
15005 clerk to each of the known bondholders at the address stated in  
15006 the petition. The notice so published and mailed shall state the  
15007 number of acres of land sought to be released, the name of the  
15008 owner thereof, and the amount to be paid for the release, and  
15009 shall advise that the matter will be heard at the time and place  
15010 fixed. Upon the hearing of such petition all bondholders and  
15011 landowners of the district shall have the right to appear and  
15012 object, and if the court, or the chancellor in vacation, be  
15013 satisfied that the amount which the commissioners have found to be  
15014 the reasonable cash value for the release of such land is the  
15015 reasonable cash value thereof and that it would be to the best  
15016 interest of all bondholders and all others interested that the  
15017 property be so released, the court, or the chancellor in vacation,  
15018 shall enter a decree approving the release of such land; and the  
15019 drainage commissioners shall be authorized to accept the amount in  
15020 full settlement and satisfaction of the lien of said assessment of  
15021 benefits on said land. Upon such amount being paid by such  
15022 landowners to the drainage commissioners, such land shall be  
15023 released from such assessment of benefits by proper order spread  
15024 upon the minutes of such drainage district, and the president and  
15025 secretary of the board of drainage commissioners of the district  
15026 shall execute and deliver to the landowner a proper release of  
15027 said land. Nothing herein shall have the effect of releasing any  
15028 land situated in a drainage district from its liability for annual  
15029 maintenance taxes as now or which may hereafter be provided.

15030 The publication of any notice required in this section may be  
15031 published on the Internet as provided in Section 1 of this act.

15032 **SECTION 251.** Section 51-33-81, Mississippi Code of 1972, is  
15033 amended as follows:



15034           51-33-81. It shall be the duty of the receiver to audit the  
15035 records of said drainage district so as to show (1) each tract of  
15036 land originally assessed described with reasonable certainty, (2)  
15037 the name of the person designated as owner on the original benefit  
15038 assessment roll, (3) the total amount originally assessed against  
15039 each tract of land, (4) the total amount of assessed benefits  
15040 actually paid on each tract of land, (5) the total amount of  
15041 assessed benefits on each tract of land remaining unpaid and due  
15042 when the audit is made, and (6) the total amount of unpaid  
15043 assessments of each tract remaining unpaid but not due. In the  
15044 event the records of said drainage district have been lost or  
15045 cannot be found upon diligent search and inquiry, said receiver  
15046 shall make an audit as best he can, showing the six (6) items  
15047 above enumerated by taking into consideration the last time annual  
15048 levy was made as reflected by the order of court, board of  
15049 supervisors, or other governing authority, and the amount of  
15050 outstanding and unpaid bonds and interest coupons issued by said  
15051 drainage district as may be satisfactorily proved to him by the  
15052 holders of any such bonds, whether said bonds are in their  
15053 original form or have been reduced to judgment. Said audit shall  
15054 also show whether or not the bonds issued by said drainage  
15055 district are in excess of the assessed benefits or other  
15056 limitations fixed by law at the time such bonds were issued and,  
15057 if excessive, to what extent. Upon such audit being completed,  
15058 the receiver shall file the same, together with such supplemental  
15059 report as he may deem proper or the court may require, and said  
15060 audit shall be deemed prima facie correct. Upon filing such audit  
15061 and report, the clerk of said court shall cause to be published  
15062 once each week for three (3) successive weeks in a newspaper  
15063 published in said county, or if no newspaper is published in said  
15064 county, then in some newspaper having a general circulation in  
15065 said county, a notice and summons directed to all landowners of  
15066 said drainage district, the holders of its bonds, and judgment



15067 holders, that such audit and report of the receiver has been filed  
15068 in said court and receivership cause and is subject to their  
15069 inspection and objection. Such notice shall state that unless  
15070 such landowner, bondholders, or judgment holders shall, on or  
15071 before the next ensuing term of said court to convene not earlier  
15072 than thirty (30) days after the first publication, appear and show  
15073 cause in writing and in detail why said audit is incorrect in any  
15074 particular, then said audit will be approved and made final, and  
15075 all parties shall be bound thereby. It shall be the duty of the  
15076 court to hear and adjudicate all objections made and filed by any  
15077 landowner or any bondholder, giving to each the right to contest  
15078 the objection of the other. After all objections have been heard  
15079 and adjudicated, the court shall enter its final decree, which  
15080 shall describe with reasonable certainty each tract of land  
15081 assessed, the name of the owner or the one to whom it was  
15082 originally assessed, the amount of unpaid benefit assessments  
15083 which are due and chargeable to each tract, the amount of unpaid  
15084 benefit assessments which are not due, the names of the bond and  
15085 judgment holders and the amounts held by each which are found to  
15086 be legal obligations of said drainage district, and which of such  
15087 bonds or the percentage thereof are entitled to payment out of the  
15088 remaining unpaid benefit assessments when collected. Said final  
15089 decree shall also declare and fix as a statutory lien, paramount  
15090 to all liens save and except liens for state and county taxes, the  
15091 amount so found to be owing and unpaid, whether due or not, on  
15092 each tract of land and shall fix a day, not later than four (4)  
15093 months after the rendition of said final decree, for the payment  
15094 of all such unpaid benefit assessments as are found to be then due  
15095 and owing. Said decree shall also provide for a sale by the  
15096 receiver of any and all tracts of land therein mentioned on which  
15097 the amount so assessed and fixed as a lien is due and shall remain  
15098 unpaid on the day fixed for its payment. Publication of notice of  
15099 such sale shall be made in manner and form and for the time



15100 required by law for the sale of land delinquent for general taxes,  
15101 such sale to take place at the court house of said county within  
15102 legal hours on the day named in the published notice of sale. The  
15103 court may from time to time order further sales of any such land  
15104 for the remaining assessed benefits which shall later mature.  
15105 From such final decree any interested landowner and bondholder may  
15106 appeal to the Supreme Court in the manner provided by law  
15107 generally for such appeals.

15108 The publication of any notice required in this section may be  
15109 published on the Internet as provided in Section 1 of this act.

15110 **SECTION 252.** Section 51-33-93, Mississippi Code of 1972, is  
15111 amended as follows:

15112 51-33-93. Whenever, after the expiration of the said period  
15113 of three (3) years, five (5) or more landowners of any such  
15114 district, or a majority of the landowners of any such district,  
15115 excluding lands owned by the state, or any landowner or owners  
15116 owning more than fifty percent (50%) of the total acreage of said  
15117 district, excluding the acreage owned by the state, shall sign and  
15118 file with the clerk of the chancery court by which such district  
15119 was organized, or in the county in which such district was  
15120 organized, a petition for the dissolution of such drainage  
15121 district, it shall be the duty of such clerk to give notice  
15122 thereof by publishing said notice for three (3) consecutive weeks  
15123 in a newspaper published in said county, or in each of the  
15124 counties in which lands of the district lie. Said notice shall be  
15125 addressed to all persons interested in said drainage district and  
15126 shall command them to appear before the said chancery court at a  
15127 place named within the said chancery court district on a day  
15128 certain in term time, or before the chancellor in vacation, not  
15129 earlier than twenty (20) days nor more than sixty (60) days after  
15130 the date of the first publication of said notice, and show cause,  
15131 if any they can, why said drainage district should not be  
15132 dissolved. Upon the first publication of said notice, all



15133 proceedings of every kind of said drainage district and of the  
15134 commissioners of the said drainage district shall be discontinued  
15135 until the hearing of said cause as herein provided.

15136 The publication of any notice required in this section may be  
15137 published on the Internet as provided in Section 1 of this act.

15138 **SECTION 253.** Section 51-33-101, Mississippi Code of 1972, is  
15139 amended as follows:

15140 51-33-101. Whenever a majority of the landowners owning a  
15141 majority of the land in such drainage district shall sign and file  
15142 with the clerk of the chancery court in which such drainage  
15143 district was organized a petition for the dissolution of such  
15144 drainage district, it shall be the duty of the chancery clerk to  
15145 give notice thereof by publication. Such notice shall be  
15146 published for three (3) weeks in a newspaper published in the  
15147 county in which the drainage district was organized, shall be  
15148 addressed to all persons interested in said drainage district, and  
15149 shall command them to appear before the said chancery court on a  
15150 day certain in termtime, or before the chancellor in vacation at a  
15151 place and time to be stated in said notice, not later than five  
15152 (5) days nor more than sixty (60) days after the date of the last  
15153 publication of said notice and show cause, if any they can, why  
15154 said drainage district should not be dissolved.

15155 The publication of any notice required in this section may be  
15156 published on the Internet as provided in Section 1 of this act.

15157 **SECTION 254.** Section 51-33-109, Mississippi Code of 1972, is  
15158 amended as follows:

15159 51-33-109. After said petition has been filed with the clerk  
15160 and if the same pray for a hearing in vacation, the clerk shall  
15161 thereupon refer the same to the chancellor of said court with the  
15162 request that he set the matter and fix the time, date, and place  
15163 for the hearing thereof by him in vacation, and it shall be the  
15164 duty of the chancellor to fix and set a time, date, and place for  
15165 the hearing by him of said petition in vacation. When done, the



15166 clerk of said court shall cause a notice to be published which  
15167 shall be addressed to all persons interested in the affairs of  
15168 said drainage district and shall command them to appear at the  
15169 time, date, and place set for the hearing of said petition to show  
15170 cause, if any they can, why the prayer of said petition should not  
15171 be granted. Said notice shall further command them to be present  
15172 and file in said proceeding, on or before the time and date set  
15173 for the hearing of said petition, any and all claims which they  
15174 might have against said district, and that any and all claims not  
15175 so presented and filed shall be forever barred, except the claims  
15176 of holders of bonds or certificates of indebtedness legally issued  
15177 by said district and the interest thereon. Said notice shall be  
15178 published in a newspaper published in each of the counties in  
15179 which the lands of the district lie for once in each week for  
15180 three (3) successive weeks, and said publication shall be deemed  
15181 completed and said matters shall be deemed ready for hearing on  
15182 their merits on the day fixed therefor in said order and the  
15183 notice so published, provided not less than twenty-one (21) days  
15184 have intervened from the date of the first publication of said  
15185 notice and the date fixed in said order and given in said notice  
15186 published for said hearing.

15187       After the time, date, and place has been set for the hearing  
15188 of said petition as above provided, the clerk of said court shall  
15189 issue a summons for each of the constituted authorities of said  
15190 district, commanding them to appear before the court, or  
15191 chancellor in vacation, at the time, date, and place so set for  
15192 the hearing of said petition and to file in said proceeding, on or  
15193 before the time and date set for the hearing thereof, a written  
15194 statement under oath, showing in detail the full amount of bonds  
15195 or certificates of indebtedness issued by said district, the  
15196 amount paid, the amount outstanding, the amount of interest due  
15197 thereon at the date of said hearing, as well as the amount of any



15198 other indebtedness of said district that is outstanding at the  
15199 time.

15200         If the petition as filed does not ask for said matters to be  
15201 heard by the chancellor in vacation, the clerk shall cause notice  
15202 to be given that all of the aforesaid matters will be heard on the  
15203 first day of the next regular term of the said court to be  
15204 convened after the filing of said petition, which said notice  
15205 shall be published in the manner and for the length of time as  
15206 hereinbefore specified.

15207         The chancellor is hereby authorized to hear any and all of  
15208 said matters in vacation at any place in his district that he  
15209 might see fit so to do. On the hearing thereof he shall determine  
15210 and adjudicate as to the sufficiency of said petition, shall  
15211 determine and adjudicate from the evidence introduced in support  
15212 thereof whether petitioners are entitled to relief prayed for, and  
15213 shall likewise determine and adjudicate the amount of all  
15214 outstanding indebtedness of said district, bonded or otherwise.

15215         The publication of any notice required in this section may be  
15216 published on the Internet as provided in Section 1 of this act.

15217         **SECTION 255.** Section 51-33-127, Mississippi Code of 1972, is  
15218 amended as follows:

15219         51-33-127. (1) A drainage district may be dissolved and its  
15220 powers, duties and responsibilities transferred to the county soil  
15221 and water conservation district by:

15222                 (a) The commissioners of the drainage district  
15223 determining and spreading on the district's minutes that it is in  
15224 the best interest of the residents and landowners of the drainage  
15225 district that the district be dissolved and its powers, duties and  
15226 responsibilities be transferred to the county soil and water  
15227 conservation district. In any drainage district in which there  
15228 are not any active drainage district commissioners, or in which  
15229 the drainage district has ceased to function, the county soil and  
15230 water conservation district commissioners and the county board of





15231 supervisors may begin the dissolution and transfer. If the  
15232 dissolution of the drainage district and transfer of powers occurs  
15233 without a resolution from the drainage district commissioners, the  
15234 chancery court, in its proceedings under subsection (1)(e), must  
15235 determine and state that there is not an active drainage district  
15236 or there are not any drainage district commissioners, or both.

15237 (b) The commissioners of the county soil and water  
15238 conservation district determining, and spreading on the district's  
15239 minutes, that it is in the best interest of the residents and  
15240 landowners of the drainage district that the drainage district be  
15241 dissolved and its powers, duties and responsibilities be  
15242 transferred to the county soil and water conservation district.  
15243 Then, the county soil and water conservation district must decide  
15244 if it is willing to accept those powers, duties and  
15245 responsibilities.

15246 (c) The county board of supervisors agreeing, and  
15247 spreading on the county's minutes, that the drainage district  
15248 should be dissolved and its powers, duties and responsibilities be  
15249 transferred to the county soil and water conservation district.  
15250 If the county supervisors agree to transfer the drainage district  
15251 to the county soil and water conservation district, they must  
15252 register their support by one (1) of the following methods of  
15253 funding the operation and maintenance of the existing water  
15254 impoundment structures:

15255 (i) Continuation of existing ad valorem tax  
15256 assessments on benefited or affected acres with the ad valorem  
15257 taxes being used by the county soil and water conservation  
15258 district solely for the operation and maintenance of existing  
15259 water impoundment structures transferred from the drainage  
15260 district.

15261 (ii) If there has not been an ad valorem tax  
15262 assessment or if the assessment has expired, the establishment of  
15263 ad valorem tax assessments on benefited or affected acres and



15264 collection of the ad valorem taxes solely for the operation and  
15265 maintenance of the existing water impoundment structures  
15266 transferred from the drainage district. The ad valorem assessment  
15267 and collection of taxes shall comply with the procedures  
15268 authorized in Sections 51-29-45 through 51-29-57.

15269 (iii) If there has not been an ad valorem tax  
15270 assessment or if it has expired, the county board of supervisors  
15271 may agree to provide funds, through county appropriation, to the  
15272 county soil and water conservation district for the operation and  
15273 maintenance of the transferred water impoundment structures.

15274 (d) Upon completion of the requirements of subsection  
15275 (1)(a) through (c), the commissioners of the drainage district or  
15276 the commissioners of the county soil and water conservation  
15277 district, or both, shall petition the chancery court of the county  
15278 in which the drainage district was originally established for the  
15279 dissolution of the drainage district and the transference of its  
15280 powers, duties and responsibilities to the soil and water  
15281 conservation district. The petition must be accompanied by copies  
15282 of the minutes reflecting the actions of the drainage district,  
15283 the soil and water conservation district and the county board of  
15284 supervisors. After the petition is filed, it shall be the duty of  
15285 the clerk of the court to give notice of the filing by publishing  
15286 the notice in a newspaper published in the county for three (3)  
15287 consecutive weeks or by publishing the notice in a newspaper  
15288 published in the counties in which the lands of the drainage  
15289 district lie. The notice shall be addressed to all persons  
15290 interested in the drainage district and shall require them to  
15291 appear before the chancery court at a place within the district of  
15292 the chancery court on a day certain but not earlier than twenty  
15293 (20) days or more than sixty (60) days after the date of the first  
15294 publication of the notice, and show cause, if any, of why the  
15295 petition should not be granted.



15296 (e) On the date set by the court, the chancellor shall  
15297 review the petition, minutes of the respective districts and board  
15298 of supervisors, and any other evidence or testimony the court  
15299 finds necessary, and if the court determines:

15300 (i) Subsection (1)(a) through (c) of this section  
15301 has been complied with; and

15302 (ii) It is in the best interest of the landowners  
15303 and residents of the drainage district to dissolve the drainage  
15304 district and transfer the drainage district's powers, duties and  
15305 responsibilities to the county soil and water conservation  
15306 district, the court shall enter its order:

15307 1. Dissolving the drainage district.

15308 2. Transferring all the powers, duties and  
15309 responsibilities of the drainage district to the county soil and  
15310 water conservation district.

15311 3. Provide funding for the future operation  
15312 and maintenance of the existing water impoundment structures by  
15313 either:

15314 a. Transferring existing authority to  
15315 assess benefited or affected acres for ad valorem taxation;

15316 b. Authorizing the county soil and water  
15317 conservation district to assess ad valorem taxes on benefited or  
15318 affected acres in the manner authorized for drainage districts in  
15319 Sections 51-29-45 through 51-29-57; or

15320 c. Recognizing that the county board of  
15321 supervisors will determine and provide funding amounts for the  
15322 operation and maintenance of the water impoundment structures by  
15323 the county soil and water conservation district.

15324 4. Transferring all assets of the drainage  
15325 district, real or personal, or both, and any other assets,  
15326 wherever they are situated, to the county soil and water  
15327 conservation district.

15328 (2) If a drainage district's boundaries cross county lines:



15329           (a) Subsection (1)(b) and (c) must be completed by the  
15330 county soil and water conservation district and the county board  
15331 of supervisors for each county in which the drainage district has  
15332 existing water impoundment structures constructed with financing  
15333 from the United States under Public Law 534 or Public Law 566,  
15334 83rd Congress of the United States; and

15335           (b) The chancery court's division of powers, duties and  
15336 responsibilities, together with the funding responsibilities for  
15337 operation and maintenance of existing structures, shall be in  
15338 accordance with the agreement of all county soil and water  
15339 conservation districts and county board of supervisors within  
15340 whose boundaries the drainage district's structures lie.

15341           (3) The publication of any notice required in this section  
15342 may be published on the Internet as provided in Section 1 of this  
15343 act.

15344           **SECTION 256.** Section 51-35-17, Mississippi Code of 1972, is  
15345 amended as follows:

15346           51-35-17. (1) The board of supervisors of any county in  
15347 which is located a national park, a national cemetery, and which  
15348 is located on the Mississippi River and through any part of which  
15349 any river or other stream may run, or any part of which any river  
15350 or other stream may touch or border, on which the United States of  
15351 America has authorized or may hereafter authorize navigation or  
15352 flood control improvements is hereby authorized and empowered to  
15353 give satisfactory assurances to the United States of America, or  
15354 any agency thereof, that it will:

15355           (a) Provide, without cost to the United States, all  
15356 lands, easements, and rights-of-way necessary for the construction  
15357 of the project;

15358           (b) Hold and save the United States free from damages  
15359 due to the construction works;



15360                   (c) Maintain and operate all of the works after  
15361 completion in accordance with regulations prescribed by the  
15362 Secretary of the Army; and

15363                   (d) Acquire such added area as may be necessary for the  
15364 public benefit and use in accordance with the requirements of the  
15365 United States, or any agency thereof, in connection with any such  
15366 project.

15367           Any such board of supervisors is also hereby authorized and  
15368 empowered to accept the conveyance of any lands, easements, and  
15369 rights-of-way over and on behalf of any lands that may be  
15370 benefited by the maintenance of such works; to accept assurances  
15371 from landowners whose property is benefited by such flood control  
15372 improvements; to levy, assess, and collect such taxes on said area  
15373 so benefited as will be necessary; to save and hold the United  
15374 States free from all damages due to the construction of the works;  
15375 to exercise the right of eminent domain for the condemnation of  
15376 rights-of-way and easements in like manner as is exercised by  
15377 board of supervisors for the condemnation of public road  
15378 rights-of-way; to maintain such works in said county after  
15379 completion; and generally to accept agreements for landowners  
15380 benefited by such flood works to save the county harmless on  
15381 account of said assurances given by the county as aforesaid to the  
15382 United States of America, or any agency thereof. Any such board  
15383 of supervisors may exercise all of the powers granted by virtue of  
15384 Section 59-7-203, Mississippi Code of 1972, in connection with the  
15385 fulfillment of any of the aforementioned assurances.

15386           (2) In addition to levying, assessing, and collecting such  
15387 taxes on the area directly so benefited, the board of supervisors  
15388 of such county may, if deemed necessary to fairly bear or  
15389 supplement the cost of the providing of all necessary lands,  
15390 easements, and rights-of-way for the construction of the project  
15391 and maintaining and operating the works after completion, levy a  
15392 countywide tax for such purposes; but such countywide tax shall



15393 not be levied, assessed, or collected until after such board of  
15394 supervisors shall have published notice for three (3) weeks to the  
15395 taxpayers of said county of its intention so to do, of the maximum  
15396 rate of said tax, and of the year or numbers of years, not  
15397 exceeding five (5) years, in which it is then intended to levy and  
15398 assess such tax, including the maximum rate proposed for each  
15399 projected year, in some newspaper published in said county and  
15400 having a general circulation therein. Unless twenty percent (20%)  
15401 of the qualified electors of said county shall protest against  
15402 such assessments at a time to be fixed by the board, at least ten  
15403 (10) days and not more than twenty (20) days from the date of the  
15404 last publication, then the authority of such board to levy,  
15405 assess, and collect such taxes shall exist, but not to exceed the  
15406 maximum millage rate specified according to the advertisement.  
15407 Should twenty percent (20%) of the qualified electors protest  
15408 against such levies, taxes, or assessments, then a special  
15409 election shall be called for the purpose of presenting such issue  
15410 to the qualified voters of such county, and the right to make such  
15411 countywide levies and assessments and to collect said taxes shall  
15412 not exist unless authorized at such special election by a majority  
15413 of the qualified electors actually voting in such election.

15414 (3) Should the voters of such county protest against and, at  
15415 the special election, disapprove such countywide assessments, then  
15416 the issue of such countywide assessments and levies shall not be  
15417 reconsidered by the board of supervisors of such county and again  
15418 presented until the lapse of at least one (1) year from the date  
15419 that such countywide tax was disapproved at the special election  
15420 called for that purpose. Upon the expiration of each period  
15421 specified in the notice of intention to levy and collect such  
15422 countywide taxes for the purposes herein authorized, the board of  
15423 supervisors of any such county may continue to levy and collect  
15424 such taxes upon first again following the procedure in this  
15425 section outlined.



15426           (4) This section shall not serve to repeal Section 51-35-15,  
15427 but is in amplification and extension of the authority and powers  
15428 therein granted.

15429           (5) The publication of any notice required in this section  
15430 may be published on the Internet as provided in Section 1 of this  
15431 act.

15432           **SECTION 257.** Section 51-35-309, Mississippi Code of 1972, is  
15433 amended as follows:

15434           51-35-309. After the filing of the petition, the chancellor  
15435 shall enter an order fixing the date, either in termtime or in  
15436 vacation, place, and time for a hearing of the cause on the  
15437 original petition, exhibits, and any answers or other pleadings  
15438 filed. The chancery clerk shall give notice of such hearing to  
15439 all persons interested by posting notices thereof at the door of  
15440 the courthouse of the county or counties in which the district is  
15441 situated and in at least ten (10) public places in said proposed  
15442 district, and also by publishing said notice at least once a week  
15443 for three (3) consecutive weeks in a newspaper published in each  
15444 of the counties and municipalities proposed to be included in such  
15445 flood and drainage control district. If there is no newspaper  
15446 published in any such county or municipality, then it shall be  
15447 sufficient to publish said notice in a newspaper having a general  
15448 circulation in such county and municipality. Such notice shall be  
15449 addressed to the property owners, qualified electors of said  
15450 proposed district, and all other persons interested, shall state  
15451 when and in what court said petition was and is filed, shall state  
15452 the general area included in such district, and shall command all  
15453 such persons to appear before the chancery court, or the  
15454 chancellor in vacation, of the county in which said petition was  
15455 filed and, upon the date fixed by the chancellor, to show cause,  
15456 if any they can, why the proposed flood and drainage control  
15457 district should not be organized and established as prayed for in  
15458 said petition. The date for such hearing shall not be less than



15459 five (5) days nor more than forty (40) days after the last  
15460 publication of such notice. For the purposes of the publication  
15461 or notice hereinabove mentioned and for the purposes of describing  
15462 the lands to be included in the district, it shall be sufficient  
15463 in describing the said lands as all or parts of townships, all or  
15464 parts of sections, and all or parts of lands lying within the  
15465 corporate limits of any city, town, or village, and it shall be  
15466 sufficient to describe the regions and lands proposed to be  
15467 included in such flood and drainage control district in general  
15468 terms with a generally accurate description of such regions and  
15469 lands.

15470 If the court or chancellor finds that the notice or  
15471 publication was not given as provided in this article, it shall  
15472 not thereby lose jurisdiction, but the court or chancellor shall  
15473 order due publication or notice to be given and shall continue the  
15474 hearing until such publication or notice shall be properly given;  
15475 and the court or chancellor shall thereupon proceed as though  
15476 publication or notice had been properly given in the first  
15477 instance.

15478 Upon the entry of said order fixing the date for said  
15479 hearing, the chancery clerk of said court shall issue a citation  
15480 to any county or municipality not joining in said petition and in  
15481 which may lie any part of the proposed district to show cause, if  
15482 any they can, why the proposed district should not be created as  
15483 prayed for in said petition, which said citation shall be  
15484 forthwith served by the sheriff according to law.

15485 The publication of any notice required in this section may be  
15486 published on the Internet as provided in Section 1 of this act.

15487 **SECTION 258.** Section 51-35-319, Mississippi Code of 1972, is  
15488 amended as follows:

15489 51-35-319. All construction contracts of the district, which  
15490 shall be let solely by the district, where the amount of the  
15491 contract shall exceed Two Thousand Five Hundred Dollars





15492 (\$2,500.00), shall be made upon at least three (3) weeks' public  
15493 notice by advertisement in a newspaper of general circulation in  
15494 the district, which notice shall state the thing to be done and  
15495 invite sealed proposals to be filed with the secretary of the  
15496 district to do the work. In all such cases, before the notice  
15497 shall be published, the plans and specifications for the work  
15498 shall be filed with the secretary of the district, and there  
15499 remain. The board of directors of the district shall award the  
15500 contract to the lowest bidder, who will comply with the terms  
15501 imposed by such board and enter into bond with sufficient  
15502 sureties, to be approved by the board, in such penalty as shall be  
15503 fixed by such board, but in no case to be less than the contract  
15504 price, conditioned for the prompt, proper, and efficient  
15505 performance of the contract.

15506 The publication of any notice required in this section may be  
15507 published on the Internet as provided in Section 1 of this act.

15508 **SECTION 259.** Section 51-35-325, Mississippi Code of 1972, is  
15509 amended as follows:

15510 51-35-325. Before issuing bonds for any of the purposes  
15511 herein authorized, the board of directors of the district shall  
15512 declare its intention to issue such bonds by resolution spread  
15513 upon its minutes, fixing in such resolution the maximum amount  
15514 thereof, the purpose for which they are to be issued, the date  
15515 upon which an election shall be held in such district, and the  
15516 place or places at which such election shall be held. A certified  
15517 copy of such resolution shall be furnished to the county election  
15518 commissioners of each county having lands lying in such district,  
15519 and the county election commissioners shall thereupon conduct such  
15520 elections. Notice of such election shall be signed by the  
15521 secretary of the board of directors of said district and shall be  
15522 published once a week for at least three (3) consecutive weeks in  
15523 at least one (1) newspaper published in each county in which any  
15524 part of the district lies, and in each municipality lying within



15525 the district. The first publication of such notice shall be made  
15526 not less than twenty-one (21) days prior to the date fixed for  
15527 such election, and the last publication shall be made not more  
15528 than seven (7) days prior to such date. If no newspaper is  
15529 published in any municipality, then such notice shall be given by  
15530 publishing the same for the required time in some newspaper having  
15531 a general circulation in such municipality and published in the  
15532 same or an adjoining county and, in addition, by posting a copy of  
15533 such notice for at least twenty-one (21) days next preceding such  
15534 election in at least three (3) public places in such municipality.

15535 The publication of any notice required in this section may be  
15536 published on the Internet as provided in Section 1 of this act.

15537 **SECTION 260.** Section 51-35-335, Mississippi Code of 1972, is  
15538 amended as follows:

15539 51-35-335. All bonds issued pursuant to this article shall  
15540 be validated as now provided by law by Sections 31-13-1 through  
15541 31-13-11, Mississippi Code of 1972. The services of the state's  
15542 bond attorney may be employed in the preparation of such bond  
15543 resolutions, forms, or proceedings as may be necessary, for which  
15544 he shall be paid a reasonable fee. Such validation proceedings  
15545 shall be instituted in the chancery court of the county having  
15546 jurisdiction of the district, but notice of such validation  
15547 proceedings shall be published at least two (2) times in a  
15548 newspaper of general circulation and published in each of the  
15549 counties comprising the district, the first publication of which  
15550 in each case shall be made at least ten (10) days preceding the  
15551 date set for the validation.

15552 The publication of any notice required in this section may be  
15553 published on the Internet as provided in Section 1 of this act.

15554 **SECTION 261.** Section 51-35-343, Mississippi Code of 1972, is  
15555 amended as follows:

15556 51-35-343. (a) The board of directors shall designate one  
15557 or more banks within any county in which any part of the district



15558 shall lie to serve as depositories for the funds of the district,  
15559 and all funds of the district shall be deposited in such  
15560 depository bank or banks.

15561 (b) Before designating a depository bank or banks, the board  
15562 of directors shall issue a notice stating the time and place the  
15563 board will meet for such purpose and inviting the banks in the  
15564 counties in which any part of the district shall lie to submit  
15565 applications to be designated depositories. The term of service  
15566 for depositories shall be prescribed by the board. Such notice  
15567 shall be published one time in a newspaper or newspapers having  
15568 general circulation in the district and specified by the board.

15569 (c) At the time mentioned in the notice, the board shall  
15570 consider the applications and the management and condition of the  
15571 banks filing them, and shall designate as depositories the bank or  
15572 banks which offer the most favorable terms and conditions for the  
15573 handling of the funds of the district and which the board finds  
15574 have proper management and are in condition to warrant handling of  
15575 district funds. Membership on the board of directors of an  
15576 officer or director of a bank shall not disqualify such bank from  
15577 being designated as a depository.

15578 (d) If no applications acceptable to the board are received  
15579 by the time stated in the notice, the board shall designate some  
15580 bank or banks within or without the district upon such terms and  
15581 conditions as it may find advantageous to the district.

15582 The publication of any notice required in this section may be  
15583 published on the Internet as provided in Section 1 of this act.

15584 **SECTION 262.** Section 51-39-9, Mississippi Code of 1972, is  
15585 amended as follows:

15586 51-39-9. (1) A certified copy of the adopted resolution or  
15587 ordinance shall be published in a newspaper having a general  
15588 circulation within the proposed district once a week for at least  
15589 three (3) consecutive weeks before the date specified in the  
15590 resolution or ordinance as the date upon which the governing body



15591 intends to create the district. The first publication of the  
15592 notice shall be made not less than twenty-one (21) days before the  
15593 date specified, and the last publication shall be made not more  
15594 than seven (7) days before the date.

15595 (2) If twenty percent (20%) or fifteen hundred (1500),  
15596 whichever is less, of the qualified electors within the geographic  
15597 boundaries of the proposed district file a written petition with  
15598 the governing body before the date specified in the resolution or  
15599 ordinance under Section 51-39-7(2) protesting the creation of the  
15600 district, the governing body shall call an election on the  
15601 question of the creation of the district. The election shall be  
15602 held and conducted by the election commissioners of the county or  
15603 municipality as nearly as may be in accordance with the general  
15604 laws governing elections. The election commissioners shall  
15605 determine which of the qualified electors of the county or  
15606 municipality reside within geographic boundaries of the proposed  
15607 district, and only those qualified electors as reside within the  
15608 geographic boundaries of the proposed district shall be entitled  
15609 to vote in the election. Notice of the election setting forth the  
15610 time, place or places, and purpose of the election shall be  
15611 published by the clerk of the board of supervisors or the  
15612 municipal clerk, as the case may be. The notice shall be  
15613 published for the time and in the manner provided in subsection  
15614 (1) of this section. The ballot to be prepared for and used at  
15615 the election shall be in substantially the following form:

15616 "FOR CREATION OF \_\_\_\_\_ DISTRICT: ( )  
15617 AGAINST CREATION OF \_\_\_\_\_ DISTRICT: ( )"

15618 Voters shall vote by placing a cross mark (X) or check mark (√)  
15619 opposite their choice.

15620 (3) The publication of any notice required in this section  
15621 may be published on the Internet as provided in Section 1 of this  
15622 act.



15623           **SECTION 263.** Section 51-39-17, Mississippi Code of 1972, is  
15624 amended as follows:

15625           51-39-17. (1) Within thirty (30) days following the  
15626 adoption of the final authorizing resolution or ordinance, the  
15627 designated representatives shall proceed to incorporate a district  
15628 by filing for record in the office of the chancery clerk of the  
15629 participating counties and/or the clerk of participating  
15630 municipalities, as the case may be, and the Secretary of State an  
15631 incorporation agreement approved by each member. The agreement  
15632 shall comply in form and substance with the requirements of this  
15633 section and shall be executed in the manner provided in this  
15634 chapter.

15635           (2) The incorporation agreement of a district shall state:

15636                   (a) The name of each participating unit of local  
15637 government and the date on which the governing bodies thereof  
15638 adopted an authorizing resolution or ordinance;

15639                   (b) The name of the district which must include the  
15640 words "\_\_\_\_\_ Storm Water Management District," the blank  
15641 spaces to be filled in with the name of one or more of the members  
15642 or other geographically descriptive term. If the Secretary of  
15643 State determines that the name is identical to the name of any  
15644 other corporation organized under the laws of the state or so  
15645 nearly similar as to lead to confusion and uncertainty, the  
15646 incorporators may insert additional identifying words so as to  
15647 eliminate any duplication or similarity;

15648                   (c) The period for the duration of the district;

15649                   (d) The location of the principal office of the  
15650 district which shall be within the geographic boundaries of the  
15651 district;

15652                   (e) That the district is organized under this chapter;

15653                   (f) The board setting forth the number of  
15654 commissioners, terms of office and the vote of each commissioner;



15655           (g) If the exercise by the district of any of its  
15656 powers is to be in any way prohibited, limited or conditioned, a  
15657 statement of the terms of that prohibition, limitation or  
15658 condition;

15659           (h) Any provisions relating to the vesting of title to  
15660 its properties upon its dissolution which shall be vested in any  
15661 member; and

15662           (i) Any other related matters relating to the district  
15663 that the incorporators may choose to insert and that are not  
15664 inconsistent with this chapter or with the laws of the state.

15665           (3) The incorporation agreement shall be signed and  
15666 acknowledged by the incorporators before an officer authorized by  
15667 the laws of the state to take acknowledgements. When the  
15668 incorporation agreement is filed for record, there shall be  
15669 attached to it a certified copy of the authorizing resolution or  
15670 ordinance adopted by the governing body of each member.

15671           (4) The incorporators shall publish a notice of  
15672 incorporation once a week for three (3) consecutive weeks in a  
15673 daily newspaper or newspapers having general circulation  
15674 throughout the area to be served.

15675           (5) Upon the filing for record of the agreement and the  
15676 required documents, the district shall come into existence and  
15677 shall constitute a public corporation under the name set forth in  
15678 the incorporation agreement. The Secretary of State shall issue a  
15679 certificate of incorporation to the district.

15680           (6) Upon issuance of the certificate of incorporation, the  
15681 district shall be a public body corporate and politic constituting  
15682 a political subdivision of the state with the power of perpetual  
15683 succession and shall be deemed to be acting in all respects for  
15684 the benefit of the people of the state in the performance of  
15685 essential public functions. The district shall be empowered in  
15686 accordance with this chapter to promote the health, welfare and  
15687 prosperity of the general public.



15688        The publication of any notice required in this section may be  
15689 published on the Internet as provided in Section 1 of this act.

15690        **SECTION 264.** Section 51-41-21, Mississippi Code of 1972, is  
15691 amended as follows:

15692        51-41-21. (1) The water authority is authorized at any  
15693 time, and from time to time, to issue its bonds for the purpose of  
15694 acquiring, constructing, improving, enlarging, completing and  
15695 equipping one or more projects.

15696        (2) Before the water authority's proposed issuance of bonds,  
15697 the water authority shall publish one (1) time in a newspaper of  
15698 general circulation in the affected county or counties, notice of  
15699 the proposed issuance of bonds, the approximate principal amount  
15700 of bonds contemplated to be sold, a general description of the  
15701 project contemplated to be constructed with bond proceeds and the  
15702 date of a public meeting at which members of the public may obtain  
15703 further information regarding the sale of the bonds and the  
15704 development of the project. The notice shall be published at  
15705 least ten (10) days before the date of the hearing. The water  
15706 authority chairman, or his or her designee, shall be responsible  
15707 for conducting the hearing and shall require all public comments  
15708 that might pertain to the proposed issuance of bonds by the water  
15709 authority. Upon compliance with the provisions of this section,  
15710 no other notice, hearing or approval by any other entity or  
15711 governmental unit shall be required as a condition to the issuance  
15712 by the water authority of its contemplated bonds.

15713        (3) The principal of, and the interest, if any, on any bonds  
15714 shall be payable out of the revenues derived from the projects  
15715 with respect to which the bonds are issued, or from any other  
15716 source available to the water authority.

15717        (4) None of the bonds of the water authority shall ever  
15718 constitute an obligation or debt of the state, the municipality or  
15719 county in which the water authority operates, the Secretary of



15720 State, or any officer or director of the water authority, or a  
15721 charge against the credit or taxing powers of the state.

15722 (5) As the water authority determines, bonds of the water  
15723 authority may:

15724 (a) Be issued at any time and from time to time;

15725 (b) Be in such form and denominations;

15726 (c) Have such date or dates;

15727 (d) Mature at such time or times and in such amount or  
15728 amounts, provided that no bonds may mature more than forty (40)  
15729 years after the date of issuance;

15730 (e) Bear interest, if applicable, payable at such times  
15731 and such rate or rates as may be established by the board;

15732 (f) Be payable at such place or places within or  
15733 without the State of Mississippi;

15734 (g) Be subject to such terms of redemption in advance  
15735 of maturity at such prices, including such premiums; and

15736 (h) Contain such other terms and provisions as may be  
15737 appropriate or necessary in the discretion of the water authority.

15738 (6) Bonds of the water authority may be sold at either  
15739 public or private sale in such manner, and from time to time, as  
15740 may be determined by the board to be most advantageous. The water  
15741 authority may pay all expenses, premiums and commissions that the  
15742 board may deem necessary or advantageous in connection with the  
15743 authorization, sale and issuance of its bonds.

15744 (7) All bonds shall contain a recital that they are issued  
15745 under the provisions of this chapter, which recital shall be  
15746 conclusive that they have been duly authorized under the  
15747 provisions of this chapter.

15748 (8) All bonds issued under the provisions of this chapter  
15749 shall be and are declared to be negotiable instruments within the  
15750 meaning of the negotiable instruments law of the state and shall  
15751 be in registered form.





(9) All bonds issued by a water authority may be validated upon the direction of the board under Sections 31-13-1 through 31-13-11. The validation hearing shall be held in the county in which the principal office of the water authority is located.

(10) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 265.** Section 53-3-7, Mississippi Code of 1972, is amended as follows:

53-3-7. (1) (a) When two (2) or more separately owned tracts of land are embraced within an established drilling unit or when there are separately owned interests in all or part of an established drilling unit the persons owning the drilling rights therein and the rights to share in the production therefrom may validly agree to integrate their interests and to develop their lands as a drilling unit. Where, however, such persons have not agreed to integrate their interests the board may, for the prevention of waste or to avoid the drilling of unnecessary wells, require such persons to integrate their interests and to develop their lands as a drilling unit. All orders requiring such pooling shall be made after notice and hearing, and shall be upon terms and conditions that are just and reasonable, and will afford to the owner of each tract the opportunity to recover or receive his just and equitable share of the oil and gas in the pool without unnecessary expense.

The portion of the production allocated to the owner of each tract included in a drilling unit formed by a pooling order shall, when produced, be considered as if it had been produced from such tract by a well drilled thereon.

(b) Except as otherwise provided for in this section, in the event such pooling is required, the cost of development and operation of the pooled unit chargeable by the operator to the other interested owner or owners shall be limited to the actual



15785 expenditures required for such purpose not in excess of what are  
15786 reasonable including a reasonable charge for supervision. In the  
15787 event that the operator elects to proceed under the provisions of  
15788 this subsection (1) (b), and does not elect to seek alternate  
15789 charges as provided for in this section, the notice procedure  
15790 followed shall be in accordance with Section 53-1-21, Mississippi  
15791 Code of 1972.

15792 (c) For the purposes of this section, as to a drilling  
15793 unit, the term "nonconsenting owner" shall mean an owner of  
15794 drilling rights which the owner has not agreed, in writing, to  
15795 integrate in the drilling unit. The owner may own other drilling  
15796 rights in the unit which the owner has agreed, in writing, to  
15797 integrate in the unit and thereby also be a "consenting owner" as  
15798 to the interest which the owner has agreed to integrate in the  
15799 unit.

15800 (2) (a) In the event that one or more owners owning not  
15801 less than thirty-three percent (33%) of the drilling rights in a  
15802 drilling unit voluntarily consent to the drilling of a unit well  
15803 thereon, and the operator has made a good faith effort to (i)  
15804 negotiate with each nonconsenting owner to have said owner's  
15805 interest voluntarily integrated into the unit, (ii) notify each  
15806 nonconsenting owner of the names of all owners of drilling rights  
15807 who have agreed to integrate any interests in the unit, (iii)  
15808 ascertain the address of each nonconsenting owner, (iv) give each  
15809 nonconsenting owner written notice of the proposed operation,  
15810 specifying the work to be performed, the location, proposed depth,  
15811 objective formation and the estimated cost of the proposed  
15812 operation, and (v) offer each nonconsenting owner the opportunity  
15813 to lease or farm out on reasonable terms or to participate in the  
15814 cost and risk of developing and operating the unit well involved  
15815 on reasonable terms, by agreeing in writing, then the operator may  
15816 petition the board to allow it to charge alternate charges



15817 (alternate to and in lieu of the charges provided for in  
15818 subsection (1) (b) of this section).

15819 (b) Any such petition on which alternate charges may be  
15820 ordered by the board shall include a statement which shall name  
15821 all nonconsenting real parties in interest in said proposed  
15822 drilling unit, as of a date not more than ninety (90) days prior  
15823 to the filing of the petition, giving each such person's name, and  
15824 address if known; and if any owner's address is not known, the  
15825 operator shall state in its petition that such person's address is  
15826 unknown after diligent search and inquiry. Only those parties  
15827 served with actual or constructive notice as set forth hereinbelow  
15828 will be subject to any alternate charges allowed by the board.

15829 (c) Upon the filing of a petition on which alternate  
15830 charges may be ordered, the petitioner shall have prepared, and  
15831 furnish to the board with said petition, a notice to each and all  
15832 nonconsenting real parties in interest whose address is unknown,  
15833 whether such person be a resident of the State of Mississippi or  
15834 not, which the board shall have published, noticing each such  
15835 person to appear before a regular meeting of the board  
15836 sufficiently distant in time to allow thirty (30) days to elapse  
15837 between the date of the last publication of said notice as  
15838 hereinafter provided, and the date of the regular meeting of the  
15839 board to which each such person is noticed. Said notice shall  
15840 also notice all unknown heirs or devisees of deceased owners, if  
15841 any there be, and all unknown persons owning drilling rights in  
15842 said proposed drilling unit. The notice shall be substantially in  
15843 the following form, to wit:

15844 NOTICE TO APPEAR BEFORE THE STATE OIL AND GAS BOARD

15845 You are noticed to appear before the State Oil and Gas Board  
15846 at its regular \_\_\_\_ term, being on the \_\_ day of \_\_\_\_, 20\_\_ to  
15847 show cause if you can why the petition of \_\_\_\_\_

15848 \_\_\_\_\_

15849 (Operator)



15850 being Petition No.\_\_\_\_\_ in said board and seeking to force  
15851 to integrate and pool all interests in (description of Unit by  
15852 legal description) \_\_\_\_\_  
15853 should not be granted.

15854 To \_\_\_\_\_ (inserting the name of such person or persons, whose  
15855 address is unknown), and all such unknown heirs or devisees and  
15856 all such unknown owners, whose names and addresses remain unknown  
15857 after diligent search and inquiry.

15858 Said meeting of said board shall be held at\_\_\_\_\_ (the then  
15859 hearing room of said Oil and Gas Board) on the above date  
15860 at\_\_\_\_\_.  
15861 (the time)

15862 This\_\_\_\_\_ day of \_\_\_\_\_, A.D.\_\_\_\_\_.  
15863 \_\_\_\_\_

15864 Supervisor

15865 (d) The publication of notice to nonconsenting real  
15866 parties in interest whose address is unknown after diligent search  
15867 and inquiry shall be made once in each week during three (3)  
15868 successive weeks in a public newspaper of the county or counties  
15869 in which the proposed drilling unit is located, if there be such a  
15870 newspaper. If there is not such a county newspaper, then the said  
15871 publication of notice shall be published in a newspaper having  
15872 general circulation in the State of Mississippi. The period of  
15873 publication shall be deemed to be completed at the end of  
15874 twenty-one (21) days from the date of the first publication,  
15875 provided there have been three (3) publications made as  
15876 hereinabove required.

15877 (e) Upon the filing of a petition on which alternate  
15878 charges may be ordered, the petitioner shall also have prepared,  
15879 and shall furnish to the board, a notice which shall be  
15880 substantially in the form set out above, to each nonconsenting  
15881 real party in interest whose address is known, together with  
15882 addressed and stamped envelopes, and the board shall mail each



15883 notice by certified mail, return receipt requested, sufficiently  
15884 distant in time to allow thirty (30) days to elapse between the  
15885 date of the mailing of said notice and the date of the regular  
15886 meeting of the board at which said petition will be first  
15887 scheduled to be heard.

15888 (f) Petitioner shall also advance to the board at the  
15889 time of the filing of said petition the cost of publication and  
15890 mailing of notices as set out above which shall be established by  
15891 the board. Said costs of publication and mailing of notices shall  
15892 be considered as part of the costs of operation which are  
15893 chargeable to the nonconsenting owner's nonconsenting share of  
15894 production as set forth in paragraph (g) of this subsection (2).

15895 (g) In the event a pooling order is issued by the  
15896 board, and any nonconsenting owner does not subsequently agree in  
15897 writing as provided for herein, and if the operations on the  
15898 existing or proposed well which are described in the pooling order  
15899 are actually commenced within one hundred eighty (180) days after  
15900 the pooling order is issued by the board, and thereafter with due  
15901 diligence and without undue delay, the existing or proposed well  
15902 is actually completed as a well capable of producing oil, gas  
15903 and/or other minerals in quantities sufficient to yield a return  
15904 in excess of monthly operating costs, then, subject to the  
15905 limitations set out in this section, the operator and/or the  
15906 appropriate consenting owners shall be entitled to receive as  
15907 alternate charges (alternate to and in lieu of the charges  
15908 provided for in subsection (1)(b) of this section; provided,  
15909 however, that in no event shall the operator and/or the  
15910 appropriate consenting owners be entitled to recover less than  
15911 such charges provided in subsection (1)(b) of this section) the  
15912 share of production from the well attributable to the  
15913 nonconsenting owner's nonconsenting interests in the unit  
15914 established or subsequently reformed for production therefrom,  
15915 until the point in time when the proceeds from the sale of such



15916 share, calculated at the well, or the market value thereof if such  
15917 share is not sold, after deducting production and excise taxes,  
15918 which operator will pay or cause to be paid, and the payment  
15919 required by this paragraph (g) shall equal the sum of:

15920 (i) One hundred percent (100%) of the  
15921 nonconsenting owner's nonconsenting share of the cost of any newly  
15922 acquired surface equipment beyond the wellhead connections  
15923 including, but not limited to, stock tanks, separators, treaters,  
15924 pumping equipment and piping; and

15925 (ii) Two hundred fifty percent (250%) of that  
15926 portion of the costs and expenses of the operations provided for  
15927 in the pooling order, and two hundred fifty percent (250%) of that  
15928 portion of the cost of newly acquired equipment in the well,  
15929 including wellhead connections, which would have been chargeable  
15930 to the nonconsenting owner's nonconsenting share thereof;  
15931 provided, however, when a mineral interest that is severed from  
15932 the surface estate is owned by a nonconsenting owner or when a  
15933 mineral interest is subject to an oil and gas lease that is owned  
15934 by a nonconsenting owner, the payment under this subparagraph (ii)  
15935 shall be three hundred percent (300%); and

15936 (iii) One hundred percent (100%) of the  
15937 nonconsenting owner's nonconsenting share of the cost of operation  
15938 of the well commencing with first production and continuing to  
15939 such point in time.

15940 Whenever a drilling unit established by a pooling order  
15941 issued by the board under subsection (2) of this section is to be  
15942 reformed or altered by the board for good cause, after notice and  
15943 hearing, then the interest of any nonconsenting owner listed in  
15944 the pooling order who received notice of the application to reform  
15945 or alter the unit and had not agreed in writing as provided for  
15946 herein shall remain subject to the charges set forth in this  
15947 subsection (2)(g) with respect to its interest in the reformed or  
15948 altered unit. If there is any nonconsenting owner within a



15949 proposed reformed or altered unit who has not been previously  
15950 provided the information and offers set forth in subparagraphs  
15951 (ii) through (v) of subsection (2)(a) of this section which was  
15952 sent to the owners, and if the applicant for an order of  
15953 reformation or alteration of such unit provides to the  
15954 nonconsenting owner the information and offers set forth in  
15955 subparagraphs (ii) through (v) of subsection (2)(a) of this  
15956 section at the same time and in the same manner as such  
15957 nonconsenting owners receive notice of the application to reform  
15958 or alter the drilling unit, then the interest of any nonconsenting  
15959 owner listed in the pooling order for the reformed or altered unit  
15960 who does not agree in writing as provided for herein shall be  
15961 subject to the charges set forth in this subsection (2)(g) with  
15962 respect to its interest in the reformed or altered unit.

15963       Whenever any one (1) operator has filed for alternate charges  
15964 on two (2) drilling units, which units are direct, partially  
15965 direct or diagonal offsets one to the other, such operator may not  
15966 file a petition for alternate charges, as distinguished from the  
15967 charges provided by subsection (1)(b), as to any additional units  
15968 which are direct, partially direct or diagonal offsets to the said  
15969 first two (2) units of that operator until said operator has  
15970 drilled, tested and completed the first two (2) such wells, as  
15971 wells capable of production or completed as dry holes or either,  
15972 and has filed completion reports on said first two (2) wells with  
15973 the board, or the permits for such well or wells have expired if  
15974 one or both of them be not drilled.

15975       The pooling order if issued shall provide that each  
15976 nonconsenting owner shall be afforded the opportunity to  
15977 participate in the development and operation of the well in the  
15978 pooled unit as to all or any part of said owner's interest on the  
15979 same costs basis as the consenting owners by agreeing in writing  
15980 to pay that part of the costs of such development and operation  
15981 chargeable to said nonconsenting owner's interest, or to enter



15982 into such other written agreement with the operator as the parties  
15983 may contract, provided such acceptance in writing is filed with  
15984 the board within twenty (20) days after the pooling order is filed  
15985 for record with the board.

15986 The pooling order shall provide that the well be drilled on a  
15987 competitive contract, arms length, basis; provided, however, that  
15988 the operator may employ its own tools or those of affiliates, but  
15989 charges therefor shall not exceed the prevailing rates in the  
15990 area.

15991 (h) Within sixty (60) days after the completion of any  
15992 operation on which alternate charges have been ordered, the  
15993 operator shall furnish any nonconsenting owner who may request  
15994 same an inventory of the equipment in and connected to the well,  
15995 and an itemized statement of the cost of drilling, deepening,  
15996 plugging back, testing, completing and equipping the well for  
15997 production; or, at its option, the operator, in lieu of an  
15998 itemized statement of such costs of operation, may submit detailed  
15999 monthly statements of said costs. Each month thereafter, during  
16000 the time the operator and/or consenting parties are being  
16001 reimbursed, the operator shall furnish any nonconsenting owner who  
16002 may request same with an itemized statement of all costs and  
16003 liabilities incurred in the operation of the well, together with a  
16004 statement of the quantity of oil and gas produced from it and the  
16005 amount of proceeds realized from the sale of the well's production  
16006 during the preceding month. Any amount realized from the sale or  
16007 other disposition of equipment acquired in connection with any  
16008 such operation which would have been owned by a nonconsenting  
16009 owner had it participated therein as to its nonconsenting interest  
16010 shall be credited against the total unreturned costs of the work  
16011 done and of the equipment purchased in determining when the  
16012 interest of such nonconsenting owner shall be owned by said  
16013 nonconsenting owner as above provided; and if there is a credit  
16014 balance, it shall be paid to such nonconsenting owner. From the





16015 point in time provided for in paragraph (g) of this subsection  
16016 (2), each nonconsenting owner shall own the same interest in such  
16017 well, the material and equipment in or pertaining thereto, and the  
16018 production therefrom as such nonconsenting owner would have been  
16019 entitled to had it participated in the drilling, reworking,  
16020 deepening and/or plugging back of said well. Thereafter, except  
16021 as otherwise provided in this section, the operator shall be  
16022 entitled to charge each nonconsenting owner such nonconsenting  
16023 owner's proportionate part of all reasonable costs incurred by the  
16024 operator in operating the unit well and the unit, including a  
16025 reasonable charge for supervision, and in the event such  
16026 nonconsenting owner fails to pay such proportionate share of such  
16027 costs within thirty (30) days after receipt by the nonconsenting  
16028 owner of a valid invoice, the operator shall be entitled to  
16029 receive such nonconsenting owner's share of production until such  
16030 time as such unpaid share of costs shall have been recovered by  
16031 the operator.

16032 (i) In the event that a leased interest is subject to  
16033 an order of pooling and integration, and the operator and/or the  
16034 appropriate consenting owners are entitled to alternate charges as  
16035 provided by paragraph (g) of this subsection (2), and if there be  
16036 no reasonable question as to good and merchantable title to the  
16037 royalty interest, the lessor of said lease shall be paid, by the  
16038 operator or purchaser of production, the proceeds attributable to  
16039 said lessor's contracted royalty, not to exceed an amount of  
16040 three-sixteenths (3/16) of the proceeds attributable to the  
16041 nonconsenting owner's proportionate share of production. Nothing  
16042 herein contained shall affect or diminish in any way the  
16043 responsibility of the nonconsenting owner to account for the  
16044 payment of any royalty or other payment, not paid as herein  
16045 provided, which may burden or be attributable to the interest  
16046 owned by such nonconsenting owner.



16047           (3) When production of oil or gas is not secured in paying  
16048 quantities as a result of such integration or pooling of  
16049 interests, there shall be no charge payable by the nonconsenting  
16050 owner or owners as to such owner's nonconsenting interest.

16051           (4) In the event of any dispute relative to costs, the board  
16052 shall determine the proper costs, after due notice to all  
16053 interested parties and a hearing thereon. Appeals may be taken  
16054 from such determination as from any other order of the board.

16055           (5) The State Oil and Gas Board shall in all instances where  
16056 a unit has been formed out of lands or areas of more than one (1)  
16057 ownership, require the operator when so requested by an owner, to  
16058 deliver to such owner or his assigns his proportionate share of  
16059 the production from the well common to such drilling unit; but  
16060 where necessary, such owner receiving same shall provide at his  
16061 own expense proper receptacles for the receipt or storage of such  
16062 oil, gas or distillate.

16063           (6) Should the persons owning the drilling or other rights  
16064 in separate tracts embraced within a drilling unit fail to agree  
16065 upon the integration of the tracts and the drilling of a well on  
16066 the unit, and should it be established that the board is without  
16067 authority to require integration as provided in this section,  
16068 then, subject to all other applicable provisions of this chapter,  
16069 and of Chapter 1 of this title, the owner of each tract embraced  
16070 within the drilling unit may drill on his tract; but the allowable  
16071 production from such tract shall be such proportion of the  
16072 allowable production for the full drilling unit as the area of  
16073 such separately owned tract bears to the full drilling unit.

16074           (7) The State Oil and Gas Board in order to prevent waste  
16075 and avoid the drilling of unnecessary wells may permit (i) the  
16076 cycling of gas in any pool or portion thereof or (ii) the  
16077 introduction of gas or other substance into an oil or gas  
16078 reservoir for the purpose of repressuring such reservoir,  
16079 maintaining pressure or carrying on secondary recovery operations.



16080 The board shall permit the pooling or integration of separate  
16081 tracts or separately owned interests when reasonably necessary in  
16082 connection with such operations.

16083 (8) Agreements made in the interests of conservation of oil  
16084 or gas, or both, or for the prevention of waste, between and among  
16085 owners or operators, or both, owning separate holdings in the same  
16086 field or pool or in any area that appears from geologic or other  
16087 data to be underlaid by a common accumulation of oil or gas, or  
16088 both, and agreements between and among such owners or operators,  
16089 or both, and royalty owners therein, for the purpose of bringing  
16090 about the development and operation of the field, pool or area, or  
16091 any part thereof, as a unit, and for establishing and carrying out  
16092 a plan for the cooperative development and operation thereof, when  
16093 such agreements are approved by the board, are hereby authorized  
16094 and shall not be held or construed to violate any of the statutes  
16095 of this state relating to trusts, monopolies or contracts and  
16096 combinations in restraint of trade.

16097 (9) The publication of any notice required in this section  
16098 may be published on the Internet as provided in Section 1 of this  
16099 act.

16100 **SECTION 266.** Section 53-7-35, Mississippi Code of 1972, is  
16101 amended as follows:

16102 53-7-35. (1) Any permit issued under this chapter shall  
16103 require operations to comply with all applicable reclamation  
16104 standards of this chapter. Reclamation standards shall apply to  
16105 all operations, exploration activities and reclamation operations  
16106 covered by this chapter and shall require the operator at a  
16107 minimum to:

16108 (a) Conduct operations in a manner consistent with  
16109 prudent mining practice, so as to maximize the utilization and  
16110 conservation of the resource being recovered; and, in keeping with  
16111 the intent of maximizing the value of mined land, stockpiles of  
16112 commercially valuable material may remain, if they are



16113 ecologically stable. Stockpiling shall be subject to rules and  
16114 regulations adopted by the commission;

16115 (b) Restore the affected area so that it may be used  
16116 for a useful, productive and beneficial purpose, including an  
16117 agricultural, grazing, commercial, residential or recreational  
16118 purpose, including lakes, ponds, wetlands, wildlife habitat, or  
16119 other natural or forested areas;

16120 (c) Conduct water drainage and silt control for the  
16121 affected area to strictly control soil erosion, damage to adjacent  
16122 lands and pollution of waters of the state, both during and  
16123 following the mining operations. Before, during and for a  
16124 reasonable period after mining, all drainways for the affected  
16125 area shall be protected with silt traps or dams of approved design  
16126 as directed by the regulations. The operator may impound water to  
16127 provide wetlands, lakes or ponds of approved design for wildlife,  
16128 recreational or water supply purposes, if it is a part of the  
16129 approved reclamation plan;

16130 (d) Remove or cover all metal, lumber and other refuse,  
16131 except vegetation, resulting from the operation;

16132 (e) Regrade the area to the nearest approximate  
16133 original contour or rolling topography, and eliminate all  
16134 highwalls and spoil piles, except as provided in an approved  
16135 reclamation plan. Lakes, ponds or wetlands may be constructed, if  
16136 part of an approved reclamation plan;

16137 (f) Stabilize and protect all affected areas  
16138 sufficiently to control erosion and attendant air and water  
16139 pollution;

16140 (g) Remove the topsoil, if any, from the affected area  
16141 in a separate layer, and place it on any authorized lieu lands to  
16142 be reclaimed or replace it on the backfill area. If not utilized  
16143 immediately, the topsoil shall be segregated in a separate pile  
16144 from other spoil. If the topsoil is not replaced on a backfill  
16145 area of authorized lieu lands within a time short enough to avoid



16146 deterioration, the topsoil shall be protected by a successful  
16147 cover of plants or by other means approved by the Permit Board.  
16148 If topsoil is of insufficient quantity or of poor quality for  
16149 sustaining vegetation and if other strata can be shown to be as  
16150 suitable for vegetation requirements, then the operator may  
16151 petition the Permit Board for permission to be exempt from the  
16152 requirements for the removal, segregation and preservation of  
16153 topsoil and to remove, segregate and preserve in a like manner  
16154 other strata which is best able to support vegetation or to mix  
16155 strata, if that mixing can be shown to be equally suitable for  
16156 revegetation requirements;

16157           (h) Replace, if required, available topsoil or the best  
16158 available subsoil on top of the land to be reclaimed or on top of  
16159 authorized lieu lands being reclaimed;

16160           (i) Minimize the disturbances to the prevailing  
16161 hydrologic balance at the mine site and in associated off-site  
16162 areas and to the quality and quantity of water in surface and  
16163 groundwater systems both during and after surface mining  
16164 operations and during reclamation by:

16165                   (i) Avoiding acid or other toxic mine drainage by  
16166 using measures such as, but not limited to:

- 16167                           1. Preventing or removing water from contact  
16168 with toxic-material producing deposits;  
16169                           2. Treating drainage to reduce toxic material  
16170 content; and  
16171                           3. Casing, sealing or otherwise managing  
16172 boreholes, shafts and wells to keep acid or other toxic material  
16173 drainage from entering ground and surface waters;

16174                   (ii) Conducting operations to prevent unreasonable  
16175 additional levels of suspended solids to streamflow or runoff  
16176 outside the permit area above natural levels under seasonal flow  
16177 conditions;



16178 (iii) Removing temporary or large siltation  
16179 structures from drainways, consistent with good water conservation  
16180 practices, after disturbed areas are revegetated and stabilized;

16181 (iv) Performing any other actions as the  
16182 commission may prescribe under rules and regulations adopted under  
16183 this chapter;

16184 (j) Stabilize any waste piles;

16185 (k) Incorporate current engineering practices for the  
16186 design and construction of water retention structures for the  
16187 disposal of mine wastes, processing wastes or other liquid or  
16188 solid wastes which, at a minimum, shall be compatible with the  
16189 requirements of applicable state and federal laws and regulations,  
16190 insure that leachate will not pollute surface or ground water, and  
16191 locate water retention structures so as not to endanger public  
16192 health and safety should failure occur;

16193 (l) Insure that all debris, acid-forming materials,  
16194 toxic materials or materials constituting a fire hazard are  
16195 treated or disposed of in a manner designed to prevent  
16196 contamination of ground or surface waters or combustion;

16197 (m) Insure that construction, maintenance and  
16198 postmining conditions of access roads into and across the permit  
16199 area will minimize erosion and siltation, pollution of air and  
16200 water, damage to fish or wildlife or their habitat, or public or  
16201 private property. The Permit Board may authorize the retention  
16202 after mining of certain access roads if compatible with the  
16203 approved reclamation plan;

16204 (n) Refrain from the construction of roads or other  
16205 access ways up a stream bed or drainage channel or in proximity to  
16206 a channel where the construction would seriously alter the normal  
16207 flow of water;

16208 (o) Revegetate the affected area with plants, approved  
16209 by the department, to attain a useful, productive and beneficial  
16210 purpose, including an agricultural, grazing, industrial,



16211 commercial, residential or recreational purpose, including lakes,  
16212 ponds, wetlands, wildlife habitat or other natural or forested  
16213 areas;

16214 (p) Assume responsibility for successful revegetation  
16215 for a period of two (2) years beyond the date of initial bond  
16216 release on any bond or deposit held by the department as provided  
16217 by Section 53-7-67;

16218 (q) Assure with respect to permanent impoundments of  
16219 water as part of the approved reclamation plan that:

16220 (i) The size of the impoundment and the  
16221 availability of water are adequate for its intended purpose;

16222 (ii) The impoundment dam construction will meet  
16223 the requirements of applicable state and federal laws;

16224 (iii) The quality of impounded water will be  
16225 suitable on a permanent basis for its intended use and the  
16226 discharges from the impoundment will not degrade the water quality  
16227 in the receiving stream;

16228 (iv) Final grading will provide adequate safety  
16229 and access for anticipated water users;

16230 (v) Water impoundments will not result in the  
16231 diminution of the quality or quantity of water utilized by  
16232 adjacent or surrounding landowners; and

16233 (r) Protect off-site areas from slides or damage  
16234 occurring during the surface mining and reclamation operations,  
16235 and not deposit spoil material or locate any part of the  
16236 operations or waste accumulations outside the permit area.

16237 (2) The purpose of this section is to cause the affected  
16238 area to be restored to a useful, productive and beneficial  
16239 purpose. A method of reclamation other than that provided in this  
16240 section may be approved by the Permit Board if the Permit Board  
16241 determines that the method of reclamation required by this section  
16242 is not practical and that the alternative method will provide for  
16243 the affected area to be restored to a useful, productive and



16244 beneficial purpose. If an alternative method of reclamation is  
16245 generally applicable to all operations involving a particular  
16246 material, the commission may promulgate appropriate rules and  
16247 regulations for use of the alternative method.

16248 (3) Each operator, except as authorized by the Permit Board,  
16249 shall perform reclamation work concurrently with the conduct of  
16250 the mining operation where practical. The fact that an operator  
16251 will likely redisturb an area shall be cause for the Permit Board  
16252 to grant an exception from the requirement of concurrent  
16253 reclamation.

16254 (4) The operator and, in case of bond forfeiture, the  
16255 department or its designee, shall have the continuing right to  
16256 enter and inspect the affected area in the reclamation plan and to  
16257 perform any reclamation measures required properly to complete the  
16258 reclamation plan.

