

By: Representative DeLano

To: Technology

HOUSE BILL NO. 1131

1 AN ACT TO AMEND SECTIONS 1-3-69, 7-7-221, 11-33-37, 13-3-31,
2 17-17-107, 17-17-227, 17-17-309, 17-17-348, 19-3-11, 19-3-33,
3 19-3-35, 19-5-9, 19-5-21, 19-5-81, 19-5-155, 19-5-157, 19-5-189,
4 19-5-207, 19-7-3, 19-9-11, 19-9-111, 19-29-18, 21-13-11, 21-17-1,
5 21-17-19, 21-19-51, 21-33-47, 21-33-207, 21-33-307, 21-35-5,
6 21-35-31, 21-39-3, 21-41-51, 21-45-11, 23-15-315, 23-15-857,
7 25-1-63, 27-31-50, 27-33-33, 27-35-83, 27-39-329, 27-43-3,
8 27-65-3, 29-3-29, 29-3-81, 31-7-13, 31-8-11, 31-25-28, 37-5-1,
9 37-5-18, 37-7-104, 37-7-105, 37-7-203, 37-7-207, 37-9-12,
10 37-57-104, 37-57-105, 37-59-13, 37-61-9, 39-13-11, 41-13-15,
11 47-4-3, 49-17-121, 49-28-5, 49-28-7, 49-28-43, 51-7-11, 51-8-61,
12 51-9-111, 51-9-115, 51-11-65, 51-15-109, 51-15-113, 51-29-5,
13 51-29-31, 51-31-47, 51-33-5, 51-35-309, 51-35-325, 51-39-17,
14 51-39-39, 51-41-21, 57-3-11, 57-3-13, 57-61-37, 57-75-17, 59-3-7,
15 59-3-9, 59-7-17, 59-7-113, 59-7-115, 59-13-5, 65-7-4, 65-7-121,
16 65-19-3, 65-21-17, 65-33-49, 65-33-51, 65-33-53, 77-3-16 AND
17 77-5-407, MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOCAL
18 GOVERNMENTAL ENTITIES TO PUBLISH PUBLIC NOTICES BY USING A FREE,
19 PUBLICLY ACCESSIBLE, OFFICIAL GOVERNMENT WEBSITE; AND FOR RELATED
20 PURPOSES.

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

22 **SECTION 1.** Section 1-3-69, Mississippi Code of 1972, is
23 amended as follows:

24 1-3-69. When publication shall be * * * made in some
25 newspaper "for three (3) weeks," such publication shall be made
26 once each week for three (3) successive weeks, and the time within
27 which the noticed party is required to act or within which the



28 noticing party may proceed shall be computed from the first date
29 of publication. When publication is made using an official
30 government website, the website must be free and publicly
31 accessible, and such publication shall be available for viewing
32 for three (3) consecutive weeks. This rule shall furnish a guide
33 for any similar case, whether the time required be more or less
34 than three (3) weeks.

35 **SECTION 2.** Section 7-7-221, Mississippi Code of 1972, is
36 amended as follows:

37 7-7-221. (1) As soon as possible after an annual audit of
38 the fiscal and financial affairs of a county by the State Auditor,
39 as the head of the State Department of Audit, has been made and a
40 copy of such report of audit or examination has been filed with
41 the board of supervisors of such county and the clerk thereof, as
42 required in Section 7-7-215, the clerk of the board of supervisors
43 shall publish a synopsis of such report in a form prescribed by
44 the State Auditor.

45 (2) The clerk of the board of supervisors shall either
46 publish the aforesaid synopsis on a free, publicly accessible,
47 official government website or deliver a copy of the aforesaid
48 synopsis to some newspaper published in the county, and, if no
49 newspaper is published in the county, then to a newspaper having a
50 general circulation therein, to be published.

51 (3) The cost of publishing the aforesaid synopsis by some
52 newspaper in a county or by some newspaper having a general



53 circulation therein, as hereinbefore provided, shall be paid for
54 out of the general fund of the county upon a detailed itemized
55 statement thereof being furnished to the clerk of the board of
56 supervisors of such county by the publisher of the newspaper,
57 accompanied by one (1) copy of the proof of publication thereof.
58 The cost of such publication shall be based on the rate now fixed
59 by law for publishing legal notices, and it shall be mandatory
60 upon the board of supervisors of the county and the clerk thereof
61 to pay such costs out of the county general fund.

62 (4) The clerk shall forward a copy of the published synopsis
63 to the State Auditor within sixty (60) days of its publication.
64 If the synopsis does not substantially satisfy the requirements of
65 this section, the State Auditor is authorized to prepare the
66 synopsis and have it published in accordance with this section at
67 cost to the county.

68 **SECTION 3.** Section 11-33-37, Mississippi Code of 1972, is
69 amended as follows:

70 11-33-37. When any writ of attachment shall be executed and
71 returned, if the defendant be not summoned, the clerk of the court
72 shall either on a free, publicly accessible, official government
73 website for three (3) successive weeks, or cause a notice to be
74 published once a week for three (3) weeks in some newspaper
75 published within the county, or in some convenient county, and
76 having a circulation in the county in which the suit is pending,
77 stating the issuance of such attachment, at whose suit, against



78 whose estate, for what sum, and in what court the same is pending
79 and that unless the defendant appears on the first day of the next
80 succeeding term of court and pleads to said action, judgment will
81 be entered, and the estate attached will be sold. Such
82 publication may be made before or after the return term of court,
83 but in cases of attachment against persons residing out of this
84 state, the creditor, his agent or attorney, shall file with the
85 clerk his affidavit - if the affidavit for the attachment * * *
86 does not contain such statement - showing the post office of the
87 defendant, or that he has made diligent inquiry to ascertain it
88 without success; and if the post office shall be stated, the clerk
89 shall send by mail to such defendant, at his post office, a copy
90 of such notice, and shall make it appear to the court that he has
91 done so, before judgment shall be rendered on publication of
92 notice; and for a failure of duty in this respect, the clerk may
93 be punished as for contempt.

94 **SECTION 4.** Section 13-3-31, Mississippi Code of 1972, is
95 amended as follows:

96 13-3-31. (1) Any municipality, county, school district, or
97 other local government entity required by statute to make
98 publication notice for any reason, may choose to use a free,
99 publicly accessible, official government website to make such
100 publication instead of any other means of publication allowed or
101 required by statute.



102 (* * *2) Whenever it is required by law that any summons,
103 order, citation, advertisement or other legal notice shall be
104 published in a newspaper in this state, and the governing entity
105 chooses to use this method rather than subsection (1), it shall
106 mean, * * * publication in some newspaper which:

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

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

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



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

134 (d) Has been established and published continuously for
135 at least twelve (12) months next prior to the first publication of
136 such matter to be published, is regularly issued at stated
137 intervals no less frequently than once a week, bears a date of
138 issue, and is numbered consecutively; provided, however, that
139 publication on legal holidays of this state or of the United
140 States and on Saturdays and Sundays shall not be required, and
141 failure to publish not more than two (2) regular issues in any
142 calendar year shall not disqualify a paper otherwise qualified.

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

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



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

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

159 (2) "Newspaper," as used in this section, shall not include
160 a newspaper, publication, or periodical which is published,
161 sponsored by, is directly supported financially by, or is
162 published to further the interests of, or is directed to, or has a
163 circulation restricted in whole or in part to any particular sect,
164 denomination, labor or fraternal organization or other special
165 group or class of citizens, or which primarily contains
166 information of a specialized nature rather than information of
167 varied, broad and general interest to the general public, or which
168 is directed to any particular geographical portion of any given
169 political subdivision within which publication of such legal
170 notice is required, rather than to such political subdivision as a
171 whole. No newspaper otherwise qualified under this section shall
172 be disqualified from publishing legal notices for the sole reason
173 that such newspaper does not have as great a circulation as some
174 other newspaper publishing in the same political subdivision.

175 (3) In the event of the discontinuance of the publication of
176 all newspapers in any county qualified under this section to



177 publish legal notices, any other such newspaper published in the
178 same county, regardless of the length of time it has been
179 published, shall be deemed qualified to publish such legal
180 notices, provided such newspaper meets all requirements of this
181 section other than the requirements of subsection (1)(d) of this
182 section.

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

191 **SECTION 5.** Section 17-17-107, Mississippi Code of 1972, is
192 amended as follows:

193 17-17-107. Before issuing any revenue bonds hereunder, the
194 governing body of any municipality shall adopt a resolution
195 declaring its intention to so issue, stating the amount of bonds
196 proposed to be issued, the purpose for which the bonds are to be
197 issued, and the date upon which the governing body proposes to
198 direct the issuance of such bonds. Such resolution shall be
199 published either on a free, publicly accessible, official
200 government website for three (3) consecutive weeks, or once a week
201 for at least three (3) consecutive weeks in at least one (1)



202 newspaper published in the county in which such municipality is
203 located. The first publication of such resolution shall be made
204 not less than twenty-one (21) days prior to the date fixed in such
205 resolution for the issuance of the bonds and the last publication
206 shall be made not more than seven (7) days prior to such date. If
207 no newspaper be published in such county, then such notice shall
208 be given by publishing the resolution for the required time in
209 some newspaper having a general circulation in such county, and,
210 in addition, by posting a copy of such resolution for at least
211 twenty-one (21) days next preceding the date fixed therein at
212 three (3) public places in such county. If twenty percent (20%)
213 or fifteen hundred (1500), whichever is less, of the qualified
214 electors of the municipality shall file a written protest against
215 the issuance of such bonds on or before the date specified in such
216 resolution, then an election on the question of the issuance of
217 such bonds shall be called and held as herein provided. If no
218 such protest be filed, then such bonds may be issued without an
219 election at any time within a period of two (2) years after the
220 date specified in the above-mentioned resolution. However, the
221 governing body of such municipality, in its discretion, may
222 nevertheless call an election on the question of the issuance of
223 the bonds, in which event it shall not be necessary to publish the
224 resolution declaring its intention to issue bonds as herein
225 provided.



226 **SECTION 6.** Section 17-17-227, Mississippi Code of 1972, is
227 amended as follows:

228 17-17-227. (1) Each county, in cooperation with
229 municipalities within the county, shall prepare, adopt and submit
230 to the commission for review and approval a local nonhazardous
231 solid waste management plan for the county. Each local
232 nonhazardous solid waste management plan shall include, at a
233 minimum, the following:

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

239 (b) An inventory of all existing facilities where
240 municipal solid waste is currently being managed, including the
241 environmental suitability and operational history of each
242 facility, and the remaining available permitted capacity for each
243 facility;

244 (c) An inventory of existing solid waste collection
245 systems and transfer stations within the county. The inventory
246 shall identify the entities engaging in municipal solid waste
247 collection within the county;

248 (d) A strategy for achieving a twenty-five percent
249 (25%) waste reduction goal through source reduction, recycling or
250 other waste reduction technologies;



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

254 (f) An identification of the additional municipal solid
255 waste management facilities, including an evaluation of
256 alternative management technologies, and the amount of additional
257 capacity needed to manage the quantities projected in paragraph
258 (e);

259 (g) An estimation of development, construction,
260 operational, closure and post-closure costs, including a proposed
261 method for financing those costs;

262 (h) A plan for meeting any projected capacity
263 shortfall, including a schedule and methodology for attaining the
264 required capacity;

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

269 (i) Verification that the proposed facility meets
270 needs identified in the approved local nonhazardous solid waste
271 management plan which shall take into account the quantities of
272 municipal solid waste generated and the design capacities of
273 existing facilities;

274 (ii) Certification that the proposed facility
275 complies with local land use and zoning requirements, if any;



276 (iii) Demonstration, to the extent possible, that
277 operation of the proposed facility will not negatively impact the
278 waste reduction strategy of the county, municipality, authority or
279 district that is submitting the plan;

280 (iv) Certification that the proposed service area
281 of the proposed facility is consistent with the local nonhazardous
282 solid waste management plan; and

283 (v) A description of the extent to which the
284 proposed facility is needed to replace other facilities; and

285 (j) Any other information the commission may require.

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

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

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

298 (3) Each municipality shall cooperate with the county in
299 planning for the management of municipal solid waste generated
300 within its boundaries or the area served by that municipality.



301 The governing authority of any municipality which does not desire
302 to be included in the local nonhazardous solid waste management
303 plan shall adopt a resolution stating its intent not to be
304 included in the county plan. The resolution shall be provided to
305 the board of supervisors and the commission. Any municipality
306 resolving not to be included in a county waste plan shall prepare
307 a local nonhazardous solid waste management plan in accordance
308 with this section.

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

320 (5) (a) Upon completion of its local nonhazardous solid
321 waste management plan, the board of supervisors of the county
322 shall publish either on a free, publicly accessible, official
323 government website, or in at least one (1) newspaper as defined in
324 Section 13-3-31, having general circulation within the county a
325 public notice that describes the plan, specifies the location



326 where it is available for review, and establishes a period of
327 thirty (30) days for comments concerning the plan and a mechanism
328 for submitting those comments. The board of supervisors shall
329 also notify the board of supervisors of adjacent counties of the
330 plan and shall make it available for review by the board of
331 supervisors of each adjacent county. During the comment period,
332 the board of supervisors of the county shall conduct at least one
333 (1) public hearing concerning the plan. The board of supervisors
334 of the county shall publish either on a free, publicly accessible,
335 official government website, or twice in at least one (1)
336 newspaper as defined in Section 13-3-31, having general
337 circulation within the county, a notice conspicuously displayed
338 containing the time and place of the hearing and the location
339 where the plan is available for review.

340 (b) After the public hearing, the board of supervisors
341 of the county may modify the plan based upon the public's
342 comments. Within ninety (90) days after the public hearing, each
343 board of supervisors shall approve a local nonhazardous solid
344 waste management plan by resolution.

345 (c) A regional solid waste management authority or
346 other district shall declare the plan to be approved as the
347 authority's or district's solid waste management plan upon written
348 notification, including a copy of the resolution, that the board
349 of supervisors of each county forming the authority or district
350 has approved the plan.



351 (6) Upon ratification of the plan, the governing body of the
352 county, authority or district shall submit it to the commission
353 for review and approval in accordance with Section 17-17-225. The
354 commission shall, by order, approve or disapprove the plan within
355 one hundred eighty (180) days after its submission. The
356 commission shall include with an order disapproving a plan a
357 statement outlining the deficiencies in the plan and directing the
358 governing body of the county, authority or district to submit,
359 within one hundred twenty (120) days after issuance of the order,
360 a revised plan that remedies those deficiencies. If the governing
361 body of the county, authority or district, by resolution, requests
362 an extension of the time for submission of a revised plan, the
363 commission may, for good cause shown, grant one (1) extension for
364 a period of not more than sixty (60) additional days.

365 (7) After approval of the plan or revised plan by the
366 commission, the governing body of the county, authority or
367 district shall implement the plan in compliance with the
368 implementation schedule contained in the approved plan.

369 (8) The governing body of the county, authority or district
370 shall annually review implementation of the approved plan. The
371 commission may require the governing body of each local government
372 or authority to revise the local nonhazardous solid waste
373 management plan as necessary, but not more than once every five
374 (5) years.



375 (9) If the commission finds that the governing body of a
376 county, authority or district has failed to submit a local
377 nonhazardous solid waste management plan, obtain approval of its
378 local nonhazardous solid waste management plan or materially fails
379 to implement its local nonhazardous solid waste management plan,
380 the commission shall issue an order in accordance with Section
381 17-17-29, to the governing body of the county, authority or
382 district.

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

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

394 (12) If a public notice required in subsection (5) was
395 published * * * according to Section 13-3-31, having general
396 circulation within the county but was not published in a daily
397 newspaper of general circulation as required by subsection (5)
398 before April 20, 1993, the commission shall not disapprove the
399 plan for failure to publish the notice in a daily newspaper. Any



400 plan disapproved for that reason by the commission shall be deemed
401 approved after remedying any other deficiencies in the plan.

402 **SECTION 7.** Section 17-17-309, Mississippi Code of 1972, is
403 amended as follows:

404 17-17-309. (1) Within forty (40) days following the
405 adoption of the final authorizing resolution, the designated
406 representatives shall proceed to incorporate an authority by
407 filing for record in the office of the chancery clerk of the
408 participating counties and the Secretary of State an incorporation
409 agreement approved by each member. The agreement shall comply in
410 form and substance with the requirements of this section and shall
411 be executed in the manner provided in Sections 17-17-301 through
412 17-17-349.

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

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

417 (b) The name of the authority which must include the
418 words " _____ Solid Waste Management Authority," or "The Solid
419 Waste Management Authority of _____," the blank spaces to
420 be filled in with the name of one or more of the members or other
421 geographically descriptive term. If the Secretary of State
422 determines that the name is identical to the name of any other
423 corporation organized under the laws of the state or so nearly
424 similar as to lead to confusion and uncertainty, the incorporators



425 may insert additional identifying words so as to eliminate any
426 duplication or similarity;

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

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

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

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

434 (g) If the exercise by the authority of any of its
435 powers is to be in any way prohibited, limited or conditioned, a
436 statement of the terms of such prohibition, limitation or
437 condition;

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

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

445 (3) The incorporation agreement shall be signed and
446 acknowledged by the incorporators before an officer authorized by
447 the laws of the state to take acknowledgements. When the
448 incorporation agreement is filed for record, there shall be



449 attached to it a certified copy of the authorizing resolution
450 adopted by the governing body of each member.

451 (4) The incorporators shall publish a notice of
452 incorporation either for two (2) successive weeks on a free,
453 publicly accessible, official government website, or once a week
454 for two (2) successive weeks in a daily newspaper or newspapers
455 having general circulation throughout the region to be served.

456 (5) Upon the filing for record of the agreement and the
457 required documents, the authority shall come into existence and
458 shall constitute a public corporation under the name set forth in
459 the incorporation agreement. The Secretary of State shall
460 thereupon issue a certificate of incorporation to the authority.

461 **SECTION 8.** Section 17-17-348, Mississippi Code of 1972, is
462 amended as follows:

463 17-17-348. (1) In addition to any notice requirements
464 otherwise provided by law, the board of supervisors of each county
465 and the governing authorities of each municipality, before the
466 first day of the fiscal year, shall publish either on a free,
467 publicly accessible, official government website, or in a
468 newspaper having a general circulation in the county, a detailed,
469 itemized report of all revenues, costs and expenses incurred by
470 the county or municipality during the immediately preceding county
471 or municipal fiscal year in operating the garbage or rubbish
472 collection or disposal system. The report shall disclose:



473 (a) The total dollar amount of revenues received or
474 dedicated by the county or municipality during the immediately
475 preceding fiscal year for operation of the garbage or rubbish
476 collection or disposal system;

477 (b) The identity of each source of funding and the
478 dollar amount received from each source of funding during the
479 immediately preceding fiscal year for operation of the garbage or
480 rubbish collection or disposal system, including ad valorem taxes,
481 fees and other sources; and

482 (c) The total dollar amount expended by the county or
483 municipality to operate the garbage or rubbish collection or
484 disposal system, along with the names and addresses of all
485 businesses and persons with whom the county or municipality has
486 contracted to perform or provide garbage or rubbish collection or
487 disposal, the dollar amount of expenditures made under each
488 contract and an itemized list of all other expenditures of county
489 or municipal funds to operate and administer the garbage or
490 rubbish collection or disposal system.

491 (2) The notice required under subsection (1) of this
492 section, when published in a newspaper, shall be no less than
493 one-eighth (1/8) page in size and the type used shall be no
494 smaller than ten (10) point and surrounded by a one-fourth-inch
495 (1/4) solid black border. The notice may not be placed in that
496 portion of the newspaper where legal notices and classified
497 advertisements appear. The notice must appear in a newspaper that



498 is published at least five (5) days a week, unless the only
499 newspaper in the county is published less than five (5) days a
500 week. The newspaper selected must be one of general interest and
501 readership in the community, and not one of limited subject
502 matter. The notice must be published at least once.

503 **SECTION 9.** Section 19-3-11, Mississippi Code of 1972, is
504 amended as follows:

505 19-3-11. In counties having only one (1) court district, the
506 board of supervisors shall hold regular meetings at the courthouse
507 or in the chancery clerk's office in those counties where the
508 chancery clerk's office is in a building separate from the
509 courthouse. However, the board of supervisors may meet in any
510 other county-owned building if such building is located within one
511 (1) mile of the courthouse and if, more than thirty (30) days
512 prior to changing the meeting place, the board posts a
513 conspicuous, permanent notice to that effect in the chancery
514 clerk's office and in one (1) other place in the courthouse,
515 publishes notice thereof either on a free, publicly accessible,
516 official government website for three (3) consecutive weeks, or in
517 a newspaper published in the county, or if there be no newspaper
518 published in the county, then in a newspaper having general
519 circulation in the county, once each week, for at least three (3)
520 consecutive weeks, and enters an order upon its minutes
521 designating and describing in full the building and room to be
522 used as the meeting room of the board of supervisors. The board



523 of supervisors shall meet on the first Monday of each month.
524 However, when such meeting date falls on a legal holiday, then the
525 said meeting shall be held on the succeeding day.

526 **SECTION 10.** Section 19-3-33, Mississippi Code of 1972, is
527 amended as follows:

528 19-3-33. The board of supervisors may have its proceedings
529 published either on a free, publicly accessible, official
530 government website, or in some newspaper published in the county,
531 and cause the same to be paid for out of the county treasury, but
532 the costs of such publication shall not exceed the sum fixed by
533 law for publishing legal notices. If there be more than one (1)
534 newspaper published in the county, the contract for publishing the
535 proceedings, if made, shall be let to the lowest bidder among
536 them.

537 **SECTION 11.** Section 19-3-35, Mississippi Code of 1972, is
538 amended as follows:

539 19-3-35. The board of supervisors after each meeting shall
540 have an itemized statement made of allowances, to whom, for what,
541 and the amounts; a list of all contracts providing for the
542 expenditure of money and the terms of payment thereof; a statement
543 of all loans from sixteenth section funds, lieu land funds, and
544 sinking, and other trust funds, setting forth to whom made, the
545 amount, and the kind of security approved; a statement or list of
546 all sales of timber, of all leases upon, including all leases for
547 oil, gas and minerals upon, sixteenth section or lieu lands



548 situated in the county or belonging to the county, showing to whom
549 sold or made, description of land involved, the length of the term
550 of any such lease, and the consideration therefor; and it shall
551 also publish a recapitulation of all expenditures according to
552 districts and also the county as a whole, and in such
553 recapitulation the total expenses for each item shall be listed
554 for each district, and in the total county recapitulation the
555 total expended from each item shall be listed and same shall be
556 published within fifteen (15) days after adjournment either on a
557 free, publicly accessible, official government website, or in some
558 newspaper of general circulation published in the county, and if
559 no such newspaper is published in the county, then in a newspaper
560 published elsewhere in the state and having a general circulation
561 in such county. When published in a newspaper, the cost of
562 publishing the same shall be paid for out of the general fund of
563 the county. The cost of such publication shall not exceed
564 one-half (1/2) of the rate now fixed by law for publishing legal
565 notices, and in no event shall the cost of such publication exceed
566 One Hundred Dollars (\$100.00) in any one (1) month, save, however,
567 in counties of classes 1 and 2 the board of supervisors may expend
568 an amount not to exceed One Hundred Seventy-five Dollars (\$175.00)
569 per month for the publication of said cumulative digest of its
570 proceedings as provided for above. If there be more than one
571 newspaper published in the county, the board of supervisors shall
572 advertise, as provided by law, for contracts for publishing such



573 proceedings, and shall award the contract to the lowest bidder for
574 a period of two (2) years. If no bid be made for the price above
575 mentioned, then the proceedings shall be posted at the courthouse
576 door as hereinafter provided. If there be no newspaper published
577 in such county, then such proceedings shall be posted at the front
578 courthouse door.

579 If any member of a board of supervisors or the chancery clerk
580 shall fail, refuse or neglect to comply with the provisions of
581 this section, he shall, upon conviction, be guilty of a
582 misdemeanor and shall be fined not more than Five Hundred Dollars
583 (\$500.00) for such failure, refusal or neglect for each offense
584 and, in addition thereto, shall be liable to a penalty of Five
585 Hundred Dollars (\$500.00), recoverable on his official bond by
586 suit filed by any county or district attorney or any interested
587 citizen, upon his official bond.

588 This shall not be construed to repeal Section 19-3-33, and
589 where the verbatim proceedings are published as therein provided,
590 this section shall not apply, it being intended hereby to provide
591 a method of publishing the proceedings of the board of supervisors
592 in addition to that now provided for by Section 19-3-33. Where
593 publication is made under Section 19-3-33, this section shall not
594 be construed so as to require any other and additional
595 publication, or notice.

596 **SECTION 12.** Section 19-5-9, Mississippi Code of 1972, is
597 amended as follows:



598 19-5-9. The construction codes published by a nationally
599 recognized code group which sets minimum standards and has the
600 proper provisions to maintain up-to-date amendments are adopted as
601 minimum standard guides for building, plumbing, electrical, gas,
602 sanitary, and other related codes in Mississippi. Any county
603 within the State of Mississippi, in the discretion of the board of
604 supervisors, may adopt building codes, plumbing codes, electrical
605 codes, sanitary codes, or other related codes dealing with general
606 public health, safety or welfare, or a combination of the same,
607 within but not exceeding the provisions of the construction codes
608 published by nationally recognized code groups, by order or
609 resolution in the manner prescribed in this section, but those
610 codes so adopted shall apply only to the unincorporated areas of
611 the county. However, those codes shall not apply to the erection,
612 maintenance, repair or extension of farm buildings or farm
613 structures, except as may be required under the terms of the
614 "Flood Disaster Protection Act of 1973," and shall apply to a
615 master planned community as defined in Section 19-5-10 only to the
616 extent allowed in Section 19-5-10. The provisions of this section
617 shall not be construed to authorize the adoption of any code which
618 applies to the installation, repair or maintenance of electric
619 wires, pipelines, apparatus, equipment or devices by or for a
620 utility rendering public utility services, required by it to be
621 utilized in the rendition of its duly authorized service to the
622 public. Before any such code shall be adopted, it shall be either



623 printed or typewritten and shall be presented in pamphlet form to
624 the board of supervisors at a regular meeting. The order or
625 resolution adopting the code shall not set out the code in full,
626 but shall merely identify the same. The vote or passage of the
627 order or resolution shall be the same as on any other order or
628 resolution. After its adoption, the code or codes shall be
629 certified to by the president and clerk of the board of
630 supervisors and shall be filed as a permanent record in the office
631 of the clerk who shall not be required to transcribe and record
632 the same in the minute book as other orders and resolutions.

633 If the board of supervisors of any county adopts or has
634 adopted construction codes which do not have proper provisions to
635 maintain up-to-date amendments, specifications in such codes for
636 cements used in portland cement concrete shall be superseded by
637 nationally recognized specifications referenced in any code
638 adopted by the Mississippi Building Code Council.

639 All provisions of this section shall apply to amendments and
640 revisions of the codes mentioned in this section. The provisions
641 of this section shall be in addition and supplemental to any
642 existing laws authorizing the adoption, amendment or revision of
643 county orders, resolutions or codes.

644 Any code adopted under the provisions of this section shall
645 not be in operation or force until sixty (60) days have elapsed
646 from the adoption of same; however, any code adopted for the
647 immediate preservation of the public health, safety and general



648 welfare may be effective from and after its adoption by a
649 unanimous vote of the members of the board. Within five (5) days
650 after the adoption or passage of an order or resolution adopting
651 that code or codes the clerk of the board of supervisors shall
652 publish either on a free, publicly accessible, official government
653 website, or in a legal newspaper published in the county the full
654 text of the order or resolution adopting and approving the code,
655 and the publication shall be inserted at least three (3) times,
656 and shall be completed within thirty (30) days after the passage
657 of the order or resolution.

658 Any person or persons objecting to the code or codes may
659 object in writing to the provisions of the code or codes within
660 sixty (60) days after the passage of the order or resolution
661 approving same, and if the board of supervisors adjudicates that
662 ten percent (10%) or more of the qualified electors residing in
663 the affected unincorporated areas of the county have objected in
664 writing to the code or codes, then in such event the code shall be
665 inoperative and not in effect unless adopted for the immediate
666 preservation of the public health, safety and general welfare
667 until approved by a special election called by the board of
668 supervisors as other special elections are called and conducted by
669 the election commissioners of the county as other special
670 elections are conducted, the special election to be participated
671 in by all the qualified electors of the county residing in the
672 unincorporated areas of the county. If the voters approve the



673 code or codes in the special election it shall be in force and in
674 operation thereafter until amended or modified as provided in this
675 section. If the majority of the qualified electors voting in the
676 special election vote against the code or codes, then, in such
677 event, the code or codes shall be void and of no force and effect,
678 and no other code or codes dealing with that subject shall be
679 adopted under the provisions of this section until at least two
680 (2) years thereafter.

681 After any such code shall take effect the board of
682 supervisors is authorized to employ such directors and other
683 personnel as the board, in its discretion, deems necessary and to
684 expend general county funds or any other funds available to the
685 board to fulfill the purposes of this section.

686 For the purpose of promoting health, safety, morals or the
687 general welfare of the community, the governing authority of any
688 municipality, and, with respect to the unincorporated part of any
689 county, the governing authority of any county, in its discretion,
690 is empowered to regulate the height, number of stories and size of
691 building and other structures, the percentage of lot that may be
692 occupied, the size of the yards, courts and other open spaces, the
693 density or population, and the location and use of buildings,
694 structures and land for trade, industry, residence or other
695 purposes, but no permits shall be required except as may be
696 required under the terms of the "Flood Disaster Protection Act of
697 1973" for the erection, maintenance, repair or extension of farm



698 buildings or farm structures outside the corporate limits of
699 municipalities.

700 The authority granted in this section is cumulative and
701 supplemental to any other authority granted by law.

702 Notwithstanding any provision of this section to the
703 contrary, any code adopted by a county before or after April 12,
704 2001, is subject to the provisions of Section 41-26-14(10).

705 Notwithstanding any provision of this section to the
706 contrary, the Boards of Supervisors of Jackson, Harrison, Hancock,
707 Stone and Pearl River Counties shall enforce the requirements
708 imposed under Section 17-2-1 as provided in such section.

709 **SECTION 13.** Section 19-5-21, Mississippi Code of 1972, is
710 amended as follows:

711 19-5-21. (1) (a) Except as provided in paragraphs (b),
712 (c), (d) and (g) of this subsection, the board of supervisors, to
713 defray the cost of establishing and operating the system provided
714 for in Section 19-5-17, may levy an ad valorem tax not to exceed
715 four (4) mills on all taxable property within the area served by
716 the county garbage or rubbish collection or disposal system. The
717 service area may be comprised of unincorporated or incorporated
718 areas of the county or both; however, no property shall be subject
719 to this levy unless that property is within an area served by a
720 county's garbage or rubbish collection or disposal system.

721 (b) The board of supervisors of any county wherein
722 Mississippi Highways 35 and 16 intersect and having a land area of



723 five hundred eighty-six (586) square miles may levy, in its
724 discretion, for the purposes of establishing, operating and
725 maintaining a garbage or rubbish collection or disposal system, an
726 ad valorem tax not to exceed six (6) mills on all taxable property
727 within the area served by the system as set out in paragraph (a)
728 of this subsection.

729 (c) The board of supervisors of any county bordering on
730 the Mississippi River and traversed by U.S. Highway 61, and which
731 is intersected by Mississippi Highway 4, having a population of
732 eleven thousand eight hundred fifty-four (11,854) according to the
733 1970 federal census, and having an assessed valuation of Fourteen
734 Million Eight Hundred Seventy-two Thousand One Hundred Forty-four
735 Dollars (\$14,872,144.00) in 1970, may levy, in its discretion, for
736 the purposes of establishing, operating and maintaining a garbage
737 or rubbish collection or disposal system, an ad valorem tax not to
738 exceed six (6) mills on all taxable property within the area
739 served by the system as set out in paragraph (a) of this
740 subsection.

741 (d) The board of supervisors of any county having a
742 population in excess of two hundred fifty thousand (250,000),
743 according to the latest federal decennial census, and in which
744 Interstate Highway 55 and Interstate Highway 20 intersect, may
745 levy, in its discretion, for the purposes of establishing,
746 operating and maintaining a garbage or rubbish collection or
747 disposal system, an ad valorem tax not to exceed seven (7) mills



748 on all taxable property within the area served by the system as
749 set out in paragraph (a) of this subsection.

750 (e) The proceeds derived from any additional millage
751 levied pursuant to paragraphs (a) through (d) of this subsection
752 in excess of two (2) mills shall be excluded from the ten percent
753 (10%) increase limitation under Section 27-39-321 for the first
754 year of such additional levy and shall be included within such
755 limitation in any year thereafter. The proceeds from any millage
756 levied pursuant to paragraph (g) shall be excluded from the ten
757 percent (10%) increase limitation under Section 27-39-321 for the
758 first year of the levy and shall be included within the limitation
759 in any year thereafter.

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

763 (g) In lieu of the ad valorem tax authorized in
764 paragraphs (a), (b), (c) and (d) of this subsection, the fees
765 authorized in subsection (2) of this subsection and in Section
766 19-5-17 or any combination thereof, the board of supervisors may
767 levy an ad valorem tax not to exceed six (6) mills to defray the
768 cost of establishing and operating the system provided for in
769 Section 19-5-17 on all taxable property within the area served by
770 the system as provided in paragraph (a) of this subsection.



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

774 (2) In addition to the ad valorem taxes authorized in
775 paragraphs (a), (b) and (c) of subsection (1) or in lieu of any
776 other method authorized to defray the cost of establishing and
777 operating the system provided for in Section 19-5-17, the board of
778 supervisors of any county with a garbage or rubbish collection or
779 disposal system may assess and collect fees to defray the costs of
780 the services. The board of supervisors may assess and collect the
781 fees from each single family residential generator of garbage or
782 rubbish. The board of supervisors also may assess and collect the
783 fees from each industrial, commercial and multifamily residential
784 generator of garbage or rubbish for any time period that the
785 generator has not contracted for the collection of garbage and
786 rubbish that is ultimately disposed of at a permitted or
787 authorized nonhazardous solid waste management facility. The fees
788 assessed and collected under this subsection may not exceed, when
789 added to the proceeds derived from any ad valorem tax imposed
790 under this section and any special funds authorized under
791 subsection (7), the actual costs estimated to be incurred by the
792 county in operating the county garbage and rubbish collection and
793 disposal system. In addition to such fees, an additional amount
794 not to exceed up to One Dollar (\$1.00) or ten percent (10%) per
795 month, whichever is greater, on the current monthly bill may be



796 assessed and collected on the balance of any delinquent monthly
797 fees.

798 (3) (a) Before the adoption of any order to increase the ad
799 valorem tax assessment or fees authorized by this section, the
800 board of supervisors shall publish a notice advertising their
801 intent to adopt an order to increase the ad valorem tax assessment
802 or fees authorized by this section. The notice shall specify the
803 purpose of the proposed increase, the proposed percentage increase
804 and the proposed percentage increase in total revenues for garbage
805 or rubbish collection or disposal services or shall contain a copy
806 of the resolution by the board stating their intent to increase
807 the ad valorem tax assessment or fees. The notice shall be
808 published either on a free, publicly accessible, official
809 government website for three (3) consecutive weeks before the
810 adoption of the order, or in a newspaper published or having
811 general circulation in the county for no less than three (3)
812 consecutive weeks before the adoption of the order. When
813 published in a newspaper, the notice shall be in print no less
814 than the size of eighteen (18) point and shall be surrounded by a
815 one-fourth (1/4) inch black border. The notice shall not be
816 placed in the legal section notice of the newspaper. There shall
817 be no language in the notice stating or implying a mandate from
818 the Legislature.

819 (b) In addition to the requirement for publication of
820 notice, the board of supervisors shall notify each person



821 furnished garbage or rubbish collection or disposal service of any
822 increase in the ad valorem tax assessment or fees. In the case of
823 an increase of the ad valorem tax assessment, a notice shall be
824 conspicuously placed on or attached to the first ad valorem tax
825 bill on which the increased assessment is effective. In the case
826 of an increase in fees, a notice shall be conspicuously placed on
827 or attached to the first bill for fees on which the increased fees
828 or charges are assessed. There shall be no language in any notice
829 stating or implying a mandate from the Legislature.

830 (4) The board of supervisors of each county shall adopt an
831 order determining whether or not to grant exemptions, either full
832 or partial, from the fees for certain classes of generators of
833 garbage or rubbish. If a board of supervisors grants any
834 exemption, it shall do so in accordance with policies and
835 procedures, duly adopted and entered on its minutes, that clearly
836 define those classes of generators to whom the exemptions are
837 applicable. The order granting exemptions shall be interpreted
838 consistently by the board when determining whether to grant or
839 withhold requested exemptions.

840 (5) (a) The board of supervisors in any county with a
841 garbage or rubbish collection or disposal system only for
842 residents in unincorporated areas may adopt an order authorizing
843 any single family generator to elect not to use the county garbage
844 or rubbish collection or disposal system. If the board of
845 supervisors adopts an order, the head of any single family



846 residential generator may elect not to use the county garbage or
847 rubbish collection or disposal service by filing with the chancery
848 clerk the form provided for in this subsection before December 1
849 of each year. The board of supervisors shall develop a form that
850 shall be available in the office of the chancery clerk for the
851 head of household to elect not to use the service and to accept
852 full responsibility for the disposal of his garbage or rubbish in
853 accordance with state and federal laws and regulations. The board
854 of supervisors, following consultation with the Department of
855 Environmental Quality, shall develop and the chancery clerk shall
856 provide a form to each person electing not to use the service
857 describing penalties under state and federal law and regulations
858 for improper or unauthorized management of garbage. Notice that
859 the election may be made not to use the county service by filing
860 the form with the chancery clerk's office shall be published
861 either on a free, publicly accessible, official government website
862 for three (3) consecutive weeks, or in a newspaper published or
863 having general circulation in the county for no less than three
864 (3) consecutive weeks, with the first publication being made no
865 sooner than five (5) weeks before the first day of December. The
866 notice shall state that any single family residential generator
867 may elect not to use the county garbage or rubbish collection or
868 disposal service by the completion and filing of the form for that
869 purpose with the chancery clerk's office before December 1 of that
870 year. The notice shall also include a statement that any single



871 family residential generator who does not timely file the form
872 shall be assessed any fees levied to cover the cost of the county
873 garbage or rubbish collection or disposal service. The chancery
874 clerk shall maintain a list showing the name and address of each
875 person who has filed a notice of intent not to use the county
876 garbage or rubbish collection or disposal service.

877 (b) If the homestead property of a person lies
878 partially within the unincorporated service area of a county and
879 partially within the incorporated service area of a municipality
880 and both the municipality and the county provide garbage
881 collection and disposal service to that person, then the person
882 may elect to use either garbage collection and disposal service.
883 The person shall notify the clerk of the governing authority of
884 the local government whose garbage collection and disposal service
885 he elects not to use of his decision not to use such services by
886 certified mail, return receipt requested. The person shall not be
887 liable for any fees or charges from the service he elects not to
888 use.

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

- 891 (a) The tax levy authorized under this section;
- 892 (b) Revenues resulting from the assessment of any fees
893 for garbage or rubbish collection or disposal; or
- 894 (c) Any combination thereof.



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

901 **SECTION 14.** Section 19-5-81, Mississippi Code of 1972, is
902 amended as follows:

903 19-5-81. Before issuing the bonds, notes or loan warrants,
904 authorized by Section 19-5-79 the board of supervisors shall
905 publish notice of its intention to borrow such funds and to issue
906 loan warrants, notes or bonds, and the clerk of said board shall
907 publish either on a free, publicly accessible official government
908 website, or in three (3) weekly issues of some newspaper having a
909 general circulation in the county, a copy of such order. If,
910 within twenty-one (21) days after the first publication of a copy
911 of such order, twenty percent (20%) of the qualified electors of
912 the county petition the board of supervisors for an election to
913 determine whether or not the adoption of such order should be
914 annulled, such election shall be ordered by said board of
915 supervisors in which the qualified electors of the county shall be
916 eligible to participate. If at such election a majority of those
917 voting vote in favor of the adoption of such order the same shall
918 be valid and effective, but if a majority shall vote against such
919 order it shall be annulled and shall be ineffective. Such



920 election shall be held and conducted and the returns thereof made
921 as provided by law for other county elections. If no such
922 petition be presented within twenty-one (21) days after the first
923 publication of a copy of such order, the order shall be valid and
924 effective and said board may thereupon proceed to issue said loan
925 warrants hereunder without an election on the question of the
926 issuance thereof.

927 **SECTION 15.** Section 19-5-155, Mississippi Code of 1972, is
928 amended as follows:

929 19-5-155. Upon the filing of such petition, or upon the
930 adoption of a resolution declaring the intent of the board of
931 supervisors to incorporate such district, it shall then be the
932 duty of the board of supervisors of such county to fix a time and
933 place for a public hearing upon the question of the public
934 convenience and necessity of the incorporation of the proposed
935 district. The date fixed for such hearing shall be not more than
936 thirty (30) days after the filing of the petition, and the date of
937 the hearing, the place at which it shall be held, the proposed
938 boundaries of said district, and the purpose of the hearing, shall
939 be set forth in a notice to be signed by the clerk of the board of
940 supervisors of such county. Such notice shall be published either
941 on a free, publicly accessible, official government website for at
942 least three (3) consecutive weeks prior to the date of such
943 hearing, or in a newspaper having general circulation within such
944 proposed district once a week for at least three (3) consecutive



945 weeks prior to the date of such hearing. The first such
946 publication shall be made not less than twenty-one (21) days prior
947 to the date of such hearing and the last such publication shall be
948 made not more than fourteen (14) days prior to the date of such
949 hearing.

950 If, at such public hearing, the board of supervisors finds
951 (1) that the public convenience and necessity require the creation
952 of the district, and (2) that the creation of the district is
953 economically sound and desirable, the board of supervisors shall
954 adopt a resolution making the aforesaid findings and declaring its
955 intention to create the district on a date to be specified in such
956 resolution. Such resolution shall also designate the name of the
957 proposed district, define its territorial limits which shall be
958 fixed by said board pursuant to such hearing, and state whether or
959 not the board of supervisors shall levy the tax authorized in
960 Section 19-5-189, Mississippi Code of 1972, and whether or not the
961 board of supervisors proposes to assess benefited properties as
962 outlined in Section 19-5-191, Mississippi Code of 1972.

963 **SECTION 16.** Section 19-5-157, Mississippi Code of 1972, is
964 amended as follows:

965 19-5-157. A certified copy of the resolution so adopted
966 shall be published either on a free, publicly accessible, official
967 government website for three (3) consecutive weeks, or in a
968 newspaper having a general circulation within such proposed
969 district once a week for at least three (3) consecutive weeks



970 prior to the date specified in such resolution as the date upon
971 which such board intends to create such district. The first such
972 publication shall be made not less than twenty-one (21) days prior
973 to the date specified, and the last such publication shall be made
974 not more than fourteen (14) days prior to such date.