16259 (5) (a) If the commission finds that (i) reclamation of the  
16260 affected area is not proceeding in accordance with the reclamation  
16261 plan and that the operator has failed within thirty (30) days  
16262 after notice to commence corrective action or (ii) revegetation  
16263 has not been properly completed in conformance with the  
16264 reclamation plan within two (2) years or longer, if required by  
16265 the commission, after termination of mining operations or upon  
16266 revocation of the permit, or if the Permit Board revokes a permit,  
16267 the commission may initiate proceedings against the bond or  
16268 deposit filed by the operator. The proceedings shall not be  
16269 commenced with respect to a surety bond until the surety has been  
16270 given sixty (60) days to commence and a reasonable opportunity to  
16271 begin and complete corrective action.

16272 (b) A forfeiture proceeding against any performance  
16273 bond or deposit shall be commenced and conducted according to  
16274 Sections 49-17-31 through 49-17-41.

16275 (c) If the commission orders forfeiture of any  
16276 performance bond or deposit, the entire sum of the performance





16277 bond or deposit shall be forfeited to the department. The funds  
16278 from the forfeited performance bond or deposit shall be placed in  
16279 the appropriate account in the fund and used to pay for  
16280 reclamation of the permit area and remediation of any off-site  
16281 damages resulting from the operation. Any surplus performance  
16282 bond or deposit funds shall be refunded to the operator or  
16283 corporate surety.

16284 (d) Forfeiture proceedings shall be before the  
16285 commission and an order of the commission under this subsection is  
16286 a final order. If the commission determines that forfeiture of  
16287 the performance bond or deposit should be ordered, the department  
16288 shall have the immediate right to all funds of any performance  
16289 bond or deposit, subject only to review and appeals allowed under  
16290 Section 49-17-41.

16291 (e) If the operator cannot be located for purposes of  
16292 notice, the department shall send notice of the forfeiture  
16293 proceeding, certified mail, return receipt requested, to the  
16294 operator's last known address. The department shall also publish  
16295 notice of the forfeiture proceeding in a manner as required in  
16296 regulation by the commission. Any formal hearing on the bond  
16297 forfeiture shall be set at least thirty (30) days after the last  
16298 notice publication.

16299 (f) If the performance bond or deposit is insufficient  
16300 to cover the costs of reclamation of the permit area in accordance  
16301 with the approved reclamation plan or remediation of any off-site  
16302 damages, the commission may initiate a civil action to recover the  
16303 deficiency amount in the county in which the surface mining  
16304 operation is located.

16305 (g) If the commission initiates a civil action under  
16306 this section, the commission shall be entitled to any sums  
16307 necessary to complete reclamation of the permit area in accordance  
16308 with the approved reclamation plan and remediate any off-site  
16309 damages resulting from that operation.



16310           (6) If a landowner, upon termination or expiration of a  
16311 lease, refuses to allow the operator to enter onto the property  
16312 designated as the affected area to conduct or complete reclamation  
16313 in accordance with the approved reclamation plan, or if the  
16314 landowner interferes with or authorizes a third party to disturb  
16315 or interfere with reclamation in accordance with the approved  
16316 reclamation plan, the landowner shall assume the permit and shall  
16317 file a reclamation plan and post a performance bond as required  
16318 under this chapter.

16319           (7) The publication of any notice required in this section  
16320 may be published on the Internet as provided in Section 1 of this  
16321 act.

16322           **SECTION 267.** Section 53-9-37, Mississippi Code of 1972, is  
16323 amended as follows:

16324           53-9-37. (1) Upon submission of a complete application for  
16325 a permit or modification of an existing permit, under this chapter  
16326 and the regulations promulgated under this chapter, the applicant  
16327 shall submit to the permit board a copy of the applicant's  
16328 advertisement of the ownership, precise location and boundaries of  
16329 the land to be affected. At the time of submission, the applicant  
16330 shall place the advertisement for publication at least once a week  
16331 for four (4) consecutive weeks in a local newspaper and in a  
16332 regional newspaper of general circulation in the county in which  
16333 the proposed surface coal mine is to be located. If no local  
16334 newspaper of general circulation in the county is published,  
16335 notice shall be published once a week for four (4) consecutive  
16336 weeks in a regional newspaper of general circulation in the county  
16337 in which the proposed surface coal mine is to be located and in a  
16338 newspaper of general statewide circulation published in Jackson.  
16339 The permit board shall notify local governmental bodies, planning  
16340 agencies, sewage and water treatment authorities, or water  
16341 companies in the county in which the proposed surface coal mining  
16342 will take place of the submission of the complete permit



16343 application. The permit board shall notify them of the operator's  
16344 intention to surface mine coal on a particularly described tract  
16345 of land, the number of the permit application and where a copy and  
16346 summary of the proposed surface coal mining and reclamation plan  
16347 may be inspected. These local bodies, agencies, authorities or  
16348 companies may submit written comments within a reasonable period  
16349 established by the commission on the effect of the proposed  
16350 operation on the environment which is within their area of  
16351 responsibility. The comments shall be transmitted as soon as  
16352 possible to the applicant by the permit board and shall be made  
16353 available to the public at the same locations as the surface coal  
16354 mining and reclamation permit application. The failure of any  
16355 person to submit comments within the time established by the  
16356 commission shall not preclude action by the commission.

16357 (2) (a) Any interested party or the officer or head of any  
16358 federal, state or local governmental agency or authority, may file  
16359 written objections to the complete application for a surface coal  
16360 mining and reclamation permit, or modification of an existing  
16361 permit, with the permit board within thirty (30) days after the  
16362 last publication of the notice described in subsection (1) of this  
16363 section. Any objections shall be transmitted as soon as possible  
16364 to the applicant by the permit board and shall be made available  
16365 to the public.

16366 (b) Within forty-five (45) days after the last  
16367 publication of the notice described in subsection (1) of this  
16368 section, any interested party may request that the permit board  
16369 conduct a public hearing concerning the complete application. If  
16370 a public hearing is requested, the permit board shall hold a  
16371 public hearing in the county of the proposed surface coal mining  
16372 and reclamation operations within ninety (90) days after receipt  
16373 of the first request for a public hearing. Before issuance of a  
16374 permit, the permit board shall hold a public hearing at a suitable  
16375 location in the county of the proposed surface coal mining and



16376 reclamation operation. The date, time and location of any public  
16377 hearing shall be advertised by the permit board in the same manner  
16378 as provided for the publication of notice for advertisement of  
16379 land ownership under subsection (1) of this section. The last  
16380 public hearing notice shall be published at least thirty (30) days  
16381 before the scheduled public hearing date. An electronic or  
16382 stenographic record shall be made of the public hearing  
16383 proceeding. Any person requesting transcription of the record  
16384 shall bear the costs of that transcription. That record shall be  
16385 maintained and shall be accessible to the public until final  
16386 release of the applicant's performance bond or other collateral.  
16387 If all persons requesting the public hearing stipulate agreement  
16388 before the requested public hearing and withdraw their request,  
16389 the public hearing may be cancelled at the discretion of the  
16390 permit board.

16391 (3) The permit board shall arrange with the applicant, upon  
16392 request by any interested party requesting a public hearing,  
16393 reasonable access to the area of the proposed surface coal mining  
16394 and reclamation operation for the purpose of gathering information  
16395 relevant to the proceeding before the public hearing. If that  
16396 request is made less than one (1) week before the scheduled date  
16397 of the public hearing, access may not be provided before the  
16398 public hearing.

16399 (4) The permit board shall act upon a complete permit  
16400 application within sixty (60) days after the date of the public  
16401 hearing. If no public hearing is requested or required, the  
16402 permit board shall act within sixty (60) days after the last  
16403 publication of the notice described in subsection (1) of this  
16404 section. The time frames may be extended if agreed in writing by  
16405 the department and the applicant.

16406 (5) Nothing in this section shall be construed to prevent  
16407 the permit board on its own motion from conducting public hearings



16408 to obtain information from the public regarding the proposed  
16409 surface coal mining operations.

16410 (6) The publication of any notice required in this section  
16411 may be published on the Internet as provided in Section 1 of this  
16412 act.

16413 **SECTION 268.** Section 53-9-65, Mississippi Code of 1972, is  
16414 amended as follows:

16415 53-9-65. (1) The permittee may file an application with the  
16416 permit board for the release of all or part of a performance bond  
16417 or other collateral. The permittee and the permit board shall  
16418 give notice of the pending bond release application by publication  
16419 in the form as the commission by regulation may require. The  
16420 permit board, after adequate inspection and evaluation of the  
16421 reclamation work involved, shall decide whether or not to release  
16422 all or part of the bond or other collateral and shall notify the  
16423 permittee in writing of its decision. If the permit board's  
16424 decision is not to release all or part of the bond or other  
16425 collateral, the permit board shall state in writing the reasons  
16426 for its decision and recommend corrective actions necessary to  
16427 secure the release.

16428 (2) The permit board may release in whole or in part the  
16429 bond or other collateral if the permit board is satisfied the  
16430 reclamation covered by the bond or other collateral or portion  
16431 thereof has been accomplished as required by this chapter  
16432 according to the following schedule:

16433 (a) When the operator completes the backfilling,  
16434 regrading and drainage control of a bonded area in accordance with  
16435 the approved mining and reclamation plan, up to sixty percent  
16436 (60%) of the bond or other collateral for the applicable permit  
16437 area may be released, but the amount of the unreleased portion of  
16438 the bond or other collateral shall not be less than the amount  
16439 necessary to assure completion of the reclamation work by a third  
16440 party in the event of default by the operator.



16441                   (b) After revegetation has been established on the  
16442 regraded mined lands in accordance with the approved mining and  
16443 reclamation plan, the permit board, when determining the amount of  
16444 bond or other collateral to be released after successful  
16445 revegetation has been established, shall retain that amount of  
16446 bond or other collateral for the revegetated area which would be  
16447 sufficient for a third party to cover the cost of reestablishing  
16448 revegetation and for the period specified for operator  
16449 responsibility in the regulations promulgated under Section  
16450 53-9-45 for reestablishing revegetation. No part of the bond or  
16451 other collateral shall be released under this paragraph if the  
16452 lands to which the release would be applicable are contributing  
16453 suspended solids to streamflow or runoff outside the permit area  
16454 in excess of the requirements set by the regulations promulgated  
16455 under Section 53-9-45, or until soil productivity for prime  
16456 farmlands has returned to equivalent levels of yield as nonmined  
16457 land of the same soil type in the surrounding area under  
16458 equivalent management practices as determined from the soil survey  
16459 performed in accordance with the regulations promulgated under  
16460 Section 53-9-25. If a silt dam is to be retained as a permanent  
16461 impoundment under the regulations promulgated under Section  
16462 53-9-45, the portion of bond or other collateral may be released  
16463 under this paragraph if provisions for sound future maintenance by  
16464 the operator or the landowner have been made with and approved by  
16465 the permit board.

16466                   (c) When the operator has completed successfully all  
16467 surface coal mining and reclamation activities, the remaining  
16468 portion of the bond or other collateral may be released, but shall  
16469 not be released before the expiration of the period specified for  
16470 operator responsibility in the regulations promulgated under  
16471 Section 53-9-45. No bond shall be fully released until all  
16472 reclamation requirements of this chapter are fully met.



16473           (3) Any interested party or the responsible officer or head  
16474 of any federal, state or local governmental agency which has  
16475 jurisdiction by law or special expertise with respect to any  
16476 environmental, social or economic impact involved in the  
16477 operation, or is authorized to develop and enforce environmental  
16478 standards with respect to the operations, may submit written  
16479 comments on the proposed release from bond or other collateral,  
16480 and request a public hearing concerning the bond release  
16481 application under Section 49-17-29. The failure of any person to  
16482 submit comments within the time required shall not preclude action  
16483 by the permit board. Any request for a public hearing concerning  
16484 the bond release application shall be made in writing within  
16485 thirty (30) days after the last publication of the notice  
16486 described in subsection (1) of this section. The permit board may  
16487 on its own motion hold a public hearing concerning the bond  
16488 release application. If requested, the permit board shall hold a  
16489 public hearing to obtain comments from the public on the  
16490 application for bond release. The date, time and location of the  
16491 public hearings shall be advertised by the permit board in the  
16492 same manner as provided for the publication of notice for  
16493 advertisement of land ownership under Section 53-9-37. The last  
16494 public hearing notice shall be published at least seven (7), but  
16495 no more than fourteen (14) days before the scheduled public  
16496 hearing date. If all persons requesting the public hearing  
16497 stipulate agreement before the requested public hearing, the  
16498 public hearing may be cancelled at the discretion of the permit  
16499 board.

16500           (4) Within thirty (30) days after the permit board takes  
16501 action on the bond release application as recorded in the minutes  
16502 of the permit board, any person who filed a written comment or  
16503 requested or participated in the public hearing under this  
16504 subsection may request a formal hearing before the permit board  
16505 regarding its initial decision to grant or deny the bond release.



16506 The formal hearing shall be conducted as provided by Section  
16507 49-17-29. Upon conclusion of the formal hearing, the permit board  
16508 shall enter into its minutes its final decision affirming,  
16509 modifying or reversing its prior action on the bond release  
16510 application. Any appeal from that decision may be taken by any  
16511 person who participated as a party in the formal hearing in the  
16512 manner provided in Section 49-17-29.

16513 (5) (a) If a surface coal mining and reclamation operation  
16514 is not proceeding in accordance with this chapter or the permit,  
16515 the operation represents an imminent threat to the public health,  
16516 welfare and the environment, and the operator has failed, within  
16517 thirty (30) days after written notice to the operator and  
16518 opportunity for a formal hearing, to take appropriate corrective  
16519 action, a forfeiture proceeding may be commenced against the  
16520 operator for any performance bond or other collateral posted by  
16521 the operator.

16522 (b) A forfeiture proceeding against any performance  
16523 bond or other collateral shall be commenced and conducted  
16524 according to Sections 49-17-31 through 49-17-41.

16525 (c) If the commission orders forfeiture of any  
16526 performance bond or other collateral, the entire sum of the  
16527 performance bond or other collateral shall be forfeited to the  
16528 department. The funds from the forfeited performance bond or  
16529 other collateral shall be used to pay for reclamation of the  
16530 permit area and remediation of any offsite damages resulting from  
16531 the operation. Any surplus performance bond or other collateral  
16532 funds shall be refunded to the operator or corporate surety.

16533 (d) Forfeiture proceedings shall be before the  
16534 commission and an order of the commission under this subsection  
16535 shall be a final order. If the commission determines that  
16536 forfeiture of the performance bond or other collateral should be  
16537 ordered, the department shall have the immediate right to all





16538 funds of any performance bond or other collateral, subject only to  
16539 review and appeals allowed under Section 49-17-41.

16540 (e) If the operator cannot be located for purposes of  
16541 notice, the department shall send notice of the forfeiture  
16542 proceeding, certified mail, return receipt requested, to the  
16543 operator's last known address. The department shall also publish  
16544 notice of the forfeiture proceeding in the same manner as provided  
16545 for the publication of notice for the advertisement of land  
16546 ownership under Section 53-9-37. Any formal hearing on the bond  
16547 forfeiture shall be set at least thirty (30) days after the last  
16548 notice publication.

16549 (f) If the performance bond or other collateral is  
16550 insufficient to cover the costs of reclamation of the permit area  
16551 or remediation of any offsite damages, the commission may initiate  
16552 a civil action to recover the deficiency amount in the county in  
16553 which the surface coal mining operation is located.

16554 (g) If the commission initiates a civil action under  
16555 this section, the commission shall be entitled to any sums  
16556 necessary to complete reclamation of the permit area and remediate  
16557 any offsite damages resulting from that operation and attorney's  
16558 fees.

16559 (6) The publication of any notice required in this section  
16560 may be published on the Internet as provided in Section 1 of this  
16561 act.

16562 **SECTION 269.** Section 53-9-105, Mississippi Code of 1972, is  
16563 amended as follows:

16564 53-9-105. (1) The department, through the Office of  
16565 Geology, shall establish and maintain a state reclamation program  
16566 for abandoned mines which complies with Subchapter IV of the  
16567 federal Surface Mining Control and Reclamation Act of 1977, 30  
16568 USCS 1231 through 1243.

16569 (2) For any year in which the department intends to conduct  
16570 abandoned mine lands reclamation with amounts held in the



16571 Abandoned Mine Lands Reclamation Account, the executive director  
16572 shall submit to the secretary an application for the support of  
16573 the state program and implementation of specific reclamation  
16574 projects. Such requests shall include information required by the  
16575 secretary. This may include, but is not limited to:

16576 (a) A general description of each proposed project;

16577 (b) A priority evaluation of each proposed project;

16578 (c) A statement of the estimated benefits in such terms  
16579 as: number of acres restored, miles of stream improved, acres of  
16580 surface lands protected from subsidence, population protected from  
16581 subsidence, air pollution, hazards of mine and coal refuse  
16582 disposal area fires;

16583 (d) An estimate of the cost for each proposed project;

16584 (e) In the case of proposed research and demonstration  
16585 projects, a description of the specific techniques to be evaluated  
16586 or objective to be attained;

16587 (f) An identification of lands or interest therein to  
16588 be acquired and the estimated cost; and

16589 (g) In each year after the first in which a plan is  
16590 filed, an inventory of each project funded under the previous  
16591 year's grant. This inventory shall include details of financial  
16592 expenditures on each project together with a brief description of  
16593 each project, including project locations, the landowner's name,  
16594 acreage, and the type of reclamation or abatement performed.

16595 (3) The reported costs for each proposed project shall  
16596 include: actual construction costs, actual operation and  
16597 maintenance costs of permanent facilities, planning and  
16598 engineering costs, construction inspection costs, and other  
16599 necessary administrative expenses.

16600 (4) The executive director shall make reports on operations  
16601 of the reclamation program as required by the secretary or by  
16602 Congress.



16603           (5) The executive director shall at all times accept and  
16604 consider comments regarding annual grant applications and the  
16605 eligibility, priority ranking and selection of lands for  
16606 reclamation. At least thirty (30) days prior to the submission of  
16607 each annual grant application to the secretary, the executive  
16608 director shall provide for a public hearing and shall publish a  
16609 notice regarding the proposed grant application and the public  
16610 hearing in a newspaper of general circulation in the state. The  
16611 public notice shall state that a hearing will be held, generally  
16612 outline the grant application, and solicit comments regarding the  
16613 application. A listing and identification of all projects  
16614 included in the grant application shall be mailed to all persons  
16615 who have requested written notification of the annual grant  
16616 application and shall be available to any person upon request. At  
16617 the public hearing for review of an annual grant application, any  
16618 person may appear before the executive director or his or her  
16619 designee and be heard on the record. The executive director may  
16620 receive documentary or other evidence for inclusion in the record.  
16621 The executive director shall fix a time for the closing of the  
16622 record and may, in his discretion, receive other comments or  
16623 evidence that he deems appropriate after the public hearing and  
16624 before the closing of the record. A copy of the record shall be  
16625 included with the grant application to the secretary.

16626           (6) The state shall not be liable under any provision of  
16627 federal law for any costs or damages as a result of action taken  
16628 or omitted in the course of carrying out the state reclamation  
16629 program approved by the secretary. This subsection shall not  
16630 preclude liability for costs or damages as a result of gross  
16631 negligence or intentional misconduct by the state. Reckless,  
16632 willful or wanton misconduct shall constitute gross negligence.  
16633 However, nothing in this subsection shall be deemed to waive any  
16634 immunity provided by Mississippi law to the state or its



employees, or to waive the protection afforded the state by the Eleventh Amendment to the United States Constitution.

(7) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 270.** Section 55-3-47, Mississippi Code of 1972, is amended as follows:

55-3-47. (1) In order to carry out its management responsibilities over all state park lands which are now or which may hereafter come under its jurisdiction, the Mississippi Department of Wildlife, Fisheries and Parks is hereby authorized to lease, and to grant easements and rights-of-way over and across, any part of such state park lands. Such leases, easements and rights-of-way may be granted for such consideration, and upon such terms and conditions, as the department may deem to be in the best interest of the state, consistent with the use of said lands for recreational purposes, and subject to the following limitations: The department shall lease such lands for a term not exceeding twenty-five (25) years and shall grant in the original lease contract a nonnegotiable option to renew such lease for an additional term not to exceed twenty-five (25) years. Both the original lease contract and the option to renew such lease shall be transferable contracts. Further, the department shall not lease such lands for purposes which are incompatible with recreational use and may place such terms, limitations, restrictions and conditions in such leases as are deemed necessary to ensure the proper utilization of such lands. Any easement for a utility line shall be granted for that period of time which the department deems to be in the best interest of a state park.

(2) The department is further authorized to enter into such agreements as may be required, upon such terms as may be found to be in the best interest of the state, in settlement of disputes or litigation regarding the title to or boundaries of any state park



16668 lands within the jurisdiction of the department, provided such  
16669 settlement agreements shall be negotiated and drafted with the  
16670 advice, counsel and assistance of the Attorney General and shall  
16671 be approved by the Department of Finance and Administration.

16672 (3) In case any of the real estate within any state park  
16673 under the jurisdiction of the department shall cease to be used or  
16674 useful for state park purposes, or becomes the subject of boundary  
16675 or title disputes or litigation, the department may sell and  
16676 convey the same, with the approval of the Department of Finance  
16677 and Administration, upon such terms as the Department of Finance  
16678 and Administration may elect and may, in addition, exchange the  
16679 same, with the approval of the department, for real estate  
16680 belonging to any other political subdivision or state, county or  
16681 local governmental agency or department. The department is  
16682 authorized to sell and convey or otherwise transfer any state park  
16683 or historical site as described in subsection (2) of Section  
16684 55-3-33. Before any such sale or transfer, except as may occur in  
16685 settlement of title or boundary disputes or litigation, the  
16686 department shall publish notice of its intention to sell the park  
16687 land by public sale to the highest and best bidder at least once  
16688 each week for three (3) consecutive weeks in at least one (1)  
16689 public newspaper of general circulation in the county where such  
16690 land is located and also in at least one (1) newspaper of general  
16691 circulation throughout the state. Prior to any such sale, the  
16692 department shall obtain at least two (2) separate and independent  
16693 appraisals of the land to be sold and may not accept any bid lower  
16694 than the average of all appraisals made. The department may  
16695 reject any and all bids. The owner or any co-owner of record next  
16696 preceding the state in title to any lands sold hereunder by public  
16697 bid, excluding any entity which may have exercised the power of  
16698 eminent domain to assist the state in acquiring said lands, shall  
16699 have the opportunity to reacquire such lands by matching the  
16700 successful bid therefor. If the owner or any co-owner of record



16701 next preceding the state in title, or the heirs or estate of such  
16702 owner or co-owner, acquires said lands, then the department shall  
16703 not reserve unto the state any minerals owned by the state  
16704 underlying the conveyed lands. However, if anyone other than such  
16705 owner or co-owner, or his heirs or estate, acquires said lands,  
16706 then the department shall reserve unto the state one-half (1/2) of  
16707 the minerals owned by the state underlying the conveyed lands,  
16708 except for lands sold in settlement of title or boundary disputes  
16709 or litigation, in which case the department may, in its  
16710 discretion, reserve said minerals. Appraisal fees shall be shared  
16711 equally by the department and purchaser.

16712 (4) In exercising the authority granted in this section, the  
16713 department may act by and through its executive director in the  
16714 execution of any document or instrument prepared hereunder. Any  
16715 lease, deed or settlement agreement executed under the provisions  
16716 of this section shall bear the seal and attest of the Secretary of  
16717 State, with whom said instrument or document shall be filed and  
16718 recorded in addition to any other recording requirements of state  
16719 law.

16720 This section shall not apply to sixteenth section school  
16721 lands or lieu lands included within any state park, except as may  
16722 be necessary or appropriate for the department to ratify or  
16723 confirm any action taken by the agency or department having  
16724 jurisdiction over such school or lieu lands.

16725 All revenues collected by the department by virtue of any  
16726 transaction consummated under the provisions of this section shall  
16727 be deposited in the Mississippi Park Fund created by Section  
16728 55-3-41, from which funds shall be expended only as authorized by  
16729 the legislative appropriations process.

16730 (5) This section shall not apply to the donation and  
16731 conveyance of the Nanih Waiya State Park to the Mississippi Band  
16732 of Choctaw Indians.



16733           (6) The publication of any notice required in this section  
16734 may be published on the Internet as provided in Section 1 of this  
16735 act.

16736           **SECTION 271.** Section 55-3-53, Mississippi Code of 1972, is  
16737 amended as follows:

16738           55-3-53. (1) The Mississippi Department of Wildlife,  
16739 Fisheries and Parks is hereby authorized and empowered to sell and  
16740 dispose of timber, trees, deadwood and stumps standing, growing  
16741 and being upon the lands of state parks. Such timber shall be  
16742 sold and disposed of under the direction and specifications of the  
16743 Department of Wildlife, Fisheries and Parks in accordance with  
16744 sound and efficient principles of selective cutting, forestry  
16745 management and conservation.

16746           Before any such timber, trees, deadwood and stumps shall be  
16747 sold, the Department of Wildlife, Fisheries and Parks shall select  
16748 and mark the trees to be cut and disposed of. No trees or timber  
16749 shall be marked for cutting when the cutting thereof would destroy  
16750 or mar the scenic views from the tourist observation points in  
16751 said park. The purchaser shall pay double price on sale basis for  
16752 all trees, timber or stumps cut that had not been marked for  
16753 removing by the Department of Wildlife, Fisheries and Parks.

16754           Before any such timber, trees, deadwood or stumps standing,  
16755 growing or being upon such land shall be sold, the department  
16756 shall advertise its intention so to do by publication in a  
16757 newspaper published or having general circulation in the county or  
16758 counties where parks are located, such notice to be published at  
16759 least once a week for three (3) consecutive weeks preceding the  
16760 sale and by posting one (1) notice in the courthouse in such  
16761 county. The notice shall specify that such bids shall be filed  
16762 with the superintendent of the state park involved, who shall  
16763 transmit same to the Department of Wildlife, Fisheries and Parks  
16764 for rejection or approval. Said department shall accept the bid



16765 of the highest and best bidder for cash, but shall have the right  
16766 to reject any and all of such bids.

16767        Provided, however, in the case of damage by fire, windstorm,  
16768 insects or other natural causes which would require immediate sale  
16769 of the timber, because the time involved for advertisement as  
16770 prescribed herein would allow decay, rot or destruction  
16771 substantially decreasing the purchase price to be received had not  
16772 such delay occurred, the advertisement provisions of this section  
16773 shall not apply. The State Park Director, upon a written  
16774 recommendation from the county forester of the county wherein said  
16775 state park is located, shall determine when immediate sale of the  
16776 timber is required. When the State Park Director shall find an  
16777 immediate sale necessary for the causes stated herein, he shall,  
16778 in his discretion, set the time for receipt of bids on the  
16779 purchase of said timber, but shall show due diligence in notifying  
16780 competitive bidders so that a true competitive bid shall be  
16781 received.

16782        Whenever any timber, trees, deadwood or stumps are sold under  
16783 the provisions of this section, the purchaser thereof shall have  
16784 all necessary rights of ingress and egress to enter upon said land  
16785 and cut and remove such timber, trees, deadwood or stumps.

16786        The proceeds derived or received from all sales under the  
16787 provisions of this section shall be placed in the State Parks  
16788 Timber Management Endowment Fund created under Section 55-3-54.

16789        (2) Notwithstanding the provisions of subsection (1) of this  
16790 section, the Department of Wildlife, Fisheries and Parks may cut  
16791 and sell trees damaged by fire, windstorm or insects and deadwood  
16792 and stumps located upon the lands of state parks for firewood.  
16793 Such firewood shall be sold only to overnight guests at state  
16794 parks for use at state parks. The Department of Wildlife,  
16795 Fisheries and Parks shall select and mark all trees to be cut for  
16796 firewood.





16797           (3) The publication of any notice required in this section  
16798 may be published on the Internet as provided in Section 1 of this  
16799 act.

16800           **SECTION 272.** Section 55-19-39, Mississippi Code of 1972, is  
16801 amended as follows:

16802           55-19-39. All construction contracts by the district where  
16803 the amount of the contract shall exceed Ten Thousand Dollars  
16804 (\$10,000.00) shall, and construction contracts of less than Ten  
16805 Thousand Dollars (\$10,000.00) may, be made upon at least three (3)  
16806 weeks' public notice. Such notice shall be published once a week  
16807 for at least three (3) consecutive weeks in at least one (1)  
16808 newspaper published in such county. The first publication of such  
16809 notice shall be made not less than twenty-one (21) days prior to  
16810 the date fixed in such notice for the receipt of bids, and the  
16811 last publication shall be made not more than seven (7) days prior  
16812 to such date. The notice shall state the thing to be done and  
16813 invite sealed proposals, to be filed with the secretary of the  
16814 district, to do the work. In all such cases, before the notice  
16815 shall be published, plans and specifications for the work shall be  
16816 prepared by a registered professional engineer and shall be filed  
16817 with the secretary of the district and there remain. The board of  
16818 directors of the district shall award the contract to the lowest  
16819 responsible bidder who will comply with the terms imposed by such  
16820 directors and enter into bond with sufficient sureties to be  
16821 approved by the directors in such penalty as shall be fixed by the  
16822 directors; but in no case shall such bond be less than the  
16823 contract price, conditioned for the prompt, proper and efficient  
16824 performance of the contract. Contracts of less than Ten Thousand  
16825 Dollars (\$10,000.00) may be negotiated; however, the board of  
16826 directors shall invite and receive written proposals for the work  
16827 from at least three (3) contractors regularly engaged in the type  
16828 of work involved.



The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 273.** Section 55-21-11, Mississippi Code of 1972, is amended as follows:

55-21-11. Subject to the other provisions of this chapter, the director shall have the following powers and duties:

(a) Subject to the approval of the board, the director shall organize the district zoological park and garden and provide for such officers, agents and employees necessary for the operation thereof. These positions shall be filled solely on the basis of training, experience and other qualifications in the field of zoo management.

(b) As the executive secretary and principal administrative officer of the board, and subject to its approval, the director shall operate the district zoological park and garden and enforce all regulations and policy decisions of the board in regard thereto. He shall perform such other duties as may be directed by the board.

(c) (i) As directed by the board, the director may establish a schedule of charges for admission to or the use of the district zoological park and garden or any related facility, except as provided in paragraph (d) of this section, provide for the sale of gifts, souvenirs, food and beverages, and grant concessions for the sale of such items. The granting of any concessions relative to food, beverages and transit shall not be subject to the competitive bidding procedures, except as provided in subparagraph (ii) of this paragraph.

(ii) In the granting of such concessions, a contract for such concessions shall be made either upon sealed bids or by direct negotiation by obtaining two (2) or more quotations for the service when possible. At least thirty (30) days before awarding a directly negotiated contract, the zoological board shall, by written published notice, request



16862 quotations for the service to be provided. All quotations  
16863 obtained shall be kept on file for a period of at least one (1)  
16864 year after receipt thereof. If a contract is made upon sealed  
16865 bids, the procedure for advertising and awarding bids shall  
16866 conform to the provisions for competitive bidding in the laws of  
16867 Mississippi.

16868 (d) In order to encourage and permit the use of and  
16869 access to the district zoological park and garden, the board shall  
16870 establish an admissions policy providing for free admission to the  
16871 district zoological park and garden for all visitors on certain  
16872 days distributed throughout each year.

16873 The publication of any notice required in this section may be  
16874 published on the Internet as provided in Section 1 of this act.

16875 **SECTION 274.** Section 55-23-29, Mississippi Code of 1972, is  
16876 amended as follows:

16877 55-23-29. The State Bond Commission shall sell such bonds on  
16878 sealed bids at public sale, and for such price as it may determine  
16879 to be for the best interest of the State of Mississippi, but no  
16880 such sale shall be made at a price less than par plus accrued  
16881 interest to date of delivery of the bonds to the purchaser. All  
16882 bonds shall bear interest at such rate or rates not exceeding  
16883 seven percent (7%) per annum. All interest accruing on such bonds  
16884 so issued shall be payable semiannually or annually.

16885 No interest payment due on any bond shall be evidenced by  
16886 more than one (1) coupon and supplemental coupons will not be  
16887 permitted; the difference between the highest rate of interest  
16888 specified for any bond issue shall not exceed the lowest rate of  
16889 interest specified for the same bond issue by more than one and  
16890 one-fourth percent (1-1/4%).

16891 Each interest rate specified in any bid must be in a multiple  
16892 of one-eighth of one percent (1/8 of 1%) or one-tenth of one  
16893 percent (1/10 of 1%) and a zero rate of interest cannot be named.



16894 Notice of the sale of any such bonds shall be published at  
16895 least one time, the first of which shall be made not less than ten  
16896 (10) days prior to the date of sale, and shall be so published in  
16897 one or more newspapers having a general circulation in the City of  
16898 Jackson and in one or more other newspapers or financial journals  
16899 with a large national circulation, to be selected by the State  
16900 Bond Commission.

16901 The State Bond Commission, when issuing any bonds under the  
16902 authority of Sections 55-23-21 through 55-23-43, shall provide  
16903 that bonds maturing eleven (11) or more years after the date of  
16904 the issuance of such bonds may, at the option of the State of  
16905 Mississippi, be called in for payment and redemption in reverse  
16906 numerical order at the call price named therein and accrued  
16907 interest, or on the tenth anniversary of the date of issue, or on  
16908 any interest payment date thereafter prior to maturity.

16909 The publication of any notice required in this section may be  
16910 published on the Internet as provided in Section 1 of this act.

16911 **SECTION 275.** Section 55-23-39, Mississippi Code of 1972, is  
16912 amended as follows:

16913 55-23-39. Such general obligation bonds may be issued  
16914 without any other proceedings or the happening of any other  
16915 conditions or things than those proceedings, conditions and things  
16916 which are specified or required by Sections 55-23-21 through  
16917 55-23-43. Any resolution providing for the issuance of general  
16918 obligation bonds under the provisions of Sections 55-23-21 through  
16919 55-23-43 shall become effective immediately upon its adoption by  
16920 the State Bond Commission, and any such resolution may be adopted  
16921 at any regular, special or adjourned meeting of the State Bond  
16922 Commission by a majority of its members.

16923 The bonds authorized under the authority of Sections 55-23-21  
16924 through 55-23-43 may be validated in the Chancery Court of Hinds  
16925 County, Mississippi, in the manner and with the force and effect  
16926 provided now or hereafter by Chapter 13, Title 31, Mississippi



16927 Code of 1972, for the validation of county, municipal, school  
16928 district and other bonds. The necessary papers for such  
16929 validation proceedings shall be transmitted to the State Bond  
16930 Commission, and the required notice shall be published in a  
16931 newspaper published in the City of Jackson, Mississippi.

16932 The publication of any notice required in this section may be  
16933 published on the Internet as provided in Section 1 of this act.

16934 **SECTION 276.** Section 55-25-6, Mississippi Code of 1972, is  
16935 amended as follows:

16936 55-25-6. (1) The rules and regulations adopted by the  
16937 Rails-to-Trails Recreational District shall be published once a  
16938 week for two (2) consecutive weeks in a newspaper qualified to  
16939 publish legal notices in each county that is a member of the  
16940 district. When rules and regulations have been adopted by the  
16941 district in accordance with Section 55-25-5 and have been  
16942 published as required by this section, such rules and regulations  
16943 shall have the force and effect of general law, and any violation  
16944 of such rules and regulations shall constitute a misdemeanor  
16945 punishable, upon conviction, by a fine of not less than Fifty  
16946 Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or  
16947 by imprisonment for not more than thirty (30) days, or by both  
16948 such fine and imprisonment.

16949 (2) Any recreational facility developed and operated  
16950 pursuant to this chapter, specifically including Section  
16951 55-25-5(f), shall constitute a public highway, and all applicable  
16952 rules and regulations of the Mississippi Transportation Commission  
16953 and other state agencies shall be enforceable on such recreational  
16954 facilities. However, no motor vehicle may be operated or used on  
16955 such recreational facility except law enforcement vehicles,  
16956 emergency vehicles, maintenance vehicles or other vehicles  
16957 authorized by the district.

16958 (3) Any municipality, which is a member of a Rails-To-Trails  
16959 Recreational District, shall enforce the rules and regulations of



the district in that part lying within the municipality and may authorize its municipal law enforcement personnel to assist the district in the enforcement of the district rules and regulations in any area of the district lying no more than five (5) miles outside the corporate limits of the municipality.

(4) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 277.** Section 57-1-25, Mississippi Code of 1972, is amended as follows:

57-1-25. The governing board of any municipality desiring to enter into the plan herein authorized, after receiving a certificate of public convenience and necessity from the executive director, as provided by Sections 57-1-19 and 57-1-21, by resolution spread upon its minutes, shall declare its intention of entering into such plan, and shall call an election to be held in the manner now provided by law for holding county or municipal elections, and shall fix in such resolution a date upon which such an election shall be held in the municipality, of which not less than three (3) weeks' notice shall be given by the clerk of such board, by a notice in a newspaper published in the municipality once each week for three (3) consecutive weeks preceding the same, or if no newspaper is published in the municipality, then by posting a notice for three (3) weeks preceding the election at three (3) public places in the municipality. At such election, all qualified electors of the municipality may vote, and the ballots used shall have printed thereon a brief statement of the purpose of the board to enter into the plan hereby authorized and to issue bonds therefor or to expend other municipal funds available together with the words "For the Proposed Enterprise," and the words "Against the Proposed Enterprise," and the voter shall vote by placing a cross (X) opposite his choice of the proposition. Should the election provided for herein result in



16993 favor of the proposed plan and bond issue or expenditure by at  
16994 least sixty percent (60%) of those voting in favor of the plan,  
16995 provided that the total number of votes cast in the election shall  
16996 be not less than thirty percent (30%) of the qualified electors of  
16997 the territory included in the proposal, then the governing board  
16998 may proceed to exercise the authority granted under the provisions  
16999 of Sections 57-1-1 through 57-1-51 within three (3) years after  
17000 the date of such election or within three (3) years after final,  
17001 favorable determination of any litigation affecting the industrial  
17002 plan or bond issue. If such election results unfavorably to the  
17003 proposition, then no second or other election shall be ordered or  
17004 held until the board shall determine that such election may be  
17005 held.

17006       Where the separate supervisors' district or districts of a  
17007 county indicate a desire to enter into the plan herein authorized,  
17008 but not to affect the remainder of the county, then the board of  
17009 supervisors shall direct the holding of such election only in the  
17010 supervisors' district or districts affected, and the board of  
17011 supervisors is hereby authorized to carry out the provisions of  
17012 Sections 57-1-1 through 57-1-51 for such separate supervisors'  
17013 district or districts.

17014       In the event the proposal to be voted on at the election  
17015 required herein includes bonds to be issued covering a  
17016 supervisors' district or districts, but not the entire county,  
17017 includes a town or city of a population of more than five hundred,  
17018 (500) as well as territory outside the corporate limits of such  
17019 town or city and the proposed enterprise is to be located in such  
17020 town or city or within one (1) mile of the corporate limits  
17021 thereof, the qualified electors voting in the election residing  
17022 outside the corporate limits of the town or city shall vote  
17023 separately from those residing in such town or city.

17024       All qualified electors shall vote at their usual voting  
17025 places and in event the usual voting place of electors residing



17026 outside the corporate limits of such town or city is in such town  
17027 or city, such elector shall vote in a separate ballot box provided  
17028 for the purpose, and the officers holding the election shall make  
17029 separate returns of the results of the vote of those residing  
17030 within the town or city and those residing outside such town or  
17031 city.

17032 Unless sixty percent (60%) of the qualified electors residing  
17033 in such town or city voting in the election and sixty percent  
17034 (60%) of the qualified electors residing outside such town or city  
17035 voting in such election shall vote for the proposed bond issue,  
17036 computed and declared separately, the proposed bond issue shall be  
17037 declared as disapproved.

17038 It shall be the duty of the county election commissioners to  
17039 provide necessary ballot boxes, separate voting lists containing  
17040 the names of electors residing within and without the corporate  
17041 limits of towns and cities when such is required by the proposal  
17042 submitted, and records for the conduct of the election in  
17043 accordance with the requirements of this section.

17044 And in event the proposal to be voted on at the election  
17045 required by this section includes bonds to be issued covering the  
17046 entire county and the proposed industry is to be located in a town  
17047 or city or within one (1) mile of the corporate limits thereof,  
17048 the qualified electors voting in the election residing outside the  
17049 corporate limits of the city or town, and whose regular voting  
17050 place is within the corporate limits of the city or town, shall  
17051 vote separately from those residing in such city or town, in  
17052 separate ballot boxes to be provided for such purposes, and the  
17053 votes so cast shall be counted separately.

17054 At the election, unless sixty percent (60%) of the qualified  
17055 electors voting in the election and residing within the corporate  
17056 limits of the city or town in which the proposed enterprise is to  
17057 be located, or the town or city within one (1) mile of the  
17058 proposed location of the enterprise shall vote for the proposed





17059 bond issue and sixty percent (60%) of all the other qualified  
17060 electors of the county voting in the election shall vote for the  
17061 proposed bond issue, computed and declared separately, the  
17062 proposed bond issue shall be declared as disapproved. All  
17063 qualified electors voting in such election shall vote at their  
17064 usual voting precincts, and the county election commissioners  
17065 shall provide necessary boxes, separate voting lists containing  
17066 the names of electors residing within and without the corporate  
17067 limits of the town or city wherein such enterprise is proposed to  
17068 be located, or such town or city within one (1) mile of the  
17069 proposed location of the enterprise, and records for the conduct  
17070 of the election in accordance with the requirements of this  
17071 section.

17072 The publication of any notice required in this section may be  
17073 published on the Internet as provided in Section 1 of this act.

17074 **SECTION 278.** Section 57-1-35, Mississippi Code of 1972, is  
17075 amended as follows:

17076 57-1-35. The bonds hereinabove provided for shall be sold by  
17077 the governing authority of the municipality at not less than par  
17078 and accrued interest at public sale held after notice of such sale  
17079 published at least one time at least five (5) days before such  
17080 sale in a newspaper of general circulation in the municipality.

17081 The publication of any notice required in this section may be  
17082 published on the Internet as provided in Section 1 of this act.

17083 **SECTION 279.** Section 57-1-255, Mississippi Code of 1972, is  
17084 amended as follows:

17085 57-1-255. (1) Upon notification to the department by the  
17086 enterprise that the state has been finally selected as the site  
17087 for the project, the State Bond Commission shall have the power  
17088 and is hereby authorized and directed, upon receipt of a  
17089 declaration from the department as hereinafter provided, to borrow  
17090 money and issue general obligation bonds of the state in one or  
17091 more series for the purposes herein set out. Upon such



17092 notification, the department may thereafter from time to time  
17093 declare the necessity for the issuance of general obligation bonds  
17094 as authorized by this section and forward such declaration to the  
17095 State Bond Commission, provided that prior to said notification,  
17096 the department may enter into agreements with the United States  
17097 government, private companies and others that will commit the  
17098 department to direct the State Bond Commission to issue bonds for  
17099 eligible undertakings set out in subsection (4) of this section,  
17100 conditioned on the siting of the project in the state.

17101 (2) Upon receipt of any such declaration from the  
17102 department, the State Bond Commission, upon verifying that the  
17103 state has been selected as the site of the project, shall act as  
17104 the issuing agent for the series of bonds directed to be issued in  
17105 such declaration pursuant to authority granted in this section.

17106 (3) Bonds issued under the authority of this section shall  
17107 not exceed an aggregate principal amount in the sum of Thirty  
17108 Million Dollars (\$30,000,000.00). No bonds shall be issued under  
17109 the authority of this section after June 30, 2000.

17110 (4) The proceeds from the sale of the bonds issued pursuant  
17111 to this section may be applied for the purposes of: (a) defraying  
17112 all or any designated portion of the costs incurred with respect  
17113 to acquisition, planning, design, construction, installation,  
17114 rehabilitation, improvement and relocation of the project and any  
17115 facility related to the project, including costs of design and  
17116 engineering, all costs incurred to provide land, easements and  
17117 rights-of-way, relocation costs with respect to the project and  
17118 with respect to any facility related to the project located within  
17119 the project area, and costs associated with mitigation of  
17120 environmental impacts; (b) providing for the payment of interest  
17121 on the bonds; (c) providing debt service reserves; and (d) paying  
17122 underwriters discount, original issue discount, accountants' fees,  
17123 engineers' fees, attorneys' fees, rating agency fees and other  
17124 fees and expenses in connection with the issuance of the bonds.



17125 Such bonds shall be issued from time to time and in such principal  
17126 amounts as shall be designated by the department not to exceed in  
17127 aggregate principal amount the amount authorized in subsection (3)  
17128 of this section. Proceeds from the sale of the bonds issued  
17129 pursuant to this section may be invested, subject to federal  
17130 limitations, pending their use, in such securities as may be  
17131 specified in the resolution authorizing the issuance of the bonds  
17132 or the trust indenture securing them, and the earning on such  
17133 investment applied as provided in such resolution or trust  
17134 indenture.

17135 (5) The principal of and the interest on the bonds shall be  
17136 payable in the manner hereinafter set forth. The bonds shall bear  
17137 date or dates, be in such denomination or denominations, bear  
17138 interest at such rate or rates, be payable at such place or places  
17139 within or without the state, shall mature absolutely at such time  
17140 or times, be redeemable prior to maturity at such time or times  
17141 and upon such terms, with or without premium, shall bear such  
17142 registration privileges, and shall be substantially in such form,  
17143 all as shall be determined by resolution of the State Bond  
17144 Commission. Provided, however, that such bonds shall mature or  
17145 otherwise be retired in annual installments beginning not more  
17146 than five (5) years from date thereof and extending not more than  
17147 twenty-five (25) years from date thereof. The bonds shall be  
17148 signed by the Chairman of the State Bond Commission, or by his  
17149 facsimile signature, and the official seal of the State Bond  
17150 Commission shall be imprinted on or affixed thereto, attested by  
17151 the manual or facsimile signature of the Secretary of the State  
17152 Bond Commission. Whenever any such bonds shall have been signed  
17153 by the officials herein designated to sign the bonds, who were in  
17154 office at the time of such signing but who may have ceased to be  
17155 such officers prior to the sale and delivery of such bonds, or who  
17156 may not have been in office on the date such bonds may bear, the  
17157 signatures of such officers upon such bonds shall nevertheless be



17158 valid and sufficient for all purposes and have the same effect as  
17159 if the person so officially signing such bonds had remained in  
17160 office until the delivery of the same to the purchaser, or had  
17161 been in office on the date such bonds may bear.

17162 (6) All bonds issued under the provisions of this section  
17163 shall be and are hereby declared to have all the qualities and  
17164 incidents of negotiable instruments under the provisions of the  
17165 Uniform Commercial Code and in exercising the powers granted by  
17166 Sections 57-1-251 through 57-1-261, the State Bond Commission  
17167 shall not be required to and need not comply with the provisions  
17168 of the Uniform Commercial Code.

17169 (7) The State Bond Commission shall sell the bonds on sealed  
17170 bids at public sale, and for such price as it may determine to be  
17171 for the best interest of the State of Mississippi, but no such  
17172 sale shall be made at a price less than par plus accrued interest  
17173 to date of delivery of the bonds to the purchaser. The bonds  
17174 shall bear interest at such rate or rates not exceeding the limits  
17175 set forth in Section 75-17-101, as shall be fixed by the State  
17176 Bond Commission. All interest accruing on such bonds so issued  
17177 shall be payable semiannually or annually; provided that the first  
17178 interest payment may be for any period of not more than one (1)  
17179 year.

17180 Notice of the sale of any bond shall be published at least  
17181 one (1) time, the first of which shall be made not less than ten  
17182 (10) days prior to the date of sale, and shall be so published in  
17183 one or more newspapers having a general circulation in the City of  
17184 Jackson and in one or more other newspapers or financial journals  
17185 with a large national circulation, to be selected by the State  
17186 Bond Commission.

17187 The State Bond Commission, when issuing any bonds under the  
17188 authority of this section, may provide that the bonds, at the  
17189 option of the state, may be called in for payment and redemption



17190 at the call price named therein and accrued interest on such date  
17191 or dates named therein.

17192 (8) State bonds issued under the provisions of this section  
17193 shall be the general obligations of the state and backed by the  
17194 full faith and credit of the state, and if the funds appropriated  
17195 by the Legislature shall be insufficient to pay the principal of  
17196 and the interest on such bonds as they become due, then the  
17197 deficiency shall be paid by the State Treasurer from any funds in  
17198 the State Treasury not otherwise appropriated. All bonds shall  
17199 contain recitals on their faces substantially covering the  
17200 foregoing provisions of this section.

17201 (9) The State Treasurer is hereby authorized, without  
17202 further process of law, to certify to the Department of Finance  
17203 and Administration the necessity for warrants, and the Department  
17204 of Finance and Administration is hereby authorized and directed to  
17205 issue such warrants payable out of any funds authorized by this  
17206 section for such purpose, in such amounts as may be necessary to  
17207 pay when due the principal of and interest on all bonds issued  
17208 under the provisions of this section; and the State Treasurer  
17209 shall forward the necessary amount to the designated place or  
17210 places of payment of such bonds in ample time to discharge such  
17211 bonds, or the interest thereon, on the due dates thereof.

17212 (10) The bonds may be issued without any other proceedings  
17213 or the happening of any other conditions or things other than  
17214 those proceedings, conditions and things which are specified or  
17215 required by Sections 57-1-251 through 57-1-261. Any resolution  
17216 providing for the issuance of general obligation bonds under the  
17217 provisions of this section shall become effective immediately upon  
17218 its adoption by the State Bond Commission, and any such resolution  
17219 may be adopted at any regular or special meeting of the State Bond  
17220 Commission by a majority of its members.

17221 (11) In anticipation of the issuance of bonds hereunder, the  
17222 State Bond Commission is hereby authorized to negotiate and enter



17223 into any purchase, loan, credit or other agreement with any bank,  
17224 trust company or other lending institution or to issue and sell  
17225 interim notes for the purpose of making any payments authorized  
17226 under this section. All borrowings made under this provision  
17227 shall be evidenced by notes of the state which shall be issued  
17228 from time to time, for such amounts not exceeding the amount of  
17229 bonds authorized herein, in such form and in such denomination and  
17230 subject to such terms and conditions of sale and issuance,  
17231 prepayment or redemption and maturity, rate or rates of interest  
17232 not to exceed the maximum rate authorized herein for bonds, and  
17233 time of payment of interest as the State Bond Commission shall  
17234 agree to in such agreement. Such notes shall constitute general  
17235 obligations of the state and shall be backed by the full faith and  
17236 credit of the state. Such notes may also be issued for the  
17237 purpose of refunding previously issued notes; provided that no  
17238 notes shall mature more than three (3) years following the date of  
17239 issuance of the first note hereunder and provided further, that  
17240 all outstanding notes shall be retired from the proceeds of the  
17241 first issuance of bonds hereunder. The State Bond Commission is  
17242 authorized to provide for the compensation of any purchaser of the  
17243 notes by payment of a fixed fee or commission and for all other  
17244 costs and expenses of issuance and service, including paying agent  
17245 costs. Such costs and expenses may be paid from the proceeds of  
17246 the notes.

17247 (12) The bonds and interim notes authorized under the  
17248 authority of this section may be validated in the First Judicial  
17249 District of the Chancery Court of Hinds County, Mississippi, in  
17250 the manner and with the force and effect provided now or hereafter  
17251 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
17252 validation of county, municipal, school district and other bonds.  
17253 The necessary papers for such validation proceedings shall be  
17254 transmitted to the State Bond Attorney, and the required notice



17255 shall be published in a newspaper published in the City of  
17256 Jackson, Mississippi.

17257 (13) Any bonds or interim notes issued under the provisions  
17258 of Sections 57-1-251 through 57-1-261, a transaction relating to  
17259 the sale or securing of such bonds or interim notes, their  
17260 transfer and the income therefrom shall at all times be free from  
17261 taxation by the state or any local unit or political subdivision  
17262 or other instrumentality of the state, excepting inheritance and  
17263 gift taxes.

17264 (14) All bonds issued pursuant to Sections 57-1-251 through  
17265 57-1-261 shall be legal investments for trustees, other  
17266 fiduciaries, savings banks, trust companies and insurance  
17267 companies organized under the laws of the State of Mississippi;  
17268 and such bonds shall be legal securities which may be deposited  
17269 with and shall be received by all public officers and bodies of  
17270 the state and all municipalities and other political subdivisions  
17271 thereof for the purpose of securing the deposit of public funds.

17272 (15) There is hereby created a special fund in the State  
17273 Treasury to be known as the "Major Energy Project Development  
17274 Fund" wherein shall be deposited the proceeds of the bonds issued  
17275 under Sections 57-1-251 through 57-1-261 and all monies received  
17276 by the department to carry out the purposes of such sections.  
17277 Expenditures authorized herein shall be paid by the State  
17278 Treasurer upon warrants drawn from the fund, and the Department of  
17279 Finance and Administration shall issue warrants upon requisitions  
17280 signed by the director of the department.

17281 (16) (a) There is hereby created the "Major Energy Project  
17282 Development Sinking Fund" from which the principal of and interest  
17283 on such bonds shall be paid by appropriation. All monies paid  
17284 into the sinking fund not appropriated to pay accruing bonds and  
17285 interest shall be invested by the State Treasurer in such  
17286 securities as are provided by law for the investment of the  
17287 sinking funds of the state.



17288                   (b) In the event that all or any part of the bonds and  
17289 notes are purchased, they shall be canceled and returned to the  
17290 loan and transfer agent as canceled and paid bonds and notes and  
17291 thereafter all payments of interest thereon shall cease and the  
17292 canceled bonds, notes and coupons, together with any other  
17293 canceled bonds, notes and coupons, shall be destroyed as promptly  
17294 as possible after cancellation but not later than two (2) years  
17295 after cancellation. A certificate evidencing the destruction of  
17296 the canceled bonds, notes and coupons shall be provided by the  
17297 loan and transfer agent to the seller.

17298                   (c) The State Treasurer shall determine and report to  
17299 the Department of Finance and Administration and Legislative  
17300 Budget Office by September 1 of each year the amount of money  
17301 necessary for the payment of the principal of and interest on  
17302 outstanding obligations for the following fiscal year and the  
17303 times and amounts of the payments. It shall be the duty of the  
17304 Governor to include in every executive budget submitted to the  
17305 Legislature full information relating to the issuance of bonds and  
17306 notes under the provisions of Sections 57-1-251 through 57-1-261  
17307 and the status of the sinking fund for the payment of the  
17308 principal of and interest on the bonds and notes.

17309                   (17) The publication of any notice required in this section  
17310 may be published on the Internet as provided in Section 1 of this  
17311 act.

17312                   **SECTION 280.** Section 57-1-315, Mississippi Code of 1972, is  
17313 amended as follows:

17314                   57-1-315. The State Bond Commission shall act as the issuing  
17315 agent for the bonds authorized under Section 57-1-307, prescribe  
17316 the form of the bonds, advertise for and accept bids, issue and  
17317 sell the bonds so authorized to be sold, pay all fees and costs  
17318 incurred in such issuance and sale, and do any and all other  
17319 things necessary and advisable in connection with the issuance and  
17320 sale of such bonds. The State Bond Commission is authorized and





17321 empowered to pay the costs that are incident to the sale, issuance  
17322 and delivery of the bonds authorized under Sections 57-1-307  
17323 through 57-1-335 from the proceeds derived from the sale of such  
17324 bonds. The State Bond Commission shall sell such bonds on sealed  
17325 bids at public sale, and for such price as it may determine to be  
17326 for the best interest of the State of Mississippi, but no such  
17327 sale shall be made at a price less than par plus accrued interest  
17328 to the date of delivery of the bonds to the purchaser. All  
17329 interest accruing on such bonds so issued shall be payable  
17330 semiannually or annually; however, the first interest payment may  
17331 be for any period of not more than one (1) year.

17332 Notice of the sale of any such bond shall be published at  
17333 least one (1) time, not less than ten (10) days before the date of  
17334 sale, and shall be so published in one or more newspapers  
17335 published or having a general circulation in the City of Jackson,  
17336 Mississippi, and in one or more other newspapers or financial  
17337 journals with a national circulation, to be selected by the State  
17338 Bond Commission.

17339 The State Bond Commission, when issuing any bonds under the  
17340 authority of Sections 57-1-307 through 57-1-335, may provide that  
17341 bonds, at the option of the State of Mississippi, may be called in  
17342 for payment and redemption at the call price named therein and  
17343 accrued interest on such date or dates named therein.

17344 The publication of any notice required in this section may be  
17345 published on the Internet as provided in Section 1 of this act.

17346 **SECTION 281.** Section 57-1-323, Mississippi Code of 1972, is  
17347 amended as follows:

17348 57-1-323. The bonds authorized under the authority of  
17349 Sections 57-1-307 through 57-1-335 may be validated in the  
17350 Chancery Court of the First Judicial District of Hinds County,  
17351 Mississippi, in the manner and with the force and effect provided  
17352 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
17353 validation of county, municipal, school district and other bonds.



17354 The notice to taxpayers required by such statutes shall be  
17355 published in a newspaper published or having a general circulation  
17356 in the City of Jackson, Mississippi.

17357 The publication of any notice required in this section may be  
17358 published on the Internet as provided in Section 1 of this act.

17359 **SECTION 282.** Section 57-3-11, Mississippi Code of 1972, is  
17360 amended as follows:

17361 57-3-11. Before issuing any bonds hereunder the governing  
17362 body, as hereinbefore defined, of any municipality, as  
17363 hereinbefore defined, shall adopt a resolution declaring its  
17364 intention so to do stating the amount of bonds proposed to be  
17365 issued, the purpose for which the bonds are to be issued, and the  
17366 date upon which the governing body proposes to direct the issuance  
17367 of such bonds. Such resolution shall be published once a week for  
17368 at least three (3) consecutive weeks in at least one (1) newspaper  
17369 published in the county in which such municipality is located.  
17370 The first publication of such resolution shall be made not less  
17371 than twenty-one (21) days prior to the date fixed in such  
17372 resolution for the issuance of the bonds and the last publication  
17373 shall be made not more than seven (7) days prior to such date. If  
17374 no newspaper be published in such county, then such notice shall  
17375 be given by publishing the resolution for the required time in  
17376 some newspaper having a general circulation in such county, and,  
17377 in addition, by posting a copy of such resolution for at least  
17378 twenty-one (21) days next preceding the date fixed therein at  
17379 three (3) public places in such county. If twenty per centum  
17380 (20%) of the qualified electors of the municipality shall file a  
17381 written protest against the issuance of such bonds on or before  
17382 the date specified in such resolution, then an election on the  
17383 question of the issuance of such bonds shall be called and held as  
17384 herein provided. If no such protest be filed, then such bonds may  
17385 be issued without an election on the question of the issuance  
17386 thereof, at any time within a period of two (2) years after the



17387 date specified in the above-mentioned resolution. However, the  
17388 governing body of such municipality, in its discretion, may  
17389 nevertheless call an election on such question, in which event it  
17390 shall not be necessary to publish the resolution declaring its  
17391 intention to issue bonds as herein provided.

17392 The publication of any notice required in this section may be  
17393 published on the Internet as provided in Section 1 of this act.

17394 **SECTION 283.** Section 57-3-13, Mississippi Code of 1972, is  
17395 amended as follows:

17396 57-3-13. Where an election is to be called as provided in  
17397 Section 57-3-11, notice of such election shall be signed by the  
17398 clerk of the governing body of any municipality, and shall be  
17399 published once a week for at least three (3) consecutive weeks, in  
17400 at least one (1) newspaper published in such county. The first  
17401 publication of such notice shall be made not less than twenty-one  
17402 (21) days prior to the date fixed for such election and the last  
17403 publication shall be made not more than seven (7) days prior to  
17404 such date. If no newspaper is published in such county, then such  
17405 notice shall be given by publishing the same for the required time  
17406 in some newspaper having a general circulation in such county,  
17407 and, in addition, by posting a copy of such notice for at least  
17408 twenty-one (21) days next preceding such election at three (3)  
17409 public places in such county.

17410 The publication of any notice required in this section may be  
17411 published on the Internet as provided in Section 1 of this act.

17412 **SECTION 284.** Section 57-7-7, Mississippi Code of 1972, is  
17413 amended as follows:

17414 57-7-7. Before issuing any bonds under the provisions of  
17415 this chapter, the municipality or other authority shall, by  
17416 resolution spread upon the minutes, declare its intention to issue  
17417 such bonds for the purposes authorized by this chapter and shall  
17418 state in said resolution the amount of bonds proposed to be issued  
17419 and shall likewise fix in said resolution the date upon which the



17420 said municipality or other authority proposes to direct the  
17421 issuance of such bonds. Notice of such intention shall be  
17422 published once a week for at least three (3) consecutive weeks in  
17423 a newspaper published or having a general circulation in the  
17424 municipality or the governmental subdivision issuing the bonds,  
17425 with the first publication of said notice to be made not less than  
17426 twenty-one (21) days prior to the date fixed in the resolution for  
17427 the issuance of said bonds and the last publication to be made not  
17428 more than seven (7) days prior to such date. If, on or before the  
17429 date specified in the resolution, twenty percent (20%) of the  
17430 qualified electors of the municipality or other governmental  
17431 subdivision shall file a written protest against the issuance of  
17432 such bonds, then an election upon the issuance thereof shall be  
17433 called, and held, as is hereby provided. If no such protest shall  
17434 be filed, then the said municipality or other authority may issue  
17435 such bonds without an election on the question of the issuance  
17436 thereof at any time within a period of two (2) years after the  
17437 date specified in the resolution.

17438 The publication of any notice required in this section may be  
17439 published on the Internet as provided in Section 1 of this act.

17440 **SECTION 285.** Section 57-10-223, Mississippi Code of 1972, is  
17441 amended as follows:

17442 57-10-223. Whenever federal law requires public hearings and  
17443 public approval as a prerequisite to obtaining federal tax  
17444 exemption for the interest paid on industrial development bonds  
17445 under Section 141 of the Revenue Code, unless otherwise specified  
17446 by federal law or regulation, the public hearing for industrial  
17447 development bonds of the company shall be conducted by the company  
17448 and the procedure for the public hearing and public approvals  
17449 shall be as follows:

17450 (a) For a public hearing by the company;

17451 (i) Notice of the hearing shall be published at

17452 least once in a newspaper published or having general circulation



17453 in the municipality in which the facility to be financed is to be  
17454 located, or having general circulation in the state, of intention  
17455 to provide financing for a named applicant. The applicant shall  
17456 pay the cost of notification. The notice shall specify the time  
17457 and place of hearing at which persons may appear and present their  
17458 views. The hearing shall be held not less than fourteen (14) days  
17459 after the notice shall appear in such newspaper. The hearing may  
17460 be held at any place within the state determined by the company;

17461 (ii) The notice shall contain (A) the name and  
17462 address of the company; (B) the name and address of the principal  
17463 place of business, if any, of the applicant seeking financing; (C)  
17464 the maximum dollar amount of financing sought; and (D) the type of  
17465 business and purpose and specific location of the facility to be  
17466 financed.

17467 (b) For public approval, the Governor or State  
17468 Treasurer is appointed by this article as the applicable elected  
17469 representative within the meaning of Section 147(f) of the Revenue  
17470 Code.

17471 The publication of any notice required in this section may be  
17472 published on the Internet as provided in Section 1 of this act.

17473 **SECTION 286.** Section 57-31-13, Mississippi Code of 1972, is  
17474 amended as follows:

17475 57-31-13. The authority may sell such bonds in such manner  
17476 and for such price as it may determine to be for the best interest  
17477 of the State of Mississippi, but no such sale shall be made at a  
17478 price less than par plus accrued interest to date of delivery of  
17479 the bonds to the purchaser. Notice of the sale of any such bonds  
17480 shall be published at least one time not less than ten (10) days  
17481 prior to the date of sale and shall be so published in one or more  
17482 newspapers published in such county and in one or more other  
17483 newspapers or financial journals as may be directed by the  
17484 authority.



17485        The publication of any notice required in this section may be  
17486 published on the Internet as provided in Section 1 of this act.

17487        **SECTION 287.** Section 57-44-19, Mississippi Code of 1972, is  
17488 amended as follows:

17489        57-44-19. The State Bond Commission shall act as the issuing  
17490 agent for the bonds authorized under Section 57-44-11, prescribe  
17491 the form of the bonds, advertise for and accept bids, issue and  
17492 sell the bonds so authorized to be sold, pay all fees and costs  
17493 incurred in such issuance and sale, and do any and all other  
17494 things necessary and advisable in connection with the issuance and  
17495 sale of such bonds. The State Bond Commission is authorized and  
17496 empowered to pay the costs that are incident to the sale, issuance  
17497 and delivery of the bonds authorized under Sections 57-44-11  
17498 through 57-44-39 from the proceeds derived from the sale of such  
17499 bonds. The State Bond Commission shall sell such bonds on sealed  
17500 bids at public sale, and for such price as it may determine to be  
17501 for the best interest of the State of Mississippi, but no such  
17502 sale shall be made at a price less than par plus accrued interest  
17503 to the date of delivery of the bonds to the purchaser. All  
17504 interest accruing on such bonds so issued shall be payable  
17505 semiannually or annually; however, the first interest payment may  
17506 be for any period of not more than one (1) year.

17507        Notice of the sale of any such bond shall be published at  
17508 least one (1) time, not less than ten (10) days before the date of  
17509 sale, and shall be so published in one or more newspapers  
17510 published or having a general circulation in the City of Jackson,  
17511 Mississippi, and in one or more other newspapers or financial  
17512 journals with a national circulation, to be selected by the State  
17513 Bond Commission.

17514        The State Bond Commission, when issuing any bonds under the  
17515 authority of Sections 57-44-11 through 57-44-39, may provide that  
17516 bonds, at the option of the State of Mississippi, may be called in



for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 288.** Section 57-44-27, Mississippi Code of 1972, is amended as follows:

57-44-27. The bonds authorized under the authority of Sections 57-44-11 through 57-44-39 may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 289.** Section 57-61-37, Mississippi Code of 1972, is amended as follows:

57-61-37. (1) Each municipality is hereby authorized and empowered to borrow money from the board pursuant to the terms and provisions of this chapter. Each municipality is further authorized and empowered to pay to the board such fees and charges for services hereunder as the board may prescribe.