975 If twenty percent (20%) or one hundred fifty (150), whichever
976 is the lesser, of the qualified electors of such proposed district
977 file written petition with such board of supervisors on or before
978 the date specified aforesaid, protesting against the creation of
979 such district, the board of supervisors shall call an election on
980 the question of the creation of such district. Such election
981 shall be held and conducted by the election commissioners of the
982 county as nearly as may be in accordance with the general laws
983 governing elections, and such election commissioners shall
984 determine which of the qualified electors of such county reside
985 within the proposed district, and only such qualified electors as
986 reside within such proposed district shall be entitled to vote in
987 such election. Notice of such election setting forth the time,
988 place or places, and purpose of such election shall be published
989 by the clerk of the board of supervisors, and such notice shall be
990 published for the time and the manner provided in Section 19-5-155
991 for the publication of the resolution of intention. The ballots
992 to be prepared for and used at said election shall be in
993 substantially the following form:

994 "FOR CREATION OF _____ DISTRICT ()



995 AGAINST CREATION OF _____ DISTRICT ()"

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

998 **SECTION 17.** Section 19-5-189, Mississippi Code of 1972, is
999 amended as follows:

1000 19-5-189. (1) (a) Except as otherwise provided in
1001 subsection (2) of this section for levies for fire protection
1002 purposes and subsection (3) of this section for certain districts
1003 providing water service, the board of supervisors of the county in
1004 which any such district exists may, according to the terms of the
1005 resolution, levy a special tax, not to exceed four (4) mills
1006 annually, on all of the taxable real property in such district,
1007 the avails of which shall be paid over to the board of
1008 commissioners of the district to be used either for the operation,
1009 support and maintenance of the district or for the retirement of
1010 any bonds issued by the district, or for both.

1011 (b) The proceeds derived from two (2) mills of the levy
1012 authorized herein shall be included in the ten percent (10%)
1013 increase limitation under Section 27-39-321, and the proceeds
1014 derived from any additional millage levied under this subsection
1015 in excess of two (2) mills shall be excluded from such limitation
1016 for the first year of such additional levy and shall be included
1017 within such limitation in any year thereafter.

1018 (2) (a) In respect to fire protection purposes, the board
1019 of supervisors of the county in which any such district exists on



1020 July 1, 1987, may levy a special tax annually, not to exceed the
1021 tax levied for such purposes for the 1987 fiscal year on all of
1022 the taxable real property in such district, the avails of which
1023 shall be paid over to the board of commissioners of the district
1024 to be used either for the operation, support and maintenance of
1025 the fire protection district or for the retirement of any bonds
1026 issued by the district for fire protection purposes, or for both.
1027 Any such district for which no taxes have been levied for the 1987
1028 fiscal year may be treated as having been created after July 1,
1029 1987, for the purposes of this subsection.

1030 (b) In respect to fire protection purposes, the board
1031 of supervisors of the county in which any such district is created
1032 after July 1, 1987, may, according to the terms of the resolution
1033 of intent to incorporate the district, levy a special tax not to
1034 exceed two (2) mills annually on all of the taxable real property
1035 in such district, the avails of which shall be paid over to the
1036 board of commissioners of the district to be used either for the
1037 operation, support and maintenance of the fire protection district
1038 or for the retirement of any bonds issued by the district for fire
1039 protection purposes, or for both; however, the board of
1040 supervisors may increase the tax levy under this subsection as
1041 provided for in paragraph (c) of this subsection.

1042 (c) The tax levy under this subsection may be increased
1043 only when the board of supervisors has determined the need for
1044 additional revenues. Prior to levying a tax increase under this



1045 paragraph, the board of supervisors shall adopt a resolution
1046 declaring its intention to levy the tax. The resolution shall
1047 describe the amount of the increase in the tax levy and the
1048 purposes for which the proceeds of the additional tax will be
1049 used. The board of supervisors shall have a copy of the
1050 resolution published either on a free, publicly accessible,
1051 official government website for three (3) consecutive weeks, or
1052 once a week for three (3) consecutive weeks in at least one (1)
1053 newspaper published in the county and having a general circulation
1054 therein. If no newspaper is published in the county, then notice
1055 shall be given by publishing the resolution for the required time
1056 in some newspaper having a general circulation in the county. A
1057 copy of the resolution shall also be posted at three (3) public
1058 places in the county for a period of at least twenty-one (21) days
1059 during the time of its publication in a newspaper. If more than
1060 twenty percent (20%) of the qualified electors of the district
1061 shall file with the clerk of the board of supervisors, within
1062 twenty-one (21) days after adoption of the resolution of intent to
1063 increase the tax levy, a petition requesting an election on the
1064 question of the increase in tax levy, then and in that event such
1065 increase shall not be made unless authorized by a majority of the
1066 votes cast at an election to be called and held for that purpose
1067 within the district. Notice of such election shall be given, the
1068 election shall be held and the result thereof determined, as far
1069 as is practicable, in the same manner as other elections are held



1070 in the county. If an election results in favor of the increase in
1071 the tax levy or if no election is required, the board of
1072 supervisors may increase the tax levy. The board of supervisors,
1073 in its discretion, may call an election on such question, in which
1074 event it shall not be necessary to publish the resolution
1075 declaring its intention to have the tax imposed.

1076 (d) Notwithstanding any provisions of this subsection
1077 to the contrary, in any county bordering on the Gulf of Mexico and
1078 the State of Louisiana, the board of supervisors may levy not to
1079 exceed four (4) mills annually on all the taxable real property
1080 within any fire protection district, the avails of which shall be
1081 paid over to the board of commissioners of the district to be used
1082 either for the operation, support and maintenance of the fire
1083 protection district or for the retirement of any bonds issued by
1084 the district for fire protection purposes, or for both. Prior to
1085 levying the tax under this paragraph, the board of supervisors
1086 shall adopt a resolution declaring its intention to levy the tax.
1087 The resolution shall describe the amount of the tax levy and the
1088 purposes for which the proceeds of the tax will be used. The
1089 board of supervisors shall have a copy of the resolution published
1090 either on a free, publicly accessible, official government website
1091 for three (3) consecutive weeks, or once a week for three (3)
1092 consecutive weeks in at least one (1) newspaper published in the
1093 county and having a general circulation therein. When published
1094 in a newspaper, if no newspaper is published in the county, then



1095 notice shall be given by publishing the resolution for the
1096 required time in some newspaper having a general circulation in
1097 the county. A copy of the resolution shall also be posted at
1098 three (3) public places in the county for a period of at least
1099 twenty-one (21) days during the time of its publication in a
1100 newspaper. If more than twenty percent (20%) of the qualified
1101 electors of the district shall file with the clerk of the board of
1102 supervisors, within twenty-one (21) days after adoption of the
1103 resolution of intent to levy the tax, a petition requesting an
1104 election on the question of the levy of such tax, then and in that
1105 event such tax levy shall not be made unless authorized by a
1106 majority of the votes cast at an election to be called and held
1107 for that purpose within the district. Notice of such election
1108 shall be given, the election shall be held and the result thereof
1109 determined, as far as is practicable, in the same manner as other
1110 elections are held in the county. If an election results in favor
1111 of the tax levy or if no election is required, the board of
1112 supervisors may levy such tax. The board of supervisors, in its
1113 discretion, may call an election on such question, in which event
1114 it shall not be necessary to publish the resolution declaring its
1115 intention to have the tax imposed.

1116 (e) Notwithstanding any provisions of this subsection
1117 to the contrary, in any county bordering on the Mississippi River
1118 in which legal gaming is conducted and in which U.S. Highway 61
1119 intersects with Highway 4, the board of supervisors may levy a



1120 special tax not to exceed five (5) mills annually on all the
1121 taxable real and personal property within any fire protection
1122 district, except for utilities as defined in Section 77-3-3(d) (i)
1123 and (iii), the avails of which shall be paid over to the board of
1124 commissioners of the district to be used either for the operation,
1125 support and maintenance of the fire protection district or for the
1126 retirement of any bonds issued by the district for fire protection
1127 purposes, or for both. Before levying the tax under this
1128 paragraph, the board of supervisors shall adopt a resolution
1129 declaring its intention to levy the tax. The resolution shall
1130 describe the amount of the tax levy and the purposes for which the
1131 proceeds of the tax will be used. The board of supervisors shall
1132 have a copy of the resolution published either on a free, publicly
1133 accessible, official government website for three (3) consecutive
1134 weeks, or once a week for three (3) consecutive weeks in at least
1135 one (1) newspaper published in the county and having a general
1136 circulation therein. When published in a newspaper, if no
1137 newspaper is published in the county, then notice shall be given
1138 by publishing the resolution for the required time in some
1139 newspaper having general circulation in the county. A copy of the
1140 resolution shall also be posted at three (3) public places in the
1141 county for a period of at least twenty-one (21) days during the
1142 time of its publication in a newspaper. If more than twenty
1143 percent (20%) of the qualified electors of the district shall file
1144 with the clerk of the board of supervisors, within twenty-one (21)



1145 days after adoption of the resolution of intent to levy the tax, a
1146 petition requesting an election of the questions of the levy of
1147 such tax, then and in that event such tax levy shall not be made
1148 unless authorized by a majority of the votes cast at an election
1149 to be called and held for that purpose within the district.
1150 Notice of such election shall be given, the election shall be held
1151 and the result thereof determined, as far as is practicable, in
1152 the same manner as other elections are held in the county. If an
1153 election results in favor of the tax levy or if no election is
1154 required, the board of supervisors may levy such tax. The board
1155 of supervisors, in its discretion, may call an election on such
1156 question, in which event it shall not be necessary to publish the
1157 resolution declaring its intention to have the tax imposed.

1158 (f) Any taxes levied under this subsection shall be
1159 excluded from the ten percent (10%) increase limitation under
1160 Section 27-39-321.

1161 (3) For any district authorized under Section 19-5-151(2),
1162 the board of supervisors shall not levy the special tax authorized
1163 in this section.

1164 **SECTION 18.** Section 19-5-207, Mississippi Code of 1972, is
1165 amended as follows:

1166 19-5-207. Within ninety (90) days after the close of each
1167 fiscal year, the board of commissioners shall publish either on a
1168 free, publicly accessible, official government website, or in a
1169 newspaper of general circulation in the county a sworn statement



1170 showing the financial condition of the district, the earnings for
1171 the fiscal year just ended, a statement of the water and sewer
1172 rates being charged, and a brief statement of the method used in
1173 arriving at such rates. Such statement shall also be filed with
1174 the board of supervisors creating the district.

1175 **SECTION 19.** Section 19-7-3, Mississippi Code of 1972, is
1176 amended as follows:

1177 19-7-3. (1) In case any of the real estate belonging to the
1178 county shall cease to be used for county purposes, the board of
1179 supervisors may sell, convey or lease the same on such terms as
1180 the board may elect and may, in addition, exchange the same for
1181 real estate belonging to any other political subdivision located
1182 within the county. In case of a sale on a credit, the county
1183 shall have a lien on the same for the purchase money, as against
1184 all persons, until paid and may enforce the lien as in such cases
1185 provided by law. The deed of conveyance in such cases shall be
1186 executed in the name of the county by the president of the board
1187 of supervisors, pursuant to an order of the board entered on its
1188 minutes.

1189 (2) (a) Before any lease, deed or conveyance is executed,
1190 the board shall publish either on a free, publicly accessible,
1191 official government website for three (3) consecutive weeks, or at
1192 least once each week for three (3) consecutive weeks, in a public
1193 newspaper of the county in which the land is located, or if no
1194 newspaper be published in said county then in a newspaper having



1195 general circulation therein, the intention to lease or sell, as
1196 the case may be, the county-owned land and to accept sealed
1197 competitive bids for the leasing or sale. The board shall
1198 thereafter accept bids for the lease or sale and shall award the
1199 lease to the highest bidder in the manner provided by law.

1200 (b) The board of supervisors of any county may contract
1201 for the professional services of a Mississippi-licensed real
1202 estate broker to assist in the marketing and sale or lease of the
1203 property for a reasonable commission, consistent with or lower
1204 than the market rate, for services rendered to be paid from the
1205 sale or lease proceeds.

1206 (3) Whenever the board of supervisors shall find and
1207 determine, by resolution duly and lawfully adopted and spread upon
1208 its minutes (a) that any county-owned property is no longer needed
1209 for county or related purposes and is not to be used in the
1210 operation of the county, (b) that the sale of the property in the
1211 manner otherwise provided by law is not necessary or desirable for
1212 the financial welfare of the county, and (c) that the use of the
1213 county property for the purpose for which it is to be sold,
1214 conveyed or leased will promote and foster the development and
1215 improvement of the community in which it is located and the civic,
1216 social, educational, cultural, moral, economic or industrial
1217 welfare thereof, the board of supervisors of such county shall be
1218 authorized and empowered, in its discretion, to sell, convey,



1219 lease, or otherwise dispose of same for any of the purposes set
1220 forth herein.

1221 (4) (a) In addition to such authority as is otherwise
1222 granted under this section, the board of supervisors, in its
1223 discretion, may sell, lease, or otherwise convey property to any
1224 person or legal entity without public notice, without having to
1225 advertise for and accept competitive bids and without appraisal,
1226 with or without consideration, and on such terms and conditions as
1227 the parties may agree if the board of supervisors finds and
1228 determines, by resolution duly and lawfully adopted and spread
1229 upon its official minutes:

1230 (i) That the subject property is real property
1231 acquired by the county:

- 1232 1. By reason of a tax sale;
- 1233 2. Because the property was abandoned or
1234 blighted; or
- 1235 3. In a proceeding to satisfy a county lien
1236 against the property;

1237 (ii) That the subject property is blighted and is
1238 located in a blighted area;

1239 (iii) That the subject property is not needed for
1240 governmental or related purposes and is not to be used in the
1241 operation of the county;



1242 (iv) That the sale of the property in the manner
1243 otherwise provided by law is not necessary or desirable for the
1244 financial welfare of the county; and

1245 (v) That the use of the property for the purpose
1246 for which it is to be conveyed will promote and foster the
1247 development and improvement of the community in which it is
1248 located or the civic, social, educational, cultural, moral,
1249 economic or industrial welfare thereof; the purpose for which the
1250 property is conveyed shall be stated.

1251 (b) All costs associated with a conveyance under this
1252 subsection shall be paid by the person or entity to whom the
1253 conveyance is made.

1254 (c) Any deed or instrument of conveyance executed
1255 pursuant to the authority granted under this subsection shall
1256 contain a clause of reverter providing that title to the property
1257 will revert to the county if the person or entity to whom the
1258 property is conveyed does not fulfill the purpose for which the
1259 property was conveyed and satisfy all conditions imposed on the
1260 conveyance within two (2) years of the date of the conveyance.

1261 (d) In any such deed or instrument of conveyance, the
1262 county shall retain all mineral rights that it owns, together with
1263 the right of ingress and egress to remove same.

1264 (5) Nothing contained in this section shall be construed to
1265 prohibit, restrict or to prescribe conditions with regard to the
1266 authority granted under Section 17-25-3 or Section 57-75-37.



1267 **SECTION 20.** Section 19-9-11, Mississippi Code of 1972, is
1268 amended as follows:

1269 19-9-11. Before issuing any bonds for any of the purposes
1270 enumerated in Sections 19-9-1 * * * and 19-9-3, the board of
1271 supervisors shall adopt a resolution declaring its intention so to
1272 do, stating the amount of bonds proposed to be issued and the
1273 purpose for which the bonds are to be issued, and the date upon
1274 which the board proposes to direct the issuance of such bonds.
1275 Such resolution shall be published either on a free, publicly
1276 accessible, official government website for three (3) consecutive
1277 weeks, or once a week for at least three (3) consecutive weeks in
1278 at least one (1) newspaper published in such county. The first
1279 publication of such resolution shall be made not less than
1280 twenty-one (21) days prior to the date fixed in such resolution
1281 for the issuance of the bonds, and the last publication shall be
1282 made not more than seven (7) days prior to such date. When
1283 published in a newspaper, if no newspaper be published in such
1284 county, then such notice shall be given by publishing the
1285 resolution for the required time in some newspaper having a
1286 general circulation in such county and, in addition, by posting a
1287 copy of such resolution for at least twenty-one (21) days next
1288 preceding the date fixed therein at three (3) public places in
1289 such county. If twenty percent (20%), or fifteen hundred (1500),
1290 whichever is less, of the qualified electors of the county,
1291 supervisors district, or road district, as the case may be, shall



1292 file a written protest against the issuance of such bonds on or
1293 before the date specified in such resolution, then an election on
1294 the question of the issuance of such bonds shall be called and
1295 held as is provided in Sections 19-9-13 * * * and 19-9-15. If no
1296 such protest be filed, then such bonds may be issued without an
1297 election on the question of the issuance thereof, at any time
1298 within a period of two (2) years after the date specified in the
1299 above-mentioned resolution. However, the board of supervisors, in
1300 its discretion, may nevertheless call an election on such
1301 question, in which event it shall not be necessary to publish the
1302 resolution declaring its intention to issue such bonds as herein
1303 provided.

1304 **SECTION 21.** Section 19-9-111, Mississippi Code of 1972, is
1305 amended as follows:

1306 19-9-111. The board of supervisors of any county authorized
1307 to establish or cooperate in the establishment of economic
1308 development districts pursuant to Section 19-5-99 may, in its
1309 discretion, levy a tax of not more than two (2) mills against the
1310 taxable property in the county or the portion thereof comprising
1311 an economic development district, to be used to support and
1312 maintain such district. The levy so made shall be in addition to
1313 all other levies provided by law.

1314 Before any such levy is made, the board of supervisors shall
1315 signify its intention to make such a levy and publish same either
1316 on a free, publicly accessible, official government website, or in



1317 a newspaper published in said county for thirty (30) days prior to
1318 making said levy. In the event more than twenty percent (20%) or
1319 fifteen hundred (1500), whichever is less, of the qualified
1320 electors of said economic development district protest in writing
1321 to the board of supervisors against the imposition of such tax
1322 levy within thirty (30) days from the date such notice is
1323 published, then such proposed tax levy shall not be made unless
1324 same is approved by a special election called for said purpose.
1325 Said special election shall be conducted and had as provided by
1326 law.

1327 The governing authorities of any municipality in a county,
1328 which has established an economic development district or which is
1329 included in an economic development district, may contribute to
1330 the support of such economic development district from its general
1331 fund.

1332 **SECTION 22.** Section 19-29-18, Mississippi Code of 1972, is
1333 amended as follows:

1334 19-29-18. (1) The governing body of a county railroad
1335 authority or regional railroad authority, as the case may be, may
1336 file a petition with the board of supervisors of any county
1337 included in the railroad authority, specifying for each such
1338 county, the rate of the ad valorem tax, not to exceed two (2)
1339 mills, to be levied by such county on the taxable property
1340 therein, for acquisition and maintenance of railroad properties
1341 and facilities, and to defray operating expenses of the railroad



1342 authority and any other expenses authorized to be incurred by the
1343 railroad authority. Prior to levying the tax specified by the
1344 railroad authority, the board of supervisors of each such county
1345 shall publish notice of its intention to levy same. The notice
1346 shall be published either on a free, publicly accessible, official
1347 government website for three (3) consecutive weeks, or once each
1348 week for three (3) weeks in some newspaper having a general
1349 circulation in the county, but not less than twenty-one (21) days,
1350 nor more than sixty (60) days, intervening between the time of the
1351 first notice and the meeting at which said board proposes to levy
1352 the tax. If, within the time of giving notice, twenty percent
1353 (20%) or one thousand five hundred (1,500) of the qualified
1354 electors of the county, whichever is less, shall file a written
1355 protest against the levy of the tax, then the tax shall not be
1356 levied unless authorized by three-fifths (3/5) of the qualified
1357 electors of such county, voting at an election to be called and
1358 held for that purpose. If the tax levy fails to be authorized at
1359 an election held in a county included in the regional authority,
1360 then such tax levy shall not be made in any of the counties
1361 included in such regional authority.

1362 (2) The avails of the ad valorem tax levied under authority
1363 of this section shall be paid by the county board of supervisors
1364 to the governing body of the railroad authority to be used as
1365 herein authorized.



1366 (3) For any fiscal year after the initial levy of the tax,
1367 the board of supervisors levying same shall levy such tax at a
1368 millage rate which will produce an amount of revenue which
1369 approximates, but does not exceed, the amount of revenue produced
1370 from the levy for the preceding fiscal year. The county board of
1371 supervisors shall not increase the millage rate for the purposes
1372 authorized herein unless notice thereof is published and an
1373 election held, if required, in the manner set forth in subsection
1374 (1) of this section.

1375 (4) Each railroad authority shall be subject to examination
1376 by the State Auditor.

1377 (5) The tax levy authorized in this section shall not be
1378 included in the ten percent (10%) limitation on increases under
1379 Sections 27-39-320 or 27-39-321.

1380 (6) The tax levy authorized in this section shall not be
1381 reimbursable under the provisions of the Homestead Exemption Law.

1382 (7) A railroad authority created under Section 19-29-7(2)
1383 must receive the approval of the governing authorities of the
1384 municipality and the county creating such authority before levying
1385 any tax under this section.

1386 **SECTION 23.** Section 21-13-11, Mississippi Code of 1972, is
1387 amended as follows:

1388 21-13-11. Every ordinance passed by the governing body of a
1389 municipality, except as is otherwise provided by law, shall be
1390 certified by a municipal clerk, signed by the mayor or a majority



1391 of all the members of the governing body, recorded in the
1392 ordinance book, and published at least one (1) time either on a
1393 free, publicly accessible, official government website, or in some
1394 newspaper published in such municipality, or, if there be no such
1395 newspaper, then in a newspaper within the county having general
1396 circulation in said municipality, or, if there be no newspaper
1397 published in or having general circulation in same, then in any
1398 newspaper published in the State of Mississippi having general
1399 circulation in said county; and all of same shall be done before
1400 such ordinance shall be effective. The publication of the
1401 ordinance may be made as provided in Section 21-17-19. No
1402 ordinance shall be in force for one (1) month after its passage;
1403 however, any ordinance for the immediate and temporary
1404 preservation of the public peace, health or safety or for other
1405 good cause, which is adopted by unanimous vote of all members of
1406 the governing body, may be made effective from and after its
1407 passage by a unanimous vote of all members of the governing body.
1408 However, in such cases, such ordinance shall contain a statement
1409 of reason why it is necessary that same become immediately
1410 effective. All such ordinances shall be published and recorded in
1411 the ordinance book in the same manner as other ordinances, but
1412 shall become effective immediately upon the adoption thereof, and
1413 prior to being so recorded and published. Nothing in this section
1414 shall apply to ordinances appropriating money for the payment of



1415 the current expenses of the municipality or the payment of sums
1416 due on any contract previously made.

1417 **SECTION 24.** Section 21-17-1, Mississippi Code of 1972, is
1418 amended as follows:

1419 21-17-1. (1) Every municipality of this state shall be a
1420 municipal corporation and shall have power to sue and be sued; to
1421 purchase and hold real estate, either within or without the
1422 corporate limits, for all proper municipal purposes, including
1423 parks, cemeteries, hospitals, schoolhouses, houses of correction,
1424 waterworks, electric lights, sewers and other proper municipal
1425 purposes; to purchase and hold personal property for all proper
1426 municipal purposes; to sell or dispose of personal property or
1427 real property owned by it consistent with Section 17-25-25; to
1428 acquire equipment and machinery by lease-purchase agreement and to
1429 pay interest thereon, if contracted, when needed for proper
1430 municipal purposes; and to sell and convey any real property owned
1431 by it, and make such order respecting the same as may be deemed
1432 conducive to the best interest of the municipality, and exercise
1433 jurisdiction over the same.

1434 (2) (a) In case any of the real property belonging to a
1435 municipality shall cease to be used for municipal purposes, the
1436 governing authority of the municipality may sell, convey or lease
1437 the same on such terms as the municipal authority may elect. In
1438 case of a sale on a credit, the municipality shall charge
1439 appropriate interest as contracted and shall have a lien on the



1440 same for the purchase money, as against all persons, until paid
1441 and may enforce the lien as in such cases provided by law. The
1442 deed of conveyance in such cases shall be executed in the name of
1443 the municipality by the governing authority of the municipality
1444 pursuant to an order entered on the minutes. In any sale or
1445 conveyance of real property, the municipality shall retain all
1446 mineral rights that it owns, together with the right of ingress
1447 and egress to remove same. Except as otherwise provided in this
1448 section, before any such lease, deed or conveyance is executed,
1449 the governing authority of the municipality shall publish either
1450 on a free, publicly accessible, official government website for
1451 three (3) consecutive weeks, or at least once each week for three
1452 (3) consecutive weeks, in a public newspaper of the municipality
1453 in which the real property is located, or if no newspaper be
1454 published as such, then in a newspaper having general circulation
1455 therein, the intention to lease or sell, as the case may be, the
1456 municipally owned real property and to accept sealed competitive
1457 bids for the leasing or sale. The governing authority of the
1458 municipality shall thereafter accept bids for the lease or sale
1459 and shall award the lease or sale to the highest bidder in the
1460 manner provided by law. However, whenever the governing authority
1461 of the municipality shall find and determine, by resolution duly
1462 and lawfully adopted and spread upon its minutes (i) that any
1463 municipally owned real property is no longer needed for municipal
1464 or related purposes and is not to be used in the operation of the



1465 municipality, (ii) that the sale of such property in the manner
1466 otherwise provided by law is not necessary or desirable for the
1467 financial welfare of the municipality, and (iii) that the use of
1468 such property for the purpose for which it is to be sold, conveyed
1469 or leased will promote and foster the development and improvement
1470 of the community in which it is located and the civic, social,
1471 educational, cultural, moral, economic or industrial welfare
1472 thereof, the governing authority of the municipality shall be
1473 authorized and empowered, in its discretion, to sell, convey or
1474 lease same for any of the purposes set forth herein without having
1475 to advertise for and accept competitive bids.

1476 (b) In any case in which a municipality proposes to
1477 sell, convey or lease real property under the provisions of this
1478 subsection (2) without advertising for and accepting competitive
1479 bids, the governing authority may sell, convey or lease the
1480 property as follows:

1481 (i) Consideration for the purchase, conveyance or
1482 lease of the property shall be not less than the average of the
1483 fair market price for such property as determined by at least two
1484 (2) professional property appraisers selected by the municipality
1485 and approved by the purchaser or lessee. Appraisal fees shall be
1486 shared equally by the municipality and the purchaser or lessee;

1487 (ii) The governing authority of a municipality may
1488 contract for the professional services of a Mississippi licensed
1489 real estate broker to assist the municipality in the marketing and



1490 sale or lease of the property, and may provide the broker
1491 reasonable compensation for services rendered to be paid from the
1492 sale or lease proceeds. The reasonable compensation shall not
1493 exceed the usual and customary compensation for similar services
1494 within the municipality; or

1495 (iii) The governing authority of a municipality
1496 may lease property of less than one thousand five hundred (1,500)
1497 square feet to any person or legal entity by having two (2)
1498 appraisals establish the fair market value of the lease, and on
1499 such other terms and conditions as the parties may agree, such
1500 lease being lawfully adopted and spread upon its official minutes.

1501 (3) Whenever the governing authority of the municipality
1502 shall find and determine by resolution duly and lawfully adopted
1503 and spread upon the minutes that municipally owned real property
1504 is not used for municipal purposes and therefore surplus as set
1505 forth in subsection (2) of this section:

1506 (a) (i) Except as otherwise provided in subparagraph
1507 (ii) of this paragraph (a), the governing authority may donate
1508 such lands to a bona fide not-for-profit civic or eleemosynary
1509 corporation organized and existing under the laws of the State of
1510 Mississippi and granted tax-exempt status by the Internal Revenue
1511 Service and may donate such lands and necessary funds related
1512 thereto to the public school district in which the land is
1513 situated for the purposes set forth herein. Any deed or
1514 conveyance executed pursuant hereto shall contain a clause of



1515 reverter providing that the bona fide not-for-profit corporation
1516 or public school district may hold title to such lands only so
1517 long as they are continued to be used for the civic, social,
1518 educational, cultural, moral, economic or industrial welfare of
1519 the community, and that title shall revert to the municipality in
1520 the event of the cessation of such use for a period of two (2)
1521 years. In any such deed or conveyance, the municipality shall
1522 retain all mineral rights that it owns, together with the right of
1523 ingress and egress to remove same;

1524 (ii) If the governing authority of a municipality
1525 with a total population of greater than forty thousand (40,000)
1526 but not more than forty-two thousand five hundred (42,500)
1527 according to the 2010 federal decennial census, donates real
1528 property to a bona fide not-for-profit civic or eleemosynary
1529 corporation and such civic or eleemosynary corporation commits Two
1530 Million Dollars (\$2,000,000.00) to renovate or make capital
1531 improvements to the property by an agreement between a certain
1532 state institution of higher learning and the civic or eleemosynary
1533 corporation, then the clause of reverter required by this
1534 paragraph shall provide that title of such real property shall
1535 revert 1. to the bona fide not-for-profit civic or eleemosynary
1536 corporation, if a certain state institution of higher learning
1537 ceases to use the property for the purposes required by this
1538 paragraph (a) for donated lands, or 2. to the municipality, if a
1539 certain state institution of higher learning ceases to use the



1540 property for the purposes required by this paragraph (a) and the
1541 not-for-profit civic or eleemosynary corporation or its successor
1542 ceases to exist;

1543 (b) (i) The governing authority may donate such lands
1544 to a bona fide not-for-profit corporation (such as Habitat for
1545 Humanity) which is primarily engaged in the construction of
1546 housing for persons who otherwise can afford to live only in
1547 substandard housing. In any such deed or conveyance, the
1548 municipality shall retain all mineral rights that it owns,
1549 together with the right of ingress and egress to remove same;

1550 (ii) In the event the governing authority does not
1551 wish to donate title to such lands to the bona fide not-for-profit
1552 civic or eleemosynary corporation, but wishes to retain title to
1553 the lands, the governing authority may lease the lands to a bona
1554 fide not-for-profit corporation described in paragraph (a) or this
1555 paragraph (b) for less than fair market value;

1556 (c) The governing authority may donate any municipally
1557 owned lot measuring twenty-five (25) feet or less along the
1558 frontage line as follows: the governing authority may cause the
1559 lot to be divided in half along a line running generally
1560 perpendicular to the frontage line and may convey each one-half
1561 (1/2) of that lot to the owners of the parcels laterally adjoining
1562 the municipally owned lot. All costs associated with a conveyance
1563 under this paragraph (c) shall be paid by the person or entity to
1564 whom the conveyance is made. In any such deed or instrument of



1565 conveyance, the municipality shall retain all mineral rights that
1566 it owns, together with the right of ingress and egress to remove
1567 same;

1568 (d) Nothing contained in this subsection (3) shall be
1569 construed to prohibit, restrict or to prescribe conditions with
1570 regard to the authority granted under Section 17-25-3.

1571 (4) Every municipality shall also be authorized and
1572 empowered to loan to private persons or entities, whether
1573 organized for profit or nonprofit, funds received from the United
1574 States Department of Housing and Urban Development (HUD) under an
1575 urban development action grant or a community development block
1576 grant under the Housing and Community Development Act of 1974
1577 (Public Law 93-383), as amended, and to charge interest thereon if
1578 contracted, provided that no such loan shall include any funds
1579 from any revenues other than the funds from the United States
1580 Department of Housing and Urban Development; to make all contracts
1581 and do all other acts in relation to the property and affairs of
1582 the municipality necessary to the exercise of its governmental,
1583 corporate and administrative powers; and to exercise such other or
1584 further powers as are otherwise conferred by law.

1585 (5) (a) The governing authority of any municipality may
1586 establish an employer-assisted housing program to provide funds to
1587 eligible employees to be used toward the purchase of a home. This
1588 assistance may be applied toward the down payment, closing costs
1589 or any other fees or costs associated with the purchase of a home.



1590 The housing assistance may be in the form of a grant, forgivable
1591 loan or repayable loan. The governing authority of a municipality
1592 may contract with one or more public or private entities to
1593 provide assistance in implementing and administering the program
1594 and shall adopt rules and regulations regarding the eligibility of
1595 a municipality for the program and for the implementation and
1596 administration of the program. However, no general funds of a
1597 municipality may be used for a grant or loan under the program.

1598 (b) Participation in the program established under this
1599 subsection (5) shall be available to any eligible municipal
1600 employee as determined by the governing authority of the
1601 municipality. Any person who receives financial assistance under
1602 the program must purchase a house and reside within certain
1603 geographic boundaries as determined by the governing authority of
1604 the municipality.

1605 (c) If the assistance authorized under this subsection
1606 (5) is structured as a forgivable loan, the participating employee
1607 must remain as an employee of the municipality for an agreed upon
1608 period of time, as determined by the rules and regulations adopted
1609 by the governing authority of the municipality, in order to have
1610 the loan forgiven. The forgiveness structure, amount of
1611 assistance and repayment terms shall be determined by the
1612 governing authority of the municipality.

1613 (6) The governing authority of any municipality may contract
1614 with a private attorney or private collection agent or agency to



1615 collect any type of delinquent payment owed to the municipality,
1616 including, but not limited to, past-due fees, fines and other
1617 assessments, or with the district attorney of the circuit court
1618 district in which the municipality is located to collect any
1619 delinquent fees, fines and other assessments. Any such contract
1620 debt may provide for payment contingent upon successful collection
1621 efforts or payment based upon a percentage of the delinquent
1622 amount collected; however, the entire amount of all delinquent
1623 payments collected shall be remitted to the municipality and shall
1624 not be reduced by any collection costs or fees. Any private
1625 attorney or private collection agent or agency contracting with
1626 the municipality under the provisions of this subsection shall
1627 give bond or other surety payable to the municipality in such
1628 amount as the governing authority of the municipality deems
1629 sufficient. Any private attorney with whom the municipality
1630 contracts under the provisions of this subsection must be a member
1631 in good standing of The Mississippi Bar. Any private collection
1632 agent or agency with whom the municipality contracts under the
1633 provisions of this subsection must meet all licensing requirements
1634 for doing business in the State of Mississippi. Neither the
1635 municipality nor any officer or employee of the municipality shall
1636 be liable, civilly or criminally, for any wrongful or unlawful act
1637 or omission of any person or business with whom the municipality
1638 has contracted under the provisions of this subsection. The
1639 Mississippi Department of Audit shall establish rules and



1640 regulations for use by municipalities in contracting with persons
1641 or businesses under the provisions of this subsection. If a
1642 municipality uses its own employees to collect any type of
1643 delinquent payment owed to the municipality, then from and after
1644 July 1, 2000, the municipality may charge an additional fee for
1645 collection of the delinquent payment provided the payment has been
1646 delinquent for ninety (90) days. The collection fee may not
1647 exceed twenty-five percent (25%) of the delinquent payment if the
1648 collection is made within this state and may not exceed fifty
1649 percent (50%) of the delinquent payment if the collection is made
1650 outside this state. In conducting collection of delinquent
1651 payments, the municipality may utilize credit cards or electronic
1652 fund transfers. The municipality may pay any service fees for the
1653 use of such methods of collection from the collection fee, but not
1654 from the delinquent payment. There shall be due to the
1655 municipality from any person whose delinquent payment is collected
1656 under a contract executed as provided in this subsection an
1657 amount, in addition to the delinquent payment, * * * not to exceed
1658 twenty-five percent (25%) of the delinquent payment for
1659 collections made within this state, and not to exceed fifty
1660 percent (50%) of the delinquent payment for collections made
1661 outside of this state.

1662 (7) In addition to such authority as is otherwise granted
1663 under this section, the governing authority of any municipality
1664 may expend funds necessary to maintain and repair, and to purchase



1665 liability insurance, tags and decals for, any personal property
1666 acquired under the Federal Excess Personal Property Program that
1667 is used by the local volunteer fire department.

1668 (8) In addition to the authority to expend matching funds
1669 under Section 21-19-65, the governing authority of any
1670 municipality, in its discretion, may expend municipal funds to
1671 match any state, federal or private funding for any program
1672 administered by the State of Mississippi, the United States
1673 government or any nonprofit organization that is exempt under 26
1674 USCS Section 501(c) (3) from paying federal income tax.

1675 (9) The governing authority of any municipality that owns
1676 and operates a gas distribution system, as defined in Section
1677 21-27-11(b), and the governing authority of any public natural gas
1678 district are authorized to contract for the purchase of the supply
1679 of natural gas for a term of up to ten (10) years with any public
1680 nonprofit corporation which is organized under the laws of this
1681 state or any other state.

1682 (10) The governing authority of any municipality may perform
1683 and exercise any duty, responsibility or function, may enter into
1684 agreements and contracts, may provide and deliver any services or
1685 assistance, and may receive, expend and administer any grants,
1686 gifts, matching funds, loans or other monies, in accordance with
1687 and as may be authorized by any federal law, rule or regulation
1688 creating, establishing or providing for any program, activity or
1689 service. The provisions of this subsection shall not be construed



1690 as authorizing any municipality or the governing authority of such
1691 municipality to perform any function or activity that is
1692 specifically prohibited under the laws of this state or as
1693 granting any authority in addition to or in conflict with the
1694 provisions of any federal law, rule or regulation.

1695 (11) (a) In addition to such authority as is otherwise
1696 granted under this section, the governing authority of a
1697 municipality, in its discretion, may sell, lease, donate or
1698 otherwise convey property to any person or legal entity without
1699 public notice, without having to advertise for and accept
1700 competitive bids and without appraisal, with or without
1701 consideration, and on such terms and conditions as the parties may
1702 agree if the governing authority finds and determines, by
1703 resolution duly and lawfully adopted and spread upon its official
1704 minutes:

1705 (i) The subject property is real property acquired
1706 by the municipality:

- 1707 1. By reason of a tax sale;
1708 2. Because the property was abandoned or
1709 blighted; or

1710 3. In a proceeding to satisfy a municipal
1711 lien against the property;

1712 (ii) The subject property is blighted and is
1713 located in a blighted area;



1714 (iii) The subject property is not needed for
1715 governmental or related purposes and is not to be used in the
1716 operation of the municipality;

1717 (iv) That the sale of the property in the manner
1718 otherwise provided by law is not necessary or desirable for the
1719 financial welfare of the municipality; and

1720 (v) That the use of the property for the purpose
1721 for which it is to be conveyed will promote and foster the
1722 development and improvement of the community in which it is
1723 located or the civic, social, educational, cultural, moral,
1724 economic or industrial welfare thereof; the purpose for which the
1725 property is conveyed shall be stated.

1726 (b) Any deed or instrument of conveyance executed
1727 pursuant to the authority granted under this subsection shall
1728 contain a clause of reverter providing that title to the property
1729 will revert to the municipality if the person or entity to whom
1730 the property is conveyed does not fulfill the purpose for which
1731 the property was conveyed and satisfy all conditions imposed on
1732 the conveyance within two (2) years of the date of the conveyance.

1733 (c) In any such deed or instrument of conveyance, the
1734 municipality shall retain all mineral rights that it owns,
1735 together with the right of ingress and egress to remove same.

1736 (12) The governing authority of any municipality may enter
1737 into agreements and contracts with any housing authority, as
1738 defined in Section 43-33-1, to provide extra police protection in



1739 exchange for the payment of compensation or a fee to the
1740 municipality.

1741 (13) The governing authority of any municipality may
1742 reimburse the cost of an insured's deductible for an automobile
1743 insurance coverage claim if the claim has been paid for damages to
1744 the insured's property arising from the negligence of a duly
1745 authorized officer, agent, servant, attorney or employee of the
1746 municipality in the performance of his or her official duties, and
1747 the officer, agent, servant, attorney or employee owning or
1748 operating the motor vehicle is protected by immunity under the
1749 Mississippi Tort Claims Act, Section 11-46-1 et seq.

1750 (14) The powers conferred by this section shall be in
1751 addition and supplemental to the powers conferred by any other
1752 law, and nothing contained in this section shall be construed to
1753 prohibit, or to prescribe conditions concerning, any practice or
1754 practices authorized under any other law.

1755 **SECTION 25.** Section 21-17-19, Mississippi Code of 1972, is
1756 amended as follows:

1757 21-17-19. (1) Whenever a municipality is required by law to
1758 publish either on a free, publicly accessible, official government
1759 website, or in a newspaper any public measure or amendment
1760 thereto, the substance of the public measure or amendment thereto
1761 may be printed in lieu of the full text of the public measure or
1762 amendment thereto, as provided in this section. Such a public
1763 measure shall include, but shall not be limited to, an ordinance,



1764 resolution, amendment to a municipal charter or annual audit. The
1765 provisions of this section shall not apply to publication of the
1766 annual budget or amendments thereto; such publication shall be
1767 made as provided in Chapter 35, Title 21, Mississippi Code of
1768 1972.

1769 (2) The substance of the public measure or amendment thereto
1770 shall be an explanatory statement summarizing the full text of the
1771 public measure or amendment thereto, in which the chief purpose of
1772 the measure is explained in clear and unambiguous language. Such
1773 statement shall be prepared by the governing authorities of the
1774 municipality, and shall not exceed three hundred (300) words in
1775 length to the extent practicable.

1776 (3) During the entire time of the publication of the
1777 explanatory statement in a newspaper, a copy of the full text of
1778 the public measure or amendment thereto shall be posted by the
1779 clerk of the municipality (a) at the city hall, (b) at the main
1780 public library in the municipality, or at the courthouse in the
1781 judicial district or county in which the municipality is located;
1782 and in addition, the clerk shall post such copy at least at one
1783 (1) other public place in the municipality. The clerk shall
1784 furnish any resident of the municipality a copy of the full text
1785 of the public measure or amendment thereto upon request, and this
1786 shall be stated in the publication of the explanatory statement.

1787 **SECTION 26.** Section 21-19-51, Mississippi Code of 1972, is
1788 amended as follows:



1789 21-19-51. The governing authorities of municipalities shall
1790 have the power and authority, in their discretion, to contribute,
1791 appropriate or donate to fair associations, domiciled in their
1792 respective county, a sum of money not to exceed Ten Thousand
1793 Dollars (\$10,000.00) per annum for the purpose of advertising,
1794 displaying, exhibiting or promoting the agricultural or industrial
1795 resources of such municipality or its respective county. The
1796 expenditure of such money, when contributed, appropriated or
1797 donated, shall be under the control of the municipality, and such
1798 governing authorities are hereby authorized and empowered to
1799 appoint one (1) or as many as three (3) individuals, in their
1800 discretion, to represent the municipal authorities in the proper
1801 expenditure of such money for said purpose in conjunction with the
1802 fair association. Before contributing, appropriating or donating
1803 any money to any fair association, such governing authorities
1804 shall publish notice of their intention to contribute, appropriate
1805 or donate money to said fair association, giving the amount of,
1806 and the date of making said contribution, appropriation or
1807 donation, either on a free, publicly accessible, official
1808 government website for three (3) consecutive weeks, or in some
1809 newspaper published in the municipality, or having a general
1810 circulation therein if none be there published, for three (3)
1811 weeks ending not less than ten (10) days prior to the making of
1812 any contribution, appropriation or donation. If, before the
1813 making of said contribution, appropriation or donation, twenty



1814 (20) per centum of the adult taxpayers of the municipality shall
1815 petition against such contribution, appropriation or donation,
1816 then the said contribution, appropriation or donation shall not be
1817 made, unless authorized by a majority of the electors voting in an
1818 election to be ordered for that purpose. All of the expenses of
1819 publishing the notice herein provided for and of holding any
1820 election hereunder shall be paid out of the municipal treasury.

1821 **SECTION 27.** Section 21-33-47, Mississippi Code of 1972, is
1822 amended as follows:

1823 21-33-47. (1) When the governing authorities of any
1824 municipality shall have made the levy of municipal taxes by
1825 resolution, or for any other taxing district of which the
1826 municipality is a part by resolution, the clerk of the
1827 municipality shall thereupon immediately certify the same to the
1828 tax collector of the municipality, or such other taxing district
1829 of which the municipality may be a part.

1830 (2) When a resolution levying ad valorem taxes has been
1831 finally adopted by the governing authorities of any municipality
1832 embracing, in whole or in part, any other taxing district of which
1833 such municipality is a part, the clerk of such municipality shall
1834 immediately certify a copy of such resolution to the * * *
1835 Department of Revenue, as the law directs and shall cause the
1836 resolution to be published either on a free, publicly accessible,
1837 official government website or in a newspaper. The clerk shall
1838 have the resolution of the governing authorities making the levy



1839 printed within two (2) weeks after it is entered on the minutes of
1840 such governing authorities, and he shall furnish any taxpayer with
1841 a copy thereof, upon request. If a newspaper is published within
1842 such municipality, then such resolution shall be published in its
1843 entirety, at least one, within ten (10) days after its adoption.
1844 Instead of publishing the resolution in its entirety, the
1845 publication of the resolution may be made as provided in Section
1846 21-17-19. If no newspaper be published within such municipality,
1847 then a copy of such resolution, in its entirety, shall be posted
1848 by such municipal clerk in at least three (3) public places in
1849 such municipality and on the municipality's website, within ten
1850 (10) days after its adoption.

1851 (3) The clerk shall be liable on his bond for any damages
1852 sustained by his failure to comply with the requirements of this
1853 section. However, failure to thus publish or post the same shall
1854 not affect the validity of the levy.

1855 **SECTION 28.** Section 21-33-207, Mississippi Code of 1972, is
1856 amended as follows:

1857 21-33-207. (a) The mayor and board of aldermen or other
1858 governing authority of any municipality desiring to avail itself
1859 of the provisions of the City Utility Tax Law shall adopt an
1860 ordinance declaring its intention to have the utility tax imposed
1861 at the specified rate for the benefit of such municipality
1862 effective on and after a date fixed in the ordinance which must be
1863 at least thirty (30) days later and on the first day of a month. A



1864 certified copy of this ordinance shall be immediately forwarded to
1865 the Chairman of the * * * Department of Revenue. The municipal
1866 authorities shall have a copy of the ordinance published either on
1867 a free, publicly accessible, official government website for three
1868 (3) consecutive weeks, or once a week for three (3) consecutive
1869 weeks in at least one (1) newspaper published in the municipality
1870 and having a general circulation therein. The first publication
1871 shall be not less than twenty-eight (28) days prior to the levying
1872 date fixed in such ordinance, and the last publication shall be
1873 made not less than seven (7) days prior to such date. When
1874 published in a newspaper, if no newspaper is published in the
1875 municipality, then notice shall be given by publishing the
1876 ordinance for the required time in some newspaper published in the
1877 same or an adjoining county having a general circulation in the
1878 municipality. A copy of the ordinance shall also be posted at
1879 three (3) public places in the municipality for a period of at
1880 least twenty-one (21) days during the time of its publication in a
1881 newspaper, or on a free, publicly accessible, official government
1882 website. The publication of the ordinance may be made as provided
1883 in Section 21-17-19. Proof of publication must also be furnished
1884 to the Chairman of the * * * Department of Revenue.

1885 (b) If more than twenty percent (20%) of the qualified
1886 electors of the municipality having no city utility tax shall file
1887 with the clerk of the municipality within twenty-one (21) days
1888 after adoption of the ordinance of intent to qualify for the



1889 collection of the tax, a petition requesting an election on the
1890 question of the levy of such tax, then and in that event such tax
1891 levy shall not be made unless authorized by a majority of the
1892 votes cast at an election to be called and held for that purpose.
1893 Notice of such election shall be given, the election shall be held
1894 and the result thereof determined in the manner provided in Title
1895 21, Chapter 11, of the Mississippi Code of 1972. In the event of
1896 an election resulting in favor of the levy or where no election is
1897 required, the governing authorities shall adopt another ordinance
1898 qualifying for the collection of the tax provided in the City
1899 Utility Tax Law, and shall set the first of a month following the
1900 date of such adoption as the effective date of the tax levy. A
1901 certified copy of this ordinance together with the result of the
1902 election, if any, shall be immediately furnished the Chairman of
1903 the * * * Department of Revenue. Upon receipt of the certified
1904 ordinance and other official notice from the municipality, the
1905 chairman shall notify the utilities in such municipality which are
1906 affected by the City Utility Tax Law, and take the necessary
1907 action to collect the tax. The first payment of the tax after its
1908 adoption shall be on all receipts of the utility derived from all
1909 billings made fifteen (15) days after the effective date of said
1910 adoption.

1911 **SECTION 29.** Section 21-33-307, Mississippi Code of 1972, is
1912 amended as follows:



1913 21-33-307. Before issuing any bonds for any of the purposes
1914 enumerated in Section 21-33-301, the governing authority of the
1915 issuing municipality shall adopt a resolution declaring its
1916 intention so to do, stating the amount of bonds proposed to be
1917 issued and the purpose for which the bonds are to be issued, and
1918 the date upon which the aforesaid authority proposes to direct the
1919 issuance of such bonds. Such resolution shall be published either
1920 on a free, publicly accessible, official government website for
1921 three (3) consecutive weeks, or once a week for at least three (3)
1922 consecutive weeks in at least one (1) newspaper published in such
1923 municipality. The first publication of such resolution shall be
1924 made not less than twenty-one (21) days prior to the date fixed in
1925 such resolution for the issuance of the bonds, and the last
1926 publication shall be made not more than seven (7) days prior to
1927 such date. When published in a newspaper, if no newspaper be
1928 published in such municipality, then such notice shall be given by
1929 publishing the resolution for the required time in some newspaper
1930 having a general circulation in such municipality and, in
1931 addition, by posting a copy of such resolution for at least
1932 twenty-one (21) days next preceding the date fixed therein at
1933 three (3) public places in such municipality. The publication of
1934 the resolution may be made as provided in Section 21-17-19. If
1935 ten percent (10%) of the qualified electors of the municipality,
1936 or fifteen hundred (1500), whichever is the lesser, shall file a
1937 written protest against the issuance of such bonds on or before



1938 the date specified in such resolution, then an election on the
1939 question of the bonds shall be called and held as is provided in
1940 Section 21-33-309. Notice of such election shall be signed by the
1941 clerk of the municipality and shall be published either on a free,
1942 publicly accessible, official government website for three (3)
1943 consecutive weeks, or once a week for at least three (3)
1944 consecutive weeks in at least one (1) newspaper published in such
1945 municipality. The first publication of such notice shall be made
1946 not less than twenty-one (21) days prior to the date fixed for
1947 such election, and the last publication shall be made not more
1948 than seven (7) days prior to such date. When published in a
1949 newspaper, if no newspaper is published in such municipality, then
1950 such notice shall be given by publishing the same for the required
1951 time in some newspaper having a general circulation in such
1952 municipality and published in the same or an adjoining county and,
1953 in addition, by posting a copy of such notice for at least
1954 twenty-one (21) days next preceding such election at three (3)
1955 public places in such municipality. If no protest be filed, then
1956 such bonds may be issued without an election on the question of
1957 the issuance thereof, at any time within a period of two (2) years
1958 after the date specified in the above-mentioned resolution.
1959 However, the governing authority of any municipality in its
1960 discretion may nevertheless call an election on such question, in
1961 which event it shall not be necessary to publish the resolution
1962 declaring its intention to issue such bonds as herein provided.



1963 Under no circumstances shall any municipality exceed the bond
1964 limit as set by statute for municipalities.

1965 **SECTION 30.** Section 21-35-5, Mississippi Code of 1972, is
1966 amended as follows:

1967 21-35-5. The governing authorities of each municipality of
1968 the State of Mississippi shall, not later than September 15 each
1969 year, prepare a complete budget of the municipal revenues,
1970 expenses and working cash balances estimated for the next fiscal
1971 year, and shall prepare a statement showing the aggregate revenues
1972 collected during the current year in said municipality for
1973 municipal purposes. Such statement shall show every source of
1974 revenue along with the amount derived from each source. Said
1975 budget of any municipality of one thousand five hundred (1,500)
1976 inhabitants or more, according to the last preceding federal
1977 census, with said statement of revenue and expenses, shall be
1978 published at least one (1) time during September of said year
1979 either on a free, publicly accessible, official government
1980 website, or in a newspaper published in such municipality or, if
1981 no newspaper be published in such municipality, in any newspaper
1982 published in the county wherein the municipality is located. In
1983 municipalities of less than one thousand five hundred (1,500)
1984 inhabitants, according to the last preceding federal census, as
1985 many as three (3) prepared statements of said budget shall be
1986 posted in three (3) public places in said municipalities.



1987 Prior to the adoption of a budget pursuant to this section,
1988 the governing authority of each municipality shall hold at least
1989 one (1) public hearing to provide the general public with an
1990 opportunity to comment on the taxing and spending plan
1991 incorporated in the proposed budget. The public hearing shall be
1992 held at least one (1) week prior to the adoption of the budget
1993 with advance notice and held outside normal working hours. The
1994 advance notice shall include an announcement published or posted
1995 in the same manner as required for the final adopted budget.

1996 **SECTION 31.** Section 21-35-31, Mississippi Code of 1972, is
1997 amended as follows:

1998 * * *

1999 **[For municipal fiscal years commencing on or after October 1,**
2000 **2009, this section shall read as follows:]**

2001 21-35-31. (1) The governing authority of every municipality
2002 in the state shall have the municipal books audited annually,
2003 before the close of the next succeeding fiscal year, in accordance
2004 with procedures and reporting requirements prescribed by the State
2005 Auditor. The municipality shall pay for the audit or report out
2006 of its general fund. No advertisement shall be necessary before
2007 entering into the contract, and it shall be entered into as a
2008 private contract. The audit or report shall be made upon a
2009 uniform formula set up and promulgated by the State Auditor, as
2010 the head of the State Department of Audit, or the director
2011 thereof, appointed by him, as designated and defined in Title 7,



2012 Chapter 7, Mississippi Code of 1972, or any office or officers
2013 hereafter designated to replace or perform the duties imposed by
2014 said chapter. Two (2) copies of the audit or report shall be
2015 mailed to the said State Auditor within thirty (30) days after
2016 completion. The State Auditor, at the end of each fiscal year,
2017 shall submit to the Legislature a composite report showing any
2018 information concerning municipalities in this state that the
2019 Auditor deems pertinent and necessary to the Legislature for use
2020 in its deliberations. A synopsis of the audit or report, in a
2021 format prescribed by the State Auditor, shall be published within
2022 thirty (30) days by the governing authority of each municipality
2023 either on a free, publicly accessible, official government
2024 website, or in a newspaper published in the municipality or, when
2025 published in a newspaper, if no newspaper is published in a
2026 municipality, in any newspaper having a general circulation
2027 published in the county wherein the municipality is located. The
2028 publication of the audit or report may be made as provided in
2029 Section 21-17-19. Publication shall be made one (1) time, and the
2030 governing authority of each municipality shall be authorized to
2031 pay only one-half (1/2) of the legal rate prescribed by law for
2032 such legal publication.

2033 (2) It shall be the duty of the State Auditor to determine
2034 whether each municipality has complied with the requirements of
2035 subsection (1) of this section. If upon examination the State
2036 Auditor determines that a municipality has not initiated efforts



2037 to comply with the requirements of subsection (1), the State
2038 Auditor shall file a certified written notice with the clerk of
2039 the municipality notifying the governing authority of the
2040 municipality that a certificate of noncompliance will be issued to
2041 the * * * Department of Revenue and to the Attorney General thirty
2042 (30) days immediately following the date of the filing of the
2043 notice unless within that period the municipality substantially
2044 complies with the requirements of subsection (1). If, after
2045 thirty (30) days from the giving of the notice, the municipality,
2046 in the opinion of the State Auditor, has not substantially
2047 initiated efforts to comply with the requirements of subsection
2048 (1), the State Auditor shall issue a certificate of noncompliance
2049 to the clerk of the municipality, * * * Department of Revenue and
2050 the Attorney General. Thereafter, the * * * Department of Revenue
2051 shall withhold from all allocations and payments to the
2052 municipality that would otherwise be payable the amount necessary
2053 to pay one hundred fifty percent (150%) of the cost of preparing
2054 the required audit or report as contracted for by the State
2055 Auditor. The cost shall be determined by the State Auditor after
2056 receiving proposals for the audit or report required in subsection
2057 (1) of this section. The State Auditor shall notify the * * *
2058 Department of Revenue of the amount in writing, and the * * *
2059 Department of Revenue shall transfer that amount to the State
2060 Auditor. The State Auditor is authorized to escalate, budget and
2061 expend these funds in accordance with rules and regulations of the



2062 Department of Finance and Administration consistent with the
2063 escalation of federal funds. All remaining funds shall be
2064 retained by the State Auditor to offset the costs of administering
2065 these contracts. The State Auditor shall not unreasonably delay
2066 the issuance of a written notice of cancellation of a certificate
2067 of noncompliance but shall promptly issue a written notice of
2068 cancellation of certificate of noncompliance upon an affirmative
2069 showing by the municipality that it has come into substantial
2070 compliance.

2071 **SECTION 32.** Section 21-39-3, Mississippi Code of 1972, is
2072 amended as follows:

2073 21-39-3. If a municipality chooses to use a newspaper to
2074 publish its notices instead of posting them on the official
2075 government website, in municipalities in which there is more than
2076 one (1) newspaper qualified to publish legal notices, the
2077 governing authorities of such municipality shall enter into a
2078 contract for the publication of its proceedings, ordinances,
2079 resolutions, and other notices required to be published only after
2080 inviting competitive bids from such newspapers. Such contracts
2081 shall be let to the lowest bidder among them for a period of not
2082 more than twelve (12) months from the date of such contract. It
2083 shall not be necessary, however, that the governing authorities of
2084 such municipality advertise its intention to accept such
2085 competitive bids but it shall be sufficient if notice thereof in
2086 writing be given to all of such newspapers by mail or delivery at



2087 least five days (5) prior to the date on which said bids will be
2088 received, which said notice shall specify the date on which such
2089 bids will be received.

2090 **SECTION 33.** Section 21-41-51, Mississippi Code of 1972, is
2091 amended as follows:

2092 21-41-51. Except as may be otherwise provided, where, by any
2093 provision of this chapter, notice is required to be given by
2094 publication, such publication made shall be either on a free,
2095 publicly accessible, official government website, or in a
2096 newspaper published in the municipality, if there be one (1). If
2097 there be no newspaper published in the municipality, then such
2098 notice shall be posted for the prescribed period of time on the
2099 official government website, and in at least five (5) public
2100 places in the municipality, one (1) of which shall be the city or
2101 town hall, or the place of meeting of the governing authorities,
2102 if there be no city or town hall.

2103 **SECTION 34.** Section 21-45-11, Mississippi Code of 1972, is
2104 amended as follows:

2105 21-45-11. Any tax increment financing plan, at a minimum,
2106 shall contain:

2107 (a) A statement of the objectives of a municipality
2108 with regard to the plan;

2109 (b) A statement indicating the need and proposed use of
2110 the tax increment financing plan in relationship to the
2111 redevelopment plan;



2112 (c) A statement containing the cost estimates of the
2113 redevelopment project and the projected sources of revenue (ad
2114 valorem taxes, sales taxes, and the proceeds of any other
2115 financial assistance) to be used to meet the costs including
2116 estimates of tax increments and the total amount of indebtedness
2117 to be incurred;

2118 (d) A list of all real property to be included in the
2119 tax increment financing plan;

2120 (e) The duration of the tax increment financing plan's
2121 existence;

2122 (f) A statement of the estimated impact of the tax
2123 increment financing plan upon the revenues of all taxing
2124 jurisdictions in which a redevelopment project is located; and

2125 (g) A statement requiring that a separate fund be
2126 established to receive ad valorem taxes and the proceeds of any
2127 other financial assistance.

2128 Before approving any tax increment financing plan, the
2129 governing body shall hold a public hearing thereon after published
2130 notice either on a free, publicly accessible, official government
2131 website, or in a newspaper in which the municipality is authorized
2132 to publish legal notices at least once and not less than ten (10)
2133 days and not more than twenty (20) days prior to the hearing.

2134 **SECTION 35.** Section 23-15-315, Mississippi Code of 1972, is
2135 amended as follows:



2136 23-15-315. The county executive committee chairman shall
2137 publish a copy of his call for a meeting either on a free,
2138 publicly accessible, official government website for three (3)
2139 consecutive weeks, or in some newspaper published at least once
2140 per week in the municipality affected for three (3) weeks
2141 preceding the date set for the mass convention, or if there be no
2142 newspaper published in the municipality, then in some newspaper
2143 having general circulation in the municipality and by posting
2144 notices continuously in three (3) public places in the
2145 municipality, one (1) of which shall be city hall or be the
2146 regular location where the municipal governing authority meets to
2147 conduct business not less than three (3) weeks before the date for
2148 the mass convention.

2149 **SECTION 36.** Section 23-15-857, Mississippi Code of 1972, is
2150 amended as follows:

2151 23-15-857. (1) When there is a vacancy in an elective
2152 office in a city, town or village, the unexpired term of which
2153 shall not exceed six (6) months, the same shall be filled by
2154 appointment by the governing authority or remainder of the
2155 governing authority of the city, town or village. The municipal
2156 clerk shall certify the appointment to the Secretary of State and
2157 the appointed person or persons shall be commissioned by the
2158 Governor.

2159 (2) When there is a vacancy in an elective office in a city,
2160 town or village, the unexpired term of which shall exceed six (6)



2161 months, the governing authority or remainder of the governing
2162 authority of the city, town or village shall make and enter on the
2163 minutes an order for an election to be held in the city, town or
2164 village to fill the vacancy and fix a date upon which the election
2165 shall be held. The order shall be made and entered upon the
2166 minutes at the next regular meeting of the governing authority
2167 after the vacancy occurs, or at a special meeting to be held not
2168 later than ten (10) days after the vacancy occurs, Saturdays,
2169 Sundays and legal holidays excluded, whichever shall occur first.
2170 The election shall be held on a date not less than thirty (30)
2171 days nor more than forty-five (45) days after the date upon which
2172 the order is adopted.

2173 Notice of the election shall be given by the municipal clerk
2174 by notice published in a newspaper published either on a free,
2175 publicly accessible, official government website for three (3)
2176 consecutive weeks, or in the municipality. The notice shall be
2177 published once each week for three (3) successive weeks preceding
2178 the date of the election. The first notice shall be published at
2179 least thirty (30) days before the date of the election. Notice
2180 shall also be given by posting a copy of the notice at three (3)
2181 public places in the municipality not less than twenty-one (21)
2182 days before the date of the election. One (1) of the notices
2183 shall be posted at the city, town or village hall. In the event
2184 that there is no newspaper published in the municipality, such
2185 notice shall be published as provided for above in a newspaper



2186 that has a general circulation within the municipality and by
2187 posting as provided for above. Additionally, the governing
2188 authority may publish the notice in that newspaper for as many
2189 additional times as may be deemed necessary by the governing
2190 authority.

2191 Each candidate shall qualify by petition filed with the
2192 municipal clerk by 5:00 p.m. at least twenty (20) days before the
2193 date of the election. If the twentieth day to file the petition
2194 before the election falls on a Sunday or legal holiday, the
2195 petition filed on the business day immediately following the
2196 Sunday or legal holiday shall be accepted. The petition shall be
2197 signed by not less than the following number of qualified
2198 electors:

2199 (a) For an office of a city, town, village or municipal
2200 district having a population of one thousand (1,000) or more, not
2201 less than fifty (50) qualified electors.

2202 (b) For an office of a city, town, village or municipal
2203 district having a population of less than one thousand (1,000),
2204 not less than fifteen (15) qualified electors.

2205 No qualifying fee shall be required of any candidate, and the
2206 election shall be held as far as practicable in the same manner as
2207 municipal general elections.

2208 The candidate receiving a majority of the votes cast in the
2209 election shall be elected. If no candidate receives a majority
2210 vote at the election, the two (2) candidates receiving the highest



2211 number of votes shall have their names placed on the ballot for
2212 the election to be held three (3) weeks thereafter. The candidate
2213 receiving a majority of the votes cast in the election shall be
2214 elected. However, if no candidate receives a majority and there
2215 is a tie in the election of those receiving the next highest vote,
2216 those receiving the next highest vote and the candidate receiving
2217 the highest vote shall have their names placed on the ballot for
2218 the election to be held three (3) weeks thereafter, and whoever
2219 receives the most votes cast in the election shall be elected.

2220 Should the election held three (3) weeks thereafter result in
2221 a tie vote, the prevailing candidate shall be decided by a toss of
2222 a coin or by lot fairly and publicly drawn under the supervision
2223 of the election commission.

2224 The clerk of the election commission shall then give a
2225 certificate of election to the person elected, and return to the
2226 Secretary of State a copy of the order of holding the election and
2227 runoff election results, certified by the clerk of the governing
2228 authority. The person elected shall be commissioned by the
2229 Governor.

2230 However, if nineteen (19) days before the date of the
2231 election only one (1) person shall have qualified as a candidate,
2232 the governing authority, or remainder of the governing authority,
2233 shall dispense with the election and appoint that one (1)
2234 candidate in lieu of an election. In the event no person shall
2235 have qualified by 5:00 p.m. at least twenty (20) days before the



2236 date of the election, the governing authority or remainder of the
2237 governing authority shall dispense with the election and fill the
2238 vacancy by appointment. The clerk of the governing authority
2239 shall certify the appointment to the Secretary of State, and the
2240 appointed person shall be commissioned by the Governor.

2241 **SECTION 37.** Section 25-1-63, Mississippi Code of 1972, is
2242 amended as follows:

2243 25-1-63. If any state, state district, county, county
2244 district, or other public officer who is required by law to make
2245 any report to or settlement with another officer, or in any manner
2246 to account with such officer, shall fail to make the report or
2247 settlement or to account within ten (10) days after the date on
2248 which such report, settlement, or accounting should be made or had
2249 or within such reasonable extended time, not exceeding thirty (30)
2250 days, as such other officer in a proper case may allow, the fact
2251 of such default shall be published by the officer to or with whom
2252 the report, settlement, or accounting should be made or had either
2253 on a free, publicly accessible, official government website for
2254 three (3) consecutive weeks, or in a newspaper published in the
2255 county of the defaulter's residence, if there be one so published
2256 willing to make the publication, and, if not, then in one
2257 published at the capital. If any officer to or with whom any such
2258 defaulter should report, settle, or account shall fail to make
2259 such publication within fifty (50) days after the date of the
2260 original default, any citizen who is not a surety of the defaulter



2261 may bring an action against the officer so failing to publish the
2262 defaulter, personally or on his bond, and shall recover all
2263 damages to such citizen and a penalty of Five Hundred Dollars
2264 (\$500.00); and, to recover the penalty, it shall not be necessary
2265 to show any damages, provided that only one (1) penalty shall be
2266 recovered. Two Hundred Fifty Dollars (\$250.00) of the penalty, in
2267 the case of a state or state district officer, shall be paid into
2268 the State Treasury, and in case of a county or county district
2269 officer, into the county treasury, and the other half to the
2270 person suing. It shall be the duty of the district attorney to
2271 bring all such suits.

2272 **SECTION 38.** Section 27-31-50, Mississippi Code of 1972, is
2273 amended as follows:

2274 27-31-50. (1) The governing authority of any incorporated
2275 municipality may adopt an ordinance providing for the partial
2276 exemption from municipal ad valorem taxation of real property on
2277 which any structure or other improvement that is not less than
2278 twenty-five (25) years of age has undergone substantial
2279 rehabilitation, renovation or replacement for residential use,
2280 subject to such conditions and other restrictions authorized in
2281 this section. The ordinance may restrict such exemption to real
2282 property located within certain areas as may be determined by the
2283 governing authority and prescribed by the ordinance. The
2284 governing authority of a municipality shall establish criteria for
2285 determining whether real property qualifies for the partial



2286 exemption provided for in this section, shall require the
2287 structures or improvements to be older than twenty-five (25) years
2288 of age and may place such other restrictions and conditions on
2289 such property as may be prescribed by ordinance. The ordinance
2290 may also provide for the partial exemption from municipal ad
2291 valorem taxation of multifamily residential units which have been
2292 substantially rehabilitated by replacement for multifamily use.
2293 Any replacement structure shall not exceed the total square
2294 footage of the replaced structures by more than thirty percent
2295 (30%).

2296 (2) The partial exemption provided by an ordinance adopted
2297 pursuant to this section may be (a) in an amount equal to the
2298 increase in the assessed value of the property resulting from the
2299 rehabilitation, renovation or replacement of the structure as
2300 determined by the tax assessor, or (b) an amount of not more than
2301 fifty percent (50%) of the cost of the rehabilitation, renovation
2302 or replacement. The exemption may commence upon completion of the
2303 rehabilitation, renovation or replacement or on January 1 of the
2304 year following completion of the rehabilitation, renovation or
2305 replacement and shall last for a period of time not to exceed ten
2306 (10) years. The ordinance may prescribe a shorter time period for
2307 the length of the exemption, or reduce the amount of the exemption
2308 in annual steps over the length of the exemption or a portion
2309 thereof.



2310 (3) The governing authority of a municipality may assess a
2311 fee not to exceed Fifty Dollars (\$50.00) for processing an
2312 application requesting the exemption provided for in this section.
2313 No property shall be eligible for the exemption unless the
2314 appropriate building permits have been acquired and the tax
2315 assessor has verified that the rehabilitation, renovation or
2316 replacement indicated on the application has been completed.

2317 (4) If the governing authority of a municipality desires to
2318 grant a partial exemption after July 1, 2000, the governing
2319 authority must adopt an ordinance declaring its intention to grant
2320 the exemption and finding that such exemption will promote the
2321 economic, cultural or educational advancement of the municipality.
2322 The governing authority of the municipality shall publish either
2323 on a free, publicly accessible, official government website, or in
2324 a newspaper, notice of its intention to grant the exemption at
2325 least ten (10) days before the actual granting of the exemption.

2326 **SECTION 39.** Section 27-33-33, Mississippi Code of 1972, is
2327 amended as follows:

2328 27-33-33. (1) The county tax assessor shall perform such
2329 duties as are generally required by him by this article and with
2330 respect to exempt homesteads, and the application therefor, and
2331 his duties are specifically defined as follows:

2332 (a) He shall, in each year the land roll is made,
2333 require that all lands and buildings which have been or are
2334 claimed for homestead exemption be separately assessed on the land



2335 roll; and he shall, in the case of homestead lands not already
2336 separately assessed on the land roll, prepare proper notice to the
2337 board of supervisors requesting that the land assessment roll be
2338 changed so that all homestead property shall be separately
2339 assessed; and in the case of newly constructed dwellings, he shall
2340 carefully inspect the same and recommend to the board the value at
2341 which such dwellings should be assessed; and when rural lands are
2342 divided and a part included in the homestead exemption, he shall
2343 assess the respective tracts at the value used for cultivable
2344 lands and for uncultivable lands, and fairly assess homesteads and
2345 nonhomesteads at the same proportion to true value.

2346 (b) He shall keep available a supply of the prescribed
2347 blank homestead exemption applications, and he shall require each
2348 applicant to properly execute the application in entire conformity
2349 with the requirements of Section 27-33-31.

2350 (c) He shall aid the applicant in executing the
2351 application.

2352 (d) He shall notify the applicant if an application for
2353 homestead exemption is incorrect or incomplete in any substantial
2354 particular, and require that it be properly and completely
2355 executed before accepting it for delivery to the clerk.

2356 (e) He shall, when an application is accepted by him,
2357 retain the original, the duplicate and the triplicate. He shall
2358 endorse "filed" on the quadruplicate with the date and his



2359 official signature and return it to the applicant as evidence of
2360 the application and that it was filed.

2361 (f) He shall promptly give to the board of supervisors
2362 any knowledge or information he may have, or any fact he may have
2363 knowledge of, bearing on the eligibility of the applying person or
2364 property and not revealed in the application; and note on the
2365 application any condition requiring special consideration.

2366 (g) He shall, on the first day of each month, deliver
2367 to the clerk of the board of supervisors all originals and
2368 duplicates of applications for homestead exemption received and
2369 accepted by him during the preceding month.

2370 (h) He shall attend all meetings of the board when any
2371 matter with respect to homestead exemptions is being considered by
2372 it and shall render such assistance and perform such services as
2373 the board may direct from time to time.

2374 (i) He shall, at least ten (10) days but not more than
2375 thirty (30) days prior to April 1 of each year, publish notice
2376 either on a free, publicly accessible, official government
2377 website, or in a newspaper having general circulation in the
2378 county in which he serves as tax assessor informing persons who
2379 are receiving homestead exemption that the tax assessor must be
2380 notified if changes have occurred in the status of the homestead
2381 in the property description, ownership, use or occupancy since
2382 January 1 of the preceding year and that, in the event such



2383 persons are still eligible for homestead exemption, a new
2384 application for homestead exemption must be filed.

2385 (2) (a) If the tax assessor discovers a change in ownership
2386 in a portion of the homestead property that may result in the
2387 homestead exemption being applied to ineligible property and the
2388 owner of the homestead property fails to file a new application
2389 during the preceding year as required by Section 27-33-31, the tax
2390 assessor may amend the application to reflect such change on or
2391 before June 1 of that roll year.

2392 (b) If parcel number changes occur due to reappraisal,
2393 mapping maintenance or updates, the tax assessor may amend the
2394 homestead application to reflect such changes on behalf of the
2395 owner of the homestead on or before June 1 of that roll year.

2396 (c) If a change in ownership occurs because of the
2397 death of an owner and the surviving spouse of the owner is still
2398 eligible for homestead exemption and not required to file a new
2399 application, the tax assessor may amend the application by
2400 removing the name of the deceased spouse and adding the surviving
2401 spouse's birth date for the purpose of correcting the land roll
2402 and the supplemental roll.

2403 (d) Should eligible property on an initial or renewed
2404 application fail to be listed due to a clerical error, such
2405 application may be amended by the tax assessor on behalf of the
2406 applicant to list such eligible property prior to the last Monday
2407 in August.



2408 (e) Amendments made to applications under this
2409 subsection may be allowed by the board of supervisors and
2410 certified to the commission.

2411 **SECTION 40.** Section 27-35-83, Mississippi Code of 1972, is
2412 amended as follows:

2413 27-35-83. The board of supervisors shall immediately at the
2414 July meeting proceed to equalize such rolls and shall complete
2415 such equalization at least ten (10) days before the August
2416 meeting, and shall immediately by either on a free, publicly
2417 accessible, official government website, or newspaper publication
2418 notify the public that such rolls so equalized are ready for
2419 inspection and examination. In counties having two (2) judicial
2420 districts, the board shall by order designate on what days during
2421 August it will begin in each of the two (2) districts upon its
2422 hearing of objections, and these days shall be named in the said
2423 notice, and the board shall be authorized to hold its sessions in
2424 the two (2) districts respectively as designated in the order
2425 aforesaid. The foregoing provision with reference to counties
2426 with two (2) judicial districts shall apply to any subsequent
2427 meetings whereof notice to taxpayers is necessary to be given.

2428 **SECTION 41.** Section 27-39-329, Mississippi Code of 1972, is
2429 amended as follows:

2430 27-39-329. (1) Each county shall, in addition to all other
2431 taxes authorized by any statute and notwithstanding any limitation



2432 provided in this article, levy ad valorem taxes pursuant to
2433 subsection (2) of this section.

2434 (2) (a) Any county which has, prior to October 1, 1982,
2435 under the provisions of Section 27-39-3, or any other statute
2436 authorizing the retention of any state millage or the levying of
2437 any county millage, retained a net amount of revenue produced by
2438 the state ad valorem tax collected in such county or levied any
2439 tax, the proceeds of which have been committed for any purpose
2440 authorized by Section 27-39-7 or any other statute authorizing the
2441 retention of any state millage or the levying of any county
2442 millage, or for the support of a water management district,
2443 development district or other district or authority created by law
2444 for the improvement and development or operation of a port or
2445 harbor or for the payment of any bonds, notes or other
2446 indebtedness, or for any other purpose authorized by any statute
2447 authorizing the retention of any state millage or the levying of
2448 any county millage, shall, for the fiscal year 1983 and annually
2449 thereafter, levy a tax sufficient to produce the amount of revenue
2450 necessary to fulfill such commitment or pay all such bonds, notes
2451 or other indebtedness together with the interest thereon as the
2452 same shall become due and payable, to continue at the same level
2453 the support and operation of such authority or district created by
2454 law, as long as the county remains a member, and to fulfill any
2455 other purpose authorized by any statute authorizing the retention
2456 of any state millage or the levying of any county millage. Any



2457 county which has, pursuant to a contract between the Mississippi
2458 Board of Economic Development or its predecessor and a city
2459 located therein, retained a net amount of revenue, produced by two
2460 (2) mills of the state ad valorem tax collected in such county,
2461 the proceeds of which have been committed for the improvement,
2462 development, operation and expansion of a state port or for the
2463 payment of any indebtedness incurred for such purposes, shall, for
2464 the fiscal year 1983 and annually thereafter until the completion
2465 of property reappraisal as certified by the * * * Department of
2466 Revenue, levy a tax of two (2) mills to fulfill such commitment
2467 consistent with the terms of said contract; however, for the
2468 fiscal year after property reappraisal as certified by the * * *
2469 Department of Revenue and annually thereafter, such county shall
2470 levy an ad valorem tax sufficient to generate revenue equal to the
2471 avails of the two-mill levy imposed for the fiscal year next
2472 preceding the initial use of such reappraised property values, to
2473 fulfill such commitment consistent with the terms of said
2474 contract.

2475 Any county which is a member of the Tombigbee River Valley
2476 Water Management District may at such time as the district, by
2477 determination of the U.S. Army Corps of Engineers, has completely
2478 fulfilled all its obligations as local sponsor for the
2479 Tennessee-Tombigbee Waterway Project pursuant to Public Law
2480 79-525, 60 Stat. 634 (1946), and has completely fulfilled its
2481 obligations for any other lawful project where the district serves



2482 as local sponsor, elect to withdraw from or terminate its
2483 membership in said district. Upon completion as determined by the
2484 U.S. Corps of Engineers, and in order to withdraw from or
2485 terminate its membership in the district, the board of supervisors
2486 of any county so desiring shall declare its intention by adopting
2487 a resolution so stipulating and spreading such executed resolution
2488 upon its minutes and publish such resolution either on a free,
2489 publicly accessible, official government website for three (3)
2490 consecutive weeks, or once each week for three (3) consecutive
2491 weeks in some newspaper published in the county or in a newspaper
2492 having a general circulation therein. If, within the time of
2493 giving notice, twenty percent (20%) or fifteen hundred (1500),
2494 whichever is less, of the qualified electors of the county shall
2495 protest or file a petition against the county's withdrawal from or
2496 termination of its membership in the district, then such
2497 withdrawal or termination of membership shall not occur unless
2498 authorized by a majority of the qualified electors of such county
2499 voting at an election to be called and held for that purpose. If
2500 the county's withdrawal from or termination of its membership in
2501 the district is authorized in the manner set forth herein, the
2502 board of supervisors shall mail by regular United States Mail a
2503 certified copy of its executed resolution to the general office of
2504 the Tombigbee River Valley Water Management District. Upon full
2505 compliance as heretofore and hereafter directed, the Tombigbee
2506 River Valley Water Management District shall enter its order on



2507 its minutes terminating or withdrawing the membership of the
2508 county as of September 30 following, thereby approving the
2509 termination or withdrawal of the county and suspending the levy or
2510 levies of ad valorem taxes used to support the district.
2511 Provided, however, that the board of supervisors shall not suspend
2512 the levy or levies of any millage pledged to support the issuance
2513 of any bonds or notes in the name of the district during the
2514 period of time that such county was a member of the district and
2515 which levies were outstanding at the time of the withdrawal and/or
2516 termination; and it is further provided, said county shall be
2517 liable and responsible for its pro rata share of any present
2518 and/or subsequent judgments or liens filed against the district
2519 until the statute of limitations shall have run against the
2520 district. "Pro rata share" shall be determined by dividing the
2521 total ad valorem tax contribution of such withdrawing county by
2522 the total of all ad valorem tax contributions of all member
2523 counties in the district multiplied by the total of the
2524 outstanding bonded indebtedness and other indebtedness funded by
2525 such ad valorem levy or levies, as of the date such indebtedness
2526 was incurred.

2527 After the commitment has been fulfilled and is certified by
2528 the * * * Department of Revenue as having been fulfilled, the
2529 board of supervisors may continue to levy a millage for each
2530 fiscal year necessary to produce that same dollar amount as the
2531 previous fiscal year for the same purpose or for any other purpose



2532 for which any portion of the former state ad valorem tax levy
2533 could heretofore have been retained, or for general county
2534 purposes. After such commitment has been fulfilled, any county
2535 which chooses to continue a levy for the same purpose for which
2536 such levy was being made may do so in its discretion. Any county
2537 which wishes to continue a levy for any other purpose for which
2538 the state ad valorem tax could have been retained or for general
2539 county purposes may do so only after an election has been held as
2540 follows: such tax shall not be levied until the board shall have
2541 published notice of its intention to levy same; said notice to be
2542 published either on a free, publicly accessible, official
2543 government website for three (3) consecutive weeks, or once each
2544 week for three (3) weeks in some newspaper having a general
2545 circulation in the county, but not less than twenty-one (21) days,
2546 nor more than sixty (60) days, intervening between the time of the
2547 first notice and the meeting at which said board proposes to levy
2548 such tax. If, within the time of giving notice, twenty percent
2549 (20%) or three thousand (3,000) of the qualified electors of the
2550 county, whichever is less, shall protest or file a petition
2551 against the levy of such tax, then such tax shall not be levied
2552 unless authorized by a three-fifths (3/5) majority of the
2553 qualified electors of such county, voting at an election to be
2554 called and held for that purpose.

2555 In all cases where a county which is a member of the Pat
2556 Harrison Waterway District levied an ad valorem tax for the 1996



2557 calendar year for any purpose authorized in this paragraph (a),
2558 such levy is hereby ratified, confirmed and validated.

2559 (b) Beginning with taxes levied for the fiscal year
2560 1983, each county shall levy each year an ad valorem tax of one
2561 (1) mill upon all taxable property of the county which may be used
2562 for any purpose for which counties are authorized by law to levy
2563 an ad valorem tax, but the avails of such tax levy shall not be
2564 expended unless and until the * * * Department of Revenue has
2565 certified that the county has a method of maintaining assessment
2566 records in accordance with * * * department rules and regulations,
2567 has an ownership mapping system as provided in Section 27-35-53 in
2568 conformity with * * * department specifications, maintains
2569 certified appraisers as provided in Section 27-3-52, and complies
2570 with requests by the * * * department for sales data under Section
2571 27-3-51.

2572 In the event the * * * department enters its order directing
2573 that the avails of this levy be paid to the * * * department
2574 pursuant to Section 27-35-113, then the county shall comply with
2575 the * * * department's directions and the monies paid shall remain
2576 in escrow until the county is in compliance with acceptable
2577 performance standards for the appraisal of property in accordance
2578 with Section 27-35-113.

2579 The * * * department, prior to October 1 of each year, shall
2580 notify each county whether or not it is certified as being in
2581 compliance with the requirements of subsection (2) (b). A copy of



2582 the notice shall be forwarded to the State Auditor. Any county
2583 not certified as being in compliance with any requirements of this
2584 subsection (2) (b), except where the * * * department has entered
2585 its order requiring the escrowing of these funds pursuant to
2586 Section 27-35-113, shall deposit the avails of the levy described
2587 herein in an interest-bearing special account and such avails,
2588 including interest earned thereon, shall not be expended until
2589 such county has been certified by the * * * department, for each
2590 fiscal year, to be in compliance with this subsection (2) (b).

2591 (c) The tax levies required in this section shall not
2592 be exempt under the provisions of Section 27-31-101.

2593 **SECTION 42.** Section 27-43-3, Mississippi Code of 1972, is
2594 amended as follows:

2595 27-43-3. The clerk shall issue the notice to the sheriff of
2596 the county of the reputed owner's residence, if he is a resident
2597 of the State of Mississippi, and the sheriff shall be required to
2598 serve notice as follows:

2599 (a) Upon the reputed owner personally, if he can be
2600 found in the county after diligent search and inquiry, by handing
2601 him a true copy of the notice;

2602 (b) If the reputed owner cannot be found in the county
2603 after diligent search and inquiry, then by leaving a true copy of
2604 the notice at his usual place of abode with the spouse of the
2605 reputed owner or some other person who lives at his usual place of



2606 abode above the age of sixteen (16) years, and willing to receive
2607 the copy of the notice; or

2608 (c) If the reputed owner cannot be found after diligent
2609 search and inquiry, and if no person above the age of sixteen (16)
2610 years who lives at his usual place of abode can be found at his
2611 usual place of abode who is willing to receive the copy of the
2612 notice, then by posting a true copy of the notice on a door of the
2613 reputed owner's usual place of abode.

2614 The sheriff shall make his return to the chancery clerk
2615 issuing the notice. The clerk shall also mail a copy of the
2616 notice to the reputed owner at his usual street address, if it can
2617 be ascertained after diligent search and inquiry, or to his
2618 post-office address if only that can be ascertained, and he shall
2619 note such action on the tax sales record. The clerk shall also be
2620 required to publish the name and address of the reputed owner of
2621 the property and the legal description of the property either on a
2622 free, publicly accessible, official government website for three
2623 (3) consecutive weeks, or in a public newspaper of the county in
2624 which the land is located, or if no newspaper is published as
2625 such, then in a newspaper having a general circulation in the
2626 county. The publication shall be made at least forty-five (45)
2627 days prior to the expiration of the redemption period.