(2) Each municipality is hereby authorized to evidence the borrowing of money from the board pursuant to this chapter by the issuance of evidences of indebtedness under the provisions of this section and to sell such evidences of indebtedness to the board to raise money for any purpose or purposes for which the board is authorized to loan money to such municipality under the terms of this chapter. Except as specifically provided in this chapter, such evidences of indebtedness shall be issued in accordance with the provisions of Sections 21-33-307, 21-33-309, 21-33-311,



17550 21-33-313, 21-33-315, 21-33-317, 21-33-319, 21-33-321 and  
17551 21-33-323 in the case of cities or incorporated towns, and in  
17552 accordance with the provisions of Sections 19-9-7, 19-9-9,  
17553 19-9-11, 19-9-13, 19-9-15, 19-9-17, 19-9-19, 19-9-21, 19-9-23,  
17554 19-9-25 and 19-9-29 in the case of counties. Bonds or other  
17555 evidences of indebtedness which are issued either pursuant to this  
17556 chapter, or pursuant to any other law as evidence of loans made  
17557 pursuant to this chapter, shall not be deemed indebtedness within  
17558 the meaning specified in Section 21-33-303 with regard to cities  
17559 or incorporated towns, and in Section 19-9-5 with regard to  
17560 counties. The preceding sentence shall apply to all such bonds  
17561 and evidences of indebtedness outstanding as of the effective date  
17562 of this provision and to all such bonds and evidences of  
17563 indebtedness hereafter issued.

17564 (3) In connection with the issuance of evidences of  
17565 indebtedness under the provisions of this chapter by cities,  
17566 incorporated towns and counties, the following provisions shall  
17567 specifically apply:

17568 (a) When publishing notice of intent to issue bonds as  
17569 required under the terms of Section 21-33-307 or Section 19-9-11,  
17570 as the case may be, the municipality shall publish such notice  
17571 once a week for three (3) consecutive weeks, the first publication  
17572 to be not less than twenty-one (21) days prior to the date set for  
17573 authorizing such issuance and the last publication to be not more  
17574 than seven (7) days prior to such date.

17575 (b) Such evidences of indebtedness shall be secured:

17576 (i) by the revenues derived by the municipality from the  
17577 ownership, operation or lease of the project or improvements  
17578 funded with proceeds of the loan from the board to such  
17579 municipality under the terms of this chapter or by loan repayments  
17580 from the private company derived by the municipality from the loan  
17581 to the private company of the proceeds of the loan from the board  
17582 to such municipality under the terms of this chapter, but only to





17583 the extent, in whole or in part, pledged by the municipality,  
17584 which pledge may be on a basis subordinate to other obligations or  
17585 agreements of the municipality; (ii) by the sources of repayment  
17586 provided for under the terms of subsections (7) and (8) of Section  
17587 57-61-15 of this chapter; (iii) and as provided by Chapter 33,  
17588 Title 21, Mississippi Code of 1972, in the case of cities and  
17589 incorporated towns, and Chapter 9, Title 19, Mississippi Code of  
17590 1972, in the case of counties but only in the event that the  
17591 sources provided by items (i) and (ii) hereof are insufficient  
17592 therefor. For the purposes of Section 27-39-321, the evidences of  
17593 indebtedness issued hereunder shall be deemed to be "general  
17594 obligation bonds."

17595 (c) Such evidences of indebtedness may be sold only to  
17596 the board at private sale and may be sold at such price or prices,  
17597 in such manner and at such times as may be agreed to by the  
17598 municipality and the board, and the municipality may pay all  
17599 expenses, premiums, fees and commissions which it may deem  
17600 necessary and advantageous in connection with the issuance and  
17601 sale thereof and such evidences of indebtedness shall mature at  
17602 such time or times not exceeding thirty (30) years and in such  
17603 amounts and shall bear interest at such rate or rates as required  
17604 for loans made under the provisions of this chapter and as may be  
17605 agreed upon by the board and the municipality; provided, that in  
17606 connection with financing a Navy home port, the municipality may  
17607 obtain a letter of credit and pledge to the repayment thereof the  
17608 same sources pledged to such evidences of indebtedness or  
17609 negotiate and enter into a credit agreement, trust indenture or  
17610 other agreement with any bank, trust company or other lending  
17611 institution for the purpose of making or receiving any payments  
17612 required to be made to the United States Navy to accommodate a  
17613 Navy home port.

17614 (d) The proceeds of such evidences of indebtedness  
17615 shall be applied to the following: (i) the purpose for which such



17616 evidences of indebtedness were issued; (ii) the payment of all  
17617 costs of issuance of such evidences of indebtedness; (iii) the  
17618 payment of any fees and charges established by the board; (iv) the  
17619 payment of interest on such evidences of indebtedness for a period  
17620 of time not greater than the period of time estimated to be  
17621 required to complete the purpose for which the evidences of  
17622 indebtedness were issued or to the extent provided by resolution  
17623 of the municipality and approved by the board; (v) the payment of  
17624 any costs relating to obtaining or entering into a credit  
17625 agreement, loan disbursement agreement, trust indenture or other  
17626 agreement with any bank, trust company or other lending  
17627 institution for the purpose of securing, making or receiving any  
17628 payments required to be made to the United States Navy to  
17629 accommodate a Navy home port.

17630           (e) Evidences of indebtedness issued under this section  
17631 may be validated in the manner and with the force and effect  
17632 provided in Section 31-13-1 et seq.

17633           (f) This section shall be deemed to provide an  
17634 additional, alternate and complete method for the doing of the  
17635 things authorized hereby and shall be deemed and construed to be  
17636 supplemental to any provisions of any other laws and not in  
17637 derogation of any such provisions. In connection with the  
17638 issuance of evidences of indebtedness, a municipality shall not be  
17639 required to comply with the provisions of any other law except as  
17640 provided herein.

17641           (4) The publication of any notice required in this section  
17642 may be published on the Internet as provided in Section 1 of this  
17643 act.

17644           **SECTION 290.** Section 57-64-15, Mississippi Code of 1972, is  
17645 amended as follows:

17646           57-64-15. (1) The local government unit shall be the issuer  
17647 of any debt incurred hereunder and the proceeds of such debt shall



17648 be made available to the alliance in order to provide funds to  
17649 defray the costs of a project.

17650 (2) The local government unit shall have power in the  
17651 issuance of its bonds to:

17652 (a) Covenant as to the use of any or all of its  
17653 property, real or personal.

17654 (b) Redeem the bonds, to covenant for their redemption  
17655 and to provide the terms and conditions thereof.

17656 (c) Covenant to charge rates, fees and charges  
17657 sufficient to meet operating and maintenance expenses, renewals  
17658 and replacements, principal and debt service on bonds, creation  
17659 and maintenance of any reserves required by a bond resolution,  
17660 trust indenture or other security instrument and to provide for  
17661 any margins or coverages over and above debt service on the bonds  
17662 deemed desirable for the marketability of the bonds.

17663 (d) Covenant and prescribe as to events of default and  
17664 terms and conditions upon which any or all of its bonds shall  
17665 become or may be declared due before maturity, as to the terms and  
17666 conditions upon which such declaration and its consequences may be  
17667 waived and as to the consequences of default and the remedies of  
17668 bondholders.

17669 (e) Covenant as to the mortgage or pledge of or the  
17670 grant of a security interest in any real or personal property and  
17671 all or any part of the revenues from any facilities or any  
17672 revenue-producing contract or contracts made by the compact with  
17673 any person to secure the payment of bonds, subject to such  
17674 agreements with the holders of bonds as may then exist.

17675 (f) Covenant as to the custody, collection, securing,  
17676 investment and payment of any revenue assets, monies, funds or  
17677 property with respect to which the compact may have any rights or  
17678 interest.

17679 (g) Covenant as to the purpose to which the proceeds  
17680 from the sale of any bonds then or thereafter to be issued may be



17681 applied, and the pledge of such proceeds to secure the payment of  
17682 the bonds.

17683 (h) Covenant as to the limitations on the issuance of  
17684 any additional bonds, the terms upon which additional bonds may be  
17685 issued and secured, and the refunding of outstanding bonds.

17686 (i) Covenant as to the rank or priority of any bonds  
17687 with respect to any lien or security.

17688 (j) Covenant as to the procedure by which the terms of  
17689 any contract with or for the benefit of the holders of bonds may  
17690 be amended or abrogated, the amount of bonds the holders of which  
17691 must consent thereto, and the manner in which such consent may be  
17692 given.

17693 (k) Covenant as to the custody of any of its properties  
17694 or investments, the safekeeping thereof, the insurance to be  
17695 carried thereon, and the use and disposition of insurance  
17696 proceeds.

17697 (l) Covenant as to the vesting in a trustee or  
17698 trustees, within or outside the state, of such properties, rights,  
17699 powers and duties in trust as the local government unit may  
17700 determine.

17701 (m) Covenant as to the appointing and providing for the  
17702 duties and obligations of a paying agent or paying agents or other  
17703 fiduciaries within or outside the state.

17704 (n) Make all other covenants and to do any and all such  
17705 acts and things as may be necessary or convenient or desirable in  
17706 order to secure its bonds, including providing a debt service  
17707 reserve fund, bond insurance and credit enhancement, or in the  
17708 absolute discretion of the local government unit make the bonds  
17709 more marketable, notwithstanding that such covenants, acts or  
17710 things may not be enumerated herein; it being the intention hereof  
17711 to give the local government unit power to do all things in the  
17712 issuance of bonds and in the provisions for security thereof which  
17713 are not inconsistent with the Mississippi Constitution of 1890.



17714           (o) Execute all instruments necessary or convenient in  
17715 the exercise of the powers herein granted or in the performance of  
17716 covenants or duties, which may contain such covenants and  
17717 provisions, as any purchaser of the bonds of the local government  
17718 unit may reasonably require.

17719           (3) Before the local government unit may issue any bonds to  
17720 finance any debt relating to a proposed project under this  
17721 chapter, the governing authority of the local government unit  
17722 shall advertise, in addition to any other publication required by  
17723 law, its intention to issue the bonds. The intention to issue  
17724 bonds shall include (a) the amount of bonds proposed to be issued;  
17725 (b) the purpose for which the bonds are to be issued, including a  
17726 specific description of the proposed project for which the  
17727 proceeds of the bonds may be used and extended; and (c) the date  
17728 upon which the governing authority proposes to direct the issuance  
17729 of such bonds. Such intention to issue bonds shall be published  
17730 once in at least one (1) newspaper published in such local  
17731 government unit. The publication of such intention to issue bonds  
17732 shall be made not less than thirty (30) days before the date upon  
17733 which the governing authority proposes to direct the issuance of  
17734 the bonds. If no newspaper be published in such local government  
17735 unit, then such notice shall be given by publishing the intention  
17736 to issue bonds for the required time in some newspaper having a  
17737 general circulation in such local government unit and, in  
17738 addition, by posting a copy of such intention to issue bonds for  
17739 at least thirty (30) days next preceding the date fixed therein at  
17740 three (3) public places in such local government unit. The  
17741 newspaper publication shall be a notice that shall not be less  
17742 than forty (40) square inches in size and surrounded by a  
17743 one-fourth-inch solid black border. The notice shall be headlined  
17744 "NOTICE OF BOND ISSUE" and the headline shall be no smaller than  
17745 thirty (30) point type. The remainder of the notice shall be no  
17746 smaller than ten (10) point type. The notice shall not be placed



17747 in any portion of the newspaper where legal notices and classified  
17748 advertisements appear.

17749 (4) The publication of any notice required in this section  
17750 may be published on the Internet as provided in Section 1 of this  
17751 act.

17752 **SECTION 291.** Section 57-67-15, Mississippi Code of 1972, is  
17753 amended as follows:

17754 57-67-15. (1) Upon notification to the authority by the  
17755 Department of Energy that the state has been finally selected as  
17756 the site for the project, the State Bond Commission shall have the  
17757 power and is hereby authorized and directed, upon receipt of a  
17758 declaration from the Governor as hereinafter provided, to borrow  
17759 money and issue general obligation bonds of the state in one or  
17760 more series for the purposes herein set out. Upon such  
17761 notification, the Governor may thereafter from time to time  
17762 declare the necessity for the issuance of general obligation state  
17763 bonds as authorized by this section and forward such declaration  
17764 to the State Bond Commission, provided that prior to said  
17765 notification, the Governor may enter into agreements with the  
17766 United States government and others that will commit the Governor  
17767 to direct the State Bond Commission to issue bonds for eligible  
17768 undertakings set out in subsection (4) of this section,  
17769 conditioned on the siting of the project in the state.

17770 (2) Upon receipt of any such declaration from the Governor,  
17771 the State Bond Commission, upon verifying that the state has been  
17772 selected as the site of the project, shall act as the issuing  
17773 agent for the series of state bonds directed to be issued in such  
17774 declaration pursuant to authority granted in this section.

17775 (3) Bonds issued under the authority of this section shall  
17776 not exceed an aggregate principal amount in the sum of Five  
17777 Hundred Million Dollars (\$500,000,000.00).

17778 (4) The proceeds from the sale of the state bonds issued  
17779 pursuant to this section may be applied for the purposes of: (a)



17780 defraying all or any designated portion of the costs incurred with  
17781 respect to acquisition, planning, design, construction,  
17782 installation, rehabilitation, improvement and relocation of the  
17783 project and any facility related to the project located within the  
17784 project area, including costs of design and engineering, all costs  
17785 incurred to provide land, easements and rights-of-way, relocation  
17786 costs with respect to the project and with respect to any facility  
17787 related to the project located within the project area, and costs  
17788 associated with mitigation of environmental impacts; (b) providing  
17789 for the payment of interest on the bonds; (c) providing debt  
17790 service reserves; and (d) paying underwriters discount, original  
17791 issue discount, accountants' fees, engineers' fees, attorney's  
17792 fees, rating agency fees and other fees and expenses in connection  
17793 with the issuance of the bonds. Such bonds shall be issued from  
17794 time to time and in such principal amounts as shall be designated  
17795 by the Governor not to exceed in aggregate principal amount the  
17796 amount authorized in subsection (3) of this section. Proceeds  
17797 from the sale of the state bonds issued pursuant to this section  
17798 may be invested, subject to federal limitations, pending their  
17799 use, in such securities as may be specified in the resolution  
17800 authorizing the issuance of the bonds or the trust indenture  
17801 securing them, and the earning on such investment applied as  
17802 provided in such resolution or trust indenture.

17803       (5) The principal of and the interest on the state bonds  
17804 shall be payable in the manner hereinafter set forth. The state  
17805 bonds shall bear date or dates, be in such denomination or  
17806 denominations, bear interest at such rate or rates, be payable at  
17807 such place or places within or without the state, shall mature  
17808 absolutely at such time or times, be redeemable prior to maturity  
17809 at such time or times and upon such terms, with or without  
17810 premium, shall bear such registration privileges, and shall be  
17811 substantially in such form, all as shall be determined by  
17812 resolution of the State Bond Commission. Provided, however, that



17813 such state bonds shall mature or otherwise be retired in annual  
17814 installments beginning not more than five (5) years from date  
17815 thereof and extending not more than twenty-five (25) years from  
17816 date thereof. The state bonds shall be signed by the Chairman of  
17817 the State Bond Commission, or by his facsimile signature, and the  
17818 official seal of the State Bond Commission shall be imprinted on  
17819 or affixed thereto, attested by the manual or facsimile signature  
17820 of the Secretary of the State Bond Commission. Whenever any such  
17821 state bonds shall have been signed by the officials herein  
17822 designated to sign the bonds, who were in the office at the time  
17823 of such signing but who may have ceased to be such officers prior  
17824 to the sale and delivery of such bonds, or who may not have been  
17825 in office on the date such bonds may bear, the signatures of such  
17826 officers upon such bonds shall nevertheless be valid and  
17827 sufficient for all purposes and have the same effect as if the  
17828 person so officially signing such bonds had remained in office  
17829 until the delivery of the same to the purchaser, or had been in  
17830 office on the date such bonds may bear.

17831 (6) All state bonds issued under the provisions of this  
17832 section shall be and are hereby declared to have all the qualities  
17833 and incidents of negotiable instruments under the provisions of  
17834 the Uniform Commercial Code and in exercising the powers granted  
17835 by this chapter, the State Bond Commission shall not be required  
17836 to and need not comply with the provisions of the Uniform  
17837 Commercial Code.

17838 (7) The State Bond Commission shall sell the state bonds on  
17839 sealed bids at public sale, and for such price as it may determine  
17840 to be for the best interest of the State of Mississippi, but no  
17841 such sale shall be made at a price less than par plus accrued  
17842 interest to date of delivery of the bonds to the purchaser. The  
17843 state bonds shall bear interest at such rate or rates not  
17844 exceeding the limits set forth in Section 75-17-101 as shall be  
17845 fixed by the State Bond Commission. All interest accruing on such





17846 bonds so issued shall be payable semiannually or annually;  
17847 provided that the first interest payment may be for any period of  
17848 not more than one (1) year.

17849       The lowest interest rate specified for any bonds issued shall  
17850 not be less than sixty percent (60%) of the highest interest rate  
17851 specified for the same bond issue. Each interest rate specified  
17852 in any bid must be in a multiple of one-eighth of one percent (1/8  
17853 of 1%) or one-tenth of one percent (1/10 of 1%) and a zero rate of  
17854 interest cannot be named. Notice of the sale of any state bond  
17855 shall be published at least one time, the first of which shall be  
17856 made not less than ten (10) days prior to the date of sale, and  
17857 shall be so published in one or more newspapers having a general  
17858 circulation in the City of Jackson and in one or more other  
17859 newspapers or financial journals with a large national  
17860 circulation, to be selected by the State Bond Commission.

17861       The State Bond Commission, when issuing any state bonds under  
17862 the authority of this section, may provide that the bonds, at the  
17863 option of the state, may be called in for payment and redemption  
17864 in reverse order of maturity at the call price named therein and  
17865 accrued interest on such date or dates named therein.

17866       (8) State bonds issued under the provisions of this section  
17867 shall be the general obligations of the state and backed by the  
17868 full faith and credit of the state, and if the funds appropriated  
17869 by the Legislature shall be insufficient to pay the principal of  
17870 and the interest on such bonds as they become due, then the  
17871 deficiency shall be paid by the State Treasurer from any funds in  
17872 the State Treasury not otherwise appropriated. All state bonds  
17873 shall contain recitals on their faces substantially covering the  
17874 foregoing provisions of this section.

17875       (9) The State Treasurer is hereby authorized, without  
17876 further process of law, to certify to the State Fiscal Management  
17877 Board the necessity for warrants, and the State Fiscal Management  
17878 Board is hereby authorized and directed to issue such warrants



17879 payable out of any funds authorized by this section for such  
17880 purpose, in such amounts as may be necessary to pay when due the  
17881 principal of and interest on all state bonds issued under the  
17882 provisions of this section; and the State Treasurer shall forward  
17883 the necessary amount to the designated place or places of payment  
17884 of such bonds in ample time to discharge such bonds, or the  
17885 interest thereon, on the due dates thereof.

17886       (10) The state bonds may be issued without any other  
17887 proceedings or the happening of any other conditions or things  
17888 other than those proceedings, conditions and things which are  
17889 specified or required by this chapter. Any resolution providing  
17890 for the issuance of general obligation state bonds under the  
17891 provisions of this section shall become effective immediately upon  
17892 its adoption by the State Bond Commission, and any such resolution  
17893 may be adopted at any regular or special meeting of the State Bond  
17894 Commission by a majority of its members.

17895       (11) In anticipation of the issuance of state bonds  
17896 hereunder, the State Bond Commission is hereby authorized to  
17897 negotiate and enter into any purchase, loan, credit or other  
17898 agreement with any bank, trust company or other lending  
17899 institution or to issue and sell short-term notes for the purpose  
17900 of making any payments authorized under this section. All  
17901 borrowings made under this provision shall be evidenced by notes  
17902 of the state which shall be issued from time to time, for such  
17903 amounts not exceeding the amount of state bonds authorized herein,  
17904 in such form and in such denomination and subject to such terms  
17905 and conditions of sale and issuance, prepayment or redemption and  
17906 maturity, rate or rates of interest not to exceed the maximum rate  
17907 authorized herein for bonds, and time of payment of interest as  
17908 the State Bond Commission shall agree to in such agreement. Such  
17909 notes shall constitute general obligations of the state and shall  
17910 be backed by the full faith and credit of the state. Such notes  
17911 may also be issued for the purpose of refunding previously issued



17912 notes; provided that no notes shall mature more than three (3)  
17913 years following the date of issuance of the first note hereunder  
17914 and provided further, that all outstanding notes shall be retired  
17915 from the proceeds of the first issuance of bonds hereunder. The  
17916 State Bond Commission is authorized to provide for the  
17917 compensation of any purchaser of the notes by payment of a fixed  
17918 fee or commission and for all other costs and expenses of issuance  
17919 and service, including paying agent costs. Such costs and  
17920 expenses may be paid from the proceeds of the notes.

17921 (12) The bonds and notes authorized under the authority of  
17922 this section may be validated in the First Judicial District of  
17923 the Chancery Court of Hinds County, Mississippi, in the manner and  
17924 with the force and effect provided now or hereafter by Chapter 13,  
17925 Title 31, Mississippi Code of 1972, for the validation of county,  
17926 municipal, school district and other bonds. The necessary papers  
17927 for such validation proceedings shall be transmitted to the State  
17928 Bond Attorney, and the required notice shall be published in a  
17929 newspaper published in the City of Jackson, Mississippi.

17930 (13) There is hereby created in the State Treasury a special  
17931 fund, separate and apart from any other fund, to be designated as  
17932 the "Superconducting Super Collider Special Fund." On July 15  
17933 immediately succeeding the date that the state has been finally  
17934 selected as the site for the project and on or before the  
17935 fifteenth day of each succeeding month thereafter until a period  
17936 of time not to exceed twenty-five (25) years from the initial  
17937 deposit or until the date that all state bonds issued under this  
17938 chapter are retired, whichever occurs last in time, the State  
17939 Treasurer shall deposit into the Superconducting Super Collider  
17940 Special Fund the sum of Three Million Seven Hundred Fifty Thousand  
17941 Dollars (\$3,750,000.00) from taxes collected under the provisions  
17942 of Chapter 7, Title 27, Mississippi Code of 1972. Funds deposited  
17943 in the special fund shall be used to pay the principal of and  
17944 interest on the state bonds issued under this section and any



17945 balance in the special fund in excess of the amount needed to pay  
17946 the principal of and interest on the state bonds shall be  
17947 appropriated by the Legislature to defray expenses of the project,  
17948 facilities related to the project or enhancements within the  
17949 project area.

17950 (14) The publication of any notice required in this section  
17951 may be published on the Internet as provided in Section 1 of this  
17952 act.

17953 **SECTION 292.** Section 57-67-23, Mississippi Code of 1972, is  
17954 amended as follows:

17955 57-67-23. All bonds (other than state bonds, refunding  
17956 bonds, interim notes and certificates of indebtedness, which may  
17957 be validated) issued pursuant to Sections 57-67-19 through  
17958 57-67-31 shall be validated as provided in Sections 31-13-1  
17959 through 31-13-11, Mississippi Code of 1972; provided, however,  
17960 that notice of such validation proceedings shall be addressed to  
17961 the taxpayers of all public agencies and political subdivisions:

17962 (a) Which have contracted with the authority pursuant  
17963 to Section 57-67-17; and

17964 (b) Whose contracts and the payments to be made  
17965 thereunder constitute security for the bonds of the authority  
17966 proposed to be issued, and such notice shall be published at least  
17967 once in a newspaper or newspapers having a general circulation  
17968 within the geographical boundaries of each public agency or  
17969 political subdivision to whose taxpayers the notice is addressed.

17970 Such validation proceedings shall be instituted in the First  
17971 Judicial District of the Chancery Court of Hinds County. The  
17972 validity of the bonds so validated and of the contracts and  
17973 payments to be made by the political subdivisions thereunder  
17974 constituting security for the bonds shall be forever conclusive  
17975 against the authority and the political subdivisions which are  
17976 parties to said contracts; and the validity of said bonds and said



contracts and the payments to be made thereunder shall never be called in question in any court in this state.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 293.** Section 57-75-15, Mississippi Code of 1972, is amended as follows:

57-75-15. (1) Upon notification to the authority by the enterprise that the state has been finally selected as the site for the project, the State Bond Commission shall have the power and is hereby authorized and directed, upon receipt of a declaration from the authority as hereinafter provided, to borrow money and issue general obligation bonds of the state in one or more series for the purposes herein set out. Upon such notification, the authority may thereafter from time to time declare the necessity for the issuance of general obligation bonds as authorized by this section and forward such declaration to the State Bond Commission, provided that before such notification, the authority may enter into agreements with the United States government, private companies and others that will commit the authority to direct the State Bond Commission to issue bonds for eligible undertakings set out in subsection (4) of this section, conditioned on the siting of the project in the state.

(2) Upon receipt of any such declaration from the authority, the State Bond Commission shall verify that the state has been selected as the site of the project and shall act as the issuing agent for the series of bonds directed to be issued in such declaration pursuant to authority granted in this section.

(3) (a) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(i) shall not exceed an aggregate principal amount in the sum of Sixty-seven Million Three Hundred Fifty Thousand Dollars (\$67,350,000.00).

(b) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(ii) shall not exceed



18010 Sixty-one Million Dollars (\$61,000,000.00). The authority, with  
18011 the express direction of the State Bond Commission, is authorized  
18012 to expend any remaining proceeds of bonds issued under the  
18013 authority of this act prior to January 1, 1998, for the purpose of  
18014 financing projects as then defined in Section 57-75-5(f)(ii) or  
18015 for any other projects as defined in Section 57-75-5(f)(ii), as it  
18016 may be amended from time to time. If there are any monetary  
18017 proceeds derived from the disposition of any improvements located  
18018 on real property in Kemper County purchased pursuant to this act  
18019 for projects related to the NAAS and if there are any monetary  
18020 proceeds derived from the disposition of any timber located on  
18021 real property in Kemper County purchased pursuant to this act for  
18022 projects related to the NAAS, all of such proceeds (both from the  
18023 disposition of improvements and the disposition of timber)  
18024 commencing July 1, 1996, through June 30, 2010, shall be paid to  
18025 the Board of Education of Kemper County, Mississippi, for  
18026 expenditure by such board of education to benefit the public  
18027 schools of Kemper County. No bonds shall be issued under this  
18028 paragraph (b) until the State Bond Commission by resolution adopts  
18029 a finding that the issuance of such bonds will improve, expand or  
18030 otherwise enhance the military installation, its support areas or  
18031 military operations, or will provide employment opportunities to  
18032 replace those lost by closure or reductions in operations at the  
18033 military installation or will support critical studies or  
18034 investigations authorized by Section 57-75-5(f)(ii).

18035 (c) Bonds issued under the authority of this section  
18036 for projects as defined in Section 57-75-5(f)(iii) shall not  
18037 exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be  
18038 issued under this paragraph after December 31, 1996.

18039 (d) Bonds issued under the authority of this section  
18040 for projects defined in Section 57-75-5(f)(iv) shall not exceed  
18041 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An  
18042 additional amount of bonds in an amount not to exceed Twelve



18043 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be  
18044 issued under the authority of this section for the purpose of  
18045 defraying costs associated with the construction of surface water  
18046 transmission lines for a project defined in Section 57-75-5(f)(iv)  
18047 or for any facility related to the project. No bonds shall be  
18048 issued under this paragraph after June 30, 2005.

18049 (e) Bonds issued under the authority of this section  
18050 for projects defined in Section 57-75-5(f)(v) and for facilities  
18051 related to such projects shall not exceed Thirty-eight Million  
18052 Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be  
18053 issued under this paragraph after April 1, 2005.

18054 (f) Bonds issued under the authority of this section  
18055 for projects defined in Section 57-75-5(f)(vii) shall not exceed  
18056 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
18057 under this paragraph after June 30, 2006.

18058 (g) Bonds issued under the authority of this section  
18059 for projects defined in Section 57-75-5(f)(viii) shall not exceed  
18060 Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No  
18061 bonds shall be issued under this paragraph after June 30, 2008.

18062 (h) Bonds issued under the authority of this section  
18063 for projects defined in Section 57-75-5(f)(ix) shall not exceed  
18064 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
18065 under this paragraph after June 30, 2007.

18066 (i) Bonds issued under the authority of this section  
18067 for projects defined in Section 57-75-5(f)(x) shall not exceed  
18068 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
18069 under this paragraph after April 1, 2005.

18070 (j) Bonds issued under the authority of this section  
18071 for projects defined in Section 57-75-5(f)(xii) shall not exceed  
18072 Thirty-three Million Dollars (\$33,000,000.00). The amount of  
18073 bonds that may be issued under this paragraph for projects defined  
18074 in Section 57-75-5(f)(xii) may be reduced by the amount of any  
18075 federal or local funds made available for such projects. No bonds



18076 shall be issued under this paragraph until local governments in or  
18077 near the county in which the project is located have irrevocably  
18078 committed funds to the project in an amount of not less than Two  
18079 Million Five Hundred Thousand Dollars (\$2,500,000.00) in the  
18080 aggregate; however, this irrevocable commitment requirement may be  
18081 waived by the authority upon a finding that due to the unforeseen  
18082 circumstances created by Hurricane Katrina, the local governments  
18083 are unable to comply with such commitment. No bonds shall be  
18084 issued under this paragraph after June 30, 2008.

18085 (k) Bonds issued under the authority of this section  
18086 for projects defined in Section 57-75-5(f)(xiii) shall not exceed  
18087 Three Million Dollars (\$3,000,000.00). No bonds shall be issued  
18088 under this paragraph after June 30, 2009.

18089 (l) Bonds issued under the authority of this section  
18090 for projects defined in Section 57-75-5(f)(xiv) shall not exceed  
18091 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be  
18092 issued under this paragraph until local governments in the county  
18093 in which the project is located have irrevocably committed funds  
18094 to the project in an amount of not less than Two Million Dollars  
18095 (\$2,000,000.00). No bonds shall be issued under this paragraph  
18096 after June 30, 2009.

18097 (m) Bonds issued under the authority of this section  
18098 for projects defined in Section 57-75-5(f)(xv) shall not exceed  
18099 Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be  
18100 issued under this paragraph after June 30, 2009.

18101 (n) Bonds issued under the authority of this section  
18102 for projects defined in Section 57-75-5(f)(xvi) shall not exceed  
18103 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued  
18104 under this paragraph after June 30, 2009.

18105 (o) Bonds issued under the authority of this section  
18106 for projects defined in Section 57-75-5(f)(xvii) shall not exceed  
18107 Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No  
18108 bonds shall be issued under this paragraph after June 30, 2009.





18109                   (p) Bonds issued under the authority of this section  
18110 for projects defined in Section 57-75-5(f)(xviii) shall not exceed  
18111 Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be  
18112 issued under this paragraph after June 30, 2016.

18113                   (q) Bonds issued under the authority of this section  
18114 for projects defined in Section 57-75-5(f)(xix) shall not exceed  
18115 Fifteen Million Dollars (\$15,000,000.00). No bonds shall be  
18116 issued under this paragraph after June 30, 2010.

18117                   (r) Bonds issued under the authority of this section  
18118 for projects defined in Section 57-75-5(f)(xx) shall not exceed  
18119 Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be  
18120 issued under this paragraph after June 30, 2010.

18121                   (s) Bonds issued under the authority of this section  
18122 for projects defined in Section 57-75-5(f)(xxi) shall not exceed  
18123 Two Hundred Ninety-three Million Nine Hundred Thousand Dollars  
18124 (\$293,900,000.00). No bonds shall be issued under this paragraph  
18125 after July 1, 2020.

18126                   (t) Bonds issued under the authority of this section  
18127 for Tier One suppliers shall not exceed Thirty Million Dollars  
18128 (\$30,000,000.00). No bonds shall be issued under this paragraph  
18129 after July 1, 2020.

18130                   (u) Bonds issued under the authority of this section  
18131 for projects defined in Section 57-75-5(f)(xxii) shall not exceed  
18132 Forty-eight Million Four Hundred Thousand Dollars  
18133 (\$48,400,000.00). No bonds shall be issued under this paragraph  
18134 after July 1, 2020.

18135                   (v) Bonds issued under the authority of this section  
18136 for projects defined in Section 57-75-5(f)(xxiii) shall not exceed  
18137 Eighty-eight Million Two Hundred Fifty Thousand Dollars  
18138 (\$88,250,000.00). No bonds shall be issued under this paragraph  
18139 after July 1, 2020.

18140                   (4) (a) The proceeds from the sale of the bonds issued  
18141 under this section may be applied for the following purposes:



18142 (i) Defraying all or any designated portion of the  
18143 costs incurred with respect to acquisition, planning, design,  
18144 construction, installation, rehabilitation, improvement,  
18145 relocation and with respect to state-owned property, operation and  
18146 maintenance of the project and any facility related to the project  
18147 located within the project area, including costs of design and  
18148 engineering, all costs incurred to provide land, easements and  
18149 rights-of-way, relocation costs with respect to the project and  
18150 with respect to any facility related to the project located within  
18151 the project area, and costs associated with mitigation of  
18152 environmental impacts and environmental impact studies;

18153 (ii) Defraying the cost of providing for the  
18154 recruitment, screening, selection, training or retraining of  
18155 employees, candidates for employment or replacement employees of  
18156 the project and any related activity;

18157 (iii) Reimbursing the Mississippi Development  
18158 Authority for expenses it incurred in regard to projects defined  
18159 in Section 57-75-5(f)(iv) prior to November 6, 2000. The  
18160 Mississippi Development Authority shall submit an itemized list of  
18161 expenses it incurred in regard to such projects to the Chairmen of  
18162 the Finance and Appropriations Committees of the Senate and the  
18163 Chairmen of the Ways and Means and Appropriations Committees of  
18164 the House of Representatives;

18165 (iv) Providing grants to enterprises operating  
18166 projects defined in Section 57-75-5(f)(iv)1;

18167 (v) Paying any warranty made by the authority  
18168 regarding site work for a project defined in Section  
18169 57-75-5(f)(iv)1;

18170 (vi) Defraying the cost of marketing and promotion  
18171 of a project as defined in Section 57-75-5(f)(iv)1, Section  
18172 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii). The authority shall  
18173 submit an itemized list of costs incurred for marketing and  
18174 promotion of such project to the Chairmen of the Finance and



18175 Appropriations Committees of the Senate and the Chairmen of the  
18176 Ways and Means and Appropriations Committees of the House of  
18177 Representatives;

18178                   (vii) Providing for the payment of interest on the  
18179 bonds;

18180                   (viii) Providing debt service reserves;

18181                   (ix) Paying underwriters' discount, original issue  
18182 discount, accountants' fees, engineers' fees, attorneys' fees,  
18183 rating agency fees and other fees and expenses in connection with  
18184 the issuance of the bonds;

18185                   (x) For purposes authorized in paragraphs (b),  
18186 (c), (d), (e) and (f) of this subsection (4);

18187                   (xi) Providing grants to enterprises operating  
18188 projects defined in Section 57-75-5(f)(v), or, in connection with  
18189 a facility related to such a project, for any purposes deemed by  
18190 the authority in its sole discretion to be necessary and  
18191 appropriate;

18192                   (xii) Providing grant funds or loans to a public  
18193 agency or an enterprise owning, leasing or operating a project  
18194 defined in Section 57-75-5(f)(ii);

18195                   (xiii) Providing grant funds or loans to an  
18196 enterprise owning, leasing or operating a project defined in  
18197 Section 57-75-5(f)(xiv);

18198                   (xiv) Providing grants, loans and payments to or  
18199 for the benefit of an enterprise owning or operating a project  
18200 defined in Section 57-75-5(f)(xviii);

18201                   (xv) Purchasing equipment for a project defined in  
18202 Section 57-75-5(f)(viii) subject to such terms and conditions as  
18203 the authority considers necessary and appropriate;

18204                   (xvi) Providing grant funds to an enterprise  
18205 developing or owning a project defined in Section 57-75-5(f)(xx);

18206                   (xvii) Providing grants for projects as authorized  
18207 in Section 57-75-11(kk), (ll) and (mm), or, in connection with a



18208 facility related to such a project, for any purposes deemed by the  
18209 authority in its sole discretion to be necessary and appropriate;  
18210 and

18211 (xviii) Providing grants for projects as  
18212 authorized in Section 57-75-11(pp) for any purposes deemed by the  
18213 authority in its sole discretion to be necessary and appropriate.

18214 Such bonds shall be issued from time to time and in such  
18215 principal amounts as shall be designated by the authority, not to  
18216 exceed in aggregate principal amounts the amount authorized in  
18217 subsection (3) of this section. Proceeds from the sale of the  
18218 bonds issued under this section may be invested, subject to  
18219 federal limitations, pending their use, in such securities as may  
18220 be specified in the resolution authorizing the issuance of the  
18221 bonds or the trust indenture securing them, and the earning on  
18222 such investment applied as provided in such resolution or trust  
18223 indenture.

18224 (b) (i) The proceeds of bonds issued after June 21,  
18225 2002, under this section for projects described in Section  
18226 57-75-5(f) (iv) may be used to reimburse reasonable actual and  
18227 necessary costs incurred by the Mississippi Development Authority  
18228 in providing assistance related to a project for which funding is  
18229 provided from the use of proceeds of such bonds. The Mississippi  
18230 Development Authority shall maintain an accounting of actual costs  
18231 incurred for each project for which reimbursements are sought.  
18232 Reimbursements under this paragraph (b) (i) shall not exceed Three  
18233 Hundred Thousand Dollars (\$300,000.00) in the aggregate.  
18234 Reimbursements under this paragraph (b) (i) shall satisfy any  
18235 applicable federal tax law requirements.

18236 (ii) The proceeds of bonds issued after June 21,  
18237 2002, under this section for projects described in Section  
18238 57-75-5(f) (iv) may be used to reimburse reasonable actual and  
18239 necessary costs incurred by the Department of Audit in providing  
18240 services related to a project for which funding is provided from



18241 the use of proceeds of such bonds. The Department of Audit shall  
18242 maintain an accounting of actual costs incurred for each project  
18243 for which reimbursements are sought. The Department of Audit may  
18244 escalate its budget and expend such funds in accordance with rules  
18245 and regulations of the Department of Finance and Administration in  
18246 a manner consistent with the escalation of federal funds.  
18247 Reimbursements under this paragraph (b) (ii) shall not exceed One  
18248 Hundred Thousand Dollars (\$100,000.00) in the aggregate.  
18249 Reimbursements under this paragraph (b) (ii) shall satisfy any  
18250 applicable federal tax law requirements.

18251 (c) (i) The proceeds of bonds issued under this  
18252 section for projects described in Section 57-75-5(f) (ix) may be  
18253 used to reimburse reasonable actual and necessary costs incurred  
18254 by the Mississippi Development Authority in providing assistance  
18255 related to a project for which funding is provided for the use of  
18256 proceeds of such bonds. The Mississippi Development Authority  
18257 shall maintain an accounting of actual costs incurred for each  
18258 project for which reimbursements are sought. Reimbursements under  
18259 this paragraph shall not exceed Twenty-five Thousand Dollars  
18260 (\$25,000.00) in the aggregate.

18261 (ii) The proceeds of bonds issued under this  
18262 section for projects described in Section 57-75-5(f) (ix) may be  
18263 used to reimburse reasonable actual and necessary costs incurred  
18264 by the Department of Audit in providing services related to a  
18265 project for which funding is provided from the use of proceeds of  
18266 such bonds. The Department of Audit shall maintain an accounting  
18267 of actual costs incurred for each project for which reimbursements  
18268 are sought. The Department of Audit may escalate its budget and  
18269 expend such funds in accordance with rules and regulations of the  
18270 Department of Finance and Administration in a manner consistent  
18271 with the escalation of federal funds. Reimbursements under this  
18272 paragraph shall not exceed Twenty-five Thousand Dollars  
18273 (\$25,000.00) in the aggregate. Reimbursements under this



18274 paragraph shall satisfy any applicable federal tax law  
18275 requirements.

18276 (d) (i) The proceeds of bonds issued under this  
18277 section for projects described in Section 57-75-5(f)(x) may be  
18278 used to reimburse reasonable actual and necessary costs incurred  
18279 by the Mississippi Development Authority in providing assistance  
18280 related to a project for which funding is provided for the use of  
18281 proceeds of such bonds. The Mississippi Development Authority  
18282 shall maintain an accounting of actual costs incurred for each  
18283 project for which reimbursements are sought. Reimbursements under  
18284 this paragraph shall not exceed Twenty-five Thousand Dollars  
18285 (\$25,000.00) in the aggregate.

18286 (ii) The proceeds of bonds issued under this  
18287 section for projects described in Section 57-75-5(f)(x) may be  
18288 used to reimburse reasonable actual and necessary costs incurred  
18289 by the Department of Audit in providing services related to a  
18290 project for which funding is provided from the use of proceeds of  
18291 such bonds. The Department of Audit shall maintain an accounting  
18292 of actual costs incurred for each project for which reimbursements  
18293 are sought. The Department of Audit may escalate its budget and  
18294 expend such funds in accordance with rules and regulations of the  
18295 Department of Finance and Administration in a manner consistent  
18296 with the escalation of federal funds. Reimbursements under this  
18297 paragraph shall not exceed Twenty-five Thousand Dollars  
18298 (\$25,000.00) in the aggregate. Reimbursements under this  
18299 paragraph shall satisfy any applicable federal tax law  
18300 requirements.

18301 (e) (i) The proceeds of bonds issued under this  
18302 section for projects described in Section 57-75-5(f)(xii) may be  
18303 used to reimburse reasonable actual and necessary costs incurred  
18304 by the Mississippi Development Authority in providing assistance  
18305 related to a project for which funding is provided from the use of  
18306 proceeds of such bonds. The Mississippi Development Authority



18307 shall maintain an accounting of actual costs incurred for each  
18308 project for which reimbursements are sought. Reimbursements under  
18309 this paragraph (e)(i) shall not exceed Twenty-five Thousand  
18310 Dollars (\$25,000.00) in the aggregate.

18311 (ii) The proceeds of bonds issued under this  
18312 section for projects described in Section 57-75-5(f)(xii) may be  
18313 used to reimburse reasonable actual and necessary costs incurred  
18314 by the Department of Audit in providing services related to a  
18315 project for which funding is provided from the use of proceeds of  
18316 such bonds. The Department of Audit shall maintain an accounting  
18317 of actual costs incurred for each project for which reimbursements  
18318 are sought. The Department of Audit may escalate its budget and  
18319 expend such funds in accordance with rules and regulations of the  
18320 Department of Finance and Administration in a manner consistent  
18321 with the escalation of federal funds. Reimbursements under this  
18322 paragraph (e)(ii) shall not exceed Twenty-five Thousand Dollars  
18323 (\$25,000.00) in the aggregate. Reimbursements under this  
18324 paragraph (e)(ii) shall satisfy any applicable federal tax law  
18325 requirements.

18326 (f) (i) The proceeds of bonds issued under this  
18327 section for projects described in Section 57-75-5(f)(xiii),  
18328 (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii), (f)(xviii) and (f)(xx) may  
18329 be used to reimburse reasonable actual and necessary costs  
18330 incurred by the Mississippi Development Authority in providing  
18331 assistance related to a project for which funding is provided from  
18332 the use of proceeds of such bonds. The Mississippi Development  
18333 Authority shall maintain an accounting of actual costs incurred  
18334 for each project for which reimbursements are sought.  
18335 Reimbursements under this paragraph (f)(i) shall not exceed  
18336 Twenty-five Thousand Dollars (\$25,000.00) for each project.

18337 (ii) The proceeds of bonds issued under this  
18338 section for projects described in Section 57-75-5(f)(xiii),  
18339 (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii), (f)(xviii) and (f)(xx) may



18340 be used to reimburse reasonable actual and necessary costs  
18341 incurred by the Department of Audit in providing services related  
18342 to a project for which funding is provided from the use of  
18343 proceeds of such bonds. The Department of Audit shall maintain an  
18344 accounting of actual costs incurred for each project for which  
18345 reimbursements are sought. The Department of Audit may escalate  
18346 its budget and expend such funds in accordance with rules and  
18347 regulations of the Department of Finance and Administration in a  
18348 manner consistent with the escalation of federal funds.  
18349 Reimbursements under this paragraph (f)(ii) shall not exceed  
18350 Twenty-five Thousand Dollars (\$25,000.00) for each project.  
18351 Reimbursements under this paragraph (f)(ii) shall satisfy any  
18352 applicable federal tax law requirements.

18353 (g) (i) The proceeds of bonds issued under this  
18354 section for projects described in Section 57-75-5(f)(xxi) or  
18355 projects for a Tier One supplier may be used to reimburse  
18356 reasonable actual and necessary costs incurred by the Mississippi  
18357 Development Authority in providing assistance related to a project  
18358 for which funding is provided from the use of proceeds of such  
18359 bonds. The Mississippi Development Authority shall maintain an  
18360 accounting of actual costs incurred for each project for which  
18361 reimbursements are sought. Reimbursements under this paragraph  
18362 (g)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00)  
18363 in the aggregate.

18364 (ii) The proceeds of bonds issued under this  
18365 section for projects described in Section 57-75-5(f)(xxi) or  
18366 projects for a Tier One supplier may be used to reimburse  
18367 reasonable actual and necessary costs incurred by the Department  
18368 of Audit in providing services related to a project for which  
18369 funding is provided from the use of proceeds of such bonds. The  
18370 Department of Audit shall maintain an accounting of actual costs  
18371 incurred for each project for which reimbursements are sought.  
18372 The Department of Audit may escalate its budget and expend such





18373 funds in accordance with rules and regulations of the Department  
18374 of Finance and Administration in a manner consistent with the  
18375 escalation of federal funds. Reimbursements under this paragraph  
18376 (g)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00)  
18377 in the aggregate. Reimbursements under this paragraph (g)(ii)  
18378 shall satisfy any applicable federal tax law requirements.

18379 (h) (i) The proceeds of bonds issued under this  
18380 section for projects described in Section 57-75-5(f)(xxii) may be  
18381 used to reimburse reasonable actual and necessary costs incurred  
18382 by the Mississippi Development Authority in providing assistance  
18383 related to a project for which funding is provided from the use of  
18384 proceeds of such bonds. The Mississippi Development Authority  
18385 shall maintain an accounting of actual costs incurred for each  
18386 project for which reimbursements are sought. Reimbursements under  
18387 this paragraph (h)(i) shall not exceed Twenty-five Thousand  
18388 Dollars (\$25,000.00) in the aggregate.

18389 (ii) The proceeds of bonds issued under this  
18390 section for projects described in Section 57-75-5(f)(xxii) may be  
18391 used to reimburse reasonable actual and necessary costs incurred  
18392 by the Department of Audit in providing services related to a  
18393 project for which funding is provided from the use of proceeds of  
18394 such bonds. The Department of Audit shall maintain an accounting  
18395 of actual costs incurred for each project for which reimbursements  
18396 are sought. The Department of Audit may escalate its budget and  
18397 expend such funds in accordance with rules and regulations of the  
18398 Department of Finance and Administration in a manner consistent  
18399 with the escalation of federal funds. Reimbursements under this  
18400 paragraph (h)(ii) shall not exceed Twenty-five Thousand Dollars  
18401 (\$25,000.00) in the aggregate. Reimbursements under this  
18402 paragraph (h)(ii) shall satisfy any applicable federal tax law  
18403 requirements.

18404 (i) (i) The proceeds of bonds issued under this  
18405 section for projects described in Section 57-75-5(f)(xxiii) may be



18406 used to reimburse reasonable actual and necessary costs incurred  
18407 by the Mississippi Development Authority in providing assistance  
18408 related to a project for which funding is provided from the use of  
18409 proceeds of such bonds. The Mississippi Development Authority  
18410 shall maintain an accounting of actual costs incurred for each  
18411 project for which reimbursements are sought. Reimbursements under  
18412 this paragraph (i)(i) shall not exceed Twenty-five Thousand  
18413 Dollars (\$25,000.00) in the aggregate.

18414 (ii) The proceeds of bonds issued under this  
18415 section for projects described in Section 57-75-5(f)(xxiii) may be  
18416 used to reimburse reasonable actual and necessary costs incurred  
18417 by the Department of Audit in providing services related to a  
18418 project for which funding is provided from the use of proceeds of  
18419 such bonds. The Department of Audit shall maintain an accounting  
18420 of actual costs incurred for each project for which reimbursements  
18421 are sought. The Department of Audit may escalate its budget and  
18422 expend such funds in accordance with rules and regulations of the  
18423 Department of Finance and Administration in a manner consistent  
18424 with the escalation of federal funds. Reimbursements under this  
18425 paragraph (i)(ii) shall not exceed Twenty-five Thousand Dollars  
18426 (\$25,000.00) in the aggregate. Reimbursements under this  
18427 paragraph (i)(ii) shall satisfy any applicable federal tax law  
18428 requirements.

18429 (5) The principal of and the interest on the bonds shall be  
18430 payable in the manner hereinafter set forth. The bonds shall bear  
18431 date or dates; be in such denomination or denominations; bear  
18432 interest at such rate or rates; be payable at such place or places  
18433 within or without the state; mature absolutely at such time or  
18434 times; be redeemable before maturity at such time or times and  
18435 upon such terms, with or without premium; bear such registration  
18436 privileges; and be substantially in such form; all as shall be  
18437 determined by resolution of the State Bond Commission except that  
18438 such bonds shall mature or otherwise be retired in annual



18439 installments beginning not more than five (5) years from the date  
18440 thereof and extending not more than twenty-five (25) years from  
18441 the date thereof. The bonds shall be signed by the Chairman of  
18442 the State Bond Commission, or by his facsimile signature, and the  
18443 official seal of the State Bond Commission shall be imprinted on  
18444 or affixed thereto, attested by the manual or facsimile signature  
18445 of the Secretary of the State Bond Commission. Whenever any such  
18446 bonds have been signed by the officials herein designated to sign  
18447 the bonds, who were in office at the time of such signing but who  
18448 may have ceased to be such officers before the sale and delivery  
18449 of such bonds, or who may not have been in office on the date such  
18450 bonds may bear, the signatures of such officers upon such bonds  
18451 shall nevertheless be valid and sufficient for all purposes and  
18452 have the same effect as if the person so officially signing such  
18453 bonds had remained in office until the delivery of the same to the  
18454 purchaser, or had been in office on the date such bonds may bear.

18455       (6) All bonds issued under the provisions of this section  
18456 shall be and are hereby declared to have all the qualities and  
18457 incidents of negotiable instruments under the provisions of the  
18458 Uniform Commercial Code and in exercising the powers granted by  
18459 this chapter, the State Bond Commission shall not be required to  
18460 and need not comply with the provisions of the Uniform Commercial  
18461 Code.

18462       (7) The State Bond Commission shall sell the bonds on sealed  
18463 bids at public sale, and for such price as it may determine to be  
18464 for the best interest of the State of Mississippi, but no such  
18465 sale shall be made at a price less than par plus accrued interest  
18466 to date of delivery of the bonds to the purchaser. The bonds  
18467 shall bear interest at such rate or rates not exceeding the limits  
18468 set forth in Section 75-17-101 as shall be fixed by the State Bond  
18469 Commission. All interest accruing on such bonds so issued shall  
18470 be payable semiannually or annually; provided that the first



18471 interest payment may be for any period of not more than one (1)  
18472 year.

18473 Notice of the sale of any bonds shall be published at least  
18474 one time, the first of which shall be made not less than ten (10)  
18475 days prior to the date of sale, and shall be so published in one  
18476 or more newspapers having a general circulation in the City of  
18477 Jackson and in one or more other newspapers or financial journals  
18478 with a large national circulation, to be selected by the State  
18479 Bond Commission.

18480 The State Bond Commission, when issuing any bonds under the  
18481 authority of this section, may provide that the bonds, at the  
18482 option of the state, may be called in for payment and redemption  
18483 at the call price named therein and accrued interest on such date  
18484 or dates named therein.

18485 (8) State bonds issued under the provisions of this section  
18486 shall be the general obligations of the state and backed by the  
18487 full faith and credit of the state. The Legislature shall  
18488 appropriate annually an amount sufficient to pay the principal of  
18489 and the interest on such bonds as they become due. All bonds  
18490 shall contain recitals on their faces substantially covering the  
18491 foregoing provisions of this section.

18492 (9) The State Treasurer is authorized to certify to the  
18493 Department of Finance and Administration the necessity for  
18494 warrants, and the Department of Finance and Administration is  
18495 authorized and directed to issue such warrants payable out of any  
18496 funds appropriated by the Legislature under this section for such  
18497 purpose, in such amounts as may be necessary to pay when due the  
18498 principal of and interest on all bonds issued under the provisions  
18499 of this section. The State Treasurer shall forward the necessary  
18500 amount to the designated place or places of payment of such bonds  
18501 in ample time to discharge such bonds, or the interest thereon, on  
18502 the due dates thereof.



18503           (10) The bonds may be issued without any other proceedings  
18504 or the happening of any other conditions or things other than  
18505 those proceedings, conditions and things which are specified or  
18506 required by this chapter. Any resolution providing for the  
18507 issuance of general obligation bonds under the provisions of this  
18508 section shall become effective immediately upon its adoption by  
18509 the State Bond Commission, and any such resolution may be adopted  
18510 at any regular or special meeting of the State Bond Commission by  
18511 a majority of its members.

18512           (11) In anticipation of the issuance of bonds hereunder, the  
18513 State Bond Commission is authorized to negotiate and enter into  
18514 any purchase, loan, credit or other agreement with any bank, trust  
18515 company or other lending institution or to issue and sell interim  
18516 notes for the purpose of making any payments authorized under this  
18517 section. All borrowings made under this provision shall be  
18518 evidenced by notes of the state which shall be issued from time to  
18519 time, for such amounts not exceeding the amount of bonds  
18520 authorized herein, in such form and in such denomination and  
18521 subject to such terms and conditions of sale and issuance,  
18522 prepayment or redemption and maturity, rate or rates of interest  
18523 not to exceed the maximum rate authorized herein for bonds, and  
18524 time of payment of interest as the State Bond Commission shall  
18525 agree to in such agreement. Such notes shall constitute general  
18526 obligations of the state and shall be backed by the full faith and  
18527 credit of the state. Such notes may also be issued for the  
18528 purpose of refunding previously issued notes. No note shall  
18529 mature more than three (3) years following the date of its  
18530 issuance. The State Bond Commission is authorized to provide for  
18531 the compensation of any purchaser of the notes by payment of a  
18532 fixed fee or commission and for all other costs and expenses of  
18533 issuance and service, including paying agent costs. Such costs  
18534 and expenses may be paid from the proceeds of the notes.



18535           (12) The bonds and interim notes authorized under the  
18536 authority of this section may be validated in the First Judicial  
18537 District of the Chancery Court of Hinds County, Mississippi, in  
18538 the manner and with the force and effect provided now or hereafter  
18539 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
18540 validation of county, municipal, school district and other bonds.  
18541 The necessary papers for such validation proceedings shall be  
18542 transmitted to the State Bond Attorney, and the required notice  
18543 shall be published in a newspaper published in the City of  
18544 Jackson, Mississippi.

18545           (13) Any bonds or interim notes issued under the provisions  
18546 of this chapter, a transaction relating to the sale or securing of  
18547 such bonds or interim notes, their transfer and the income  
18548 therefrom shall at all times be free from taxation by the state or  
18549 any local unit or political subdivision or other instrumentality  
18550 of the state, excepting inheritance and gift taxes.

18551           (14) All bonds issued under this chapter shall be legal  
18552 investments for trustees, other fiduciaries, savings banks, trust  
18553 companies and insurance companies organized under the laws of the  
18554 State of Mississippi; and such bonds shall be legal securities  
18555 which may be deposited with and shall be received by all public  
18556 officers and bodies of the state and all municipalities and other  
18557 political subdivisions thereof for the purpose of securing the  
18558 deposit of public funds.

18559           (15) The Attorney General of the State of Mississippi shall  
18560 represent the State Bond Commission in issuing, selling and  
18561 validating bonds herein provided for, and the Bond Commission is  
18562 hereby authorized and empowered to expend from the proceeds  
18563 derived from the sale of the bonds authorized hereunder all  
18564 necessary administrative, legal and other expenses incidental and  
18565 related to the issuance of bonds authorized under this chapter.

18566           (16) There is hereby created a special fund in the State  
18567 Treasury to be known as the Mississippi Major Economic Impact



18568 Authority Fund wherein shall be deposited the proceeds of the  
18569 bonds issued under this chapter and all monies received by the  
18570 authority to carry out the purposes of this chapter. Expenditures  
18571 authorized herein shall be paid by the State Treasurer upon  
18572 warrants drawn from the fund, and the Department of Finance and  
18573 Administration shall issue warrants upon requisitions signed by  
18574 the director of the authority.

18575       (17) (a) There is hereby created the Mississippi Economic  
18576 Impact Authority Sinking Fund from which the principal of and  
18577 interest on such bonds shall be paid by appropriation. All monies  
18578 paid into the sinking fund not appropriated to pay accruing bonds  
18579 and interest shall be invested by the State Treasurer in such  
18580 securities as are provided by law for the investment of the  
18581 sinking funds of the state.

18582       (b) In the event that all or any part of the bonds and  
18583 notes are purchased, they shall be cancelled and returned to the  
18584 loan and transfer agent as cancelled and paid bonds and notes and  
18585 thereafter all payments of interest thereon shall cease and the  
18586 cancelled bonds, notes and coupons, together with any other  
18587 cancelled bonds, notes and coupons, shall be destroyed as promptly  
18588 as possible after cancellation but not later than two (2) years  
18589 after cancellation. A certificate evidencing the destruction of  
18590 the cancelled bonds, notes and coupons shall be provided by the  
18591 loan and transfer agent to the seller.

18592       (c) The State Treasurer shall determine and report to  
18593 the Department of Finance and Administration and Legislative  
18594 Budget Office by September 1 of each year the amount of money  
18595 necessary for the payment of the principal of and interest on  
18596 outstanding obligations for the following fiscal year and the  
18597 times and amounts of the payments. It shall be the duty of the  
18598 Governor to include in every executive budget submitted to the  
18599 Legislature full information relating to the issuance of bonds and  
18600 notes under the provisions of this chapter and the status of the



18601 sinking fund for the payment of the principal of and interest on  
18602 the bonds and notes.

18603 (d) Any monies repaid to the state from loans  
18604 authorized in Section 57-75-11(hh) shall be deposited into the  
18605 Mississippi Major Economic Impact Authority Sinking Fund unless  
18606 the State Bond Commission, at the request of the authority, shall  
18607 determine that such loan repayments are needed to provide  
18608 additional loans as authorized under Section 57-75-11(hh). For  
18609 purposes of providing additional loans, there is hereby created  
18610 the Mississippi Major Economic Impact Authority Revolving Loan  
18611 Fund and loan repayments shall be deposited into the fund. The  
18612 fund shall be maintained for such period as determined by the  
18613 State Bond Commission for the sole purpose of making additional  
18614 loans as authorized by Section 57-75-11(hh). Unexpended amounts  
18615 remaining in the fund at the end of a fiscal year shall not lapse  
18616 into the State General Fund and any interest earned on amounts in  
18617 such fund shall be deposited to the credit of the fund.

18618 (e) Any monies repaid to the state from loans  
18619 authorized in Section 57-75-11(ii) shall be deposited into the  
18620 Mississippi Major Economic Impact Authority Sinking Fund.

18621 (f) Any monies repaid to the state from loans  
18622 authorized in Section 57-75-11(jj) shall be deposited into the  
18623 Mississippi Major Economic Impact Authority Sinking Fund.

18624 (18) (a) Upon receipt of a declaration by the authority  
18625 that it has determined that the state is a potential site for a  
18626 project, the State Bond Commission is authorized and directed to  
18627 authorize the State Treasurer to borrow money from any special  
18628 fund in the State Treasury not otherwise appropriated to be  
18629 utilized by the authority for the purposes provided for in this  
18630 subsection.

18631 (b) The proceeds of the money borrowed under this  
18632 subsection may be utilized by the authority for the purpose of  
18633 defraying all or a portion of the costs incurred by the authority





with respect to acquisition options and planning, design and environmental impact studies with respect to a project defined in Section 57-75-5(f)(xi). The authority may escalate its budget and expend the proceeds of the money borrowed under this subsection in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

(c) The authority shall request an appropriation or additional authority to issue general obligation bonds to repay the borrowed funds and establish a date for the repayment of the funds so borrowed.

(d) Borrowings made under the provisions of this subsection shall not exceed Five Hundred Thousand Dollars (\$500,000.00) at any one time.

(19) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 294.** Section 57-75-17, Mississippi Code of 1972, is amended as follows:

57-75-17. (1) For the purpose of aiding in the planning, design, undertaking and carrying out of the project or any facility related to the project, any public agency is authorized and empowered upon such terms, with or without consideration, as it may determine:

(a) To enter into agreements, which may extend over any period, with the authority respecting action to be taken by such public agency with respect to the acquisition, planning, construction, improvement, operation, maintenance or funding of the project or any such facility, and which agreements may include:

(i) The appropriation or payment of funds to the authority or to a trustee in amounts which shall be sufficient to enable the authority to defray any designated portion or



18667 percentage of the expenses of administering, planning, designing,  
18668 constructing, acquiring, improving, operating, and maintaining the  
18669 project or any facility related to the project,

18670                   (ii) The appropriation or payment of funds to the  
18671 authority or to a trustee to pay interest and principal (whether  
18672 at maturity or upon sinking fund redemption) on bonds of the  
18673 authority issued pursuant to this act and to fund reserves for  
18674 debt service, for operation and maintenance and for renewals and  
18675 replacements, and to fulfill requirements of any covenant with  
18676 respect to debt service contained in any resolution, trust  
18677 indenture or other security agreement relating to the bonds of the  
18678 authority issued pursuant to this act,

18679                   (iii) The furnishing of other assistance in  
18680 connection with the project or facility related to the project,  
18681 and

18682                   (iv) The borrowing of money from the authority in  
18683 connection with a project defined in Section 57-75-5(f)(ii);

18684           (b) To dedicate, sell, donate, convey or lease any  
18685 property or interest in property to the authority or grant  
18686 easements, licenses or other rights or privileges therein to the  
18687 authority;

18688           (c) To incur the expense of any public improvements  
18689 made or to be made by such public agency in exercising the powers  
18690 granted in this section;

18691           (d) To lend, grant or contribute funds to the  
18692 authority;

18693           (e) To cause public buildings and public facilities,  
18694 including parks, playgrounds, recreational areas, community  
18695 meeting facilities, water, sewer or drainage facilities, or any  
18696 other works which it is otherwise empowered to undertake, to be  
18697 furnished to or with respect to the project or any such facility;

18698           (f) To furnish, dedicate, close, vacate, pave, install,



18699 upgrade or improve highways, streets, roads, sidewalks, airports,  
18700 railroads, or ports;

18701 (g) To plan or replan, zone or rezone any parcel of  
18702 land within the public agency or make exceptions from land use,  
18703 building and zoning regulations;

18704 (h) To cause administrative and other services to be  
18705 furnished to the authority, including services pertaining to the  
18706 acquisition of real property and the furnishing of relocation  
18707 assistance; and

18708 (i) To loan to the owner, lessee or operator of any  
18709 project defined in Section 57-75-5(f)(ii) the proceeds of any loan  
18710 from the authority to the public entity under the provisions of  
18711 this act.

18712 (2) Any contract between a public agency entered into with  
18713 the authority pursuant to any of the powers granted by this act  
18714 shall be binding upon said public agency according to its terms,  
18715 and such public agency shall have the power to enter into such  
18716 contracts as in the discretion of the governing authorities  
18717 thereof would be to the best interest of the people of such public  
18718 agency. Such contracts may include within the discretion of such  
18719 governing authorities of public agencies defined under Section  
18720 57-75-5(h)(ii) a pledge of the full faith and credit of such  
18721 public agency or any other lawfully available funds for the  
18722 performance thereof. If at any time title to or possession of the  
18723 project or any such facility is held by any public body or  
18724 governmental agency other than the authority, including any agency  
18725 or instrumentality of the United States of America, the agreements  
18726 referred to in this section shall inure to the benefit of and may  
18727 be enforced by such public body or governmental agency.

18728 (3) Notwithstanding any provisions of this act to the  
18729 contrary, any contract entered into between the authority and any  
18730 public agency for the appropriation or payment of funds to the  
18731 authority under item (a)(ii) or (a)(iv) of this section shall



18732 contain a provision therein requiring periodic payments by the  
18733 public agency as required by the authority to pay its indebtedness  
18734 and, if the public agency is not a county or municipality, such  
18735 contract shall include as an additional party to the contract the  
18736 county or municipality (referred to in this paragraph as "levying  
18737 authority") that levies and collects taxes for the contracting  
18738 public agency. If the public agency fails to pay its indebtedness  
18739 for any month, the authority shall certify to the State Tax  
18740 Commission, or other appropriate agency, the amount of the  
18741 delinquency, and the State Tax Commission shall deduct such amount  
18742 from the public agency's or levying authority's, as the case may  
18743 be, next allocation of sales taxes, petroleum taxes, highway  
18744 privilege taxes, severance taxes, Tennessee Valley Authority  
18745 payments in lieu of taxes and homestead exemption reimbursements  
18746 in that order of priority. The State Tax Commission, or other  
18747 appropriate agency, shall pay the sums so deducted to the  
18748 authority to be applied to the discharge of the contractual  
18749 obligation.

18750 (4) Notwithstanding any provision of this act to the  
18751 contrary, all loans made pursuant to Section 57-75-11(hh) and this  
18752 section shall be for a term not to exceed twenty (20) years as may  
18753 be determined by the authority, shall bear interest at such rates  
18754 as may be determined by the authority, shall, in the sole  
18755 discretion of the authority, be secured in an amount and a manner  
18756 as may be determined by the authority.