2628 If the reputed owner is a nonresident of the State of
2629 Mississippi, then the clerk shall mail a copy of the notice to the
2630 reputed owner in the same manner as set out in this section for



2631 notice to a resident of the State of Mississippi, except that
2632 notice served by the sheriff shall not be required.

2633 Notice by mail shall be by registered or certified mail. In
2634 the event the notice by mail is returned undelivered and the
2635 notice as required in this section to be served by the sheriff is
2636 returned not found, then the clerk shall make further search and
2637 inquiry to ascertain the reputed owner's street and post-office
2638 address. If the reputed owner's street or post-office address is
2639 ascertained after the additional search and inquiry, the clerk
2640 shall again issue notice as set out in this section. If notice is
2641 again issued and it is again returned not found and if notice by
2642 mail is again returned undelivered, then the clerk shall file an
2643 affidavit to that effect and shall specify in the affidavit the
2644 acts of search and inquiry made by him in an effort to ascertain
2645 the reputed owner's street and post-office address and the
2646 affidavit shall be retained as a permanent record in the office of
2647 the clerk and that action shall be noted on the tax sales record.
2648 If the clerk is still unable to ascertain the reputed owner's
2649 street or post-office address after making search and inquiry for
2650 the second time, then it shall not be necessary to issue any
2651 additional notice but the clerk shall file an affidavit specifying
2652 the acts of search and inquiry made by him in an effort to
2653 ascertain the reputed owner's street and post-office address and
2654 the affidavit shall be retained as a permanent record in the



2655 office of the clerk and that action shall be noted on the tax sale
2656 record.

2657 For examining the records to ascertain the record owner of
2658 the property, the clerk shall be allowed a fee of Fifty Dollars
2659 (\$50.00); for issuing the notice the clerk shall be allowed a fee
2660 of Two Dollars (\$2.00) and, for mailing the notice and noting that
2661 action on the tax sales record, a fee of One Dollar (\$1.00); and
2662 for serving the notice, the sheriff shall be allowed a fee of
2663 Thirty-five Dollars (\$35.00). For issuing a second notice, the
2664 clerk shall be allowed a fee of Five Dollars (\$5.00) and, for
2665 mailing the notice and noting that action on the tax sales record,
2666 a fee of Two Dollars and Fifty Cents (\$2.50), and for serving the
2667 second notice, the sheriff shall be allowed a fee of Thirty-five
2668 Dollars (\$35.00). The clerk shall also be allowed the actual cost
2669 of publication. The fees and cost shall be taxed against the
2670 owner of the land if the land is redeemed, and if not redeemed,
2671 then the fees are to be taxed as part of the cost against the
2672 purchaser. The failure of the landowner to actually receive the
2673 notice herein required shall not render the title void, provided
2674 the clerk and sheriff have complied with the duties prescribed for
2675 them in this section.

2676 Should the clerk inadvertently fail to send notice as
2677 prescribed in this section, then the sale shall be void and the
2678 clerk shall not be liable to the purchaser or owner upon refund of
2679 all purchase money paid.



2680 **SECTION 43.** Section 27-65-3, Mississippi Code of 1972, is
2681 amended as follows:

2682 27-65-3. The words, terms and phrases, when used in this
2683 chapter, shall have the meanings ascribed to them herein.

2684 (a) "Tax Commission" or "department" means the
2685 Department of Revenue of the State of Mississippi.

2686 (b) "Commissioner" means the Commissioner of Revenue of
2687 the Department of Revenue.

2688 (c) "Person" means and includes any individual, firm,
2689 copartnership, joint venture, association, corporation, promoter
2690 of a temporary event, estate, trust or other group or combination
2691 acting as a unit, and includes the plural as well as the singular
2692 in number. "Person" shall include husband or wife, or both, where
2693 joint benefits are derived from the operation of a business taxed
2694 hereunder. "Person" shall also include any state, county,
2695 municipal or other agency or association engaging in a business
2696 taxable under this chapter.

2697 (d) "Tax year" or "taxable year" means either the
2698 calendar year or the taxpayer's fiscal year.

2699 (e) "Taxpayer" means any person liable for or having
2700 paid any tax to the State of Mississippi under the provisions of
2701 this chapter. A taxpayer is required to obtain a sales tax permit
2702 under Section 27-65-27 before engaging in business in this state.
2703 If a taxpayer fails to obtain a sales tax permit before engaging
2704 in business in this state, the taxpayer shall pay the retail rate



2705 on all purchases of tangible personal property and/or services in
2706 this state, even if purchased for resale. Upon obtaining a sales
2707 tax permit, a previously unregistered taxpayer shall file sales
2708 tax returns for all tax periods during which he engaged in
2709 business in this state without a sales tax permit, and report and
2710 pay the sales tax accruing from his operation during this period
2711 and any applicable penalties and interest. On such return, the
2712 taxpayer may take a credit for any sales taxes paid during the
2713 period he operated without a sales tax permit on a purchase that
2714 would have constituted a wholesale sale if the taxpayer had a
2715 sales tax permit at the time of the purchase and if proper
2716 documentation exists to substantiate a wholesale sale. This
2717 credit may also be allowed in any audit of the taxpayer. Any
2718 penalties and interest owed by the taxpayer on the return or in an
2719 audit for a period during which he operated without a sales tax
2720 permit may be determined based on the sales tax accruing from the
2721 taxpayer's operation for that period after the taking of this
2722 credit.

2723 (f) "Sale" or "sales" includes the barter or exchange
2724 of property as well as the sale thereof for money or other
2725 consideration, and every closed transaction by which the title to
2726 taxable property passes shall constitute a taxable event.

2727 "Sale" shall also include the passing of title to property
2728 for a consideration of coupons, trading stamps or by any other



2729 means when redemption is subsequent to the original sale by which
2730 the coupon, stamp or other obligation was created.

2731 The situs of a sale for the purpose of distributing taxes to
2732 municipalities shall be the same as the location of the business
2733 from which the sale is made except that:

2734 (i) Retail sales along a route from a vehicle or
2735 otherwise by a transient vendor shall take the situs of delivery
2736 to the customer.

2737 (ii) The situs of wholesale sales of tangible
2738 personal property taxed at wholesale rates, the amount of which is
2739 allowed as a credit against the sales tax liability of the
2740 retailer, shall be the same as the location of the business of the
2741 retailer receiving the credit.

2742 (iii) The situs of wholesale sales of tangible
2743 personal property taxed at wholesale rates, the amount of which is
2744 not allowed as a credit against the sales tax liability of the
2745 retailer, shall have a rural situs.

2746 (iv) Income received from the renting or leasing
2747 of property used for transportation purposes between cities or
2748 counties shall have a rural situs.

2749 (g) "Delivery charges" shall mean and include any
2750 expenses incurred by a seller in acquiring merchandise for sale in
2751 the regular course of business commonly known as "freight-in" or
2752 "transportation costs-in." "Delivery charges" also include any



2753 charges made by the seller for delivery of property sold to the
2754 purchaser.

2755 (h) "Gross proceeds of sales" means the value
2756 proceeding or accruing from the full sale price of tangible
2757 personal property, including installation charges, without any
2758 deduction for delivery charges, cost of property sold, other
2759 expenses or losses, or taxes of any kind except those expressly
2760 exempt by this chapter.

2761 "Gross proceeds of sales" includes consideration received by
2762 the seller from third parties if:

2763 (i) The seller actually received consideration
2764 from a party other than the purchaser and the consideration is
2765 directly related to a price reduction or discount on the sale;

2766 (ii) The seller has an obligation to pass the
2767 price reduction or discount through to the purchaser;

2768 (iii) The amount of the consideration attributable
2769 to the sale is fixed and determinable by the seller at the time of
2770 the sale of the item to the purchaser; and

2771 (iv) One (1) of the following criteria is met:

2772 1. The purchaser presents a coupon,
2773 certificate or other documentation to the seller to claim a price
2774 reduction or discount where the coupon, certificate or
2775 documentation is authorized, distributed or granted by a third
2776 party with the understanding that the third party will reimburse



2777 any seller to whom the coupon, certificate or documentation is
2778 presented;

2779 2. The purchaser identified himself or
2780 herself to the seller as a member of a group or organization
2781 entitled to a price reduction or discount (a "preferred customer"
2782 card that is available to any patron does not constitute
2783 membership in such a group); or

2784 3. The price reduction or discount is
2785 identified as a third-party price reduction or discount on the
2786 invoice received by the purchaser or on a coupon, certificate or
2787 other documentation presented by the purchaser.

2788 Where a trade-in is taken as part payment on tangible
2789 personal property sold, "gross proceeds of sales" shall include
2790 only the difference received between the selling price of the
2791 tangible personal property and the amount allowed for a trade-in
2792 of property of the same kind. When the trade-in is subsequently
2793 sold, the selling price thereof shall be included in "gross
2794 proceeds of sales."

2795 "Gross proceeds of sales" shall include the value of any
2796 goods, wares, merchandise or property purchased at wholesale or
2797 manufactured, and any mineral or natural resources produced, which
2798 are withdrawn or used from an established business or from the
2799 stock in trade for consumption or any other use in the business or
2800 by the owner. However, "gross proceeds of sales" does not include
2801 meals prepared by a restaurant and provided at no charge to



2802 employees of the restaurant or donated to a charitable
2803 organization that regularly provides food to the needy and the
2804 indigent and which has been granted exemption from the federal
2805 income tax as an organization described in Section 501(c)(3) of
2806 the Internal Revenue Code of 1986.

2807 "Gross proceeds of sales" shall not include bad check or
2808 draft service charges as provided for in Section 97-19-57.

2809 "Gross proceeds of sales" does not include finance charges,
2810 carrying charges or any other addition to the selling price as a
2811 result of deferred payments by the purchaser.

2812 (i) "Gross income" means the total charges for service
2813 or the total receipts (actual or accrued) derived from trades,
2814 business or commerce by reason of the investment of capital in the
2815 business engaged in, including the sale or rental of tangible
2816 personal property, compensation for labor and services performed,
2817 and including the receipts from the sales of property retained as
2818 toll, without any deduction for rebates, cost of property sold,
2819 cost of materials used, labor costs, interest paid, losses or any
2820 expense whatever.

2821 "Gross income" shall also include the cost of property given
2822 as compensation when the property is consumed by a person
2823 performing a taxable service for the donor.

2824 However, "gross income" or "gross proceeds of sales" shall
2825 not be construed to include the value of goods returned by
2826 customers when the total sale price is refunded either in cash or



2827 by credit, or cash discounts allowed and taken on sales. Cash
2828 discounts shall not include the value of trading stamps given with
2829 a sale of property.

2830 (j) "Tangible personal property" means personal
2831 property perceptible to the human senses or by chemical analysis
2832 as opposed to real property or intangibles and shall include
2833 property sold on an installed basis which may become a part of
2834 real or personal property.

2835 (k) "Installation charges" shall mean and include the
2836 charge for the application of tangible personal property to real
2837 or personal property without regard to whether or not it becomes a
2838 part of the real property or retains its personal property
2839 classification. It shall include, but not be limited to, sales in
2840 place of roofing, tile, glass, carpets, drapes, fences, awnings,
2841 window air-conditioning units, gasoline pumps, window guards,
2842 floor coverings, carports, store fixtures, aluminum and plastic
2843 siding, tombstones and similar personal property.

2844 (l) "Newspaper" means a periodical which:

2845 (i) Is not published primarily for advertising
2846 purposes and has not contained more than seventy-five percent
2847 (75%) advertising in more than one-half (1/2) of its issues during
2848 any consecutive twelve-month period excluding separate advertising
2849 supplements inserted into but separately identifiable from any
2850 regular issue or issues;



2851 (ii) Has been established and published
2852 continuously for at least twelve (12) months;
2853 (iii) Is regularly issued at stated intervals no
2854 less frequently than once a week, bears a date of issue, and is
2855 numbered consecutively; provided, however, that publication on
2856 legal holidays of this state or of the United States and on
2857 Saturdays and Sundays shall not be required, and failure to
2858 publish not more than two (2) regular issues in any calendar year
2859 shall not exclude a periodical from this definition;
2860 (iv) Is issued from a known office of publication,
2861 which shall be the principal public business office of the
2862 newspaper and need not be the place at which the periodical is
2863 printed and a newspaper shall be deemed to be "published" at the
2864 place where its known office of publication is located;
2865 (v) Is formed of printed sheets; provided,
2866 however, that a periodical that is reproduced by the stencil,
2867 mimeograph or hectograph process shall not be considered to be a
2868 "newspaper"; and
2869 (vi) Is originated and published for the
2870 dissemination of current news and intelligence of varied, broad
2871 and general public interest, announcements and notices, opinions
2872 as editorials on a regular or irregular basis, and advertising and
2873 miscellaneous reading matter.

2874 The term "newspaper" shall include periodicals which are
2875 designed primarily for free circulation or for circulation at



2876 nominal rates as well as those which are designed for circulation
2877 at more than a nominal rate.

2878 The term "newspaper" shall not include a publication or
2879 periodical which is published, sponsored by, is directly supported
2880 financially by, or is published to further the interests of, or is
2881 directed to, or has a circulation restricted, in whole or in part,
2882 to any particular sect, denomination, labor or fraternal
2883 organization or other special group or class or citizens.

2884 For purposes of this paragraph, a periodical designed
2885 primarily for free circulation or circulation at nominal rates
2886 shall not be considered to be a newspaper unless such periodical
2887 has made an application for such status to the department in the
2888 manner prescribed by the department and has provided to the
2889 department documentation satisfactory to the department showing
2890 that such periodical meets the requirements of the definition of
2891 the term "newspaper." However, if such periodical has been
2892 determined to be a newspaper under action taken by the department
2893 on or before April 11, 1996, such periodical shall be considered
2894 to be a newspaper without the necessity of applying for such
2895 status. A determination by the Department of Revenue that a
2896 publication is a newspaper shall be limited to the application of
2897 this chapter and shall not establish that the publication is a
2898 newspaper for any other purpose.

2899 (m) "MPC" or "Material Purchase Certificate" means a
2900 certificate for which a person that is liable for the tax levy



2901 under Section 27-65-21 can apply and obtain from the commissioner,
2902 and when issued, entitles the holder to purchase materials and
2903 services that are to become a component part of a structure to be
2904 erected or repaired with no tax due. Any person taxable under
2905 Section 27-65-21 who obtains an MPC for a project and purchases
2906 materials and services in this state that are to become a
2907 component part of a structure being erected or repaired in the
2908 project and at any time pays sales tax on these purchases may,
2909 after obtaining the MPC for the project, take a credit against his
2910 sales taxes for the sales tax paid on these purchases if proper
2911 documentation exists to substantiate the payment of the sales tax
2912 on the purchase of component materials and services. This credit
2913 may also be allowed in any audit of the taxpayer. Any penalties
2914 and interest owed by the taxpayer on the return or in the audit
2915 where this credit is taken may be determined based on the sales
2916 tax due after the taking of this credit.

2917 (o) "Free, publicly accessible, official government
2918 website" shall mean either the official website of the government
2919 entity required to make publication or a state-level government
2920 website specifically designed for such publication notices.

2921 **SECTION 44.** Section 29-3-29, Mississippi Code of 1972, is
2922 amended as follows:

2923 29-3-29. Before any sixteenth section school land or land
2924 granted in lieu thereof may be sold or leased for industrial
2925 development thereon, therein or thereunder under the provisions of



2926 this chapter, the board of education controlling such land shall
2927 first determine that such sale or lease will be fair market value.
2928 In the determination of the fair market value of said land the
2929 comparative sales method shall be used, and the highest and best
2930 use of said sixteenth section lands shall be determined on the
2931 basis of finding that said land shall be susceptible to any use
2932 that comparative land in private ownership may be used, that there
2933 will be prompt and substantial industrial development on, in, or
2934 under said land after the sale or lease, that the acreage to be
2935 sold or leased is not in excess of the amount of land reasonably
2936 required for immediate use and for such future expansion as may be
2937 reasonably anticipated, and that such sale or lease will be
2938 beneficial to and in the best interest of the schools of the
2939 district for which said land is held. All of said findings,
2940 including the amount of the sale price or gross rental for said
2941 land, shall be spread on the minutes of the board of education.
2942 Also, if the board of education proposes to sell said land, said
2943 board shall first enter into a contract or obtain a legal option
2944 to purchase, for a specified price not in excess of fair market
2945 value, other land in the county of acreage of equivalent fair
2946 market value, and such contract or option shall be spread on the
2947 minutes of said board. However, not more than one hundred (100)
2948 acres in any one (1) sixteenth section school lands in any county
2949 may be sold under this chapter for the purpose of being made an
2950 industrial park or a part of such industrial park, provided the



2951 provisions of this section and Sections 57-5-1 and 57-5-23 are
2952 fully complied with.

2953 A certified copy of the resolution or order of the board of
2954 education, setting out the foregoing findings, together with a
2955 certified copy of the order approving and setting out the terms of
2956 the contract or option to purchase other lands where a sale of
2957 land is proposed and an application to the Mississippi
2958 Agricultural and Industrial Board for the certificate authorizing
2959 said sale or lease, shall be forwarded to the county board of
2960 supervisors, which board shall make an independent investigation
2961 of the proposed sale or lease and of the proposed purchase of
2962 other land.

2963 If said county board of supervisors shall concur in the
2964 finding of fact of the board of education, and shall find that it
2965 is to the best interests of the schools of the district to enter
2966 into such sale or lease, it may enter on its minutes a resolution
2967 or order approving the action of the board of education.

2968 If the said county board of supervisors shall not concur in
2969 the findings of the board of education, or shall find that the
2970 proposed sale or lease will not be in the best interest of the
2971 schools of the district, then it may, by resolution or order,
2972 disapprove the proposed sale or lease, and such action shall be
2973 final.

2974 Except as otherwise permitted by Section 57-75-37(4)(f),
2975 there shall be reserved all minerals in, on, and under any lands



2976 conveyed under the provisions hereof. Provided, however, that in
2977 any county bordering on the State of Alabama, traversed by the
2978 Tombigbee River, in which U.S. Highway 82 intersects U.S. Highway
2979 45 and in which is situated a state supported institution of
2980 higher learning, upon the sale of any sixteenth section lands for
2981 industrial purposes as provided by law, the board of education,
2982 the superintendent of education and the Mississippi Agricultural
2983 and Industrial Board, may sell and convey all minerals except oil,
2984 gas, sulphur and casinghead gas on, in and under the said
2985 sixteenth section lands so sold for industrial purposes. Said
2986 oil, gas, sulphur and casinghead gas shall be reserved together
2987 with such rights of use, ingress and egress as shall not
2988 unreasonably interfere with the use of the lands by the purchaser.
2989 Prior written approval for such use, ingress and egress, shall be
2990 obtained from the surface owner or, if such approval is
2991 unreasonably withheld, may be obtained from the chancery court of
2992 the county in which said land is located.

2993 Certified copies of the resolutions or orders of the board of
2994 supervisors and of the board of education and of the application
2995 to the Mississippi Agricultural and Industrial Board shall be
2996 transmitted to the county superintendent of education, if there be
2997 one in the county, who, if he approves the proposed sale or lease,
2998 shall so certify and forward same to the Mississippi Agricultural
2999 and Industrial Board. If there be no county superintendent of
3000 education in the county, then the board of education whose



3001 district embraces the entire county shall so certify and transmit
3002 said copies to the Mississippi Agricultural and Industrial Board
3003 for further action.

3004 Upon receipt of the aforesaid application and certified
3005 copies of the said resolution and orders, the Mississippi
3006 Agricultural and Industrial Board shall make investigation to
3007 determine whether or not the proposed sale or lease of said land
3008 will promote prompt and substantial industrial development
3009 thereon, therein, or thereunder. If the board finds that such
3010 sale or lease will promote prompt and substantial industrial
3011 development thereon, therein or thereunder, and further finds that
3012 the person, firm or corporation who proposes to establish said
3013 industry is financially responsible, and that the acreage to be
3014 sold or leased is not in excess of the amount of land reasonably
3015 required for immediate use and for such future expansion as may be
3016 reasonably anticipated, then the board, in its discretion, may
3017 issue a certificate to the board of education of said district so
3018 certifying, and said certificate shall be the authority for the
3019 board of education to enter into the proposed sale or lease. If
3020 the Mississippi Agricultural and Industrial Board does not so
3021 find, then it shall decline to issue said certificate which action
3022 shall be final.

3023 The Mississippi Agricultural and Industrial Board, when
3024 issuing a certificate to the county board of education certifying
3025 its findings and authorizing said sale or lease, may,



3026 nevertheless, in its discretion, make such sale or lease
3027 conditioned on and subject to the vote of the qualified electors
3028 of said district. Upon receipt of a certificate so conditioned
3029 upon an election, or upon a petition as hereinafter provided for,
3030 the board of education, by resolution spread upon its minutes,
3031 shall forward a copy of the certificate to the board of
3032 supervisors who by resolution upon its minutes, shall call an
3033 election to be held in the manner now provided by law for holding
3034 county elections, and shall fix in such resolution a date upon
3035 which such an election shall be held, of which not less than three
3036 (3) weeks notice shall be given by the clerk of said board of
3037 supervisors by publishing a notice either on a free, publicly
3038 accessible, official government website for three (3) consecutive
3039 weeks, or in a newspaper published in said county once each week
3040 for three (3) consecutive weeks preceding the same, or if no
3041 newspaper is published in said county, then in a newspaper having
3042 a general circulation therein, and by posting a notice for three
3043 (3) weeks preceding said election at three (3) public places in
3044 said county. At such election, all qualified voters of the county
3045 may vote, and the ballots used shall have printed thereon a brief
3046 statement of the proposed sale or lease of said land, including
3047 the description and price, together with the words "For the
3048 proposed sale or lease" and the words "Against the proposed sale
3049 or lease," and the voter shall vote by placing a cross (x) or
3050 check (√) opposite his choice of the proposition. Should the



3051 election provided for herein result in favor of the proposed sale
3052 or lease by at least two-thirds (2/3) of the votes cast being in
3053 favor of the said proposition, the board of supervisors shall
3054 notify the board of education who may proceed forthwith to sell or
3055 lease said land in accordance with the proposition so submitted to
3056 the electors. If less than two-thirds (2/3) of those voting in
3057 such special election vote in favor of the said sale or lease,
3058 then said land shall not be sold or leased.

3059 The board of education shall further be required, prior to
3060 passing of a resolution expressing its intent to sell said land,
3061 to publish a notice of intent to sell said land for three (3)
3062 consecutive weeks either on a free, publicly accessible, official
3063 government website, or in a newspaper published in said county or,
3064 if there be none, in a newspaper having a general circulation in
3065 said county, and to post three (3) notices thereof in three (3)
3066 public places in said county, one (1) of which shall be at the
3067 courthouse, for said time. If within the period of three (3)
3068 weeks following the first publication of said intent, a petition
3069 signed by twenty percent (20%) of the qualified electors of said
3070 county shall be filed with the board of supervisors requesting an
3071 election concerning the sale, then an election shall be called as
3072 hereinabove provided.

3073 **SECTION 45.** Section 29-3-81, Mississippi Code of 1972, is
3074 amended as follows:



3075 29-3-81. (1) Sixteenth section lands, or any lands granted
3076 in lieu of sixteenth section lands, classified as agricultural may
3077 be leased for the cultivation of rice, or pasturage, for a term
3078 not to exceed ten (10) years. All other sixteenth section or lieu
3079 lands classified as agricultural may be leased for a term not
3080 exceeding five (5) years. All leases of land classified as
3081 agricultural shall be for a term to expire on December 31. Except
3082 in those cases when the holder of an existing lease on
3083 agricultural land elects to re-lease such land, as authorized
3084 under this subsection, it shall be the duty of the board of
3085 education to lease the sixteenth section or lieu lands at public
3086 contract after having advertised such lands for rent either on a
3087 free, publicly accessible, official government website for two (2)
3088 weeks, or in a newspaper published in the county or, if no
3089 newspaper is published in the county, then in a newspaper having a
3090 general circulation therein, for two (2) successive weeks, the
3091 first being at least ten (10) days before the public contract.
3092 The lease form and the terms so prescribed shall be on file and
3093 available for inspection in the office of the superintendent from
3094 and after the public notice by advertisement and until finally
3095 accepted by the board. However, before the expiration of an
3096 existing lease of land classified as agricultural land, except as
3097 otherwise provided in subsection (2) for lands intended to be
3098 reclassified, the board of education, in its discretion and
3099 subject to the prior approval of the Secretary of State, may



3100 authorize the holder of the existing lease to re-lease the land,
3101 on no more than one (1) occasion, for a term not to exceed five
3102 (5) years and for a rental amount that is no less than one hundred
3103 twenty percent (120%) of the total rental value of the existing
3104 lease. If the holder of the existing lease elects not to re-lease
3105 the land, the board of education shall publish an advertisement of
3106 agricultural land for rent which publication shall be not more
3107 than four (4) months before the expiration of the term of an
3108 existing lease of the land. An election by the holder of the
3109 existing lease not to re-lease the land shall not preclude his
3110 participation in the bidding process established under this
3111 section. Subject to the classification of the land, the board of
3112 education shall enter into a new lease on agricultural land before
3113 the expiration of an existing lease on the same land, and the new
3114 lease shall take effect on the day immediately following the day
3115 on which the existing lease expires. The board of education may
3116 require bidders to furnish bond or submit evidence of financial
3117 ability.

3118 Bids received by the board of education in response to the
3119 advertisement shall be opened at a regular or special meeting of
3120 the board. The board of education, at its option, may reject all
3121 bids or accept the highest and best bid received in response to
3122 the advertisement, or the board of education may hold an auction
3123 among those who submitted bids in response to the advertisement.
3124 If the board of education elects to hold an auction, no bidder



3125 shall be granted any preference. The opening bid at the auction
3126 shall be highest bid received in response to the advertisement.

3127 (2) If, during the final year of an existing lease, the
3128 board of education notifies the holder of the existing lease that
3129 the board of education intends to reclassify the land under
3130 Section 29-3-39, the holder of the existing lease may re-lease the
3131 land for a term of five (5) years and for a rental amount that is
3132 equal to one hundred twenty percent (120%) of the total rental
3133 value of the then existing lease. Thereafter, the board of
3134 education shall have the option to proceed with the
3135 reclassification of the land or may re-lease the land for one (1)
3136 additional term of five (5) years after advertising for bids or
3137 holding an auction in the same manner as provided in subsection
3138 (1) of this section, and the new classification will be
3139 implemented upon the expiration of the then existing lease. This
3140 subsection does not apply if the board of education intends to
3141 reclassify the land under the "commercial" or "industrial" land
3142 classification based on a valid business proposal presented to and
3143 approved by the board of education.

3144 (3) (a) If the board of education receives an acceptable
3145 bid in response to the advertisement and elects not to hold an
3146 auction among those submitting bids, then the holder of the
3147 existing lease may submit a second bid in an amount not less than
3148 one hundred five percent (105%) of the highest acceptable bid
3149 received if the holder of the existing lease: (i) submitted a bid



3150 in response to the advertisement; and (ii) constructed or made
3151 improvements on the leasehold premises after receiving approval of
3152 the board of education during the term of the existing lease. For
3153 purposes of this subsection, the term "improvements" shall not
3154 include any work or items that are done customarily on an annual
3155 basis in the preparing, planting, growing, cultivating or
3156 harvesting of crops or other farm products.

3157 (b) If the holder of the existing lease elects to
3158 submit a second bid, the board of education shall hold an auction
3159 among those who submitted bids in response to the advertisement.
3160 The opening bid at the auction shall be the second bid of the
3161 holder of the existing lease. However, no leaseholder may submit
3162 a second bid if: (i) any rent, taxes or other payment required
3163 under his lease are past due; or (ii) he is otherwise in default
3164 of any term or provision of the lease and such default has not
3165 been corrected or cured to the satisfaction of the board of
3166 education after more than thirty (30) days' notice to the
3167 leaseholder of the default.

3168 (c) If an auction is held, the auction may be conducted
3169 at the meeting at which bids are opened or at a subsequent regular
3170 or special meeting. The board shall announce the time and place
3171 of the auction at the meeting at which bids are opened, and no
3172 further notice of the auction is required.

3173 (d) If no bid acceptable to the board of education is
3174 received after the advertisement or at auction, the board of



3175 education may lease, within ninety (90) days, the lands by private
3176 contract for an amount greater than the highest bid previously
3177 rejected in order to acquire a fair rental value for the lands.
3178 If no bids are received in response to the advertisement, the
3179 board of education may negotiate a private contract for a fair
3180 rental value, and the term of such contract shall expire on
3181 December 31 of the same calendar year in which the contract is
3182 made. The board of education may take the notes for the rent and
3183 attend to their collection. The board has the right and remedies
3184 for the security and collection of such rents given by law to the
3185 agricultural landlords.

3186 (e) If an existing lease is terminated before the
3187 expiration of the term originally set therein, upon finding that
3188 immediate action is necessary to prevent damage or loss to growing
3189 crops or to prevent loss of opportunity to lease the land for the
3190 current growing season, the board of education may negotiate a
3191 private contract for a fair rental value, and the term of such
3192 lease shall expire on December 31 of the same calendar year in
3193 which the contract is made.

3194 (4) Any holder of a lease on agricultural land that: (a)
3195 was granted before July 1, 1997; and (b) has an expiration date on
3196 or after April 1 but before December 31 during the final year of
3197 the lease term, may extend the term of such lease to December 31
3198 next following the expiration date originally provided for in the
3199 lease. If such lease is extended, the rent for the period from



3200 the original expiration date in the lease to December 31 next
3201 following the original expiration date shall be one hundred five
3202 percent (105%) of the annual rent provided in the existing lease
3203 prorated over the period of the lease extension. At the
3204 expiration of the extended lease term or at the expiration of the
3205 original lease term if the lease holder does not extend such
3206 lease, the land shall be offered for lease as provided in
3207 subsections (1) and (2) of this section.

3208 **SECTION 46.** Section 31-7-13, Mississippi Code of 1972, is
3209 amended as follows:

3210 31-7-13. All agencies and governing authorities shall
3211 purchase their commodities and printing; contract for garbage
3212 collection or disposal; contract for solid waste collection or
3213 disposal; contract for sewage collection or disposal; contract for
3214 public construction; and contract for rentals as herein provided.

3215 (a) **Bidding procedure for purchases not over \$5,000.00.**

3216 Purchases which do not involve an expenditure of more than Five
3217 Thousand Dollars (\$5,000.00), exclusive of freight or shipping
3218 charges, may be made without advertising or otherwise requesting
3219 competitive bids. However, nothing contained in this paragraph

3220 (a) shall be construed to prohibit any agency or governing
3221 authority from establishing procedures which require competitive
3222 bids on purchases of Five Thousand Dollars (\$5,000.00) or less.

3223 (b) **Bidding procedure for purchases over \$5,000.00 but**

3224 **not over \$50,000.00.** Purchases which involve an expenditure of



3225 more than Five Thousand Dollars (\$5,000.00) but not more than
3226 Fifty Thousand Dollars (\$50,000.00), exclusive of freight and
3227 shipping charges, may be made from the lowest and best bidder
3228 without publishing or posting advertisement for bids, provided at
3229 least two (2) competitive written bids have been obtained. Any
3230 state agency or community/junior college purchasing commodities or
3231 procuring construction pursuant to this paragraph (b) may
3232 authorize its purchasing agent, or his designee, to accept the
3233 lowest competitive written bid under Fifty Thousand Dollars
3234 (\$50,000.00). Any governing authority purchasing commodities
3235 pursuant to this paragraph (b) may authorize its purchasing agent,
3236 or his designee, with regard to governing authorities other than
3237 counties, or its purchase clerk, or his designee, with regard to
3238 counties, to accept the lowest and best competitive written bid.
3239 Such authorization shall be made in writing by the governing
3240 authority and shall be maintained on file in the primary office of
3241 the agency and recorded in the official minutes of the governing
3242 authority, as appropriate. The purchasing agent or the purchase
3243 clerk, or their designee, as the case may be, and not the
3244 governing authority, shall be liable for any penalties and/or
3245 damages as may be imposed by law for any act or omission of the
3246 purchasing agent or purchase clerk, or their designee,
3247 constituting a violation of law in accepting any bid without
3248 approval by the governing authority. The term "competitive
3249 written bid" shall mean a bid submitted on a bid form furnished by



3250 the buying agency or governing authority and signed by authorized
3251 personnel representing the vendor, or a bid submitted on a
3252 vendor's letterhead or identifiable bid form and signed by
3253 authorized personnel representing the vendor. "Competitive" shall
3254 mean that the bids are developed based upon comparable
3255 identification of the needs and are developed independently and
3256 without knowledge of other bids or prospective bids. Any bid item
3257 for construction in excess of Five Thousand Dollars (\$5,000.00)
3258 shall be broken down by components to provide detail of component
3259 description and pricing. These details shall be submitted with
3260 the written bids and become part of the bid evaluation criteria.
3261 Bids may be submitted by facsimile, electronic mail or other
3262 generally accepted method of information distribution. Bids
3263 submitted by electronic transmission shall not require the
3264 signature of the vendor's representative unless required by
3265 agencies or governing authorities.

3266 (c) **Bidding procedure for purchases over \$50,000.00.**

3267 (i) **Publication requirement.**

3268 1. Purchases which involve an expenditure of
3269 more than Fifty Thousand Dollars (\$50,000.00), exclusive of
3270 freight and shipping charges, may be made from the lowest and best
3271 bidder after advertising for competitive bids either on a free,
3272 publicly accessible, official government website for two (2)
3273 weeks, or once each week for two (2) consecutive weeks in a
3274 regular newspaper published in the county or municipality in which



3275 such agency or governing authority is located. However, all
3276 American Recovery and Reinvestment Act projects in excess of
3277 Twenty-five Thousand Dollars (\$25,000.00) shall be bid. All
3278 references to American Recovery and Reinvestment Act projects in
3279 this section shall not apply to programs identified in Division B
3280 of the American Recovery and Reinvestment Act.

3281 2. Reverse auctions shall be the primary
3282 method for receiving bids during the bidding process. If a
3283 purchasing entity determines that a reverse auction is not in the
3284 best interest of the state, then that determination must be
3285 approved by the Public Procurement Review Board. The purchasing
3286 entity shall submit a detailed explanation of why a reverse
3287 auction would not be in the best interest of the state and present
3288 an alternative process to be approved by the Public Procurement
3289 Review Board. If the Public Procurement Review Board authorizes
3290 the purchasing entity to solicit bids with a method other than
3291 reverse auction, then the purchasing entity may designate the
3292 other methods by which the bids will be received, including, but
3293 not limited to, bids sealed in an envelope, bids received
3294 electronically in a secure system, or bids received by any other
3295 method that promotes open competition and has been approved by the
3296 Office of Purchasing and Travel. However, reverse auction shall
3297 not be used for any public contract for design or construction of
3298 public facilities, including buildings, roads and bridges. The
3299 Public Procurement Review Board must approve any contract entered



3300 into by alternative process. The provisions of this item 2 shall
3301 not apply to the individual state institutions of higher learning.

3302 3. The date as published for the bid opening
3303 shall not be less than seven (7) working days after the last
3304 published notice; however, if the purchase involves a construction
3305 project in which the estimated cost is in excess of Fifty Thousand
3306 Dollars (\$50,000.00), such bids shall not be opened in less than
3307 fifteen (15) working days after the last notice is published and
3308 the notice for the purchase of such construction shall be
3309 published once each week for two (2) consecutive weeks. However,
3310 all American Recovery and Reinvestment Act projects in excess of
3311 Twenty-five Thousand Dollars (\$25,000.00) shall be bid. For any
3312 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)
3313 under the American Recovery and Reinvestment Act, publication
3314 shall be made one (1) time and the bid opening for construction
3315 projects shall not be less than ten (10) working days after the
3316 date of the published notice. The notice of intention to let
3317 contracts or purchase equipment shall state the time and place at
3318 which bids shall be received, list the contracts to be made or
3319 types of equipment or supplies to be purchased, and, if all plans
3320 and/or specifications are not published, refer to the plans and/or
3321 specifications on file. If the governing authority chooses to use
3322 a newspaper for publication instead of its official government
3323 website, and there is no newspaper published in the county or
3324 municipality, then such notice shall be given by posting same at



3325 the courthouse, or for municipalities at the city hall, and at two
3326 (2) other public places in the county or municipality, and also by
3327 publication once each week for two (2) consecutive weeks in some
3328 newspaper having a general circulation in the county or
3329 municipality in the above-provided manner. On the same date that
3330 the notice is posted to the free, publicly accessible, official
3331 government website, or submitted to the newspaper for publication,
3332 the agency or governing authority involved shall mail written
3333 notice to, or provide electronic notification to the main office
3334 of the Mississippi Procurement Technical Assistance Program under
3335 the Mississippi Development Authority that contains the same
3336 information as that in the published notice. Submissions received
3337 by the Mississippi Procurement Technical Assistance Program for
3338 projects funded by the American Recovery and Reinvestment Act
3339 shall be displayed on a separate and unique Internet web page
3340 accessible to the public and maintained by the Mississippi
3341 Development Authority for the Mississippi Procurement Technical
3342 Assistance Program. Those American Recovery and Reinvestment Act
3343 related submissions shall be publicly posted within twenty-four
3344 (24) hours of receipt by the Mississippi Development Authority and
3345 the bid opening shall not occur until the submission has been
3346 posted for ten (10) consecutive days. The Department of Finance
3347 and Administration shall maintain information regarding contracts
3348 and other expenditures from the American Recovery and Reinvestment
3349 Act, on a unique Internet web page accessible to the public. The



3350 Department of Finance and Administration shall promulgate rules
3351 regarding format, content and deadlines, unless otherwise
3352 specified by law, of the posting of award notices, contract
3353 execution and subsequent amendments, links to the contract
3354 documents, expenditures against the awarded contracts and general
3355 expenditures of funds from the American Recovery and Reinvestment
3356 Act. Within one (1) working day of the contract award, the agency
3357 or governing authority shall post to the designated web page
3358 maintained by the Department of Finance and Administration, notice
3359 of the award, including the award recipient, the contract amount,
3360 and a brief summary of the contract in accordance with rules
3361 promulgated by the department. Within one (1) working day of the
3362 contract execution, the agency or governing authority shall post
3363 to the designated web page maintained by the Department of Finance
3364 and Administration a summary of the executed contract and make a
3365 copy of the appropriately redacted contract documents available
3366 for linking to the designated web page in accordance with the
3367 rules promulgated by the department. The information provided by
3368 the agency or governing authority shall be posted to the web page
3369 for the duration of the American Recovery and Reinvestment Act
3370 funding or until the project is completed, whichever is longer.

3371 (ii) **Bidding process amendment procedure.** If all
3372 plans and/or specifications are published in the notification,
3373 then the plans and/or specifications may not be amended. If all
3374 plans and/or specifications are not published in the notification,



3375 then amendments to the plans/specifications, bid opening date, bid
3376 opening time and place may be made, provided that the agency or
3377 governing authority maintains a list of all prospective bidders
3378 who are known to have received a copy of the bid documents and all
3379 such prospective bidders are sent copies of all amendments. This
3380 notification of amendments may be made via mail, facsimile,
3381 electronic mail or other generally accepted method of information
3382 distribution. No addendum to bid specifications may be issued
3383 within two (2) working days of the time established for the
3384 receipt of bids unless such addendum also amends the bid opening
3385 to a date not less than five (5) working days after the date of
3386 the addendum.

3387 (iii) **Filing requirement.** In all cases involving
3388 governing authorities, before the notice shall be published or
3389 posted, the plans or specifications for the construction or
3390 equipment being sought shall be filed with the clerk of the board
3391 of the governing authority. In addition to these requirements, a
3392 bid file shall be established which shall indicate those vendors
3393 to whom such solicitations and specifications were issued, and
3394 such file shall also contain such information as is pertinent to
3395 the bid.

3396 (iv) **Specification restrictions.**

3397 1. Specifications pertinent to such bidding
3398 shall be written so as not to exclude comparable equipment of
3399 domestic manufacture. However, if valid justification is



3400 presented, the Department of Finance and Administration or the
3401 board of a governing authority may approve a request for specific
3402 equipment necessary to perform a specific job. Further, such
3403 justification, when placed on the minutes of the board of a
3404 governing authority, may serve as authority for that governing
3405 authority to write specifications to require a specific item of
3406 equipment needed to perform a specific job. In addition to these
3407 requirements, from and after July 1, 1990, vendors of relocatable
3408 classrooms and the specifications for the purchase of such
3409 relocatable classrooms published by local school boards shall meet
3410 all pertinent regulations of the State Board of Education,
3411 including prior approval of such bid by the State Department of
3412 Education.

3413 2. Specifications for construction projects
3414 may include an allowance for commodities, equipment, furniture,
3415 construction materials or systems in which prospective bidders are
3416 instructed to include in their bids specified amounts for such
3417 items so long as the allowance items are acquired by the vendor in
3418 a commercially reasonable manner and approved by the
3419 agency/governing authority. Such acquisitions shall not be made
3420 to circumvent the public purchasing laws.

3421 (v) **Electronic bids.** Agencies and governing
3422 authorities shall provide a secure electronic interactive system
3423 for the submittal of bids requiring competitive bidding that shall
3424 be an additional bidding option for those bidders who choose to



3425 submit their bids electronically. The Department of Finance and
3426 Administration shall provide, by regulation, the standards that
3427 agencies must follow when receiving electronic bids. Agencies and
3428 governing authorities shall make the appropriate provisions
3429 necessary to accept electronic bids from those bidders who choose
3430 to submit their bids electronically for all purchases requiring
3431 competitive bidding under this section. Any special condition or
3432 requirement for the electronic bid submission shall be specified
3433 in the advertisement for bids required by this section. Agencies
3434 or governing authorities that are currently without available high
3435 speed Internet access shall be exempt from the requirement of this
3436 subparagraph (v) until such time that high speed Internet access
3437 becomes available. Any county having a population of less than
3438 twenty thousand (20,000) shall be exempt from the provisions of
3439 this subparagraph (v). Any municipality having a population of
3440 less than ten thousand (10,000) shall be exempt from the
3441 provisions of this subparagraph (v). The provisions of this
3442 subparagraph (v) shall not require any bidder to submit bids
3443 electronically. When construction bids are submitted
3444 electronically, the requirement for including a certificate of
3445 responsibility, or a statement that the bid enclosed does not
3446 exceed Fifty Thousand Dollars (\$50,000.00), on the exterior of the
3447 bid envelope as indicated in Section 31-3-21(1) and (2) shall be
3448 deemed in compliance with by including same as an attachment with
3449 the electronic bid submittal.



3450 (d) **Lowest and best bid decision procedure.**

3451 (i) **Decision procedure.** Purchases may be made
3452 from the lowest and best bidder. In determining the lowest and
3453 best bid, freight and shipping charges shall be included.
3454 Life-cycle costing, total cost bids, warranties, guaranteed
3455 buy-back provisions and other relevant provisions may be included
3456 in the best bid calculation. All best bid procedures for state
3457 agencies must be in compliance with regulations established by the
3458 Department of Finance and Administration. If any governing
3459 authority accepts a bid other than the lowest bid actually
3460 submitted, it shall place on its minutes detailed calculations and
3461 narrative summary showing that the accepted bid was determined to
3462 be the lowest and best bid, including the dollar amount of the
3463 accepted bid and the dollar amount of the lowest bid. No agency
3464 or governing authority shall accept a bid based on items not
3465 included in the specifications.

3466 (ii) **Decision procedure for Certified Purchasing**
3467 **Offices.** In addition to the decision procedure set forth in
3468 subparagraph (i) of this paragraph (d), Certified Purchasing
3469 Offices may also use the following procedure: Purchases may be
3470 made from the bidder offering the best value. In determining the
3471 best value bid, freight and shipping charges shall be included.
3472 Life-cycle costing, total cost bids, warranties, guaranteed
3473 buy-back provisions, documented previous experience, training
3474 costs and other relevant provisions, including, but not limited



3475 to, a bidder having a local office and inventory located within
3476 the jurisdiction of the governing authority, may be included in
3477 the best value calculation. This provision shall authorize
3478 Certified Purchasing Offices to utilize a Request For Proposals
3479 (RFP) process when purchasing commodities. All best value
3480 procedures for state agencies must be in compliance with
3481 regulations established by the Department of Finance and
3482 Administration. No agency or governing authority shall accept a
3483 bid based on items or criteria not included in the specifications.

3484 (iii) **Decision procedure for Mississippi**

3485 **Landmarks.** In addition to the decision procedure set forth in
3486 subparagraph (i) of this paragraph (d), where purchase involves
3487 renovation, restoration, or both, of the State Capitol Building or
3488 any other historical building designated for at least five (5)
3489 years as a Mississippi Landmark by the Board of Trustees of the
3490 Department of Archives and History under the authority of Sections
3491 39-7-7 and 39-7-11, the agency or governing authority may use the
3492 following procedure: Purchases may be made from the lowest and
3493 best prequalified bidder. Prequalification of bidders shall be
3494 determined not less than fifteen (15) working days before the
3495 first published notice of bid opening. Prequalification criteria
3496 shall be limited to bidder's knowledge and experience in
3497 historical restoration, preservation and renovation. In
3498 determining the lowest and best bid, freight and shipping charges
3499 shall be included. Life-cycle costing, total cost bids,



3500 warranties, guaranteed buy-back provisions and other relevant
3501 provisions may be included in the best bid calculation. All best
3502 bid and prequalification procedures for state agencies must be in
3503 compliance with regulations established by the Department of
3504 Finance and Administration. If any governing authority accepts a
3505 bid other than the lowest bid actually submitted, it shall place
3506 on its minutes detailed calculations and narrative summary showing
3507 that the accepted bid was determined to be the lowest and best
3508 bid, including the dollar amount of the accepted bid and the
3509 dollar amount of the lowest bid. No agency or governing authority
3510 shall accept a bid based on items not included in the
3511 specifications.

3512 (iv) **Construction project negotiations authority.**
3513 If the lowest and best bid is not more than ten percent (10%)
3514 above the amount of funds allocated for a public construction or
3515 renovation project, then the agency or governing authority shall
3516 be permitted to negotiate with the lowest bidder in order to enter
3517 into a contract for an amount not to exceed the funds allocated.

3518 (e) **Lease-purchase authorization.** For the purposes of
3519 this section, the term "equipment" shall mean equipment, furniture
3520 and, if applicable, associated software and other applicable
3521 direct costs associated with the acquisition. Any lease-purchase
3522 of equipment which an agency is not required to lease-purchase
3523 under the master lease-purchase program pursuant to Section
3524 31-7-10 and any lease-purchase of equipment which a governing



3525 authority elects to lease-purchase may be acquired by a
3526 lease-purchase agreement under this paragraph (e). Lease-purchase
3527 financing may also be obtained from the vendor or from a
3528 third-party source after having solicited and obtained at least
3529 two (2) written competitive bids, as defined in paragraph (b) of
3530 this section, for such financing without advertising for such
3531 bids. Solicitation for the bids for financing may occur before or
3532 after acceptance of bids for the purchase of such equipment or,
3533 where no such bids for purchase are required, at any time before
3534 the purchase thereof. No such lease-purchase agreement shall be
3535 for an annual rate of interest which is greater than the overall
3536 maximum interest rate to maturity on general obligation
3537 indebtedness permitted under Section 75-17-101, and the term of
3538 such lease-purchase agreement shall not exceed the useful life of
3539 equipment covered thereby as determined according to the upper
3540 limit of the asset depreciation range (ADR) guidelines for the
3541 Class Life Asset Depreciation Range System established by the
3542 Internal Revenue Service pursuant to the United States Internal
3543 Revenue Code and regulations thereunder as in effect on December
3544 31, 1980, or comparable depreciation guidelines with respect to
3545 any equipment not covered by ADR guidelines. Any lease-purchase
3546 agreement entered into pursuant to this paragraph (e) may contain
3547 any of the terms and conditions which a master lease-purchase
3548 agreement may contain under the provisions of Section 31-7-10(5),
3549 and shall contain an annual allocation dependency clause



3550 substantially similar to that set forth in Section 31-7-10(8).
3551 Each agency or governing authority entering into a lease-purchase
3552 transaction pursuant to this paragraph (e) shall maintain with
3553 respect to each such lease-purchase transaction the same
3554 information as required to be maintained by the Department of
3555 Finance and Administration pursuant to Section 31-7-10(13).
3556 However, nothing contained in this section shall be construed to
3557 permit agencies to acquire items of equipment with a total
3558 acquisition cost in the aggregate of less than Ten Thousand
3559 Dollars (\$10,000.00) by a single lease-purchase transaction. All
3560 equipment, and the purchase thereof by any lessor, acquired by
3561 lease-purchase under this paragraph and all lease-purchase
3562 payments with respect thereto shall be exempt from all Mississippi
3563 sales, use and ad valorem taxes. Interest paid on any
3564 lease-purchase agreement under this section shall be exempt from
3565 State of Mississippi income taxation.

3566 (f) **Alternate bid authorization.** When necessary to
3567 ensure ready availability of commodities for public works and the
3568 timely completion of public projects, no more than two (2)
3569 alternate bids may be accepted by a governing authority for
3570 commodities. No purchases may be made through use of such
3571 alternate bids procedure unless the lowest and best bidder cannot
3572 deliver the commodities contained in his bid. In that event,
3573 purchases of such commodities may be made from one (1) of the
3574 bidders whose bid was accepted as an alternate.



3575 (g) **Construction contract change authorization.** In the
3576 event a determination is made by an agency or governing authority
3577 after a construction contract is let that changes or modifications
3578 to the original contract are necessary or would better serve the
3579 purpose of the agency or the governing authority, such agency or
3580 governing authority may, in its discretion, order such changes
3581 pertaining to the construction that are necessary under the
3582 circumstances without the necessity of further public bids;
3583 provided that such change shall be made in a commercially
3584 reasonable manner and shall not be made to circumvent the public
3585 purchasing statutes. In addition to any other authorized person,
3586 the architect or engineer hired by an agency or governing
3587 authority with respect to any public construction contract shall
3588 have the authority, when granted by an agency or governing
3589 authority, to authorize changes or modifications to the original
3590 contract without the necessity of prior approval of the agency or
3591 governing authority when any such change or modification is less
3592 than one percent (1%) of the total contract amount. The agency or
3593 governing authority may limit the number, manner or frequency of
3594 such emergency changes or modifications.

3595 (h) **Petroleum purchase alternative.** In addition to
3596 other methods of purchasing authorized in this chapter, when any
3597 agency or governing authority shall have a need for gas, diesel
3598 fuel, oils and/or other petroleum products in excess of the amount
3599 set forth in paragraph (a) of this section, such agency or



3600 governing authority may purchase the commodity after having
3601 solicited and obtained at least two (2) competitive written bids,
3602 as defined in paragraph (b) of this section. If two (2)
3603 competitive written bids are not obtained, the entity shall comply
3604 with the procedures set forth in paragraph (c) of this section.
3605 In the event any agency or governing authority shall have
3606 advertised for bids for the purchase of gas, diesel fuel, oils and
3607 other petroleum products and coal and no acceptable bids can be
3608 obtained, such agency or governing authority is authorized and
3609 directed to enter into any negotiations necessary to secure the
3610 lowest and best contract available for the purchase of such
3611 commodities.

3612 (i) **Road construction petroleum products price**
3613 **adjustment clause authorization.** Any agency or governing
3614 authority authorized to enter into contracts for the construction,
3615 maintenance, surfacing or repair of highways, roads or streets,
3616 may include in its bid proposal and contract documents a price
3617 adjustment clause with relation to the cost to the contractor,
3618 including taxes, based upon an industry-wide cost index, of
3619 petroleum products including asphalt used in the performance or
3620 execution of the contract or in the production or manufacture of
3621 materials for use in such performance. Such industry-wide index
3622 shall be established and published monthly by the Mississippi
3623 Department of Transportation with a copy thereof to be mailed,
3624 upon request, to the clerks of the governing authority of each



3625 municipality and the clerks of each board of supervisors
3626 throughout the state. The price adjustment clause shall be based
3627 on the cost of such petroleum products only and shall not include
3628 any additional profit or overhead as part of the adjustment. The
3629 bid proposals or document contract shall contain the basis and
3630 methods of adjusting unit prices for the change in the cost of
3631 such petroleum products.

3632 (j) **State agency emergency purchase procedure.** If the
3633 governing board or the executive head, or his designees, of any
3634 agency of the state shall determine that an emergency exists in
3635 regard to the purchase of any commodities or repair contracts, so
3636 that the delay incident to giving opportunity for competitive
3637 bidding would be detrimental to the interests of the state, then
3638 the head of such agency, or his designees, shall file with the
3639 Department of Finance and Administration (i) a statement
3640 explaining the conditions and circumstances of the emergency,
3641 which shall include a detailed description of the events leading
3642 up to the situation and the negative impact to the entity if the
3643 purchase is made following the statutory requirements set forth in
3644 paragraph (a), (b) or (c) of this section, and (ii) a certified
3645 copy of the appropriate minutes of the board of such agency
3646 requesting the emergency purchase, if applicable. Upon receipt of
3647 the statement and applicable board certification, the State Fiscal
3648 Officer, or his designees, may, in writing, authorize the purchase



3649 or repair without having to comply with competitive bidding
3650 requirements.

3651 If the governing board or the executive head, or his
3652 designees, of any agency determines that an emergency exists in
3653 regard to the purchase of any commodities or repair contracts, so
3654 that the delay incident to giving opportunity for competitive
3655 bidding would threaten the health or safety of any person, or the
3656 preservation or protection of property, then the provisions in
3657 this section for competitive bidding shall not apply, and any
3658 officer or agent of the agency having general or specific
3659 authority for making the purchase or repair contract shall approve
3660 the bill presented for payment, and he shall certify in writing
3661 from whom the purchase was made, or with whom the repair contract
3662 was made.

3663 Total purchases made under this paragraph (j) shall only be
3664 for the purpose of meeting needs created by the emergency
3665 situation. Following the emergency purchase, documentation of the
3666 purchase, including a description of the commodity purchased, the
3667 purchase price thereof and the nature of the emergency shall be
3668 filed with the Department of Finance and Administration. Any
3669 contract awarded pursuant to this paragraph (j) shall not exceed a
3670 term of one (1) year.

3671 (k) **Governing authority emergency purchase procedure.**

3672 If the governing authority, or the governing authority acting
3673 through its designee, shall determine that an emergency exists in



3674 regard to the purchase of any commodities or repair contracts, so
3675 that the delay incident to giving opportunity for competitive
3676 bidding would be detrimental to the interest of the governing
3677 authority, then the provisions herein for competitive bidding
3678 shall not apply and any officer or agent of such governing
3679 authority having general or special authority therefor in making
3680 such purchase or repair shall approve the bill presented therefor,
3681 and he shall certify in writing thereon from whom such purchase
3682 was made, or with whom such a repair contract was made. At the
3683 board meeting next following the emergency purchase or repair
3684 contract, documentation of the purchase or repair contract,
3685 including a description of the commodity purchased, the price
3686 thereof and the nature of the emergency shall be presented to the
3687 board and shall be placed on the minutes of the board of such
3688 governing authority.

3689 (1) **Hospital purchase, lease-purchase and lease**
3690 **authorization.**

3691 (i) The commissioners or board of trustees of any
3692 public hospital may contract with such lowest and best bidder for
3693 the purchase or lease-purchase of any commodity under a contract
3694 of purchase or lease-purchase agreement whose obligatory payment
3695 terms do not exceed five (5) years.

3696 (ii) In addition to the authority granted in
3697 subparagraph (i) of this paragraph (1), the commissioners or board
3698 of trustees is authorized to enter into contracts for the lease of



3699 equipment or services, or both, which it considers necessary for
3700 the proper care of patients if, in its opinion, it is not
3701 financially feasible to purchase the necessary equipment or
3702 services. Any such contract for the lease of equipment or
3703 services executed by the commissioners or board shall not exceed a
3704 maximum of five (5) years' duration and shall include a
3705 cancellation clause based on unavailability of funds. If such
3706 cancellation clause is exercised, there shall be no further
3707 liability on the part of the lessee. Any such contract for the
3708 lease of equipment or services executed on behalf of the
3709 commissioners or board that complies with the provisions of this
3710 subparagraph (ii) shall be excepted from the bid requirements set
3711 forth in this section.

3712 (m) **Exceptions from bidding requirements.** Excepted
3713 from bid requirements are:

3714 (i) **Purchasing agreements approved by department.**
3715 Purchasing agreements, contracts and maximum price regulations
3716 executed or approved by the Department of Finance and
3717 Administration.

3718 (ii) **Outside equipment repairs.** Repairs to
3719 equipment, when such repairs are made by repair facilities in the
3720 private sector; however, engines, transmissions, rear axles and/or
3721 other such components shall not be included in this exemption when
3722 replaced as a complete unit instead of being repaired and the need
3723 for such total component replacement is known before disassembly



3724 of the component; however, invoices identifying the equipment,
3725 specific repairs made, parts identified by number and name,
3726 supplies used in such repairs, and the number of hours of labor
3727 and costs therefor shall be required for the payment for such
3728 repairs.

3729 (iii) **In-house equipment repairs.** Purchases of
3730 parts for repairs to equipment, when such repairs are made by
3731 personnel of the agency or governing authority; however, entire
3732 assemblies, such as engines or transmissions, shall not be
3733 included in this exemption when the entire assembly is being
3734 replaced instead of being repaired.

3735 (iv) **Raw gravel or dirt.** Raw unprocessed deposits
3736 of gravel or fill dirt which are to be removed and transported by
3737 the purchaser.

3738 (v) **Governmental equipment auctions.** Motor
3739 vehicles or other equipment purchased from a federal agency or
3740 authority, another governing authority or state agency of the
3741 State of Mississippi, or any governing authority or state agency
3742 of another state at a public auction held for the purpose of
3743 disposing of such vehicles or other equipment. Any purchase by a
3744 governing authority under the exemption authorized by this
3745 subparagraph (v) shall require advance authorization spread upon
3746 the minutes of the governing authority to include the listing of
3747 the item or items authorized to be purchased and the maximum bid
3748 authorized to be paid for each item or items.



3749 (vi) **Intergovernmental sales and transfers.**
3750 Purchases, sales, transfers or trades by governing authorities or
3751 state agencies when such purchases, sales, transfers or trades are
3752 made by a private treaty agreement or through means of
3753 negotiation, from any federal agency or authority, another
3754 governing authority or state agency of the State of Mississippi,
3755 or any state agency or governing authority of another state.
3756 Nothing in this section shall permit such purchases through public
3757 auction except as provided for in subparagraph (v) of this
3758 paragraph (m). It is the intent of this section to allow
3759 governmental entities to dispose of and/or purchase commodities
3760 from other governmental entities at a price that is agreed to by
3761 both parties. This shall allow for purchases and/or sales at
3762 prices which may be determined to be below the market value if the
3763 selling entity determines that the sale at below market value is
3764 in the best interest of the taxpayers of the state. Governing
3765 authorities shall place the terms of the agreement and any
3766 justification on the minutes, and state agencies shall obtain
3767 approval from the Department of Finance and Administration, prior
3768 to releasing or taking possession of the commodities.

3769 (vii) **Perishable supplies or food.** Perishable
3770 supplies or food purchased for use in connection with hospitals,
3771 the school lunch programs, homemaking programs and for the feeding
3772 of county or municipal prisoners.



3773 (viii) **Single source items.** Noncompetitive items
3774 available from one (1) source only. In connection with the
3775 purchase of noncompetitive items only available from one (1)
3776 source, a certification of the conditions and circumstances
3777 requiring the purchase shall be filed by the agency with the
3778 Department of Finance and Administration and by the governing
3779 authority with the board of the governing authority. Upon receipt
3780 of that certification the Department of Finance and Administration
3781 or the board of the governing authority, as the case may be, may,
3782 in writing, authorize the purchase, which authority shall be noted
3783 on the minutes of the body at the next regular meeting thereafter.
3784 In those situations, a governing authority is not required to
3785 obtain the approval of the Department of Finance and
3786 Administration. Following the purchase, the executive head of the
3787 state agency, or his designees, shall file with the Department of
3788 Finance and Administration, documentation of the purchase,
3789 including a description of the commodity purchased, the purchase
3790 price thereof and the source from whom it was purchased.

3791 (ix) **Waste disposal facility construction**
3792 **contracts.** Construction of incinerators and other facilities for
3793 disposal of solid wastes in which products either generated
3794 therein, such as steam, or recovered therefrom, such as materials
3795 for recycling, are to be sold or otherwise disposed of; however,
3796 in constructing such facilities, a governing authority or agency
3797 shall publicly issue requests for proposals, advertised for in the



3798 same manner as provided herein for seeking bids for public
3799 construction projects, concerning the design, construction,
3800 ownership, operation and/or maintenance of such facilities,
3801 wherein such requests for proposals when issued shall contain
3802 terms and conditions relating to price, financial responsibility,
3803 technology, environmental compatibility, legal responsibilities
3804 and such other matters as are determined by the governing
3805 authority or agency to be appropriate for inclusion; and after
3806 responses to the request for proposals have been duly received,
3807 the governing authority or agency may select the most qualified
3808 proposal or proposals on the basis of price, technology and other
3809 relevant factors and from such proposals, but not limited to the
3810 terms thereof, negotiate and enter contracts with one or more of
3811 the persons or firms submitting proposals.

3812 (x) **Hospital group purchase contracts.** Supplies,
3813 commodities and equipment purchased by hospitals through group
3814 purchase programs pursuant to Section 31-7-38.

3815 (xi) **Information technology products.** Purchases
3816 of information technology products made by governing authorities
3817 under the provisions of purchase schedules, or contracts executed
3818 or approved by the Mississippi Department of Information
3819 Technology Services and designated for use by governing
3820 authorities.

3821 (xii) **Energy efficiency services and equipment.**
3822 Energy efficiency services and equipment acquired by school



3823 districts, community and junior colleges, institutions of higher
3824 learning and state agencies or other applicable governmental
3825 entities on a shared-savings, lease or lease-purchase basis
3826 pursuant to Section 31-7-14.

3827 (xiii) **Municipal electrical utility system fuel.**

3828 Purchases of coal and/or natural gas by municipally owned electric
3829 power generating systems that have the capacity to use both coal
3830 and natural gas for the generation of electric power.

3831 (xiv) **Library books and other reference materials.**

3832 Purchases by libraries or for libraries of books and periodicals;
3833 processed film, videocassette tapes, filmstrips and slides;
3834 recorded audiotapes, cassettes and diskettes; and any such items
3835 as would be used for teaching, research or other information
3836 distribution; however, equipment such as projectors, recorders,
3837 audio or video equipment, and monitor televisions are not exempt
3838 under this subparagraph.

3839 (xv) **Unmarked vehicles.** Purchases of unmarked
3840 vehicles when such purchases are made in accordance with
3841 purchasing regulations adopted by the Department of Finance and
3842 Administration pursuant to Section 31-7-9(2).

3843 (xvi) **Election ballots.** Purchases of ballots
3844 printed pursuant to Section 23-15-351.

3845 (xvii) **Multichannel interactive video systems.**

3846 From and after July 1, 1990, contracts by Mississippi Authority
3847 for Educational Television with any private educational



3848 institution or private nonprofit organization whose purposes are
3849 educational in regard to the construction, purchase, lease or
3850 lease-purchase of facilities and equipment and the employment of
3851 personnel for providing multichannel interactive video systems
3852 (ITSF) in the school districts of this state.

3853 (xviii) **Purchases of prison industry products by**
3854 **the Department of Corrections, regional correctional facilities or**
3855 **privately owned prisons.** Purchases made by the Mississippi
3856 Department of Corrections, regional correctional facilities or
3857 privately owned prisons involving any item that is manufactured,
3858 processed, grown or produced from the state's prison industries.

3859 (xix) **Undercover operations equipment.** Purchases
3860 of surveillance equipment or any other high-tech equipment to be
3861 used by law enforcement agents in undercover operations, provided
3862 that any such purchase shall be in compliance with regulations
3863 established by the Department of Finance and Administration.

3864 (xx) **Junior college books for rent.** Purchases by
3865 community or junior colleges of textbooks which are obtained for
3866 the purpose of renting such books to students as part of a book
3867 service system.

3868 (xxi) **Certain school district purchases.**
3869 Purchases of commodities made by school districts from vendors
3870 with which any levying authority of the school district, as
3871 defined in Section 37-57-1, has contracted through competitive
3872 bidding procedures for purchases of the same commodities.



3873 (xxii) **Garbage, solid waste and sewage contracts.**
3874 Contracts for garbage collection or disposal, contracts for solid
3875 waste collection or disposal and contracts for sewage collection
3876 or disposal.

3877 (xxiii) **Municipal water tank maintenance**
3878 **contracts.** Professional maintenance program contracts for the
3879 repair or maintenance of municipal water tanks, which provide
3880 professional services needed to maintain municipal water storage
3881 tanks for a fixed annual fee for a duration of two (2) or more
3882 years.

3883 (xxiv) **Purchases of Mississippi Industries for the**
3884 **Blind products.** Purchases made by state agencies or governing
3885 authorities involving any item that is manufactured, processed or
3886 produced by the Mississippi Industries for the Blind.

3887 (xxv) **Purchases of state-adopted textbooks.**
3888 Purchases of state-adopted textbooks by public school districts.

3889 (xxvi) **Certain purchases under the Mississippi**
3890 **Major Economic Impact Act.** Contracts entered into pursuant to the
3891 provisions of Section 57-75-9(2), (3) and (4).

3892 (xxvii) **Used heavy or specialized machinery or**
3893 **equipment for installation of soil and water conservation**
3894 **practices purchased at auction.** Used heavy or specialized
3895 machinery or equipment used for the installation and
3896 implementation of soil and water conservation practices or
3897 measures purchased subject to the restrictions provided in



3898 Sections 69-27-331 through 69-27-341. Any purchase by the State
3899 Soil and Water Conservation Commission under the exemption
3900 authorized by this subparagraph shall require advance
3901 authorization spread upon the minutes of the commission to include
3902 the listing of the item or items authorized to be purchased and
3903 the maximum bid authorized to be paid for each item or items.

3904 (xxviii) **Hospital lease of equipment or services.**

3905 Leases by hospitals of equipment or services if the leases are in
3906 compliance with paragraph (1)(ii).

3907 (xxix) **Purchases made pursuant to qualified**

3908 **cooperative purchasing agreements.** Purchases made by certified
3909 purchasing offices of state agencies or governing authorities
3910 under cooperative purchasing agreements previously approved by the
3911 Office of Purchasing and Travel and established by or for any
3912 municipality, county, parish or state government or the federal
3913 government, provided that the notification to potential
3914 contractors includes a clause that sets forth the availability of
3915 the cooperative purchasing agreement to other governmental
3916 entities. Such purchases shall only be made if the use of the
3917 cooperative purchasing agreements is determined to be in the best
3918 interest of the governmental entity.

3919 (xxx) **School yearbooks.** Purchases of school
3920 yearbooks by state agencies or governing authorities; provided,
3921 however, that state agencies and governing authorities shall use
3922 for these purchases the RFP process as set forth in the



3923 Mississippi Procurement Manual adopted by the Office of Purchasing
3924 and Travel.

3925 (xxxii) **Design-build method and dual-phase**
3926 **design-build method of contracting.** Contracts entered into under
3927 the provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.

3928 (xxxiii) **Toll roads and bridge construction**
3929 **projects.** Contracts entered into under the provisions of Section
3930 65-43-1 or 65-43-3.

3931 (xxxiiii) **Certain purchases under Section 57-1-221.**
3932 Contracts entered into pursuant to the provisions of Section
3933 57-1-221.

3934 (xxxiv) **Certain transfers made pursuant to the**
3935 **provisions of Section 57-105-1(7).** Transfers of public property
3936 or facilities under Section 57-105-1(7) and construction related
3937 to such public property or facilities.

3938 (xxxv) **Certain purchases or transfers entered into**
3939 **with local electrical power associations.** Contracts or agreements
3940 entered into under the provisions of Section 55-3-33.

3941 (xxxvi) **Certain purchases by an academic medical**
3942 **center or health sciences school.** Purchases by an academic
3943 medical center or health sciences school, as defined in Section
3944 37-115-50, of commodities that are used for clinical purposes and
3945 1. intended for use in the diagnosis of disease or other
3946 conditions or in the cure, mitigation, treatment or prevention of
3947 disease, and 2. medical devices, biological, drugs and



3948 radiation-emitting devices as defined by the United States Food
3949 and Drug Administration.

3950 (n) **Term contract authorization.** All contracts for the
3951 purchase of:

3952 (i) All contracts for the purchase of commodities,
3953 equipment and public construction (including, but not limited to,
3954 repair and maintenance), may be let for periods of not more than
3955 sixty (60) months in advance, subject to applicable statutory
3956 provisions prohibiting the letting of contracts during specified
3957 periods near the end of terms of office. Term contracts for a
3958 period exceeding twenty-four (24) months shall also be subject to
3959 ratification or cancellation by governing authority boards taking
3960 office subsequent to the governing authority board entering the
3961 contract.

3962 (ii) Bid proposals and contracts may include price
3963 adjustment clauses with relation to the cost to the contractor
3964 based upon a nationally published industry-wide or nationally
3965 published and recognized cost index. The cost index used in a
3966 price adjustment clause shall be determined by the Department of
3967 Finance and Administration for the state agencies and by the
3968 governing board for governing authorities. The bid proposal and
3969 contract documents utilizing a price adjustment clause shall
3970 contain the basis and method of adjusting unit prices for the
3971 change in the cost of such commodities, equipment and public
3972 construction.



3973 (o) **Purchase law violation prohibition and vendor**
3974 **penalty.** No contract or purchase as herein authorized shall be
3975 made for the purpose of circumventing the provisions of this
3976 section requiring competitive bids, nor shall it be lawful for any
3977 person or concern to submit individual invoices for amounts within
3978 those authorized for a contract or purchase where the actual value
3979 of the contract or commodity purchased exceeds the authorized
3980 amount and the invoices therefor are split so as to appear to be
3981 authorized as purchases for which competitive bids are not
3982 required. Submission of such invoices shall constitute a
3983 misdemeanor punishable by a fine of not less than Five Hundred
3984 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),
3985 or by imprisonment for thirty (30) days in the county jail, or
3986 both such fine and imprisonment. In addition, the claim or claims
3987 submitted shall be forfeited.

3988 (p) **Electrical utility petroleum-based equipment**
3989 **purchase procedure.** When in response to a proper advertisement
3990 therefor, no bid firm as to price is submitted to an electric
3991 utility for power transformers, distribution transformers, power
3992 breakers, reclosers or other articles containing a petroleum
3993 product, the electric utility may accept the lowest and best bid
3994 therefor although the price is not firm.

3995 (q) **Fuel management system bidding procedure.** Any
3996 governing authority or agency of the state shall, before
3997 contracting for the services and products of a fuel management or



3998 fuel access system, enter into negotiations with not fewer than
3999 two (2) sellers of fuel management or fuel access systems for
4000 competitive written bids to provide the services and products for
4001 the systems. In the event that the governing authority or agency
4002 cannot locate two (2) sellers of such systems or cannot obtain
4003 bids from two (2) sellers of such systems, it shall show proof
4004 that it made a diligent, good-faith effort to locate and negotiate
4005 with two (2) sellers of such systems. Such proof shall include,
4006 but not be limited to, publications of a request for proposals and
4007 letters soliciting negotiations and bids. For purposes of this
4008 paragraph (q), a fuel management or fuel access system is an
4009 automated system of acquiring fuel for vehicles as well as
4010 management reports detailing fuel use by vehicles and drivers, and
4011 the term "competitive written bid" shall have the meaning as
4012 defined in paragraph (b) of this section. Governing authorities
4013 and agencies shall be exempt from this process when contracting
4014 for the services and products of fuel management or fuel access
4015 systems under the terms of a state contract established by the
4016 Office of Purchasing and Travel.

4017 (r) **Solid waste contract proposal procedure.** Before
4018 entering into any contract for garbage collection or disposal,
4019 contract for solid waste collection or disposal or contract for
4020 sewage collection or disposal, which involves an expenditure of
4021 more than Fifty Thousand Dollars (\$50,000.00), a governing
4022 authority or agency shall issue publicly a request for proposals



4023 concerning the specifications for such services which shall be
4024 advertised for in the same manner as provided in this section for
4025 seeking bids for purchases which involve an expenditure of more
4026 than the amount provided in paragraph (c) of this section. Any
4027 request for proposals when issued shall contain terms and
4028 conditions relating to price, financial responsibility,
4029 technology, legal responsibilities and other relevant factors as
4030 are determined by the governing authority or agency to be
4031 appropriate for inclusion; all factors determined relevant by the
4032 governing authority or agency or required by this paragraph (r)
4033 shall be duly included in the advertisement to elicit proposals.
4034 After responses to the request for proposals have been duly
4035 received, the governing authority or agency shall select the most
4036 qualified proposal or proposals on the basis of price, technology
4037 and other relevant factors and from such proposals, but not
4038 limited to the terms thereof, negotiate and enter into contracts
4039 with one or more of the persons or firms submitting proposals. If
4040 the governing authority or agency deems none of the proposals to
4041 be qualified or otherwise acceptable, the request for proposals
4042 process may be reinitiated. Notwithstanding any other provisions
4043 of this paragraph, where a county with at least thirty-five
4044 thousand (35,000) nor more than forty thousand (40,000)
4045 population, according to the 1990 federal decennial census, owns
4046 or operates a solid waste landfill, the governing authorities of
4047 any other county or municipality may contract with the governing



4048 authorities of the county owning or operating the landfill,
4049 pursuant to a resolution duly adopted and spread upon the minutes
4050 of each governing authority involved, for garbage or solid waste
4051 collection or disposal services through contract negotiations.

4052 (s) **Minority set-aside authorization.** Notwithstanding
4053 any provision of this section to the contrary, any agency or
4054 governing authority, by order placed on its minutes, may, in its
4055 discretion, set aside not more than twenty percent (20%) of its
4056 anticipated annual expenditures for the purchase of commodities
4057 from minority businesses; however, all such set-aside purchases
4058 shall comply with all purchasing regulations promulgated by the
4059 Department of Finance and Administration and shall be subject to
4060 bid requirements under this section. Set-aside purchases for
4061 which competitive bids are required shall be made from the lowest
4062 and best minority business bidder. For the purposes of this
4063 paragraph, the term "minority business" means a business which is
4064 owned by a majority of persons who are United States citizens or
4065 permanent resident aliens (as defined by the Immigration and
4066 Naturalization Service) of the United States, and who are Asian,
4067 Black, Hispanic or Native American, according to the following
4068 definitions:

4069 (i) "Asian" means persons having origins in any of
4070 the original people of the Far East, Southeast Asia, the Indian
4071 subcontinent, or the Pacific Islands.



4072 (ii) "Black" means persons having origins in any
4073 black racial group of Africa.

4074 (iii) "Hispanic" means persons of Spanish or
4075 Portuguese culture with origins in Mexico, South or Central
4076 America, or the Caribbean Islands, regardless of race.

4077 (iv) "Native American" means persons having
4078 origins in any of the original people of North America, including
4079 American Indians, Eskimos and Aleuts.

4080 (t) **Construction punch list restriction.** The
4081 architect, engineer or other representative designated by the
4082 agency or governing authority that is contracting for public
4083 construction or renovation may prepare and submit to the
4084 contractor only one (1) preliminary punch list of items that do
4085 not meet the contract requirements at the time of substantial
4086 completion and one (1) final list immediately before final
4087 completion and final payment.

4088 (u) **Procurement of construction services by state**
4089 **institutions of higher learning.** Contracts for privately financed
4090 construction of auxiliary facilities on the campus of a state
4091 institution of higher learning may be awarded by the Board of
4092 Trustees of State Institutions of Higher Learning to the lowest
4093 and best bidder, where sealed bids are solicited, or to the
4094 offeror whose proposal is determined to represent the best value
4095 to the citizens of the State of Mississippi, where requests for
4096 proposals are solicited.



4097 (v) **Insurability of bidders for public construction or**
4098 **other public contracts.** In any solicitation for bids to perform
4099 public construction or other public contracts to which this
4100 section applies including, but not limited to, contracts for
4101 repair and maintenance, for which the contract will require
4102 insurance coverage in an amount of not less than One Million
4103 Dollars (\$1,000,000.00), bidders shall be permitted to either
4104 submit proof of current insurance coverage in the specified amount
4105 or demonstrate ability to obtain the required coverage amount of
4106 insurance if the contract is awarded to the bidder. Proof of
4107 insurance coverage shall be submitted within five (5) business
4108 days from bid acceptance.

4109 (w) **Purchase authorization clarification.** Nothing in
4110 this section shall be construed as authorizing any purchase not
4111 authorized by law.

4112 **SECTION 47.** Section 31-8-11, Mississippi Code of 1972, is
4113 amended as follows:

4114 31-8-11. Before entering into any lease agreement pursuant
4115 to this chapter secured by a pledge of its full faith and credit,
4116 the governing authorities of any county or municipality shall
4117 publish notice of their intention to receive suitable proposals
4118 for the leasing of such buildings, facilities or equipment. Such
4119 notice shall specify the nature of the proposed building, facility
4120 or equipment, the general geographic area in which the same is to
4121 be located, the term of the proposed lease agreement, that the



4122 obligation to pay rentals during the primary term is to be a
4123 continuing obligation of and a charge against the general credit
4124 and leasing power of the county or municipality, and the date and
4125 hour on or before which such proposals may be received. Such
4126 notice shall be published by municipalities and counties in the
4127 same manner as required for publishing notice of intention to
4128 issue general obligation bonds of the county or municipality, as
4129 appropriate. If at least twenty percent (20%), or fifteen hundred
4130 (1500), of the qualified electors of a county, whichever is less,
4131 or at least ten percent (10%), or fifteen hundred (1500), of the
4132 qualified electors of a municipality, whichever is less, file a
4133 written protest with the appropriate governing authorities, then
4134 an election shall be called by the county in the same manner as
4135 provided for the issuance of county general obligation bonds in
4136 Sections 19-9-11 through 19-9-17, Mississippi Code of 1972, or by
4137 a municipality in the same manner as provided for the issuance of
4138 municipal general obligation bonds in Sections 21-33-307 through
4139 21-33-311, Mississippi Code of 1972, to determine whether or not
4140 the proposed lease agreement may be executed by the county or
4141 municipality. The lease agreement shall be advertised for
4142 competitive sealed proposals either on a free, publicly
4143 accessible, official government website for two (2) weeks, or once
4144 each week for two (2) consecutive weeks in a regular newspaper
4145 published or having a general circulation in the county or
4146 municipality of the governing authority. The date as published



4147 for the proposal opening shall be not less than five (5) working
4148 days after the last published notice. The lease shall be awarded
4149 to the person submitting the lowest and best proposal; however,
4150 all proposals may be rejected.

4151 **SECTION 48.** Section 31-25-28, Mississippi Code of 1972, is
4152 amended as follows:

4153 31-25-28. (1) Local governmental units may borrow money or
4154 receive grants from the bank for any of the purposes set forth in
4155 this section or Section 31-25-20(g) and pay to the bank such fees
4156 and charges for services as the bank may prescribe. Whenever any
4157 such loan is made to a local governmental unit, such local
4158 governmental unit may use available revenues for the repayment of
4159 the principal of, premium, if any, and interest on such loan, and
4160 pledge such available revenues or monies for the repayment of the
4161 principal of, premium, if any, and interest on such loan. It is
4162 the intention of the Legislature that any such pledge of revenues
4163 or other monies shall be valid and binding from the date the
4164 pledge is made; that such revenues or other monies so pledged and
4165 thereafter received by the local governmental unit shall
4166 immediately be subject to the lien of such pledge without any
4167 physical delivery thereof or further act, and that the lien of any
4168 such pledge shall be valid and binding as against all parties
4169 having claims of any kind in tort, contract or otherwise against
4170 the local governmental unit irrespective of whether such parties



4171 have notice thereof; and neither the resolutions, contracts or any
4172 other instrument by which a pledge is created need be recorded.

4173 (2) Local governmental units may contract with the bank with
4174 respect to any such loan and such contract shall contain such
4175 terms and conditions as may be prescribed by the bank.

4176 (3) Local governmental units may in connection with any such
4177 loan enter into any covenants and agreements with respect to such
4178 local governmental unit's operations, revenues, assets, monies,
4179 funds or property, or such loan, as may be prescribed by the bank.

4180 (4) Upon the making of any such loan by the bank to any
4181 local governmental unit, such local governmental unit shall be
4182 held and be deemed to have agreed that if such governmental unit
4183 fails to pay the principal of, premium, if any, and interest on
4184 any such loan as when due and payable, such governmental unit
4185 shall have waived any and all defenses to such nonpayment, and the
4186 bank, upon such nonpayment, shall thereupon avail itself of all
4187 remedies, rights and provisions of law applicable in such
4188 circumstance, including, without limitation, any remedies or
4189 rights theretofore agreed to by the local governmental unit, and
4190 that such loan shall for all of the purposes of this section, be
4191 held and be deemed to have become due and payable and to be
4192 unpaid. The bank may carry out the provisions of this section and
4193 exercise all of the rights and remedies and provisions of law
4194 provided or referred to in this section and of all other
4195 applicable laws of the state.



4196 (5) Any local governmental unit that borrows from the bank
4197 under this section may agree in writing with the bank that, as
4198 provided in this subsection, the Department of Revenue or any
4199 state agency, department or commission created pursuant to state
4200 law shall (a) withhold all or any part (as agreed by the local
4201 governmental unit) of any monies that such local governmental unit
4202 is entitled to receive from time to time pursuant to any law and
4203 that is in the possession of the Department of Revenue or any
4204 state agency, department or commission created pursuant to state
4205 law and (b) pay the same over to the bank to satisfy any
4206 delinquent payments on any such loan made to such local
4207 governmental unit under the provisions of this section and any
4208 other delinquent payments due and owing the bank by such local
4209 governmental unit, all as the same shall occur. If the bank files
4210 a copy of such written agreement, together with a statement of
4211 delinquency, with the Department of Revenue or any state agency,
4212 department or commission created pursuant to state law, then the
4213 Department of Revenue or any state agency, department or
4214 commission created pursuant to state law shall immediately make
4215 the withholdings provided in such agreement from the amounts due
4216 the local governmental unit and shall continue to pay the same
4217 over to the bank until all such delinquencies are satisfied.

4218 (6) Before authorizing any loan for any of the purposes
4219 enumerated in Section 31-25-20(e), the governing authority of the
4220 local governmental unit shall adopt a resolution declaring its



4221 intention so to do, stating the amount of the loan proposed to be
4222 authorized and the purpose for which the loan is to be authorized,
4223 and the date upon which the loan will be authorized. Such
4224 resolution shall be published either on a free, publicly
4225 accessible, official government website for three (3) consecutive
4226 weeks, or once a week for at least three (3) consecutive weeks in
4227 at least one (1) newspaper published in such local governmental
4228 unit. The first publication of such resolution shall be made not
4229 less than twenty-one (21) days before the date fixed in such
4230 resolution for the authorization of the loan and the last
4231 publication shall be made not more than seven (7) days before such
4232 date. When published in a newspaper, if no newspaper is published
4233 in such local governmental unit, then such notice shall be given
4234 by publishing the resolution for the required time in some
4235 newspaper having a general circulation in such local governmental
4236 unit and, in addition, by posting a copy of such resolution for at
4237 least twenty-one (21) days next preceding the date fixed therein
4238 at three (3) public places in such local governmental unit. If
4239 fifteen percent (15%) of the qualified electors of the local
4240 governmental unit or fifteen hundred (1500), whichever is the
4241 lesser, file a written protest against the authorization of such
4242 loan on or before the date specified in such resolution, then an
4243 election on the question of the authorization of such loan shall
4244 be called and held as otherwise provided for in connection with
4245 the issuance of general obligation indebtedness of such local



4246 governmental unit. Notice of such election shall be given as
4247 otherwise required in connection with the issuance of general
4248 obligation indebtedness of such local governmental unit. If
4249 three-fifths (3/5) of the qualified electors voting in the
4250 election vote in favor of authorizing the loan, then the governing
4251 authority of the local governmental unit shall proceed with the
4252 loan; however, if less than three-fifths (3/5) of the qualified
4253 electors voting in the election vote in favor of authorizing the
4254 loan, then the loan shall not be incurred. If no protest be
4255 filed, then such loan may be entered into by the local
4256 governmental unit without an election on the question of the
4257 authorization of such loan, at any time within a period of two (2)
4258 years after the date specified in the resolution. However, the
4259 governing authority of any local governmental unit in its
4260 discretion may nevertheless call an election on such question, in
4261 which event it shall not be necessary to publish the resolution
4262 declaring its intention to authorize such loan as provided in this
4263 subsection.

4264 (7) [Repealed]

4265 (8) (a) In connection with any refunding of the Ten Million
4266 Five Hundred Seventy Thousand Dollars (\$10,570,000.00), State of
4267 Mississippi, Department of Rehabilitation Services, Certificates
4268 of Participation (State of Mississippi, Department of
4269 Rehabilitation Services Project) dated August 1, 1993, the bank
4270 may issue its bonds to provide for such refunding and the



4271 Department of Rehabilitation Services may borrow money from the
4272 bank for the purpose of providing for the refunding of such
4273 Certificates of Participation. The Department of Rehabilitation
4274 Services may contract with the bank with respect to any loan from
4275 the bank under this paragraph (a), to provide for the refunding of
4276 such Certificates of Participation and such loan from the bank may
4277 include any terms and conditions as provided for in this section.
4278 In connection with the refunding of the Certificates of
4279 Participation pursuant to this paragraph (a), such refunding shall
4280 result in an overall net present value savings to maturity of not
4281 less than two percent (2%) of the Certificates of Participation
4282 being refunded.