18757 (5) (a) Before authorizing any loan to a public agency  
18758 defined in Section 57-75-5(h)(ii), a local governmental unit, the  
18759 governing authority of such local governmental unit in connection  
18760 with a project defined in Section 57-75-5(f)(ii), shall adopt a  
18761 resolution declaring its intention so to do, stating the amount of  
18762 the loan proposed to be authorized and the purpose for which the  
18763 loan is to be authorized, and the date upon which the loan will be  
18764 authorized. Such resolution shall be published once a week for at



18765 least three (3) consecutive weeks in at least one (1) newspaper  
18766 published in such local governmental unit. The first publication  
18767 of such resolution shall be made not less than twenty-one (21)  
18768 days before the date fixed in such resolution for the  
18769 authorization of the loan and the last publication shall be made  
18770 not more than seven (7) days before such date. If no newspaper is  
18771 published in such local governmental unit, then such notice shall  
18772 be given by publishing the resolution for the required time in  
18773 some newspaper having a general circulation in such local  
18774 governmental unit and, in addition, by posting a copy of such  
18775 resolution for at least twenty-one (21) days next preceding the  
18776 date fixed therein at three (3) public places in such local  
18777 governmental unit. If fifteen percent (15%) of the qualified  
18778 electors of the local governmental unit or fifteen hundred (1500),  
18779 whichever is the lesser, file a written protest against the  
18780 authorization of such loan on or before the date specified in such  
18781 resolution, then an election on the question of the authorization  
18782 of such loan shall be called and held as otherwise provided for in  
18783 connection with the issuance of general obligation indebtedness of  
18784 such local governmental unit. Notice of such election shall be  
18785 given as otherwise required in connection with the issuance of  
18786 general obligation indebtedness of such local governmental unit.  
18787 If three-fifths (3/5) of the qualified electors voting in the  
18788 election vote in favor of authorizing the loan, then the governing  
18789 authority of the local governmental unit shall proceed with the  
18790 loan; however, if less than three-fifths (3/5) of the qualified  
18791 electors voting in the election vote in favor of authorizing the  
18792 loan, then the loan shall not be incurred. If no protest be  
18793 filed, then such loan may be entered into by the local  
18794 governmental unit without an election on the question of the  
18795 authorization of such loan, at any time within a period of two (2)  
18796 years after the date specified in the resolution. However, the  
18797 governing authority of any local governmental unit, in its



18798 discretion, may nevertheless call an election on such question, in  
18799 which event it shall not be necessary to publish the resolution  
18800 declaring its intention to authorize such loan as provided in this  
18801 subsection.

18802 (b) Local governmental units may, in connection with  
18803 any such loan, enter into any covenants and agreements with  
18804 respect to such local governmental unit's operations, revenues,  
18805 assets, monies, funds or property, or such loan, as may be  
18806 prescribed by the authority.

18807 (c) Upon the making of any such loan by the authority  
18808 to any local governmental unit, such local governmental unit shall  
18809 be held and be deemed to have agreed that if such governmental  
18810 unit fails to pay the principal of, premium, if any, and interest  
18811 on any such loan as when due and payable, such governmental unit  
18812 shall have waived any and all defenses to such nonpayment, and the  
18813 authority, upon such nonpayment, shall thereupon avail itself of  
18814 all remedies, rights and provisions of law applicable in such  
18815 circumstance, including without limitation any remedies or rights  
18816 theretofore agreed to by the local governmental unit, and that  
18817 such loan shall for all of the purposes of this section, be held  
18818 and be deemed to have become due and payable and to be unpaid.  
18819 The authority may carry out the provisions of this section and  
18820 exercise all of the rights and other applicable laws of this  
18821 state.

18822 (d) This section shall be deemed to provide an  
18823 additional, alternative and complete method for the doing of the  
18824 things authorized by this section and shall be deemed and  
18825 construed to be supplemental to any power conferred by other laws  
18826 on public agencies and not in derogation of any such powers. Any  
18827 obligation incurred pursuant to the provisions of this section  
18828 shall not constitute an indebtedness of the public agency within  
18829 the meaning of any constitutional or statutory limitation or  
18830 restriction. For purposes of this act, a public agency shall not



18831 be required to comply with the provisions of any other law except  
18832 as provided in this section.

18833 (6) Any public agency providing any utility service or  
18834 services, to any project defined in Section 57-75-5(f)(iv)1 may  
18835 enter into leases or subleases for any period of time not to  
18836 exceed thirty (30) years, in the capacity as lessor or lessee or  
18837 sublessor or sublessee of lands alone, or lands and facilities  
18838 located thereon, whether the facilities are owned by the owner of  
18839 the land, a lessee, sublessee or a third party, and whether the  
18840 public agency is a lessor, lessee or owner of the land. Any such  
18841 public agency may also enter into operating agreements and/or  
18842 lease-purchase agreements with respect to land or utility  
18843 facilities as owner, operator, lessor or lessee for any period of  
18844 time not to exceed thirty (30) years. Any such public agency may  
18845 also enter into contracts for the provision of utilities for any  
18846 period of time not to exceed thirty (30) years and may set a  
18847 special rate structure for such utilities.

18848 (7) The publication of any notice required in this section  
18849 may be published on the Internet as provided in Section 1 of this  
18850 act.

18851 **SECTION 295.** Section 59-1-7, Mississippi Code of 1972, is  
18852 amended as follows:

18853 59-1-7. When the port commissioners shall have been  
18854 appointed and shall be qualified as set out in this chapter, they  
18855 shall meet at the regular place for the meetings of the mayor and  
18856 board of aldermen, or mayor and board of commissioners, of the  
18857 municipality, after giving at least ten (10) days' notice of the  
18858 time and place of such meeting by publication in a newspaper  
18859 published in such city, and they shall elect a president and  
18860 secretary, who shall be members of the commission.

18861 The publication of any notice required in this section may be  
18862 published on the Internet as provided in Section 1 of this act.



18863           **SECTION 296.** Section 59-3-7, Mississippi Code of 1972, is  
18864 amended as follows:

18865           59-3-7. Before issuing bonds authorized by Section 59-3-3  
18866 the corporate authorities shall by resolution spread upon their  
18867 minutes, declare their intention of issuing said bonds, fixing in  
18868 such resolution the maximum amount thereof, and the purpose for  
18869 which they are to be issued, and where an election is required  
18870 shall fix in such resolution a date upon which an election shall  
18871 be held in said municipality, of which not less than three (3)  
18872 weeks' notice shall be given by the clerk by a notice published in  
18873 a newspaper published in said municipality once a week for three  
18874 (3) weeks preceding said election at three (3) public places in  
18875 said municipality. Such election shall be held, as far as  
18876 practicable, as other elections are held in municipalities.

18877           The publication of any notice required in this section may be  
18878 published on the Internet as provided in Section 1 of this act.

18879           **SECTION 297.** Section 59-5-25, Mississippi Code of 1972, is  
18880 amended as follows:

18881           59-5-25. Any agreement reached between the board and the  
18882 city or county, or city and county acting jointly, or authorized  
18883 port or harbor agency shall be reduced to writing and set out the  
18884 terms and conditions under which such planned development shall be  
18885 completed, and shall specifically set out the maximum amount of  
18886 bonds, if any, to be issued by the state for the completion of  
18887 such planned development. No such agreement shall become  
18888 effective until approved by a majority of the qualified electors  
18889 of the city or county having jurisdiction of such port or harbor  
18890 voting in an election called for that purpose in the same manner  
18891 as in other city or county special elections. Any plan, agreement  
18892 and contract which has been approved by the qualified electors of  
18893 a county or municipality as herein provided, may be amended or  
18894 supplemented to add additional projects thereto in the same manner  
18895 as provided herein for the submission, modification and approval





18896 of the original plan, agreement and contract, save that instead of  
18897 submitting such supplemental contract to the qualified electors of  
18898 the county having jurisdiction of such port or harbor for  
18899 approval, the governing body of the county or municipality shall,  
18900 by the affirmative vote of two-thirds (2/3) of all members of such  
18901 governing body, adopt a resolution reciting the substantial terms  
18902 of such supplemental contract and giving notice that such contract  
18903 shall become effective on the date specified therein which shall  
18904 be not less than twenty-five (25) days from the date of the first  
18905 publication of such resolution. Such resolution shall be  
18906 published once a week for at least three (3) successive weeks in  
18907 the newspapers published and of general circulation within such  
18908 county or municipality. The first of such publications shall be  
18909 made at least twenty-one (21) days prior to the date set forth in  
18910 said resolution as the date upon which the supplemental contract  
18911 shall become effective and the last of such publications shall be  
18912 made not more than seven (7) days prior to such date. If prior to  
18913 the date set forth as aforesaid there shall be filed with the  
18914 clerk of the governing body of the county or municipality a  
18915 petition in writing signed by twenty percent (20%) of the  
18916 qualified electors of such county or municipality requesting an  
18917 election on the question of whether or not such contract shall be  
18918 effective, then such contract shall not become effective unless  
18919 approved by a majority of the qualified electors of the county or  
18920 municipality who vote therein at an election to be ordered by the  
18921 appropriate governing body for that purpose. Notice of such  
18922 election shall be given and such election shall be held and  
18923 conducted in like manner as approved by law with respect to the  
18924 submission of bond issues in the county or municipality. If the  
18925 proposition so submitted shall fail to receive approval at such  
18926 election, then such contract shall not become effective. If,  
18927 however, no such petition shall be so filed, or if at such  
18928 election, or subsequent election, such proposition be assented to



by the majority of qualified electors voting therein then such contract shall become effective on the dates set forth in the resolution. Any such contract or supplemental contract shall require that any such city, county, or city and county acting jointly, or authorized port or harbor agency shall pledge all net revenues to be derived from the planned development to the payment of principal and interest on the bonds issued for such planned development, and shall further require such agency to pay the principal and interest on such bonds, and all premiums, fees, or other charges in connection therewith as the same shall mature or become due. The proceeds of any bonds issued for such planned development shall be expended only for the purposes set out in such approved contract. To meet the obligations imposed by this section, any such city, county, or city and county acting jointly, or authorized port or harbor agency is hereby authorized to appropriate therefor any surplus funds from any source available to said city or county, or both acting jointly, or to levy a tax therefor not to exceed five (5) mills on all taxable property in said county or city, or both. The levies made under this provision shall not be reimbursed under the Homestead Exemption Law of 1946, being Sections 27-33-1 through 27-33-65, Mississippi Code of 1972. The ownership, operation and control of such planned development shall remain vested in the city, county, or other authorized port or harbor agency in such manner as is now or may hereafter be authorized by law.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 298.** Section 59-5-45, Mississippi Code of 1972, is amended as follows:

59-5-45. The State Bond Commission shall sell such bonds at public sale or private sale, and for such price as it may determine to be for the best interest of the State of Mississippi, but no sale shall be made at a price of less than ninety-eight



18962 percent (98%) of par, plus accrued interest. However, the One  
18963 Hundred Thirty Million Dollars (\$130,000,000.00) additional bonds  
18964 herein authorized shall mature annually, with all maturities not  
18965 longer than twenty-five (25) years, and may be sold for a price of  
18966 not less than ninety-eight percent (98%) of par, plus accrued  
18967 interest, to date of delivery of the bonds to the purchaser. All  
18968 bonds shall bear interest at such rate or rates not exceeding that  
18969 allowed in Section 75-17-101, Mississippi Code of 1972. All  
18970 interest accruing on such bonds so issued shall be payable  
18971 semiannually or annually.

18972 No interest payment due on any bond shall be evidenced by  
18973 more than one (1) coupon and supplemental coupons will not be  
18974 permitted.

18975 Notice of the public sale of any such bonds shall be  
18976 published at least two (2) times, the first of which shall be made  
18977 not less than ten (10) days prior to the date of sale, and shall  
18978 be so published in one or more newspapers having a general  
18979 circulation in the City of Jackson and in one or more other  
18980 newspapers or financial journals with a large national  
18981 circulation, to be selected by the State Bond Commission.

18982 The State Bond Commission, when issuing any bonds under the  
18983 authority of this chapter, shall provide that bonds maturing  
18984 eleven (11) or more years after the date of the issuance of such  
18985 bonds may, at the option of the State of Mississippi, be called in  
18986 for payment and redemption at the call price named therein and  
18987 accrued interest, or on the tenth anniversary of the date of  
18988 issue, or on any interest payment date thereafter prior to  
18989 maturity.

18990 The publication of any notice required in this section may be  
18991 published on the Internet as provided in Section 1 of this act.

18992 **SECTION 299.** Section 59-5-49, Mississippi Code of 1972, is  
18993 amended as follows:



18994           59-5-49. Such bonds as are authorized by this chapter may be  
18995 issued without any other proceedings or the happening of any other  
18996 conditions or things than those proceedings, conditions, and  
18997 things which are specified or required by this chapter. The bonds  
18998 authorized under the authority of this chapter may, in the  
18999 discretion of the State Bond Commission, be validated in the  
19000 Chancery Court of Hinds County, Mississippi, in the manner and  
19001 with the force and effect provided now or hereafter by Sections  
19002 31-13-1 through 31-13-11, Mississippi Code of 1972, for the  
19003 validation of county, municipal, school district, and other bonds.  
19004 The necessary papers for such validation proceedings shall be  
19005 transmitted to the State Bond Attorney by the attorney general,  
19006 and the required notice shall be published in a newspaper  
19007 published in the City of Jackson, Mississippi, and in a newspaper  
19008 of general circulation published in the city or county where the  
19009 planned development is located.

19010           The publication of any notice required in this section may be  
19011 published on the Internet as provided in Section 1 of this act.

19012           **SECTION 300.** Section 59-7-15, Mississippi Code of 1972, is  
19013 amended as follows:

19014           59-7-15. Before issuing the bonds authorized by Section  
19015 59-7-11, the corporate authorities shall by resolution spread upon  
19016 the minutes, declare their intention of issuing said bonds, fixing  
19017 in said resolution the maximum amount thereof, and the purpose for  
19018 which they are issued and where an election is required shall fix  
19019 in such resolution a date upon which an election shall be held in  
19020 said municipality, of which not less than three (3) weeks notice  
19021 shall be given by the clerk by a notice published in a newspaper  
19022 published in said municipality once a week for three (3) weeks  
19023 preceding said election at three (3) public places in said  
19024 municipality. Such election shall be held as far as practicable,  
19025 as other elections are held in municipalities.



19026        The publication of any notice required in this section may be  
19027 published on the Internet as provided in Section 1 of this act.

19028        **SECTION 301.** Section 59-7-113, Mississippi Code of 1972, is  
19029 amended as follows:

19030        59-7-113. Before issuing any bonds for any of the purposes  
19031 herein enumerated, the board of supervisors shall adopt a  
19032 resolution declaring its intention so to do, stating the amount of  
19033 bonds proposed to be issued and the purpose for which the bonds  
19034 are to be issued, and the date upon which the board proposes to  
19035 direct the issuance of such bonds. Such resolution shall be  
19036 published once a week for at least three (3) consecutive weeks in  
19037 at least one (1) newspaper published in such county. The first  
19038 publication of such resolution shall be made not less than  
19039 twenty-one (21) days prior to the date fixed in such resolution  
19040 for the issuance of the bonds, and the last publication shall be  
19041 made not more than seven (7) days prior to such date. If no  
19042 newspaper be published in such county, then such notice shall be  
19043 given by publishing the resolution for the required time in some  
19044 newspaper having a general circulation in such county and, in  
19045 addition, by posting a copy of such resolution for at least  
19046 twenty-one (21) days next preceding the date fixed therein at  
19047 three (3) public places in such county. If twenty percent (20%)  
19048 of the qualified electors of the county shall file a written  
19049 protest against the issuance of such bonds on or before the date  
19050 specified in such resolution, then an election on the question of  
19051 the issuance of such bonds shall be called and held as is herein  
19052 provided. If no such protest be filed, then such bonds may be  
19053 issued without an election on the question of the issuance  
19054 thereof, at any time within a period of two (2) years after the  
19055 date specified in the above-mentioned resolution. However, the  
19056 board of supervisors, in its discretion, may nevertheless call an  
19057 election on such question, in which event it shall not be



necessary to publish the resolution declaring its intention to issue such bonds as herein provided.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 302.** Section 59-7-115, Mississippi Code of 1972, is amended as follows:

59-7-115. Where an election is to be called, as provided in Section 59-7-113, notice of such election shall be signed by the clerk of the board of supervisors and shall be published once a week for at least three (3) consecutive weeks, in at least one (1) newspaper published in such county. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date fixed for such election and the last publication shall be made not more than seven (7) days prior to such date. If no newspaper is published in such county, then such notice shall be given by publishing the same for the required time in some newspaper having a general circulation in such county, and, in addition, by posting a copy of such notice for at least twenty-one (21) days next preceding such election at three (3) public places in such county.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 303.** Section 59-7-127, Mississippi Code of 1972, is amended as follows:

59-7-127. When such port commissioners provided for in Section 59-7-125 shall have been appointed and shall have been qualified as set out herein, they shall meet at the regular meeting place of the board of supervisors of such county, after giving at least five (5) days' notice of the time and place of such meeting by publication in a newspaper published at the county seat of such county. At such meeting they shall elect a president and a secretary who shall be members of the commission, and adopt such rules as may govern the time and place for holding meetings,



regular and special, not inconsistent with the provisions of this article.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 304.** Section 59-7-311, Mississippi Code of 1972, is amended as follows:

59-7-311. The power to issue bonds or other obligations authorized by this article and Section 59-5-31, shall be vested in and may be exercised from time to time by the governing bodies of any municipality or county so authorized in such laws.

Such revenue bonds may be issued without an election upon the adoption of a resolution of the board of supervisors of such county, declaring its intention to issue such bonds, and shall not be subject to any limitation as to amount, and shall not be included or computed in the statutory limitation of indebtedness of any such county. Such bonds shall bear date or dates, be in such denomination or denominations, bear interest at such rate or rates, be payable at such place or places within or without the State of Mississippi, shall mature at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the board of supervisors of such county. Such bonds shall mature in annual installments beginning not more than five (5) years from date thereof and extending not more than thirty-five (35) years from date thereof. Such bonds shall be signed by the president of the board of supervisors of such county, and the official seal of the county shall be affixed thereto, attested by the clerk of the board of supervisors of such county. The interest coupons to be attached to such bonds may be executed by the facsimile signatures of said officers. Whenever any such bonds shall have been signed by the officials herein designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers prior to



19124 the sale and delivery of such bonds, or who may not have been in  
19125 office on the date such bonds may bear, the signatures of such  
19126 officers upon such bonds and coupons shall nevertheless be valid  
19127 and sufficient for all purposes and have the same effect as if the  
19128 person so officially signing such bonds had remained in office  
19129 until the delivery of the same to the purchaser or had been in  
19130 office on the date such bonds may bear.

19131 All bonds and interest coupons issued under the provisions of  
19132 this article shall have and are hereby declared to have all the  
19133 qualities and incidents of negotiable instruments under the  
19134 Mississippi Uniform Commercial Code. Such bonds and income  
19135 therefrom shall be exempt from all taxation within the State of  
19136 Mississippi.

19137 The board of supervisors of such county shall sell such bonds  
19138 in such manner and for such price as it may determine to be for  
19139 the best interest of said county, but no such sale shall be made  
19140 at a price less than par plus accrued interest to date of delivery  
19141 of the bonds to the purchaser. Notice of the sale of any such  
19142 bonds shall be published at least one (1) time not less than ten  
19143 (10) days prior to the date of sale and shall be published in a  
19144 newspaper published in and having general circulation within the  
19145 county.

19146 The proceeds of such bonds shall be paid into a special fund  
19147 or funds in banks qualified to act as depositories for such  
19148 county. The proceeds of such bonds shall be solely for the  
19149 purposes for which they were issued, and the redeeming of any  
19150 outstanding bonds, and shall be disbursed upon the order of the  
19151 board of supervisors of such county, with such restrictions, if  
19152 any, as the resolution authorizing the issuance of the bonds may  
19153 provide. If the proceeds of such bonds, by error of calculation  
19154 or otherwise, shall be less than the cost of the purpose for which  
19155 they were issued, and the redeeming of any outstanding bonds,  
19156 unless otherwise provided in the resolution authorizing the





19157 issuance of such bonds, additional bonds may in like manner be  
19158 issued to provide the amount of such deficit which, unless  
19159 otherwise provided in the resolution authorizing the issuance of  
19160 bonds, shall be deemed to be of the same issue and shall be  
19161 entitled to payment from the same fund without preference or  
19162 priority of the bonds first issued for the same purpose. If the  
19163 proceeds of the bonds of any issue shall exceed the amount  
19164 required for the purpose for which the bonds were issued, the  
19165 surplus shall be paid into the fund established for the payment of  
19166 the principal of and the interest on such bonds.

19167       Such bonds may be issued without any other proceedings or the  
19168 happening of any other conditions or things than those  
19169 proceedings, conditions, and things which are specified or  
19170 required by this article. The bonds authorized under the  
19171 authority of this article may, in the discretion of the board of  
19172 supervisors of such county, be validated in the chancery court of  
19173 such county in the manner and with the force and effect provided  
19174 by Sections 31-13-1 through 31-13-11, Mississippi Code of 1972,  
19175 for the validation of county, municipal, school district, and  
19176 other bonds.

19177       The revenue bonds issued under the provisions of this section  
19178 shall be payable solely out of the revenues to accrue from the  
19179 operation of such project, development, improvement or utility  
19180 systems, and the full faith and credit of the county shall not be  
19181 pledged therefor, nor shall any ad valorem tax be levied therefor.

19182       The publication of any notice required in this section may be  
19183 published on the Internet as provided in Section 1 of this act.

19184       **SECTION 305.** Section 59-7-409, Mississippi Code of 1972, is  
19185 amended as follows:

19186       59-7-409. The port commission established by Section  
19187 59-7-407 shall meet at a regular place to be designated by the  
19188 port commission for organization as a port commission, after  
19189 giving at least ten (10) days' notice of the time and place of the



19190 meeting by publication in a newspaper published in the city, and  
19191 they shall elect a president and secretary who shall be members of  
19192 the commission. The president shall be elected annually and shall  
19193 vote only in cases of a tie vote.

19194 The publication of any notice required in this section may be  
19195 published on the Internet as provided in Section 1 of this act.

19196 **SECTION 306.** Section 59-9-11, Mississippi Code of 1972, is  
19197 amended as follows:

19198 59-9-11. When the members of a county port authority or  
19199 county development commission shall have been appointed and shall  
19200 have qualified as set out herein, they shall meet at the regular  
19201 meeting place of the board of supervisors of such county, after  
19202 giving at least five (5) days' notice of the time and place of  
19203 such meeting by publication in any newspaper published in the  
19204 county seat of such county. At such meetings they shall elect a  
19205 president and a secretary, who shall be members of the county port  
19206 authority or county development commission, and adopt such rules  
19207 as may govern the time and place for holding subsequent meetings,  
19208 regular and special, not inconsistent with the provisions of this  
19209 chapter.

19210 The publication of any notice required in this section may be  
19211 published on the Internet as provided in Section 1 of this act.

19212 **SECTION 307.** Section 59-9-43, Mississippi Code of 1972, is  
19213 amended as follows:

19214 59-9-43. The board of supervisors of a county issuing bonds  
19215 under Sections 59-9-37 and 59-9-41 shall sell such bonds in such  
19216 manner and for such price as it may determine to be for the best  
19217 interest of said county, but no such sale (other than revenue  
19218 bonds) shall be made at a price less than par plus accrued  
19219 interest to date of delivery of the bonds to the purchaser. Notice  
19220 of the sale of any such bonds (other than revenue bonds) shall be  
19221 published at least one (1) time not less than ten (10) days prior



to the date of sale and shall be published in a newspaper published in and having general circulation within such county.

The proceeds of such bonds shall be paid into a special fund or funds in banks qualified to act as depositories for such county. The proceeds of such bonds shall be solely for the purposes for which they were issued, and the redeeming of any outstanding bonds, and shall be disbursed upon order of the board of supervisors of such county, with such restriction, if any, as the resolution authorizing the issuance of the bonds may provide. If the proceeds of such bonds, by error of calculation or otherwise, shall be less than the cost of the purpose for which they were issued, and the redeeming of any outstanding bonds, unless otherwise provided in the resolution authorizing the issuance of such bonds, additional bonds may in like manner be issued to provide the amount of such deficit which, unless otherwise provided in the resolution authorizing the issuance of bonds, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which the bonds were issued, the surplus shall be paid into the fund established for the payment of the principal of and the interest on such bonds.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 308.** Section 59-9-51, Mississippi Code of 1972, is amended as follows:

59-9-51. A countywide election shall be held to determine whether such bonds, as are provided for in Sections 59-9-37 and 59-9-41, may be issued. Upon the calling of an election, notice of such election shall be signed by the clerk of the board of supervisors and shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper published in



19255 such county. The first publication of such notice shall be made  
19256 not less than twenty-one (21) days prior to the date fixed for  
19257 such election, and the last publication shall be made not more  
19258 than seven (7) days prior to such date. If no newspaper is  
19259 published in such county, then such notice shall be given by  
19260 publishing the same for the required time in some newspaper having  
19261 a general circulation in such county and, in addition, by posting  
19262 a copy of such notice for at least twenty-one (21) days next  
19263 preceding such election in three (3) public places in such county.  
19264 Such election shall be held, as far as is practicable, in the same  
19265 manner as other elections are held in counties. At such election,  
19266 all qualified electors of such county may vote, and the ballots  
19267 used at such election shall have printed thereon a brief statement  
19268 of the amount and purpose of the proposed bond issue and the words  
19269 "FOR THE BOND ISSUE" and "AGAINST THE BOND ISSUE," and the voter  
19270 shall vote by placing a cross (x) or check (✓) opposite his  
19271 choice on the proposition. When the results of the election on  
19272 the question of the issuance of such bonds shall have been  
19273 canvassed by the election commissioners of such county and  
19274 certified by them to the board of supervisors of such county, it  
19275 shall be the duty of such board of supervisors to determine and  
19276 adjudicate whether or not a majority of the qualified electors who  
19277 voted thereon in such election shall have voted in favor of the  
19278 issuance of such bonds, and unless a majority of the qualified  
19279 electors who voted thereon in such election shall have voted in  
19280 favor of the issuance of such bonds, then such bonds shall not be  
19281 issued. Should a majority of the qualified electors who vote  
19282 thereon in such election vote in favor of the issuance of such  
19283 bonds, then the board of supervisors of the county may issue such  
19284 bonds, either in whole or in part, within two (2) years from the  
19285 date of such election, or within two (2) years after the final  
19286 favorable termination of any litigation affecting the issuance of  
19287 such bonds, as such board shall deem best. However, the board of



19288 supervisors, in its discretion may, in lieu of the foregoing  
19289 provisions, adopt a resolution reciting its intention to issue  
19290 bonds for the purposes authorized by this chapter, stating the  
19291 amount of bonds proposed to be issued and the date upon which  
19292 further action will be taken by the board looking toward the  
19293 issuance of such bonds. Such resolution shall be published once a  
19294 week for at least three (3) successive weeks in a newspaper  
19295 published and of general circulation within such county. The  
19296 first of such publications shall be made at least twenty-one (21)  
19297 days prior to the date set forth in said resolution as the date  
19298 upon which further action will be taken by the board, and the last  
19299 of such publications shall be made not more than seven (7) days  
19300 prior to such date. If, prior to the date set forth as aforesaid,  
19301 there shall be filed with the clerk of such board a petition in  
19302 writing signed by twenty percent (20%) of the qualified electors  
19303 of such county, requesting an election on the question of the  
19304 issuance of such bonds, then such bonds shall not be issued unless  
19305 authorized by a majority of the qualified electors of such county  
19306 who vote thereon at an election to be ordered by such board for  
19307 that purpose. Notice of such election shall be given and such  
19308 election shall be held and conducted in like manner as provided by  
19309 law with respect to the submission of other county bond issues in  
19310 such county. If the proposition so submitted shall fail to  
19311 receive approval at such election, then no further proceedings for  
19312 the issuance of such bonds shall be had or taken within a period  
19313 of six (6) months from and after the date of such election. If,  
19314 however, no such petition shall be so filed, or if at such  
19315 election, or subsequent election, such proposition be assented to  
19316 by a majority of the qualified electors voting thereon, then such  
19317 board of supervisors shall be authorized to proceed with the  
19318 issuance of such bonds without further election.

19319       The publication of any notice required in this section may be  
19320 published on the Internet as provided in Section 1 of this act.



19321           **SECTION 309.** Section 59-9-65, Mississippi Code of 1972, is  
19322 amended as follows:

19323           59-9-65. (1) In addition to authority to issue bonds or  
19324 other obligations pursuant to this chapter, the board of  
19325 supervisors of any county which has a plan approved by the  
19326 Mississippi Board of Economic Development for the planned  
19327 development of any port, harbor or waterway, may, with the  
19328 approval of the Mississippi Board of Economic Development, issue  
19329 general obligation bonds of such county in the maximum principal  
19330 amount of Two Million Dollars (\$2,000,000.00) to provide funds for  
19331 the dredging of channel and harbor and preparation of site for the  
19332 construction or acquisition of ships, vessels, shipyards,  
19333 shipbuilding facilities, machinery and equipment, dredges,  
19334 floating drydocks, graving docks, marine railways, tugboats, or  
19335 any other facilities required or incidental to the construction,  
19336 outfitting, drydocking or repair of ships or vessels.

19337           (2) Such bonds may be issued at one time or from time to  
19338 time, in such amount or amounts, shall bear such date or dates,  
19339 shall be of such denomination or denominations, shall be payable  
19340 at such place or places, shall bear interest at such rate or  
19341 rates, not exceeding that allowed in Section 75-17-101,  
19342 Mississippi Code of 1972, shall mature in such amount or amounts  
19343 and at such time or times, not exceeding twenty (20) years from  
19344 the date thereof, with or without option of prior payment, and  
19345 shall be executed in such manner, all as may be determined by the  
19346 said board of supervisors. No interest payment due on any bond  
19347 shall be evidenced by more than one (1) coupon and supplemental  
19348 coupons will not be permitted; the difference between the highest  
19349 rate of interest specified for any bond issue shall not exceed the  
19350 lowest rate of interest specified for the same bond issue by more  
19351 than one and one-fourth percent (1-1/4%). Each interest rate  
19352 specified in any bid must be in a multiple of one-eighth of one  
19353 percent (1/8 of 1%) or one-tenth of one percent (1/10 of 1%) and a



19354 zero rate of interest cannot be named. Such bonds shall be signed  
19355 by the president of the board of supervisors of such county, and  
19356 the official seal of the county shall be affixed thereto, attested  
19357 by the clerk of the board of supervisors of such county. The  
19358 interest coupons to be attached to such bonds may be executed by  
19359 the facsimile signatures of said officer. Whenever any such bonds  
19360 shall have been signed by the officers herein designated to sign  
19361 the bonds who were in office at the time of such signing but who  
19362 may have ceased to be such officers prior to the sale and delivery  
19363 of such bonds, or who may not have been in office on the date such  
19364 bonds may bear, the signatures of such officers upon such bonds  
19365 and coupons shall nevertheless be valid and sufficient for all  
19366 purposes and have the same effect as if the person so officially  
19367 signing such bonds had remained in office until the delivery of  
19368 the same to the purchaser or had been in office on the date such  
19369 bonds may bear.

19370 (3) Before issuing such bonds, the board of supervisors of  
19371 such county shall adopt a resolution declaring its intention to  
19372 issue such bonds, stating the amount of bonds proposed to be  
19373 issued and the date upon which further action will be taken by the  
19374 board looking toward the issuance of such bonds. Such resolution  
19375 shall be published once a week for at least three (3) successive  
19376 weeks in a newspaper published and of general circulation within  
19377 such county. The first of such publications shall be made at  
19378 least twenty-one (21) days prior to the date set forth in said  
19379 resolution as the date upon which further action will be taken by  
19380 the board, and the last of such publications shall be made not  
19381 more than seven (7) days prior to such date. If, prior to the  
19382 date set forth as aforesaid, there shall be filed with the clerk  
19383 of such board a petition in writing signed by twenty percent (20%)  
19384 of the qualified electors of such county, requesting an election  
19385 on the question of the issuance of such bonds, then such bonds  
19386 shall not be issued unless authorized by a majority of the



19387 qualified electors of such county who vote thereon at an election  
19388 to be ordered by such board for that purpose. Notice of such  
19389 election shall be given and such election shall be held and  
19390 conducted in like manner as provided by law with respect to the  
19391 submission of other county bond issues in the county. If,  
19392 however, no such petition shall be so filed, or if at such  
19393 election, or subsequent election, such proposition be assented to  
19394 by a majority of the qualified electors voting thereon, then such  
19395 board of supervisors shall be authorized to proceed with the  
19396 issuance of such bonds without further election.

19397 (4) The board of supervisors of such county shall sell such  
19398 bonds in such manner and for such price as it may determine to be  
19399 for the best interest of said county, but in no case to exceed the  
19400 rate of interest hereinabove provided, but no such sale shall be  
19401 made at a price less than par plus accrued interest to date of  
19402 delivery of the bonds to the purchaser. Notice of the sale of any  
19403 such bonds shall be published at least one (1) time not less than  
19404 ten (10) days prior to the date of sale and shall be published in  
19405 a newspaper published in and having general circulation within the  
19406 county.

19407 (5) The resolution or order adopted by the board of  
19408 supervisors authorizing the issuance of said bonds shall pledge  
19409 the sources of revenues authorized under the statutes to pay the  
19410 principal thereof and interest thereon; and all bonds issued under  
19411 one (1) resolution or order may be equally secured and entitled to  
19412 be paid. In addition to such pledge, such bonds shall be payable  
19413 from an ad valorem tax which may be levied without limit as to  
19414 rate or amount upon all taxable property within the county.

19415 (6) The publication of any notice required in this section  
19416 may be published on the Internet as provided in Section 1 of this  
19417 act.

19418 **SECTION 310.** Section 59-13-5, Mississippi Code of 1972, is  
19419 amended as follows:





19420           59-13-5. Upon the adoption of such order by the board of  
19421 supervisors, as provided for in Section 59-13-3, the clerk of such  
19422 board shall publish in two (2) weekly issues of some newspaper  
19423 having a general circulation in the county, a notice of intention  
19424 to issue bonds for said purposes; if, within fifteen (15) days  
19425 after the first publication of a copy of such notice twenty-five  
19426 percent (25%) of the qualified electors of the county if the bonds  
19427 to be issued are to be countywide bonds, or twenty-five percent  
19428 (25%) of the qualified electors of the supervisor's district if  
19429 the bonds to be issued are to be district bonds, petition the  
19430 board of supervisors for an election to determine whether or not  
19431 such bonds shall be issued, such election shall be ordered by said  
19432 board of supervisors in which the qualified electors of the  
19433 county, if the bonds to be issued are countywide bonds, or of the  
19434 supervisor's district, if the bonds to be issued are district  
19435 bonds, shall be eligible to participate, and if at such election a  
19436 majority of those voting vote in favor of the issuance of such  
19437 bonds the same shall be issued, but if a majority shall vote  
19438 against the issuance of such bonds the same shall not be issued.  
19439 Such election shall be held and conducted and the returns thereof  
19440 made as provided by law for other county or district elections.  
19441 If no such petition be presented within fifteen (15) days after  
19442 the first publication of such notice, the bonds shall be issued in  
19443 the manner provided by law. However, in any case where an  
19444 election has heretofore been held in any county or supervisors  
19445 district, pursuant to the provisions of this chapter on the  
19446 question of issuing bonds of such county or supervisors district  
19447 for the purpose of providing and constructing public harbor  
19448 improvements, harbor developments, breakwaters, wharves and docks,  
19449 recreational centers and all buildings in connection therewith,  
19450 and providing necessary rights of way, and a majority of those who  
19451 participated in such election voted in favor of the issuance of  
19452 such bonds, and such bonds have not for any reason been issued,



19453 the board of supervisors of such county in which such supervisors  
19454 district is situated, as the case may be, may, by resolution of  
19455 such board, adopted at any time within twelve (12) months from and  
19456 after the passage of this chapter, authorize and direct the  
19457 issuance of bonds of such county or district under the provisions  
19458 of this chapter, in an amount not exceeding the amount set forth  
19459 in the proposition submitted at such election, and for the  
19460 purposes authorized by this chapter, without the giving of any  
19461 notice required in this section and without any further election  
19462 on the issuance thereof.

19463 The publication of any notice required in this section may be  
19464 published on the Internet as provided in Section 1 of this act.

19465 **SECTION 311.** Section 59-17-39, Mississippi Code of 1972, is  
19466 amended as follows:

19467 59-17-39. Such bonds as are issued under this chapter may be  
19468 issued without any other proceedings or the happening of any other  
19469 conditions or things than those proceedings, conditions, and  
19470 things which are specified or required by this chapter. The bonds  
19471 authorized under the authority of this chapter may, in the  
19472 discretion of the state bond commission, be validated in the  
19473 Chancery Court of Hinds County, Mississippi, in the manner and  
19474 with the force and effect provided now or hereafter by Sections  
19475 31-13-1 through 31-13-11, Mississippi Code of 1972, for the  
19476 validation of county, municipal, school district, and other bonds.  
19477 The necessary papers for such validation proceedings shall be  
19478 transmitted to the State Bond Attorney by the Attorney General,  
19479 and the required notice shall be published in a newspaper  
19480 published in the City of Jackson, Mississippi, and in a newspaper  
19481 of general circulation published in the city or county where the  
19482 planned development is located.

19483 The publication of any notice required in this section may be  
19484 published on the Internet as provided in Section 1 of this act.



19485           **SECTION 312.** Section 59-17-43, Mississippi Code of 1972, is  
19486 amended as follows:

19487           59-17-43. The State Bond Commission shall sell such state  
19488 bonds in such manner and for such price as it may determine to be  
19489 for the best interest of the State of Mississippi, but no such  
19490 sale shall be made at a price less than par plus accrued interest  
19491 to date of delivery of the bonds to the purchaser. Notice of the  
19492 sale of any such bonds shall be published at least one time not  
19493 less than ten (10) days prior to the date of sale and shall be so  
19494 published in one or more newspapers published in Jackson,  
19495 Mississippi, and having general circulation within the State of  
19496 Mississippi, and in one or more other newspapers or financial  
19497 journals as may be directed by the State Bond Commission.

19498           The publication of any notice required in this section may be  
19499 published on the Internet as provided in Section 1 of this act.

19500           **SECTION 313.** Section 59-21-117, Mississippi Code of 1972, is  
19501 amended as follows:

19502           59-21-117. (1) The commission shall adopt and promulgate  
19503 rules and regulations for the administration and enforcement of  
19504 the provisions of this chapter, and to advertise and promote the  
19505 fresh waterways of the state.

19506           (2) The Commission on Marine Resources shall adopt and  
19507 promulgate rules and regulations for the administration and  
19508 enforcement of Sections 59-21-111 through 59-21-129. The  
19509 Commission on Marine Resources shall adopt rules and regulations  
19510 in accordance with subsections (4) and (5).

19511           (3) The provisions of Sections 59-21-117 through 59-21-127  
19512 shall be applicable to all waters of this state that are under the  
19513 jurisdiction of the State of Mississippi.

19514           (4) Before any rules and regulations are adopted, the  
19515 proposed rules and regulations shall be reduced to writing and a  
19516 public hearing shall be held after at least thirty (30) days'  
19517 notice of the hearing. The notice shall be published at least one



(1) time in a newspaper of general circulation in this state. A copy of the proposed rules and regulations shall be furnished to the sheriff of each county affected at least thirty (30) days prior to the hearing. The hearing shall be held at a place convenient to the largest number of owners of vessels affected by the proposed rules and regulations or, if of general statewide application, shall be held in the City of Jackson, Mississippi.

(5) A copy of the regulations adopted pursuant to this section, and amendments thereto, shall be filed in the office of the commission adopting the regulations and in the office of the sheriff of each county affected where the same shall be maintained as a public record. The rules and regulations shall be published in a convenient form and shall be given to each recipient of an original, renewed, transferred or a recorded certificate of number.

(6) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 314.** Section 61-3-7, Mississippi Code of 1972, is amended as follows:

61-3-7. (1) Two (2) or more municipalities or two (2) or more municipalities and any state-supported institution of higher learning or a public community or junior college, by resolution of each, may create a public body, corporate and politic, to be known as a regional airport authority which shall be authorized to exercise its functions upon the issuance by the Secretary of State of a certificate of incorporation. The governing body of each municipality, the institution of higher learning or the public community or junior college, pursuant to its resolution, shall appoint one (1) person as a commissioner of the authority.

However, \* \* \* if the regional airport authority consists of an even number of participants, which include two (2) or more municipalities or two (2) or more municipalities and a state



19551 institution of higher learning or a public community or junior  
19552 college, an additional commissioner shall be appointed by the  
19553 Governor. Such additional commissioner shall be a resident of a  
19554 county other than the counties of the participating municipalities  
19555 but contiguous to at least one (1) of such counties.

19556 (2) A regional airport authority may be increased from time  
19557 to time to serve one or more additional municipalities if each  
19558 additional municipality and each of the municipalities and the  
19559 institution of higher learning or the public community or junior  
19560 college then included in the regional authority and the  
19561 commissioners of the regional authority, respectively, adopt a  
19562 resolution consenting thereto. If a municipal airport authority  
19563 for any municipality seeking to be included in the regional  
19564 authority is then in existence, the commissioners of the municipal  
19565 authority shall consent to the inclusion of the municipality,  
19566 institution of higher learning or the public community or junior  
19567 college in the regional authority, and if the municipal authority  
19568 has any bonds outstanding, unless the holders of fifty-one percent  
19569 (51%) or more in amount of the bonds consent, in writing, to the  
19570 inclusion of the municipality in the regional authority, no such  
19571 inclusion shall be effected. Upon the inclusion of any  
19572 municipality, institution of higher learning or the public  
19573 community or junior college in the regional authority, all rights,  
19574 contracts, obligations and property, real and personal, of the  
19575 municipal authority shall be in the name of and vest in the  
19576 regional authority.

19577 (3) A regional airport authority may be decreased if each of  
19578 the municipalities and the institution of higher learning or the  
19579 public community or junior college then included in the regional  
19580 authority and the commissioners of the regional authority consent  
19581 to the decrease and make provision for the retention or  
19582 disposition of its assets and liabilities. However, if the  
19583 regional authority has any bonds outstanding, no decrease shall be



19584 effected unless seventy-five percent (75%) or more of the holders  
19585 of the bonds consent thereto in writing.

19586 (4) A municipality, institution of higher learning or public  
19587 community or junior college shall not adopt any resolution  
19588 authorized by this section without a public hearing thereon.  
19589 Notice thereof shall be given at least ten (10) days before the  
19590 hearing in a newspaper published in the municipality, in the  
19591 institution of higher learning or in the public community or  
19592 junior college, or if there is no newspaper published therein,  
19593 then in a newspaper having general circulation in the  
19594 municipality, in the institution of higher learning or in the  
19595 public community or junior college.

19596 (5) At the expiration of the term of all commissioners  
19597 serving as of January 1, 1978, the airport authority shall effect  
19598 staggered terms by the drawing of lots and reporting thereon to  
19599 appointing authorities. The commissioners shall be designated to  
19600 serve for terms of one (1) year, two (2) years, three (3) years,  
19601 four (4) years and so forth depending upon the number of  
19602 participating appointing authorities. Thereafter, each  
19603 commissioner shall be appointed for a term of five (5) years  
19604 except that vacancies occurring otherwise than by expiration of  
19605 terms shall be filled for the unexpired term in the same manner as  
19606 the original appointment.

19607 (6) The publication of any notice required in this section  
19608 may be published on the Internet as provided in Section 1 of this  
19609 act.

19610 **SECTION 315.** Section 61-3-35, Mississippi Code of 1972, is  
19611 amended as follows:

19612 61-3-35. (1) Bonds issued under this chapter may be sold on  
19613 sealed bids at public sale after publication of at least three (3)  
19614 weekly notices, published in a financial publication carrying  
19615 political subdivision bond notices and devoted primarily to  
19616 financial news or to the subject of state and political



19617 subdivision bonds and having circulation among a large number of  
19618 dealers in political subdivision bonds.

19619 (2) The public notice of sale shall describe the bonds or  
19620 notes and set forth the terms and conditions of sale. It shall  
19621 invite bidders to name the rate or rates of interest to be borne  
19622 by the bonds or notes, which rate or rates shall be stated in  
19623 conformity to the details of the issues as outlined in this  
19624 chapter, all of which shall be included in the notice of sale.

19625 (3) The notice of sale may permit bidders to name one or  
19626 more interest rates for the bonds or notes proposed to be sold,  
19627 within such limitations as outlined in Section 61-3-41.

19628 The notice of sale shall state that all bonds or notes will  
19629 be awarded to the bidder whose bid constitutes the lowest cost to  
19630 the authority. The lowest cost to the authority shall be  
19631 determined in accordance with the provisions of Section 61-3-41.

19632 (4) The notice of sale, in case of a sale of more than one  
19633 (1) issue of bonds payable from the same source, after describing  
19634 the separate issues, shall state the combined maturities as if  
19635 such combined maturities constituted a single issue. The notice  
19636 of sale shall state that the bonds or notes will be awarded to the  
19637 bidder whose bid constitutes the lowest cost as determined by  
19638 Section 61-3-41, and, as between bidders whose bids constitute the  
19639 same lowest cost to the authority, such lowest bidders may  
19640 negotiate between themselves, immediately after the announcement  
19641 of said bids as to the conditions upon which the bid shall be  
19642 awarded. If no agreement is reached, the award shall be  
19643 determined by lot fairly and publicly drawn.

19644 (5) The notice of sale shall require all bidders except  
19645 governmental agencies or departments to deposit a certified or  
19646 cashier's check for two percent (2%) of the amount of bonds or  
19647 notes proposed to be sold, partially to secure the authority from  
19648 any loss resulting from the failure of the bidder to comply with  
19649 the terms of his bid. In case the bidder to whom the award is



19650 made shall fail to comply with the award, his certified or  
19651 cashier's check in the amount of two percent (2%) shall be  
19652 forfeited to the authority. The certified or cashier's checks of  
19653 unsuccessful bidders shall be returned promptly.

19654 (6) Each notice of sale shall require the purchaser to pay  
19655 interest accrued on the face amount of the bonds or notes awarded,  
19656 at the rate borne thereby, from the date of the bonds or notes to  
19657 the date of payment of the purchase price.

19658 (7) Each notice of sale shall reserve the right to reject  
19659 any and all bids and shall state that any bid not complying with  
19660 the terms of the notice shall be rejected.

19661 (8) Notwithstanding any provision to the contrary in this  
19662 chapter, bonds or notes issued pursuant to this chapter may be  
19663 sold at a private sale in a manner and at a price determined by  
19664 the authority to be the most advantageous to the authority.

19665 (9) Bonds or notes issued pursuant to this chapter may be  
19666 for not less than ninety-eight percent (98%) of par value. Any  
19667 notice of sale shall state whether or not the bonds or notes will  
19668 be sold for less than their par value.

19669 (10) The publication of any notice required in this section  
19670 may be published on the Internet as provided in Section 1 of this  
19671 act.

19672 **SECTION 316.** Section 61-7-11, Mississippi Code of 1972, is  
19673 amended as follows:

19674 61-7-11. No airport zoning regulations shall be adopted,  
19675 amended, or changed under this chapter except by action of the  
19676 legislative body of the political subdivision in question, or the  
19677 joint board provided for in subsection (2) of Section 61-7-7,  
19678 after a public hearing in relation thereto, at which parties in  
19679 interest and citizens shall have an opportunity to be heard. At  
19680 least fifteen (15) days' notice of the hearing shall be published  
19681 in an official paper, or a paper of general circulation, in the





political subdivision or subdivisions in which is located the airport hazard to be zoned.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 317.** Section 63-11-51, Mississippi Code of 1972, is amended as follows:

63-11-51. (1) Except as otherwise provided in Section 63-11-49, when a vehicle is seized under Section 63-11-30(2)(c) or (d), proceedings under this section shall be instituted promptly upon final conviction.

(2) A petition for forfeiture shall be filed promptly in the name of the State of Mississippi, the county or the municipality and may be filed in the county in which the seizure is made, the county in which the criminal prosecution is brought or the county in which the owner of the seized vehicle is found. Forfeiture proceedings may be brought in the circuit court or the county court if a county court exists in the county and the value of the seized vehicle is within the jurisdictional limits of the county court as set forth in Section 9-9-21. A copy of such petition shall be served upon the following persons by service of process in the same manner as in civil cases:

(a) The owner of the vehicle, if address is known;

(b) Any secured party who has registered his lien or filed a financing statement as provided by law, if the identity of such secured party can be ascertained by the law enforcement agency by making a good faith effort to ascertain the identity of such secured party as described in subsections (3), (4), (5), (6) and (7) of this section;

(c) Any other bona fide lienholder or secured party or other person holding an interest in the vehicle in the nature of a security interest of whom the law enforcement agency has actual knowledge;



19714           (d) Any person in possession of the vehicle subject to  
19715 forfeiture at the time that it was seized.

19716           (3) If the vehicle is susceptible of titling under the  
19717 Mississippi Motor Vehicle Title Law and if there is any reasonable  
19718 cause to believe that the vehicle has been titled, the law  
19719 enforcement agency shall inquire of the State Tax Commission as to  
19720 what the records of the State Tax Commission show regarding who is  
19721 the record owner of the vehicle and who, if anyone, holds any lien  
19722 or security interest which affects the vehicle.

19723           (4) If the vehicle is not titled in the State of  
19724 Mississippi, then the law enforcement agency shall attempt to  
19725 ascertain the name and address of the person in whose name the  
19726 vehicle is licensed, and if the vehicle is licensed in a state  
19727 which has in effect a certificate of title law, the agency shall  
19728 inquire of the appropriate agency of that state as to what the  
19729 records of the agency show regarding who is the record owner of  
19730 the vehicle and who, if anyone, holds any lien, security interest  
19731 or other instrument in the nature of a security device which  
19732 affects the vehicle.

19733           (5) In the event the answer to an inquiry states that the  
19734 record owner of the vehicle is any person other than the person  
19735 who was in possession of it when it was seized, or states that any  
19736 person holds any lien, encumbrance, security interest, other  
19737 interest in the nature of a security interest, which affects the  
19738 vehicle, the law enforcement agency shall cause any record owner  
19739 and also any lienholder, secured party, other person who holds an  
19740 interest in the vehicle in the nature of a security interest, to  
19741 be named in the petition of forfeiture and to be served with  
19742 process in the same manner as in civil cases.

19743           (6) If the owner of the vehicle cannot be found and served  
19744 with a copy of the petition of forfeiture, the law enforcement  
19745 agency shall file with the clerk of the court in which the  
19746 proceeding is pending an affidavit to such effect, whereupon the



19747 clerk of the court shall publish notice of the hearing addressed  
19748 to "the Unknown Owner of . . .," filling in the blank space with a  
19749 reasonably detailed description of the vehicle subject to  
19750 forfeiture. Service by publication shall contain the other  
19751 requisites prescribed in Section 11-33-41, and shall be served as  
19752 provided in Section 11-33-37 for publication of notice for  
19753 attachments at law.

19754 (7) The publication of any notice required in this section  
19755 may be published on the Internet as provided in Section 1 of this  
19756 act.

19757 **SECTION 318.** Section 63-17-69, Mississippi Code of 1972, is  
19758 amended as follows:

19759 63-17-69. The commission shall have power to prescribe,  
19760 issue, amend and rescind such reasonable rules and regulations as  
19761 may be reasonably necessary or appropriate to carry out the  
19762 provisions of the Mississippi Motor Vehicle Commission Law. No  
19763 rule or regulation shall be effective until thirty (30) days after  
19764 copies of the proposed rule or regulation shall have been mailed  
19765 to all motor vehicle dealers operating in the State of  
19766 Mississippi, and a representative of each manufacturer, wholesaler  
19767 and distributor whose motor vehicles are sold therein, whether  
19768 said representative is located within or without the State of  
19769 Mississippi, and a notice setting forth either the terms or  
19770 substance of said proposed rule or regulation and the time and  
19771 place of a hearing thereon shall have been published in a  
19772 newspaper of general circulation in the state and published in the  
19773 City of Jackson. Such hearing may be held at any time twenty (20)  
19774 days after publication of such notice, but such rules or  
19775 regulations shall not become effective until a hearing thereon.  
19776 All rules, regulations and forms adopted by the commission shall  
19777 be filed with its executive secretary and shall be readily  
19778 available for public inspection and examination during reasonable  
19779 business hours. A copy of said rules, regulations and forms shall



19780 also be filed and recorded in the Office of the Secretary of  
19781 State. Any interested person shall have the right to petition the  
19782 commission for issuance, amendment or repeal of a rule or  
19783 regulation.

19784 The publication of any notice required in this section may be  
19785 published on the Internet as provided in Section 1 of this act.

19786 **SECTION 319.** Section 65-1-85, Mississippi Code of 1972, is  
19787 amended as follows:

19788 65-1-85. (1) All contracts by or on behalf of the  
19789 commission for the purchase of materials, equipment and supplies  
19790 shall be made in compliance with Section 31-7-1 et seq. All  
19791 contracts by or on behalf of the commission for construction,  
19792 reconstruction or other public work authorized to be done under  
19793 the provisions of this chapter, except maintenance, shall be made  
19794 by the executive director, subject to the approval of the  
19795 commission, only upon competitive bids after due advertisement as  
19796 follows, to wit:

19797 (a) Advertisement for bids shall be in accordance with  
19798 such rules and regulations, in addition to those herein provided,  
19799 as may be adopted therefor by the commission, and the commission  
19800 is authorized and empowered to make and promulgate such rules and  
19801 regulations as it may deem proper, to provide and adopt standard  
19802 specifications for road and bridge construction, and to amend such  
19803 rules and regulations from time to time.

19804 (b) The advertisement shall be inserted twice, being  
19805 once a week for two (2) successive weeks in a newspaper published  
19806 at the seat of government in Jackson, Mississippi, having a  
19807 general circulation throughout the state, and no letting shall be  
19808 less than fourteen (14) days nor more than sixty (60) days after  
19809 the publication of the first notice of such letting, and notices  
19810 of such letting may be placed in a metropolitan paper or national  
19811 trade publication.



19812                   (c) Before advertising for such work, the executive  
19813 director shall cause to be prepared and filed in the department  
19814 detailed plans and specifications covering the work proposed to be  
19815 done and copies of the plans and specifications shall be subject  
19816 to inspection by any citizen during all office hours and made  
19817 available to all prospective bidders upon such reasonable terms  
19818 and conditions as may be required by the commission. A fee shall  
19819 be charged equal to the cost of producing a copy of any such plans  
19820 and specifications.

19821                   (d) All such contracts shall be let to a responsible  
19822 bidder with the lowest and best bid, and a record of all bids  
19823 received for construction and reconstruction shall be preserved.

19824                   (e) Each bid for such a construction and reconstruction  
19825 contract must be accompanied by a cashier's check, a certified  
19826 check or bidders bond executed by a surety company authorized to  
19827 do business in the State of Mississippi, in the principal amount  
19828 of not less than five percent (5%) of the bid, guaranteeing that  
19829 the bidder will give bond and enter into a contract for the  
19830 faithful performance of the contract according to plans and  
19831 specifications on file.

19832                   (f) Bonds shall be required of the successful bidder in  
19833 an amount equal to the contract price. The contract price shall  
19834 mean the entire cost of the particular contract let. In the event  
19835 change orders are made after the execution of a contract which  
19836 results in increasing the total contract price, additional bond in  
19837 the amount of the increased cost may be required. The surety or  
19838 sureties on such bonds shall be a surety company or surety  
19839 companies authorized to do business in the State of Mississippi,  
19840 all bonds to be payable to the State of Mississippi and to be  
19841 conditioned for the prompt, faithful and efficient performance of  
19842 the contract according to plans and specifications, and for the  
19843 prompt payment of all persons furnishing labor, material,  
19844 equipment and supplies therefor. Such bonds shall be subject to



19845 the additional obligation that the principal and surety or  
19846 sureties executing the same shall be liable to the state in a  
19847 civil action instituted by the state at the instance of the  
19848 commission or any officer of the state authorized in such cases,  
19849 for double any amount in money or property the state may lose or  
19850 be overcharged or otherwise defrauded of by reason of any wrongful  
19851 or criminal act, if any, of the contractor, his agent or  
19852 employees.

19853 (2) With respect to equipment used in the construction,  
19854 reconstruction or other public work authorized to be done under  
19855 the provisions of this chapter: the word "equipment," in addition  
19856 to all equipment incorporated into or fully consumed in connection  
19857 with such project, shall include the reasonable value of the use  
19858 of all equipment of every kind and character and all accessories  
19859 and attachments thereto which are reasonably necessary to be used  
19860 and which are used in carrying out the performance of the  
19861 contract, and the reasonable value of the use thereof, during the  
19862 period of time the same are used in carrying out the performance  
19863 of the contract, shall be the amount as agreed upon by the persons  
19864 furnishing the equipment and those using the same to be paid  
19865 therefor, which amount, however, shall not be in excess of the  
19866 maximum current rates and charges allowable for leasing or renting  
19867 as specified in Section 65-7-95; the word "labor" shall include  
19868 all work performed in repairing equipment used in carrying out the  
19869 performance of the contract, which repair labor is reasonably  
19870 necessary to the efficient operation of said equipment; and the  
19871 words "materials" and "supplies" shall include all repair parts  
19872 installed in or on equipment used in carrying out the performance  
19873 of the contract, which repair parts are reasonably necessary to  
19874 the efficient operation of said equipment.

19875 (3) The executive director, subject to the approval of the  
19876 commission, shall have the right to reject any and all bids,  
19877 whether such right is reserved in the notice or not.



19878           (4) The commission may require the prequalification of any  
19879 and all bidders and the failure to comply with prequalification  
19880 requirements may be the basis for the rejection of any bid by the  
19881 commission. The commission may require the prequalification of  
19882 any and all subcontractors before they are approved to participate  
19883 in any contract awarded under this section.

19884           (5) The commission may adopt rules and regulations for the  
19885 termination of any previously awarded contract which is not timely  
19886 proceeding toward completion. The failure of a contractor to  
19887 comply with such rules and regulations shall be a lawful basis for  
19888 the commission to terminate the contract with such contractor. In  
19889 the event of a termination under such rules and regulations, the  
19890 contractor shall not be entitled to any payment, benefit or  
19891 damages beyond the cost of the work actually completed.

19892           (6) Any contract for construction or paving of any highway  
19893 may be entered into for any cost which does not exceed the amount  
19894 of funds that may be made available therefor through bond issues  
19895 or from other sources of revenue, and the letting of contracts for  
19896 such construction or paving shall not necessarily be delayed until  
19897 the funds are actually on hand, provided authorization for the  
19898 issuance of necessary bonds has been granted by law to supplement  
19899 other anticipated revenue, or when the department certifies to the  
19900 Department of Finance and Administration and the Legislative  
19901 Budget Office that projected receipts of funds by the department  
19902 will be sufficient to pay such contracts as they become due and  
19903 the Department of Finance and Administration determines that the  
19904 projections are reasonable and receipts will be sufficient to pay  
19905 the contracts as they become due. The Department of Finance and  
19906 Administration shall spread such determination on its minutes  
19907 prior to the letting of any contracts based on projected receipts.  
19908 Nothing in this subsection shall prohibit the issuance of bonds,  
19909 which have been authorized, at any time in the discretion of the  
19910 State Bond Commission, nor to prevent investment of surplus funds



in United States government bonds or State of Mississippi bonds as presently authorized by Section 12, Chapter 312, Laws of 1956.

(7) All other contracts for work to be done under the provisions of this chapter and for the purchase of materials, equipment and supplies to be used as provided for in this chapter shall be made in compliance with Section 31-7-1 et seq.

(8) The commission shall not empower or authorize the executive director, or any one or more of its members, or any engineer or other person to let or make contracts for the construction or repair of public roads, or building bridges, or for the purchase of material, equipment or supplies contrary to the provisions of this chapter as set forth in this section, except in cases of flood or other cases of emergency where the public interest requires that the work be done or the materials, equipment or supplies be purchased without the delay incident to advertising for competitive bids. Such emergency contracts may be made without advertisement under such rules and regulations as the commission may prescribe.

(9) The executive director, subject to the approval of the commission, is authorized to negotiate and make agreements with communities and/or civic organizations for landscaping, beautification and maintenance of highway rights-of-way; however, nothing in this subsection shall be construed as authorization for the executive director or commission to participate in such a project to an extent greater than the average cost for maintenance of shoulders, backslopes and median areas with respect thereto.

(10) The executive director may negotiate and enter into contracts with private parties for the mowing of grass and trimming of vegetation on the rights-of-way of state highways whenever such practice is possible and cost effective.

(11) (a) As an alternative to the method of awarding contracts as otherwise provided in this section, the commission may use the design-build method of contracting for the following:





19944                   (i) Projects for the Mississippi Development  
19945 Authority pursuant to agreements between both governmental  
19946 entities;

19947                   (ii) Any project with an estimated cost of not  
19948 more than Ten Million Dollars (\$10,000,000.00), not to exceed two  
19949 (2) projects per fiscal year; and

19950                   (iii) Any project which has an estimated cost of  
19951 more than Fifty Million Dollars (\$50,000,000.00), not to exceed  
19952 one (1) project per fiscal year.

19953                   (b) As used in this subsection, the term "design-build"  
19954 method of contracting means a contract that combines the design  
19955 and construction phases of a project into a single contract and  
19956 the contractor is required to satisfactorily perform, at a  
19957 minimum, both the design and construction of the project.

19958                   (c) The commission shall establish detailed criteria  
19959 for the selection of the successful design-build contractor in  
19960 each request for design-build proposals. The evaluation of the  
19961 selection committee is a public record and shall be maintained for  
19962 a minimum of ten (10) years after project completion.

19963                   (d) The commission shall maintain detailed records on  
19964 projects separate and apart from its regular record keeping. The  
19965 commission shall file a report to the Legislature evaluating the  
19966 design-build method of contracting by comparing it to the low-bid  
19967 method of contracting. At a minimum, the report must include:

19968                   (i) The management goals and objectives for the  
19969 design-build system of management;

19970                   (ii) A complete description of the components of  
19971 the design-build management system, including a description of the  
19972 system the department put into place on all projects managed under  
19973 the system to insure that it has the complete information on  
19974 highway segment costs and to insure proper analysis of any  
19975 proposal the commission receives from a highway contractor;



19976 (iii) The accountability systems the  
19977 Transportation Department established to monitor any design-build  
19978 project's compliance with specific goals and objectives for the  
19979 project;

19980 (iv) The outcome of any project or any interim  
19981 report on an ongoing project let under a design-build management  
19982 system showing compliance with the goals, objectives, policies and  
19983 procedures the department set for the project; and

19984 (v) The method used by the department to select  
19985 projects to be let under the design-build system of management and  
19986 all other systems, policies and procedures that the department  
19987 considered as necessary components to a design-build management  
19988 system.

19989 (e) All contracts let under the provisions of this  
19990 subsection shall be subject to oversight and review by the State  
19991 Auditor. The State Auditor shall file a report with the  
19992 Legislature on or before January 1 of each year detailing his  
19993 findings with regard to any contract let or project performed in  
19994 violation of the provisions of this subsection. The actual and  
19995 necessary expenses incurred by the State Auditor in complying with  
19996 this paragraph (e) shall be paid for and reimbursed by the  
19997 Mississippi Department of Transportation out of funds made  
19998 available for the contract or contracts let and project or  
19999 projects performed.

20000 (12) The provisions of this section shall not be construed  
20001 to prohibit the commission from awarding or entering into  
20002 contracts for the design, construction and financing of toll  
20003 roads, highways and bridge projects as provided under Sections  
20004 65-43-1 and 65-43-3.

20005 (13) The publication of any notice required in this section  
20006 may be published on the Internet as provided in Section 1 of this  
20007 act.



20008           **SECTION 320.** Section 61-3-19, Mississippi Code of 1972, is  
20009 amended as follows:

20010           61-3-19. Except as may be limited by the terms and  
20011 conditions of any grant, loan or agreement authorized by Section  
20012 61-3-25, an authority may, by sale, lease or otherwise, dispose of  
20013 any airport, air navigation facility or other property, real or  
20014 personal, or portion thereof or interest therein, acquired  
20015 pursuant to this chapter. In the event that Section 29-1-1 is  
20016 applicable to a sale of real property, such sale shall comply with  
20017 Section 29-1-1. Otherwise, such disposal by sale, lease or  
20018 otherwise, shall be in accordance with the following procedure:  
20019 The authority shall find and determine by resolution duly and  
20020 lawfully adopted and spread upon its minutes (a) that the property  
20021 is no longer needed for authority purposes and is not to be used  
20022 in the authority's operation; (b) that there is no state agency,  
20023 board, commission or any governing authority within the state that  
20024 has expressed a need or use for the property and the federal  
20025 government has not expressed a need or use for the property; and  
20026 (c) that the use of the property for the purpose for which it is  
20027 to be sold, leased or otherwise disposed of will promote and  
20028 foster the development and improvement of the authority or of the  
20029 community in which it is located and the civic, social,  
20030 educational, cultural, moral, economic or industrial welfare  
20031 thereof. The authority, after having made such determinations,  
20032 may proceed to sell, lease or otherwise dispose of the subject  
20033 property in accordance with applicable law and by any of the  
20034 following methods:

20035           (a) The authority may sell, lease or otherwise dispose  
20036 of the subject property as long as the consideration therefor is  
20037 not less than the fair market price for such property as  
20038 determined by averaging the appraisals of two (2) professional  
20039 property appraisers selected by the authority and approved by the



20040 purchaser or lessee. Appraisal fees shall be shared equally by  
20041 the authority and the purchaser or lessee.