4283 (b) The Department of Rehabilitation Services may
4284 borrow money from the bank in an amount not to exceed Seven
4285 Million Dollars (\$7,000,000.00) for the purpose of construction
4286 at, and repair and renovation, furnishing and equipping of, the
4287 department's office building located in Madison, Mississippi.

4288 (c) In connection with any loan under this subsection
4289 (8), the Department of Rehabilitation Services shall not be
4290 required to meet the requirements of Section 31-25-27(14).

4291 (9) [Repealed]

4292 (10) This section shall be deemed to provide an additional,
4293 alternative and complete method for the doing of the things
4294 authorized by this section and shall be deemed and construed to be
4295 supplemental to any power conferred by other laws on local



4296 governmental units and not in derogation of any such powers. Any
4297 loan made pursuant to the provisions of this section shall not
4298 constitute an indebtedness of the local governmental unit within
4299 the meaning of any constitutional or statutory limitation or
4300 restriction. In connection with a loan under this chapter, a
4301 local governmental unit shall not be required to comply with the
4302 provisions of any other law except as provided in this section.

4303 **SECTION 49.** Section 37-5-1, Mississippi Code of 1972, is
4304 amended as follows:

4305 37-5-1. (1) There is hereby established a county board of
4306 education in each county of the State of Mississippi. Said county
4307 board of education shall consist of five (5) members, one (1) of
4308 which, subject to the further provisions of this chapter and
4309 except as is otherwise provided in Section 37-5-1(2), shall be
4310 elected by the qualified electors of each board of education
4311 district of the county. Except as is otherwise provided in
4312 Section 37-5-3, each member so elected shall be a resident and
4313 qualified elector of the district from which he is elected.

4314 (2) The county board of education shall apportion the county
4315 school district into five (5) single member board of education
4316 districts. The county board of education shall place upon its
4317 minutes the boundaries determined for the new five (5) board of
4318 education districts. The board of education of said county shall
4319 thereafter publish the same either on a free, publicly accessible,
4320 official government website for three (3) consecutive weeks, or in



4321 some newspaper of general circulation within said county for at
4322 least three (3) consecutive weeks and after having given notice of
4323 publication and recording the same upon the minutes of the board
4324 of education of said county, said new district lines will
4325 thereafter be effective. The board of education of said county
4326 shall reapportion the board of education districts in accordance
4327 with the procedure described herein for the original apportionment
4328 of districts as soon as practicable after the results of the 2000
4329 decennial census are published and as soon as practicable after
4330 every decennial census thereafter.

4331 (3) In counties where the office of "administrative
4332 superintendent" as defined in Section 37-6-3, Mississippi Code of
4333 1972, has been abolished, there shall be no county board of
4334 education.

4335 **SECTION 50.** Section 37-5-18, Mississippi Code of 1972, is
4336 amended as follows:

4337 37-5-18. In any county bordering on the Mississippi Sound
4338 and having therein at least four (4) municipal separate school
4339 districts, each member of the county board of education
4340 established by Section 37-5-1 for such county shall be elected
4341 from and shall be a resident and qualified elector in a special
4342 district determined in the following manner:

4343 The board of education of such a county shall apportion the
4344 county into five (5) board of education districts in the territory
4345 outside the municipal separate school districts and these board of



4346 education districts shall be divided as nearly equal as possible
4347 according to population, incumbency and other factors heretofore
4348 pronounced by the courts. The board of education shall place upon
4349 its minutes the boundaries determined for the new five (5) board
4350 of education districts. The board of education of said county
4351 shall thereafter publish the same either on a free, publicly
4352 accessible, official government website for three (3) consecutive
4353 weeks, or in some newspaper of general circulation within said
4354 county for at least three (3) consecutive weeks and after having
4355 given notice of publication and recording the same upon the
4356 minutes of the board of education of said county, said new
4357 district lines will thereafter be effective.

4358 All incumbents now holding office within the district as
4359 presently constituted shall continue holding their respective
4360 offices provided they reside within the new district for the
4361 remainder of the term of office to which they have heretofore been
4362 elected and all members from the respective district shall be
4363 elected from the new board of education district constituted as
4364 herein provided in the same manner provided by law for the
4365 election of members of the county board of education. Any
4366 vacancies in the office, whether occasioned by redistricting or by
4367 other cause, shall be filled in the manner presently provided by
4368 law for the filling of vacancies.

4369 **SECTION 51.** Section 37-7-104, Mississippi Code of 1972, is
4370 amended as follows:



4371 37-7-104. (1) In any Mississippi county in which are
4372 located, as of February 8, 2012, three (3) school districts and
4373 only three (3) school districts, all of which are under
4374 conservatorship as defined by the Mississippi Department of
4375 Education as of February 8, 2012, there shall be an administrative
4376 consolidation of all of the school districts in the county into
4377 one (1) countywide school district with one (1) county board of
4378 education. The State Board of Education shall determine the
4379 school district(s) applicable to the provisions of this section
4380 and spread this finding on the minutes of its August 2012 meeting.
4381 On or before September 1, 2012, the State Board of Education shall
4382 serve the local school boards applicable to the provisions of this
4383 section, or the Mississippi Department of Education Conservator
4384 for each of the three (3) school districts, with notice and
4385 instruction regarding the action to be taken to comply with this
4386 section. In such county, there shall be a new county board of
4387 education elected in a November 2013 special election which shall
4388 be called for that purpose and the new county board members shall
4389 be elected as provided in Section 37-5-7, Mississippi Code of
4390 1972. No previous board member shall be eligible to serve on the
4391 newly elected board. Provided, however, that it shall be the
4392 responsibility of the board of supervisors of such county to
4393 apportion the countywide school district into five (5) new single
4394 member board of education districts which shall be consistent with
4395 the supervisors district lines in said county. The board of



4396 supervisors of said county shall thereafter publish the same
4397 either on a free, publicly accessible, official government website
4398 for three (3) consecutive weeks, or in some newspaper of general
4399 circulation within said county for at least three (3) consecutive
4400 weeks and after having given notice of publication and recording
4401 the same upon the minutes of the board of supervisors of said
4402 county, said new district lines will thereafter be effective for
4403 the November 2013 special election. If necessary, the county
4404 board of education of said county shall reapportion the board of
4405 education districts in accordance with applicable law as soon as
4406 practicable after the results of the 2020 decennial census are
4407 published and as soon as practicable after every decennial census
4408 thereafter. The new county board of education, with the written
4409 approval of the Mississippi Department of Education Conservator
4410 and the State Board of Education, shall provide for the
4411 administrative consolidation of all school districts in the county
4412 into one (1) countywide school district on or before July 1 next
4413 following the November 2013 election. The new county board of
4414 education shall serve as the school board for the county. Any
4415 school district affected by the required administrative
4416 consolidation that does not voluntarily consolidate with the new
4417 school district ordered by the county board of education shall be
4418 administratively consolidated by the State Board of Education with
4419 the countywide school district, to be effective on July 1
4420 following the election of the new county board of education. The



4421 State Board of Education shall promptly move on its own motion to
4422 administratively consolidate any school district which does not
4423 voluntarily consolidate in order to enable the affected school
4424 districts to reasonably accomplish the resulting administrative
4425 consolidation into one (1) countywide district by July 1 following
4426 the election of the new county board of education. All affected
4427 school districts shall comply with any consolidation order issued
4428 by the county board of education or the State Board of Education,
4429 as the case may be, on or before July 1 following the election of
4430 the new county board of education.

4431 (2) On July 1 following the election of the new county board
4432 of education, the former county board of education and the former
4433 board of trustees of any municipal separate, or special municipal
4434 separate school district located in such county shall be
4435 abolished. All real and personal property which is owned or
4436 titled in the name of a school district located in such county
4437 shall be transferred to the new reorganized school district of the
4438 county in which such school district is located. The Mississippi
4439 Department of Education Conservator and the State Board of
4440 Education shall be responsible for establishing the contracts for
4441 teachers and principals for the next school year following the
4442 required administrative consolidation with the consultation of the
4443 newly elected successor county board of education. The successor
4444 county board of education shall appoint the new county
4445 superintendent of education for the reorganized school district.



4446 The county superintendent of education of said reorganized school
4447 district shall not be elected but shall thereafter be appointed by
4448 the successor county board of education in the manner provided in
4449 Section 37-9-25. The superintendents of the former
4450 under-performing school districts located in the county shall not
4451 be eligible for appointment as the new superintendent. The
4452 selection of the appointed county superintendent of education and
4453 the assistant superintendent of education in the central
4454 administration office of the successor countywide school district
4455 shall be the responsibility of the successor county board of
4456 education with the approval of the Mississippi Department of
4457 Education Conservator and the State Board of Education. No such
4458 administratively consolidated school district shall have more than
4459 one (1) assistant superintendent of education. It shall be the
4460 responsibility of the successor county board of education, with
4461 approval of the Mississippi Department of Education Conservator
4462 and the State Board of Education, to prepare and approve the
4463 budget of the new reorganized districts, and the county board of
4464 education may use staff from the former school districts to
4465 prepare the budget. Any proposed order of the successor county
4466 board of education directing the transfer of the assets, real or
4467 personal property of an affected school district in the county,
4468 shall be submitted and approved by the State Board of Education.
4469 The finding of the State Board of Education shall be final and
4470 conclusive for the purposes of the transfer of property required



4471 by such administrative consolidation. Any person or school
4472 district aggrieved by an order of the successor county school
4473 board of education pursuant to the required administrative
4474 consolidation may appeal therefrom to the State Board of Education
4475 within ten (10) days from the date of the adjournment of the
4476 meeting at which such order is entered. Such appeal shall be de
4477 novo, and the finding of the State Board of Education upon such
4478 question shall be final and conclusive for the purpose of the
4479 approval or disapproval of the action by said county board of
4480 education.

4481 (3) When any school district in such county is abolished
4482 under the provisions of this section, the abolition thereof shall
4483 not impair or release the property of such former school district
4484 from liability for the payment of the bonds or other indebtedness
4485 of such district and it shall be the duty of the board of
4486 supervisors of said county to levy taxes on the property of said
4487 district so abolished from year to year according to the terms of
4488 such indebtedness until same shall be fully paid.

4489 (4) In the administratively consolidated countywide school
4490 district created under this section, the ad valorem tax rate shall
4491 be determined as set forth under Section 37-57-1 et seq.

4492 (5) Nothing in this section shall be construed to require or
4493 restrict the closing of any school or school facility, unless such
4494 facility is an unneeded administrative office located within a
4495 school district which has been abolished under the provisions of



4496 this section. All administrative consolidations under this
4497 section shall be accomplished so as not to delay or in any manner
4498 negatively affect the desegregation of another school district in
4499 the county pursuant to court order.

4500 (6) The State Board of Education shall promulgate rules and
4501 regulations to facilitate the administrative consolidation of the
4502 school districts in a county pursuant to this section. When the
4503 orders of the successor county board of education adopting the
4504 boundaries of the successor countywide school district have been
4505 entered and are final, as approved by the State Board of
4506 Education, the new district lines shall be submitted by the State
4507 Board of Education with the assistance of the Attorney General to
4508 the Attorney General of the United States for preclearance or to
4509 the United States District Court for the District of Columbia for
4510 a declaratory judgment in accordance with the provisions of the
4511 Voting Rights Act of 1965, as amended and extended. In the event
4512 the change in the school district lines are precleared or
4513 approved, the State Board of Education shall formally declare the
4514 new lines as the new boundaries of the consolidated countywide
4515 school district.

4516 **SECTION 52.** Section 37-7-105, Mississippi Code of 1972, is
4517 amended as follows:

4518 37-7-105. (1) In cases where two (2) or more school boards
4519 determine that it is appropriate that their existing boundaries be
4520 altered to provide better service to students, each school board



4521 shall enter on its minutes the legal description of new district
4522 lines and shall publish the order altering such districts either
4523 on a free, publicly accessible, official government website for
4524 three (3) consecutive weeks, or in some newspaper published and
4525 having a general circulation in such district(s) once each week
4526 for three (3) consecutive weeks, which said order shall be duly
4527 certified by the president of said school board. When published
4528 in a newspaper, if no newspaper be published in said school
4529 district, then such order shall be published for the required time
4530 in some newspaper having a general circulation therein, and, in
4531 addition, a copy of said order shall be posted for the required
4532 time at three (3) public places in the school district. The order
4533 so published shall contain a provision giving notice that said
4534 order shall become final thirty (30) days after the first
4535 publication of said notice unless a petition is filed protesting
4536 against same within such time. In the event no such petition be
4537 filed, the said order shall become final at said time. However,
4538 in the event twenty percent (20%) or fifteen hundred (1500),
4539 whichever is less, of the qualified electors of any school
4540 district altered by such order shall file a petition with the
4541 school board, within thirty (30) days after the first publication
4542 of said notice, protesting against the alteration of such
4543 district, then an election shall be called and held, on order of
4544 the school board, by the county election commission(s), after
4545 publication of legal notice of such election, which said election



4546 shall be held within thirty (30) days after the first publication
4547 of the notice of such election. At such election the question
4548 shall be submitted to the qualified electors of the district or
4549 districts in which a petition is filed as to whether or not such
4550 district or districts shall be altered as provided in the said
4551 order of the school board. If a majority of those voting in said
4552 election in each district affected and from which a petition is
4553 filed shall vote in favor of the order of the school board then
4554 such order shall become final. If a majority of those voting in
4555 said election in any district from which a petition is filed shall
4556 vote against the order of the school board then such order shall
4557 be void and of no effect and no further attempt to make the
4558 proposed change in such district shall be made for a period of at
4559 least two (2) years after the date of said election.

4560 (2) When the orders of all boards adopting the new lines
4561 have been entered and are final, all orders shall be submitted to
4562 and considered by the State Board of Education as prescribed in
4563 Section 37-7-113, Mississippi Code of 1972. If the new lines are
4564 approved by the State Board of Education, the new district lines
4565 shall be submitted to the Attorney General of the United States
4566 for preclearance or to the United States District Court for the
4567 District of Columbia for a declaratory judgment in accordance with
4568 the provisions of the Voting Rights Act of 1965, as amended and
4569 extended. In the event the change in the school district lines
4570 are either precleared by the United States Department of Justice,



4571 or approved by the United States District Court, the State Board
4572 of Education shall formally declare the new lines as the new
4573 boundaries of the school districts.

4574 (3) Should two (2) or more school districts determine that
4575 they wish to consolidate, the following actions shall be taken by
4576 the districts to perfect this consolidation: (a) Each board shall
4577 state its intent to consolidate with the other district or
4578 districts by passing a resolution of the board to that effect and
4579 spreading it on the minutes of the districts; and (b) each school
4580 board shall publish the order consolidating such districts either
4581 on a free, publicly accessible, official government website for
4582 three (3) consecutive weeks, or in some newspaper having a general
4583 circulation in such district(s) once each week for three (3)
4584 consecutive weeks, which said order shall be duly certified by the
4585 president of said school board. The order so published shall
4586 contain a provision giving notice that said order shall become
4587 final thirty (30) days after the first publication of said notice
4588 unless a petition is filed protesting against same within such
4589 time. In the event no such petition be filed, the said order
4590 shall become final on said date. However, in the event twenty
4591 percent (20%) or fifteen hundred (1500), whichever is less, of the
4592 qualified electors of any one (1) of the school districts affected
4593 by the proposed consolidation shall file a petition with the
4594 applicable school board, within thirty (30) days after the first
4595 publication of said notice, protesting against the consolidation



4596 of such district or districts, then an election shall be called
4597 and held in such school districts where petitions were filed, on
4598 order of the school board, by the county election commission(s),
4599 after publication of legal notice of such election, which said
4600 election shall be held within thirty (30) days after the first
4601 publication of the notice of such election. At such election the
4602 question shall be submitted to the qualified electors of any
4603 district or districts in which petitions were filed as to whether
4604 or not such district or districts shall be consolidated as
4605 provided in the said order of the school boards. If a majority of
4606 those voting in said election shall vote in favor of the order of
4607 the school boards then such order shall become final. Should less
4608 than a majority of the electors of any single school district vote
4609 in favor of the adoption of the proposed consolidation, such
4610 school district shall not participate in any voluntary
4611 consolidation as authorized in this subsection, and the proposed
4612 consolidation plan adopted by such districts shall be void.

4613 After the order of the local school boards becomes final, it
4614 shall be submitted to and considered by the State Board of
4615 Education. If approved by the State Board of Education, the
4616 consolidation shall be submitted by the local school boards to the
4617 appropriate federal agencies for approval. After all preclearance
4618 has been received, the State Board of Education shall declare the
4619 new boundaries of the consolidated school district and all action
4620 shall proceed as outlined under law using the new boundaries.



4621 Upon preclearance of such consolidation, all school boards
4622 shall approve a joint resolution for the election of five (5) new
4623 board members from single member districts as provided by law.
4624 These elections shall be scheduled prior to May 1 of the year in
4625 which the consolidation is to become effective. The new
4626 consolidated district shall become effective on July 1 of that
4627 same year. The superintendent of any district created through
4628 consolidation shall be appointed if all of the school districts
4629 which are consolidating had previously appointed their
4630 superintendents. The superintendent of any district created
4631 through consolidation shall be elected if all of the school
4632 districts which are consolidating had previously elected their
4633 superintendents. In the event two (2) or more school districts
4634 consolidating under the provisions of this section shall have
4635 previously appointed one or more superintendents and elected the
4636 remainder, the superintendent shall be elected or appointed in
4637 accordance with the method utilized by the consolidating school
4638 district or districts with the larger or largest student
4639 populations. The superintendent shall begin work as the
4640 superintendent on July 1 of such year when the consolidation
4641 becomes effective. The order to consolidate shall invalidate the
4642 contracts of the superintendents of the preceding districts and
4643 shall terminate the term of the superintendent if that person was
4644 elected. The order to consolidate shall invalidate the term of
4645 any school board member beyond July 1 of that year whether they



4646 are elected or appointed. Any school board member from any school
4647 district may be eligible to run for election to the new
4648 consolidated school board.

4649 Each school board shall be responsible for establishing the
4650 contracts for teachers and principals for the next school year
4651 with the consultation of the successor school board if they have
4652 been selected at the time such decisions are to be made. The
4653 selection of administrator in the central administration office
4654 shall be the responsibility of the successor school board. No
4655 existing dates for renewal of contracts shall invalidate the
4656 responsibility of the successor school board in taking such
4657 action. The successor school board may enter into these contracts
4658 at any time following their election, but no later than July 1 of
4659 that year. It shall also be the responsibility of the successor
4660 school board to prepare and approve the budget of the new
4661 district. The successor school board may use staff from the
4662 existing districts to prepare the budget. The school board shall
4663 have authority to approve the budget prior to the July 1 date and
4664 shall follow the time line established for budget preparation
4665 under the law. Should either district at the time of
4666 consolidation have more liabilities than assets, then the
4667 successor school board shall be authorized to levy an ad valorem
4668 tax upon the taxable property in the territory of the district
4669 where the deficit exists, a tax not to exceed five percent (5%) of
4670 the existing tax levy for the sole purpose of reducing the



4671 deficit. When the deficit is eliminated, then such tax levy shall
4672 be terminated. Any taxes levied to bring about the equalization
4673 of funding, to equalize pay scales or levied in the territory of a
4674 newly created district where a deficit exists, shall constitute a
4675 "new program" for the purposes of ad valorem tax limitations as
4676 prescribed in Sections 27-39-321 and 37-57-107, Mississippi Code
4677 of 1972.

4678 **SECTION 53.** Section 37-7-203, Mississippi Code of 1972, is
4679 amended as follows:

4680 37-7-203. (1) Except as otherwise provided in subsections
4681 (3) and (4) of this section, the boards of trustees of all
4682 municipal separate school districts created under this chapter,
4683 either with or without added territory, shall consist of five (5)
4684 members, each to be chosen for a term of five (5) years, but so
4685 chosen that the term of office of one (1) member shall expire each
4686 year. In the event the added territory of a municipal separate
4687 school district furnishes fifteen percent (15%) or more of the
4688 pupils enrolled in the schools of such district, then at least one
4689 (1) member of the board of trustees of such school district shall
4690 be a resident of the added territory outside the corporate limits.
4691 In the event the added territory of a municipal separate school
4692 district furnishes thirty percent (30%) or more of the pupils
4693 enrolled in the schools of such district, then not more than two
4694 (2) members of the board of trustees of such school district shall
4695 be residents of the added territory outside the corporate limits.



4696 In the event the added territory of a municipal separate school
4697 district in a county in which Mississippi Highways 8 and 15
4698 intersect furnishes thirty percent (30%) or more of the pupils
4699 enrolled in the schools of such district, then the five (5)
4700 members of the board of trustees of such school district shall be
4701 elected at large from such school district for a term of five (5)
4702 years each except that the two (2) elected trustees presently
4703 serving on such board shall continue to serve for their respective
4704 terms of office. The three (3) appointed trustees presently
4705 serving on such board shall continue to serve until their
4706 successors are elected in March of 1975 in the manner provided for
4707 in Section 37-7-215. At such election, one (1) trustee shall be
4708 elected for a term of two (2) years, one (1) for a term of three
4709 (3) years and one (1) for a term of five (5) years. Subsequent
4710 terms for each successor trustee shall be for five (5) years. In
4711 the event one (1) of two (2) municipal separate school districts
4712 located in any county with two (2) judicial districts, District 1
4713 being comprised of Supervisors Districts 1, 2, 4 and 5, and
4714 District 2 being comprised of Supervisors District 3, with added
4715 territory embraces three (3) full supervisors districts of a
4716 county, one (1) trustee shall be elected from each of the three
4717 (3) supervisors districts outside the corporate limits of the
4718 municipality. In the further event that the territory of a
4719 municipal separate school district located in any county with two
4720 (2) judicial districts, District 1 being comprised of Supervisors



4721 Districts 1, 2, 4 and 5, and District 2 being comprised of
4722 Supervisors District 3, with added territory embraces four (4)
4723 full supervisors districts in the county, and in any county in
4724 which a municipal separate school district embraces the entire
4725 county in which Highways 14 and 15 intersect, one (1) trustee
4726 shall be elected from each supervisors district.

4727 Except as otherwise provided herein, the trustees of such a
4728 municipal separate school district shall be elected by a majority
4729 of the governing authorities of the municipality at the first
4730 meeting of the governing authorities held in the month of February
4731 of each year, and the term of office of the member so elected
4732 shall commence on the first Saturday of March following. In the
4733 case of a member of the board of trustees who is required to come
4734 from the added territory outside the corporate limits as is above
4735 provided, such member of the board of trustees shall be elected by
4736 the qualified electors of the school district residing in such
4737 added territory outside the corporate limits at the same time and
4738 in the same manner as is otherwise provided in this article for
4739 the election of trustees of school districts other than municipal
4740 separate school districts.

4741 In the event that a portion of a county school district is
4742 reconstituted, in the manner provided by law, into a municipal
4743 separate school district with added territory and in the event
4744 that the trustees to be elected from the added territory are
4745 requested to be elected from separate election districts within



4746 the added territory, instead of elected at large, by the Attorney
4747 General of the United States as a result of and pursuant to
4748 preclearance under Section 5 of the Voting Rights Act of 1965, as
4749 amended and extended, and in the event the added territory of a
4750 municipal separate school district of a municipality furnishes
4751 thirty percent (30%) or more of the pupils enrolled in the schools
4752 of such district, then two (2) members of the board of trustees
4753 shall be residents of the added territory outside the corporate
4754 limits of such municipality and shall be elected from special
4755 trustee election districts by the qualified electors thereof as
4756 herein provided. The board of trustees of the school district
4757 shall apportion the added territory into two (2) special trustee
4758 election districts as nearly as possible according to population
4759 and other factors heretofore pronounced by the courts. The board
4760 of trustees of the school district shall thereafter publish the
4761 same either on a free, publicly accessible, official government
4762 website for two (2) weeks, or in a newspaper of general
4763 circulation within that school district for at least two (2)
4764 consecutive weeks; and after having given notice of publication
4765 and recording the same upon the minutes of the board of trustees
4766 of the school district, the new district lines shall thereafter be
4767 effective. Any person elected from the new trustee election
4768 districts constituted herein shall be elected in the manner
4769 provided for in Section 37-7-215 for a term of five (5) years.
4770 Any vacancy in the office of a trustee elected from such trustee



4771 election district, whether occasioned by redistricting or by other
4772 cause, shall be filled by appointment of the governing authorities
4773 of the municipality, provided that the person so appointed shall
4774 serve only until the next general election following his
4775 appointment, at which time a person shall be elected for the
4776 remainder of the unexpired term in the manner provided in Section
4777 37-7-215.

4778 In any county organizing a countywide municipal separate
4779 school district after January 1, 1965, the trustees thereof to be
4780 elected from outside the municipality, such trustees shall be
4781 elected by the board of supervisors of such county, and the
4782 superintendent of such school district shall have authority to pay
4783 out and distribute the funds of the district. In the event a
4784 municipal separate school district should occupy territory in a
4785 county other than that in which the municipality is located and
4786 fifteen percent (15%) or more of the pupils enrolled in the
4787 schools of such district shall come from the territory of the
4788 district in the county other than that in which the municipality
4789 is located, the territory of such county in which the municipality
4790 is not located shall be entitled to one (1) member on the board of
4791 trustees of such school district. The trustee shall be a resident
4792 of the territory of that part of the district lying in the county
4793 in which the municipality is not located and shall be elected by
4794 the qualified electors of the territory of such county at the same
4795 time and in the same manner as is provided for the election of



4796 trustees of school districts other than municipal separate school
4797 districts having territory in two (2) or more counties.

4798 All vacancies shall be filled for the unexpired terms by
4799 appointment of the governing authorities of the municipality;
4800 except that in the case of the trustees coming from the added
4801 territory outside the corporate limits, the person so appointed
4802 shall serve only until the next general election following his
4803 appointment, at which time a person shall be elected for the
4804 remainder of the unexpired term in the manner otherwise provided
4805 herein.

4806 No person who is a member of such governing body, or who is
4807 an employee of the municipality, or who is a member of the county
4808 board of education, or who is a trustee of any public, private or
4809 sectarian school or college located in the county, inclusive of
4810 the municipal separate school district, or who is a teacher in or
4811 a trustee of the school district, shall be eligible for
4812 appointment to the board of trustees.

4813 (2) In counties of less than fifteen thousand (15,000)
4814 people having a municipal separate school district with added
4815 territory which embraces all the territory of a county, one or
4816 more trustees of the school district shall be nominated from each
4817 supervisors district upon petition of fifty (50) qualified
4818 electors of that supervisors district, or twenty percent (20%) of
4819 the qualified electors of such district, whichever number shall be
4820 smaller. One (1) trustee must be elected from each supervisors



4821 district of the county. In such counties embraced entirely by a
4822 municipal separate school district, there shall be no county board
4823 of education after the formation of such district, and the county
4824 superintendent of education shall act as superintendent of schools
4825 of the district and shall be appointed by the board of trustees of
4826 that district, and the provisions of subsection (1) of this
4827 section and the first paragraph of Section 37-7-211 shall not
4828 apply to such districts.

4829 (3) In municipalities designated as having a mayor-council
4830 form of government under Chapter 8, Title 21, Mississippi Code of
4831 1972, and having a population in excess of one hundred thousand
4832 (100,000) according to the 2000 federal decennial census, the
4833 boards of trustees of the municipal separate school district
4834 located in the municipality may, if authorized by ordinance of the
4835 municipal governing authority, consist of seven (7) members
4836 residing in each of the seven (7) wards in the municipality, to be
4837 appointed by the mayor and confirmed by the city council as
4838 follows: (a) each board member shall reside in the ward from
4839 which he is appointed; (b) members serving on March 31, 2010,
4840 shall continue to serve until a new term commences and new members
4841 shall be selected from wards not currently represented on the
4842 board; (c) one (1) of the two (2) additional appointments shall
4843 serve a term of five (5) years and one (1) for a term of four (4)
4844 years, with all subsequent appointments for a five-year term; and
4845 (d) each new appointment shall be made by the mayor and confirmed



4846 by the city council of the municipality at the first meeting of
4847 the governing authorities held in the month of June following
4848 March 31, 2010, and thereafter each year, and the term of office
4849 of each member so selected shall commence on the first Saturday of
4850 July following.

4851 (4) (a) Beginning in 2017, in any municipal separate school
4852 district that is traversed by the Escatawpa River and in which
4853 Interstate Highway 10 and Mississippi Highway 63 intersect, the
4854 board of trustees of the municipal separate school district shall
4855 consist of five (5) members, each to be elected for a term of four
4856 (4) years in the manner provided in this subsection. Within
4857 forty-five (45) days after July 1, 2017, the municipal governing
4858 authority shall apportion the municipal separate school district,
4859 including any added territory outside the corporate limits, into
4860 five (5) special trustee election districts as nearly equal as
4861 possible according to population, incumbency and other factors
4862 pronounced by the courts before August 8, 2017. The municipal
4863 governing authority shall place upon its minutes the boundaries
4864 determined for the new five (5) trustee election districts and
4865 shall publish the same either on a free, publicly accessible,
4866 official government website for three (3) consecutive weeks, or in
4867 a newspaper of general circulation within the school district for
4868 at least three (3) consecutive weeks. After having given notice
4869 of publication and recording the same upon the minutes of the



4870 municipal governing authority, the new district lines shall be
4871 effective.

4872 (b) On the first Tuesday after the first Monday in
4873 November 2017, and every four (4) years thereafter, an election
4874 shall be held in the municipal separate school district for local
4875 school board members from trustee election districts 1, 3 and 5 in
4876 the same manner and at the same time as the general municipal
4877 election is held and conducted, for the purpose of electing the
4878 board of trustees of the municipal separate school district. All
4879 members of the board of trustees elected pursuant to this
4880 paragraph (b) shall take office on the first Monday of January
4881 immediately following the date of their election. However, in
4882 order to provide for an orderly transition, the term of each
4883 member of the board of trustees serving on July 1, 2017, which
4884 otherwise would expire after the first Monday in July 2018, shall
4885 expire on the first Monday of January 2018. If no individual
4886 qualifies for the elective office of school district trustee, the
4887 trustee for that specific trustee district shall be filled by
4888 appointment of the municipal governing authority; however, the
4889 person so appointed to fill the vacancy may serve only until the
4890 first Monday in January 2019, at which time the trustee elected
4891 pursuant to this subsection shall take office for the remainder of
4892 the unexpired initial term.

4893 From and after January 1, 2018, any vacancy on the board of
4894 trustees shall be filled by appointment by the remaining members



4895 of the board of trustees within sixty (60) days after the vacancy
4896 occurs. The appointee must be selected from the qualified
4897 electors of the trustee election district in which the vacancy
4898 occurs. The appointee shall serve until the first Monday of
4899 January succeeding the next general municipal election, at which
4900 election a member from that trustee election district shall be
4901 elected for a full term.

4902 (c) On the first Tuesday after the first Monday in
4903 November 2018, and every four (4) years thereafter, an election
4904 shall be held in the municipal separate school district for local
4905 school board members from trustee election districts 2 and 4 in
4906 the same manner and at the same time as the Congressional mid-term
4907 election is held and conducted, for the purpose of electing the
4908 board of trustees of the municipal separate school district. All
4909 members of the board of trustees elected pursuant to this
4910 paragraph (c) shall take office on the first Monday of January
4911 immediately following the date of their election. However, in
4912 order to provide for an orderly transition, the term of each
4913 member of the board of trustees serving on July 1, 2018, which
4914 otherwise would expire after the first Monday in July 2018, shall
4915 expire on the first Monday of January 2019. If no individual
4916 qualifies for the elective office of school district trustee, the
4917 trustee for that specific trustee district shall be filled by
4918 appointment of the municipal governing authority; however, the
4919 person so appointed to fill the vacancy may serve only until the



4920 first Monday in January 2020, at which time the trustee elected
4921 pursuant to this subsection shall take office for the remainder of
4922 the unexpired initial term.

4923 From and after July 1, 2020, any vacancy on the board of
4924 trustees shall be filled by appointment by the remaining members
4925 of the board of trustees within sixty (60) days after the vacancy
4926 occurs. The appointee must be selected from the qualified
4927 electors of the trustee election district in which the vacancy
4928 occurs. The appointee shall serve until the first Monday of July
4929 succeeding the next general municipal election, at which election
4930 a member from that trustee election district shall be elected for
4931 a full term.

4932 **SECTION 54.** Section 37-7-207, Mississippi Code of 1972, is
4933 amended as follows:

4934 37-7-207. (1) All school districts reconstituted or created
4935 under the provisions of Article 1 of this chapter, and which lie
4936 wholly within one (1) county, but not including municipal separate
4937 and countywide districts, shall be governed by a board of five (5)
4938 trustees. The first board of trustees of such districts shall be
4939 appointed by the county board of education, and the original
4940 appointments shall be so made that one (1) trustee shall be
4941 appointed to serve until the first Saturday of March following
4942 such appointments, one (1) for one (1) year longer, one (1) for
4943 two (2) years longer, one (1) for three (3) years longer, and one
4944 (1) for four (4) years longer. After such original appointments,



4945 the trustees of such school districts shall be elected by the
4946 qualified electors of such school districts in the manner provided
4947 for in Sections 37-7-223 through 37-7-229, with each trustee to be
4948 elected for a term of five (5) years. The five (5) members of the
4949 board of trustees of such consolidated school district shall be
4950 elected from special trustee election districts by the qualified
4951 electors thereof, as herein provided. The board of trustees of
4952 any such consolidated school district shall apportion the
4953 consolidated school district into five (5) special trustee
4954 election districts. The board of trustees of such school district
4955 shall place upon its minutes the boundaries determined for the new
4956 five (5) trustee election districts. The board of trustees shall
4957 thereafter publish the same either on a free, publicly accessible,
4958 official government website for three (3) consecutive weeks, or in
4959 a newspaper of general circulation within said school district for
4960 at least three (3) consecutive weeks; and after having given
4961 notice of publication and recording the same upon the minutes of
4962 the board of trustees, said new district lines shall thereafter be
4963 effective.

4964 On the first Tuesday after the first Monday in November, in
4965 any year in which any consolidated school district shall elect to
4966 utilize the authority to create single member election districts,
4967 an election shall be held in each such district in this state for
4968 the purpose of electing the board of trustees of such district.
4969 At said election the member of the said board from District One



4970 shall be elected for a term of one (1) year, the member from
4971 District Two shall be elected for a term of two (2) years, the
4972 member from District Three shall be elected for a term of three
4973 (3) years, the member from District Four shall be elected for a
4974 term of four (4) years, and the member from District Five shall be
4975 elected for a term of five (5) years. Thereafter, members shall
4976 be elected at general elections as vacancies occur for terms of
4977 five (5) years each. Trustees elected from single member election
4978 districts as provided above shall otherwise be elected as provided
4979 for in Sections 37-7-223 through 37-7-229. All members of the
4980 said board of trustees shall take office on the first Monday of
4981 January following the date of their election. All vacancies which
4982 may occur during a term shall be filled by appointment of the
4983 consolidated school district trustees, but the person so appointed
4984 shall serve only until the next general election following such
4985 appointment, at which time a person shall be elected for the
4986 remainder of the unexpired term at the same time and in the same
4987 manner as a trustee is elected for the full term then expiring.
4988 The person so elected to the unexpired term shall take office
4989 immediately. Said appointee shall be selected from the qualified
4990 electors of the district in which the vacancy occurs. In the
4991 event the school district is under conservatorship and no members
4992 of the board of trustees remain in office, the Governor shall call
4993 a special election to fill the vacancies and the said election
4994 will be conducted by the county election commission.



4995 (2) All school districts reconstituted and created under the
4996 provisions of Article 1 of this chapter, which embrace territory
4997 in two (2) or more counties, but not including municipal separate
4998 school districts, shall be governed by a board of five (5)
4999 trustees. In making the original appointments, the several county
5000 boards of education shall appoint the trustee or trustees to which
5001 the territory in such county is entitled, and, by agreement
5002 between the county boards concerned, one (1) person shall be
5003 appointed to serve until the first Saturday of March following,
5004 one (1) for one (1) year longer, one (1) for two (2) years longer,
5005 one (1) for three (3) years longer and one (1) for four (4) years
5006 longer. Thereafter, such trustees shall be elected as is provided
5007 for in Sections 37-7-223 through 37-7-229, for a term of five (5)
5008 years. The five (5) members of the board of trustees of such line
5009 consolidated school district shall be elected from special trustee
5010 election districts by the qualified electors thereof, as herein
5011 provided. The existing board of trustees of such line
5012 consolidated school district shall apportion the line consolidated
5013 school district into five (5) special trustee election districts.
5014 The board of trustees shall place upon its minutes the boundaries
5015 determined for the new five (5) trustee election districts. The
5016 board of trustees shall thereafter publish the same either on a
5017 free, publicly accessible, official government website for three
5018 (3) consecutive weeks, or in a newspaper of general circulation
5019 within said school district for at least three (3) consecutive



5020 weeks; and after having given notice of publication and recording
5021 the same upon the minutes of the board of trustees, said new
5022 district lines shall thereafter be effective. Provided, however,
5023 that in any line consolidated school district encompassing two (2)
5024 or more counties created pursuant to Laws, 1953, Extraordinary
5025 Session, Chapter 12, Section 8, in which, as a condition precedent
5026 to the creation of said district, each county belonging thereto
5027 was contractually guaranteed to always have at least one (1)
5028 representative on said board, in order that said condition
5029 precedent may be honored and guaranteed, in any year in which the
5030 board of trustees of such line consolidated school district does
5031 not have at least one (1) member from each county or part thereof
5032 forming such district, the board of trustees in such district
5033 shall be governed by a board of a sufficient number of trustees to
5034 fulfill this guarantee, five (5) of whom shall be elected from the
5035 five (5) special trustee election districts which shall be as
5036 nearly equal as possible and one (1) member trustee appointed at
5037 large from each county not having representation on the elected
5038 board. In such cases, the board of supervisors of each county
5039 shall make written agreement to guarantee the manner of
5040 appointment of at least one (1) representative from each county in
5041 the district, placing such written agreement on the minutes of
5042 each board of supervisors in each county.

5043 On the first Tuesday after the first Monday in November, in
5044 any year in which any line consolidated school district shall



5045 elect to utilize the authority to create single member election
5046 districts, an election shall be held in each such district in this
5047 state for the purpose of electing the board of trustees of such
5048 district. At said election the member of the said board from
5049 District One shall be elected for a term of one (1) year, the
5050 member from District Two shall be elected for a term of two (2)
5051 years, the member from District Three shall be elected for a term
5052 of three (3) years, the member from District Four shall be elected
5053 for a term of four (4) years, and the member from District Five
5054 shall be elected for a term of five (5) years. Thereafter,
5055 members shall be elected at general elections as vacancies occur
5056 for terms of five (5) years each. Trustees elected from single
5057 member election districts as provided above shall otherwise be
5058 elected as provided for in Sections 37-7-223 through 37-7-229.
5059 All members of the said board of trustees shall take office on the
5060 first Monday of January following the date of their election. In
5061 all elections, the trustee elected shall be a resident and
5062 qualified elector of the district entitled to the representation
5063 upon the board, and he shall be elected only by the qualified
5064 electors of such district. All vacancies which may occur during a
5065 term of office shall be filled by appointment of the consolidated
5066 line school district trustees, but the person so appointed shall
5067 serve only until the next general election following such
5068 appointment, at which time a person shall be elected for the
5069 remainder of the unexpired term at the same time and in the same



5070 manner as the trustee is elected for the full term then expiring.
5071 The person so elected to the unexpired term shall take office
5072 immediately. In the event the school district is under
5073 conservatorship and no members of the board of trustees remain in
5074 office, the Governor shall call a special election to fill the
5075 vacancies and the said election will be conducted by the county
5076 election commission.

5077 **SECTION 55.** Section 37-9-12, Mississippi Code of 1972, is
5078 amended as follows:

5079 37-9-12. The qualified electors of any county having an
5080 elected county superintendent of education on July 1, 1986, shall
5081 decide at the November 1988 general election whether (a) to
5082 continue to have such office elected, or (b) to abolish such
5083 office of county superintendent of education in the county.
5084 Provided, however, that no such referendum shall be held on the
5085 office of administrative superintendent in a county having an
5086 administrative superintendent as defined in Section 37-6-3,
5087 Mississippi Code of 1972. The county board of supervisors of such
5088 counties shall publish notice of said election either on a free,
5089 publicly accessible, official government website for three (3)
5090 consecutive weeks, or once a week for at least three (3)
5091 consecutive weeks prior to the November 1988 general election in
5092 at least one (1) newspaper published or circulated in such county.
5093 The proposition shall be submitted to a vote of all qualified
5094 electors residing outside the territory of any municipal separate



5095 or special municipal separate school district located within such
5096 county. Such election shall be held in the same manner as other
5097 elections are held in the county. If a majority of the qualified
5098 electors who voted in such election vote in favor of the abolition
5099 of such office, such abolishment shall be effective at the end of
5100 any regular term of office or whenever a vacancy shall occur in
5101 said office. In counties where the office of elected county
5102 superintendent of education has been abolished, it shall not be
5103 reinstated.

5104 **SECTION 56.** Section 37-57-104, Mississippi Code of 1972, is
5105 amended as follows:

5106 37-57-104. (1) Each school board shall submit to the
5107 levying authority for the school district a certified copy of an
5108 order adopted by the school board requesting an ad valorem tax
5109 effort in dollars for the support of the school district. The
5110 copy of the order shall be submitted by the school board when the
5111 copies of the school district's budget are filed with the levying
5112 authority pursuant to Section 37-61-9. Upon receipt of the school
5113 board's order requesting the ad valorem tax effort in dollars, the
5114 levying authority shall determine the millage rate necessary to
5115 generate funds equal to the dollar amount requested by the school
5116 board. For the purpose of calculating this millage rate, any
5117 additional amount that is levied pursuant to Section 37-57-105(1)
5118 to cover anticipated delinquencies and costs of collection or any
5119 amount that may be levied for the payment of the principal and



5120 interest on school bonds or notes shall be excluded from the
5121 limitation of fifty-five (55) mills provided for in subsection (2)
5122 of this section.

5123 (2) (a) Except as otherwise provided under paragraph (b) or
5124 (c) of this subsection, if the millage rate necessary to generate
5125 funds equal to the dollar amount requested by the school board is
5126 greater than fifty-five (55) mills, and if this millage rate is
5127 higher than the millage then being levied pursuant to the school
5128 board's order requesting the ad valorem tax effort for the
5129 currently existing fiscal year, then the levying authority shall
5130 call a referendum on the question of exceeding, during the next
5131 fiscal year, the then existing millage rate being levied for
5132 school district purposes. The referendum shall be scheduled for
5133 not more than six (6) weeks after the date on which the levying
5134 authority receives the school board's order requesting the ad
5135 valorem tax effort.