20042 (b) The authority may sell, lease or otherwise dispose  
20043 of the subject property to the highest bidder after publishing at  
20044 least once each week for three (3) consecutive weeks in a public  
20045 newspaper published in the county in which the property is  
20046 located, or if no newspaper be published as such, then in a  
20047 newspaper having general circulation therein, the authority's  
20048 intention to lease, sell or otherwise dispose of, as the case may  
20049 be, the subject property and to accept sealed competitive bids for  
20050 the sale, lease or disposal thereof. The authority shall  
20051 thereafter accept bids for the sale, lease or disposal of the  
20052 subject property and shall award the sale, lease or disposal to  
20053 the highest bidder.

20054 (c) The authority may sell and dispose of personal  
20055 property at public sale for cash to the highest bidder after  
20056 publishing at least once each week for three (3) consecutive weeks  
20057 in a public newspaper published in the county in which the  
20058 property is located, or if no newspaper be published as such, then  
20059 in a newspaper having general circulation therein, the authority's  
20060 intention to sell and dispose of the personal property at public  
20061 sale for cash. Any such public sale for cash may be conducted by  
20062 or on behalf of the authority. At such public sale for cash, the  
20063 personal property shall be sold and disposed of to the highest  
20064 bidder.

20065 Notwithstanding anything herein to the contrary, in the case  
20066 of a sale, lease or disposal of property to another authority, a  
20067 municipality or an agency of the state or federal government for  
20068 use and operation as a public airport, the sale, lease or other  
20069 disposal thereof may be effected in such manner and upon such  
20070 terms as the commissioners of the authority may deem to be in the  
20071 best interest of civil aviation.



20072        The publication of any notice required in this section may be  
20073 published on the Internet as provided in Section 1 of this act.

20074        **SECTION 321.** Section 63-11-49, Mississippi Code of 1972, is  
20075 amended as follows:

20076        63-11-49. (1) When a vehicle is seized under Section  
20077 63-11-30(2)(c) or (d), the arresting officer shall impound the  
20078 vehicle and the vehicle shall be held as evidence until a court of  
20079 competent jurisdiction makes a final disposition of the case and  
20080 the vehicle may be forfeited by the administrative forfeiture  
20081 procedures provided for in this section upon final disposition as  
20082 provided in Section 63-11-30(2)(c).

20083        (2) The attorney for the law enforcement agency shall  
20084 provide notice of intention to forfeit the seized vehicle  
20085 administratively, by certified mail, return receipt requested, to  
20086 all persons who are required to be notified pursuant to Section  
20087 63-11-51.

20088        (3) In the event that notice of intention to forfeit the  
20089 seized vehicle administratively cannot be given as provided in  
20090 subsection (2) of this section because of refusal, failure to  
20091 claim, insufficient address or any other reason, the attorney for  
20092 the law enforcement agency shall provide notice by publication in  
20093 a newspaper of general circulation in the county in which the  
20094 seizure occurred for once a week for three (3) consecutive weeks.

20095        (4) Notice pursuant to subsections (2) and (3) of this  
20096 section shall include the following information:

- 20097            (a) A description of the vehicle;
- 20098            (b) The approximate value of the vehicle;
- 20099            (c) The date and place of the seizure;
- 20100            (d) The connection between the vehicle and the  
20101 violation of Section 63-11-30;
- 20102            (e) The instructions for filing a request for judicial  
20103 review; and



20104                   (f) A statement that the vehicle will be forfeited to  
20105 the law enforcement agency if a request for judicial review is not  
20106 timely filed.

20107           (5) In the event that a spouse of the owner of the seized  
20108 vehicle makes a showing to the department that the seized vehicle  
20109 is the only source of transportation for the spouse, the chief law  
20110 enforcement officer shall declare that the vehicle is thereby  
20111 forfeited to such spouse. A written declaration of forfeiture of  
20112 a vehicle pursuant to this subsection shall be sufficient cause  
20113 for the title to the vehicle to be transferred to the spouse. The  
20114 provisions of this subsection shall apply only to one (1)  
20115 forfeiture per vehicle; if the vehicle is the subject of a  
20116 subsequent forfeiture proceeding by virtue of a subsequent  
20117 conviction of either spouse, the spouse to whom the vehicle was  
20118 forfeited pursuant to the first forfeiture proceeding may not  
20119 utilize the remedy provided herein in another forfeiture  
20120 proceeding.

20121           (6) Persons claiming an interest in the seized vehicle may  
20122 initiate judicial review of the seizure and proposed forfeiture by  
20123 filing a request for judicial review with the attorney for the  
20124 law enforcement agency within thirty (30) days after receipt of  
20125 the certified letter or within thirty (30) days after the first  
20126 publication of notice, whichever is applicable.

20127           (7) If no request for judicial review is timely filed, the  
20128 attorney for the law enforcement agency shall prepare a written  
20129 declaration of forfeiture of the subject vehicle and the forfeited  
20130 vehicle shall be disposed of in accordance with the provisions of  
20131 Section 63-11-53.

20132           (8) Upon receipt of a timely request for judicial review,  
20133 the attorney for the law enforcement agency shall promptly file a  
20134 petition for forfeiture and proceed as provided in Section  
20135 63-11-51.



20136       (9) The publication of any notice required in this section  
20137 may be published on the Internet as provided in Section 1 of this  
20138 act.

20139       **SECTION 322.** Section 63-11-53, Mississippi Code of 1972, is  
20140 amended as follows:

20141       63-11-53. (1) All money derived from the seizure and  
20142 forfeiture of vehicles under Section 63-11-30(2)(c) and (d) and  
20143 Sections 63-11-49 and 63-11-51 by the Mississippi Highway Safety  
20144 Patrol shall be forwarded to the State Treasurer and deposited in  
20145 a special fund which is hereby created for use by the Department  
20146 of Public Safety upon appropriation by the Legislature.  
20147 Unexpended amounts remaining in such special fund at the end of a  
20148 fiscal year shall not lapse into the State General Fund, and any  
20149 interest earned on amounts in such special fund shall be deposited  
20150 to the credit of the special fund. All other law enforcement  
20151 agencies shall establish a special fund which is to be used for  
20152 law enforcement purposes to purchase equipment for the law  
20153 enforcement agency, and any interest earned on the amount in such  
20154 special fund shall be deposited to the credit of the special fund.

20155       (2) Except as otherwise provided in subsection (3), all  
20156 vehicles that have been forfeited shall be sold at a public  
20157 auction for cash by the law enforcement agency, to the highest and  
20158 best bidder after advertising the sale for at least once each week  
20159 for three (3) consecutive weeks, the last notice to appear not  
20160 more than ten (10) days nor less than five (5) days prior to such  
20161 sale, in a newspaper having a general circulation in the county in  
20162 which the vehicle was seized. Such notices shall contain a  
20163 description of the vehicle to be sold and a statement of the time  
20164 and place of sale. It shall not be necessary to the validity of  
20165 such sale either to have the vehicle present at the place of sale  
20166 or to have the name of the owner thereof stated in such notice.  
20167 The proceeds of the sale shall be disposed of as follows:



20168           (a) To any bona fide lienholder, secured party, or  
20169 other party holding an interest in the vehicle in the nature of a  
20170 security interest, to the extent of his interest; and

20171           (b) The balance, if any, remaining after deduction of  
20172 all storage, court costs and expenses of liquidation shall be  
20173 deposited in the manner described in subsection (1) of this  
20174 section.

20175           (3) The law enforcement agency may maintain, repair, use and  
20176 operate for official purposes all vehicles that have been  
20177 forfeited if the vehicles are free from any interest of a bona  
20178 fide lienholder, secured party or other party who holds an  
20179 interest in the nature of a security interest. The agency may  
20180 purchase the interest of a bona fide lienholder, secured party or  
20181 other party who holds an interest so that the vehicle can be  
20182 released for its use. If the vehicle is susceptible of titling  
20183 under the Mississippi Motor Vehicle Title Law, the agency shall be  
20184 deemed to be the purchaser, and the certificate of title shall be  
20185 issued to it as required by subsection (4) of this section.

20186           (4) The State Tax Commission shall issue a certificate of  
20187 title to any person who purchases vehicles under the provisions of  
20188 this section when a certificate of title is required under the  
20189 laws of this state.

20190           (5) The publication of any notice required in this section  
20191 may be published on the Internet as provided in Section 1 of this  
20192 act.

20193           **SECTION 323.** Section 65-4-33, Mississippi Code of 1972, is  
20194 amended as follows:

20195           65-4-33. Notice of the sale of any bonds authorized to be  
20196 issued under Sections 65-4-25 through 65-4-45 shall be published  
20197 at least two (2) times, the first of which shall be made not less  
20198 than ten (10) days prior to the date of sale, and shall be so  
20199 published in one or more newspapers having a general circulation  
20200 in the City of Jackson and in one or more other newspapers or





financial journals with a large national circulation, to be selected by the State Bond Commission.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 324.** Section 65-7-4, Mississippi Code of 1972, is amended as follows:

65-7-4. (1) On or before July 1, 2000, the board of supervisors of each county shall prepare and adopt an official map designating and delineating all public roads on the county road system. Changes to the county road system shall be recorded on this map as soon as is reasonably possible. The map, as it is periodically revised, shall be kept on file in the office of the clerk of the board of supervisors where it shall be available for public inspection.

(2) On or before July 1, 2000, the board of supervisors of each county shall prepare and adopt a county road system register in which shall be entered:

(a) The number and name of each public road on the county road system.

(b) A general reference to the terminal points and course of each such road.

(c) A memorandum of every proceeding in reference to each such road, with the date of such proceeding, and the page and volume of the minute book of the board of supervisors where it is recorded; however, reference to proceedings before July 1, 2000, shall not be required.

(3) Before the initial adoption of the official map and the county road system register, the board of supervisors shall hold a public hearing on the content of the official map and the county road system registry and shall publish notice of the hearing at least one (1) time, not less than two (2) weeks before the date of the hearing, in a newspaper having general circulation in the county.



20234           (4) All subsequent proceedings and changes to the county  
20235 road system shall be recorded in the county road system register  
20236 as soon as is reasonably possible. The county road system  
20237 register, as it is periodically revised, shall be kept on file in  
20238 the office of the clerk of the board of supervisors where it shall  
20239 be available for public inspection.

20240           (5) From and after July 1, 2000, the official record of the  
20241 county road system shall consist of an official map, as provided  
20242 for in subsection (1) of this section, and the county road system  
20243 register, as provided for in subsection (2) of this section. The  
20244 county road system register shall have priority in case of  
20245 conflict between the register and the official map. The minutes  
20246 of the board of supervisors containing proceedings with respect to  
20247 county roads and the county road system shall serve as the  
20248 official record until such proceedings are recorded on the  
20249 official map and in the county road system register. The official  
20250 record of the county road system, at a minimum, shall be revised  
20251 and updated on or before July 1 of each year.

20252           (6) It is the intention of the Legislature that the initial  
20253 official record of the county road system prepared and adopted in  
20254 accordance with this section shall include all public roads that  
20255 the board of supervisors determines, consistent with fact, as of  
20256 July 1, 2000, or such date the initial official record is adopted,  
20257 are laid out and open according to law. From and after July 1,  
20258 2000, no road shall be added or deleted from the county road  
20259 system or otherwise changed except by order or other appropriate  
20260 action of the board of supervisors and such action shall be  
20261 recorded in the minutes of the board. All additions, deletions or  
20262 changes to the county road system shall be recorded in the  
20263 official record of the county road system as provided for in this  
20264 section.



(7) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 325.** Section 65-7-121, Mississippi Code of 1972, is amended as follows:

65-7-121. (1) The board of supervisors of any county may, upon its own motion or upon the petition of any interested resident of the county, by resolution spread upon its minutes, declare any section of the county road system abandoned upon its finding that one or more of the following circumstances are applicable to the section in question:

(a) The section does not provide primary access to occupied properties;

(b) Traffic on the section has for a period of at least ten (10) consecutive years been intermittent and of such low volume that no substantial public purpose is being served thereby;

(c) The board of supervisors has, for a period of at least the previous five (5) consecutive years, not maintained such section as part of the county road system; or

(d) For any reason, the public interest or convenience does not require the section to remain open to the public or that it is in the public interest or convenience to close, vacate and abandon the section.

(2) Except as provided in subsection (3) of this section, before any section of the county road system may be abandoned as provided in this section, the board of supervisors shall hold a public hearing on the question of such abandonment and shall publish notice of such hearing at least two (2) times, not less than two (2) weeks prior to the date of the hearing, in a newspaper having general circulation in the county.

(3) [Repealed]

(4) The resolution of the board of supervisors abandoning any section of the county road system will abrogate the easement



theretofore owned, held, claimed or used by or on behalf of the general public but will not affect any private easements.

(5) Upon the abandonment of any section of the county road system, the board of supervisors shall post clearly visible signs at any intersection of the abandoned roadway with the county road system indicating that the abandoned section is no longer part of the county road system and is not maintained by the county. Once the required signs are posted, the county shall not be liable for the death of or injury to a vehicle owner, operator or passenger, or for damage to a vehicle or its contents, resulting from a dangerous condition on the abandoned section. If there exists a public railroad grade crossing or railroad bridge on the section of county road so abandoned, the county shall furnish the railroad or individual owning such railroad trackage with a copy of the resolution authorizing the abandonment and thereupon, the railroad company or individual owning such trackage may barricade the crossing or remove the bridge.

(6) From and after July 1, 2000, any proceedings under this section shall be documented in the official record of the county road system in accordance with the requirements of Section 65-7-4.

(7) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 326.** Section 65-13-13, Mississippi Code of 1972, is amended as follows:

65-13-13. Upon the filing of a petition with the board of supervisors as outlined above, it shall be the duty of said board to fix a time and place for a public hearing upon the question of the public convenience and necessity for the creation of the proposed authority. The date fixed for such hearing shall be not more than thirty (30) days after the filing of the petition, and the date of the hearing, the place at which it shall be held, and the purpose of the hearing shall be set forth in a notice to be



20331 signed by the clerk of the board of said county. Said notice  
20332 shall be published in a newspaper having general circulation  
20333 within such county once a week for at least three (3) consecutive  
20334 weeks prior to the date of such hearing. The first such  
20335 publication shall be made not less than twenty-one (21) days prior  
20336 to the date of such hearing, and the last such publication shall  
20337 be made not more than seven (7) days prior to the date of such  
20338 hearing.

20339 The publication of any notice required in this section may be  
20340 published on the Internet as provided in Section 1 of this act.

20341 **SECTION 327.** Section 65-13-17, Mississippi Code of 1972, is  
20342 amended as follows:

20343 65-13-17. A certified copy of the resolution so adopted  
20344 shall be published in a newspaper having a general circulation  
20345 within the county once a week for at least three (3) consecutive  
20346 weeks prior to the date specified in such resolution as the date  
20347 upon which said board intends to create such authority. The first  
20348 such publication shall be made not less than twenty-one (21) days  
20349 prior to the date thus specified, and the last such publication  
20350 shall be made not more than seven (7) days prior to such date.

20351 The publication of any notice required in this section may be  
20352 published on the Internet as provided in Section 1 of this act.

20353 **SECTION 328.** Section 65-13-19, Mississippi Code of 1972, is  
20354 amended as follows:

20355 65-13-19. If ten percent (10%) of the qualified electors  
20356 residing in the supervisors district, or supervisors districts if  
20357 the facility to be developed is located in more than one (1)  
20358 supervisors district, file a written petition with said boards of  
20359 supervisors on or before the date specified aforesaid, protesting  
20360 against the creation of the authority, the board shall call an  
20361 election on the question of the creation of the authority. Such  
20362 election shall be held and conducted by the election commissioners  
20363 of the county as nearly as may be in accordance with the general



20364 laws governing elections. Such election commissioners shall  
20365 determine which of the qualified electors of such county reside  
20366 within said supervisors district, or districts, and only such  
20367 qualified electors as reside within said supervisors district, or  
20368 districts, shall be entitled to vote in such election. Notice of  
20369 such election, setting forth the time, place or places, and  
20370 purpose of such election shall be published by the clerk of the  
20371 board of supervisors; and such notice shall be published for the  
20372 time and manner provided for the publication of the aforesaid  
20373 resolution of intention. The ballots to be prepared and used at  
20374 said election shall be in substantially the following form:

20375       For creation of the highway and street revenue bond authority  
20376 (    )

20377       Against creation of the highway and street revenue bond  
20378 authority (    )

20379       and voters shall vote by placing a cross mark (X) or a check  
20380 mark (/cm) opposite their choice.

20381       If no petition requiring an election be filed or if a  
20382 majority of those voting at an election hereunder votes in favor  
20383 of the creation of the authority, the board of supervisors shall  
20384 adopt a resolution creating the authority as described in the  
20385 aforesaid resolution of intention.

20386       The publication of any notice required in this section may be  
20387 published on the Internet as provided in Section 1 of this act.

20388       **SECTION 329.** Section 65-13-39, Mississippi Code of 1972, is  
20389 amended as follows:

20390       65-13-39. All bonds issued pursuant to this chapter shall be  
20391 validated as now provided by law by Sections 31-13-1 through  
20392 31-13-11, Mississippi Code of 1972. The services of the state's  
20393 bond attorney may be employed in the preparation of such bond  
20394 resolutions, forms, or proceedings as may be necessary, for which  
20395 he shall be paid a reasonable fee. Such validation proceedings  
20396 shall be instituted in the chancery court of the county in which



20397 the projects proposed by this chapter are located, but notice of  
20398 such validation proceedings shall be published at least two (2)  
20399 times in a newspaper of general circulation and published in any  
20400 county involved, the first publication of which in each case shall  
20401 be made at least ten (10) days preceding the date set for the  
20402 validation.

20403 The publication of any notice required in this section may be  
20404 published on the Internet as provided in Section 1 of this act.

20405 **SECTION 330.** Section 65-13-49, Mississippi Code of 1972, is  
20406 amended as follows:

20407 65-13-49. All construction contracts by the authority where  
20408 the amount of the contract shall exceed Two Thousand Five Hundred  
20409 Dollars (\$2,500.00) shall be made upon at least three (3) weeks'  
20410 public notice by advertisement in a newspaper of general  
20411 circulation in the area of the project, which notice shall state  
20412 the thing to be done and invite sealed proposals, to be filed with  
20413 the secretary of the authority, to do the work. In all such  
20414 cases, before the notice shall be published, the plans and  
20415 specifications for the work shall be filed with the secretary of  
20416 the authority, and there remain. The board of trustees shall  
20417 award the contract to the lowest bidder, who will comply with the  
20418 terms imposed by such trustees and enter into bond with sufficient  
20419 sureties to be approved by the trustees in such penalty as shall  
20420 be fixed by the trustees, but in no case to be less than the  
20421 contract price, conditioned for the prompt, proper, and efficient  
20422 performance of the contract.

20423 The publication of any notice required in this section may be  
20424 published on the Internet as provided in Section 1 of this act.

20425 **SECTION 331.** Section 65-13-51, Mississippi Code of 1972, is  
20426 amended as follows:

20427 65-13-51. The board of trustees shall designate one or more  
20428 banks within the county to serve as depositories for the funds of



20429 the authority, and all funds of the authority shall be deposited  
20430 in such depository bank or banks.

20431 Before designating a depository bank or banks, the trustees  
20432 shall issue a notice stating the time and place the trustees will  
20433 meet for such purpose and inviting the banks in the area to submit  
20434 applications to be designated depositories. The term of service  
20435 for depositories shall be prescribed by the trustees. Such notice  
20436 shall be published one (1) time in a newspaper or newspapers  
20437 published in the area and specified by the trustees.

20438 At the time mentioned in the notice, the trustees shall  
20439 consider the applications and the management and condition of the  
20440 banks filing them, and shall designate as depositories the bank or  
20441 banks which offer the most favorable terms and conditions for the  
20442 handling of the funds of the authority and which the trustees find  
20443 have proper management and are in condition to warrant handling of  
20444 authority funds. Membership on the board of trustees of an  
20445 officer or director of a bank shall not disqualify such bank from  
20446 being designated as a depository.

20447 If no applications acceptable to the trustees are received by  
20448 the time stated in the notice, the trustees shall designate some  
20449 bank or banks within or without the authority upon such terms and  
20450 conditions as they may find advantageous to the authority.

20451 The publication of any notice required in this section may be  
20452 published on the Internet as provided in Section 1 of this act.

20453 **SECTION 332.** Section 65-19-3, Mississippi Code of 1972, is  
20454 amended as follows:

20455 65-19-3. Whenever the proceeding has been initiated or  
20456 proposed by either of the methods above provided, the said board  
20457 shall cause notice to be published of the said proposal, which  
20458 notice shall be sufficiently full to fairly apprise all persons in  
20459 interest of the character and objects of said proposal. The  
20460 notice shall fix a time and place when and where the board of  
20461 supervisors will hear objections to the creation of said district





20462 and to the bringing of any of the defined territory within said  
20463 district. Said notice shall be published in a newspaper of  
20464 general circulation published in the county once a week for three  
20465 (3) weeks prior to the date of the hearing fixed in said notice;  
20466 the first publication shall be not less than eighteen (18) nor  
20467 more than forty (40) days prior to said date. If there be no  
20468 newspaper published in the county in which the territory is  
20469 located, the notice shall be published in some newspaper having a  
20470 general circulation therein.

20471 The publication of any notice required in this section may be  
20472 published on the Internet as provided in Section 1 of this act.

20473 **SECTION 333.** Section 65-23-201, Mississippi Code of 1972, is  
20474 amended as follows:

20475 65-23-201. When fifty (50) or more owners of real property  
20476 within a proposed district shall file a petition with the chancery  
20477 court of the county in which the largest portion of the lands of  
20478 the proposed district are situated, seeking to establish a bridge  
20479 district for the purpose of constructing, maintaining, and  
20480 operating an interstate bridge and the approaches thereto  
20481 embracing their property, said petition shall describe the region  
20482 or area to be embraced within said district and describe generally  
20483 the location of said bridge, the proposed plan of financing the  
20484 construction, maintenance, and operation of said bridge, together  
20485 with a general idea of its character and expenses, accompanied by  
20486 a certificate or resolution from the Mississippi State Highway  
20487 Commission showing the need and necessity for the construction of  
20488 such bridge; then it shall be the duty of the clerk of the  
20489 chancery court to enter upon its records an evidence of having  
20490 filed the petition. After having filed said petition, said  
20491 property owners or their representatives shall apply to the  
20492 chancellor in vacation or term time for an order fixing a day and  
20493 date for a hearing on said petition to determine whether or not  
20494 the petition should be granted or denied. The chancery clerk,



20495 after having received the order fixing a day and date for such  
20496 hearing, shall thereupon give notice by publication once each week  
20497 for three (3) consecutive weeks in some newspaper published and  
20498 having a general circulation in the county or counties within  
20499 which the lands of the proposed district are situated, notifying  
20500 all persons owning property therein to appear before the chancery  
20501 court on the day and date fixed by said court to show cause in  
20502 favor of or against the establishment of said district. At the  
20503 time named in said notice, the chancery court shall meet and hear  
20504 all property owners within the proposed district who wish to  
20505 appear for or against the establishment of the district. If it is  
20506 deemed to the best interest of the owners of real property within  
20507 said district that the same shall be created under the provisions  
20508 of this article the court shall enter an order establishing the  
20509 district as an interstate bridge district, which shall be subject  
20510 to all of the terms and provisions of this article. Any landowner  
20511 feeling aggrieved by the order of the court shall have the right  
20512 of appeal within thirty (30) days from the date the order was  
20513 entered, and such appeal may be prosecuted in the manner now  
20514 provided by law.

20515 The publication of any notice required in this section may be  
20516 published on the Internet as provided in Section 1 of this act.

20517 **SECTION 334.** Section 65-26-23, Mississippi Code of 1972, is  
20518 amended as follows:

20519 65-26-23. (1) The Bond Commission shall sell such bonds on  
20520 sealed bids at public sale, and for such price as it may determine  
20521 to be for the best interest of the State of Mississippi, but no  
20522 such sale shall be made at a price less than par plus accrued  
20523 interest to date of delivery of the bonds to the purchaser. The  
20524 bonds authorized by this chapter shall not bear a greater overall  
20525 maximum interest rate to maturity than eight percent (8%) per  
20526 annum. No bond shall bear more than one (1) rate of interest;  
20527 each bond shall bear interest from its date to its stated maturity



20528 date at the interest rate specified in the bid; all bonds of the  
20529 same maturity shall bear the same rate of interest from date to  
20530 maturity; all interest accruing on such bonds so issued shall be  
20531 payable semiannually or annually, except that the first interest  
20532 coupon attached to any such bond may be for any period not  
20533 exceeding one (1) year.

20534 (2) No interest payment shall be evidenced by more than one  
20535 (1) coupon and neither cancelled nor supplemental coupons shall be  
20536 permitted; the lowest interest rate specified for any bonds issued  
20537 shall not be less than seventy percent (70%) of the highest  
20538 interest rate specified for the same bond issue. The interest  
20539 rate of any one (1) maturity shall not exceed eight percent (8%).

20540 (3) Each interest rate specified in any bid must be in a  
20541 multiple of one-eighth of one percent ( $1/8$  of 1%) or one-tenth of  
20542 one percent ( $1/10$  of 1%) and a zero rate of interest cannot be  
20543 named.

20544 (4) Notice of the sale of any such bonds shall be published  
20545 at least two (2) times, the first of which shall be made not less  
20546 than ten (10) days prior to the date of sale, and shall be so  
20547 published in one or more newspapers having a general circulation  
20548 in the City of Jackson and in one or more other newspapers or  
20549 financial journals with a large national circulation, to be  
20550 selected by the Bond Commission.

20551 (5) The Bond Commission, when issuing any bonds under the  
20552 authority of this chapter, shall provide that bonds maturing  
20553 eleven (11) or more years after the date of the issuance of such  
20554 bonds may, at the option of the State of Mississippi, be called in  
20555 for payment and redemption in reverse numerical order at the call  
20556 price named therein and accrued interest, or on the tenth  
20557 anniversary of the date of issue, or on any interest payment date  
20558 thereafter prior to maturity.



(6) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 335.** Section 65-26-29, Mississippi Code of 1972, is amended as follows:

65-26-29. (1) Such general obligation bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified or required by this chapter. Any resolution providing for the issuance of general obligation bonds under the provisions of this chapter shall become effective immediately upon its adoption by the bond commission, and any such resolution may be adopted at any regular, special or adjourned meeting of the bond commission by a majority of its members.

(2) The bonds authorized under the authority of this chapter shall be validated in the Chancery Court of Hinds County, Mississippi, in the manner and with the force and effect provided now or hereafter by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district, and other bonds. The necessary papers for such validation proceedings shall be transmitted to the State Bond Attorney by the secretary of the bond commission, and the required notice shall be published in a newspaper published in the City of Jackson, Mississippi.

(3) The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 336.** Section 65-31-1, Mississippi Code of 1972, is amended as follows:

65-31-1. The Mississippi Transportation Commission is hereby authorized to locate, design, construct, operate, and maintain hospitality stations on trunkline highways at or near points of entry into this state from other states. In carrying out the



provisions of this chapter, the commission shall have authority to employ such engineers, architects, skilled and unskilled labor as may be determined necessary by the commission, for the preparation of plans for such hospitality stations and their proper location, design, construction, maintenance, and operation. The commission also may employ full-time security officers, as authorized under Section 65-1-131, and/or may contract for the employment of private security officers, as authorized under Section 65-1-136, to patrol and protect the property of hospitality stations and visitors, patrons and other employees of hospitality stations.

Prior to the location of such hospitality stations the commission shall afford the opportunity for a public hearing in the county wherein such hospitality station is to be located for the purpose of receiving testimony regarding the most feasible and advantageous location for such hospitality station, at which hearing all interested persons may appear and present testimony in regard thereto. A notice of such proposed location shall be given in some newspaper published or having general circulation in the county wherein such hospitality station is proposed to be located. Should a public hearing be requested thereon, notice by publication shall be given at least ten (10) days prior to the date upon which public hearing is to be held and written notice thereof shall likewise be given, within said time, to the governing authorities of all municipalities within such county and the governing authority of such county.

Each hospitality station constructed under the provisions of this chapter shall be maintained and kept in a neat and attractive condition.

The publication of any notice required in this section may be published on the Internet as provided in Section 1 of this act.

**SECTION 337.** Section 65-33-7, Mississippi Code of 1972, is amended as follows:



20624           65-33-7. Such bonds shall be in the denomination of One  
20625 Thousand Dollars (\$1,000.00) each and shall mature annually, with  
20626 all maturities not longer than twenty-five (25) years, with not  
20627 less than one-fiftieth (1/50) of the total issue to mature each  
20628 year during the first five (5) years of the life of such bonds,  
20629 not less than one-twenty-fifth (1/25) of the total issue to mature  
20630 each year during the succeeding ten-year period of the life of  
20631 such bonds, and the remainder to be divided into approximately  
20632 equal annual payments, one (1) payment to mature each year for the  
20633 remaining life of such bonds. Such bonds shall not bear a greater  
20634 rate of interest than the maximum amount specified in Section  
20635 75-17-103 per annum, and the denomination, form, and place or  
20636 places of payment of such bonds shall be fixed in the resolution  
20637 or order of the board of supervisors issuing such bonds. Such  
20638 bonds shall be signed by the president of the board of supervisors  
20639 and countersigned by the clerk thereof, with the official seal of  
20640 the county affixed thereto, but the coupons may bear only the  
20641 facsimile signatures of such president and clerk. No bonds shall  
20642 be issued and sold under the provisions of Sections 65-33-1  
20643 through 65-33-15 for less than par and accrued interest, and not  
20644 more than one (1) series of interest coupons shall be attached to  
20645 any bonds issued under the provisions of said sections; but all  
20646 interest accruing on such bonds so issued shall be payable  
20647 semiannually, except that the first interest coupon attached to  
20648 any such bond may be for any period not exceeding one (1) year.  
20649 Such bonds shall be payable at such place or places as may be  
20650 designated therein by said board, shall be fully negotiable, and  
20651 shall be sold pursuant to advertised public sale at not less than  
20652 par and accrued interest. Such bonds shall not be subject to  
20653 other restrictions, limitations or provisions of the general laws  
20654 governing the issuance and sale of bonds by the board of  
20655 supervisors, and the board of supervisors may sell said bonds at  
20656 any time within three (3) years after the sale has been approved



20657 in an election held for that purpose herein required, or three (3)  
20658 years after the successful termination of any litigation affecting  
20659 the same, or three (3) years after the acquisition of all lands in  
20660 the areas to be developed as hereinafter provided, but not later;  
20661 however, in no event shall the amount borrowed by any such county  
20662 after May 4, 1954, exceed the amount of Twelve Million Dollars  
20663 (\$12,000,000.00) under the provisions of this section.

20664 Before any bonds shall be issued under the cited sections,  
20665 the board of supervisors shall adopt a resolution reciting its  
20666 intention to issue such bonds and stating the amount of bonds  
20667 proposed to be issued, and shall give notice of election, to be  
20668 published once each week for at least three (3) consecutive weeks  
20669 in at least one (1) newspaper published in such county, in  
20670 accordance with the provisions of Section 19-9-13, except that  
20671 such election shall be mandatory.

20672 Such election shall be held, as far as practicable, in the  
20673 same manner as other elections are held in counties. At such  
20674 election, all qualified electors of such county may vote, and the  
20675 ballots used at such election shall have printed thereon a brief  
20676 statement of the amount and purpose of the proposed bond issue and  
20677 the words "For the Bond Issue" and "Against the Bond Issue," and  
20678 the voter shall vote by placing a cross (X) or check mark (V)  
20679 opposite his choice on the proposition.

20680 When the results of the election on the question of the  
20681 issuance of such bonds shall have been canvassed by the election  
20682 commissioners of such county and certified by them to the board of  
20683 supervisors of such county, it shall be the duty of such board of  
20684 supervisors to determine and adjudicate whether or not  
20685 three-fifths (3/5) of the qualified electors who voted in such  
20686 election voted in favor of the issuance of such bonds; and, unless  
20687 three-fifths (3/5) of the qualified electors who voted in such  
20688 election shall have voted in favor of the issuance of such bonds,  
20689 then such bonds shall not be issued.



20690       The publication of any notice required in this section may be  
20691 published on the Internet as provided in Section 1 of this act.

20692       **SECTION 338.** Section 65-33-19, Mississippi Code of 1972, is  
20693 amended as follows:

20694       65-33-19. The board of supervisors of any such county may,  
20695 in its discretion, issue and sell the bonds of such county in an  
20696 amount not exceeding Two Hundred Thousand Dollars (\$200,000.00) to  
20697 provide funds for the purposes enumerated in Section 65-33-17.  
20698 However, such bonds shall not be issued until notice of intention  
20699 to issue and sell the same shall have been made by publishing such  
20700 notice in two (2) weekly issues of some newspaper having a general  
20701 circulation in the county. If, within fifteen (15) days after the  
20702 first publication of such notice twenty-five percent (25%) of the  
20703 qualified electors of the county petition the board of supervisors  
20704 for an election to determine whether or not such bonds shall be  
20705 issued, an election shall be ordered by said board of supervisors  
20706 in which all of the qualified electors of the county shall be  
20707 eligible to participate. If at such election a majority of those  
20708 voting vote in favor of the issuance of such bonds the same shall  
20709 be issued as provided by statute. In event a majority of the  
20710 qualified electors voting vote against the issuance of such bonds  
20711 the same shall not be issued and no further effort shall be made  
20712 to issue bonds under Sections 65-33-17 through 65-33-21 by such  
20713 board for a period of six (6) months after such election. If no  
20714 such petition be filed with the clerk of such board of supervisors  
20715 within fifteen (15) days after the first publication of such  
20716 notice, the board of supervisors shall proceed forthwith to issue  
20717 and sell such bonds without an election and without further  
20718 notice.

20719       The publication of any notice required in this section may be  
20720 published on the Internet as provided in Section 1 of this act.

20721       **SECTION 339.** Section 65-33-31, Mississippi Code of 1972, is  
20722 amended as follows:





20723           65-33-31. Whenever it shall become necessary to construct,  
20724 widen, or protect any highway under the provisions hereof, the  
20725 road protection commission shall make publication for thirty (30)  
20726 days in some newspaper published in the county wherein such  
20727 improvements are made, setting forth the commencement and  
20728 termination, with a general outline of the nature and extent  
20729 thereof. When any owner of land or other person shall claim  
20730 compensation for land taken for such purpose, or for damage  
20731 sustained by the construction, widening, improvement, or  
20732 protection of such road or highway, he shall petition the board of  
20733 supervisors in writing within thirty (30) days after the  
20734 expiration of the time provided for such publication, setting  
20735 forth the nature and character of the damages claimed. Thereupon  
20736 the board shall, on five (5) days' notice to petitioner, go on the  
20737 premises and assess the damages sustained by him. The finding of  
20738 the board shall be in writing, signed by the members agreeing to  
20739 it, and must be entered on the minutes at the next meeting; but if  
20740 the damages sustained and claimed be less than the cost of  
20741 assessing, the board may allow the same without inquiry.

20742           The publication of any notice required in this section may be  
20743 published on the Internet as provided in Section 1 of this act.

20744           **SECTION 340.** Section 65-33-51, Mississippi Code of 1972, is  
20745 amended as follows:

20746           65-33-51. (1) In any county maintaining a sea wall or road  
20747 protection structure under the provisions of this chapter, the  
20748 board of supervisors may borrow funds not in excess of One Million  
20749 Five Hundred Thousand Dollars (\$1,500,000.00), at a rate of  
20750 interest not exceeding four percent (4%) per annum, in addition to  
20751 such sums as have heretofore been borrowed for the purpose of  
20752 constructing, repairing, strengthening, or maintaining the road  
20753 protection structure or sea wall of the county. Such board of  
20754 supervisors shall have the authority to acquire by purchase or  
20755 otherwise a dredge boat and to use and operate it for the purpose



20756 of pumping a sand beach adjacent to such sea wall or road  
20757 protection structure or for the maintenance thereof, and to pay  
20758 for same out of any funds provided under this section. The funds  
20759 or amount borrowed for the purposes provided for in this section  
20760 shall be repaid within a period of fifteen (15) years from the  
20761 date borrowed, and shall be paid out of the funds collected under  
20762 this chapter. All bonds, notes, or certificates of indebtedness  
20763 maturing each year and the interest thereon, however, shall be  
20764 first provided for and paid out of said funds. The loans  
20765 authorized herein shall not be subject to other limitations,  
20766 restrictions, or provisions of the general laws governing the  
20767 borrowing of money, amounts of indebtedness, budget, and election;  
20768 and said loans may be made by the board of supervisors of such  
20769 county either by issuance of county bonds, notes, or certificates  
20770 of indebtedness which shall be full faith and credit obligations  
20771 of the county issuing same and shall be payable, both as to  
20772 principal and interest, from the same sources of revenue and taxes  
20773 made available for the payment of road protection bonds under the  
20774 provisions of this chapter. The money herein authorized to be  
20775 borrowed by such board of supervisors may be borrowed from any  
20776 person, firm, corporation, governmental lending agency, or from  
20777 any sinking funds of such county; if the money be borrowed from  
20778 any sinking fund, it shall be repaid before the sinking fund from  
20779 which it is borrowed, when supplemented by funds paid into same,  
20780 is needed. Before the board of supervisors shall borrow money  
20781 under this section, it shall spread on its minutes an order  
20782 reciting such intention, and shall thereafter publish a copy of  
20783 such order in three (3) weekly issues of some newspaper having a  
20784 general circulation in the county. If, within fifteen (15) days  
20785 after the first publication of a copy of such order, fifteen  
20786 percent (15%) of the qualified electors of the county shall file  
20787 with such board of supervisors a petition in writing requesting an  
20788 election on the question of borrowing money in the amount and for



20789 the purpose as set forth in such order, then such money shall not  
20790 be borrowed unless authorized by a majority of the qualified  
20791 voters of such county voting in an election to be ordered by such  
20792 board of supervisors for that purpose. Notice of such election  
20793 shall be given and such election shall be held and conducted as  
20794 provided by law in connection with elections for the submission of  
20795 bond issues in such county. If such proposition shall fail to  
20796 receive such majority vote at such election, then no further  
20797 proceedings for the borrowing of such money shall be had or taken  
20798 within a period of six (6) months from and after the date of such  
20799 election. If, however, no such petition shall be so filed, or if  
20800 at such election such petition shall be assented to by a majority  
20801 vote, then such board of supervisors shall be authorized to borrow  
20802 such money in the amount and for the purpose as set forth in such  
20803 order as published. The amount authorized to be borrowed under  
20804 this section may be borrowed at any time and in any amount, but  
20805 the total borrowed shall not exceed One Million Five Hundred  
20806 Thousand Dollars (\$1,500,000.00) in addition to such sums as may  
20807 heretofore have been borrowed for the purposes herein enumerated,  
20808 or either of them.

20809 (2) The board of supervisors is hereby given full power and  
20810 authority to meet and do and grant any request of the United  
20811 States Beach Erosion Board of the United States Army Engineers by  
20812 and under Public Law 727, 79th Congress, Chapter 960, 2nd Session,  
20813 and to assure either or both the following:

20814 (a) Assure maintenance of the sea wall and drainage  
20815 facilities, and of the beach by artificial replenishment, during  
20816 the useful life of these works, as may be required to serve their  
20817 intended purpose;

20818 (b) Provide, at the county's own expense, all necessary  
20819 land, easements and rights-of-way;



20820                   (c) To hold and save the United States free from all  
20821 claims for damages that may arise either before, during, or after  
20822 prosecution of the work;

20823                   (d) To prevent, by ordinance, any water pollution that  
20824 would endanger the health of the bathers;

20825                   (e) To assume perpetual ownership of any beach  
20826 construction and its administration for public use only, and that  
20827 the board of supervisors is given full power and authority to do  
20828 any and all things necessary in and about the repair and  
20829 reconstruction, or construction or maintenance of the sea wall and  
20830 sloping beach adjacent thereto; and it is given such power to  
20831 cooperate with the requirements of the United States government to  
20832 receive any grant or grants of money from Congress or to  
20833 contribute any grant or grants to the United States Army Engineers  
20834 in and about this construction and maintenance and it is further  
20835 given full power and authority to employ engineers, lawyers, or  
20836 any other professional or technical help in and about the  
20837 completion of this project. In the event the county engineer is  
20838 selected to do any or all of said work, the board of supervisors  
20839 is hereby authorized to pay and allow him such reasonable fees or  
20840 salary which, in its opinion, is necessary, just, and commensurate  
20841 to the work done by him.

20842                   It is further given full power and authority to let, by  
20843 competitive bids, any contract for the repair of said wall, or for  
20844 the installation and drainage, and for the construction of any  
20845 additional section of wall, together with any artificial beach  
20846 adjacent to said wall; or it may, in its discretion, negotiate a  
20847 contract for any and all construction or any part thereof for the  
20848 construction, repair, reconstruction, or additions thereto; or it  
20849 may do any or all of said work under the direction of the county  
20850 engineer or engineers employed by it and for which purpose it may  
20851 employ all necessary labor and equipment and purchase necessary  
20852 materials.



20853           The intent and purpose of this section is to give unto the  
20854   respective boards of supervisors the full power and authority to  
20855   carry out all the provisions herein, and to act independently,  
20856   jointly, or severally with the United States government by and  
20857   under Public Law 727, 79th Congress.

20858           (3)   The provisions of this section shall not apply to any  
20859   county with an assessed valuation of less than Ten Million Dollars  
20860   (\$10,000,000.00).

20861           (4)   The publication of any notice required in this section  
20862   may be published on the Internet as provided in Section 1 of this  
20863   act.

20864           **SECTION 341.**   Section 65-33-53, Mississippi Code of 1972, is  
20865   amended as follows:

20866           65-33-53.   (1)   In any county maintaining a sea wall or road  
20867   protection structure under the provisions of this chapter, the  
20868   board of supervisors may borrow funds not in excess of Five  
20869   Hundred Thousand Dollars (\$500,000.00) in addition to the One  
20870   Million Five Hundred Thousand Dollars (\$1,500,000.00) authorized  
20871   under Section 65-33-51, at the rate of interest not exceeding four  
20872   percent (4%) per annum, in addition to such sums as have  
20873   heretofore been borrowed for the purpose of constructing,  
20874   repairing, strengthening, or maintaining the road protection  
20875   structure or sea wall of the county, including the raising of the  
20876   roadbed as recommended and approved by the Mississippi State  
20877   Highway Commission, and to construct retaining walls for such  
20878   raised roadbeds and to pump by hydraulic fill, or otherwise, a  
20879   sand beach adjacent to such retaining wall or sea wall structure.  
20880   Such board of supervisors shall have the authority to acquire by  
20881   purchase or otherwise a dredge boat and to use and operate it for  
20882   the purpose of pumping a sand beach adjacent to such sea wall or  
20883   road protection structure or for the maintenance thereof; however,  
20884   said board of supervisors shall not pay for same out of any funds  
20885   provided under this section.   The funds or amount borrowed for the



20886 purposes provided in this section shall be repaid within a period  
20887 of fifteen (15) years from the date borrowed, and shall be paid  
20888 out of the funds collected under this chapter. All bonds, notes,  
20889 or certificates of indebtedness maturing each year and the  
20890 interest thereon, however, shall be first provided for and paid  
20891 out of said funds. The loans authorized herein shall not be  
20892 subject to other limitations, restrictions, or provisions of the  
20893 general laws governing the borrowing of money, amounts of  
20894 indebtedness, budget, and election, and said loans may be made by  
20895 the board of supervisors of such county either by issuance of  
20896 county bonds, notes, or certificates of indebtedness which shall  
20897 be full faith and credit obligations of the county issuing same  
20898 and shall be payable, both as to principal and interest, from the  
20899 same sources of revenue and taxes made available for the payment  
20900 of road protection bonds under the provisions of this chapter,  
20901 which sources of revenue and taxes are irrevocably pledged toward  
20902 the repayment of any monies borrowed or any bonds issued under the  
20903 provisions of this section. The money herein authorized to be  
20904 borrowed by such board of supervisors may be borrowed from any  
20905 person, firm, corporation, governmental lending agency, or from  
20906 any sinking funds of such county; if the money be borrowed from  
20907 any sinking fund, it shall be repaid before the sinking fund from  
20908 which it is borrowed, when supplemented by funds paid into same,  
20909 is needed. Before the board of supervisors shall borrow money  
20910 under this section, it shall spread on its minutes an order  
20911 reciting such intention and shall thereafter publish a copy of  
20912 such order in three (3) weekly issues of some newspaper having a  
20913 general circulation in the county. If, within fifteen (15) days  
20914 after the first publication of a copy of such order, fifteen  
20915 percent (15%) of the qualified electors of the county shall file  
20916 with such board of supervisors a petition in writing requesting an  
20917 election on the question of borrowing money in the amount and for  
20918 the purpose as set forth in such order, then such money shall not



20919 be borrowed unless authorized by a majority of the qualified  
20920 voters of such county voting in an election to be ordered by such  
20921 board of supervisors for that purpose. Notice of such election  
20922 shall be given and such election shall be held and conducted as  
20923 provided by law in connection with elections for the submission of  
20924 bond issues in such county. If such proposition shall fail to  
20925 receive such majority vote at such election, then no further  
20926 proceedings for the borrowing of such money shall be had or taken  
20927 within a period of six (6) months from and after the date of such  
20928 election. If, however, no such petition shall be so filed, or if  
20929 at such election such petition shall be assented to by a majority  
20930 vote, then such board of supervisors shall be authorized to borrow  
20931 such money in the amount and for the purpose as set forth in such  
20932 order as published. The amount authorized to be borrowed under  
20933 this section may be borrowed at any time and in any amount, but  
20934 the total borrowed shall not exceed Five Hundred Thousand Dollars  
20935 (\$500,000.00) in addition to such sums as may heretofore have been  
20936 borrowed for the purposes herein enumerated, or either of them,  
20937 and especially in addition to any sums that may have heretofore  
20938 been borrowed or in addition to any bonds that may have heretofore  
20939 been issued under authority of Section 65-33-51. Any attorneys'  
20940 fees paid for the issuance of said bonds shall be paid out of the  
20941 general fund of said county.

20942 (2) The board of supervisors is hereby given full power and  
20943 authority to meet and do and grant any request of the United  
20944 States Beach Erosion Board of the United States Army Engineers by  
20945 and under Public Law 727, 79th Congress, Chapter 960, 2nd Session,  
20946 and to assure either or both the following:

20947 (a) Assure maintenance of the sea wall and drainage  
20948 facilities, and of the beach by artificial replenishment, during  
20949 the useful life of these works, as may be required to serve their  
20950 intended purpose;



20951           (b) Provide, at the county's own expense, all necessary  
20952 land, easements, and rights-of-way;

20953           (c) To hold and save the United States free from all  
20954 claims for damages that may arise either before, during, or after  
20955 prosecution of the work;

20956           (d) To prevent, by ordinance, any water pollution that  
20957 would endanger the health of the bathers;

20958           (e) To assume perpetual ownership of any beach  
20959 construction and its administration for public use only, and that  
20960 the board of supervisors is given full power and authority to do  
20961 any and all things necessary in and about the repair and  
20962 reconstruction, or construction or maintenance of the sea wall and  
20963 sloping beach adjacent thereto, built under the authority of this  
20964 section, and it is given such power to cooperate with the  
20965 requirements of the United States government to receive any grant  
20966 or grants of money from congress or to contribute any grant or  
20967 grants to the United States Army Engineers in and about this  
20968 construction and maintenance, and it is further given full power  
20969 and authority to employ engineers, lawyers, or any other  
20970 professional or technical help in and about the completion of this  
20971 project. In the event the county engineer is selected to do any  
20972 or all of said work, the board of supervisors is hereby authorized  
20973 to pay and allow him such reasonable fees or salary which, in its  
20974 opinion, is necessary, just, and commensurate to work done by him.

20975           It is further given full power and authority to let, by  
20976 competitive bids, any contract for the repair of said wall, or for  
20977 the installation and drainage, and for the construction of any  
20978 additional section of wall, together with any artificial beach  
20979 adjacent to said wall, and for the raising of any roadbeds and the  
20980 construction of any such retaining wall.

20981           The intent and purpose of this section is to give unto the  
20982 respective boards the full power and authority to carry out all  
20983 the provisions herein, and to act independently, jointly, or





20984 severally with the United States government by and under Public  
20985 Law 727, 79th Congress.

20986 (3) The provisions of this section shall not apply to any  
20987 county with an assessed valuation of less than Ten Million Dollars  
20988 (\$10,000,000.00).

20989 (4) The publication of any notice required in this section  
20990 may be published on the Internet as provided in Section 1 of this  
20991 act.

20992 **SECTION 342.** Section 65-39-13, Mississippi Code of 1972, is  
20993 amended as follows:

20994 65-39-13. The State Bond Commission shall act as the issuing  
20995 agent for the bonds authorized under Sections 65-39-5 through  
20996 65-39-33, prescribe the form of the bonds, advertise for and  
20997 accept bids, issue and sell the bonds so authorized to be sold,  
20998 pay all fees and costs incurred in such issuance and sale, and do  
20999 all other things necessary and advisable in connection with the  
21000 issuance and sale of the bonds. The State Bond Commission may pay  
21001 the costs that are incident to the sale, issuance and delivery of  
21002 the bonds authorized under Sections 65-39-5 through 65-39-33 from  
21003 the proceeds derived from the sale of the bonds. The State Bond  
21004 Commission shall sell such bonds on sealed bids at public sale,  
21005 and for such price as it may determine to be for the best interest  
21006 of the State of Mississippi, but no such sale may be made at a  
21007 price less than par plus accrued interest to the date of delivery  
21008 of the bonds to the purchaser. All interest accruing on such  
21009 bonds so issued shall be payable semiannually or annually;  
21010 however, the first interest payment may be for any period of not  
21011 more than one (1) year.

21012 Notice of the sale of any such bond shall be published at  
21013 least one (1) time, not less than ten (10) days before the date of  
21014 sale, and shall be so published in one or more newspapers  
21015 published or having a general circulation in the City of Jackson,  
21016 Mississippi, and in one or more other newspapers or financial



21017 journals with a national circulation, to be selected by the State  
21018 Bond Commission.

21019       The State Bond Commission, when issuing any bonds under the  
21020 authority of Sections 65-39-5 through 65-39-33, may provide that  
21021 bonds, at the option of the State of Mississippi, may be called in  
21022 for payment and redemption at the call price named therein and  
21023 accrued interest on such date or dates named therein.

21024       The publication of any notice required in this section may be  
21025 published on the Internet as provided in Section 1 of this act.

21026       **SECTION 343.** Section 65-39-21, Mississippi Code of 1972, is  
21027 amended as follows:

21028       65-39-21. The bonds authorized under the authority of  
21029 Sections 65-39-5 through 65-39-33 may be validated in the Chancery  
21030 Court of the First Judicial District of Hinds County, Mississippi,  
21031 in the manner and with the force and effect provided by Chapter  
21032 13, Title 31, Mississippi Code of 1972, for the validation of  
21033 county, municipal, school district and other bonds. The notice to  
21034 taxpayers required by such statutes shall be published in a  
21035 newspaper published or having a general circulation in the City of  
21036 Jackson, Mississippi.

21037       The publication of any notice required in this section may be  
21038 published on the Internet as provided in Section 1 of this act.

21039       **SECTION 344.** Section 65-43-7, Mississippi Code of 1972, is  
21040 amended as follows:

21041       65-43-7. (1) For the purpose of providing funds to defray  
21042 the expenses of projects authorized pursuant to Sections 65-43-1  
21043 and 65-43-3, the board of supervisors of a county or the governing  
21044 authorities of a municipality shall have the right to borrow money  
21045 for the project, and to issue revenue bonds therefor in such  
21046 principal amounts as the board of supervisors or governing  
21047 authorities may determine to be necessary to provide sufficient  
21048 funds to defray the expenses of projects authorized pursuant to  
21049 Sections 65-43-1 and 65-43-3. The bonds shall be payable out of



21050 any revenues derived from the project, including grants or  
21051 contributions from the federal government or other sources. Such  
21052 bonds may be sold at public or private sale at not less than par  
21053 and shall bear interest at a rate or rates not exceeding that  
21054 allowed in Section 75-17-103. Any such bonds so issued shall not  
21055 constitute a debt of the county, the municipality or any political  
21056 subdivision of the county or the city within the meaning of any  
21057 constitutional, statutory or charter restriction, limitation or  
21058 provision. It shall be plainly stated on the face of each bond in  
21059 substance that the bond has been issued pursuant to the authority  
21060 granted in this section and that the taxing power of the county or  
21061 municipality issuing the bond is not pledged to the payment of the  
21062 bond or the interest on it and that the bond and the interest on  
21063 it are payable solely from the revenues of the project for which  
21064 the bond is issued.

21065 (2) All bonds issued under the authority of this section  
21066 shall bear such date or dates, shall be in such form or  
21067 denomination, shall bear such rate of interest, and shall mature  
21068 at such times as the county or municipality shall determine, but  
21069 no bonds issued under the authority of this section shall mature  
21070 more than thirty (30) years from the date of the issuance thereof  
21071 and none of the bonds shall be sold for less than par and accrued  
21072 interest. All bonds shall be sold in the manner now provided by  
21073 law for the sale of bonds without any restrictions, limitations,  
21074 requirements or conditions applicable to the borrowing of such  
21075 money and the issuance of such bonds which are not herein  
21076 contained. The denomination, form, place of payment and other  
21077 details of such bonds may be determined by resolution or order of  
21078 the board of supervisors of a county or the governing authorities  
21079 of a municipality, and shall be executed on behalf of the county  
21080 or municipality as is now provided by law.

21081 (3) Before issuing any bonds under the provisions of this  
21082 section, the board of supervisors of the county or the governing



21083 authorities of the municipality shall, by resolution spread upon  
21084 the minutes, declare its intention to issue such bonds for the  
21085 purposes authorized by this section and shall state in the  
21086 resolution the amount of bonds proposed to be issued and shall  
21087 likewise fix in the resolution the date upon which the board of  
21088 supervisors of the county or the governing authorities of the  
21089 municipality proposes to direct the issuance of the bonds. Notice  
21090 of such intention shall be published once a week for at least  
21091 three (3) consecutive weeks in a newspaper published or having a  
21092 general circulation in the county or the municipality, with the  
21093 first publication of the notice to be made not less than  
21094 twenty-one (21) days prior to the date fixed in the resolution for  
21095 the issuance of the bonds and the last publication to be made not  
21096 more than seven (7) days prior to such date. If, on or before the  
21097 date specified in the resolution, twenty percent (20%) or fifteen  
21098 hundred (1500), whichever is less, of the qualified electors of  
21099 the county or municipality shall file a written protest against  
21100 the issuance of the bonds, then an election upon the issuance of  
21101 the bonds shall be called, and held, as provided in this section.  
21102 If no such protest shall be filed, then the board of supervisors  
21103 of the county or the governing authorities of the municipality may  
21104 issue such bonds without an election on the question of the  
21105 issuance of the bonds at any time within a period of two (2) years  
21106 after the date specified in the resolution.

21107 (4) If an election is called under the provisions of this  
21108 section on the question of the issuance of bonds, the election  
21109 shall be held, insofar as practicable, in the same manner as other  
21110 elections are held in the county or municipality. At the  
21111 election, all qualified electors of the county or municipality may  
21112 vote and the ballots used in the election shall have printed  
21113 thereon a brief statement of the amount and purposes of the  
21114 proposed bond issue and the words "FOR THE BOND ISSUE" and the  
21115 words "AGAINST THE BOND ISSUE," and the voters shall vote by



21116 placing a cross (X) or check mark (✓) opposite their choice on the  
21117 proposition.

21118 (5) When the results of any election provided for in this  
21119 section shall have been canvassed by the election commissioners of  
21120 the county or municipality and certified by them to the proper  
21121 authorities, it shall be the duty of the board of supervisors of  
21122 the county or the governing authorities of the municipality to  
21123 determine and adjudicate whether or not a majority of the  
21124 qualified electors who voted in the election voted in favor of the  
21125 issuance of the bonds and unless a majority of the qualified  
21126 electors who voted in the election voted in favor of the issuance  
21127 of the bonds, then the bonds shall not be issued. Should a  
21128 majority of the qualified electors who vote in the election vote  
21129 in favor of the bonds, the board of supervisors of the county or  
21130 the governing authorities of the municipality may issue the bonds,  
21131 either in whole or in part, within two (2) years from the date of  
21132 such election, or within two (2) years after final favorable  
21133 determination of any litigation affecting the issuance of such  
21134 bonds at such time or times, and in such amount or amounts, not  
21135 exceeding that specified in the notice of the election, as shall  
21136 be deemed proper.

21137 (6) This section, without reference to any other statute,  
21138 shall be deemed to be full and complete authority for the issuance  
21139 of bonds and borrowing of money as authorized in this section by  
21140 counties or municipalities, and shall be construed as an  
21141 additional and alternate method therefor. The bonds authorized by  
21142 this section shall not constitute an indebtedness within the  
21143 meaning of any constitutional or statutory limitation or  
21144 restriction.

21145 (7) The publication of any notice required in this section  
21146 may be published on the Internet as provided in **Section 1 of this**  
21147 **act.**



21148           **SECTION 345.** Section 65-43-21, Mississippi Code of 1972, is  
21149 amended as follows:

21150           65-43-21. The State Bond Commission shall act as the issuing  
21151 agent for the bonds authorized under Sections 65-43-9 through  
21152 65-43-39, prescribe the form of the bonds, advertise for and  
21153 accept bids, issue and sell, at public or private sale, the bonds  
21154 so authorized to be sold, pay all fees and costs incurred in such  
21155 issuance and sale, and do any and all other things necessary and  
21156 advisable in connection with the issuance and sale of such bonds.  
21157 The State Bond Commission is authorized and empowered to pay the  
21158 costs that are incident to the sale, issuance and delivery of the  
21159 bonds authorized under Sections 65-43-9 through 65-43-39 from the  
21160 proceeds derived from the sale of such bonds. The State Bond  
21161 Commission shall sell such bonds on sealed bids at public or  
21162 private sale, and for such price as it may determine to be for the  
21163 best interest of the State of Mississippi, but no such sale shall  
21164 be made at a price less than par plus accrued interest to the date  
21165 of delivery of the bonds to the purchaser. All interest accruing  
21166 on such bonds so issued shall be payable semiannually or annually;  
21167 however, the first interest payment may be for any period of not  
21168 more than one (1) year.

21169           Notice of the sale of any such bonds shall be published at  
21170 least one time, not less than ten (10) days before the date of  
21171 sale, and shall be so published in one or more newspapers  
21172 published or having a general circulation in the City of Jackson,  
21173 Mississippi, and in one or more other newspapers or financial  
21174 journals with a national circulation, to be selected by the State  
21175 Bond Commission.

21176           The State Bond Commission, when issuing any bonds under the  
21177 authority of Sections 65-43-9 through 65-43-39, may provide that  
21178 bonds, at the option of the State of Mississippi, may be called in  
21179 for payment and redemption at the call price named therein and  
21180 accrued interest on such date or dates named therein.



21181        The publication of any notice required in this section may be  
21182 published on the Internet as provided in Section 1 of this act.

21183        **SECTION 346.** Section 65-43-29, Mississippi Code of 1972, is  
21184 amended as follows:

21185        65-43-29. The bonds authorized under the authority of  
21186 Sections 65-43-9 through 65-43-39 may be validated in the Chancery  
21187 Court of the First Judicial District of Hinds County, Mississippi,  
21188 in the manner and with the force and effect provided by Chapter  
21189 13, Title 31, Mississippi Code of 1972, for the validation of  
21190 county, municipal, school district and other bonds. The notice to  
21191 taxpayers required by such statutes shall be published in a  
21192 newspaper published or having a general circulation in the City of  
21193 Jackson, Mississippi.

21194        The publication of any notice required in this section may be  
21195 published on the Internet as provided in Section 1 of this act.

21196        **SECTION 347.** Section 67-1-11, Mississippi Code of 1972, is  
21197 amended as follows:

21198        67-1-11. (1) Notwithstanding any provision of this chapter,  
21199 the legalizing provisions of this chapter, except as authorized  
21200 under Section 67-9-1 and Section 67-1-7(2), shall not be  
21201 effective, applicable or operative in any county unless and until  
21202 a local option election shall be called and held in such county in  
21203 the manner and with the results hereinafter provided.

21204        (2) Upon presentation and filing of a proper petition  
21205 requesting same signed by at least twenty percent (20%) or fifteen  
21206 hundred (1,500), whichever number is the lesser, of the qualified  
21207 electors of the county, it shall be the duty of the board of  
21208 supervisors to call an election at which there shall be submitted  
21209 to the qualified electors of the county the question of whether or  
21210 not the sale, distribution and possession of alcoholic liquors  
21211 shall be permitted in such county as provided in this chapter.  
21212 Such election shall be held and conducted by the county election  
21213 commissioners on a date fixed by the order of the board of



21214 supervisors, which date shall not be more than sixty (60) days  
21215 from the date of the filing of said petition. Notice thereof  
21216 shall be given by publishing such notice once each week for at  
21217 least three (3) consecutive weeks in some newspaper published in  
21218 said county or, if no newspaper be published therein, by such  
21219 publication in a newspaper in an adjoining county and having a  
21220 general circulation in the county involved. The election shall be  
21221 held not earlier than fifteen (15) days from the first publication  
21222 of such notice.

21223       (3) Said election shall be held and conducted as far as may  
21224 be possible in the same manner as is provided by law for the  
21225 holding of general elections. The ballots used thereat shall  
21226 contain a brief statement of the proposition submitted and, on  
21227 separate lines, the words "I vote FOR coming out from under the  
21228 dry law in \_\_\_\_\_ County ( )" "I vote AGAINST coming out from  
21229 under the dry law in \_\_\_\_\_ County ( )" with appropriate boxes  
21230 in which the voters may express their choice. All qualified  
21231 electors may vote by marking the ballot with a cross (x) or check  
21232 (√) mark opposite the words of their choice.

21233       (4) The election commissioners shall canvass and determine  
21234 the results of said election, and shall certify same to the board  
21235 of supervisors which shall adopt and spread upon its minutes an  
21236 order declaring such results. If, in such election, a majority of  
21237 the qualified electors participating therein shall vote in favor  
21238 of the proposition, this chapter shall become applicable and  
21239 operative in such county and the manufacture, sale, distribution  
21240 and possession of alcoholic beverages therein shall be lawful to  
21241 the extent and in the manner permitted hereby. If, on the other  
21242 hand, a majority of the qualified electors participating in the  
21243 election shall vote against the proposition, this chapter, except  
21244 for Section 67-9-1 and 67-1-7(2), shall not become effective and  
21245 operative in such county and, except as otherwise provided under  
21246 Section 67-9-1 and 67-1-7(2), all laws prohibiting and regulating





21247 the manufacture, sale, distribution and possession of intoxicating  
21248 liquor shall remain in full force and effect and be administered  
21249 and vigorously prosecuted therein. In either case, no further  
21250 election shall be held in said county under the provisions of this  
21251 chapter for a period of two (2) years from the date of the prior  
21252 election and then only upon the filing of a petition requesting  
21253 same signed by at least twenty percent (20%) or fifteen hundred  
21254 (1,500), whichever number is the lesser, of the qualified electors  
21255 of the county as is otherwise provided herein.

21256 (5) The publication of any notice required in this section  
21257 may be published on the Internet as provided in Section 1 of this  
21258 act.

21259 **SECTION 348.** Section 67-1-53, Mississippi Code of 1972, is  
21260 amended as follows:

21261 67-1-53. (1) Application for permits shall be in such form  
21262 and shall contain such information as shall be required by the  
21263 regulations of the commission; however, no regulation of the  
21264 commission shall require personal financial information from any  
21265 officer of a corporation applying for an on-premises retailer's  
21266 permit to sell alcoholic beverages unless such officer owns ten  
21267 percent (10%) or more of the stock of such corporation.

21268 (2) Every applicant for each type of permit authorized by  
21269 Section 67-1-51 shall give notice of such application by  
21270 publication for two (2) consecutive issues in a newspaper of  
21271 general circulation published in the city or town in which  
21272 applicant's place of business is located. However, in instances  
21273 where no newspaper is published in the city or town, then the  
21274 notice shall be published in a newspaper of general circulation  
21275 published in the county where the applicant's business is located.  
21276 If no newspaper is published in the county, the notice shall be  
21277 published in a qualified newspaper which is published in the  
21278 closest neighboring county and circulated in the county of  
21279 applicant's residence. The notice shall be printed in ten-point



21280 black face type and shall set forth the type of permit to be  
21281 applied for, the exact location of the place of business, the name  
21282 of the owner or owners thereof, and if operating under an assumed  
21283 name, the trade name together with the names of all owners, and if  
21284 a corporation, the names and titles of all officers. The cost of  
21285 such notice shall be borne by the applicant.

21286 (3) Each application or filing made under this section shall  
21287 include the social security number(s) of the applicant in  
21288 accordance with Section 93-11-64, Mississippi Code of 1972.

21289 (4) The publication of any notice required in this section  
21290 may be published on the Internet as provided in Section 1 of this  
21291 act.

21292 **SECTION 349.** Section 67-1-93, Mississippi Code of 1972, is  
21293 amended as follows:

21294 67-1-93. (1) Except as otherwise provided in Section  
21295 67-1-99, when any property, other than an alcoholic beverage or  
21296 raw material, is seized under this chapter or Chapter 31 of Title  
21297 97, Mississippi Code of 1972, proceedings under this section shall  
21298 be instituted promptly.

21299 (2) A petition for forfeiture shall be filed promptly in the  
21300 name of the State of Mississippi with the clerk of the circuit or  
21301 county court of the county in which the seizure is made. A copy  
21302 of such petition shall be served upon the following persons by  
21303 service of process in the same manner as in civil cases:

21304 (a) The owner of the property, if address is known;

21305 (b) Any secured party who has registered his lien or  
21306 filed a financing statement as provided by law, if the identity of  
21307 such secured party can be ascertained by the agent or agency which  
21308 seized the property making a good faith effort to ascertain the  
21309 identity of such secured party as described in subsections (3),  
21310 (4), (5), (6) and (7) of this section;

21311 (c) Any other bona fide lienholder or secured party or  
21312 other person holding an interest in the property in the nature of



21313 a security interest of whom the agent or agency has actual  
21314 knowledge; and

21315 (d) Any person in possession of property subject to  
21316 forfeiture at the time that it was seized.