5136 When a referendum has been called, notice of the referendum
5137 shall be published either on a free, publicly accessible, official
5138 government website for three (3) consecutive weeks, or at least
5139 five (5) days per week, unless the only newspaper published in the
5140 school district is published less than five (5) days per week, for
5141 at least three (3) consecutive weeks, in at least one (1)
5142 newspaper published in the school district. If publishing the
5143 notice in a newspaper, it shall be no less than one-fourth (1/4)
5144 page in size, and the type used shall be no smaller than eighteen



5145 (18) point and surrounded by a one-fourth-inch solid black border.
5146 The notice may not be placed in that portion of the newspaper
5147 where legal notices and classified advertisements appear. The
5148 first publication of the notice shall be made not less than
5149 twenty-one (21) days before the date fixed for the referendum, and
5150 the last publication shall be made not more than seven (7) days
5151 before that date. If no newspaper is published in the school
5152 district, then the notice shall be published in a newspaper having
5153 a general circulation in the school district. The referendum
5154 shall be held, as far as is practicable, in the same manner as
5155 other referendums and elections are held in the county or
5156 municipality. At the referendum, all registered, qualified
5157 electors of the school district may vote. The ballots used at the
5158 referendum shall have printed thereon a brief statement of the
5159 amount and purpose of the increased tax levy and the words "FOR
5160 INCREASING THE MILLAGE LEVIED FOR SCHOOL DISTRICT PURPOSES FROM
5161 (MILLAGE RATE CURRENTLY LEVIED) MILLS TO (MILLAGE RATE REQUIRED
5162 UNDER SCHOOL BOARD'S ORDER) MILLS," and "AGAINST INCREASING THE
5163 MILLAGE LEVIED FOR SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE
5164 CURRENTLY LEVIED) MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL
5165 BOARD'S ORDER) MILLS." The voter shall vote by placing a cross
5166 (X) or checkmark (✓) opposite his choice on the proposition.

5167 If a majority of the registered, qualified electors of the
5168 school district who vote in the referendum vote in favor of the
5169 question, then the ad valorem tax effort in dollars requested by



5170 the school board shall be approved. However, if a majority of the
5171 registered, qualified electors who vote in the referendum vote
5172 against the question, the millage rate levied by the levying
5173 authority shall not exceed the millage then being levied pursuant
5174 to the school board's order requesting the ad valorem tax effort
5175 for the then currently existing fiscal year.

5176 Nothing in this subsection shall be construed to require any
5177 school district that is levying more than fifty-five (55) mills
5178 pursuant to Sections 37-57-1 and 37-57-105 to decrease its millage
5179 rate to fifty-five (55) mills or less. Further, nothing in this
5180 subsection shall be construed to require a referendum in a school
5181 district where the requested ad valorem tax effort in dollars
5182 requires a millage rate of greater than fifty-five (55) mills but
5183 the requested dollar amount does not require any increase in the
5184 then existing millage rate. Further, nothing in this subsection
5185 shall be construed to require a referendum in a school district
5186 where, because of a decrease in the assessed valuation of the
5187 district, a millage rate of greater than fifty-five (55) mills is
5188 necessary to generate funds equal to the dollar amount generated
5189 by the ad valorem tax effort for the currently existing fiscal
5190 year.

5191 (b) Provided, however, that if a levying authority is
5192 levying in excess of fifty-five (55) mills on July 1, 1997, the
5193 levying authority may levy an additional amount not exceeding
5194 three (3) mills in the aggregate for the period beginning July 1,



5195 1997, and ending June 30, 2003, subject to the limitation on
5196 increased receipts from ad valorem taxes prescribed in Sections
5197 37-57-105 and 37-57-107.

5198 (c) If the levying authority for any school district
5199 lawfully has decreased the millage levied for school district
5200 purposes, but subsequently determines that there is a need to
5201 increase the millage rate due to a disaster in which the Governor
5202 has declared a disaster emergency or the President of the United
5203 States has declared an emergency or major disaster, then the
5204 levying authority may increase the millage levied for school
5205 district purposes up to an amount that does not exceed the millage
5206 rate in any one (1) of the immediately preceding ten (10) fiscal
5207 years without any referendum that otherwise would be required
5208 under this subsection.

5209 (3) If the millage rate necessary to generate funds equal to
5210 the dollar amount requested by the school board is equal to
5211 fifty-five (55) mills or less, but the dollar amount requested by
5212 the school board exceeds the next preceding fiscal year's ad
5213 valorem tax effort in dollars by more than four percent (4%), but
5214 not more than seven percent (7%) (as provided for under subsection
5215 (4) of this section), then the school board shall publish notice
5216 thereof either on a free, publicly accessible, official government
5217 website for three (3) consecutive weeks, or at least five (5) days
5218 per week, unless the only newspaper published in the school
5219 district is published less than five (5) days per week, for at



5220 least three (3) consecutive weeks in a newspaper published in the
5221 school district. If publishing the notice in a newspaper, it
5222 shall be no less than one-fourth (1/4) page in size, and the type
5223 used shall be no smaller than eighteen (18) point and surrounded
5224 by a one-fourth-inch solid black border. The notice may not be
5225 placed in that portion of the newspaper where legal notices and
5226 classified advertisements appear. The first publication shall be
5227 made not less than fifteen (15) days before the final adoption of
5228 the budget by the school board. If no newspaper is published in
5229 the school district, then the notice shall be published in a
5230 newspaper having a general circulation in the school district. If
5231 at any time before the adoption of the budget a petition signed by
5232 not less than twenty percent (20%) or fifteen hundred (1500),
5233 whichever is less, of the registered, qualified electors of the
5234 school district is filed with the school board requesting that a
5235 referendum be called on the question of exceeding the next
5236 preceding fiscal year's ad valorem tax effort in dollars by more
5237 than four percent (4%), then the school board shall adopt, not
5238 later than the next regular meeting, a resolution calling a
5239 referendum to be held within the school district upon the
5240 question. The referendum shall be called and held, and notice
5241 thereof shall be given, in the same manner provided for in
5242 subsection (2) of this section. The ballot shall contain the
5243 language "FOR THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)" and
5244 "AGAINST THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)." If a



5245 majority of the registered, qualified electors of the school
5246 district who vote in the referendum vote in favor of the question,
5247 then the increase requested by the school board shall be approved.
5248 For the purposes of this subsection, the revenue sources excluded
5249 from the increase limitation under Section 37-57-107 also shall be
5250 excluded from the limitation described in this subsection in the
5251 same manner as they are excluded under Section 37-57-107.
5252 Provided, however, that any increases requested by the school
5253 board as a result of the required local contribution to the
5254 Mississippi Adequate Education Program, as certified to the local
5255 school district by the State Board of Education under Section
5256 37-151-7(2), Mississippi Code of 1972, shall not be subject to the
5257 four percent (4%) and/or seven percent (7%) tax increase
5258 limitations provided in this section.

5259 (4) If the millage rate necessary to generate funds equal to
5260 the dollar amount requested by the school board is equal to
5261 fifty-five (55) mills or less, but the dollar amount requested by
5262 the school board exceeds the seven percent (7%) increase
5263 limitation provided for in Section 37-57-107, the school board may
5264 exceed the seven percent (7%) increase limitation only after the
5265 school board has determined the need for additional revenues and
5266 three-fifths (3/5) of the registered, qualified electors voting in
5267 a referendum called by the levying authority have voted in favor
5268 of the increase. The notice and manner of holding the referendum
5269 shall be as prescribed in subsection (2) of this section for a



5270 referendum on the question of increasing the millage rate in
5271 school districts levying more than fifty-five (55) mills for
5272 school district purposes.

5273 (5) The aggregate receipts from ad valorem taxes levied for
5274 school district purposes pursuant to Sections 37-57-1 and
5275 37-57-105, excluding collection fees, additional revenue from the
5276 ad valorem tax on any newly constructed properties or any existing
5277 properties added to the tax rolls or any properties previously
5278 exempt which were not assessed in the next preceding year, and
5279 amounts received by school districts from the School Ad Valorem
5280 Tax Reduction Fund pursuant to Section 37-61-35, shall be subject
5281 to the increase limitation under this section and Section
5282 37-57-107.

5283 (6) The school board shall pay to the levying authority all
5284 costs that are incurred by the levying authority in the calling
5285 and holding of any election under this section.

5286 (7) The provisions of this section shall not be construed to
5287 affect in any manner the authority of school boards to levy
5288 millage for the following purposes:

5289 (a) The issuance of bonds, notes and certificates of
5290 indebtedness, as authorized in Sections 37-59-1 through 37-59-45
5291 and Sections 37-59-101 through 37-59-115;

5292 (b) The lease of property for school purposes, as
5293 authorized under the Emergency School Leasing Authority Act of
5294 1986 (Sections 37-7-351 through 37-7-359);



5295 (c) The lease or lease-purchase of school buildings, as
5296 authorized under Section 37-7-301;

5297 (d) The issuance of promissory notes in the event of a
5298 shortfall of ad valorem taxes and/or revenue from local sources,
5299 as authorized under Section 27-39-333; and

5300 (e) The construction of school buildings outside the
5301 school district, as authorized under Section 37-7-401.

5302 Any millage levied for the purposes specified in this
5303 subsection shall be excluded from the millage limitations
5304 established under this section.

5305 **SECTION 57.** Section 37-57-105, Mississippi Code of 1972, is
5306 amended as follows:

5307 37-57-105. (1) In addition to the taxes levied under
5308 Section 37-57-1, the levying authority for the school district, as
5309 defined in Section 37-57-1, upon receipt of a certified copy of an
5310 order adopted by the school board of the school district
5311 requesting an ad valorem tax effort in dollars for the support of
5312 the school district, shall, at the same time and in the same
5313 manner as other ad valorem taxes are levied, levy an annual ad
5314 valorem tax in the amount fixed in such order upon all of the
5315 taxable property of such school district, which shall not be less
5316 than the millage rate certified by the State Board of Education as
5317 the uniform minimum school district ad valorem tax levy for the
5318 support of the adequate education program in such school district
5319 under Section 37-57-1. Provided, however, that any school



5320 district levying less than the uniform minimum school district ad
5321 valorem tax levy on July 1, 1997, shall only be required to
5322 increase its local district maintenance levy in four (4) mill
5323 annual increments in order to attain such millage requirements.
5324 In making such levy, the levying authority shall levy an
5325 additional amount sufficient to cover anticipated delinquencies
5326 and costs of collection so that the net amount of money to be
5327 produced by such levy shall be equal to the amount which is
5328 requested by said school board. The proceeds of such tax levy,
5329 excluding levies for the payment of the principal of and interest
5330 on school bonds or notes and excluding levies for costs of
5331 collection, shall be placed in the school depository to the credit
5332 of the school district and shall be expended in the manner
5333 provided by law for the purpose of supplementing teachers'
5334 salaries, extending school terms, purchasing furniture, supplies
5335 and materials, and for all other lawful operating and incidental
5336 expenses of such school district, funds for which are not provided
5337 by adequate education program fund allotments.

5338 The monies authorized to be received by school districts from
5339 the School Ad Valorem Tax Reduction Fund pursuant to Section
5340 37-61-35 shall be included as ad valorem tax receipts. The
5341 levying authority for the school district, as defined in Section
5342 37-57-1, shall reduce the ad valorem tax levy for such school
5343 district in an amount equal to the amount distributed to such
5344 school district from the School Ad Valorem Tax Reduction Fund each



5345 calendar year pursuant to said Section 37-61-35. Such reduction
5346 shall not be less than the millage rate necessary to generate a
5347 reduction in ad valorem tax receipts equal to the funds
5348 distributed to such school district from the School Ad Valorem Tax
5349 Reduction Fund pursuant to Section 37-61-35. Such reduction shall
5350 not be deemed to be a reduction in the aggregate amount of support
5351 from ad valorem taxation for purposes of Section 37-19-11. The
5352 millage levy certified by the State Board of Education as the
5353 uniform minimum ad valorem tax levy or the millage levy that would
5354 generate funds in an amount equal to a school district's district
5355 entitlement, as defined in Section 37-22-1(2)(e), shall be subject
5356 to the provisions of this paragraph.

5357 In any county where there is located a nuclear generating
5358 power plant on which a tax is assessed under Section 27-35-309(3),
5359 such required levy and revenue produced thereby may be reduced by
5360 the levying authority in an amount in proportion to a reduction in
5361 the base revenue of any such county from the previous year. Such
5362 reduction shall be allowed only if the reduction in base revenue
5363 equals or exceeds five percent (5%). "Base revenue" shall mean
5364 the revenue received by the county from the ad valorem tax levy
5365 plus the revenue received by the county from the tax assessed
5366 under Section 27-35-309(3) and authorized to be used for any
5367 purposes for which a county is authorized by law to levy an ad
5368 valorem tax. For purposes of determining if the reduction equals
5369 or exceeds five percent (5%), a levy of millage equal to the prior



5370 year's millage shall be hypothetically applied to the current
5371 year's ad valorem tax base to determine the amount of revenue to
5372 be generated from the ad valorem tax levy. For the purposes of
5373 this section and Section 37-57-107, the portion of the base
5374 revenue used for the support of any school district shall be
5375 deemed to be the aggregate receipts from ad valorem taxes for the
5376 support of any school district. This paragraph shall apply to
5377 taxes levied for the 1987 fiscal year and for each fiscal year
5378 thereafter. If the Mississippi Supreme Court or another court
5379 finally adjudicates that the tax levied under Section 27-35-309(3)
5380 is unconstitutional, then this paragraph shall stand repealed.

5381 (2) When the tax is levied upon the territory of any school
5382 district located in two (2) or more counties, the order of the
5383 school board requesting the levying of such tax shall be certified
5384 to the levying authority of each of the counties involved, and
5385 each of the levying authorities shall levy the tax in the manner
5386 specified herein. The taxes so levied shall be collected by the
5387 tax collector of the levying authority involved and remitted by
5388 the tax collector to the school depository of the home county to
5389 the credit of the school district involved as provided above,
5390 except that taxes for collection fees may be retained by the
5391 levying authority for deposit into its general fund.

5392 (3) The aggregate receipts from ad valorem taxes levied for
5393 school district purposes, excluding collection fees, pursuant to
5394 this section and Section 37-57-1 shall be subject to the increased



5395 limitation under Section 37-57-107; however, if the ad valorem tax
5396 effort in dollars requested by the school district for the fiscal
5397 year exceeds the next preceding fiscal year's ad valorem tax
5398 effort in dollars by more than four percent (4%) but not more than
5399 seven percent (7%), then the school board shall publish notice
5400 thereof either on a free, publicly accessible, official government
5401 website for three (3) consecutive weeks, or once each week for at
5402 least three (3) consecutive weeks in a newspaper having general
5403 circulation in the school district involved, with the first
5404 publication thereof to be made not less than fifteen (15) days
5405 prior to the final adoption of the budget by the school board. If
5406 at any time prior to said adoption a petition signed by not less
5407 than twenty percent (20%) or fifteen hundred (1500), whichever is
5408 less, of the qualified electors of the school district involved
5409 shall be filed with the school board requesting that an election
5410 be called on the question of exceeding the next preceding fiscal
5411 year's ad valorem tax effort in dollars by more than four percent
5412 (4%) but not more than seven percent (7%), then the school board
5413 shall, not later than the next regular meeting, adopt a resolution
5414 calling an election to be held within such school district upon
5415 such question. The election shall be called and held, and notice
5416 thereof shall be given, in the same manner for elections upon the
5417 questions of the issuance of the bonds of school districts, and
5418 the results thereof shall be certified to the school board. The
5419 ballot shall contain the language "For the School Tax Increase



5420 Over Four Percent (4%)" and "Against the School Tax Increase Over
5421 Four Percent (4%)." If a majority of the qualified electors of
5422 the school district who voted in such election shall vote in favor
5423 of the question, then the stated increase requested by the school
5424 board shall be approved. For the purposes of this paragraph, the
5425 revenue sources excluded from the increased limitation under
5426 Section 37-57-107 shall also be excluded from the limitation
5427 described herein in the same manner as they are excluded under
5428 Section 37-57-107.

5429 **SECTION 58.** Section 37-59-13, Mississippi Code of 1972, is
5430 amended as follows:

5431 37-59-13. Where an election has been called, as provided in
5432 Section 37-59-11, notice of such election shall be signed by the
5433 president of the school board and shall be published either on a
5434 free, publicly accessible, official government website for three
5435 (3) consecutive weeks, or once a week for at least three (3)
5436 consecutive weeks, in at least one (1) newspaper published in such
5437 school district. The first publication of such notice shall be
5438 made not less than twenty-one (21) days prior to the date fixed
5439 for such election, and the last publication shall be made not more
5440 than seven (7) days prior to such date. When published in a
5441 newspaper, if no newspaper is published in such school district,
5442 then such notice shall be given by publishing the same for the
5443 required time in some newspaper having a general circulation in
5444 such school district.



5445 **SECTION 59.** Section 37-61-9, Mississippi Code of 1972, is
5446 amended as follows:

5447 37-61-9. (1) On or before the fifteenth day of August of
5448 each year, the local school board of each school district, with
5449 the assistance of the superintendent of schools, shall prepare and
5450 file with the levying authority for the school district, as
5451 defined in Section 37-57-1, at least two (2) copies of a budget of
5452 estimated expenditures for the support, maintenance and operation
5453 of the public schools of the school district for the fiscal year
5454 commencing on July 1 of such year. Such budget shall be prepared
5455 on forms prescribed and provided by the State Auditor and shall
5456 contain such information as the State Auditor may require.

5457 (2) In addition, on or before the fifteenth day of August of
5458 each year, the local school board of each school district, with
5459 the assistance of the superintendent of schools, shall prepare and
5460 file with the State Department of Education such budgetary
5461 information as the State Board of Education may require. The
5462 State Board of Education shall prescribe and provide forms to each
5463 school district for this purpose.

5464 (3) Prior to the adoption of a budget pursuant to this
5465 section, the school board of each school district shall hold at
5466 least one (1) public hearing to provide the general public with an
5467 opportunity to comment on the taxing and spending plan
5468 incorporated in the proposed budget. The public hearing shall be
5469 held at least one (1) week prior to the adoption of the budget



5470 with advance notice. After final adoption of the budget, a
5471 synopsis of such budget in a form prescribed by the State
5472 Department of Audit shall be published either on a free, publicly
5473 accessible, official government website, or in a newspaper having
5474 general circulation in the school district on a date different
5475 from the date on which the county or any municipality therein may
5476 publish its budget.

5477 (4) There shall be imposed limitations on budgeted
5478 expenditures for certain administration costs, as defined
5479 hereinafter, in an amount not greater than One Hundred Fifty
5480 Thousand Dollars (\$150,000.00) plus four percent (4%) of the
5481 expenditures of all school districts each year. For purposes of
5482 this subsection, "administration costs" shall be defined as
5483 expenditures for salaries and fringe benefits paid for central
5484 administration costs from all sources of revenue in the following
5485 expenditure functions as defined in the MISSISSIPPI PUBLIC SCHOOL
5486 DISTRICT FINANCIAL ACCOUNTING MANUAL:

5487 2300 = Support Services - General Administration
5488 2310 = Board of Education Services
5489 2320 = Executive Administration Services
5490 2330 = Special Area Administration Services
5491 2500 = Business Services
5492 2510 = Fiscal Services
5493 2520 = Purchasing Services
5494 2530 = Warehousing and Distributing Services



5495 2540 = Printing, Publishing and Duplicating Services

5496 2590 = Other Support Services - Business

5497 Any costs classified as "administration costs" for purposes
5498 of this subsection which can be demonstrated by the local school
5499 district to be an expenditure that results in a net cost savings
5500 to the district that may otherwise require budget expenditures for
5501 functions not covered under the definition of administration costs
5502 herein may be excluded from the limitations imposed herein. The
5503 local school board shall make a specific finding of such costs and
5504 spread such finding upon its minutes, which shall be subject to
5505 the approval of the Office of Educational Accountability of the
5506 State Department of Education. Any school district required to
5507 make expenditure cuts, as a result of application of this
5508 subsection, shall not be required to reduce such expenditures more
5509 than twenty-five percent (25%) in any year in order to comply with
5510 this mandate.

5511 The State Auditor shall ensure that functions in all
5512 expenditure categories to which this administrative limitation
5513 applies shall be properly classified.

5514 This section shall not apply to central administration with
5515 five (5) or less full-time employees, or to those school districts
5516 which can substantiate that comparable reductions have occurred in
5517 administrative costs for the five-year period immediately prior to
5518 school year 1993-1994. In the event the application of this
5519 section may jeopardize the fiscal integrity or operations of the



5520 school district, have an adverse impact on the ability of the
5521 district to deliver educational services, or otherwise restrict
5522 the district from achieving or maintaining a quality education
5523 program, the State Board of Education shall be authorized to
5524 exempt the application of this section to such school district
5525 pursuant to rules and regulations of the State Board of Education
5526 consistent with the intent of this section.

5527 **SECTION 60.** Section 39-13-11, Mississippi Code of 1972, is
5528 amended as follows:

5529 39-13-11. A governing authority may provide by local
5530 ordinance the procedures to be followed to designate historic
5531 districts, landmarks and landmark sites. Such an ordinance may
5532 provide that a governing authority may designate such properties
5533 upon the recommendation of a local historic preservation
5534 commission.

5535 A potential historic district or landmark or landmark site
5536 may be proposed for designation by either a majority of the
5537 members of a local historic preservation commission or an owner of
5538 a potential landmark or landmark site or an organization which has
5539 as one of its central purposes the promotion of historic
5540 preservation objectives. If in private ownership, a landmark site
5541 must include significant surviving landscape features to qualify
5542 for designation unless its primary significance is archeological,
5543 and new construction after review and approval, shall be built to
5544 fit into such landscape features rather than replace them or shall



5545 be designed to avoid insofar as possible an archeological resource
5546 rather than replace it. If in public ownership, a local historic
5547 preservation commission shall discourage new construction on a
5548 site of great significance to the entire community unless the new
5549 construction can be located on a portion of the site which will
5550 permit a continuing understanding of its historical character and
5551 will avoid damage to surviving landscape features or an
5552 archeological resource.

5553 Once a nomination has been filed with an existing historic
5554 preservation commission or the governing authority of a
5555 municipality or county proposing to create such a commission and
5556 designate one or more local properties, a decision on whether to
5557 proceed with the designation must be made within six (6) months.

5558 When a historic preservation commission already exists within
5559 a community, a majority of the commission's members must vote in
5560 favor of any proposed designation in order for the file supporting
5561 the designation to be sent forward to the local governing
5562 authority for its consideration. No file purporting to justify a
5563 proposed designation may be forwarded to a governing authority
5564 unless the commission's recommendation includes a map that clearly
5565 delineates boundaries for the proposed designation, a verbal
5566 description and justification of the proposed boundaries and a
5567 written statement of significance for the historic district or
5568 landmark or landmark site proposed for designation. Unless
5569 justification is contained in a designating ordinance, the



5570 boundary for any historic landmark shall include an entire tax
5571 parcel and may include adjoining tax parcels that were
5572 historically linked to the primary parcel during the period of
5573 greatest historic significance for the landmark structure.

5574 The local governing authority must conduct at least one (1)
5575 public hearing on the proposed designation and notice of the
5576 public hearing must be published either on a free, publicly
5577 accessible, official government website for three (3) consecutive
5578 weeks, or weekly for at least three (3) consecutive weeks in a
5579 local newspaper authorized to publish legal notices.

5580 The local governing authority must take action on the
5581 proposed designation within sixty (60) days of the public hearing,
5582 either to adopt a designating ordinance or to reject the proposed
5583 designation.

5584 As quickly as would be reasonably possible, a local historic
5585 preservation commission must notify other municipal agencies and
5586 any appropriate county or state agencies of the designation of a
5587 historic district, landmark or landmark site. The commission must
5588 maintain in its official files an updated list and map of local
5589 designations and provide copies of such a map to other
5590 governmental agencies within one (1) week of the preparation of a
5591 new version of the map.

5592 **SECTION 61.** Section 41-13-15, Mississippi Code of 1972, is
5593 amended as follows:



5594 41-13-15. (1) Any county and/or any political or judicial
5595 subdivision of a county and/or any municipality of the State of
5596 Mississippi, acting individually or jointly, may acquire and hold
5597 real estate for a community hospital either recognized and/or
5598 licensed as such by either the State of Mississippi or the United
5599 States Government, and may, after complying with applicable health
5600 planning and licensure statutes, construct a community hospital
5601 thereon and/or appropriate funds according to the provisions of
5602 this chapter for the construction, remodeling, maintaining,
5603 equipping, furnishing and expansion of such facilities by the
5604 board of trustees upon such real estate.

5605 (2) Where joint ownership of a community hospital is
5606 involved, the owners are hereby authorized to contract with each
5607 other for determining the pro rata ownership of such community
5608 hospital, the proportionate cost of maintenance and operation, and
5609 the proportionate financing that each will contribute to the
5610 community hospital.

5611 (3) The owners may likewise contract with each other, or on
5612 behalf of any subordinate political or judicial subdivision, or
5613 with the board of trustees of a community hospital, and/or any
5614 agency of the State of Mississippi or the United States
5615 Government, for necessary purposes related to the establishment,
5616 operation or maintenance of community hospitals and related
5617 programs wherever located, and may either accept from, sell or
5618 contribute to the other entities, monies, personal property or



5619 existing health facilities. The owners or the board of trustees
5620 may also receive monies, property or any other valuables of any
5621 kind through gifts, donations, devises or other recognized means
5622 from any source for the purpose of hospital use.

5623 (4) Owners and boards of trustees, acting jointly or
5624 severally, may acquire and hold real estate for offices for
5625 physicians and other health care practitioners and related health
5626 care or support facilities, provided that any contract for the
5627 purchase of real property must be ratified by the owner, and may
5628 thereon construct and equip, maintain and remodel or expand such
5629 offices and related facilities, and the board of trustees may
5630 lease same to members of the hospital staff or others at a rate
5631 deemed to be in the best interest of the community hospital.

5632 (5) If any political or judicial subdivision of a county is
5633 obligated hereunder, the boundaries of such district shall not be
5634 altered in such a manner as to relieve any portion thereof of its
5635 obligation hereunder.

5636 (6) Owners may convey to any other owner any or all
5637 property, real or personal, comprising any existing community
5638 hospital, including related facilities, wherever located, owned by
5639 such conveying owner. Such conveyance shall be upon such terms
5640 and conditions as may be agreed upon and may make such provisions
5641 for transfers of operating funds and/or for the assumption of
5642 liabilities of the community hospital as may be deemed appropriate
5643 by the respective owners.



5644 (7) (a) Except as provided for in subsection (11) of this
5645 section, owners may lease all or part of the property, real or
5646 personal, comprising a community hospital, including any related
5647 facilities, wherever located, and/or assets of such community
5648 hospital, to any individual, partnership or corporation, whether
5649 operating on a nonprofit basis or on a profit basis, or to the
5650 board of trustees of such community hospital or any other owner or
5651 board of trustees, subject to the applicable provisions of
5652 subsections (8), (9) and (10) of this section. The term of such
5653 lease shall not exceed fifty (50) years. Such lease shall be
5654 conditioned upon (i) the leased facility continuing to operate in
5655 a manner safeguarding community health interests; (ii) the
5656 proceeds from the lease being first applied against such bonds,
5657 notes or other evidence of indebtedness as are issued pursuant to
5658 Section 41-13-19 as and when they are due, provided that the terms
5659 of the lease shall cover any indebtedness pursuant to Section
5660 41-13-19; and (iii) any surplus proceeds from the lease being
5661 deposited in the general fund of the owner, which proceeds may be
5662 used for any lawful purpose. Such lease shall be subject to the
5663 express approval of the board of trustees of the community
5664 hospital, except in the case where the board of trustees of the
5665 community hospital will be the lessee. However, owners may not
5666 lease any community hospital to the University of Mississippi
5667 Medical Center unless first the University of Mississippi Medical
5668 Center has obtained authority to lease such hospital under



5669 specific terms and conditions from the Board of Trustees of State
5670 Institutions of Higher Learning.

5671 If the owner wishes to lease a community hospital without an
5672 option to sell it and the approval of the board of trustees of the
5673 community hospital is required but is not given within thirty (30)
5674 days of the request for its approval by the owner, then the owner
5675 may enter such lease as described herein on the following
5676 conditions: A resolution by the owner describing its intention to
5677 enter such lease shall be published either on a free, publicly
5678 accessible, official government website for three (3) consecutive
5679 weeks, or once a week for at least three (3) consecutive weeks in
5680 at least one (1) newspaper published in the county or city, as the
5681 case may be, or if none be so published, in a newspaper having a
5682 general circulation therein. The first publication of such notice
5683 shall be made not less than twenty-one (21) days prior to the date
5684 fixed in such resolution for the lease of the community hospital
5685 and the last publication shall be made not more than seven (7)
5686 days prior to such date. If, on or prior to the date fixed in
5687 such resolution for the lease of the community hospital, there
5688 shall be filed with the clerk of the owner a petition signed by
5689 twenty percent (20%) or fifteen hundred (1500), whichever is less,
5690 of the qualified voters of such owner, requesting that an election
5691 be called and held on the question of the lease of the community
5692 hospital, then it shall be the duty of the owner to call and
5693 provide for the holding of an election as petitioned for. In such



5694 case, no such lease shall be entered into unless authorized by the
5695 affirmative vote of the majority of the qualified voters of such
5696 owner who vote on the proposition at such election. Notice of
5697 such election shall be given by publication in like manner as
5698 hereinabove provided for the publication of the initial
5699 resolution. Such election shall be conducted and the return
5700 thereof made, canvassed and declared as nearly as may be in like
5701 manner as is now or may hereafter be provided by law in the case
5702 of general elections in such owner. If, on or prior to the date
5703 fixed in the owner's resolution for the lease of the community
5704 hospital, no such petition as described above is filed with the
5705 clerk of the owner, then the owner may proceed with the lease
5706 subject to the other requirements of this section. Subject to the
5707 above conditions, the lease agreement shall be upon such terms and
5708 conditions as may be agreed upon and may make such provision for
5709 transfers of tangible and intangible personal property and
5710 operating funds and/or for the assumption of liabilities of the
5711 community hospital and for such lease payments, all as may be
5712 deemed appropriate by the owners.

5713 (b) Owners may sell and convey all or part of the
5714 property, real or personal, comprising a community hospital,
5715 including any related facilities, wherever located, and/or assets
5716 of such community hospital, to any individual, partnership or
5717 corporation, whether operating on a nonprofit basis or on a profit
5718 basis, or to the board of trustees of such community hospital or



5719 any other owner or board of trustees, subject to the applicable
5720 provisions of subsections (8) and (10) of this section. Such sale
5721 and conveyance shall be upon such terms and conditions as may be
5722 agreed upon by the owner and the purchaser that are consistent
5723 with the requirements of this section, and the parties may make
5724 such provisions for the transfer of operating funds or for the
5725 assumption of liabilities of the facility, or both, as they deem
5726 appropriate. However, such sale and conveyance shall be
5727 conditioned upon (i) the facility continuing to operate in a
5728 manner safeguarding community health interests; (ii) the proceeds
5729 from such sale being first applied against such bonds, notes or
5730 other evidence of indebtedness as are issued pursuant to Section
5731 41-13-19 as and when they are due, provided that the terms of the
5732 sale shall cover any indebtedness pursuant to Section 41-13-19;
5733 and (iii) any surplus proceeds from the sale being deposited in
5734 the general fund of the owner, which proceeds may be used for any
5735 lawful purpose. However, owners may not sell or convey any
5736 community hospital to the University of Mississippi Medical Center
5737 unless first the University of Mississippi Medical Center has
5738 obtained authority to purchase such hospital under specific terms
5739 and conditions from the Board of Trustees of State Institutions of
5740 Higher Learning.

5741 (8) Whenever any owner decides that it may be in its best
5742 interests to sell or lease a community hospital as provided for
5743 under subsection (7) of this section, the owner shall first



5744 contract with a certified public accounting firm, a law firm or
5745 competent professional health care or management consultants to
5746 review the current operating condition of the community hospital.
5747 The review shall consist of, at minimum, the following:

5748 (a) A review of the community's inpatient facility
5749 needs based on current workload, historical trends and
5750 projections, based on demographic data, of future needs.

5751 (b) A review of the competitive market for services,
5752 including other hospitals which serve the same area, the services
5753 provided and the market perception of the competitive hospitals.

5754 (c) A review of the hospital's strengths relative to
5755 the competition and its capacity to compete in light of projected
5756 trends and competition.

5757 (d) An analysis of the hospital's options, including
5758 service mix and pricing strategies. If the study concludes that a
5759 sale or lease should occur, the study shall include an analysis of
5760 which option would be best for the community and how much revenues
5761 should be derived from the lease or sale.

5762 (9) After the review and analysis under subsection (8) of
5763 this section, an owner may choose to sell or lease the community
5764 hospital. If an owner chooses to sell such hospital or lease the
5765 hospital with an option to sell it, the owner shall follow the
5766 procedure specified in subsection (10) of this section. If an
5767 owner chooses to lease the hospital without an option to sell it,
5768 it shall first spread upon its minutes why such a lease is in the



5769 best interests of the persons living in the area served by the
5770 facility to be leased, and it shall make public any and all
5771 findings and recommendations made in the review required under
5772 proposals for the lease, which shall state clearly the minimum
5773 required terms of all respondents and the evaluation process that
5774 will be used when the owner reviews the proposals. The owner
5775 shall lease to the respondent submitting the highest and best
5776 proposal. In no case may the owner deviate from the process
5777 provided for in the request for proposals.

5778 (10) If an owner wishes to sell such community hospital or
5779 lease the hospital with an option to sell it, the owner first
5780 shall conduct a public hearing on the issue of the proposed sale
5781 or lease with an option to sell the hospital. Notice of the date,
5782 time, location and purpose of the public hearing shall be
5783 published either on a free, publicly accessible, official
5784 government website for three (3) consecutive weeks, or once a week
5785 for at least three (3) consecutive weeks in at least one (1)
5786 newspaper published in the county or city, as the case may be, or
5787 if none be so published, in a newspaper having a general
5788 circulation therein. The first publication of the notice shall be
5789 made not less than twenty-one (21) days before the date of the
5790 public hearing and the last publication shall be made not more
5791 than seven (7) days before that date. If, after the public
5792 hearing, the owner chooses to sell or lease with an option to sell
5793 the hospital, the owner shall adopt a resolution describing its



5794 intention to sell or lease with an option to sell the hospital,
5795 which shall include the owner's reasons why such a sale or lease
5796 is in the best interests of the persons living in the area served
5797 by the facility to be sold or leased. The owner then shall
5798 publish a copy of the resolution; the requirements for proposals
5799 for the sale or lease with an option to sell the hospital, which
5800 shall state clearly the minimum required terms of all respondents
5801 and the evaluation process that will be used when the owner
5802 reviews the proposals; and the date proposed by the owner for the
5803 sale or lease with an option to sell the hospital. Such
5804 publication shall be made either on a free, publicly accessible,
5805 official government website for three (3) consecutive weeks, or
5806 once a week for at least three (3) consecutive weeks in at least
5807 one (1) newspaper published in the county or city, as the case may
5808 be, or if none be so published, in a newspaper having a general
5809 circulation therein. The first publication of the notice shall be
5810 made not less than twenty-one (21) days before the date proposed
5811 for the sale or lease with an option to sell the hospital and the
5812 last publication shall be made not more than seven (7) days before
5813 that date. If, on or before the date proposed for the sale or
5814 lease of the hospital, there is filed with the clerk of the owner
5815 a petition signed by twenty percent (20%) or fifteen hundred
5816 (1500), whichever is less, of the qualified voters of the owner,
5817 requesting that an election be called and held on the question of
5818 the sale or lease with an option to sell the hospital, then it



5819 shall be the duty of the owner to call and provide for the holding
5820 of an election as petitioned for. In that case, no such sale or
5821 lease shall be entered into unless authorized by the affirmative
5822 vote of the majority of the qualified voters of the owner who vote
5823 on the proposition at such election. Notice of the election shall
5824 be given by publication in the same manner as provided for the
5825 publication of the initial resolution. The election shall be
5826 conducted and the return thereof made, canvassed and declared in
5827 the same manner as provided by law in the case of general
5828 elections in the owner. If, on or before the date proposed for
5829 the sale or lease of the hospital, no such petition is filed with
5830 the clerk of the owner, then the owner may sell or lease with an
5831 option to sell the hospital. Such sale or lease shall be made to
5832 the respondent submitting the highest and best proposal. In no
5833 case may the owner deviate from the process provided for in the
5834 request for proposals.

5835 (11) A lessee of a community hospital, under a lease entered
5836 into under the authority of Section 41-13-15, in effect prior to
5837 July 15, 1993, or an affiliate thereof, may extend or renew such
5838 lease whether or not an option to renew or extend the lease is
5839 contained in the lease, for a term not to exceed fifteen (15)
5840 years, conditioned upon (a) the leased facility continuing to
5841 operate in a manner safeguarding community health interest; (b)
5842 proceeds from the lease being first applied against such bonds,
5843 notes or other evidence of indebtedness as are issued pursuant to



5844 Section 41-13-19; (c) surplus proceeds from the lease being used
5845 for health related purposes; (d) subject to the express approval
5846 of the board of trustees of the community hospital; and (e)
5847 subject to the express approval of the owner. If no board of
5848 trustees is then existing, the owner shall have the right to enter
5849 into a lease upon such terms and conditions as agreed upon by the
5850 parties. Any lease entered into under this subsection (11) may
5851 contain an option to purchase the hospital, on such terms as the
5852 parties shall agree.

5853 **SECTION 62.** Section 47-4-3, Mississippi Code of 1972, is
5854 amended as follows:

5855 47-4-3. (1) Before a private correctional facility may be
5856 located in the county, the board of supervisors shall by
5857 resolution duly adopted and entered on its minutes specify the
5858 location of the facility, the nature and size of the facility, the
5859 type of inmates to be incarcerated and the identity of the private
5860 entity which will operate the facility. The board shall publish a
5861 notice as hereinafter set forth either on a free, publicly
5862 accessible, official government website for three (3) consecutive
5863 weeks, or in a newspaper having general circulation in such
5864 county. Such notice shall include location of the facility, the
5865 nature and size of the facility, the type of inmates to be
5866 incarcerated and the identity of the entity which will operate the
5867 facility. Such notice shall include a brief summary of the
5868 provisions of this section pertaining to the petition for an



5869 election on the question of the location of the private
5870 correctional facility in such county. Such notice shall be
5871 published either on a free, publicly accessible, official
5872 government website for three (3) consecutive weeks, or not less
5873 than one (1) time each week for at least three (3) consecutive
5874 weeks in at least one (1) newspaper having general circulation in
5875 the county.

5876 (2) If a petition signed by twenty percent (20%), or fifteen
5877 hundred (1500), whichever is less, of the qualified electors of
5878 the county is filed within sixty (60) days of the date of the last
5879 publication of the notice with the board of supervisors requesting
5880 that an election be called on the question of locating such
5881 facility, then the board of supervisors shall adopt a resolution
5882 calling an election to be held within such county upon the
5883 question of the location of such facility. Such election shall be
5884 held, as far as practicable, in the same manner as other elections
5885 are held in counties. At such election, all qualified electors of
5886 the county may vote, and the ballots used at such election shall
5887 have printed thereon a brief statement of the facility to be
5888 constructed and the words "For the construction of the private
5889 correctional facility in (here insert county name) County" and
5890 "Against the construction of the private correctional facility in
5891 (here insert county name) County." The voter shall vote by
5892 placing a cross (X) or check mark (✓) opposite his choice on the
5893 proposition. When the results of the election on the question of



5894 the construction of the facility shall have been canvassed by the
5895 election commissioners of the county and certified by them to the
5896 board of supervisors, it shall be the duty of the board of
5897 supervisors to determine and adjudicate whether or not a majority
5898 of the qualified electors who voted thereon in such election voted
5899 in favor of the construction of the facility in such county. If a
5900 majority of the qualified electors who voted in such election vote
5901 against the construction of the facility, then the facility shall
5902 not be constructed in the county.

5903 (3) If no petition as prescribed in subsection (2) of this
5904 section is filed with the board of supervisors within sixty (60)
5905 days of the date of the last publication of the notice, the board
5906 of supervisors shall by a resolution duly adopted and entered on
5907 its minutes, state that no petition was timely filed and the board
5908 may give final approval to the location of the facility.

5909 **SECTION 63.** Section 49-17-121, Mississippi Code of 1972, is
5910 amended as follows:

5911 49-17-121. No bonds shall be issued pursuant to the
5912 provisions of Sections 49-17-101 through 49-17-123 until the
5913 proposal of the governing board to issue the bonds shall receive
5914 the approval of the board. Whenever the governing board shall
5915 propose to issue bonds pursuant to the provisions of said
5916 sections, it shall file its petition to the board setting forth:
5917 (a) a brief description of the pollution control facilities
5918 proposed to be undertaken; (b) a statement setting forth the



5919 action taken by the pollution control authority in connection with
5920 the pollution control facilities; (c) a reasonable estimate of the
5921 cost of the pollution control facilities; (d) a general summary of
5922 the terms and conditions of the lease/sale; and (e) financial
5923 statements on lessee company. Upon the filing of the petition the
5924 board shall, as soon as practicable, make such investigation as it
5925 deems advisable, and if it finds that the proposed pollution
5926 control facilities are intended to promote the purposes of
5927 Sections 49-17-101 through 49-17-123 and may be reasonably
5928 anticipated to effect such result, it shall be authorized to
5929 approve the pollution control facilities, and at any time not
5930 exceeding six (6) years following such approval, the governing
5931 board may proceed with the issuance of bonds for the pollution
5932 control facilities. Notice of the approval by the board shall be
5933 published at least once by the governing board either on a free,
5934 publicly accessible, official government website, or in a
5935 newspaper having general circulation in the county where the
5936 pollution control facilities are to be located. The governing
5937 board shall thereupon adopt and publish as required by law a
5938 resolution declaring its intention to issue said bonds.

5939 Any qualified elector may challenge the validity of such
5940 approval by intervention in the bond validation proceedings.

5941 Authority hereby vested in any governing board to issue, and
5942 the board to approve, revenue bonds pursuant to and in accordance
5943 with Sections 49-17-101 through 49-17-123 is supplemental to, and



5944 may be exercised irrespective of Sections 27-39-15, 57-1-1 to
5945 57-1-51, 57-1-71 to 57-1-83, 57-1-101 to 57-1-107, and 57-3-1 to
5946 57-3-33, Mississippi Code of 1972.