21317 (3) If the property is a motor vehicle susceptible of  
21318 titling under the Mississippi Motor Vehicle Title Law and if there  
21319 is any reasonable cause to believe that the vehicle has been  
21320 titled, the agent or agency shall make inquiry of the State Tax  
21321 Commission as to what the records of the State Tax Commission show  
21322 as to who is the record owner of the vehicle and who, if anyone,  
21323 holds any lien or security interest which affects the vehicle.

21324 (4) If the property is a motor vehicle and is not titled in  
21325 the State of Mississippi then the agent or agency shall attempt to  
21326 ascertain the name and address of the person in whose name the  
21327 vehicle is licensed, and if the vehicle is licensed in a state  
21328 which has in effect a certificate of title law, the agent or  
21329 agency shall make inquiry of the appropriate agency of that state  
21330 to determine through such agency's records the name of the record  
21331 owner of the vehicle and who, if anyone, holds any lien, security  
21332 interest or other instrument in the nature of a security device  
21333 which affects the vehicle.

21334 (5) If the property is of a nature that a financing  
21335 statement is required by the laws of this state to be filed to  
21336 perfect a security interest affecting the property and if there is  
21337 any reasonable cause to believe that a financing statement  
21338 covering the security interest has been filed under the laws of  
21339 this state, the agent or agency shall make inquiry of the  
21340 appropriate office designated in Section 75-9-501 to determine  
21341 through the records of such office the name of the record owner of  
21342 the property and who, if anyone, has filed a financing statement  
21343 affecting the property.

21344 (6) If the property is an aircraft or part thereof and if  
21345 there is any reasonable cause to believe that an instrument in the



21346 nature of a security device affects the property, then the agent  
21347 or agency shall make inquiry of the Administrator of the Federal  
21348 Aviation Administration to determine through records of the  
21349 administrator the name of the record owner of the property and  
21350 who, if anyone, holds an instrument in the name of a security  
21351 device which affects the property.

21352 (7) In the case of all other property other than an  
21353 alcoholic beverage or raw material subject to forfeiture, if there  
21354 is any reasonable cause to believe that an instrument in the  
21355 nature of a security device affects the property, then the agent  
21356 or agency shall make a good faith inquiry to identify the holder  
21357 of any such instrument.

21358 (8) In the event the answer to an inquiry states that the  
21359 record owner of the property is any person other than the person  
21360 who was in possession of it when it was seized, or states that any  
21361 person holds any lien, security interest or other interest in the  
21362 nature of a security interest which affects the property, the  
21363 agent or agency shall cause any record owner and also any  
21364 lienholder, secured party or other person who holds an interest in  
21365 the property in the nature of a security interest which affects  
21366 the property to be named in the petition of forfeiture and to be  
21367 served with process in the same manner as in civil cases.

21368 (9) If the owner of the property cannot be found and served  
21369 with a copy of the petition of forfeiture, or if no person was in  
21370 possession of the property subject to forfeiture at the time that  
21371 it was seized and the owner of the property is unknown, the agent  
21372 or agency shall file with the clerk of the court in which the  
21373 proceeding is pending an affidavit to such effect, whereupon the  
21374 clerk of the court shall publish notice of the hearing addressed  
21375 to "the Unknown Owner of \_\_\_\_\_," filling in the blank  
21376 space with a reasonably detailed description of the property  
21377 subject to forfeiture. Service by publication shall be made in  
21378 accordance with the Mississippi Rules of Civil Procedure.



21379           (10) No proceedings instituted pursuant to the provisions of  
21380 this chapter shall proceed to hearing unless the judge conducting  
21381 the hearing is satisfied that this section has been complied with.  
21382 Any answer received from an inquiry required by subsections (3)  
21383 through (7) of this section shall be introduced into evidence at  
21384 the hearing.

21385           (11) The publication of any notice required in this section  
21386 may be published on the Internet as provided in Section 1 of this  
21387 act.

21388           **SECTION 350.** Section 69-2-27, Mississippi Code of 1972, is  
21389 amended as follows:

21390           69-2-27. Notice of the sale of any such bonds shall be  
21391 published at least one (1) time which shall be made not less than  
21392 ten (10) days prior to the date of sale, and shall be so published  
21393 in one or more newspapers having a general circulation in the City  
21394 of Jackson and in one or more other newspapers or financial  
21395 journals with a large national circulation, to be selected by the  
21396 State Bond Commission.

21397           The publication of any notice required in this section may be  
21398 published on the Internet as provided in Section 1 of this act.

21399           **SECTION 351.** Section 69-5-17, Mississippi Code of 1972, is  
21400 amended as follows:

21401           69-5-17. The State Bond Commission may sell the bonds  
21402 referred to in Section 69-5-15 in such manner and for such price  
21403 as it may determine to be for the best interest of the State of  
21404 Mississippi, but no such sale shall be made at a price less than  
21405 par plus accrued interest to date of delivery of the bonds to the  
21406 purchaser. Notice of the sale of any such bonds shall be  
21407 published at least one time not less than twenty-one (21) days  
21408 prior to the date of sale and shall be so published in one or more  
21409 newspapers in Jackson, Mississippi, and having general circulation  
21410 within the State of Mississippi, and in one or more other



21411 newspapers or financial journals as may be directed by the State  
21412 Bond Commission.

21413       The State Bond Commission, when issuing any bonds under the  
21414 authority of Sections 69-5-11 to 69-5-27, shall provide that bonds  
21415 maturing ten (10) years after the date of the issuance of such  
21416 bonds may, at the option of the State Treasurer of the State of  
21417 Mississippi, be called in for payment and redemption on any  
21418 interest payment date thereafter prior to maturity.

21419       The publication of any notice required in this section may be  
21420 published on the Internet as provided in Section 1 of this act.

21421       **SECTION 352.** Section 69-5-25, Mississippi Code of 1972, is  
21422 amended as follows:

21423       69-5-25. Revenue bonds may be issued without any other  
21424 proceedings or the happening of any other conditions or things  
21425 than those proceedings, conditions, and things which are specified  
21426 or required by Sections 69-5-13 through 69-5-25. The bonds  
21427 authorized under the authority of said sections shall be validated  
21428 in the Chancery Court of Hinds County, Mississippi, in the manner  
21429 and with the force and effect provided now or hereafter by  
21430 Sections 31-13-1 through 31-13-11, Mississippi Code of 1972, for  
21431 the validation of county, municipal, school district, and other  
21432 bonds. The necessary papers for such validation proceedings shall  
21433 be transmitted to the State Bond Attorney by the secretary of the  
21434 State Bond Commission, and the required notice shall be published  
21435 in a newspaper in the City of Jackson, having a general  
21436 circulation within the State of Mississippi. Any resolution  
21437 providing for the issuance of revenue bonds under the provisions  
21438 of Sections 69-5-13 through 69-5-25 shall become effective  
21439 immediately upon its adoption by the State Building Commission and  
21440 need not be published or posted, and any such resolution may be  
21441 adopted at any regular, special, or adjourned meeting of the State  
21442 Building Commission by a majority of its members.



21443        The publication of any notice required in this section may be  
21444 published on the Internet as provided in Section 1 of this act.

21445        **SECTION 353.** Section 69-13-109, Mississippi Code of 1972, is  
21446 amended as follows:

21447        69-13-109. When any livestock shall have been taken up and  
21448 impounded in the enclosure to be provided by the board of  
21449 supervisors, the sheriff of said county or counties shall be  
21450 responsible for having the descriptions of all such livestock  
21451 published in one (1) weekly newspaper with general circulation in  
21452 that part of the county where livestock was taken up. Such notice  
21453 shall be in substantially the following form:

21454        "To Whom It May Concern:

21455        You are hereby notified that the following described  
21456 livestock (giving full and accurate description of same, including  
21457 marks and brands) is now impounded at (giving location where  
21458 livestock is impounded) \_\_\_\_\_ and the amount due by reason of such  
21459 impounding is \$ \_\_\_\_ dollars per day. The above described livestock  
21460 will, unless redeemed within five (5) days from date hereof, be  
21461 offered for sale at public auction to the highest and best bidder  
21462 for cash.

21463 \_\_\_\_\_  
21464 Date            Sheriff of \_\_\_\_\_ County, Mississippi"  
21465 Unless the impounded livestock is redeemed within five (5) days  
21466 from date of notice, the sheriff shall forthwith give notice of  
21467 sale thereof which shall be held not less than five (5) days nor  
21468 more than twelve (12) days (excluding Sundays and holidays) from  
21469 the first publication of the notice of sale. Said notice of sale  
21470 shall be published in a newspaper of general circulation in the  
21471 said county (excluding Sundays and holidays) and by posting a copy  
21472 of such notice at the court house door. If there be no such  
21473 newspaper then by posting such copy at the court house door and at  
21474 two other conspicuous places in said county.



21475 Such notice of sale shall be in substantially the following form:  
21476 "(Name of owner, if known, otherwise 'To Whom It May Concern') you  
21477 are hereby notified that I will offer for sale and sell at public  
21478 sale to the highest and best bidder for cash the following  
21479 described livestock (giving full and accurate description of each  
21480 head of livestock) at \_\_\_\_\_ o'clock, \_\_\_\_ .M. (the hour of sale  
21481 to be between 11 o'clock A.M. and 2 o'clock P.M. Central  
21482 Standard Time) on the \_\_\_\_\_ day of \_\_\_\_\_ at the following  
21483 place: \_\_\_\_\_ (which place shall be where the livestock is  
21484 impounded or at the place provided by the county commissioners for  
21485 the taking up and keeping of such livestock) to satisfy a claim in  
21486 the sum of \_\_\_\_\_ for fees, expenses for feeding and care and  
21487 costs hereof.

21488 \_\_\_\_\_  
21489 Date \_\_\_\_\_ Sheriff of \_\_\_\_\_ County, Mississippi"

21490 If the rightful owners shall claim the impounded animals,  
21491 they may do so by paying all assessments or liens as herein  
21492 provided, after signing for them on forms provided by the  
21493 Commissioner of Public Safety, such forms to include the  
21494 descriptions of said animals. All receipts shall be deposited in  
21495 a special fund known as the "Sheriff's Livestock Sale Fund." If it  
21496 is later determined who the rightful owners are, the sheriff may  
21497 have refunded to them the selling price after all liens are paid.  
21498 Any funds accrued in this account shall, on June first of each  
21499 year, be transferred to the general county fund.

21500 The publication of any notice required in this section may be  
21501 published on the Internet as provided in Section 1 of this act.

21502 **SECTION 354.** Section 69-13-339, Mississippi Code of 1972, is  
21503 amended as follows:

21504 69-13-339. (1) The Mississippi Military Department, acting  
21505 through the training site supervisor at Camp Shelby, is hereby  
21506 authorized and empowered to take up and impound in a proper  
21507 enclosure all livestock found roaming at large upon any





21508 state-owned or leased lands comprising the state military  
21509 reservation in Forrest and contiguous counties, in violation of  
21510 the statewide stock law statutes.

21511 (2) The training site supervisor shall provide a safe and  
21512 secure enclosure in which such livestock shall be impounded, and  
21513 will insure that such animals are cared for in a humane manner  
21514 until removed from such enclosure as hereinafter provided. It  
21515 shall be unlawful for any owner of livestock or any other person  
21516 to remove such livestock without the authority of the training  
21517 site supervisor, and such offense shall be deemed a misdemeanor.

21518 (3) There is hereby created a statutory lien in the amount  
21519 of the cost of impounding each animal, not to exceed Twenty-five  
21520 Dollars (\$25.00), against each head of cattle, horse or mule, and  
21521 all other livestock so found upon and impounded upon the state  
21522 military reservation; and in addition a lien of One Dollar and  
21523 Fifty Cents (\$1.50) per day shall accrue for the feeding and care  
21524 of each animal so impounded. No animal shall be removed by its  
21525 owner until the full lien is paid in cash to the training site  
21526 supervisor, who shall give a receipt for such money paid and  
21527 account for the same in the manner to be established by the  
21528 Military Department. All funds collected under this section shall  
21529 be forwarded to the Adjutant General on or before the fifth day of  
21530 each month, and such funds shall be expended under his supervision  
21531 in carrying out the provisions of this section and in making  
21532 improvements to the military reservation.

21533 (4) The training site supervisor shall publish a monthly  
21534 notice in one (1) newspaper having general circulation in Forrest  
21535 County, the general description of the livestock impounded and  
21536 held on the end of the preceding month, and said notice shall  
21537 offer the lawful owners the opportunity to claim their livestock  
21538 by a day and hour certain, but not less than ten (10) days, after  
21539 paying the full statutory lien imposed. All animals not claimed  
21540 by the designated date and hour may be sold as a herd to the



21541 highest bidder for cash within ten (10) days and a proper receipt  
21542 shall be given the purchaser and the funds accounted for as  
21543 provided for in the preceding subsection.

21544 (5) This section is declared to be remedial legislation and  
21545 is enacted for the purposes of protecting the personal and real  
21546 property of the state military reservation known as Camp Shelby  
21547 from livestock illegally thereon, and enhancing the safety of  
21548 members of the National Guard and other reserve military forces of  
21549 Mississippi and other states which train and conduct military  
21550 exercises and maneuvers on said lands; and neither the training  
21551 site supervisor, nor any other public employee, shall be liable in  
21552 any civil or criminal court in carrying out the provisions of this  
21553 section. The purchasers of livestock under the provisions of this  
21554 section shall receive a valid title, and such purchaser shall not  
21555 be liable in a civil or criminal court to any person for any  
21556 purchase made under this section.

21557 (6) The publication of any notice required in this section  
21558 may be published on the Internet as provided in Section 1 of this  
21559 act.

21560 **SECTION 355.** Section 69-15-205, Mississippi Code of 1972, is  
21561 amended as follows:

21562 69-15-205. The board of supervisors of any county in the  
21563 State of Mississippi may, by order entered on the minutes of said  
21564 board, express their intention to engage in the eradication of  
21565 tuberculosis, in livestock under the area plan in cooperation with  
21566 the Board of Animal Health, and the United States Bureau of Animal  
21567 Industry. Such order so entered upon the minutes of said board  
21568 shall be published for thirty (30) days in a newspaper published  
21569 in said county and having a general circulation therein, and at  
21570 the expiration of said thirty (30) days if twenty percent (20%) or  
21571 more of the qualified electors of said county shall not file with  
21572 said board a petition protesting against said order, the board  
21573 shall enter an order upon their minutes to so engage in said



21574 eradication provided for in the previous order; but should twenty  
21575 percent (20%) or more of the qualified electors of said county  
21576 file with said board a petition protesting against said order,  
21577 then the board of supervisors shall call an election, after having  
21578 given the notice required by law, and if a majority of the  
21579 qualified electors of said county voting at said election in favor  
21580 of engaging in such eradication, then the board shall enter upon  
21581 its minutes an order to that effect; should a majority of the  
21582 qualified electors of said county voting fail to vote in favor of  
21583 engaging in such eradication, then said board shall enter an order  
21584 upon its minutes refusing to engage in such eradication.

21585 The publication of any notice required in this section may be  
21586 published on the Internet as provided in Section 1 of this act.

21587 **SECTION 356.** Section 69-15-323, Mississippi Code of 1972, is  
21588 amended as follows:

21589 69-15-323. Any expense incurred in the enforcement of  
21590 Section 69-15-321 or for feed, care and handling of such animals  
21591 while undergoing the process of tick eradication, and any expense  
21592 incurred in handling, dipping, confining, feeding or pasturing of  
21593 any animals while in the custody of the sheriff shall constitute a  
21594 lien upon such animal or animals to be paid by the owner or owners  
21595 of the animals before the same are released by the sheriff.

21596 Should the owner or owners of cattle, horses, jacks, jennets and  
21597 mules which have been placed in the custody of the sheriff as  
21598 herein provided, fail or refuse to pay said expenses after five  
21599 (5) days' notice, they shall be sold by the sheriff of the county  
21600 after ten (10) days advertising, either by notice at courthouse  
21601 door and two (2) other public places in the neighborhood of the  
21602 place at which the animal was taken up, or in the newspaper  
21603 published in the county having general circulation therein. The  
21604 said advertisement shall state therein the time and place of sale,  
21605 which place shall be where the animal is confined. The sale shall  
21606 be at public auction and to the highest bidder, for cash. Out of



21607 the proceeds of the sale, the sheriff shall pay the cost of  
21608 publishing the notices, costs of dipping, feeding and caring for  
21609 the animals and the costs of sale which shall include Two Dollars  
21610 (\$2.00) in the case of each sale, to said sheriff. The surplus,  
21611 if any, shall be paid to the owner of the animal or animals, if he  
21612 can be ascertained. If he cannot be ascertained within thirty  
21613 (30) days after such sale, then the sheriff shall pay such surplus  
21614 to the county treasurer for benefit of the general fund of the  
21615 county; provided, however, that if the owner of the animal or  
21616 animals shall within three (3) years after the fund is turned over  
21617 to the county treasurer, as aforesaid, prove to the satisfaction  
21618 of the board of supervisors of the county that he was the owner of  
21619 such animals, upon the order of said board such surplus shall be  
21620 refunded to the owner.

21621 The publication of any notice required in this section may be  
21622 published on the Internet as provided in Section 1 of this act.

21623 **SECTION 357.** Section 69-27-7, Mississippi Code of 1972, is  
21624 amended as follows:

21625 69-27-7. Wherever used or referred to in this article,  
21626 unless a different meaning clearly appears from the context:

21627 (a) "District" or "soil and water conservation  
21628 district" means a governmental subdivision of this state, and a  
21629 public body, corporate and politic, organized in accordance with  
21630 the provisions of this article, for the purposes, with the powers  
21631 and subject to the restrictions hereinafter set forth.

21632 (b) "Commissioner" means one of the members of the  
21633 governing body of a district, elected or appointed in accordance  
21634 with the provisions of this article.

21635 (c) "Committee" or "State Soil and Water Conservation  
21636 Committee" means the state and soil and water conservation  
21637 commission as renamed under the provisions of Section 67-27-2 and  
21638 created in Section 69-27-9.



21639               (d) "Petition" means a petition filed under the  
21640 provisions of Section 69-27-15 for the creation of a district.

21641               (e) "Nominating petition" means a petition filed under  
21642 the provisions of Section 69-27-31 to nominate candidates for the  
21643 office of commissioner of a soil and water conservation district.

21644               (f) "State" means the State of Mississippi.

21645               (g) "Agency of this state" includes the government of  
21646 this state and any subdivision, agency or instrumentality,  
21647 corporate or otherwise, of the government of this state.

21648               (h) "United States" or "agencies of the United States"  
21649 includes the United States of America, the United States  
21650 Department of Agriculture, and any other agency or  
21651 instrumentality, corporate or otherwise, of the United States of  
21652 America.

21653               (i) "Government" or "governmental" includes the  
21654 government of this state, the government of the United States, and  
21655 any subdivision, agency or instrumentality, corporate or  
21656 otherwise, of either of them.

21657               (j) "Landowner" or "owner of land" includes any person,  
21658 firm or corporation who shall hold legal or equitable title to any  
21659 lands lying within a district organized under the provisions of  
21660 this article.

21661               (k) "Land operator" or "operator of land" includes any  
21662 person, firm or corporation, other than the owner, who shall be in  
21663 possession of any lands lying within a district organized under  
21664 the provisions of this article, whether as lessee, renter, tenant  
21665 or otherwise.

21666               (l) "Due notice" means notice published at least three  
21667 (3) times with an interval of at least seven (7) days between each  
21668 publication date, in a newspaper of general circulation within the  
21669 area where the land proposed to be included in a conservation  
21670 district is located, or if no such newspaper or general  
21671 circulation be available, by posting at a reasonable number (not



21672 less than five (5)) of conspicuous places within such area, such  
21673 posting to include posting one (1) copy upon the bulletin board of  
21674 the courthouse of each county where any of the lands in such  
21675 proposed district may be located. Notice shall also be given by  
21676 United States mail to all of the landowners of the proposed  
21677 district or the district of any hearing or election. At any  
21678 hearing held pursuant to such notice, at the time and place  
21679 designated in such notice, adjournment may be made from time to  
21680 time without the necessity of renewing such notice for such  
21681 adjourned dates.

21682 The publication of any notice required in this section may be  
21683 published on the Internet as provided in Section 1 of this act.

21684 **SECTION 358.** Section 69-27-353, Mississippi Code of 1972, is  
21685 amended as follows:

21686 69-27-353. Notice of the sale of any such bonds shall be  
21687 published at least two (2) times, the first of which shall be made  
21688 not less than ten (10) days prior to the date of sale, and shall  
21689 be so published in one or more newspapers having a general  
21690 circulation in the City of Jackson and in one or more other  
21691 newspapers or financial journals with a large national  
21692 circulation, to be selected by the State Bond Commission.

21693 The publication of any notice required in this section may be  
21694 published on the Internet as provided in Section 1 of this act.

21695 **SECTION 359.** Section 69-35-21, Mississippi Code of 1972, is  
21696 amended as follows:

21697 69-35-21. The hours, voting places, rules and regulations of  
21698 the milk and dairy products, said referendum date, hours, voting  
21699 places, rules and regulations with respect to the holding of such  
21700 referendum shall be published by the state ADA and extension  
21701 service through the medium of the public press in the state at  
21702 least thirty (30) days before the holding of such referendum, and  
21703 direct written notice thereof shall likewise be given to all  
21704 dairy-related organizations within the state and to each county



21705 extension agent and shall likewise state the method by which such  
21706 assessment shall be collected and how the proceeds thereof shall  
21707 be administered and the purposes to which the same shall be  
21708 applied, which purposes shall be in keeping with the provisions of  
21709 this act.

21710 The publication of any notice required in this section may be  
21711 published on the Internet as provided in Section 1 of this act.

21712 **SECTION 360.** Section 73-15-31, Mississippi Code of 1972, is  
21713 amended as follows:

21714 73-15-31. (1) Charges may be brought upon sworn affidavit  
21715 filed by the Board of Nursing against any licensee who has  
21716 allegedly committed any act in violation of this article that is  
21717 grounds for disciplinary action. Upon receiving the sworn  
21718 affidavit charging a licensee with an act which is a ground for  
21719 disciplinary action under this article, the executive director or  
21720 designee of the board shall fix a time and place for a hearing and  
21721 shall cause a copy of the specific allegations and charges to be  
21722 sent by certified mail or served by personal service of process  
21723 together with notice of the time and place fixed for the hearing,  
21724 to be served upon the accused at least fifteen (15) days prior  
21725 thereto. The accused may waive notice of the hearing in writing  
21726 and the board may grant the accused at least one (1) extension of  
21727 time, upon the request of the accused. When personal service of  
21728 process or service of process by certified mail cannot be  
21729 effected, the executive director of the board shall cause to be  
21730 published once in each of three (3) successive weeks a notice of  
21731 the hearing in the newspapers published in the county in which the  
21732 accused last practiced according to the records of the board, or  
21733 in the county in which the accused last resided. When publication  
21734 of the notice is necessary, the date of the hearing shall not be  
21735 less than ten (10) days after the last date of the notice.

21736 (2) The board, acting by and through its executive director,  
21737 shall have the power to subpoena persons and compel the production



21738 of any records, including, but not limited to, hospital and  
21739 physician's records, papers and other documents, which shall be  
21740 served in accordance with law for the Board of Nursing and on  
21741 behalf of the accused. The person providing copies shall prepare  
21742 them from the original records and shall delete from the copy  
21743 provided pursuant to the subpoena the name of the individual by  
21744 numbered code, to be retained by the custodian of the records from  
21745 which the copies were made. Upon certification of the custodian  
21746 that the copies are true and complete except for the individual's  
21747 name, they shall be deemed authentic, subject to the right to  
21748 inspect the originals for the limited purpose of ascertaining the  
21749 accuracy of the copies. No privilege of confidentiality shall  
21750 exist with respect to such copies, and no liabilities shall lie  
21751 against the board or the custodian for furnishing or using such  
21752 copies in accordance with this article.

21753 (3) All records of the investigation and all patient charts,  
21754 records, emergency room records or any other document that may  
21755 have been copied shall be kept confidential and shall not be  
21756 subject to discovery or subpoena. If no disciplinary proceedings  
21757 are initiated within a period of five (5) years after the  
21758 determination of insufficient cause, then the board shall destroy  
21759 all records obtained pursuant to this section.

21760 (4) At the hearings the board shall administer oaths as may  
21761 be necessary for the proper conduct of the hearings. The accused  
21762 shall have the right to appear either personally or by counsel, or  
21763 both, to produce witnesses or evidence in his or her behalf, to  
21764 cross-examine witnesses, and to have subpoenas issued by the  
21765 board. All disciplinary hearings shall be conducted by a hearing  
21766 panel consisting of three (3) members of the board, designated on  
21767 a rotating basis by the board. All disciplinary hearings or  
21768 appeals before the board and the Attorney General, and/or a  
21769 designee thereof, shall not be bound by strict rules of procedure  
21770 or by the laws of evidence in the conduct of its proceedings, but





21771 the determination shall be based upon sufficient legal evidence to  
21772 sustain it. A final decision by the hearing panel and by the  
21773 board on appeal shall include findings of fact and conclusions of  
21774 law, separately stated, of which the accused shall receive a copy.

21775 (5) If the hearing panel determines that probable cause and  
21776 sufficient legal evidence exist to believe that an applicant does  
21777 not possess the qualifications required by this article or that an  
21778 accused has violated any of the provisions of this article, the  
21779 hearing panel may refuse to issue a license to the applicant, or  
21780 revoke, suspend, refuse to renew a license, or revoke or suspend  
21781 the privilege to practice, or otherwise discipline the accused as  
21782 prescribed in this article.

21783 (6) No previously issued license to practice nursing as a  
21784 registered nurse or as a licensed practical nurse shall be revoked  
21785 or suspended until after a hearing conducted pursuant to this  
21786 article, except where the board finds there is imminent danger to  
21787 the public health or safety that warrants injunctive relief  
21788 provided in this article.

21789 (7) A revoked or suspended license may be reissued after one  
21790 (1) year, in the discretion of the hearing panel. A revoked or  
21791 suspended privilege to practice may be reinstated after one (1)  
21792 year, in the discretion of the hearing panel. The denial of an  
21793 application to renew an existing license shall be treated in all  
21794 respects as a revocation. The procedure for the reissuance of a  
21795 license or reinstatement of the privilege to practice that is  
21796 suspended for being out of compliance with an order for support,  
21797 as defined in Section 93-11-153, shall be governed by Section  
21798 93-11-157 or 93-11-163, as the case may be.

21799 (8) The hearing panel need not find that the actions that  
21800 are grounds for discipline were willful, but it may consider the  
21801 same in determining the nature of the disciplinary actions  
21802 imposed.



21803           (9) The right to appeal from the action of the hearing panel  
21804 to the full membership of the board in denying, revoking,  
21805 suspending or refusing to renew any license issued by the board,  
21806 or revoking or suspending any privilege to practice, or fining or  
21807 otherwise disciplining any person practicing as a registered nurse  
21808 or licensed practical nurse, is granted. The appeal must be taken  
21809 within thirty (30) days after notice of the action of the hearing  
21810 panel in denying, revoking, suspending or refusing to renew the  
21811 license, or revoking or suspending the privilege to practice, or  
21812 fining or otherwise disciplining the person, and is perfected upon  
21813 filing notice of appeal and Fifty Dollars (\$50.00) with the  
21814 executive director of the board.

21815           (10) The right to appeal from the action of the board in  
21816 affirming the denial, revocation, suspension or refusal to renew  
21817 any license issued by the board, or revoking or suspending any  
21818 privilege to practice, or fining or otherwise disciplining of any  
21819 person practicing as a registered nurse or a licensed practical  
21820 nurse, is granted. Such appeal shall be to the chancery court of  
21821 the county of the residence of the licensee on the record made,  
21822 including a verbatim transcript of the testimony at the hearing.  
21823 The appeal must be taken within thirty (30) days after notice of  
21824 the action of the board in denying, revoking, suspending or  
21825 refusing to renew the license, or revoking or suspending the  
21826 privilege to practice, or fining or otherwise disciplining the  
21827 person. The appeal is perfected upon filing notice of the appeal,  
21828 together with a bond in the sum of One Hundred Dollars (\$100.00),  
21829 with two (2) sureties, conditioned that if the action of the board  
21830 in denying, revoking, suspending or refusing to renew the license,  
21831 or revoking or suspending the privilege to practice, or fining or  
21832 otherwise disciplining the person, be affirmed by the chancery  
21833 court the nurse will pay the costs of the appeal and the action in  
21834 the chancery court. Such bond shall be approved by the president  
21835 of the board. In lieu of the bond, the nurse may deposit One



21836 Hundred Dollars (\$100.00) with the clerk of the chancery court.  
21837 Appeals may be had to the Supreme Court of the State of  
21838 Mississippi as provided by law from any final action of the  
21839 chancery court. No such person shall be allowed to practice  
21840 nursing or deliver health care services in violation of any action  
21841 of the chancery court denying, revoking, suspending, restricting  
21842 or refusing to renew a license or revoking or suspending the  
21843 privilege to practice while any such appeal to the Supreme Court  
21844 is pending. Actions taken by the board in suspending a license or  
21845 suspending the privilege to practice when required by Section  
21846 93-11-157 or 93-11-163 are not actions from which an appeal may be  
21847 taken under this section. Any appeal of a license suspension or  
21848 suspension of the privilege to practice that is required by  
21849 Section 93-11-157 or 93-11-163 shall be taken in accordance with  
21850 the appeal procedure specified in Section 93-11-157 or 93-11-163,  
21851 as the case may be, rather than the procedure specified in this  
21852 section.

21853 (11) Nothing contained in this article shall be construed to  
21854 bar any criminal prosecutions for violation of this article or any  
21855 regulations promulgated hereunder.

21856 (12) Any member of the board and any witness appearing  
21857 before the board shall be immune from suit in any civil action  
21858 brought by a licensee who is the subject of a review hearing if  
21859 such member or witness acts in good faith within the scope of the  
21860 board and has made a reasonable effort to obtain the facts of the  
21861 matter as to which the individual acts, and acts in the reasonable  
21862 belief that the action taken is warranted by the facts.

21863 (13) Proceedings in progress on July 1, 1998, to deny,  
21864 revoke, suspend or refuse to renew any license, or fine or  
21865 otherwise discipline a licensee, shall not abate by reason of this  
21866 article.



21867       (14) The publication of any notice required in this section  
21868 may be published on the Internet as provided in Section 1 of this  
21869 act.

21870       **SECTION 361.** Section 75-67-221, Mississippi Code of 1972, is  
21871 amended as follows:

21872       75-67-221. When any application for a license is denied, the  
21873 applicant shall have the right to a hearing thereon by and before  
21874 the comptroller by filing, within thirty (30) days after the date  
21875 of the receipt of the notification of denial, a written petition  
21876 with the comptroller requesting such hearing. Upon the filing of  
21877 any such request, the comptroller shall fix a date for the  
21878 hearing, which date shall not be later than thirty (30) days from  
21879 the date of the filing of the request, and notice shall be given  
21880 to the public of the fact that such hearing will be held by the  
21881 publication of a notice in some newspaper published in the county  
21882 where the business is proposed to be conducted not less than ten  
21883 (10) days before the date of the hearing, which notice shall  
21884 specify the date, time, place and purpose of the hearing.

21885       The publication of any notice required in this section may be  
21886 published on the Internet as provided in Section 1 of this act.

21887       **SECTION 362.** Section 75-76-37, Mississippi Code of 1972, is  
21888 amended as follows:

21889       75-76-37. (1) Whenever the name and description of any  
21890 person is placed on a list, the commission shall serve notice of  
21891 such fact to such person:

21892               (a) By personal service; or

21893               (b) By certified mail to the last known address of such  
21894 person; or

21895               (c) By publication daily for one (1) week in one of the  
21896 principal newspapers published in the county where such person  
21897 resides or Jackson, Mississippi, if notice cannot be served in  
21898 person or by mail.



21899           (2) Whenever the name and description of any person is  
21900 placed on a list, the commission may notify all gaming licensees  
21901 of such fact.

21902           (3) The publication of any notice required in this section  
21903 may be published on the Internet as provided in Section 1 of this  
21904 act.

21905           **SECTION 363.** Section 77-3-16, Mississippi Code of 1972, is  
21906 amended as follows:

21907           77-3-16. (1) All contracts for construction, extension  
21908 and/or repair of facilities in excess of Two Hundred Thousand  
21909 Dollars (\$200,000.00) by or on the behalf of any public utility  
21910 subject to rate regulations by the Mississippi Public Service  
21911 Commission, shall be governed by this section. The public utility  
21912 shall maintain a list of contractors and suppliers qualified to  
21913 perform contracts within the scope of proposed utility projects.  
21914 The public utility shall, upon written request of any qualified  
21915 prospective bidder, add his or its name to such list. At least  
21916 every six (6) months, the public utility shall publish in a  
21917 newspaper, having general circulation in the area in which the  
21918 utility operates, a notice requesting names of qualified  
21919 contractors and suppliers. Upon written request by qualified  
21920 contractors and suppliers, those names shall be added to such  
21921 list. The public utility shall give to each contractor or  
21922 supplier on said list who is qualified with respect to a project  
21923 under consideration written invitation to bid those projects  
21924 subject to this section. Contracts subject to this section shall  
21925 be awarded to the lowest and best bidder. Provided, however,  
21926 nothing contained herein shall prohibit any public utility from  
21927 performing services covered by this section with its own regularly  
21928 employed work force.

21929           (2) The public utility may enter into a master contract with  
21930 the lowest and best contractor to cover all construction work to  
21931 be performed in a specified geographic area.



21932           (3) If the chief executive officer of a public utility  
21933 determines that an emergency exists which affects the public  
21934 health, safety or welfare, the provisions of this section shall  
21935 not apply. As used in this section an emergency is any occurrence  
21936 in which service is interrupted.

21937           (4) The provisions of this section shall not apply to  
21938 contracts which by their nature are not adapted to competitive  
21939 bidding including, but not limited to:

21940                   (a) Items which may be acquired from a sole source;

21941                   (b) Contracts for professional services;

21942                   (c) Equipment and systems which by reason of the  
21943 training of personnel or of any inventory replacement of parts  
21944 maintained by the utility, are or should be compatible with  
21945 existing equipment;

21946                   (d) Contracts for interstate or intrastate carriage of  
21947 persons or property with a common carrier or contract carrier at  
21948 the rates set forth in the officially approved tariff of that  
21949 carrier; and

21950                   (e) Such contracts as the commission may define by  
21951 regulation.

21952           (5) The public service commission shall have the authority  
21953 to monitor all conditions contained in this section.

21954           (6) The publication of any notice required in this section  
21955 may be published on the Internet as provided in Section 1 of this  
21956 act.

21957           **SECTION 364.** Section 77-3-45, Mississippi Code of 1972, is  
21958 amended as follows:

21959           77-3-45. The commission shall prescribe, issue, amend and  
21960 rescind such reasonable rules and regulations as may be reasonably  
21961 necessary or appropriate to carry out the provisions of this  
21962 chapter. No rule or regulation shall be effective until thirty  
21963 (30) days after a notice setting forth either the terms or  
21964 substance thereof or a description of the subjects and issues



21965 involved and the time and place of a hearing thereon shall have  
21966 been published in a newspaper of general circulation in the state.  
21967 The commission shall file the notice with the Secretary of State  
21968 pursuant to the Mississippi Administrative Procedures Law and mail  
21969 a copy of it to all affected public utilities. The commission  
21970 shall mail a copy of the proposed rule or regulation to any public  
21971 utility that requests a copy. The hearing may be held at any time  
21972 twenty (20) days after date of publication of the notice, but the  
21973 rules or regulations shall not become effective until a hearing  
21974 thereon. A proceeding to contest any rule or regulation due to  
21975 noncompliance with the procedural requirements of this section  
21976 must be commenced within one (1) year from the effective date of  
21977 the rule or regulation. All rules and regulations of the  
21978 commission shall be filed with its executive secretary and shall  
21979 be readily available for public inspection and examination during  
21980 reasonable business hours. Any interested person shall have the  
21981 right to petition the commission for issuance, amendment or repeal  
21982 of a rule or regulation.

21983       The commission shall, in the exercise of its power to  
21984 promulgate rules and regulations, adopt standard practices and  
21985 procedures:

21986               (a) To specify what costs may be used for determining a  
21987 public utility's rate base, which balance the interests of  
21988 consumers and investors;

21989               (b) To prescribe the time period for measuring a public  
21990 utility's rate base;

21991               (c) To specify allowable operating expenses, provided,  
21992 however, that the commission shall exclude from a public utility's  
21993 allowable operating expenses any interest such utility paid, or  
21994 credited, to its consumers in connection with refunds in a rate  
21995 proceeding in which its rates were finally determined to be  
21996 excessive;



- 21997                   (d) To determine accurately the capital costs of a  
21998 public utility;
- 21999                   (e) To define specific costs which may be included by a  
22000 public utility in its monthly fuel adjustment clause retail  
22001 billings;
- 22002                   (f) To define specific costs which may be included by a  
22003 public utility distributing gas in its monthly purchased gas  
22004 adjustments retail billings;
- 22005                   (g) To prescribe minimal uniform standards of service  
22006 for various classes of public utilities; and
- 22007                   (h) To provide for any other rules and regulations  
22008 deemed by the commission to be appropriate for carrying out the  
22009 provisions of this chapter.

22010           The publication of any notice required in this section may be  
22011 published on the Internet as provided in Section 1 of this act.

22012           **SECTION 365.** Section 77-3-47, Mississippi Code of 1972, is  
22013 amended as follows:

22014           77-3-47. The commission may, in addition to the hearings  
22015 specifically provided for by this chapter, conduct such other  
22016 hearings as may be deemed necessary in the administration of the  
22017 powers and duties conferred upon it by this title.

22018           The commission shall fix the time and place of hearings and  
22019 shall serve notice thereof, not less than twenty (20) days before  
22020 the time set for such hearings, unless the commission shall find  
22021 that public convenience or necessity requires that such hearings  
22022 be held at an earlier date. The commission may dismiss any  
22023 complaint without a hearing if in its opinion a hearing is not  
22024 necessary in the public interest or for the protection of  
22025 substantial rights. Notice of all such hearings shall be given  
22026 the persons interested therein by mailing such notice to each  
22027 public utility which may be affected by any order resulting  
22028 therefrom and by publication in a newspaper of general circulation  
22029 published in Jackson, Mississippi, and, in a proceeding for a



22030 facility certificate or an area certificate, by publication in a  
22031 newspaper of general circulation in the county or counties where  
22032 the facility or area is located. In addition to any other notice  
22033 requirements prescribed in this section, notice of a hearing  
22034 regarding a major change in rates and schedules, as defined in  
22035 Section 77-3-37(8), by a public utility of the type defined in  
22036 Section 77-3-3(d)(iv) shall be published in a newspaper having  
22037 general circulation in an area where service is being provided by  
22038 the public utility.

22039 At the time fixed for any hearing before the commission, or  
22040 the time to which the same may have been continued, the  
22041 complainant and the person complained of shall be entitled in  
22042 person or by attorney to be heard and to introduce evidence.

22043 The publication of any notice required in this section may be  
22044 published on the Internet as provided in Section 1 of this act.

22045 **SECTION 366.** Section 77-3-207, Mississippi Code of 1972, is  
22046 amended as follows:

22047 77-3-207. In the event an owner is authorized to construct  
22048 or cause to be constructed the whole or any part of such proposed  
22049 facilities pursuant to paragraph (b) of Section 77-3-203 or  
22050 pursuant to such authority and Section 77-3-205, the owner may  
22051 first reach written agreement with the holder of the certificate  
22052 for the area and service affected as to the reasonable cost of  
22053 doing so, or for a maximum figure of reasonable cost of doing so,  
22054 which reasonable cost in either event shall be subject to approval  
22055 of the public service commission. If no such agreement can be  
22056 reached, the owner may publish notice that bids will be received  
22057 for construction of the same, which notice shall be published in  
22058 the manner and for the time as required by law for publication of  
22059 such notices with respect to contracts for construction by boards  
22060 of supervisors of counties of this state. However, no contract  
22061 shall be consummated pursuant thereto until the contract shall be  
22062 approved by the commission. No such contract shall be executed



22063 unless the contractor shall furnish a good and sufficient surety  
22064 bond, executed by the contractor or contractors and one or more  
22065 surety companies authorized to do business in this state for the  
22066 faithful performance of such contract.

22067 The publication of any notice required in this section may be  
22068 published on the Internet as provided in Section 1 of this act.

22069 **SECTION 367.** Section 77-5-111, Mississippi Code of 1972, is  
22070 amended as follows:

22071 77-5-111. Upon receipt of the certified copies of the  
22072 resolutions and/or petitions mentioned in the preceding sections,  
22073 each such board of supervisors shall without delay call an  
22074 election in each election unit of such county proposed to be  
22075 included in the district, for the purpose of determining whether  
22076 the proposed district shall be created, and shall give notice of  
22077 such election. Such notice shall state the name of the proposed  
22078 district and describe its boundaries, and shall state the time  
22079 when such election shall be held and the location of the polling  
22080 places. The same shall be published at least once a week for at  
22081 least three (3) consecutive weeks before the date of said election  
22082 in some newspaper or newspapers having a general circulation  
22083 within the proposed district. In case the proposed power district  
22084 includes election units located in two (2) or more counties, then  
22085 the board of supervisors of the county in which the largest  
22086 portion of the territory of the proposed power district is located  
22087 shall fix the date of such election.

22088 The publication of any notice required in this section may be  
22089 published on the Internet as provided in Section 1 of this act.

22090 **SECTION 368.** Section 77-5-305, Mississippi Code of 1972, is  
22091 amended as follows:

22092 77-5-305. In the event the board of supervisors of any  
22093 county shall decide to exercise the powers authorized by this  
22094 article, it shall adopt an ordinance expressing such intention and  
22095 outlining the nature of the project and/or projects to be



22096 undertaken, and fix the maximum sum to be expended on said project  
22097 for the erection, construction, improvement, and/or purchase of  
22098 any of the property authorized to be acquired by this article.  
22099 The board shall give notice of such intention by publication in a  
22100 newspaper having a general circulation in or published in said  
22101 county for at least once a week for three (3) successive weeks.  
22102 It shall only be necessary that said notice shall state that the  
22103 board has declared its intention to avail itself of the powers  
22104 granted by this article, and to name the maximum amount proposed  
22105 to be invested in the projects proposed.

22106         In the event that twenty percent (20%) of the qualified  
22107 electors of the county do not file a written protest against any  
22108 such project by or before the first regular meeting of the board  
22109 of supervisors after completion of publication of notice, the  
22110 board is authorized to exercise the powers and authority named in  
22111 Section 77-5-301 without further notice.

22112         In the event that twenty percent (20%) of the qualified  
22113 voters shall file such written petition protesting against such  
22114 proposed projects, the board must call a special election, before  
22115 proceeding further, giving notice of the date of such election by  
22116 publication in a newspaper published in the county or having a  
22117 general circulation in said county, at least once each week for  
22118 three (3) successive weeks, the first publication of which must be  
22119 at least thirty (30) days before the date of the election. The  
22120 board of supervisors shall have the power to fix the date of such  
22121 election, and such election shall be conducted as other special  
22122 elections are conducted. If a majority of the qualified electors  
22123 voting in such election shall vote in favor of such project, the  
22124 board of supervisors shall have the power to put the same into  
22125 effect. The board of supervisors may, in its discretion, call a  
22126 special election without a petition of protest being filed, which  
22127 shall be conducted in the same manner as heretofore outlined.



22128        The publication of any notice required in this section may be  
22129 published on the Internet as provided in Section 1 of this act.

22130        **SECTION 369.** Section 77-5-707, Mississippi Code of 1972, is  
22131 amended as follows:

22132        77-5-707. In addition and supplemental to the powers  
22133 otherwise conferred on municipalities by the laws of the state,  
22134 and in order to accomplish the purposes of this article and to  
22135 obtain a supply of electric power and energy for the present and  
22136 future needs of its inhabitants and customers, a municipality may  
22137 plan, finance, develop, construct, reconstruct, acquire, improve,  
22138 enlarge, better, own, operate and maintain an undivided interest  
22139 as a tenant in common in a project situated within or without the  
22140 state jointly with one or more other municipalities, or with a  
22141 joint agency created pursuant to this article, or with municipal  
22142 corporations or political subdivisions of other states (to the  
22143 extent permitted by the laws of such other states), or with any  
22144 other federal, state or municipal agency which owns electric  
22145 generation, transmission or distribution facilities or with any  
22146 person, firm, association or corporation, public or private,  
22147 engaged in the generation, transmission or distribution of  
22148 electric power and energy either within or without this state, and  
22149 may make such plans and enter into such contracts in connection  
22150 therewith, not inconsistent with the provisions of this article,  
22151 as are necessary or appropriate.

22152        Prior to acquiring any such undivided interest, the utility  
22153 commission shall determine the needs of the municipality for power  
22154 and energy based upon engineering studies and reports, and shall  
22155 not acquire an undivided interest as a tenant in common in a  
22156 project in excess of that amount of capacity and the energy  
22157 associated therewith required to provide for its projected needs  
22158 for power and energy from and after the date the project is  
22159 estimated to be placed in normal continuous operation and for such  
22160 reasonable period of time thereafter as shall be determined by the



22161 utility commission. In determining the future power requirements  
22162 of a municipality, there shall be taken into account the  
22163 following:

22164 (a) The economies and efficiencies estimated to be  
22165 achieved in acquiring, constructing and operating the proposed  
22166 facilities for the generation and transmission of electric power  
22167 and energy;

22168 (b) The municipality's estimated requirements for power  
22169 and energy from the project and for reserve capacity and to meet  
22170 obligations under pooling and reserve sharing agreements  
22171 reasonably related to its needs for power and energy to which it  
22172 is or may become a party; and

22173 (c) The cost of existing or alternative power supply  
22174 sources.

22175 A determination by such utility commission approved by the  
22176 governing authorities as herein provided, based upon appropriate  
22177 findings of the foregoing matters, shall be conclusive as to the  
22178 quantity of the interest which a municipality may acquire in a  
22179 project. Any determination by the utilities commission shall be  
22180 filed with the governing authorities of the municipality and  
22181 recorded in the official minutes of the governing authorities.  
22182 Notice of the filing of such determination shall be published one  
22183 (1) time in a newspaper having a general circulation in the  
22184 municipality, and shall specify a date, not less than ten (10)  
22185 days after the publication of such notice at which the governing  
22186 authorities of such municipality shall meet to hear any objections  
22187 or remonstrances that may be made. At said meeting, the governing  
22188 authorities shall consider the objections or protests, if any, and  
22189 shall at said meeting or at any adjourned meeting, ratify or  
22190 reject the determination of the utility commission. Any person or  
22191 party objecting or protesting the determination at said meeting,  
22192 who is aggrieved by the ratification thereof, shall file an appeal  
22193 pursuant to Section 11-51-75.



22194           Nothing herein contained shall prevent a municipality or  
22195 municipalities from undertaking studies to determine whether there  
22196 is a need for a project or whether such project is feasible.

22197           For the purposes of this section, the terms "municipality"  
22198 and "utility commission" shall not include a joint agency or the  
22199 board of commissioners thereof.

22200           The publication of any notice required in this section may be  
22201 published on the Internet as provided in Section 1 of this act.

22202           **SECTION 370.** Section 77-5-727, Mississippi Code of 1972, is  
22203 amended as follows:

22204           77-5-727. No joint agency shall undertake any project  
22205 required to be financed, in whole or in part, with the proceeds of  
22206 bonds without the approval of a majority of its members. Before  
22207 undertaking any project, a joint agency shall, based upon  
22208 engineering studies and reports, determine that such project is  
22209 required to provide for the projected needs for power and energy  
22210 of its members from and after the date the project is estimated to  
22211 be placed in normal and continuous operation and for a reasonable  
22212 period of time thereafter. In determining the future power  
22213 requirements of the members of a joint agency, there shall be  
22214 taken into account the following:

22215           (a) The economies and efficiencies estimated to be  
22216 achieved in acquiring, constructing and operating the proposed  
22217 facilities for the generation and transmission of electric power  
22218 and energy;

22219           (b) The estimated requirements for power and energy and  
22220 for reserve capacity and to meet obligations under pooling and  
22221 reserve sharing agreements reasonably related to its needs for  
22222 power and energy to which the joint agency is or may become a  
22223 party; and

22224           (c) The cost of such existing alternative power supply  
22225 sources.



22226           A determination by the joint agency based upon  
22227 appropriate findings of the foregoing matters shall be conclusive  
22228 as to the appropriateness of a project to provide the needs of the  
22229 members of a joint agency for power and energy unless an  
22230 interested party aggrieved by the determination of said joint  
22231 agency shall file an appeal therefrom as herein provided. Notice  
22232 of the determination by the joint agency shall be published one  
22233 (1) time in one or more newspapers having general circulation in  
22234 each of the municipalities constituting the membership of the  
22235 joint agency and shall specify a date, not less than ten (10) days  
22236 after the publication of such notice, at which the joint agency  
22237 shall meet to hear any objections or remonstrances that may be  
22238 made. At said meeting, the commissioners of the joint agency  
22239 shall consider the objections or protests, if any, and shall at  
22240 said meeting, or at any adjourned meeting, affirm, modify or  
22241 rescind the determination. Any person or party objecting or  
22242 protesting the determination at said meeting who is aggrieved by  
22243 the action of said joint agency may appeal within ten (10) days  
22244 from the date of adjournment at which session the joint agency  
22245 rendered said determination, and may embody the facts and  
22246 determination in a bill of exceptions which shall be signed by the  
22247 person acting as chairman of the board of commissioners of the  
22248 joint agency. The secretary thereof shall transmit at once the  
22249 bill of exceptions to the circuit court of the county in which the  
22250 principal office of the joint agency is located, and the court  
22251 shall either in termtime or in vacation hear and determine the  
22252 same on the case as presented by the bill of exceptions as an  
22253 appellate court, and shall affirm or reverse the determination of  
22254 the joint agency. If the determination of the joint agency be  
22255 reversed, the circuit court shall certify the same to the board of  
22256 commissioners of the joint agency. Costs shall be awarded as in  
22257 other cases. The joint agency may employ counsel to defend such  
22258 appeals to be paid out of the funds of the joint agency. Any such



22259 appeal may be heard and determined in vacation in the discretion  
22260 of the court on motion of either party on written notice of ten  
22261 (10) days to the other party or parties or the attorney of record,  
22262 and the hearing of the same shall be held in the county where the  
22263 suit is pending unless the judge in his order shall otherwise  
22264 direct. Provided, however, no appeal to the circuit court shall  
22265 be taken from any order or determination of the joint agency which  
22266 authorizes the issuance or sale of bonds, but all objections to  
22267 any matters relating to the issuance or sale of bonds shall be  
22268 adjudicated and determined by the chancery court, in accordance  
22269 with the provisions of Sections 31-13-5 through 31-13-11.

22270       Nothing herein contained shall prevent a joint agency from  
22271 undertaking studies to determine whether there is a need for a  
22272 project or whether such project is feasible.

22273       The publication of any notice required in this section may be  
22274 published on the Internet as provided in Section 1 of this act.

22275       **SECTION 371.** Section 77-6-17, Mississippi Code of 1972, is  
22276 amended as follows:

22277       77-6-17. The authority shall not undertake any project  
22278 required to be financed, in whole or in part, with the proceeds of  
22279 bonds without the approval of sixty percent (60%) of its members.  
22280 Before undertaking such project, required to be financed in whole  
22281 or in part with the proceeds of bonds, the authority shall, based  
22282 upon engineering studies and reports, determine that such project  
22283 is required to provide for the projected needs for gas of its  
22284 members from and after the date the project is estimated to be  
22285 placed in normal and continuous operation and for a reasonable  
22286 period of time thereafter. In determining the future gas  
22287 requirements of the members of the authority, there shall be taken  
22288 into account the following:

22289       (a) The economies and efficiencies estimated to be  
22290 achieved in acquiring, constructing and operating the proposed  
22291 facilities for the transmission of gas.





22292           (b) The estimated requirements for gas and for reserve  
22293 capacity and to meet obligations under pooling and reserve sharing  
22294 agreements reasonably related to its needs for gas to which the  
22295 authority is or may become a party; and

22296           (c) The cost of such existing alternative gas supply  
22297 sources.

22298           A determination by the authority based upon appropriate  
22299 findings of the foregoing matters shall be conclusive as to the  
22300 appropriateness of a project to provide the needs of the members  
22301 of the authority for gas unless an interested party aggrieved by  
22302 the determination of said authority shall file an appeal therefrom  
22303 as herein provided. Notice of the determination by the authority  
22304 shall be published one (1) time in one or more newspapers having  
22305 general circulation in each of the municipalities constituting the  
22306 membership of the authority and shall specify a date, not less  
22307 than ten (10) days after the publication of such notice, at which  
22308 the authority shall meet to hear any objections or remonstrances  
22309 that may be made. At said meeting, the commissioners of the  
22310 authority shall consider the objections or protests, if any, and  
22311 shall at said meeting, or at any adjourned meeting, affirm, modify  
22312 or rescind the determination. Any person or party objecting or  
22313 protesting the determination at said meeting who is aggrieved by  
22314 the action of said authority may appeal within ten (10) days from  
22315 the date of adjournment at which session the authority rendered  
22316 said determination, and may embody the facts and determination in  
22317 a bill of exceptions which shall be signed by the person acting as  
22318 chairman of the board of commissioners of the authority. The  
22319 secretary thereof shall transmit at once the bill of exceptions to  
22320 the circuit court of the county in which the principal office of  
22321 the authority is located, and the court shall either in termtime  
22322 or in vacation hear and determine the same on the case as  
22323 presented by the bill of exceptions as an appellate court, and  
22324 shall affirm or reverse the determination of the authority. If



22325 the determination of the authority be reversed, the circuit court  
22326 shall certify the same to the board of commissioners of the  
22327 authority. Costs shall be awarded as in other cases. The  
22328 authority may employ counsel to defend such appeals to be paid out  
22329 of the funds of the authority. Any such appeal may be heard and  
22330 determined in vacation in the discretion of the court on motion of  
22331 either party on written notice of ten (10) days to the other party  
22332 or parties or the attorney of record, and the hearing of the same  
22333 shall be held in the county where the suit is pending unless the  
22334 judge in his order shall otherwise direct. Provided, however, no  
22335 appeal to the circuit court shall be taken from any order or  
22336 determination of the authority which authorizes the issuance or  
22337 sale of bonds, but all objections to any matters relating to the  
22338 issuance or sale of bonds shall be adjudicated and determined by  
22339 the chancery court, in accordance with the provisions of Sections  
22340 31-13-5 through 31-13-11, Mississippi Code of 1972.

22341 Nothing herein contained shall prevent the authority from  
22342 undertaking studies to determine whether there is a need for a  
22343 project or whether such project is feasible.

22344 The publication of any notice required in this section may be  
22345 published on the Internet as provided in Section 1 of this act.

22346 **SECTION 372.** Section 77-7-15, Mississippi Code of 1972, is  
22347 amended as follows:

22348 77-7-15. The commission shall prescribe, issue, amend and  
22349 rescind such reasonable rules and regulations as may be reasonably  
22350 necessary or appropriate to carry out the provisions of this  
22351 chapter. No rule or regulation shall be effective until thirty  
22352 (30) days after copies of the proposed rule or regulation have  
22353 been mailed to intrastate motor carriers affected thereby and  
22354 until a notice, setting forth the terms or substance thereof and  
22355 the time and place of a hearing thereon, has been published in a  
22356 newspaper or newspapers of general circulation in the state and  
22357 filed with the Secretary of State pursuant to the Mississippi



22358 Administrative Procedures Law. Such hearing may be held at any  
22359 time after twenty (20) days following the date of publication of  
22360 such notice, but such rules or regulations shall not become  
22361 effective until a hearing thereon. The commission may make its  
22362 initial set of rules and regulations effective at the end of such  
22363 thirty-day period, subject to review thereof. All rules and  
22364 regulations of the commission shall be filed with its secretary  
22365 and shall be readily available for public inspection and  
22366 examination during reasonable business hours. Any interested  
22367 person shall have the right to petition the commission for  
22368 issuance, amendment or repeal of a rule or regulation.

22369 The publication of any notice required in this section may be  
22370 published on the Internet as provided in Section 1 of this act.

22371 **SECTION 373.** Section 79-4-14.07, Mississippi Code of 1972,  
22372 is amended as follows:

22373 79-4-14.07. (a) A dissolved corporation may also publish  
22374 notice of its dissolution and request that persons with claims  
22375 against the dissolved corporation present them in accordance with  
22376 the notice.

22377 (b) The notice must:

22378 (1) Be published one (1) time in a newspaper of general  
22379 circulation in the county where the dissolved corporation's  
22380 principal office (or, if none in this state, its registered  
22381 office) is or was last located;

22382 (2) Describe the information that must be included in a  
22383 claim and provide a mailing address where the claim may be sent;  
22384 and

22385 (3) State that a claim against the dissolved  
22386 corporation will be barred unless a proceeding to enforce the  
22387 claim is commenced within three (3) years after the publication of  
22388 the notice.

22389 (c) If the dissolved corporation publishes a newspaper  
22390 notice in accordance with subsection (b), the claim of each of the



22391 following claimants is barred unless the claimant commences a  
22392 proceeding to enforce the claim against the dissolved corporation  
22393 within the lesser of three (3) years after the publication date of  
22394 the newspaper notice, or any other applicable limitations period  
22395 established by applicable law:

22396 (1) A claimant who was not given written notice under  
22397 Section 79-4-14.06;

22398 (2) A claimant whose claim was timely sent to the  
22399 dissolved corporation but not acted on;

22400 (3) A claimant whose claim is contingent or based on an  
22401 event occurring after the effective date of dissolution.

22402 (d) A claim that is not barred by Section 79-4-14.06(c) or  
22403 Section 79-4-14.07(c) may be enforced:

22404 (1) Against the dissolved corporation, to the extent of  
22405 its undistributed assets; or

22406 (2) Except as provided in Section 79-4-14.08(d), if the  
22407 assets have been distributed in liquidation, against a shareholder  
22408 of the dissolved corporation to the extent of the shareholder's  
22409 pro rata share of the claim or the corporate assets distributed to  
22410 the shareholder in liquidation, whichever is less, but a  
22411 shareholder's total liability for all claims under this section  
22412 may not exceed the total amount of assets distributed to the  
22413 shareholder.

22414 (e) The publication of any notice required in this section  
22415 may be published on the Internet as provided in Section 1 of this  
22416 act.

22417 **SECTION 374.** Section 79-11-345, Mississippi Code of 1972, is  
22418 amended as follows:

22419 79-11-345. (1) A dissolved corporation may also publish  
22420 notice of its dissolution and request that persons with claims  
22421 against the corporation present them in accordance with the  
22422 notice.

22423 (2) The notice must:



22424 (a) Be published one (1) time in a newspaper of general  
22425 circulation in the county where the dissolved corporation's  
22426 principal office (or, if none in this state, its registered  
22427 office) is or was last located;

22428 (b) Describe the information that must be included in a  
22429 claim and provide a mailing address where the claim may be sent;  
22430 and

22431 (c) State that a claim against the corporation will be  
22432 barred unless a proceeding to enforce the claim is commenced  
22433 within two (2) years after publication of this notice.

22434 (3) If the dissolved corporation publishes a newspaper  
22435 notice in accordance with subsection (2) of this section, the  
22436 claim of each of the following claimants is barred unless the  
22437 claimant commences a proceeding to enforce the claim against the  
22438 dissolved corporation within two (2) years after the publication  
22439 date of the newspaper notice:

22440 (a) A claimant who did not receive written notice under  
22441 Section 79-11-343;

22442 (b) A claimant whose claim was timely sent to the  
22443 dissolved corporation but not acted on; and

22444 (c) A claimant whose claim is contingent or based on an  
22445 event occurring after the effective date of dissolution.

22446 (4) A claim may be enforced under this section:

22447 (a) Against the dissolved corporation, to the extent of  
22448 its undistributed assets; or

22449 (b) If the assets have been distributed in liquidation,  
22450 against any person, other than a creditor of the corporation, to  
22451 whom the corporation distributed its property to the extent of the  
22452 distributee's pro rata share of the claim or the corporate assets  
22453 distributed to such person in liquidation, whichever is less, but  
22454 the distributee's total liability for all claims under this  
22455 section may not exceed the total amount of assets distributed to  
22456 the distributee.



22457       (5) The publication of any notice required in this section  
22458 may be published on the Internet as provided in Section 1 of this  
22459 act.

22460       **SECTION 375.** Section 79-19-11, Mississippi Code of 1972, is  
22461 amended as follows:

22462       79-19-11. (1) Under the terms and conditions prescribed in  
22463 its bylaws, an association may admit as members, or issue common  
22464 stock or certificate of membership, only to persons engaged in the  
22465 production of the agricultural products to be handled by or  
22466 through the association, including the lessees and tenants of land  
22467 used for the production of such products and any lessors and  
22468 landlords who receive as rent part of the crops raised in the  
22469 leased premises. Certificate of membership and common stock shall  
22470 not be transferable, and no person shall acquire the same by  
22471 operation of law or otherwise, except as provided herein.

22472       (2) If a member of a nonstock association be other than a  
22473 natural person, such member may be represented by any individual,  
22474 associate, officer, manager, or member thereof, duly authorized in  
22475 writing.

22476       (3) One (1) association organized hereunder may become a  
22477 member or stockholder of any other association or associations  
22478 organized hereunder or whose purposes and operations are in  
22479 harmony with the purposes of this chapter.

22480       (4) The first meeting of persons at interest, unless  
22481 otherwise provided for, may be called by notice published in some  
22482 convenient newspaper at least five (5) days before the time  
22483 appointed for the meeting, which notice shall be signed by one or  
22484 more persons named in the articles of association; and the meeting  
22485 when assembled may proceed to organize the association.

22486       (5) The publication of any notice required in this section  
22487 may be published on the Internet as provided in Section 1 of this  
22488 act.



22489           **SECTION 376.** Section 79-21-15, Mississippi Code of 1972, is  
22490 amended as follows:

22491           79-21-15. (1) Under the terms and conditions prescribed in  
22492 its bylaws, an association may admit as members, or issue common  
22493 stock or certificate of membership, only to persons engaged in  
22494 commercial fishing or domestic fish farming who catch, take, grow,  
22495 or otherwise obtain aquatic products to be handled by or through  
22496 the association. Certificate of membership and common stock shall  
22497 not be transferable, and no person shall acquire the same by  
22498 operation of law or otherwise, except as provided herein.

22499           (2) If a member of a nonstock association be other than a  
22500 natural person, such member may be represented by any individual,  
22501 associate, officer, manager, or member thereof, duly authorized in  
22502 writing.

22503           (3) All members engaged in commercial fishing shall be  
22504 required to have receipts evidencing that they have paid in full  
22505 all licensing requirements of the State of Mississippi with regard  
22506 to their fishing operation, including licenses and fees required  
22507 with regard to their equipment. A failure to pay for such  
22508 licenses or fees, when required by statute, shall result in the  
22509 automatic suspension of such member from the association until  
22510 such licenses or fees are paid in full.

22511           (4) No member of any association organized under the terms  
22512 of this chapter shall have more than one (1) vote, regardless of  
22513 the amount of stock or membership capital he may own therein.

22514           (5) Except for debts lawfully contracted between him and the  
22515 association, no member shall be liable for the debts of the  
22516 association to an amount exceeding the sum remaining unpaid on his  
22517 membership fee.

22518           (6) The first meeting of persons at interest, unless  
22519 otherwise provided for, may be called by notice published in some  
22520 convenient newspaper at least five (5) days before the time  
22521 appointed for the meeting, which notice shall be signed by one or



22522 more persons named in the articles of association; and the meeting  
22523 when assembled may proceed to organize the association.

22524 (7) The publication of any notice required in this section  
22525 may be published on the Internet as provided in Section 1 of this  
22526 act.

22527 **SECTION 377.** Section 79-21-63, Mississippi Code of 1972, is  
22528 amended as follows:

22529 79-21-63. (1) Under the terms and conditions prescribed in  
22530 its bylaws, an association may admit as members, or issue common  
22531 stock or certificate of membership, only to persons engaged in  
22532 commercial fishing or domestic fish farming who catch, take, grow  
22533 or otherwise obtain aquatic products to be handled by or through  
22534 the association. Certificate of membership and common stock shall  
22535 not be transferable and no person shall acquire the same by  
22536 operation of law or otherwise, except as provided herein.

22537 (2) If a member of a nonstock association be other than a  
22538 natural person, such member may be represented by an individual,  
22539 associate, officer, manager or member thereof, duly authorized in  
22540 writing.

22541 (3) All members engaged in commercial fishing shall be  
22542 required to have receipts evidencing that they have paid in full  
22543 all licensing requirements of the State of Mississippi with regard  
22544 to their fishing operation, including licenses and fees required  
22545 with regard to their equipment. A failure to pay for such  
22546 licenses or fees, when required by statute, shall result in the  
22547 automatic suspension of such member from the association until  
22548 such licenses or fees are paid in full.

22549 (4) No member of any association organized under the terms  
22550 of this act shall have more than one (1) vote, regardless of the  
22551 amount of stock or membership capital he may own therein.

22552 (5) Except for debts lawfully contracted between him and the  
22553 association, no member shall be liable for the debts of the





22554 association to an amount exceeding the sum remaining unpaid on his  
22555 membership fee.

22556 (6) The first meeting of persons at interest, unless  
22557 otherwise provided for, may be called by notice published in some  
22558 convenient newspaper at least five (5) days before the time  
22559 appointed for the meeting, which notice shall be signed by one or  
22560 more persons named in the articles of association; and the meeting  
22561 when assembled may proceed to organize the association.

22562 (7) The publication of any notice required in this section  
22563 may be published on the Internet as provided in Section 1 of this  
22564 act.

22565 **SECTION 378.** Section 79-29-807, Mississippi Code of 1972, is  
22566 amended as follows:

22567 79-29-807. (1) A dissolved limited liability company may  
22568 publish notice of its dissolution pursuant to this section which  
22569 requests that persons with claims against the limited liability  
22570 company present them in accordance with the notice.

22571 (2) The notice must:

22572 (a) Be published one (1) time in a newspaper of general  
22573 circulation in the county where the dissolved limited liability  
22574 company's principal office (or, if none in this state, its  
22575 registered office) is or was last located;

22576 (b) Describe the information that must be included in a  
22577 claim and provide a mailing address where the claim may be sent;  
22578 and

22579 (c) State that a claim against the limited liability  
22580 company not otherwise barred will be barred unless a proceeding to  
22581 enforce the claim is commenced within five (5) years after the  
22582 latter of the publication of the notice or the filing of a  
22583 certificate of dissolution with respect to the limited liability  
22584 company.

22585 (3) If the dissolved limited liability company publishes a  
22586 newspaper notice in accordance with subsection (2) and files a



22587 certificate of dissolution pursuant to Section 79-29-204, the  
22588 claim of each of the following claimants which is not otherwise  
22589 barred is barred unless the claimant commences a proceeding to  
22590 enforce the claim against the dissolved limited liability company  
22591 within five (5) years after the latter of the publication date of  
22592 the newspaper notice or the filing of the certificate of  
22593 dissolution:

22594 (a) A claimant who did not receive written notice under  
22595 Section 79-29-806;

22596 (b) A claimant whose claim was timely sent to the  
22597 dissolved limited liability company but not acted on within such  
22598 five-year period; and

22599 (c) A claimant whose claim is contingent or based on an  
22600 event occurring after the effective date of dissolution.

22601 (4) A claim may be enforced under this section:

22602 (a) Against the dissolved limited liability company, to  
22603 the extent of its undistributed assets; or

22604 (b) If the assets have been distributed in liquidation,  
22605 against a member of the dissolved limited liability company to the  
22606 extent of the member's pro rata share of the claim or the assets  
22607 of the limited liability company distributed to the member in  
22608 liquidation, whichever is less, but a member's total liability for  
22609 all claims under this section may not exceed the total amount of  
22610 assets distributed to the member.

22611 (5) The publication of any notice required in this section  
22612 may be published on the Internet as provided in Section 1 of this  
22613 act.

22614 **SECTION 379.** Section 81-5-101, Mississippi Code of 1972, is  
22615 amended as follows:

22616 81-5-101. When the owners of two-thirds of the capital stock  
22617 of any solvent corporation engaged in a banking business shall  
22618 have determined and voted to dissolve the corporation, they shall  
22619 proceed in the following manner, to-wit:



22620           (a) The corporation shall advise the department of bank  
22621 supervision by registered mail, over the signature of the board of  
22622 directors of said corporation, of their intention to liquidate,  
22623 accompanied by a certified copy of the minutes of the stockholders  
22624 meeting authorizing the liquidation, and shall cause notice to be  
22625 published once each week for three (3) consecutive weeks in some  
22626 newspaper published within the county in which the corporation is  
22627 domiciled, giving the date of the proposed liquidation, and  
22628 calling on all creditors and depositors to present for payment  
22629 their claims against such corporation not later than sixty (60)  
22630 days after said date of liquidation. With said notice to the  
22631 department of bank supervision the corporation shall file a  
22632 detailed statement of its assets and liabilities.

22633           (b) The stockholders of the corporation shall, by and  
22634 with the approval of the State Comptroller appoint a special agent  
22635 who shall have charge of said liquidation and shall be responsible  
22636 to the creditors and stockholders of such corporation and to the  
22637 department of bank supervision for the proper liquidation of the  
22638 affairs of the corporation. The special agent shall furnish bond  
22639 to be approved by the State Comptroller for the faithful  
22640 performance of his duties as special agent and shall receive as  
22641 salary not more than Two Hundred Dollars (\$200.00) per month out  
22642 of the assets of the liquidating bank while actively engaged in  
22643 the liquidation of the affairs of the bank and shall be at all  
22644 times under the supervision of the department of bank supervision.  
22645 The certificate of appointment of the special agent shall be filed  
22646 in the office of the department of bank supervision, and a  
22647 certified copy filed in the office of the chancery clerk of the  
22648 county in which the bank is domiciled.

22649           (c) Upon the date set for the liquidation of the bank  
22650 as per published notice the special agent shall take charge and  
22651 file with the department of bank supervision a sworn detailed  
22652 statement of the assets and liabilities of the bank as shown by



22653 the books of the same, a certified copy to be filed in the office  
22654 of the chancery clerk of said county. He shall proceed to pay in  
22655 full as presented all claims of creditors and depositors and shown  
22656 by the books of the bank and all claims which may be proven  
22657 against the bank.

22658 (d) A sufficient bond to be approved by the State  
22659 Comptroller in such amount as he may require shall be furnished by  
22660 the stockholders of the bank made and conditioned to insure the  
22661 payment of all liabilities as shown by the books of the bank and  
22662 all proven claims against the bank. The said bond shall be filed  
22663 in the office of the department of bank supervision. Suit may be  
22664 brought upon this bond by any creditor claimant, and such suit  
22665 shall be filed in the chancery court of the county in which the  
22666 corporation is domiciled. No suit may be brought upon such bond  
22667 except within four (4) months after date of liquidation as  
22668 provided in paragraph (a) of this section. When any such suit  
22669 shall be brought on said bond, notice shall be given by  
22670 publication in a newspaper published in the county of the domicile  
22671 of the bank, requiring all creditors and claimants to intervene in  
22672 order to determine in one (1) proceeding all claims of creditors.

22673 (e) At the expiration of sixty (60) days from the date  
22674 of the liquidation as provided in paragraph (a) of this section,  
22675 the special agent shall file with the department of bank  
22676 supervision a detailed report of all his proceedings, collections  
22677 and disbursements and list of all assets remaining and of all  
22678 liabilities still unpaid or unclaimed, a certified copy of which  
22679 shall be filed in the office of the chancery clerk of the county.  
22680 A list of all unclaimed deposits or creditors as shown by the  
22681 books together with the amounts due them, shall be delivered in  
22682 cash, to the department of bank supervision to be deposited by the  
22683 State Comptroller in some bank subject to their order for payment  
22684 upon presentation of claims by said depositors or creditors. The  
22685 remaining assets of the bank may be distributed among the



22686 stockholders, provided the stockholders shall make sufficient bond  
22687 approved by the State Comptroller in amounts of the capital,  
22688 surplus and undivided profits of the banks, payable to the State  
22689 of Mississippi, said bond to expire four (4) months from the date  
22690 of liquidation as provided in paragraph (a) of this section, if no  
22691 claim or suit has been filed against such bond. At the expiration  
22692 of this bond the State Comptroller shall give notice by  
22693 publication for three (3) consecutive weeks in some local or  
22694 county newspaper of the expiration of said bond, and the said bond  
22695 shall be relieved from further liability, and the stockholders of  
22696 the corporation shall be relieved from further liability as  
22697 stockholders of such corporation.

22698 The publication of any notice required in this section may be  
22699 published on the Internet as provided in Section 1 of this act.

22700 **SECTION 380.** Section 81-8-3, Mississippi Code of 1972, is  
22701 amended as follows:

22702 81-8-3. (1) An out-of-state bank holding company may  
22703 establish a bank in Mississippi only by acquiring a Mississippi  
22704 bank or Mississippi bank holding company upon approval by the  
22705 commissioner, which approval:

22706 (a) Determines that the Mississippi bank sought to be  
22707 acquired has been in existence and continuously operating for more  
22708 than five (5) years or that the Mississippi bank subsidiary of the  
22709 Mississippi bank holding company sought to be acquired has been in  
22710 existence and continuously operating for more than five (5) years;

22711 (b) Determines that the acquisition will not result in  
22712 a violation of Sections 81-5-28, 81-7-7, 81-7-8 and 81-7-19.

22713 (c) Determines that a copy of the completed application  
22714 or applications which are filed with the appropriate federal bank  
22715 regulatory authority seeking approval of the acquisition, and a  
22716 consent to service of process (all on such form or forms as the  
22717 commissioner by regulation may require) shall have been filed with  
22718 the commissioner for at least sixty (60) days, and notice of such



22719 acquisition, specifying the name of the out-of-state bank holding  
22720 company, the name of the Mississippi bank or Mississippi bank  
22721 holding company sought to be acquired and a brief description of  
22722 the transaction shall have been published once in a newspaper of  
22723 general circulation in each county in which the Mississippi bank  
22724 or the subsidiary of the Mississippi bank holding company has  
22725 banking offices.

22726       (2) Nothing in this section shall prohibit the acquisition  
22727 by an out-of-state bank holding company of all or substantially  
22728 all of the shares of (a) a bank organized solely for the purpose  
22729 of facilitating the acquisition of a bank which has been in  
22730 existence and continuously operated as a bank for more than five  
22731 (5) years, or (b) a banker's bank that has been in existence less  
22732 than five (5) years, if the acquisition has otherwise been  
22733 approved pursuant to this section. However, any state or  
22734 federally chartered banker's bank that is acquired by an  
22735 out-of-state bank holding company as provided in this subsection  
22736 shall remain a banker's bank for a period of not less than five  
22737 (5) years after the date of acquisition.

22738       (3) Notwithstanding the foregoing or any other provision of  
22739 this chapter to the contrary, a Mississippi bank may enter into an  
22740 interstate branching transaction as defined by and pursuant to  
22741 Chapter 23, Title 81, Mississippi Code of 1972, known as the  
22742 Interstate Bank Branching Act.

22743       (4) The publication of any notice required in this section  
22744 may be published on the Internet as provided in Section 1 of this  
22745 act.

22746       **SECTION 381.** Section 81-9-13, Mississippi Code of 1972, is  
22747 amended as follows:

22748       81-9-13. The comptroller of banks of the State of  
22749 Mississippi is authorized to reopen any closed bank, with the  
22750 approval of the chancery court of the county in which the bank is  
22751 situated, or of the chancellor thereof in vacation, when at least



22752 three-fourths of the general depositors and creditors therein  
22753 holding unsecured deposits, or any number of the general  
22754 depositors and creditors therein, provided they own at least  
22755 three-fourths of the unsecured deposits in or claims against such  
22756 bank, agree to the reopening thereof and sign what is commonly  
22757 termed a "freezing-of-deposits" agreement, under which they agree  
22758 to accept repayment of their deposits and claims in deferred  
22759 installments, for the full amount thereof or in reduced amounts,  
22760 with or without interest, the period over which the deposits and  
22761 claims are to be repaid and the rate of payment, together with the  
22762 interest rate, if any, to be determined by the comptroller of  
22763 banks, if the comptroller is convinced that such bank as reopened  
22764 will be in a solvent condition and can repay the depositors and  
22765 creditors the amounts of their deposits and claims in accordance  
22766 with the terms of the agreement for the repayment of same.

22767       Before any such bank shall be reopened, the entire plan for  
22768 the reopening of the same, and all material facts in connection  
22769 there with, shall be submitted by the comptroller to the chancery  
22770 court of the county in which the bank is situated, or the  
22771 chancellor in vacation, by proper petition, duly verified, such  
22772 petition to contain a statement of the assets and liabilities of  
22773 the bank and such other information as may be necessary to convey  
22774 to the court or chancellor the true facts with reference to the  
22775 condition of such bank, and a decree of the court or chancellor in  
22776 vacation obtained approving the plan agreed upon and submitted by  
22777 the comptroller for the reopening of such bank and authorizing the  
22778 same to be reopened. The hearing of such petition shall be had at  
22779 such time and place as shall be fixed by the court or chancellor,  
22780 after ten (10) days' notice is given of such hearing by  
22781 publication in some newspaper having a general circulation in the  
22782 county in which the closed bank is located. The filing of a  
22783 petition by any closed bank submitted to the jurisdiction of the  
22784 chancery court of the county of its domicile and publishing of



22785 notice to creditors as otherwise provided by law shall vest in  
22786 said court jurisdiction over all of the assets of said bank and of  
22787 its creditors and empower it to so act hereunder.

22788       When any closed bank has been reopened as herein provided,  
22789 the general depositors and creditors thereof who have not  
22790 expressly agreed to accept repayment of their deposits and claims  
22791 in accordance with the freezing-of-deposits plan shall be bound to  
22792 accept repayment of their deposits and claims according to the  
22793 terms of the decree of the court or chancellor in vacation and on  
22794 the same basis and at the same rate as those general depositors  
22795 and creditors who have signed the freezing-of-deposits agreement,  
22796 except that this paragraph shall not apply to deposits of public  
22797 monies or to depositors and creditors holding preferred claims, or  
22798 secured claims, nor to correspondent banks holding bills payable  
22799 of the closed bank to the extent that same are adequately secured  
22800 by the collateral held therefor.

22801       Proper provision shall be made in the plan for the reopening  
22802 of such bank to pay public depositors, depositors, and creditors  
22803 holding preferred and secured claims and correspondent banks  
22804 holding bills payable to the extent which they are adequately  
22805 secured by collateral held, on terms acceptable to them, but any  
22806 arrangement so made shall not operate prejudicially to the rights  
22807 of the general depositors and creditors of the bank.

22808       This section shall not be construed to give the comptroller  
22809 the right to diminish the assets of a closed bank to the prejudice  
22810 of the depositors and creditors thereof, and any assets that may  
22811 be charged out as doubtful or as losses and not carried into the  
22812 reopened bank as an asset, shall be held by the reopened bank in  
22813 trust for payment pro rata of such parts of the claims of the  
22814 depositors and creditors as under the decree authorizing the  
22815 reopening of the bank are provided shall not be a charge against  
22816 the assets of the reopened bank. The reopened bank shall be  
22817 accountable to the said chancery court for the proper handling of





22818 such assets not taken into the reopened bank and the payment of  
22819 the proceeds thereof to the creditors entitled thereto; but  
22820 without restriction upon the public in dealing with the reopened  
22821 bank relative thereto nor obligation upon the public so dealing to  
22822 see that such bank properly accounts therefor.

22823 This section is to be liberally construed as an exercise of  
22824 the police power of the state as a sovereign to legislate with  
22825 reference to banks as public utilities to promote the public  
22826 welfare, and shall apply to all closed banks whether heretofore,  
22827 now or hereafter closed.

22828 The publication of any notice required in this section may be  
22829 published on the Internet as provided in Section 1 of this act.

22830 **SECTION 382.** Section 81-9-37, Mississippi Code of 1972, is  
22831 amended as follows:

22832 81-9-37. (1) The receiver shall make such reports of his  
22833 administration to the chancellor as the chancellor may require,  
22834 which reports shall be filed in the court file of the receivership  
22835 cause. Before the receivership cause shall be closed, a final  
22836 report shall be made of such matters as may be required by the  
22837 chancellor, and which shall include classified lists and totals of  
22838 expenses; the gross amount of collections; classified lists and  
22839 totals of disbursements to common creditors and other claimants;  
22840 and all dividends on hand belonging to depositors, creditors,  
22841 stockholders or others which for any reason have not been  
22842 distributed; also the names of such depositors, creditors and  
22843 stockholders, together with the amount of dividends belonging to  
22844 each.

22845 (2) The receiver shall file a petition for discharge with  
22846 his final report, and the final report, together with said  
22847 petition, shall remain on file subject to the inspection of any  
22848 person interested. If the chancellor is satisfied with the final  
22849 report of the receiver, he shall, by order entered on the minutes  
22850 of the court, direct that the clerk of the court cause a notice to



22851 be run in a newspaper published in the county wherein the  
22852 receivership is pending, or if none is so published, in some  
22853 newspaper having a general circulation therein, which notice shall  
22854 state that the liquidation of the bank has been completed and that  
22855 the final report of the receiver and petition for his discharge  
22856 are on file; that unless written objection is filed with the clerk  
22857 of the court within thirty (30) days from the date of the first  
22858 publication of the notice, all persons shall be forever precluded  
22859 from filing any claim against the bank or the receiver, and from  
22860 questioning any of the acts of the receiver, except for fraud.  
22861 Said notice shall be published once a week until the expiration of  
22862 said thirty-day period.

22863       (3) Should the receiver have dividends on hand belonging to  
22864 depositors, creditors, stockholders or others which have not been  
22865 distributed the notice hereinabove referred to shall specify this  
22866 fact, and shall give the name of each party who is entitled to  
22867 such dividend, but it shall not be necessary to give the amount  
22868 thereof. The notice shall direct that said parties call for said  
22869 dividends prior to the day set for the filing of written  
22870 objections, otherwise, their claim thereto shall be forfeited. On  
22871 the day of the final hearing if there are dividends on hand which  
22872 have not been called for, the receiver shall not be discharged,  
22873 but the chancellor, by order entered on the minutes of the court,  
22874 shall direct the receiver to make distribution of such unclaimed  
22875 dividends to the known depositors and creditors pro rata. In the  
22876 event the known depositors and creditors have already been paid in  
22877 full, or if any are unpaid an amount in cash equal to that  
22878 requisite to pay every such person, as shown to be due to them by  
22879 the books of the bank is set apart and paid over in accordance  
22880 herewith to the State Comptroller as herein provided, the amount,  
22881 if any, remaining shall be distributed to the stockholders pro  
22882 rata.



22883           (4) If on the day of the final hearing there are no  
22884 dividends on hand for distribution and there have been no  
22885 objections filed to the discharge of the receiver, the chancellor  
22886 shall enter an order granting his discharge. If there are  
22887 dividends on hand, the chancellor shall direct their distribution  
22888 as above provided. Should written objections be filed to the  
22889 discharge of the receiver within the time above provided, the  
22890 chancellor shall set the matter for hearing in vacation or in term  
22891 time as he may deem proper, and the same shall be proceeded with  
22892 as any other action in chancery. In no event shall anyone be  
22893 permitted to file an objection after the time specified in the  
22894 notice above provided for.

22895           (5) Should there be any dividends to stockholders not called  
22896 for at the expiration of thirty (30) days from the date the  
22897 chancellor orders the distribution as above provided in subsection  
22898 (3) of this section, the receiver shall pay the same and all  
22899 amounts due to depositors and creditors who have not called for  
22900 payment, to the State Comptroller, who shall hold the same for the  
22901 parties entitled thereto hereunder for a period of at least one  
22902 (1) year from the date of its receipt by him, and notice shall be  
22903 given as hereinafter provided.

22904           (6) Where any depositors' liquidating corporation has not  
22905 paid its depositors in full, and has realized everything possible  
22906 from its assets, but still has on hand insufficient money to make  
22907 a distribution to its creditors, the chancery court creating such  
22908 corporation may, upon finding such facts, dissolve such  
22909 liquidating corporation and discharge its directors and their  
22910 sureties, and make such orders with respect to the cash on hand as  
22911 may appear equitable and proper, after an application for a  
22912 dissolution of said corporation, accompanied by a final report of  
22913 the administration thereof from the date of the creation of said  
22914 corporation, has been on file with the clerk of said court not  
22915 less than thirty (30) days, and notice of the filing thereof has



22916 been given by inserting one (1) notice in a newspaper published in  
22917 the county wherein the receivership is pending not less than ten  
22918 (10) days before the date set for the hearing thereof.

22919 (7) Nothing contained in this section shall apply to any  
22920 bank heretofore or hereafter liquidated by the Federal Deposit  
22921 Insurance Corporation.

22922 (8) The publication of any notice required in this section  
22923 may be published on the Internet as provided in Section 1 of this  
22924 act.

22925 **SECTION 383.** Section 81-9-41, Mississippi Code of 1972, is  
22926 amended as follows:

22927 81-9-41. Any bank found to be solvent may be liquidated, if  
22928 desired by the bank, in accordance with this section.

22929 It is the purpose of this section to require that the claims  
22930 of all depositors and creditors as reflected by the books of the  
22931 bank, be paid, whether proven or not, provided they are called for  
22932 within the period stipulated in this section. The bank shall  
22933 continue as a corporation until that authorized hereunder to be  
22934 done has been accomplished whereafter its charter shall be  
22935 surrendered as provided by law.

22936 (a) If the receiver shall have heretofore paid, or  
22937 shall hereafter pay, or have assets readily convertible for  
22938 payment to each and every depositor, creditor and claimant of such  
22939 bank whose claim or claims shall have been filed, whether duly  
22940 proven and allowed or undisposed of, the principal amount, with  
22941 additions, if any, shown by the books of the bank to be due by the  
22942 bank, or if every such unpaid depositor, creditor or claimant for  
22943 whom no such provision has been made as above, if any there be,  
22944 consents thereto in writing, and the receiver shall have paid all  
22945 expenses of the liquidation, all out of the assets of the failed  
22946 bank, upon petition of a board of directors to be selected by the  
22947 stockholders of the bank at a special meeting to be held therefor  
22948 on call of any of the former officers of the bank, and with the



22949 consent of all claimants or creditors who have filed claims which  
22950 have not been finally disposed of or which are disputed, and with  
22951 the consent of every person, firm or corporation having a lien on  
22952 the assets of the bank, if any there be, the receiver shall  
22953 deliver to any such agent or agents of said bank, selected by the  
22954 board of directors as hereinabove provided, upon a decree therefor  
22955 made by the chancery court or the chancellor in vacation, all  
22956 undivided and uncollected or other assets of said bank then  
22957 remaining in his hands or under his control subject to any liens  
22958 thereupon. On such delivery, the receiver and the surety on his  
22959 bond shall be discharged from any and all liability to the bank,  
22960 its creditors and all other persons, provided that (1) before  
22961 making such delivery, the receiver shall have turned over to the  
22962 State Comptroller for depositors the principal amount, with  
22963 additions, if any, shown by the books of the bank to be due by the  
22964 bank to such depositors, and provided, (2) that the receiver shall  
22965 file a final report showing all such matters and things as should  
22966 be embraced in the final report hereinabove required for complete  
22967 liquidation. Thereupon the chancellor shall by order entered  
22968 direct that the clerk of the court cause a notice to be run in a  
22969 newspaper published in the county where the receivership is  
22970 pending, or if none is so published, in some newspaper having a  
22971 general circulation therein, which notice shall state that the  
22972 liquidation of the bank by the receiver is to be terminated and  
22973 the assets remaining delivered to the bank as herein provided, and  
22974 that the final report of the receiver has been filed and an  
22975 application made to transfer the remaining assets in accordance  
22976 herewith to an agent of the bank, and unless written objection is  
22977 filed with the clerk within thirty (30) days from the first  
22978 publication of the notice, all persons shall be forever precluded  
22979 from filing any claim against the receiver or from questioning any  
22980 of the acts of the receiver except for fraud, or claims, demands  
22981 and rights which are to be assumed by the bank and subject to



22982 which the transfer is to be made. Said notice shall be published  
22983 once a week until the expiration of said thirty-day period.

22984 (b) All unpaid deposits, debts and dividends hereunder  
22985 paid over to the State Comptroller of Banks shall be held in trust  
22986 for the parties rightfully entitled thereto, to whom payment  
22987 thereof shall be made, less any costs lawfully deductible  
22988 therefrom. In case the State Comptroller shall be in doubt as to  
22989 the person or amount, he may file in regard thereto a bill of  
22990 interpleader and thereupon be finally discharged, paying from such  
22991 amount so deposited in court, the requisite costs for filing such  
22992 bill.

22993 Within one (1) year after receipt of any amount from a  
22994 receiver, the State Comptroller shall give notice of unclaimed  
22995 amounts by publication in some newspaper having a general  
22996 circulation in the county where such banking corporation was  
22997 domiciled, once a week for three (3) consecutive weeks, notifying  
22998 such unpaid persons to come forward and claim the amounts due, and  
22999 in said notice stating the amount of money received, the name of  
23000 the party who is entitled to any portion thereof according to the  
23001 books of the bank, but without specifying the amount, and shall  
23002 command said parties to call for such amounts prior to the date  
23003 fixed for payment to the State Treasurer, and stating that unless  
23004 they shall do so, the amounts will be paid over to the State  
23005 Treasurer in trust on or after a day therein to be named. After  
23006 the expiration of said time, the State Comptroller shall pay over  
23007 such amounts held by him to the State Treasurer, less any  
23008 publication or other costs incurred in connection therewith and  
23009 give to the State Treasurer a list of all persons entitled to any  
23010 amount together, if possible, with the amount thereof and the  
23011 residence, if possible, of such person. Thereupon the State  
23012 Treasurer shall be required to place the amount so paid over to  
23013 him in a special trust fund in the State Treasury for the benefit  
23014 of any and all persons rightfully entitled thereto, and thereafter



23015 when said funds are so paid over, there shall be no further  
23016 liability on the bank, its receiver, the State Comptroller, his  
23017 bond or any other agent or employee, for any amount so thus paid  
23018 over to the State Treasurer under this section. Persons  
23019 rightfully entitled to any such amounts so paid over into this  
23020 trust fund shall be paid the amount thereof direct from such trust  
23021 fund by the State Treasurer without specific appropriation  
23022 therefor, such payment to be made by the State Treasurer upon  
23023 requisition drawn by the State Comptroller on the written approval  
23024 of the Attorney General. The State Comptroller and the State  
23025 Treasurer shall have power to pay from such amount on hand the  
23026 cost of any publication and other expense items properly incurred  
23027 chargeable thereto, which amounts shall be deducted from the  
23028 amount to be paid over. The State Comptroller or the State  
23029 Treasurer may apply the interest earned by the money so held by  
23030 either of them, if any, towards defraying the expenses of the  
23031 payment and the distribution to the persons entitled.

23032 (c) After the expiration of fifteen (15) years from the  
23033 date of the receipt of such amount by the State Treasurer, the  
23034 deposits and amounts then unclaimed shall be placed by the State  
23035 Treasurer in the General Fund of the State of Mississippi, and  
23036 such fund shall belong to the State of Mississippi, free from the  
23037 claims of all persons whatsoever.

23038 (d) The delivery of such assets to such agent of said  
23039 bank, selected as aforesaid, and the discharge of such receiver  
23040 shall not release, discharge or affect any right, claim or action  
23041 which any creditor or claimant consenting to such transfer and  
23042 discharge might then or thereafter have against said bank, or the  
23043 stockholders of the bank on account of their double liability, if  
23044 any, if the assets of the bank are insufficient to pay said  
23045 creditors' or claimants' claims in full, with interest, if any is  
23046 due; it being the intention hereof that the liability of the bank  
23047 and its stockholders, if any, shall not be affected or released by



23048 the discharge of the receiver. The court having jurisdiction of  
23049 the receivership shall retain jurisdiction over any suit, petition  
23050 or proceeding brought pursuant hereto, and especially involving a  
23051 contested claim for depositor or creditor, and such suit, or  
23052 suits, may be as fully and completely determined and adjudicated  
23053 by said court as if had under the receivership.

23054 (e) Such agent or agents under the direction of the  
23055 board of directors of said bank shall convert the assets coming  
23056 into his or their possession into cash, if so directed, and after  
23057 paying all taxes and any and all unpaid claims, lawfully  
23058 established, and the expenses of said liquidation, shall  
23059 distribute the assets in cash or kind pro rata among the  
23060 stockholders of the bank in proportion to the stock held by each  
23061 and every stockholder. Such bank may from time to time hold  
23062 meetings of its stockholders in accordance with its by-laws for  
23063 the election of boards of directors and such other corporate  
23064 business as may properly come before the meeting looking towards  
23065 its liquidation, and such directors may, from time to time,  
23066 replace such agent or agents in charge of such liquidation, paying  
23067 such agent or agents such compensation as they may determine. All  
23068 expenses of such liquidation by such agent or agents shall be  
23069 subject to approval by the board of directors of the bank.

23070 (f) Prior to or contemporaneously with the delivery of  
23071 said assets to the agent or agents of said bank, it shall be a  
23072 condition thereto that all persons having a direct lien on the  
23073 assets of the trust and also all persons having an undisposed of  
23074 disputed claim, if any there be, pending in the receivership, be  
23075 required to give their consent in writing to the release of the  
23076 assets in the hands of the receiver to the bank. When the court  
23077 is satisfied of compliance with all requirements hereinbefore  
23078 contained, a decree shall be entered which shall have the effect  
23079 (1) to discharge the receiver and his surety from all liability to  
23080 all persons; (2) to revest title to all assets withheld by the





23081 receiver in the old banking corporation and to vest such  
23082 corporation with full authority to receive and deal with such  
23083 property for purposes only of effective liquidation.

23084 The publication of any notice required in this section may be  
23085 published on the Internet as provided in Section 1 of this act.

23086 **SECTION 384.** Section 81-9-71, Mississippi Code of 1972, is  
23087 amended as follows:

23088 81-9-71. (1) When the affairs of the bank shall be  
23089 completely liquidated, or liquidated in so far as it is practical  
23090 for the directors so to do, they shall make, or cause to be made,  
23091 to the chancery court of the county in which the corporation is  
23092 domiciled a final report, the correctness of which shall be sworn  
23093 to by at least one (1) director of the corporation, either upon  
23094 personal knowledge or upon information and belief, after a careful  
23095 examination of the report. Such report shall include the gross  
23096 amount of collections and the total amount of all disbursements to  
23097 common creditors, depositors, or other claimants, and the amount  
23098 of all dividends on hand belonging to common creditors,  
23099 stockholders, or others, which for any reason have not been  
23100 distributed and they shall also file as part of such report the  
23101 following books and records of said corporation, to wit: The  
23102 journal and the general ledger kept by the corporation and the  
23103 minute book of the corporation and also the ledger showing the  
23104 amount due each depositor and other creditors at the time the  
23105 corporation was created and upon which dividends were paid, or  
23106 such other books, set of books, or records used by or that were  
23107 set up by said corporation which reveal the above enumerated  
23108 facts, and if available the audit of the department of bank  
23109 supervision showing all assets and liabilities of the bank in  
23110 liquidation.

23111 (2) The directors shall file a petition for their discharge  
23112 and a dissolution of the corporation with their report, and the  
23113 final report together with said petition shall remain on file



23114 subject to the inspection of any person interested for the time  
23115 and in the manner hereinafter provided. Upon the filing of said  
23116 petition and report in the chancery clerk's office in the county  
23117 in which the corporation is domiciled, the clerk shall immediately  
23118 notify the chancellor by registered mail of the filing of said  
23119 petition and report whereupon the chancellor by order entered upon  
23120 the minutes of the court shall direct the clerk of the court to  
23121 have a notice published in some newspaper in the county wherein  
23122 the corporation is domiciled, or if none is so published, then in  
23123 some newspaper having a general circulation therein, which notice  
23124 shall state that the liquidation of the bank has been completed  
23125 and that the final report of the directors and petition for their  
23126 discharge and dissolution of the corporation are on file; that  
23127 unless written objection is filed with the clerk of the court  
23128 within forty-five (45) days from the date of the first publication  
23129 of the notice, all persons shall be forever precluded from filing  
23130 any claim against the bank, corporation, or the directors and  
23131 officers, and from questioning any of the acts of the directors or  
23132 officers except for fraud. Said notice shall be published once a  
23133 week for four (4) successive weeks.

23134 (3) Should the directors have dividends on hand belonging to  
23135 the depositors, creditors, stockholders or others which have not  
23136 been distributed, the notice hereinabove referred to shall specify  
23137 this fact, and shall give the name of each party who is entitled  
23138 to such dividend, but it shall not be necessary to give the amount  
23139 thereof. The notice shall direct that said parties call for said  
23140 dividends prior to the day set for the filing of written  
23141 objections, otherwise their claim thereto shall be forfeited. On  
23142 the day of the final hearing if there are dividends on hand which  
23143 have not been called for, the directors shall not be discharged,  
23144 or the corporation dissolved, but the chancellor by order entered  
23145 on the minutes of the court shall direct the directors to make  
23146 distribution of such unclaimed dividends to the known depositors



23147 and creditors pro rata; provided, that in the event the known  
23148 depositors and creditors have already been paid in full, such  
23149 unclaimed dividends shall be distributed to the stockholders pro  
23150 rata.

23151 (4) If on the day of the final hearing there are no  
23152 dividends on hand for distribution and there have been no  
23153 objections filed to the discharge of the directors and the  
23154 dissolution of the corporation, the chancellor shall enter an  
23155 order granting the discharge of the directors and a dissolution of  
23156 the corporation. If there are dividends on hand, the chancellor  
23157 shall direct their distribution as above provided. Should written  
23158 objections be filed to the discharge of the directors and the  
23159 dissolution of the corporation within the time above provided, the  
23160 chancellor shall set the matter for hearing in vacation or term  
23161 time as he may deem proper, and the same shall be proceeded with  
23162 as any other action in chancery. In no event shall anyone be  
23163 permitted to file objections after the time specified in the  
23164 notice above provided for.

23165 (5) Should there be any dividends not called for at the  
23166 expiration of forty-five (45) days from the date the chancellor  
23167 orders the distribution as provided in subsection (3) hereof, the  
23168 directors shall pay the same to the State Comptroller who shall  
23169 hold the same for parties entitled thereto for a period of one (1)  
23170 year from the date of the order of the chancellor directing the  
23171 distribution. If said funds are not called for before the  
23172 expiration of said period, the owners shall lose all right  
23173 thereto, and the State Comptroller shall pay the same, or so much  
23174 thereof as remains in his hands, into the State Treasury. Upon  
23175 the directors making the distribution provided for in subsection  
23176 (3) hereof, either by paying said funds to the parties entitled  
23177 thereto, or by paying the same or a part thereof to the State  
23178 Comptroller, they shall report such fact to the chancellor, who  
23179 shall enter his decree granting the discharge of the directors and



23180 the dissolution of the corporation, and the court or chancellor in  
23181 vacation, shall have the power and authority during the course of  
23182 proceedings under this section to make all such orders as he may  
23183 deem right and proper to fully carry out the purposes of this  
23184 section.

23185 (6) When the final decree of the discharge and dissolution  
23186 is entered by the court or chancellor in vacation, it shall be the  
23187 duty of the clerk to immediately turn over to the State  
23188 Comptroller all the books of the corporation which have been filed  
23189 with said cause and take a receipt from said comptroller therefor  
23190 and file said receipt with the papers in said cause. It shall be  
23191 the duty of the State Comptroller to receive said books, and  
23192 receipt therefor and to file and preserve the same in his office  
23193 as other bank records.

23194 (7) The publication of any notice required in this section  
23195 may be published on the Internet as provided in Section 1 of this  
23196 act.

23197 **SECTION 385.** Section 81-12-29, Mississippi Code of 1972, is  
23198 amended as follows:

23199 81-12-29. (1) Upon receipt of a petition for a certificate  
23200 of incorporation to form an association, the complete filing and  
23201 filing date to be determined by the commissioner, the commissioner  
23202 shall, within fifteen (15) days of the determined filing date,  
23203 give written notice to all financial institutions in the county in  
23204 which the proposed association is to be located and to all  
23205 financial institutions in the counties bordering the county in  
23206 which the proposed association is to be located. Notice shall  
23207 also be sent to all interested persons and shall be published one  
23208 (1) time in a newspaper of general circulation in the county in  
23209 which the proposed association is to be located. Such notice  
23210 shall include the subject matter of the petition and shall invite  
23211 persons to be heard by the board by sworn written statement or in  
23212 person. Any financial institution opposing approval of the



23213 petition of incorporation shall file a sworn written statement of  
23214 such opposition with the commissioner not later than the date  
23215 fixed therefor by the commissioner in his notice. The statement  
23216 of opposition shall set forth in summary form specific objections  
23217 to the incorporation of the proposed association. The protestant  
23218 shall, at the same time its statement of opposition is filed with  
23219 the commissioner, furnish the petitioner a copy of such statement  
23220 by first class United States mail. The protestant shall certify  
23221 to the commissioner that he has furnished such statement to the  
23222 petitioner.

23223       (2) Within forty-five (45) days of the determined filing  
23224 date of a petition for a certificate of incorporation to form an  
23225 association, the commissioner, in writing, shall set a date for  
23226 the hearing of such petition by the board to consider the petition  
23227 and his findings, such date to be not earlier than sixty (60) days  
23228 and not more than ninety (90) days from the determined filing date  
23229 of the petition. Written notice of such hearing date shall be  
23230 furnished by first class United States mail to the board members,  
23231 the petitioner, the petitioner's attorney, and any protestants of  
23232 record and their attorneys.

23233       (3) When the commissioner has completed the examination and  
23234 made his investigation, he shall record his findings and  
23235 recommendations in writing and present them to the board at least  
23236 fifteen (15) days prior to the hearing date set pursuant to  
23237 subsection (2) of this section.

23238       (4) Times established pursuant to this section may be  
23239 extended by the commissioner upon good cause shown.

23240       (5) The publication of any notice required in this section  
23241 may be published on the Internet as provided in Section 1 of this  
23242 act.

23243       **SECTION 386.** Section 81-12-43, Mississippi Code of 1972, is  
23244 amended as follows:



23245           81-12-43. (1) Without the prior approval of the  
23246 commissioner or the board, as provided in this chapter, no  
23247 association shall change its name or establish any office other  
23248 than its home office, which shall be in the location named in the  
23249 certificate of incorporation. No office of an association shall  
23250 be moved unless approved as provided in this chapter.

23251           (2) The name or the location of the home office of any  
23252 association fixed in the certificate of incorporation may be  
23253 changed in the following manner:

23254                 (a) The proposed new name of the association shall be  
23255 approved by a resolution adopted by the board of directors.  
23256 Immediately preceding application to the commissioner for  
23257 approval, notice of intention to change the name, signed by two  
23258 (2) officers, shall be published once a week for two (2)  
23259 successive weeks in a newspaper of general circulation in the  
23260 county in which the home office is located, and a copy of such  
23261 notice shall be displayed during such consecutive period of two  
23262 (2) weeks in a conspicuous public place in the home office of the  
23263 association. Five (5) copies of an application to the  
23264 commissioner for approval shall be signed by two (2) officers of  
23265 the association, acknowledged before an officer competent to take  
23266 acknowledgments of deeds, and filed with the commissioner. If the  
23267 application for change of name is approved, the commissioner shall  
23268 endorse on each copy of the application therefor a certificate of  
23269 approval thereof, and the change of name of such association shall  
23270 be effective immediately.

23271                 (b) (i) The proposed new location of the association  
23272 shall be approved by a resolution adopted by the board of  
23273 directors. Immediately preceding application to the commissioner  
23274 for approval, notice of intention to change the location of the  
23275 home office, signed by two (2) officers, shall be published once a  
23276 week for two (2) successive weeks in a newspaper of general  
23277 circulation in the county in which the home office is located, and



23278 a copy of such notice shall be displayed during such consecutive  
23279 period of two (2) weeks in a conspicuous public place in the home  
23280 office of the association. Five (5) copies of an application to  
23281 the commissioner for approval shall be signed by two (2) officers  
23282 of the association and acknowledged before an officer competent to  
23283 take acknowledgments of deeds, and filed with the commissioner.

23284 (ii) Whenever the commissioner shall receive from  
23285 any association pursuant to item (i) of this paragraph (b) an  
23286 application for change of location of its home office to a  
23287 municipality other than that in which it is located, he shall make  
23288 a determination based upon the criteria set out in Section  
23289 81-12-27 in the case of establishment of a newly chartered  
23290 association, and thereafter a hearing shall be held in the manner,  
23291 within the time and on the notice provided for in Section 81-12-29  
23292 and no change of location shall be made without approval of the  
23293 board.

23294 (iii) Whenever the commissioner shall receive from  
23295 any association pursuant to item (i) of this paragraph (b) an  
23296 application for change of location of its home office to another  
23297 location within the same municipality, the commissioner shall  
23298 prescribe the form of the petition, prerequisites and  
23299 requirements. If no protests are filed after notice is given as  
23300 provided in Section 81-12-29(1), the commissioner may approve such  
23301 application if it meets the established prerequisites and  
23302 requirements. If protests are filed, the commissioner, upon  
23303 reasonable notice to the applying association and its attorney and  
23304 to the protestants and their attorneys, shall hold a hearing and,  
23305 based upon his written findings at such hearing, issue a  
23306 certificate of approval or disapproval.

23307 (3) Upon approval of an application for a change of name or  
23308 home office location, the commissioner shall endorse on each copy  
23309 of such application a certificate of approval, as provided in this  
23310 chapter. When the commissioner shall have endorsed such approval



23311 upon the copies of an application for approval of change of name  
23312 or change of location of home office, he shall file one (1) copy  
23313 thereof with the Secretary of State, two (2) copies with the  
23314 federal home loan bank of which the association is a member,  
23315 return one (1) copy to the applicant association and retain the  
23316 original copy in the permanent files of his office.

23317 (4) The publication of any notice required in this section  
23318 may be published on the Internet as provided in Section 1 of this  
23319 act.

23320 **SECTION 387.** Section 81-13-1, Mississippi Code of 1972, is  
23321 amended as follows:

23322 81-13-1. (1) Any seven (7) persons who are residents of the  
23323 State of Mississippi of full age and of good moral and sound  
23324 business character eligible under this chapter to become members  
23325 of a credit union may prepare in duplicate articles of association  
23326 and incorporation, and sign the same and cause the same to be  
23327 acknowledged by one (1) of the signers before an officer competent  
23328 to take acknowledgments to the effect that the same has been  
23329 signed and executed by all of the signers. Before any credit  
23330 union may be organized and formed, the prospective incorporators  
23331 shall give notice to the Department of Banking and Consumer  
23332 Finance by petition to the Commissioner of Banking and Consumer  
23333 Finance of their desire to engage in business as a credit union  
23334 and shall at the time file with the commissioner two (2) copies of  
23335 the proposed articles of incorporation, duly sworn to by one (1)  
23336 of the prospective incorporators.

23337 (2) Upon receipt of a petition for a certificate of  
23338 incorporation to form a credit union and such additional  
23339 information as may be required by the commissioner, the  
23340 commissioner shall promptly give consideration to the petition and  
23341 make an examination of the proposed articles of incorporation to  
23342 determine if they meet all requirements of the law. The  
23343 commissioner shall then make an investigation to determine that





23344 the prerequisites of this chapter have been complied with and  
23345 that:

23346           (a) The character, responsibility and general fitness  
23347 of the persons named in the petition are such as to command  
23348 confidence and warrant belief that the business of the proposed  
23349 credit union will be honestly and efficiently conducted in  
23350 accordance with the intent and purpose of this chapter and that  
23351 the proposed credit union will have qualified management;

23352           (b) There is need for the proposed credit union to  
23353 serve the proposed field of membership, which shall be specific in  
23354 detail; and

23355           (c) The anticipated volume and type of business and  
23356 field of membership of the proposed credit union is such as to  
23357 indicate profitable operation within a reasonable time.

23358           When the commissioner has completed the examination and made  
23359 his investigation, he shall record his preliminary findings and  
23360 recommendations in writing.

23361           (3) The commissioner shall consider the findings and shall  
23362 hear such oral testimony as he may wish, and may also receive  
23363 information and hear testimony bearing upon the approval of the  
23364 organization and operation of the new credit union. When the  
23365 commissioner has completed the examination and investigation, the  
23366 commissioner shall record the findings in writing and render a  
23367 decision as to whether or not said credit union should be  
23368 authorized to do business. If the decision is favorable, the  
23369 incorporators shall then present one (1) of said copies of the  
23370 articles of association and incorporation, with a recording fee of  
23371 Ten Dollars (\$10.00) to the Secretary of State of the State of  
23372 Mississippi who shall receive and file the same, whereupon said  
23373 persons entering into said articles shall be and become an  
23374 incorporated credit union association under the laws of the State  
23375 of Mississippi, without individual liability for debts, obligation  
23376 or other liabilities of said association, in excess of such



23377 membership fees as remain due and unpaid by said members,  
23378 respectively, and may sue and be sued in the name of said  
23379 association. The Secretary of State shall record the said  
23380 articles in his office and return the original so recorded to said  
23381 association. The association shall file articles for record in  
23382 the office of the clerk of the chancery court in the county where  
23383 the principal place of business is located.

23384 (4) If the commissioner shall deny the application for such  
23385 charter, he shall notify the applicant in writing of such denial  
23386 and shall include in such notification the reason or reasons for  
23387 such denial. When any application for a charter is denied, the  
23388 applicant shall have the right to a hearing thereon by and before  
23389 the commissioner by filing, within thirty (30) days after the date  
23390 of the receipt of the notification of denial, a written petition  
23391 with the commissioner requesting such hearing. Upon the filing of  
23392 any such request, the commissioner shall fix a date for the  
23393 hearing, which date shall not be later than thirty (30) days from  
23394 the date of the filing of the request, and notice shall be given  
23395 to the public of the fact that such hearing will be held by the  
23396 publication of a notice in some newspaper published in the county  
23397 where the business is proposed to be conducted not less than ten  
23398 (10) days before the date of the hearing, which notice shall  
23399 specify the date, time, place and purpose of the hearing, said  
23400 hearing to be in the office of the commissioner in Jackson,  
23401 Mississippi. If there is no newspaper published in the county  
23402 where the business is proposed to be conducted, such notice shall  
23403 be placed in a newspaper having general circulation in such  
23404 county.

23405 (5) All such hearings shall be held and conducted in the  
23406 office of the commissioner, and the applicant and any and all  
23407 other interested persons may appear and present such evidence as  
23408 shall be relevant and material and the commissioner may cause the  
23409 production and presentation of such evidence as deemed relevant



23410 and material. At all such hearings the applicant shall have the  
23411 right to be represented by counsel and to examine and  
23412 cross-examine any and all witnesses that may testify at such  
23413 hearing. For the purpose of compelling the attendance of  
23414 witnesses at such hearing the commissioner shall have the power to  
23415 issue subpoenas therefor in the same manner as subpoenas are  
23416 issued in circuit courts. All witnesses who shall testify at any  
23417 such hearing shall be sworn in the same manner as witnesses are  
23418 sworn in the circuit courts and shall be subject to penalties for  
23419 perjury as is otherwise provided under the laws of this state.

23420 (6) At all such hearings the commissioner shall cause the  
23421 evidence presented to be taken down and a record made thereof and  
23422 the commissioner shall make a written finding and decision with  
23423 reference to the question presented and shall cause same to be  
23424 included in the record. The original of said record shall be kept  
23425 as a permanent record by the commissioner and a copy thereof shall  
23426 be furnished to the applicant. If the application for the charter  
23427 shall be denied as a result of such hearing, the applicant may  
23428 obtain a review of such denial by filing a petition for the review  
23429 of such denial within thirty (30) days from the date of such  
23430 denial to the circuit court of the county in which it is sought to  
23431 organize such credit union. The review by said court shall be on  
23432 the record made before the commissioner and copies of all  
23433 applications, bonds and other papers and documents of every kind  
23434 filed with the commissioner in connection with the application and  
23435 said hearing shall be included in said record along with the  
23436 transcript of the evidence.

23437 (7) The corporate existence of an association shall begin on  
23438 the date the certificate of incorporation is issued to the credit  
23439 union, and such existence shall be perpetual unless terminated in  
23440 accordance with the provisions of this chapter.

23441 (8) At any time the commissioner determines that a credit  
23442 union ceases to offer normal credit union services to its members



23443 as a result of a merger, voluntary liquidation, involuntary  
23444 liquidation or any other cause, the commissioner shall be  
23445 authorized to pay the required fee to record the cancellation of  
23446 the charter of the credit union in the county where originally  
23447 recorded and in the Secretary of State's office.

23448 (9) The publication of any notice required in this section  
23449 may be published on the Internet as provided in Section 1 of this  
23450 act.

23451 **SECTION 388.** Section 81-14-65, Mississippi Code of 1972, is  
23452 amended as follows:

23453 81-14-65. (1) If the commissioner does not have the  
23454 completed application within one hundred twenty (120) days of the  
23455 filing of the preliminary application, the application shall be  
23456 returned to the applicants.

23457 (2) When the commissioner has completed his examination and  
23458 investigation of the facts relevant to the establishment of the  
23459 proposed savings bank, he shall present his findings and  
23460 recommendations to the board at a public hearing. The board must  
23461 approve or reject an application within one hundred eighty (180)  
23462 days of the submission of the preliminary application.

23463 (3) Not less than forty-five (45) days prior to the public  
23464 hearing held for the consideration of the application to establish  
23465 a savings bank, the incorporators shall publish a notice in a  
23466 newspaper of general circulation in the area to be served by the  
23467 proposed savings bank. Such notice shall contain:

23468 (a) A statement that the application has been filed  
23469 with the commissioner;

23470 (b) The name of the community where the principal  
23471 office of the proposed savings bank intends to locate;

23472 (c) A statement that a public hearing shall be held to  
23473 consider the application;

23474 (d) A statement that any interested or affected party  
23475 may file a written statement either favoring or protesting the



23476 creation of the proposed savings bank. Such statement must be  
23477 filed with the commissioner within thirty (30) days of the date of  
23478 publication; and

23479 (e) When a certificate of incorporation is sought in  
23480 order to effect the acquisition of an insolvent financial  
23481 institution that is being sold pursuant to the provisions of state  
23482 or federal law, any constraints of time imposed herein shall not  
23483 apply if the commissioner determines that an emergency exists  
23484 which requires expedition in granting a certificate in order to  
23485 protect the interests of the public and the interests of the  
23486 depositors and creditors of the financial institution.

23487 (4) The board, at the public hearing, shall consider the  
23488 findings and recommendation of the commissioner and shall hear  
23489 such oral testimony as the commissioner may wish to give or be  
23490 called upon to give, and shall also receive information and hear  
23491 testimony from the incorporators of the proposed savings bank and  
23492 from any and all other interested or affected parties. The board  
23493 shall hear only testimony and receive only information which is  
23494 relevant to the consideration of the application and the operation  
23495 of the proposed savings bank.

23496 (5) The publication of any notice required in this section  
23497 may be published on the Internet as provided in Section 1 of this  
23498 act.

23499 **SECTION 389.** Section 81-14-83, Mississippi Code of 1972, is  
23500 amended as follows:

23501 81-14-83. (1) Any state savings bank may apply to the  
23502 commissioner for permission to establish a branch office. The  
23503 application shall be in such form as may be prescribed by the  
23504 commissioner and shall be approved or denied by the commissioner  
23505 within one hundred twenty (120) days of filing.

23506 (2) The commissioner shall approve a branch application when  
23507 all of the following criteria are met:



23508                   (a) The applicant has gross assets of at least Ten  
23509 Million Dollars (\$10,000,000.00);

23510                   (b) The applicant has evidenced financial  
23511 responsibility;

23512                   (c) The applicant has a net worth equal to or exceeding  
23513 the amount required by the insurer of deposit accounts;

23514                   (d) The applicant has an acceptable internal control  
23515 system. Such a system would include certain basic internal  
23516 control requirements essential to the protection of assets and the  
23517 promotion of operational efficiency regardless of the size of the  
23518 applicant.

23519           (3) Upon receipt of a branch application, the commissioner  
23520 shall examine all the relevant facts connected with the  
23521 establishment of the proposed branch office. If it appears to the  
23522 satisfaction of the commissioner that the applicant has complied  
23523 with all the requirements set forth in this section and the  
23524 regulations for the establishment of a branch office, and that the  
23525 savings bank is otherwise lawfully entitled to establish such  
23526 branch office, then the commissioner shall approve the branch  
23527 application.

23528           (4) Within ten (10) days after the filing of the branch  
23529 application with the commissioner, the applicant shall publish a  
23530 notice in a newspaper of general circulation in the area to be  
23531 served by the proposed branch office. Such notice shall contain:

23532                   (a) A statement that the branch application has been  
23533 filed with the commissioner;

23534                   (b) The proposed address of the branch office,  
23535 including city or town and street; and

23536                   (c) A statement that any interested party may file a  
23537 written statement with the commissioner, within thirty (30) days  
23538 of the date of the publication of the notice, protesting the  
23539 establishment of the proposed branch office and requesting a  
23540 hearing before the commissioner.



23541           (5) Any interested party may file a written statement with  
23542 the commissioner within thirty (30) days of the date of initial  
23543 publication of the branch application notice, protesting the  
23544 establishment of the proposed branch office and requesting a  
23545 hearing before the commissioner. If a hearing is held on the  
23546 branch application, the commissioner shall only receive  
23547 information and hear testimony from the applicant and from any  
23548 interested party which is relevant to the branch application and  
23549 the operation of the proposed branch office. The commissioner  
23550 shall issue his final decision on the branch application within  
23551 thirty (30) days following the hearing.

23552           (6) If a hearing is not held on the branch application, the  
23553 commissioner shall issue his final decision within one hundred  
23554 twenty (120) days of the filing of the application.

23555           (7) The publication of any notice required in this section  
23556 may be published on the Internet as provided in Section 1 of this  
23557 act.

23558           **SECTION 390.** Section 81-14-211, Mississippi Code of 1972, is  
23559 amended as follows:

23560           81-14-211. (1) The commissioner may take custody of the  
23561 books, records and assets of every kind of any savings bank  
23562 organized and operated under the provisions of this chapter for  
23563 any of the purposes hereinafter enumerated if it reasonably  
23564 appears from examinations or from reports made to the commissioner  
23565 that:

23566                   (a) The directors, officers or liquidators have  
23567 neglected, failed or refused to take such action which the  
23568 commissioner may deem necessary for the protection of the savings  
23569 bank, or have impeded or obstructed an examination; or

23570                   (b) The net worth of the savings bank is impaired to  
23571 the extent that the realizable value of its assets is insufficient  
23572 to pay in full its creditors and holders of deposit accounts; or



23573                   (c) The business of the savings bank is being conducted  
23574 in a fraudulent, illegal or unsafe manner, or that the savings  
23575 bank is in an unsafe or unsound condition to transact business;  
23576 (any savings bank which, except as authorized in writing by the  
23577 commissioner, fails to make full payment of any withdrawal when  
23578 due is in an unsafe or unsound condition to transact business,  
23579 notwithstanding such provisions of the certificate of  
23580 incorporation or such statutes or regulations with respect to  
23581 payment of withdrawals in event a savings bank does not pay all  
23582 withdrawals in full); or

23583                   (d) The officers, directors or employees have assumed  
23584 duties or performed acts in excess of those authorized by statute  
23585 or regulation or charter, or without supplying the required bond;  
23586 or

23587                   (e) The savings bank has experienced a substantial  
23588 dissipation of assets or earnings due to any violation of statute  
23589 or regulation, or due to any unsafe or unsound practice or  
23590 practices; or

23591                   (f) The savings bank is insolvent, or is in imminent  
23592 danger of insolvency, or has suspended its ordinary business  
23593 transactions due to insufficient funds; or

23594                   (g) The savings bank is unable to continue operations.

23595                   (2) Unless the commissioner finds that such an emergency  
23596 exists which may result in loss to members, deposit account  
23597 holders, stockholders or creditors, and which requires that he  
23598 take custody immediately, the commissioner shall first give  
23599 written notice to the directors and officers specifying the  
23600 conditions criticized and allowing a reasonable time for  
23601 corrections before a receiver shall be appointed.

23602                   (3) The purpose for which the commissioner may take custody  
23603 of a savings bank include, but are not limited to, examination or  
23604 further examination, conservation of its assets, restoration of  
23605 impaired capital, and the making of any reasonable or equitable





23606 adjustment deemed necessary by the commissioner under any plan of  
23607 reorganization.

23608       (4) If the commissioner, after taking custody of a savings  
23609 bank, finds that one or more of the reasons for having taken  
23610 custody continues to exist through the period of his custody with  
23611 little or no likelihood of amelioration of the situation, then he  
23612 shall appoint as receiver or co-receiver any qualified person,  
23613 firm or corporation for the purpose of liquidation of the savings  
23614 bank. Such receiver shall furnish bond in form, amount and with  
23615 surety as the commissioner may require. The commissioner may  
23616 appoint the institution's deposit account insurance corporation or  
23617 its nominee as the receiver. Such insuring corporation shall be  
23618 permitted to serve without posting bond.

23619       (5) In the event the commissioner appoints a receiver for a  
23620 savings bank, he shall mail a certified copy of the appointment  
23621 order by certified mail to the address of the savings bank, as it  
23622 appears on the records of the department, to any previous receiver  
23623 or other legal custodian of the savings bank and to any court or  
23624 other authority to which such previous receiver or other legal  
23625 custodian is subject. Notice of such appointment may be published  
23626 in a newspaper of general circulation in the county where the  
23627 savings bank has its principal office.

23628       (6) Whenever a receiver for a savings bank is appointed  
23629 pursuant to subsection (4), the savings bank may within thirty  
23630 (30) days thereafter bring an action in the chancery court in the  
23631 county in which the home office of the institution is located for  
23632 an order to remove such receiver.

23633       (7) The duly appointed and qualified receiver shall take  
23634 possession promptly of such savings bank in accordance with the  
23635 terms of the appointment by service of a certified copy of the  
23636 commissioner's appointment order upon the savings bank at its  
23637 principal office through the officer or employee who is present  
23638 and appears to be in charge. Immediately upon taking possession



23639 of the savings bank, the receiver shall take possession and title  
23640 of books, records and assets of the savings bank. The receiver,  
23641 by operation of law and without any conveyance or other  
23642 instrument, act or deed, shall succeed to all the rights, titles,  
23643 powers and privileges of the savings bank, its members or  
23644 stockholders, holders of deposit accounts, its officers and  
23645 directors, and to the titles of the books, records and assets of  
23646 any previous receiver or other legal custodian of the savings  
23647 bank. Such members, stockholders, holders of deposit accounts,  
23648 officers or directors shall not thereafter, except as hereinafter  
23649 expressly provided, exercise any such rights, powers or  
23650 privileges, or act in connection with any assets or property of  
23651 any nature of the savings bank in receivership. The commissioner  
23652 may at any time direct the receiver to return the savings bank to  
23653 its previous or newly constituted management. The commissioner  
23654 may provide for a meeting of the members or stockholders for any  
23655 purpose, including the election of directors or an increase in the  
23656 number of directors, or both, or the election of an entire new  
23657 board of directors for any purpose, including the filling of  
23658 vacancies on the board, the removal of officers and the election  
23659 of new officers. Any such meeting of members or stockholders, or  
23660 of directors, shall be supervised or conducted by a representative  
23661 of the commission.

23662 (8) A duly appointed and qualified receiver shall have  
23663 authority to:

23664 (a) Demand, sue for, collect, receive and take into his  
23665 possession all the goods and chattels, rights and credits, monies  
23666 and effects, lands and tenements, books, papers, choses in action,  
23667 bills, notes and property of every description of the savings  
23668 bank;

23669 (b) Foreclose mortgages, deeds of trust and other liens  
23670 executed to the savings bank to the extent the savings bank would  
23671 have had such right;



23672 (c) Institute suits for the recovery of any estate,  
23673 property, damages or demands existing in favor of the savings  
23674 bank, and shall, upon his own application, be substituted as  
23675 plaintiff in the place of the savings bank in any suit or  
23676 proceeding pending at the time of his appointment;

23677 (d) Sell, convey and assign all the property rights and  
23678 interest owned by the savings bank;

23679 (e) Appoint agents to serve at his pleasure;

23680 (f) Examine and investigate papers and persons, and  
23681 pass on claims as provided in the regulations prescribed by the  
23682 commissioner;

23683 (g) Make and carry out agreements with the insuring  
23684 corporation or with any other financial institution for the  
23685 payment or assumption of the savings bank's liabilities, in whole  
23686 or in part, and to sell, convey, transfer, pledge or assign assets  
23687 as security or otherwise and to make guarantees in connection  
23688 therewith; and

23689 (h) Perform all other acts which might be done by the  
23690 employees, officers and directors; such powers shall be continued  
23691 in effect until liquidation and dissolution, or until return of  
23692 the savings bank to its prior or newly constituted management.

23693 (9) A receiver may at any time during the receivership and  
23694 prior to final liquidation be removed and a replacement appointed  
23695 by the commissioner.

23696 (10) The commissioner may determine that such liquidation  
23697 proceedings should be discontinued. He may then remove the  
23698 receiver and restore or grant all the rights, powers and  
23699 privileges of its members and stockholders, customers, employees,  
23700 officers and directors, or newly constituted management. The  
23701 return of a savings bank to its management or to a newly  
23702 constituted management from the possession of a receiver shall, by  
23703 operation of law and without any conveyance or other instrument,  
23704 act or deed, vest in the savings bank the title to all property



23705 held by the receiver in his capacity as a receiver for the savings  
23706 bank.

23707 (11) Claims against a state savings bank in receivership  
23708 shall have the following order of priority for payment:

23709 (a) Costs, expenses and debts of the savings bank  
23710 incurred on or after the date of the appointment of the receiver,  
23711 including compensation for the receiver;

23712 (b) Claims of holders of deposit accounts;

23713 (c) Claims of general creditors;

23714 (d) Claims of stockholders of a stock savings bank;

23715 (e) All remaining assets to members and stockholders in  
23716 an amount proportionate to their holdings as of the date of the  
23717 appointment of the receiver.

23718 (12) All claims of each class of priority described in  
23719 subsection (11) shall be paid in full so long as sufficient assets  
23720 remain. Members of the class for which the receiver cannot make  
23721 payment in full because assets will be depleted shall be paid an  
23722 amount proportionate to their total claims.

23723 (13) The commissioner shall have the authority to direct the  
23724 payment of claims for which no provision is herein made, and may  
23725 direct the payment of claims within a class. The commissioner  
23726 shall have the authority to promulgate rules and regulations  
23727 governing the payment of claims by an institution in receivership.

23728 (14) When all assets of the savings bank have been fully  
23729 liquidated, all claims and expenses have been paid or settled and  
23730 the receiver has recommended a final distribution, the dissolution  
23731 of the savings bank in receivership shall be accomplished in the  
23732 following manner:

23733 (a) The receiver shall file with the commissioner a  
23734 detailed report, in a form to be prescribed by the commissioner,  
23735 of his acts and proposed final distribution and dissolution.

23736 (b) Upon the commissioner's approval of the final  
23737 report of the receiver, the receiver shall provide such notice,



23738 and thereafter shall make such final distribution, in such manner  
23739 as the commissioner may direct.

23740 (c) When a final distribution has been made, except as  
23741 to any unclaimed funds, the receiver shall deposit such unclaimed  
23742 funds with the commissioner and shall deliver to the commissioner  
23743 all books and records of the dissolved institution.

23744 (d) Upon final dissolution of the savings bank in  
23745 receivership or at such time the receiver is relieved of his  
23746 duties, the commissioner shall cause an audit to be conducted,  
23747 during which the receiver shall be available to assist. The  
23748 accounts of the receiver shall then be ruled upon by the  
23749 commissioner and, if approved, the receiver shall thereupon be  
23750 given a final and complete discharge and release.

23751 (15) The publication of any notice required in this section  
23752 may be published on the Internet as provided in Section 1 of this  
23753 act.

23754 **SECTION 391.** Section 81-14-261, Mississippi Code of 1972, is  
23755 amended as follows:

23756 81-14-261. (1) Each savings bank shall hold an annual  
23757 meeting of its members or stockholders. The annual meeting shall  
23758 be held at a time and place as provided in the bylaws or  
23759 determined by the board of directors.

23760 (2) The board of directors of a mutual savings bank shall  
23761 publish once a week for two (2) weeks preceding such meeting, in a  
23762 newspaper of general circulation in the county where such savings  
23763 bank has its principal office, a notice of the annual meeting.  
23764 Such notice shall be signed by the savings bank's secretary and  
23765 shall state the time and place where it is to be held. In  
23766 addition to the foregoing notice, each savings bank shall  
23767 disseminate additional notice of any annual meeting to all members  
23768 entering the premises of any office or branch of the savings bank  
23769 in the regular course of business by posting therein, in full view  
23770 of the public and such members, one or more conspicuous signs or



23771 placards announcing the time, date and place of the meeting and  
23772 the availability of additional information. Printed matter shall  
23773 be freely available to such members containing any information as  
23774 prescribed in rules and regulations issued by the commissioner.  
23775 Such additional notice shall be given at any time within the  
23776 period of sixty (60) days prior to and fourteen (14) days prior to  
23777 the meeting and shall continue through the time of the meeting.

23778 (3) The board of directors of a stock savings bank shall  
23779 cause a written or printed notice signed by the savings bank's  
23780 secretary, and stating the time and place of the annual meeting to  
23781 be delivered not less than ten (10) days nor more than fifty (50)  
23782 days before the date of the meeting, either personally or by mail  
23783 to each stockholder of record entitled to vote at the meeting. If  
23784 mailed, such notice shall be deemed to be delivered when deposited  
23785 in the United States Postal Service addressed to the stockholder  
23786 at his address as it appears on the records of the corporation,  
23787 with postage thereon prepaid.

23788 (4) The publication of any notice required in this section  
23789 may be published on the Internet as provided in Section 1 of this  
23790 act.

23791 **SECTION 392.** Section 81-19-35, Mississippi Code of 1972, is  
23792 amended as follows:

23793 81-19-35. When any license application is denied or any  
23794 active license is revoked, the applicant or licensee has a right  
23795 to a hearing before the commissioner at which the applicant or  
23796 licensee may be represented by counsel. The demand for a hearing  
23797 shall be in writing and shall be made within thirty (30) days  
23798 after receipt of the denial or revocation. The commissioner shall  
23799 set a date and time for the hearing no later than thirty (30) days  
23800 after receipt of the demand. Public notice of the hearing shall  
23801 be published in a newspaper of general circulation in the county  
23802 where the license is proposed or is being operated. Such notice  
23803 shall appear not less than ten (10) days before the date of the



23804 hearing and shall contain the date, time, place, identity of the  
23805 parties involved and the purpose for which the hearing is to be  
23806 held. All hearings shall be held in the office of the  
23807 commissioner.

23808 Any action of the commissioner after the hearing may be  
23809 appealed by the applicant or licensee within ten (10) days from  
23810 the date of such action by a writ of certiorari to the circuit  
23811 court of the county where the business is proposed to be conducted  
23812 or is being conducted, as provided by law in such cases.

23813 The review by the court shall be on the record made before  
23814 the commissioner; and copies of all applications, bonds and other  
23815 papers and documents of every kind filed with the commissioner and  
23816 the hearing shall be included in the record along with the  
23817 transcript of the evidence.

23818 The publication of any notice required in this section may be  
23819 published on the Internet as provided in Section 1 of this act.

23820 **SECTION 393.** Section 81-27-6.102, Mississippi Code of 1972,  
23821 is amended as follows:

23822 81-27-6.102. (a) The proposed transferee seeking approval  
23823 to acquire control of a state trust company or a person that  
23824 controls a state trust company must file with the commissioner:

23825 (1) An application in the form prescribed by the  
23826 commissioner;

23827 (2) The filing fee required by statute, rule or  
23828 regulation;

23829 (3) All information required by rule or that the  
23830 commissioner requires in a particular application as necessary to  
23831 an informed decision to approve or reject the proposed  
23832 acquisition.

23833 (b) If the proposed transferee includes any group of  
23834 individuals or entities acting in concert, the information  
23835 required by the commissioner may be required of each member of the  
23836 group.



23837           (c) Information obtained by the commissioner under this  
23838 section is confidential and may not be disclosed by the  
23839 commissioner or any employee of the department except as provided  
23840 by Subarticle B of Article 2 of this chapter.

23841           (d) If the proposed transferee is not a Mississippi  
23842 resident, a Mississippi corporation, or an out-of-state  
23843 corporation qualified to do business in this state, a written  
23844 consent to service of process on a resident of this state in any  
23845 action or suit arising out of or connected with the proposed  
23846 acquisition.

23847           (e) The proposed transferee must publish notice of the  
23848 application, its date of filing, and the identity of each  
23849 participant, in the form specified by the commissioner, in a  
23850 newspaper of general circulation in the county where the state  
23851 trust company's home office is located, promptly after the  
23852 commissioner accepts the application as complete. Publication of  
23853 notice of an application filed in contemplation of a public tender  
23854 offer subject to the requirements of 15 USCS Section 78n(d)(1) may  
23855 be deferred for not more than thirty-four (34) days after the date  
23856 the application is filed if:

23857               (1) The proposed transferee requests confidential  
23858 treatment and represents that a public announcement of the tender  
23859 offer and the filing of appropriate forms with the Securities and  
23860 Exchange Commission or the appropriate federal banking agency, as  
23861 applicable, will occur within the period of deferral; and

23862               (2) The commissioner determines that the public  
23863 interest will not be harmed by the requested confidential  
23864 treatment.

23865           (f) The commissioner may waive the requirement that a notice  
23866 be published or permit delayed publication on a determination that  
23867 waiver or delay is in the public interest.





23868       (g) The publication of any notice required in this section  
23869 may be published on the Internet as provided in Section 1 of this  
23870 act.

23871       **SECTION 394.** Section 81-27-8.003, Mississippi Code of 1972,  
23872 is amended as follows:

23873       81-27-8.003. If the commissioner shall approve the  
23874 liquidation, the commissioner shall issue to the state trust  
23875 company under the commissioner's seal, a permit for such purpose.  
23876 No such permit shall be issued by the commissioner until the  
23877 commissioner shall be satisfied that provision has been made by  
23878 the state trust company to satisfy and pay off all creditors. If  
23879 not so satisfied, the commissioner shall refuse to issue a permit,  
23880 and shall be authorized to take possession of the state trust  
23881 company and its assets and business, and hold the same and  
23882 liquidate the state trust company in the manner provided in this  
23883 chapter. When the commissioner shall approve the voluntary  
23884 liquidation of a state trust company, the directors of the state  
23885 trust company shall cause to be published in a newspaper in the  
23886 county in which the same is located, or if no newspaper is  
23887 published in such county, then in a newspaper having a general  
23888 circulation in such county, a notice that the state trust company  
23889 is closing down its affairs and going into liquidation, and notify  
23890 its creditors to present their claims for payment. Such notice  
23891 shall be published once a week for four (4) consecutive weeks.

23892       The publication of any notice required in this section may be  
23893 published on the Internet as provided in Section 1 of this act.

23894       **SECTION 395.** Section 81-27-8.110, Mississippi Code of 1972,  
23895 is amended as follows:

23896       81-27-8.110. Notice shall be given by advertisement once a  
23897 week for four (4) consecutive weeks in a newspaper published in  
23898 the county where the state trust company is located, or if no  
23899 newspaper is published in the county, then in some newspaper  
23900 having a general circulation in the county, calling on all persons



23901 who may have claims against the state trust company to present the  
23902 same to the commissioner at the office of the state trust company,  
23903 and within the time to be specified in the notice which time shall  
23904 not be less than ninety (90) days from the date of the first  
23905 publication. A copy of this notice shall be mailed to all persons  
23906 whose names appear as creditors upon the books of the state trust  
23907 company. Affidavit by the commissioner, or agent mailing the  
23908 notice, to the effect that the notice was mailed shall be  
23909 conclusive evidence thereof.

23910 The publication of any notice required in this section may be  
23911 published on the Internet as provided in Section 1 of this act.

23912 **SECTION 396.** Section 81-27-8.117, Mississippi Code of 1972,  
23913 is amended as follows:

23914 81-27-8.117. Whenever the commissioner shall have paid all  
23915 the expenses of liquidation and shall have paid to each and every  
23916 creditor of such state trust company, whose claims shall have been  
23917 duly proven and allowed, the full amount of such claims, and shall  
23918 have made proper provision for unclaimed and unpaid and disputed  
23919 claims, and shall have in hand other assets of the state trust  
23920 company, the commissioner shall call a meeting of the shareholders  
23921 or participants of the state trust company by giving notice  
23922 thereof by publication once a week for four (4) consecutive weeks  
23923 in a newspaper published in the county, or if no newspaper is  
23924 published in the county, then in a newspaper having general  
23925 circulation in the county, and by mailing a copy of such notice to  
23926 each shareholder's or participant's address as the same shall  
23927 appear upon the books of the state trust company. Affidavit of  
23928 the mailing of the notice herein required and of the printer as to  
23929 the publication shall be conclusive evidence of notice hereunder.  
23930 At such meeting any shareholders or participants may be  
23931 represented by proxy and the shareholders or participants shall  
23932 elect, by a majority vote of the stock present, an agent or agents  
23933 who shall be authorized to receive from the commissioner all the



23934 assets of the state trust company then remaining in the  
23935 commissioner's hands; and the commissioner shall cause to be  
23936 transferred and delivered to the agent, or agents, all such assets  
23937 of the state trust company. The commissioner shall thereupon  
23938 cause to be filed in the office of the chancery clerk in the  
23939 pending actions a full and complete report of all his  
23940 transactions, showing the assets of the state trust company so  
23941 transferred, together with the name of the agent or agents  
23942 receipting for the same; and the filing of such report shall act  
23943 as a full and complete discharge of the commissioner from all  
23944 further liabilities by reason of the liquidation of the state  
23945 trust company. Such agent, or agents, shall convert the assets  
23946 coming into his or her hands, or their hands, into cash, and shall  
23947 make distribution to the shareholders or participants of the state  
23948 trust company as herein provided. The agent, or agents, shall  
23949 file semiannually a report of all transactions with the chancery  
23950 court of the county in which the state trust company is located,  
23951 and with the commissioner, and shall be allowed for such services  
23952 such fees not in excess of five percent (5%), as may be fixed by  
23953 the court. In case of death, removal or refusal to act, of any  
23954 agent or agents elected by the shareholders or participants, the  
23955 commissioner shall, upon report of such action on the part of such  
23956 agent or agents to the chancery court of the county in which the  
23957 state trust company is located, turn over to the chancery court  
23958 for the stockholders of the state trust company, all the remaining  
23959 assets of the state trust company, file the required report and be  
23960 discharged from any and all further liability to the shareholders  
23961 or participants as herein provided. The assets, when turned over  
23962 to the chancery court hereunder, shall remain in the hands of the  
23963 court until such time as, by court order or by action of the  
23964 shareholders or participants, distribution shall be provided for.

23965 The publication of any notice required in this section may be  
23966 published on the Internet as provided in Section 1 of this act.



23967           **SECTION 397.** Section 81-27-8.124, Mississippi Code of 1972,  
23968 is amended as follows:

23969           81-27-8.124. In all cases of insolvency and liquidation  
23970 provided in this article, the chancery clerk of any county in  
23971 which such indenture, deed of trust or other instrument of like  
23972 character is recorded, shall, upon the verified petition of any  
23973 person interested in any such trust, either as trustee,  
23974 beneficiary or otherwise, which interest shall be set out in the  
23975 petition, enter an order directing service on all interested  
23976 parties either personally or by the publication in some newspaper  
23977 published in the county, or in some adjoining county if no  
23978 newspaper is published in the county where such application is  
23979 made, a notice directed to all persons concerned, commanding and  
23980 requiring all persons having any interest in the trust, appear in  
23981 the clerk's office at a day designated in the order and notice,  
23982 not less than thirty (30) days from the date thereof, and show  
23983 cause why a new trustee shall not be appointed.

23984           The publication of any notice required in this section may be  
23985 published on the Internet as provided in Section 1 of this act.

23986           **SECTION 398.** Section 83-1-29, Mississippi Code of 1972, is  
23987 amended as follows:

23988           83-1-29. Whenever it shall appear to the commissioner, upon  
23989 examination or other evidence, that a foreign insurance company is  
23990 in an unsound condition, or upon notification by the State Tax  
23991 Commission that the company is delinquent in the payment of taxes  
23992 due the state, or that it has failed to comply with the law, or  
23993 that it, its officers, or agents, refused to submit to examination  
23994 or to perform any legal obligation in relation thereto, he shall  
23995 revoke or suspend all certificates of authority granted to it or  
23996 its agents, and shall cause notification thereof to be published  
23997 in one or more newspapers published in this state. No new  
23998 business shall thereafter be done by it or its agents in this  
23999 state while such default or disability continues, nor until its



24000 authority to do business is restored by the commissioner. If,  
24001 upon examination, he is of the opinion that any domestic insurance  
24002 company is insolvent, or has exceeded its powers, or has failed to  
24003 comply with any provision of law applicable to it, or that its  
24004 condition is such as to render its further proceeding hazardous to  
24005 the public or its policyholders, or upon notification by the State  
24006 Tax Commission that the company is delinquent in the payment of  
24007 taxes due the state, he shall suspend its license. If he deems it  
24008 necessary, he shall apply to a judge of the chancery court to  
24009 issue an injunction restraining it, in part or in whole from  
24010 further proceeding with its business. Such judge may, in his  
24011 discretion, issue the injunction forthwith or upon notice and  
24012 hearing thereon and, after a full hearing of the matter, may  
24013 dissolve or modify such injunction or make it permanent, may make  
24014 all orders and decrees needful in the premises, and may appoint  
24015 agents or receivers to take possession of the property or effects  
24016 of the company and to settle its affairs, subject to such rules  
24017 and orders as the court may, from time to time, prescribe  
24018 according to the course of proceedings in equity.

24019 The publication of any notice required in this section may be  
24020 published on the Internet as provided in Section 1 of this act.

24021 **SECTION 399.** Section 83-19-105, Mississippi Code of 1972, is  
24022 amended as follows:

24023 83-19-105. The commissioner of insurance shall hold a public  
24024 hearing upon the terms, conditions and provisions of the proposed  
24025 plan of merger, consolidation or exchange to determine if it is  
24026 reasonable, fair and in the public interest. At such hearing the  
24027 shareholders and the policyholders of each such corporation, and  
24028 any other interested parties, shall have the right to appear and  
24029 to become parties to the proceeding.

24030 Such hearing shall be commenced not less than thirty (30)  
24031 days after the date on which such plan is submitted to the  
24032 commissioner. The hearing shall be held at such place, date and



24033 time as the commissioner shall specify. Notice of the hearing  
24034 shall be published in a newspaper having general circulation in  
24035 the city or cities wherein are located the principal office of  
24036 each corporation which is a party to the plan once a week for two  
24037 (2) successive weeks, the last publication of such notice to be  
24038 not more than two (2) weeks prior to the hearing date. Written  
24039 notice of the hearing shall be mailed at least ten (10) days prior  
24040 to the hearing by each such corporation to each of their  
24041 respective shareholders. All expenses of publication shall be  
24042 borne as specified in the plan.

24043 The publication of any notice required in this section may be  
24044 published on the Internet as provided in Section 1 of this act.

24045 **SECTION 400.** Section 85-7-125, Mississippi Code of 1972, is  
24046 amended as follows:

24047 85-7-125. The enforcement of the owner's lien against an  
24048 occupant who is in default shall be in accordance with the  
24049 following:

24050 (a) No enforcement action shall be taken by the owner,  
24051 other than denial of access, as provided for in the rental  
24052 agreement until the occupant has been in default continuously for  
24053 a period of fourteen (14) days.

24054 (b) During the default period the occupant shall be  
24055 notified in writing. The notice shall be delivered in person or  
24056 sent by United States certified mail, return receipt requested, to  
24057 the last known address of the occupant. Notices shall be deemed  
24058 delivered when deposited in the United States mail with postage  
24059 paid. The notice shall include an itemized statement of the  
24060 owner's claim showing the sum due at the time of the notice, the  
24061 date when the sum became due and any other sums that shall accrue.  
24062 The notice shall also include a demand for payment of the sum due  
24063 within a specified time not less than fourteen (14) days after the  
24064 date of the notice, a statement that the contents of the  
24065 occupant's lease space are subject to the owner's lien, the name,



24066 street address and telephone number of the owner, or his  
24067 designated agent, whom the occupant may contact to respond to the  
24068 notice, a conspicuous statement that unless the claim is paid  
24069 within the time stated, the personal property will be advertised  
24070 for public or private sale or will be otherwise disposed of at a  
24071 specified time and place.

24072 (c) After the expiration of the time given in the  
24073 owner's notice, the owner shall publish, in legal notices,  
24074 advertisement of the sale to the highest bidder in a newspaper of  
24075 general circulation where the self-storage facility is located.  
24076 The notice shall include the address of the self-storage facility  
24077 where the personal property is located, and the name of the  
24078 occupant, and the time, place and manner of the sale.

24079 (d) A sale to the highest bidder shall take place not  
24080 sooner than fifteen (15) days after the publication. If there is  
24081 no newspaper of general circulation in the county in which the  
24082 self-storage facility is located, the advertisement shall be  
24083 posted at least ten (10) days before the date of the sale and in  
24084 not less than six (6) conspicuous places in the neighborhood where  
24085 the self-storage facility is located.

24086 (e) If no one purchases the property at the sale and if  
24087 the owner has complied with the foregoing procedures, the owner  
24088 may otherwise dispose of the property. Any sale or disposition of  
24089 the personal property shall be held at the self-storage facility  
24090 or at the nearest suitable place to the place the personal  
24091 property is held or stored.

24092 The publication of any notice required in this section may be  
24093 published on the Internet as provided in Section 1 of this act.

24094 **SECTION 401.** Section 85-7-251, Mississippi Code of 1972, is  
24095 amended as follows:

24096 85-7-251. (1) The owner of a motor vehicle that has been  
24097 towed at his request or at the direction of a law enforcement  
24098 officer, or towed upon request of a real property owner upon whose



24099 property a vehicle has been left without permission of the real  
24100 property owner for more than five (5) days, shall be liable for  
24101 the reasonable price of towing and storage of such vehicle; and  
24102 the towing company to whom the price of such labor and storage  
24103 costs may be due shall have the right to retain possession of such  
24104 motor vehicle until the price is paid.

24105       (2) Within twenty-four (24) hours, the towing company shall  
24106 report to the local law enforcement agency having jurisdiction any  
24107 vehicle that has been towed unless the vehicle was towed at the  
24108 request of the owner of the vehicle. If the owner of a towed  
24109 vehicle has not contacted the towing company within five (5)  
24110 business days of the initial tow, the towing company shall obtain  
24111 from the appropriate authority the names and addresses of any  
24112 owner and lienholder. If the information from the appropriate  
24113 authority fails to disclose the owner or lienholder, a good faith  
24114 effort shall be made by the towing company to locate ownership,  
24115 including a check for tag information, inspection sticker, or any  
24116 papers in the vehicle that may indicate ownership. Upon location  
24117 of the owner and lienholder, the towing company shall notify them  
24118 by registered mail of the amount due for towing, postmarked no  
24119 later than the tenth day following the initial tow. If such  
24120 amount shall not be paid within thirty (30) days from the initial  
24121 tow, the towing company to whom such charges are payable shall  
24122 notify by certified mail any legal owner and holder of any lien,  
24123 as disclosed by the motor vehicle title records or other  
24124 investigation, of notice of sale of the property. If such  
24125 property has not been redeemed within ten (10) days after the  
24126 mailing of the certified letter, the towing company may commence  
24127 sale of the property at public auction. The towing company shall  
24128 publish for two (2) consecutive weeks a notice of sale in the  
24129 newspaper having circulation in the county where the vehicle was  
24130 initially towed. The proceeds of the sale of such property in  
24131 excess of the amount needed to pay the towing, reasonable storage





24132 and necessary expenses of the procedures required by this section  
24133 shall be held by the towing company for a period of six (6)  
24134 months, and, if not reclaimed by the owner thereof within such  
24135 time, shall become the property of the county and be paid to the  
24136 chancery clerk of the county in which the sale was held to be  
24137 deposited into the county general fund, subject, however, to any  
24138 rights of the recorded lienholder.

24139 (3) The failure to make a good faith effort to comply with  
24140 the requirements of this section shall preclude the imposition of  
24141 any storage charges or towing charges against the towed vehicle.

24142 (4) Every towing company shall maintain accurate records for  
24143 a period of three (3) years, which records shall identify the  
24144 vehicles it has towed and stored and all procedures that it has  
24145 taken to comply with the provisions of this chapter.

24146 (5) The publication of any notice required in this section  
24147 may be published on the Internet as provided in Section 1 of this  
24148 act.

24149 **SECTION 402.** Section 89-1-55, Mississippi Code of 1972, is  
24150 amended as follows:

24151 89-1-55. All lands comprising a single tract, and wholly  
24152 described by the subdivisions of the governmental surveys, sold  
24153 under mortgages and deeds of trust, shall be sold in the manner  
24154 provided by Section 111 of the Constitution for the sale of lands  
24155 in pursuance of a decree of court, or under execution. All lands  
24156 sold at public outcry under deeds of trust or other contracts  
24157 shall be sold in the county in which the land is located, or in  
24158 the county of the residence of the grantor, or one (1) of the  
24159 grantors in the trust deed, provided that where the land is  
24160 situated in two (2) or more counties, the parties may contract for  
24161 a sale of the whole in any of the counties in which any part of  
24162 the land lies. Sale of said lands shall be advertised for three  
24163 (3) consecutive weeks preceding such sale, in a newspaper  
24164 published in the county, or, if none is so published, in some



24165 paper having a general circulation therein, and by posting one (1)  
24166 notice at the courthouse of the county where the land is situated,  
24167 for said time, and such notice and advertisement shall disclose  
24168 the name of the original mortgagor or mortgagors in said deed of  
24169 trust or other contract. No sale of lands under a deed of trust  
24170 or mortgage, shall be valid unless such sale shall have been  
24171 advertised as herein provided for, regardless of any contract to  
24172 the contrary. An error in the mode of sale such as makes the sale  
24173 void will not be cured by any statute of limitations, except as to  
24174 the ten-year statute of adverse possession.

24175 The publication of any notice required in this section may be  
24176 published on the Internet as provided in Section 1 of this act.

24177 **SECTION 403.** Section 89-11-31, Mississippi Code of 1972, is  
24178 amended as follows:

24179 89-11-31. Any severed minerals which escheat to the state  
24180 under the provisions of Section 89-11-1 et seq. shall, within six  
24181 (6) months after the rendition of a final decree declaring the  
24182 property escheated to the state, be sold at the door of the  
24183 courthouse in the county, or in the judicial district in counties  
24184 having more than one (1) such district, wherein the mineral estate  
24185 is located. Provided, however, that no mineral interest shall be  
24186 sold if it is still producing income. Notice and advertisement of  
24187 such sale shall be published each week for three (3) consecutive  
24188 weeks in a newspaper published in the county, if any, and if no  
24189 newspaper be published in a county, then in a newspaper having  
24190 general circulation in the county and in a newspaper having a  
24191 general circulation within the state, the first such publication  
24192 to appear at least fifteen (15) days prior to the date fixed in  
24193 said notice for such sale. Each severed mineral interest shall be  
24194 sold to the highest and best bidder, except that the owner of the  
24195 surface estate in which the subject mineral estate was severed  
24196 may, at such sale, match the highest and best bid and be allowed  
24197 to purchase said severed mineral estate, upon showing proper proof



24198 of ownership of all or part of the surface estate. The sale shall  
24199 be continued from day to day, except Sundays, between the hours of  
24200 8:30 a.m. and 4:30 p.m. until completed.

24201 The publication of any notice required in this section may be  
24202 published on the Internet as provided in Section 1 of this act.

24203 **SECTION 404.** Section 89-12-27, Mississippi Code of 1972, is  
24204 amended as follows:

24205 89-12-27. (1) Within one hundred twenty (120) days from the  
24206 filing of the report required by Section 89-12-23, the Treasurer  
24207 shall cause notice to be published in a newspaper having general  
24208 circulation in the county of this state in which is located the  
24209 last-known address of any person to be named in the notice. If no  
24210 address is listed or if the address is outside this state, the  
24211 notice shall be published in the county in which the holder of the  
24212 abandoned property has his or her principal place of business in  
24213 this state.

24214 (2) The published notice shall be entitled "Notice of names  
24215 of persons appearing to be owners of abandoned property," and  
24216 shall contain:

24217 (a) The names in alphabetical order and last-known  
24218 addresses, if any, of persons listed in the report and entitled to  
24219 notice in the county as specified in subsection (1) of this  
24220 section;

24221 (b) A statement that information concerning the amount  
24222 or description of the property and the name and address of the  
24223 holder may be obtained by any persons possessing an interest in  
24224 the property by addressing an inquiry to the Treasurer; and

24225 (c) A statement that any person claiming an interest in  
24226 the property must file a proof of claim with the Treasurer as set  
24227 forth in Section 89-12-39.

24228 (3) The Treasurer shall not be required to publish in the  
24229 notice any item of less than One Hundred Dollars (\$100.00) unless  
24230 he deems publication to be in the public interest.



24231           (4) Within one hundred twenty (120) days from the receipt of  
24232 the report required by Section 89-12-23, the Treasurer shall mail  
24233 a notice to each person having an address listed therein who  
24234 appears to be entitled to property valued at One Hundred Dollars  
24235 (\$100.00) or more and presumed abandoned under the provisions of  
24236 this chapter.

24237           (5) The mailed notice shall contain:

24238                   (a) A statement that property is being held to which  
24239 the addressee appears entitled;

24240                   (b) A statement that any person claiming an interest in  
24241 the property must file a proof of claim with the Treasurer as set  
24242 forth in Section 89-12-39.

24243           (6) This section shall not be applicable to sums payable on  
24244 traveler's checks or money orders presumed abandoned under the  
24245 provisions of Section 89-12-5.

24246           (7) The publication of any notice required in this section  
24247 may be published on the Internet as provided in Section 1 of this  
24248 act.

24249           **SECTION 405.** Section 91-7-55, Mississippi Code of 1972, is  
24250 amended as follows:

24251           91-7-55. Before the temporary administrator shall act as  
24252 such, he shall take and subscribe an oath at or prior to the time  
24253 of his appointment to faithfully discharge the duties required of  
24254 him by law as such temporary administrator, and shall give bond,  
24255 payable to the state, in such penalty and with such sureties as  
24256 may be approved by the court or clerk, conditioned for the  
24257 faithful discharge of the duties required of him as such temporary  
24258 administrator by law or by order of the court or clerk.

24259 Thereupon, the estate shall be appraised as now provided by law  
24260 upon the grant of letters testamentary or of administration,  
24261 unless the same shall be dispensed with by the court or clerk.

24262 The temporary administrator shall make and return to the court a  
24263 complete inventory of the estate, as is required by law to be made



24264 by executors in general or regular administrators, and, as soon as  
24265 practicable, shall publish the notice provided by law to be  
24266 published by executors and administrators, requiring creditors to  
24267 have their claims against the estate probated and registered. All  
24268 the provisions of the law governing such notice, the proof and  
24269 registering of claims, and the bar of such as are not proved and  
24270 registered shall apply when the notice is published by the  
24271 temporary administrator, as when published by an executor or a  
24272 general or regular administrator. When the temporary  
24273 administrator shall have published such notice, no further notice  
24274 to creditors to have their claims probated and registered shall be  
24275 given or published upon any subsequent grant of letters  
24276 testamentary or of administration; and where the estate has been  
24277 appraised upon the appointment of a temporary administrator, no  
24278 other appraisal shall be made upon the grant of letters  
24279 testamentary or of the administration thereafter, unless the court  
24280 or clerk shall deem the appraisal necessary or advisable.

24281 The publication of any notice required in this section may be  
24282 published on the Internet as provided in Section 1 of this act.

24283 **SECTION 406.** Section 91-7-68, Mississippi Code of 1972, is  
24284 amended as follows:

24285 91-7-68. Upon the death intestate of any person under legal  
24286 disability for whom a guardian, conservator or other fiduciary has  
24287 been appointed by a court of competent jurisdiction and is  
24288 serving, the judge or clerk of such court, upon proof of death of  
24289 such person, may issue letters of administration to the already  
24290 acting fiduciary, unless some relative or other person entitled to  
24291 administer the estate shall within thirty (30) days after the  
24292 death of such person apply to the court for such administration.  
24293 Upon the issuance of letters of administration to the already  
24294 acting fiduciary, such fiduciary shall thereupon publish notice to  
24295 creditors and administer the decedent's estate in the manner  
24296 required by law. Such fiduciary's bond shall continue in force



24297 and he shall make only one (1) final account, unless the court, on  
24298 the motion of any interested party or its own motion, shall  
24299 require additional bond or accounting.

24300 The publication of any notice required in this section may be  
24301 published on the Internet as provided in Section 1 of this act.

24302 **SECTION 407.** Section 91-7-145, Mississippi Code of 1972, is  
24303 amended as follows:

24304 91-7-145. (1) The executor or administrator shall make  
24305 reasonably diligent efforts to identify persons having claims  
24306 against the estate. Such executor or administrator shall mail a  
24307 notice to persons so identified, at their last known address,  
24308 informing them that a failure to have their claim probated and  
24309 registered by the clerk of the court granting letters within  
24310 ninety (90) days after the first publication of the notice to  
24311 creditors will bar such claim as provided in Section 91-7-151.

24312 (2) The executor or administrator shall file with the clerk  
24313 of the court an affidavit stating that such executor or  
24314 administrator has made reasonably diligent efforts to identify  
24315 persons having claims against the estate and has given notice by  
24316 mail as required in subsection (1) of this section to all persons  
24317 so identified. Upon filing such affidavit, it shall be the duty  
24318 of the executor or administrator to publish in some newspaper in  
24319 the county a notice requiring all persons having claims against  
24320 the estate to have the same probated and registered by the clerk  
24321 of the court granting letters, which notice shall state the time  
24322 when the letters were granted and that a failure to probate and  
24323 register within ninety (90) days after the first publication of  
24324 such notice will bar the claim. The notice shall be published for  
24325 three (3) consecutive weeks, and proof of publication shall be  
24326 filed with the clerk. If a paper be not published in the county,  
24327 notice by posting at the courthouse door and three (3) other  
24328 places of public resort in the county shall suffice, and the  
24329 affidavit of such posting filed shall be evidence thereof in any



24330 controversy in which the fact of such posting shall be brought  
24331 into question.

24332 (3) The filing of proof of publication as provided in this  
24333 section shall not be necessary to set the statute of limitation to  
24334 running, but proof of publication shall be filed with the clerk of  
24335 the court in which the cause is pending at any time before a  
24336 decree of final discharge shall be rendered; and the time for  
24337 filing proof of publication shall not be limited to the ninety-day  
24338 period in which creditors may probate claims.

24339 (4) The publication of any notice required in this section  
24340 may be published on the Internet as provided in Section 1 of this  
24341 act.

24342 **SECTION 408.** Section 91-7-269, Mississippi Code of 1972, is  
24343 amended as follows:

24344 91-7-269. When the time for probating and registering claims  
24345 has elapsed, the court shall cause notice to be inserted for three  
24346 (3) successive weeks in some newspaper published in the county  
24347 that at a time fixed the claims will be taken up for examination  
24348 and adjudication by the court or by the clerk in vacation, as the  
24349 order may designate, that all claims not required by law to be  
24350 probated and registered must be filed with the clerk by the day  
24351 named in the notice, and that all creditors may attend. At the  
24352 time appointed the court shall examine into the validity of each  
24353 claim which has been probated and registered and such other claims  
24354 as may have been filed with the clerk. The executor or  
24355 administrator or any creditor may object to any claim, and the  
24356 court shall hear evidence in support of the objection, shall allow  
24357 any claim that should be allowed, and shall reject in whole or in  
24358 part any which is in whole or in part not well-founded. It shall  
24359 not be necessary for any creditor to refile with the clerk any  
24360 claim which has been duly probated and registered within the time  
24361 and in the manner required by law. All other claims, unless filed  
24362 with the clerk by the day named in the notice, shall not be



24363 allowed; but lawful claims, not required to be probated and  
24364 registered, which are not filed with the clerk by the day named in  
24365 the notice shall not be barred as to any surplus that remains  
24366 after paying in full all claims allowed by the court at the  
24367 examination and adjudication named in the notice. Provided,  
24368 however, that in cases where the executor or administrator shall  
24369 have, prior to the adjudication of insolvency, paid any claim or  
24370 claims, whether probated and registered or not, such executor or  
24371 administrator shall have the right by the day named in the notice,  
24372 to file with the clerk a verified itemized statement of the amount  
24373 which has been paid thereon, and obtain allowance therefor in the  
24374 same amount to which the creditor or creditors, whose claim or  
24375 claims had been so paid, would have been entitled had such  
24376 creditor filed the claim.

24377 The publication of any notice required in this section may be  
24378 published on the Internet as provided in Section 1 of this act.

24379 **SECTION 409.** Section 97-3-111, Mississippi Code of 1972, is  
24380 amended as follows:

24381 97-3-111. (1) All vehicles which are used in any manner to  
24382 facilitate the discharging of a firearm or the throwing or  
24383 ejection of a bomb or explosive device in violation of Section  
24384 97-3-109 shall be subject to forfeiture, however:

24385 (a) No conveyance used by any person as a common  
24386 carrier in the transaction of business as a common carrier is  
24387 subject to forfeiture under this section unless it appears that  
24388 the owner or other person in charge of the conveyance is a  
24389 consenting party or privy to a violation of Section 97-3-109 and  
24390 this section;

24391 (b) No conveyance is subject to forfeiture under this  
24392 section by reason of any act or omission proved by the owner  
24393 thereof to have been committed or omitted without his knowledge or  
24394 consent; if the confiscating authority has reason to believe that  
24395 the conveyance is a leased or rented conveyance, then the





24396 confiscating authority shall notify the owner of the conveyance  
24397 within five (5) days of the confiscation;

24398           (c) A forfeiture of a conveyance encumbered by a bona  
24399 fide security interest is subject to the interest of the secured  
24400 party if he neither had knowledge of nor consented to the act or  
24401 omission.

24402           (2) Except as otherwise provided in subsection (16), when  
24403 any property is seized pursuant to subsection (1), proceedings  
24404 under this section shall be instituted promptly.

24405           (3) A petition for forfeiture shall be filed promptly in the  
24406 name of the State of Mississippi, the county or the municipality  
24407 and may be filed in the county in which the seizure is made, the  
24408 county in which the criminal prosecution is brought or the county  
24409 in which the owner of the seized property is found. Forfeiture  
24410 proceedings may be brought in (a) the circuit court, or (b) the  
24411 county court if a county court exists in the county and the value  
24412 of the seized property is within the jurisdictional limits of the  
24413 county court as set forth in Section 9-9-21, Mississippi Code of  
24414 1972, or (c) the youth court in the case of a person adjudicated  
24415 delinquent where the underlying basis for the delinquency is a  
24416 violation of Section 97-3-109, Mississippi Code of 1972. A copy  
24417 of such petition shall be served upon the following persons by  
24418 service of process in the same manner as in civil cases:

24419                   (a) The owner of the property, if address is known;

24420                   (b) Any secured party who has registered his lien or  
24421 filed a financing statement as provided by law, if the identity of  
24422 such secured party can be ascertained by the local law enforcement  
24423 agency by making a good faith effort to ascertain the identity of  
24424 such secured party as described in subsections (4), (5), (6), (7)  
24425 and (8) of this section;

24426                   (c) Any other bona fide lienholder or secured party or  
24427 other person holding an interest in the property in the nature of



24428 a security interest of whom the local law enforcement agency has  
24429 actual knowledge; and

24430 (d) Any person in possession of property subject to  
24431 forfeiture at the time that it was seized.

24432 (4) If the property is a motor vehicle susceptible of  
24433 titling under the Mississippi Motor Vehicle Title Law and if there  
24434 is any reasonable cause to believe that the vehicle has been  
24435 titled, the local law enforcement agency shall make inquiry of the  
24436 State Tax Commission as to what the records of the State Tax  
24437 Commission show as to who is the record owner of the vehicle and  
24438 who, if anyone, holds any lien or security interest which affects  
24439 the vehicle.

24440 (5) If the property is a motor vehicle and is not titled in  
24441 the State of Mississippi, then the local law enforcement agency  
24442 shall attempt to ascertain the name and address of the person in  
24443 whose name the vehicle is licensed, and if the vehicle is licensed  
24444 in a state which has in effect a certificate of title law, the  
24445 local law enforcement agency shall make inquiry of the appropriate  
24446 agency of that state as to what the records of the agency show as  
24447 to who is the record owner of the vehicle and who, if anyone,  
24448 holds any lien, security interest or other instrument in the  
24449 nature of a security device which affects the vehicle.

24450 (6) In the event the answer to an inquiry states that the  
24451 record owner of the property is any person other than the person  
24452 who was in possession of it when it was seized, or states that any  
24453 person holds any lien, encumbrance, security interest or other  
24454 interest which affects the property, the local law enforcement  
24455 agency shall cause any record owner and also any lienholder,  
24456 secured party or other person who holds an interest in the  
24457 property in the nature of a security interest which affects the  
24458 property to be named in the petition of forfeiture and to be  
24459 served with process in the same manner as in civil cases.



24460           (7) If the owner of the property cannot be found and served  
24461 with a copy of the petition of forfeiture, or if no person was in  
24462 possession of the property subject to forfeiture at the time that  
24463 it was seized and the owner of the property is unknown, the local  
24464 law enforcement agency shall file with the clerk of the court in  
24465 which the proceeding is pending an affidavit to such effect,  
24466 whereupon the clerk of the court shall publish notice of the  
24467 hearing addressed to "the Unknown Owner of \_\_\_\_\_," filling in the  
24468 blank space with a reasonably detailed description of the property  
24469 subject to forfeiture. Service by publication shall contain the  
24470 other requisites prescribed in Section 11-33-41, Mississippi Code  
24471 of 1972, and shall be served as provided in Section 11-33-37,  
24472 Mississippi Code of 1972, for publication of notice for  
24473 attachments at law.

24474           (8) No proceedings instituted pursuant to the provisions of  
24475 this section shall proceed to hearing unless the judge conducting  
24476 the hearing is satisfied that this section has been complied with.  
24477 Any answer received from an inquiry required by subsections (4)  
24478 through (5) of this section shall be introduced into evidence at  
24479 the hearing.

24480           (9) Except as otherwise provided in subsection (16), an  
24481 owner of property that has been seized pursuant to subsection (1)  
24482 shall file an answer within thirty (30) days after the completion  
24483 of service of process. If an answer is not filed, the court shall  
24484 hear evidence that the property is subject to forfeiture and  
24485 forfeit the property to the local law enforcement agency. If an  
24486 answer is filed, a time for hearing on forfeiture shall be set  
24487 within thirty (30) days of filing the answer or at the succeeding  
24488 term of court, if court would not be in progress within thirty  
24489 (30) days after filing the answer. Provided, however, that upon  
24490 request by the local law enforcement agency or the owner of the  
24491 property, the court may postpone said forfeiture hearing to a date  
24492 past the time any criminal action is pending against said owner.



24493           (10) If the owner of the property has filed an answer  
24494 denying that the property is subject to forfeiture, then the  
24495 burden is on the petitioner to prove that the property is subject  
24496 to forfeiture. However, if an answer has not been filed by the  
24497 owner of the property, the petition for forfeiture may be  
24498 introduced into evidence and is prima facie evidence that the  
24499 property is subject to forfeiture. The standard of proof placed  
24500 upon the petitioner in regard to property forfeited under the  
24501 provisions of Section 97-3-109 and this section shall be by a  
24502 preponderance of the evidence.

24503           (11) At the hearing any claimant of any right, title or  
24504 interest in the property may prove his lien, encumbrance, security  
24505 interest or other interest in the nature of a security interest to  
24506 be bona fide and created without knowledge or consent that the  
24507 property was to be used so as to cause the property to be subject  
24508 to forfeiture.

24509           (12) If it is found that the property is subject to  
24510 forfeiture, then the judge shall forfeit the property to the local  
24511 law enforcement agency. However, if proof at the hearing  
24512 discloses that the interest of any bona fide lienholder, secured  
24513 party or other person holding an interest in the property in the  
24514 nature of a security interest is greater than or equal to the  
24515 present value of the property, the court shall order the property  
24516 released to him. If such interest is less than the present value  
24517 of the property and if the proof shows that the property is  
24518 subject to forfeiture, the court shall order the property  
24519 forfeited to the local law enforcement agency.

24520           (13) All other property which is forfeited under this  
24521 section shall be liquidated and, after deduction of court costs  
24522 and the expenses of liquidation, the proceeds shall be divided and  
24523 deposited as follows:

24524           (a) In the event only one (1) law enforcement agency  
24525 participates in the underlying criminal case out of which the



24526 forfeiture arises, fifty percent (50%) of the proceeds shall be  
24527 forwarded to the State Treasurer and deposited in the General Fund  
24528 of the state and fifty percent (50%) of the proceeds shall be  
24529 deposited and credited to the budget of the participating law  
24530 enforcement agency.

24531 (b) In the event more than one (1) law enforcement  
24532 agency participates in the underlying criminal case out of which  
24533 the forfeiture arises, fifty percent (50%) of the proceeds shall  
24534 be deposited and credited to the budget of the law enforcement  
24535 agency whose officers initiated the criminal case and fifty  
24536 percent (50%) shall be divided equitably between or among the  
24537 other participating law enforcement agencies, and shall be  
24538 deposited and credited to the budgets of the participating law  
24539 enforcement agencies. In the event that the other participating  
24540 law enforcement agencies cannot agree on the division of their  
24541 fifty percent (50%), a petition shall be filed by any one (1) of  
24542 them in the court in which the civil forfeiture case is brought  
24543 and the court shall make an equitable division.

24544 (14) All other property that has been forfeited shall,  
24545 except as otherwise provided, be sold at a public auction for cash  
24546 by the chief law enforcement officer of the initiating law  
24547 enforcement agency, or his designee, to the highest and best  
24548 bidder after advertising the sale for at least once each week for  
24549 three (3) consecutive weeks, the last notice to appear not more  
24550 than ten (10) days nor less than five (5) days prior to such sale,  
24551 in a newspaper having a general circulation in the jurisdiction in  
24552 which said law enforcement agency is located. Such notices shall  
24553 contain a description of the property to be sold and a statement  
24554 of the time and place of sale. It shall not be necessary to the  
24555 validity of such sale either to have the property present at the  
24556 place of sale or to have the name of the owner thereof stated in  
24557 such notice. The proceeds of the sale shall be disposed of as  
24558 follows:



24559           (a) To any bona fide lienholder, secured party or other  
24560 party holding an interest in the property in the nature of a  
24561 security interest, to the extent of his interest; and

24562           (b) The balance, if any, remaining after deduction of  
24563 all storage, court costs and expenses of liquidation shall be  
24564 divided, forwarded and deposited in the same manner set out in  
24565 subsection (13) of this section.

24566           (15) The State Tax Commission shall issue a certificate of  
24567 title to any person who purchases property under the provisions of  
24568 this section when a certificate of title is required under the  
24569 laws of this state.

24570           (16) When any property the value of which does not exceed  
24571 Five Thousand Dollars (\$5,000.00) is seized pursuant to subsection  
24572 (1), the property may be forfeited by the administrative  
24573 forfeiture procedures provided for in subsections (16) through  
24574 (22).

24575           (17) The attorney for the seizing law enforcement agency  
24576 shall provide notice of intention to forfeit the seized property  
24577 administratively, by certified mail, return receipt requested, to  
24578 all persons who are required to be notified.

24579           (18) In the event that notice of intention to forfeit the  
24580 seized property administratively cannot be given as provided in  
24581 subsection (17) of this section because of refusal, failure to  
24582 claim, insufficient address or any other reason, the attorney for  
24583 the seizing law enforcement agency shall provide notice by  
24584 publication in a newspaper of general circulation in the county in  
24585 which the seizure occurred for once a week for three (3)  
24586 consecutive weeks.

24587           (19) Notice pursuant to subsections (17) and (18) of this  
24588 section shall include the following information:

24589           (a) A description of the property;

24590           (b) The approximate value of the property;

24591           (c) The date and place of the seizure;



24592 (d) The connection between the property and the  
24593 violation of Section 97-3-109;

24594 (e) The instructions for filing a request for judicial  
24595 review; and

24596 (f) A statement that the property will be forfeited to  
24597 the seizing law enforcement agency if a request for judicial  
24598 review is not timely filed.

24599 (20) Persons claiming an interest in the seized property may  
24600 initiate judicial review of the seizure and proposed forfeiture by  
24601 filing a request for judicial review with the attorney for the  
24602 seizing law enforcement agency, within thirty (30) days after  
24603 receipt of the certified letter or within thirty (30) days after  
24604 the first publication of notice, whichever is applicable.

24605 (21) If no request for judicial review is timely filed, the  
24606 attorney for the seizing law enforcement agency shall prepare a  
24607 written declaration of forfeiture of the subject property and the  
24608 forfeited property shall be used, distributed or disposed of in  
24609 accordance with the provisions of this section.

24610 (22) Upon receipt of a timely request for judicial review,  
24611 the attorney for the seizing law enforcement agency shall promptly  
24612 file a petition for forfeiture and proceed as provided in  
24613 subsections (3) through (15).

24614 (23) The publication of any notice required in this section  
24615 may be published on the Internet as provided in Section 1 of this  
24616 act.

24617 **SECTION 410.** Section 97-17-4, Mississippi Code of 1972, is  
24618 amended as follows:

24619 97-17-4. (1) All property, real or personal, including  
24620 money, used in the course of, intended for use in the course of,  
24621 derived from, or realized through, conduct in violation of a  
24622 provision of Section 97-17-1 or 97-17-3 is subject to civil  
24623 forfeiture to the state pursuant to the provisions of this  
24624 section; provided, however, that a forfeiture of personal property



24625 encumbered by a bona fide security interest or real property  
24626 encumbered by a bona fide mortgage, deed of trust, lien or  
24627 encumbrance of record shall be subject to the interest of the  
24628 secured party or subject to the interest of the holder of the  
24629 mortgage deed of trust, lien of encumbrance of record if such  
24630 secured party or holder neither had knowledge of or consented to  
24631 the act or omission.

24632 (2) Property subject to forfeiture may be seized by law  
24633 enforcement officers upon process issued by any appropriate court  
24634 having jurisdiction over the property. Seizure without process  
24635 may be made if:

24636 (a) The seizure is incident to an arrest or a search  
24637 under a search warrant or an inspection under a lawful  
24638 administrative inspection;

24639 (b) The property subject to seizure has been the  
24640 subject of a prior judgment in favor of the state in a criminal  
24641 injunction or forfeiture proceeding based upon this section.

24642 (3) When any property is seized pursuant to this section,  
24643 proceedings under this section shall be instituted promptly.

24644 (4) (a) A petition for forfeiture shall be filed promptly  
24645 in the name of the State of Mississippi with the clerk of the  
24646 circuit court of the county in which the seizure is made. A copy  
24647 of such petition shall be served upon the following persons by  
24648 service of process in the same manner as in civil cases:

24649 (i) The owner of the property, if address is  
24650 known;

24651 (ii) Any secured party who has registered his lien  
24652 or filed a financing statement as provided by law, if the identity  
24653 of such secured party can be ascertained by the state by making a  
24654 good faith effort to ascertain the identity of such secured party  
24655 as described in paragraphs (b), (c), (d), (e) and (f) of this  
24656 subsection;





24657 (iii) Any other bona fide lienholder or secured  
24658 party or other person holding an interest in the property in the  
24659 nature of a security interest of whom the state has actual  
24660 knowledge;

24661 (iv) A holder of a mortgage, deed of trust, lien  
24662 or encumbrance of record, if the property is real estate by making  
24663 a good faith inquiry as described in paragraph (g) of this  
24664 section; and

24665 (v) Any person in possession of property subject  
24666 to forfeiture at the time that it was seized.

24667 (b) If the property is a motor vehicle susceptible of  
24668 titling under the Mississippi Motor Vehicle Title Law and if there  
24669 is any reasonable cause to believe that the vehicle has been  
24670 titled, the state shall make inquiry of the State Tax Commission  
24671 as to what the records of the State Tax Commission show as to who  
24672 is the record owner of the vehicle and who, if anyone, holds any  
24673 lien or security interest which affects the vehicle.

24674 (c) If the property is a motor vehicle and is not  
24675 titled in the State of Mississippi, then the state shall attempt  
24676 to ascertain the name and address of the person in whose name the  
24677 vehicle is licensed, and if the vehicle is licensed in a state  
24678 which has in effect a certificate of title law, the state shall  
24679 make inquiry of the appropriate agency of that state as to what  
24680 the records of the agency show as to who is the record owner of  
24681 the vehicle and who, if anyone, holds any lien, security interest,  
24682 or other instrument in the nature of a security device which  
24683 affects the vehicle.

24684 (d) If the property is of a nature that a financing  
24685 statement is required by the laws of this state to be filed to  
24686 perfect a security interest affecting the property and if there is  
24687 any reasonable cause to believe that a financing statement  
24688 covering the security interest has been filed under the laws of  
24689 this state, the state shall make inquiry of the appropriate office



24690 designated in Section 75-9-501 as to what the records show as to  
24691 who is the record owner of the property and who, if anyone, has  
24692 filed a financing statement affecting the property.

24693 (e) If the property is an aircraft or part thereof and  
24694 if there is any reasonable cause to believe that an instrument in  
24695 the nature of a security device affects the property, then the  
24696 state shall make inquiry of the administrator of the Federal  
24697 Aviation Administration as to what the records of the  
24698 administrator show as to who is the record owner of the property  
24699 and who, if anyone, holds an instrument in the nature of a  
24700 security device which affects the property.

24701 (f) In the case of all other personal property subject  
24702 to forfeiture, if there is any reasonable cause to believe that an  
24703 instrument in the nature of a security device affects the  
24704 property, then the state shall make a good faith inquiry to  
24705 identify the holder of any such instrument.

24706 (g) If the property is real estate, the state shall  
24707 make inquiry at the appropriate places to determine who is the  
24708 owner of record and who, if anyone is a holder of a bona fide  
24709 mortgage, deed of trust, lien or encumbrance.

24710 (h) In the event the answer to an inquiry states that  
24711 the record owner of the property is any person other than the  
24712 person who was in possession of it when it was seized, or states  
24713 that any person holds any lien, encumbrance, security interest,  
24714 other interest in the nature of a security interest, mortgage or  
24715 deed of trust which affects the property, the state shall cause  
24716 any record owner and also any lienholder, secured party, other  
24717 person who holds an interest in the property in the nature of a  
24718 security interest, or holder of an encumbrance, mortgage or deed  
24719 of trust which affects the property to be named in the petition of  
24720 forfeiture and to be served with process in the same manner as in  
24721 civil cases.



24722 (i) If the owner of the property cannot be found and  
24723 served with a copy of the petition of forfeiture, or if no person  
24724 was in possession of the property subject to forfeiture at the  
24725 time that it was seized and the owner of the property is unknown,  
24726 the state shall file with the clerk of the court in which the  
24727 proceeding is pending an affidavit to such effect, whereupon the  
24728 clerk of the court shall publish notice of the hearing addressed  
24729 to "the Unknown Owner of \_\_\_\_\_," filling in the blank  
24730 space with a reasonably detailed description of the property  
24731 subject to forfeiture. Service by publication shall contain the  
24732 other requisites prescribed in Section 11-33-41, and shall be  
24733 served as provided in Section 11-33-37 for publication of notice  
24734 for attachments at law.

24735 (j) No proceedings instituted pursuant to the  
24736 provisions of this article shall proceed to hearing unless the  
24737 judge conducting the hearing is satisfied that this section has  
24738 been complied with. Any answer received from an inquiry required  
24739 by paragraphs (b) through (g) of this section shall be introduced  
24740 into evidence at the hearing.

24741 (5) (a) An owner of property that has been seized shall  
24742 file a verified answer within twenty (20) days after the  
24743 completion of service of process. If no answer is filed, the  
24744 court shall hear evidence that the property is subject to  
24745 forfeiture and forfeit the property to the state. If an answer is  
24746 filed, a time for hearing on forfeiture shall be set within thirty  
24747 (30) days of filing the answer or at the succeeding term of court  
24748 if court would not be in progress within thirty (30) days after  
24749 filing the answer. Provided, however, that upon request by the  
24750 state or the owner of the property, the court may postpone said  
24751 forfeiture hearing to a date past the time any criminal action is  
24752 pending against said owner.

24753 (b) If the owner of the property has filed a verified  
24754 answer denying that the property is subject to forfeiture, then



24755 the burden is on the state to prove that the property is subject  
24756 to forfeiture. The burden of proof placed upon the state shall be  
24757 clear and convincing proof. However, if no answer has been filed  
24758 by the owner of the property, the petition for forfeiture may be  
24759 introduced into evidence and is prima facie evidence that the  
24760 property is subject to forfeiture.

24761 (c) At the hearing any claimant of any right, title, or  
24762 interest in the property may prove his lien, encumbrance, security  
24763 interest, other interest in the nature of a security interest,  
24764 mortgage or deed of trust to be bona fide and created without  
24765 knowledge or consent that the property was to be used so as to  
24766 cause the property to be subject to forfeiture.

24767 (d) If it is found that the property is subject to  
24768 forfeiture, then the judge shall forfeit the property to the  
24769 state. However, if proof at the hearing discloses that the  
24770 interest of any bona fide lienholder, secured party, other person  
24771 holding an interest in the property in the nature of a security  
24772 interest or any holder of a bona fide encumbrance, mortgage or  
24773 deed of trust is greater than or equal to the present value of the  
24774 property, the court shall order the property released to him. If  
24775 such interest is less than the present value of the property and  
24776 if the proof shows that the property is subject to forfeiture, the  
24777 court shall order the property forfeited to the state.

24778 (6) (a) All personal property, including money, which is  
24779 forfeited to the state and is not capable of being sold at public  
24780 auction shall be liquidated and the proceeds, after deduction of  
24781 all storage and court costs, shall be forwarded to the State  
24782 Treasurer and deposited in the General Fund of the state.

24783 (b) All real estate which is forfeited to the state  
24784 shall be sold to the highest bidder at a public auction to be  
24785 conducted by the state at such place, on such notice and in  
24786 accordance with the same procedure, as far as practicable, as is  
24787 required in the case of sales of land under execution of law. The



24788 proceeds of such sale shall first be applied to the cost and  
24789 expense in administering and conducting such sale, then to the  
24790 satisfaction of all mortgages, deeds of trusts, liens and  
24791 encumbrances of record on such property. All proceeds in excess  
24792 of the amount necessary for the cost of the sale of such land and  
24793 the satisfaction of any liens thereon shall be deposited in the  
24794 General Fund of the State Treasury.

24795           (c) All other property that has been seized by the  
24796 state and that has been forfeited shall, except as otherwise  
24797 provided, be sold at a public auction for cash by the state to the  
24798 highest and best bidder after advertising the sale for at least  
24799 once each week for three (3) consecutive weeks, the last notice to  
24800 appear not more than ten (10) days nor less than five (5) days  
24801 prior to such sale, in a newspaper having a general circulation  
24802 throughout the State of Mississippi. Such notices shall contain a  
24803 description of the property to be sold and a statement of the time  
24804 and place of sale. It shall not be necessary to the validity of  
24805 such sale either to have the property present at the place of sale  
24806 or to have the name of the owner thereof stated in such notice.  
24807 The proceeds of the sale shall be delivered to the circuit clerk  
24808 and shall be disposed of as follows:

24809           (i) To any bona fide lienholder, secured party, or  
24810 other party holding an interest in the property in the nature of a  
24811 security interest, to the extent of his interest; and

24812           (ii) The balance, if any, after deduction of all  
24813 storage and court costs, shall be forwarded to the State Treasurer  
24814 and deposited with and used as general funds of the state.

24815           (d) The State Tax Commission shall issue a certificate  
24816 of title to any person who purchases property under the provisions  
24817 of this section when a certificate of title is required under the  
24818 laws of this state.



24819       (7) The publication of any notice required in this section  
24820 may be published on the Internet as provided in Section 1 of this  
24821 act.

24822       **SECTION 411.** Section 97-43-11, Mississippi Code of 1972, is  
24823 amended as follows:

24824       97-43-11. (1) When any property is seized pursuant to  
24825 Section 97-43-9, proceedings under this section shall be  
24826 instituted promptly.

24827       (2) (a) A petition for forfeiture shall be filed promptly  
24828 in the name of the State of Mississippi with the clerk of the  
24829 circuit court of the county in which the seizure is made. A copy  
24830 of such petition shall be served upon the following persons by  
24831 service of process in the same manner as in civil cases:

24832               (i) The owner of the property, if address is  
24833 known;

24834               (ii) Any secured party who has registered his lien  
24835 or filed a financing statement as provided by law, if the identity  
24836 of such secured party can be ascertained by the state by making a  
24837 good faith effort to ascertain the identity of such secured party  
24838 as described in paragraphs (b), (c), (d), (e) and (f) of this  
24839 subsection;

24840               (iii) Any other bona fide lienholder or secured  
24841 party or other person holding an interest in the property in the  
24842 nature of a security interest of whom the state has actual  
24843 knowledge;

24844               (iv) A holder of a mortgage, deed of trust, lien  
24845 or encumbrance of record, if the property is real estate by making  
24846 a good faith inquiry as described in paragraph (g) of this  
24847 section; and

24848               (v) Any person in possession of property subject  
24849 to forfeiture at the time that it was seized.

24850       (b) If the property is a motor vehicle susceptible of  
24851 titling under the Mississippi Motor Vehicle Title Law and if there



24852 is any reasonable cause to believe that the vehicle has been  
24853 titled, the state shall make inquiry of the State Tax Commission  
24854 as to what the records of the State Tax Commission show as to who  
24855 is the record owner of the vehicle and who, if anyone, holds any  
24856 lien or security interest which affects the vehicle.

24857 (c) If the property is a motor vehicle and is not  
24858 titled in the State of Mississippi, then the state shall attempt  
24859 to ascertain the name and address of the person in whose name the  
24860 vehicle is licensed, and if the vehicle is licensed in a state  
24861 which has in effect a certificate of title law, the state shall  
24862 make inquiry of the appropriate agency of that state as to what  
24863 the records of the agency show as to who is the record owner of  
24864 the vehicle and who, if anyone, holds any lien, security interest,  
24865 or other instrument in the nature of a security device which  
24866 affects the vehicle.

24867 (d) If the property is of a nature that a financing  
24868 statement is required by the laws of this state to be filed to  
24869 perfect a security interest affecting the property and if there is  
24870 any reasonable cause to believe that a financing statement  
24871 covering the security interest has been filed under the laws of  
24872 this state, the state shall make inquiry of the appropriate office  
24873 designated in Section 75-9-501 as to what the records show as to  
24874 who is the record owner of the property and who, if anyone, has  
24875 filed a financing statement affecting the property.

24876 (e) If the property is an aircraft or part thereof and  
24877 if there is any reasonable cause to believe that an instrument in  
24878 the nature of a security device affects the property, then the  
24879 state shall make inquiry of the administrator of the Federal  
24880 Aviation Administration as to what the records of the  
24881 administrator show as to who is the record owner of the property  
24882 and who, if anyone, holds an instrument in the nature of a  
24883 security device which affects the property.



24884                   (f) In the case of all other personal property subject  
24885 to forfeiture, if there is any reasonable cause to believe that an  
24886 instrument in the nature of a security device affects the  
24887 property, then the state shall make a good faith inquiry to  
24888 identify the holder of any such instrument.

24889                   (g) If the property is real estate, the state shall  
24890 make inquiry at the appropriate places to determine who is the  
24891 owner of record and who, if anyone is a holder of a bona fide  
24892 mortgage, deed of trust, lien or encumbrance.

24893                   (h) In the event the answer to an inquiry states that  
24894 the record owner of the property is any person other than the  
24895 person who was in possession of it when it was seized, or states  
24896 that any person holds any lien, encumbrance, security interest,  
24897 other interest in the nature of a security interest, mortgage or  
24898 deed of trust which affects the property, the state shall cause  
24899 any record owner and also any lienholder, secured party, other  
24900 person who holds an interest in the property in the nature of a  
24901 security interest, or holder of an encumbrance, mortgage or deed  
24902 of trust which affects the property to be named in the petition of  
24903 forfeiture and to be served with process in the same manner as in  
24904 civil cases.

24905                   (i) If the owner of the property cannot be found and  
24906 served with a copy of the petition of forfeiture, or if no person  
24907 was in possession of the property subject to forfeiture at the  
24908 time that it was seized and the owner of the property is unknown,  
24909 the state shall file with the clerk of the court in which the  
24910 proceeding is pending an affidavit to such effect, whereupon the  
24911 clerk of the court shall publish notice of the hearing addressed  
24912 to "the Unknown Owner of \_\_\_\_\_," filling in the blank  
24913 space with a reasonably detailed description of the property  
24914 subject to forfeiture. Service by publication shall contain the  
24915 other requisites prescribed in Section 11-33-41, and shall be





24916 served as provided in Section 11-33-37 for publication of notice  
24917 for attachments at law.

24918 (j) No proceedings instituted pursuant to the  
24919 provisions of this article shall proceed to hearing unless the  
24920 judge conducting the hearing is satisfied that this section has  
24921 been complied with. Any answer received from an inquiry required  
24922 by paragraphs (b) through (g) of this section shall be introduced  
24923 into evidence at the hearing.

24924 (3) (a) An owner of property that has been seized shall  
24925 file a verified answer within twenty (20) days after the  
24926 completion of service of process. If no answer is filed, the  
24927 court shall hear evidence that the property is subject to  
24928 forfeiture and forfeit the property to the state. If an answer is  
24929 filed, a time for hearing on forfeiture shall be set within thirty  
24930 (30) days of filing the answer or at the succeeding term of court  
24931 if court would not be in progress within thirty (30) days after  
24932 filing the answer. Provided, however, that upon request by the  
24933 state or the owner of the property, the court may postpone said  
24934 forfeiture hearing to a date past the time any criminal action is  
24935 pending against said owner.

24936 (b) If the owner of the property has filed a verified  
24937 answer denying that the property is subject to forfeiture, then  
24938 the burden is on the state to prove that the property is subject  
24939 to forfeiture. The burden of proof placed upon the state shall be  
24940 clear and convincing proof. However, if no answer has been filed  
24941 by the owner of the property, the petition for forfeiture may be  
24942 introduced into evidence and is prima facie evidence that the  
24943 property is subject to forfeiture.

24944 (c) At the hearing any claimant of any right, title, or  
24945 interest in the property may prove his lien, encumbrance, security  
24946 interest, other interest in the nature of a security interest,  
24947 mortgage or deed of trust to be bona fide and created without



24948 knowledge or consent that the property was to be used so as to  
24949 cause the property to be subject to forfeiture.

24950 (d) If it is found that the property is subject to  
24951 forfeiture, then the judge shall forfeit the property to the  
24952 state. However, if proof at the hearing discloses that the  
24953 interest of any bona fide lienholder, secured party, other person  
24954 holding an interest in the property in the nature of a security  
24955 interest or any holder of a bona fide encumbrance, mortgage or  
24956 deed of trust is greater than or equal to the present value of the  
24957 property, the court shall order the property released to him. If  
24958 such interest is less than the present value of the property and  
24959 if the proof shows that the property is subject to forfeiture, the  
24960 court shall order the property forfeited to the state.

24961 (4) (a) All personal property, including money, which is  
24962 forfeited to the state and is not capable of being sold at public  
24963 auction shall be liquidated and the proceeds, after deduction of  
24964 all storage and court costs, shall be forwarded to the State  
24965 Treasurer and deposited in the General Fund of the state.

24966 (b) All real estate which is forfeited to the state  
24967 shall be sold to the highest bidder at a public auction to be  
24968 conducted by the state at such place, on such notice and in  
24969 accordance with the same procedure, as far as practicable, as is  
24970 required in the case of sales of land under execution of law. The  
24971 proceeds of such sale shall first be applied to the cost and  
24972 expense in administering and conducting such sale, then to the  
24973 satisfaction of all mortgages, deeds of trusts, liens and  
24974 encumbrances of record on such property. All proceeds in excess  
24975 of the amount necessary for the cost of the sale of such land and  
24976 the satisfaction of any liens thereon shall be deposited in the  
24977 General Fund of the State Treasury.

24978 (c) All other property that has been seized by the  
24979 state and that has been forfeited shall, except as otherwise  
24980 provided, be sold at a public auction for cash by the state to the



24981 highest and best bidder after advertising the sale for at least  
24982 once each week for three (3) consecutive weeks, the last notice to  
24983 appear not more than ten (10) days nor less than five (5) days  
24984 prior to such sale, in a newspaper having a general circulation  
24985 throughout the State of Mississippi. Such notices shall contain a  
24986 description of the property to be sold and a statement of the time  
24987 and place of sale. It shall not be necessary to the validity of  
24988 such sale either to have the property present at the place of sale  
24989 or to have the name of the owner thereof stated in such notice.  
24990 The proceeds of the sale shall be delivered to the circuit clerk  
24991 and shall be disposed of as follows:

24992 (i) To any bona fide lienholder, secured party, or  
24993 other party holding an interest in the property in the nature of a  
24994 security interest, to the extent of his interest; and

24995 (ii) The balance, if any, after deduction of all  
24996 storage and court costs, shall be forwarded to the State Treasurer  
24997 and deposited with and used as general funds of the state.

24998 (d) The State Tax Commission shall issue a certificate  
24999 of title to any person who purchases property under the provisions  
25000 of this section when a certificate of title is required under the  
25001 laws of this state.

25002 (5) The publication of any notice required in this section  
25003 may be published on the Internet as provided in Section 1 of this  
25004 act.

25005 **SECTION 412.** Section 99-38-7, Mississippi Code of 1972, is  
25006 amended as follows:

25007 99-38-7. (1) The Treasurer shall deposit such monies as he  
25008 receives under the provisions of Section 99-38-5, within seven (7)  
25009 days from the receipt thereof, in an interest-bearing escrow  
25010 account in the name of the person accused or convicted, for the  
25011 benefit of and payable to any victim or the legal representative  
25012 of any victim of crimes committed by an accused or convicted  
25013 person.



25014           (2) Any person, or the legal representative of any person,  
25015 who is the victim of a crime may register with the Treasurer and  
25016 request to be notified of the establishment of an escrow account  
25017 under the provisions of this chapter. Such registration shall  
25018 include the name and address of the victim and his legal  
25019 representative, if applicable, an identification by name of the  
25020 person accused or convicted of an offense against the victim, the  
25021 location where and the date upon which such offense occurred, and  
25022 such other information as the Treasurer shall require. The  
25023 Treasurer shall immediately notify, by United States mail, the  
25024 victim or the legal representative of any victim who has  
25025 registered with the Treasurer upon the establishment of an escrow  
25026 account for the benefit of any such registered victim. In  
25027 addition, the Treasurer shall, at least once every four (4) months  
25028 for one (1) year from the date he receives monies under the  
25029 provisions of Section 99-38-5, cause to have published a legal  
25030 notice in some newspaper having a general circulation in the  
25031 county in which the crime was committed and in counties contiguous  
25032 to such county advising any and all victims that escrow monies are  
25033 available to satisfy money judgments pursuant to this chapter.  
25034 All costs and expenses incurred by the Treasurer in giving the  
25035 notice and making publication required by this subsection shall be  
25036 paid from funds in the escrow account. Payments may be made  
25037 pursuant to this chapter to the victim or his legal representative  
25038 only if the accused person is convicted or enters a plea of guilty  
25039 of the crime, and provided that the victim or his legal  
25040 representative, within one (1) year of the date of the  
25041 establishment of such escrow account, brings a civil action in a  
25042 court of competent jurisdiction and recovers a money judgment for  
25043 damages against such person or his legal representative, assignee,  
25044 beneficiary or heirs at law. The Treasurer shall disburse  
25045 payments on a pro rata basis of all claims filed according to the  
25046 amount of money in the escrow account comparable to the amount of



25047 each such claim; provided, however, such sums shall not be  
25048 disbursed until all pending claims have been settled or reduced to  
25049 judgment.

25050 (3) It shall be the duty of the victim, the victim's lawyer  
25051 or the victim's legal representative to notify the Treasurer  
25052 within thirty (30) days of filing any claim under this chapter.

25053 (4) The publication of any notice required in this section  
25054 may be published on the Internet as provided in Section 1 of this  
25055 act.

25056 **SECTION 413.** This act shall take effect and be in force from  
25057 and after July 1, 2009.