5947 **SECTION 64.** Section 49-28-5, Mississippi Code of 1972, is
5948 amended as follows:

5949 49-28-5. (1) Upon the filing of a petition, the board of
5950 supervisors shall fix a time and place for a public hearing upon
5951 the question of the public convenience and necessity of the
5952 incorporation of the proposed district. The date fixed for the
5953 hearing shall be not more than thirty (30) days after the filing
5954 of the petition. The time, date and location of the hearing, the
5955 proposed boundaries of the district, and the purpose of the
5956 hearing shall be set forth in a notice to be signed by the clerk
5957 of the board of supervisors. The notice shall be published either
5958 on a free, publicly accessible, official government website for
5959 three (3) consecutive weeks, or in a newspaper having general
5960 circulation within the proposed district once a week for at least
5961 three (3) consecutive weeks before the date of the hearing. The
5962 first publication of the notice shall be made not less than
5963 twenty-one (21) days before the date of the hearing and the last
5964 publication shall be made not more than seven (7) days before the
5965 date of the hearing.

5966 (2) If, at the public hearing, the board of supervisors
5967 finds (a) that the public convenience and necessity require the
5968 creation of the district and (b) that the creation of the district



5969 is economically sound and desirable, then the board of supervisors
5970 shall adopt a resolution making those findings and declaring its
5971 intention to create the district on a date to be specified in the
5972 resolution. The resolution shall also designate the name of the
5973 proposed district, define its territorial limits which shall be
5974 fixed by the board of supervisors pursuant to the hearing, and
5975 state whether or not the board of supervisors shall levy the ad
5976 valorem tax authorized in Section 49-28-27 and whether or not the
5977 board of supervisors proposes to make special assessments against
5978 benefited properties as outlined in Section 49-28-29.

5979 **SECTION 65.** Section 49-28-7, Mississippi Code of 1972, is
5980 amended as follows:

5981 49-28-7. (1) A certified copy of the adopted resolution
5982 shall be published either on a free, publicly accessible, official
5983 government website for three (3) consecutive weeks, or in a
5984 newspaper having a general circulation within the proposed
5985 district once a week for at least three (3) consecutive weeks
5986 before the date specified in the resolution as the date upon which
5987 the board of supervisors intends to create the district. The
5988 first publication of the notice shall be made not less than
5989 twenty-one (21) days before the date specified, and the last
5990 publication shall be made not more than seven (7) days before the
5991 date.

5992 (2) If twenty percent (20%) or one hundred fifty (150),
5993 whichever is less, of the qualified electors of the county



5994 residing within the proposed district file a written petition with
5995 the board of supervisors on or before the date specified in the
5996 resolution under subsection (1) of this section protesting the
5997 creation of the district, the board of supervisors shall call an
5998 election on the question of the creation of the district. The
5999 election shall be held and conducted by the election commissioners
6000 of the county, as far as is practicable in accordance with the
6001 general laws governing elections. The election commissioners
6002 shall determine which of the qualified electors of the county
6003 reside within the proposed district, and only those qualified
6004 electors as reside within the proposed district shall be entitled
6005 to vote in the election. Notice of the election setting forth the
6006 time, place or places, and purpose of the election shall be
6007 published by the clerk of the board of supervisors. The notice
6008 shall be published for the time and in the manner provided in
6009 Section 49-28-5 for the publication of the resolution of intent.
6010 The ballot to be prepared for and used at the election shall be in
6011 substantially the following form:

6012 "FOR CREATION OF _____ DISTRICT: ()

6013 AGAINST CREATION OF _____ DISTRICT: ()."

6014 Voters shall vote by placing a cross mark (X) or check mark (✓)
6015 opposite their choice.

6016 **SECTION 66.** Section 49-28-43, Mississippi Code of 1972, is
6017 amended as follows:



6018 49-28-43. Within ninety (90) days after the close of each
6019 fiscal year, the board of commissioners shall publish
6020 either on a free, publicly accessible, official government
6021 website, or in a newspaper of general circulation in the county in
6022 which the district is located a sworn statement showing the
6023 financial condition of the district, including the revenues and
6024 expenses of the district for the fiscal year just ended. The
6025 statement shall also be furnished to the board of supervisors of
6026 the county in which the district lies.

6027 **SECTION 67.** Section 51-7-11, Mississippi Code of 1972, is
6028 amended as follows:

6029 51-7-11. Upon the filing of a petition for creation of a
6030 master water management district, and after fixing of the time,
6031 date, and place of hearing by the chancellor, the chancery clerk
6032 of the county wherein such petition is filed shall immediately
6033 publish a notice directed to the owners of land to be embraced in
6034 the proposed district, giving notice of the said petition and
6035 designating a date, not less than ten (10) days nor more than
6036 twenty (20) days after the last publication of notice, at which a
6037 hearing will be had on the petition. Said notice shall be
6038 published either on a free, publicly accessible, official
6039 government website for three (3) consecutive weeks, or in a
6040 newspaper in each county wherein a part of such district is
6041 situated, such paper to have a general circulation in the area in
6042 said county wherein such portion of such district may be located,



6043 and said notice shall be published for three (3) weeks in such
6044 newspaper. If there be no newspaper published in such county,
6045 then the notice provided herein shall be posted for not less than
6046 fifteen (15) days, with one (1) copy being posted on the bulletin
6047 board at the county courthouse and two (2) copies posted at public
6048 places in the area proposed to be included in said master water
6049 management district. Said notice shall call upon landowners in
6050 such proposed district to show cause, if any, against
6051 establishment of such district, and such notice shall be in
6052 substantially the following form, to wit: "To all persons owning
6053 any interest in the following described lands, to wit: (with a
6054 description of the lands to be in subdivisions no smaller than
6055 quarter sections)."

6056 Upon the date designated in the notice, or upon a subsequent
6057 day to which the matter may be continued, the chancery court shall
6058 hear all objections, if any are offered, to the organization of
6059 said district. Unless at the hearing at least one-third (1/3) of
6060 the landowners owning at least one-half (1/2) of the land proposed
6061 to be included in the district or at least one-half (1/2) of the
6062 landowners owning at least one-third (1/3) of the land proposed to
6063 be included in the district shall object to the organization,
6064 further proceedings shall be had as hereinafter provided; but the
6065 district shall not be organized in the event of such objection by
6066 at least one-third (1/3) of the landowners owning at least
6067 one-half (1/2) the land or by at least one-half (1/2) of the



6068 landowners owning at least one-third (1/3) of the land, excluding
6069 state-owned lands.

6070 **SECTION 68.** Section 51-8-61, Mississippi Code of 1972, is
6071 amended as follows:

6072 51-8-61. Within ninety (90) days after the close of each
6073 fiscal year, the board of commissioners shall publish either on a
6074 free, publicly accessible, official government website, or in a
6075 newspaper of general circulation in the county a sworn statement
6076 showing the financial condition of the district, the earnings for
6077 the fiscal year just ended, a statement of the water and sewer
6078 rates being charged and a brief statement of the method used in
6079 arriving at such rates. Such statement shall also be filed with
6080 the local governmental units creating the district.

6081 **SECTION 69.** Section 51-9-111, Mississippi Code of 1972, is
6082 amended as follows:

6083 51-9-111. The board of water commissioners shall make a
6084 written report on the preliminary study or plans furnished them
6085 and shall, within thirty (30) days after receipt of the said
6086 study, file such report with the chancery court setting forth
6087 their recommendations concerning the proposed water supply
6088 district. After the filing of the report of the board of water
6089 commissioners, and upon motion of the petitioners, the chancellor
6090 shall enter an order fixing the date for a hearing of the cause on
6091 the original petition, the exhibit, the report and recommendations
6092 of the board of water commissioners, and any answers filed or



6093 other pleadings. The chancery clerk shall give notice of such
6094 hearing to all persons interested by posting notices thereof at
6095 the door of the courthouse of the county or counties in which the
6096 district is situated and in at least ten (10) public places in
6097 said proposed district, and also by publishing said notice either
6098 on a free, publicly accessible, official government website for
6099 three (3) consecutive weeks, or at least once a week for three (3)
6100 consecutive weeks in a newspaper published in Hinds County and in
6101 a newspaper published in each of the other counties proposed to be
6102 included in such water supply district. When published in a
6103 newspaper, if there is no newspaper published in any such county,
6104 then it shall be sufficient to publish said notice in a newspaper
6105 having a general circulation in such county. Such notice shall be
6106 addressed to the property owners and qualified electors of such
6107 proposed district and all other persons interested, shall state
6108 when and in what court said petition was and is filed, shall state
6109 the counties included in such district, and shall command all such
6110 persons to appear before the chancery court, or the chancellor in
6111 vacation, at the Chancery Court Building in the First Judicial
6112 District of Hinds County, upon the date fixed by the chancellor to
6113 show cause, if any they can, why the proposed water supply
6114 district should not be organized and established as prayed for in
6115 said petition. The date of such hearing shall not be less than
6116 twenty-one (21) days nor more than forty (40) days after the last
6117 publication of such notice. It shall be sufficient in describing



6118 the lands to be included in the water supply district to name the
6119 counties to be included therein in the publication or notice
6120 hereinbefore mentioned.

6121 If the court or chancellor finds that the notice or
6122 publication was not given as provided for in this article, it
6123 shall not thereby lose jurisdiction, but the court or chancellor
6124 shall order due publication or notice to be given and shall
6125 continue the hearing until such publication or notice shall be
6126 properly given, and the court or chancellor shall thereupon
6127 proceed as though publication or notice had been properly given in
6128 the first instance.

6129 **SECTION 70.** Section 51-9-115, Mississippi Code of 1972, is
6130 amended as follows:

6131 51-9-115. If the court or chancellor thereof finds that the
6132 proposed water supply district should be organized, the chancellor
6133 shall then order an election in each county in the proposed
6134 district, which election shall be held not less than twenty-one
6135 (21) nor more than forty-five (45) days from the date of such
6136 order, whereby the qualified electors within such counties may
6137 determine if such county shall be a part of such proposed
6138 district; and such order for an election shall be interlocutory
6139 and not appealable. A substantial copy of the court order shall
6140 be published either on a free, publicly accessible, official
6141 government website for three (3) consecutive weeks, or once a week
6142 for at least three (3) consecutive weeks in at least one (1)



6143 newspaper published in each county in such district. If there is
6144 no newspaper published in any such county, then it shall be
6145 sufficient to publish said notice in a newspaper having a general
6146 circulation in such county and, in addition, by posting a copy of
6147 such notice for at least twenty-one (21) days following the
6148 issuance of such order at three public places in such county.
6149 Notice of the election shall be given by publishing a substantial
6150 copy of the court order providing for the election either on a
6151 free, publicly accessible, official government website for three
6152 (3) consecutive weeks, or once a week for at least three (3)
6153 consecutive weeks, in at least one (1) newspaper published in each
6154 county in which an election is to be held. The first publication
6155 of such notice shall be made not less than twenty-one (21) days
6156 prior to the date fixed for such election. When published in a
6157 newspaper, if no newspaper is published in any such county, then
6158 such notice shall be given by publishing the same for the required
6159 time in some newspaper having a general circulation in such county
6160 and, in addition, by posting a copy of such notice for at least
6161 twenty-one (21) days next preceding such election at three (3)
6162 public places in such county.

6163 **SECTION 71.** Section 51-11-65, Mississippi Code of 1972, is
6164 amended as follows:

6165 51-11-65. Before issuing bonds for any of the purposes
6166 authorized in Sections 51-11-53 through 51-11-85, the board of
6167 directors of the district shall declare its intention to issue the



6168 bonds by resolution spread upon its minutes, fixing in the
6169 resolution the maximum amount of bonds, the purpose for which they
6170 are to be issued, the date upon which an election shall be held in
6171 the district, and the place or places at which the election shall
6172 be held. A certified copy of the resolution shall be furnished to
6173 the county election commissioners of each county having lands
6174 lying in the district, and the county election commissioners shall
6175 conduct such elections. Notice of the election shall be signed by
6176 the secretary of the board of directors of the district and shall
6177 be published either on a free, publicly accessible, official
6178 government website for three (3) consecutive weeks, or once a week
6179 for at least three (3) consecutive weeks in at least one (1)
6180 newspaper published in each county in which any part of the
6181 district lies, and in each municipality lying within the district.
6182 The first publication of the notice shall be made not less than
6183 twenty-one (21) days before the date fixed for that election, and
6184 the last publication shall be made not more than seven (7) days
6185 before that date. When published in a newspaper, if no newspaper
6186 is published in any municipality, then the notice shall be given
6187 by publishing the notice for the required time in some newspaper
6188 having a general circulation in the municipality and published in
6189 the same or an adjoining county and, in addition, by posting a
6190 copy of the notice for at least twenty-one (21) days before the
6191 election in at least three (3) public places in the municipality.



6192 **SECTION 72.** Section 51-15-109, Mississippi Code of 1972, is
6193 amended as follows:

6194 51-15-109. The board of water commissioners shall file a
6195 written answer to the petition within thirty (30) days after such
6196 service. After the filing of the answer of the board of water
6197 commissioners, and upon motion of the petitioners, the chancellor
6198 shall enter an order fixing the date for a hearing of the cause on
6199 the original petition, the exhibits, the answer of the board of
6200 water commissioners, and any other answers filed or other
6201 pleadings. The chancery clerk shall give notice of such hearing
6202 to all persons interested by posting notices thereof at the door
6203 of the courthouse of the county or counties in which the district
6204 is situated and in at least ten (10) public places in said
6205 proposed district, and also by publishing said notice either on a
6206 free, publicly accessible, official government website for at
6207 least three (3) consecutive weeks, or at least once a week for
6208 three (3) consecutive weeks in a newspaper published in each of
6209 the counties proposed to be included in such waterway district.
6210 When published in a newspaper, if there is no newspaper published
6211 in any such county, then it shall be sufficient to publish said
6212 notice in a newspaper having a general circulation in such county.
6213 Such notice shall be addressed to the property owners and
6214 qualified electors of such proposed district and all other persons
6215 interested, shall state when and in what court said petition was
6216 and is filed, shall state the counties included in such district,



6217 and shall command all such persons to appear before the chancery
6218 court, or the chancellor in vacation, at the chancery court
6219 building of Forrest County upon the date fixed by the chancellor
6220 to show cause, if any they can, why the proposed waterway district
6221 should not be organized and established as prayed for in said
6222 petition. The date for such hearing shall not be less than
6223 twenty-one (21) days nor more than forty (40) days after the last
6224 publication of such notice. It shall be sufficient in describing
6225 the lands to be included in the waterway district to name the
6226 counties to be included therein in the publication or notice
6227 hereinbefore mentioned.

6228 If the court or chancellor finds that the notice or
6229 publication was not given as provided for in this article, it
6230 shall not thereby lose jurisdiction, but the court or chancellor
6231 shall order due publication or notice to be given and shall
6232 continue the hearing until such publication or notice shall be
6233 properly given; and the court or chancellor shall thereupon
6234 proceed as though publication or notice had been properly given in
6235 the first instance.

6236 **SECTION 73.** Section 51-15-113, Mississippi Code of 1972, is
6237 amended as follows:

6238 51-15-113. If the court or chancellor thereof finds that the
6239 proposed waterway district should be organized, a decree shall be
6240 so entered by the court which shall become final unless an
6241 election is called as hereinafter provided. A notice as provided



6242 by the decree of the court creating such district shall be
6243 published either on a free, publicly accessible, official
6244 government website for at least three (3) consecutive weeks, or
6245 once each week for at least three (3) consecutive weeks in at
6246 least one (1) newspaper having general circulation or published in
6247 each county of the district as specified in such decree, stating
6248 that the decree shall become final forty-five (45) days after its
6249 entry unless twenty percent (20%) of the qualified electors of any
6250 county or counties shall petition the court for an election on the
6251 question of the inclusion of such county in the district. When
6252 published in a newspaper, if there be no newspaper published in
6253 any such county, then it shall be sufficient to publish such
6254 notice in a newspaper having general circulation in said county
6255 and, in addition, to post a copy of such notice for at least
6256 twenty-one (21) days next preceding the decree becoming final at
6257 three (3) public places in such county. The first publication of
6258 such notice shall be made in each county within ten (10) days
6259 after entry of said decree. In the event such petition is filed
6260 by twenty percent (20%) of the qualified electors of any county,
6261 an election shall be held in such county as hereinafter provided.
6262 The election shall be held not less than twenty-one (21) nor more
6263 than forty-five (45) days from the final date of such order,
6264 whereby the qualified electors within such county may determine if
6265 such county shall be a part of such proposed district. The
6266 election shall be called by the board of supervisors of the



6267 county, and notice of the election shall be given by publishing a
6268 substantial copy of the order of the board of supervisors
6269 providing for the election either on a free, publicly accessible,
6270 official government website for at least three (3) consecutive
6271 weeks, or once a week for at least three (3) consecutive weeks, in
6272 at least one (1) newspaper published in each county in which an
6273 election is to be held. The first publication of such notice
6274 shall be made not less than twenty-one days prior to the date
6275 fixed for such election. When published in a newspaper, if no
6276 newspaper is published in any such county, then such notice shall
6277 be given by publishing the same for the required time in some
6278 newspaper having a general circulation in such county and, in
6279 addition, by posting a copy of such notice for at least twenty-one
6280 (21) days next preceding such election at three (3) public places
6281 in such county.

6282 **SECTION 74.** Section 51-29-5, Mississippi Code of 1972, is
6283 amended as follows:

6284 51-29-5. When one-fourth (1/4) or more of the owners of real
6285 property within a proposed drainage district shall file a petition
6286 in the chancery court of the county to establish a drainage
6287 district to embrace their property, describing generally the
6288 region which it is intended shall be embraced within the district,
6289 it shall be the duty of the chancery clerk to immediately publish
6290 a notice either on a free, publicly accessible, official
6291 government website for at least two (2) consecutive weeks, or in a



6292 newspaper having a circulation in the proposed district for two
6293 (2) successive insertions, directed to the owners of the land to
6294 be embraced in the proposed district, giving notice of the said
6295 petition and designating a date, not less than ten (10) days after
6296 the last publication of notice, at which a hearing may be had on
6297 said petition. Upon the date designated in the notice, or upon a
6298 subsequent day to which the matter may be continued, the chancery
6299 court or the chancellor in vacation shall hear all objections, if
6300 any are offered, to the organization of said district, and unless
6301 at the hearing a majority of the landowners owning half or more of
6302 the land proposed to be included in the proposed district shall
6303 object to the organization, further proceedings shall be had as
6304 hereinafter provided; but if such a majority shall protest, the
6305 court or chancellor shall not proceed with the organization of
6306 said district. If in either event it be determined by the court
6307 or chancellor to proceed with the organization of the proposed
6308 district, the court or chancellor shall enter an order appointing
6309 as temporary commissioners three (3) landowners of the territory
6310 proposed to be drained, who shall take the oath required by
6311 Section 268 of Article 14 of the Constitution of the state and
6312 give bond in the penalty of not less than One Thousand Dollars
6313 (\$1,000.00) payable to the county, and whose term of office shall
6314 expire upon the permanent organization of the district. Said
6315 temporary commissioners shall immediately organize and select a
6316 competent engineer, who shall give bond payable to the county in a



6317 sum of not less than One Thousand Dollars (\$1,000.00), to be fixed
6318 by said commissioners for the faithful discharge of his duties,
6319 and who shall be liable upon such bond for negligence or
6320 incompetency causing loss to the county or district.

6321 The engineer shall proceed forthwith to make a survey and
6322 ascertain the region which will be benefited by the proposed
6323 improvement, giving a general idea of its character and the cost
6324 of drainage, and making such suggestions as to the size of the
6325 drainage ditches and the location as he may deem advisable.

6326 All expenses incident to the survey, legal expenses, and the
6327 cost of publication shall be paid by the county as the work
6328 progresses upon a proper showing; but all expenses incurred by the
6329 county shall be paid out of the proceeds of the first assessment
6330 levied under this chapter.

6331 Said temporary commissioners may, by and with the consent of
6332 the court or chancellor, for the purpose of prosecuting the
6333 preliminary work, paying the expenses incident to the survey,
6334 attorney's fees, legal expenses, costs of publication, and other
6335 necessary expenses, borrow money at a rate of interest not
6336 exceeding that allowed in Section 75-17-105, and issue negotiable
6337 notes, certificates or other evidences of indebtedness therefor
6338 signed by the said three (3) temporary commissioners and payable
6339 either within or without the state to the person or persons from
6340 whom such money is borrowed, or bearer, or bearer simply, as said
6341 commissioners may elect. The said temporary commissioners may



6342 also issue to the engineer, or other persons who do the said
6343 preliminary work, negotiable evidences of debt signed by the three
6344 (3) said temporary commissioners, bearing interest at a rate not
6345 to exceed that allowed in Section 75-17-105. None of the said
6346 evidences of indebtedness so issued shall run for more than two
6347 (2) years, they shall be nontaxable, and said commissioners may
6348 pledge all assessments on the land proposed to be drained for the
6349 payment of said evidences of indebtedness. Said evidences of
6350 indebtedness may be paid off either out of any general fund of the
6351 drainage district if organized, or out of the proceeds of the
6352 first assessments levied under this chapter; but in the event the
6353 said district is not organized after said indebtedness has been
6354 incurred, then the board of supervisors may levy an acreage or an
6355 ad valorem tax against the lands embraced in said proposed
6356 drainage district in the manner hereinafter provided.

6357 Notwithstanding the foregoing provisions of this section,
6358 bonds referred to hereinabove may be issued pursuant to the
6359 supplemental powers and authorizations conferred by the provisions
6360 of the Registered Bond Act, being Sections 31-21-1 through
6361 31-21-7.

6362 **SECTION 75.** Section 51-29-31, Mississippi Code of 1972, is
6363 amended as follows:

6364 51-29-31. Upon the filing of such assessment, the chancery
6365 court, or the chancellor in vacation, shall enter an order
6366 directing the clerk of the chancery court to give notice by



6367 publication either on a free, publicly accessible, official
6368 government website for at least two (2) consecutive weeks, or for
6369 two (2) weeks by two (2) insertions in some newspaper published
6370 and having a general circulation in each of the counties within
6371 which the lands of the district may lie, stating that the owners
6372 of lands assessed for drainage purposes in said district, if they
6373 desire, may appear before the chancery court, or chancellor in
6374 vacation, on the date and time and place fixed by said order,
6375 which date shall be not less than ten (10) days after the last
6376 publication of said notice, and present complaints, if any they
6377 have, against the assessment of land in the district.

6378 The clerk of the chancery court shall publish said notice as
6379 directed by said order. The said notice shall give description of
6380 the lands assessed in as large tracts as the description will
6381 permit and shall state that said lands have been assessed for
6382 drainage purposes in said district; that any owner of real
6383 property, or the improvements thereon, within the district who
6384 conceives himself to be aggrieved by the assessment of benefits or
6385 damages or deems that the assessment of other lands in the
6386 district is inadequate shall file his written complaint or
6387 objection, in specific terms, with the clerk of said court prior
6388 to the time designated for said hearing.

6389 **SECTION 76.** Section 51-31-47, Mississippi Code of 1972, is
6390 amended as follows:



6391 51-31-47. When the commissioners shall have completed their
6392 assessments of damages and benefits, they shall file the same with
6393 the clerk of the chancery court; and the clerk is authorized to
6394 set down and fix a time for the hearing of objections to such
6395 assessments, at the request of said commissioners, at any time
6396 that the court or chancellor in vacation may be able to hear the
6397 same as herein provided. The clerk shall cause a notice to be
6398 published either on a free, publicly accessible, official
6399 government website for at least two (2) consecutive weeks, or at
6400 least once a week for two (2) successive weeks, of the time set
6401 for hearing objections to such assessments, which time for hearing
6402 shall not be less than fifteen (15) days nor longer than thirty
6403 (30) days from the time of filing the same, unless a longer time
6404 shall be ordered by the court or chancellor or requested by the
6405 commissioners. If publication in a newspaper is chosen, said
6406 publication shall be made in any newspaper published in the
6407 county, if there be one (1) published in the county where the
6408 cause is pending; otherwise, by posting written notices in ten
6409 (10) public places in the district, and shall be sufficient, and
6410 the only notice required of the filing of said assessment roll and
6411 the time set for hearing objections thereto.

6412 **SECTION 77.** Section 51-33-5, Mississippi Code of 1972, is
6413 amended as follows:

6414 51-33-5. Before the additional powers granted by Sections
6415 51-33-1 through 51-33-9 shall become applicable to any drainage



6416 district in this state, the commissioners of such district shall
6417 file a petition in the chancery court requesting such additional
6418 powers as set forth herein, whereupon the chancery clerk shall
6419 immediately publish a notice either on a free, publicly
6420 accessible, official government website for at least two (2)
6421 consecutive weeks, or in a newspaper having general circulation in
6422 the said drainage district for two (2) successive insertions,
6423 giving notice of said petition and designating a date, not less
6424 than ten (10) days after the last publication of notice, at which
6425 a hearing may be had on said petition; and proceedings shall be
6426 conducted in so far as possible in accordance with procedures set
6427 forth for determining whether or not the district shall be created
6428 in the first instance, and the chancellor shall render his decree
6429 accordingly.

6430 **SECTION 78.** Section 51-35-309, Mississippi Code of 1972, is
6431 amended as follows:

6432 51-35-309. After the filing of the petition, the chancellor
6433 shall enter an order fixing the date, either in term time or in
6434 vacation, place, and time for a hearing of the cause on the
6435 original petition, exhibits, and any answers or other pleadings
6436 filed. The chancery clerk shall give notice of such hearing to
6437 all persons interested by posting notices thereof at the door of
6438 the courthouse of the county or counties in which the district is
6439 situated and in at least ten (10) public places in said proposed
6440 district, and also by publishing said notice either on a free,



6441 publicly accessible, official government website for three (3)
6442 consecutive weeks, or at least once a week for three (3)
6443 consecutive weeks in a newspaper published in each of the counties
6444 and municipalities proposed to be included in such flood and
6445 drainage control district. When published in a newspaper, if
6446 there is no newspaper published in any such county or
6447 municipality, then it shall be sufficient to publish said notice
6448 in a newspaper having a general circulation in such county and
6449 municipality. Such notice shall be addressed to the property
6450 owners, qualified electors of said proposed district, and all
6451 other persons interested, shall state when and in what court said
6452 petition was and is filed, shall state the general area included
6453 in such district, and shall command all such persons to appear
6454 before the chancery court, or the chancellor in vacation, of the
6455 county in which said petition was filed and, upon the date fixed
6456 by the chancellor, to show cause, if any they can, why the
6457 proposed flood and drainage control district should not be
6458 organized and established as prayed for in said petition. The
6459 date for such hearing shall not be less than five (5) days nor
6460 more than forty (40) days after the last publication of such
6461 notice. For the purposes of the publication or notice hereinabove
6462 mentioned and for the purposes of describing the lands to be
6463 included in the district, it shall be sufficient in describing the
6464 said lands as all or parts of townships, all or parts of sections,
6465 and all or parts of lands lying within the corporate limits of any



6466 city, town, or village, and it shall be sufficient to describe the
6467 regions and lands proposed to be included in such flood and
6468 drainage control district in general terms with a generally
6469 accurate description of such regions and lands.

6470 If the court or chancellor finds that the notice or
6471 publication was not given as provided in this article, it shall
6472 not thereby lose jurisdiction, but the court or chancellor shall
6473 order due publication or notice to be given and shall continue the
6474 hearing until such publication or notice shall be properly given;
6475 and the court or chancellor shall thereupon proceed as though
6476 publication or notice had been properly given in the first
6477 instance.

6478 Upon the entry of said order fixing the date for said
6479 hearing, the chancery clerk of said court shall issue a citation
6480 to any county or municipality not joining in said petition and in
6481 which may lie any part of the proposed district to show cause, if
6482 any they can, why the proposed district should not be created as
6483 prayed for in said petition, which said citation shall be
6484 forthwith served by the sheriff according to law.

6485 **SECTION 79.** Section 51-35-325, Mississippi Code of 1972, is
6486 amended as follows:

6487 51-35-325. Before issuing any revenue bonds hereunder, the
6488 board of directors of the district shall adopt a resolution
6489 declaring its intention to so issue, stating the amount of bonds
6490 proposed to be issued, the purpose for which the bonds are to be



6491 issued, and the date upon which the governing body proposes to
6492 direct the issuance of such bonds. Such resolution shall be
6493 published either on a free, publicly accessible, official
6494 government website for three (3) consecutive weeks, or once a week
6495 for at least three (3) consecutive weeks in at least one (1)
6496 newspaper published in the district. The first publication of
6497 such resolution shall be made not less than twenty-one (21) days
6498 prior to the date fixed in such resolution for the issuance of the
6499 bonds and the last publication shall be made not more than seven
6500 (7) days prior to such date. When published in a newspaper, if no
6501 newspaper is published in such district, then such notice shall be
6502 given by publishing the resolution for the required time in some
6503 newspaper having a general circulation in the district, and, in
6504 addition, by posting a copy of such resolution for at least
6505 twenty-one (21) days next preceding the date fixed therein at
6506 three (3) public places in the district. If twenty percent (20%)
6507 or fifteen hundred (1500), whichever is less, of the qualified
6508 electors living or owning property in the district shall file a
6509 written protest against the issuance of such bonds on or before
6510 the date specified in such resolution, then an election on the
6511 question of the issuance of such bonds shall be called and held as
6512 herein provided. If no such protest be filed, then such bonds may
6513 be issued without an election at any time within a period of two
6514 (2) years after the date specified in the above-mentioned
6515 resolution. However, the board of directors of the district, in



6516 its discretion, may nevertheless call an election on the question
6517 of the issuance of the bonds, in which event it shall not be
6518 necessary to publish the resolution declaring its intention to
6519 issue bonds as herein provided.

6520 **SECTION 80.** Section 51-39-17, Mississippi Code of 1972, is
6521 amended as follows:

6522 51-39-17. (1) Within thirty (30) days following the
6523 adoption of the final authorizing resolution or ordinance, the
6524 designated representatives shall proceed to incorporate a district
6525 by filing for record in the office of the chancery clerk of the
6526 participating counties and/or the clerk of participating
6527 municipalities, as the case may be, and the Secretary of State an
6528 incorporation agreement approved by each member. The agreement
6529 shall comply in form and substance with the requirements of this
6530 section and shall be executed in the manner provided in this
6531 chapter.

6532 (2) The incorporation agreement of a district shall state:

6533 (a) The name of each participating unit of local
6534 government and the date on which the governing bodies thereof
6535 adopted an authorizing resolution or ordinance;

6536 (b) The name of the district which must include the
6537 words " _____ Storm Water Management District," the blank
6538 spaces to be filled in with the name of one or more of the members
6539 or other geographically descriptive term. If the Secretary of
6540 State determines that the name is identical to the name of any



6541 other corporation organized under the laws of the state or so
6542 nearly similar as to lead to confusion and uncertainty, the
6543 incorporators may insert additional identifying words so as to
6544 eliminate any duplication or similarity;

6545 (c) The period for the duration of the district;

6546 (d) The location of the principal office of the
6547 district which shall be within the geographic boundaries of the
6548 district;

6549 (e) That the district is organized under this chapter;

6550 (f) The board setting forth the number of
6551 commissioners, terms of office and the vote of each commissioner;

6552 (g) If the exercise by the district of any of its
6553 powers is to be in any way prohibited, limited or conditioned, a
6554 statement of the terms of that prohibition, limitation or
6555 condition;

6556 (h) Any provisions relating to the vesting of title to
6557 its properties upon its dissolution which shall be vested in any
6558 member; and

6559 (i) Any other related matters relating to the district
6560 that the incorporators may choose to insert and that are not
6561 inconsistent with this chapter or with the laws of the state.

6562 (3) The incorporation agreement shall be signed and
6563 acknowledged by the incorporators before an officer authorized by
6564 the laws of the state to take acknowledgements. When the
6565 incorporation agreement is filed for record, there shall be



6566 attached to it a certified copy of the authorizing resolution or
6567 ordinance adopted by the governing body of each member.

6568 (4) The incorporators shall publish a notice of
6569 incorporation either on a free, publicly accessible, official
6570 government website for three (3) consecutive weeks, or once a week
6571 for three (3) consecutive weeks in a daily newspaper or newspapers
6572 having general circulation throughout the area to be served.

6573 (5) Upon the filing for record of the agreement and the
6574 required documents, the district shall come into existence and
6575 shall constitute a public corporation under the name set forth in
6576 the incorporation agreement. The Secretary of State shall issue a
6577 certificate of incorporation to the district.

6578 (6) Upon issuance of the certificate of incorporation, the
6579 district shall be a public body corporate and politic constituting
6580 a political subdivision of the state with the power of perpetual
6581 succession and shall be deemed to be acting in all respects for
6582 the benefit of the people of the state in the performance of
6583 essential public functions. The district shall be empowered in
6584 accordance with this chapter to promote the health, welfare and
6585 prosperity of the general public.

6586 **SECTION 81.** Section 51-39-39, Mississippi Code of 1972, is
6587 amended as follows:

6588 51-39-39. Within ninety (90) days after the close of each
6589 fiscal year, the board of commissioners shall publish either on a
6590 free, publicly accessible, official government website, or in a



6591 newspaper of general circulation in the county a sworn statement
6592 showing the financial condition of the district. The statement
6593 shall also be filed with the governing body of each member of the
6594 district.

6595 **SECTION 82.** Section 51-41-21, Mississippi Code of 1972, is
6596 amended as follows:

6597 51-41-21. (1) The water authority is authorized at any
6598 time, and from time to time, to issue its bonds for the purpose of
6599 acquiring, constructing, improving, enlarging, completing and
6600 equipping one or more projects.

6601 (2) Before the water authority's proposed issuance of bonds,
6602 the water authority shall publish either on a free, publicly
6603 accessible, official government website, or one (1) time in a
6604 newspaper of general circulation in the affected county or
6605 counties, notice of the proposed issuance of bonds, the
6606 approximate principal amount of bonds contemplated to be sold, a
6607 general description of the project contemplated to be constructed
6608 with bond proceeds and the date of a public meeting at which
6609 members of the public may obtain further information regarding the
6610 sale of the bonds and the development of the project. The notice
6611 shall be published at least ten (10) days before the date of the
6612 hearing. The water authority chairman, or his or her designee,
6613 shall be responsible for conducting the hearing and shall require
6614 all public comments that might pertain to the proposed issuance of
6615 bonds by the water authority. Upon compliance with the provisions



6616 of this section, no other notice, hearing or approval by any other
6617 entity or governmental unit shall be required as a condition to
6618 the issuance by the water authority of its contemplated bonds.

6619 (3) The principal of, and the interest, if any, on any bonds
6620 shall be payable out of the revenues derived from the projects
6621 with respect to which the bonds are issued, or from any other
6622 source available to the water authority.

6623 (4) None of the bonds of the water authority shall ever
6624 constitute an obligation or debt of the state, the municipality or
6625 county in which the water authority operates, the Secretary of
6626 State, or any officer or director of the water authority, or a
6627 charge against the credit or taxing powers of the state.

6628 (5) As the water authority determines, bonds of the water
6629 authority may:

6630 (a) Be issued at any time and from time to time;

6631 (b) Be in such form and denominations;

6632 (c) Have such date or dates;

6633 (d) Mature at such time or times and in such amount or
6634 amounts, provided that no bonds may mature more than forty (40)
6635 years after the date of issuance;

6636 (e) Bear interest, if applicable, payable at such times
6637 and such rate or rates as may be established by the board;

6638 (f) Be payable at such place or places within or
6639 without the State of Mississippi;



6640 (g) Be subject to such terms of redemption in advance
6641 of maturity at such prices, including such premiums; and

6642 (h) Contain such other terms and provisions as may be
6643 appropriate or necessary in the discretion of the water authority.

6644 (6) Bonds of the water authority may be sold at either
6645 public or private sale in such manner, and from time to time, as
6646 may be determined by the board to be most advantageous. The water
6647 authority may pay all expenses, premiums and commissions that the
6648 board may deem necessary or advantageous in connection with the
6649 authorization, sale and issuance of its bonds.

6650 (7) All bonds shall contain a recital that they are issued
6651 under the provisions of this chapter, which recital shall be
6652 conclusive that they have been duly authorized under the
6653 provisions of this chapter.

6654 (8) All bonds issued under the provisions of this chapter
6655 shall be and are declared to be negotiable instruments within the
6656 meaning of the negotiable instruments law of the state and shall
6657 be in registered form.

6658 (9) All bonds issued by a water authority may be validated
6659 upon the direction of the board under Sections 31-13-1 through
6660 31-13-11. The validation hearing shall be held in the county in
6661 which the principal office of the water authority is located.

6662 **SECTION 83.** Section 57-3-11, Mississippi Code of 1972, is
6663 amended as follows:



6664 57-3-11. Before issuing any bonds hereunder the governing
6665 body, as hereinbefore defined, of any municipality, as
6666 hereinbefore defined, shall adopt a resolution declaring its
6667 intention so to do stating the amount of bonds proposed to be
6668 issued, the purpose for which the bonds are to be issued, and the
6669 date upon which the governing body proposes to direct the issuance
6670 of such bonds. Such resolution shall be published either on a
6671 free, publicly accessible, official government website for three
6672 (3) consecutive weeks, or once a week for at least three (3)
6673 consecutive weeks in at least one (1) newspaper published in the
6674 county in which such municipality is located. The first
6675 publication of such resolution shall be made not less than
6676 twenty-one (21) days prior to the date fixed in such resolution
6677 for the issuance of the bonds and the last publication shall be
6678 made not more than seven (7) days prior to such date. When
6679 published in a newspaper, if no newspaper be published in such
6680 county, then such notice shall be given by publishing the
6681 resolution for the required time in some newspaper having a
6682 general circulation in such county, and, in addition, by posting a
6683 copy of such resolution for at least twenty-one (21) days next
6684 preceding the date fixed therein at three (3) public places in
6685 such county. If twenty per centum (20%) of the qualified electors
6686 of the municipality shall file a written protest against the
6687 issuance of such bonds on or before the date specified in such
6688 resolution, then an election on the question of the issuance of



6689 such bonds shall be called and held as herein provided. If no
6690 such protest be filed, then such bonds may be issued without an
6691 election on the question of the issuance thereof, at any time
6692 within a period of two (2) years after the date specified in the
6693 above-mentioned resolution. However, the governing body of such
6694 municipality, in its discretion, may nevertheless call an election
6695 on such question, in which event it shall not be necessary to
6696 publish the resolution declaring its intention to issue bonds as
6697 herein provided.

6698 **SECTION 84.** Section 57-3-13, Mississippi Code of 1972, is
6699 amended as follows:

6700 57-3-13. Where an election is to be called as provided in
6701 Section 57-3-11, notice of such election shall be signed by the
6702 clerk of the governing body of any municipality, and shall be
6703 published either on a free, publicly accessible, official
6704 government website for three (3) consecutive weeks, or once a week
6705 for at least three (3) consecutive weeks, in at least one (1)
6706 newspaper published in such county. The first publication of such
6707 notice shall be made not less than twenty-one (21) days prior to
6708 the date fixed for such election and the last publication shall be
6709 made not more than seven (7) days prior to such date. When
6710 published in a newspaper, if no newspaper is published in such
6711 county, then such notice shall be given by publishing the same for
6712 the required time in some newspaper having a general circulation
6713 in such county, and, in addition, by posting a copy of such notice



6714 for at least twenty-one (21) days next preceding such election at
6715 three (3) public places in such county.

6716 **SECTION 85.** Section 57-61-37, Mississippi Code of 1972, is
6717 amended as follows:

6718 57-61-37. (1) Each municipality is hereby authorized and
6719 empowered to borrow money from the board pursuant to the terms and
6720 provisions of this chapter. Each municipality is further
6721 authorized and empowered to pay to the board such fees and charges
6722 for services hereunder as the board may prescribe.

6723 (2) Each municipality is hereby authorized to evidence the
6724 borrowing of money from the board pursuant to this chapter by the
6725 issuance of evidences of indebtedness under the provisions of this
6726 section and to sell such evidences of indebtedness to the board to
6727 raise money for any purpose or purposes for which the board is
6728 authorized to loan money to such municipality under the terms of
6729 this chapter. Except as specifically provided in this chapter,
6730 such evidences of indebtedness shall be issued in accordance with
6731 the provisions of Sections 21-33-307, 21-33-309, 21-33-311,
6732 21-33-313, 21-33-315, 21-33-317, 21-33-319, 21-33-321 and
6733 21-33-323 in the case of cities or incorporated towns, and in
6734 accordance with the provisions of Sections 19-9-7, 19-9-9,
6735 19-9-11, 19-9-13, 19-9-15, 19-9-17, 19-9-19, 19-9-21, 19-9-23,
6736 19-9-25 and 19-9-29 in the case of counties. Bonds or other
6737 evidences of indebtedness which are issued either pursuant to this
6738 chapter, or pursuant to any other law as evidence of loans made



6739 pursuant to this chapter, shall not be deemed indebtedness within
6740 the meaning specified in Section 21-33-303 with regard to cities
6741 or incorporated towns, and in Section 19-9-5 with regard to
6742 counties. The preceding sentence shall apply to all such bonds
6743 and evidences of indebtedness outstanding as of the effective date
6744 of this provision and to all such bonds and evidences of
6745 indebtedness hereafter issued.

6746 (3) In connection with the issuance of evidences of
6747 indebtedness under the provisions of this chapter by cities,
6748 incorporated towns and counties, the following provisions shall
6749 specifically apply:

6750 (a) When publishing notice of intent to issue bonds as
6751 required under the terms of Section 21-33-307 or Section 19-9-11,
6752 as the case may be, the municipality shall publish such notice
6753 either on a free, publicly accessible, official government website
6754 for three (3) consecutive weeks, or once a week for three (3)
6755 consecutive weeks, the first publication to be not less than
6756 twenty-one (21) days prior to the date set for authorizing such
6757 issuance and the last publication to be not more than seven (7)
6758 days prior to such date.

6759 (b) Such evidences of indebtedness shall be secured:

6760 (i) by the revenues derived by the municipality from the
6761 ownership, operation or lease of the project or improvements
6762 funded with proceeds of the loan from the board to such
6763 municipality under the terms of this chapter or by loan repayments



6764 from the private company derived by the municipality from the loan
6765 to the private company of the proceeds of the loan from the board
6766 to such municipality under the terms of this chapter, but only to
6767 the extent, in whole or in part, pledged by the municipality,
6768 which pledge may be on a basis subordinate to other obligations or
6769 agreements of the municipality; (ii) by the sources of repayment
6770 provided for under the terms of subsections (7) and (8) of Section
6771 57-61-15 of this chapter; (iii) and as provided by Chapter 33,
6772 Title 21, Mississippi Code of 1972, in the case of cities and
6773 incorporated towns, and Chapter 9, Title 19, Mississippi Code of
6774 1972, in the case of counties but only in the event that the
6775 sources provided by items (i) and (ii) hereof are insufficient
6776 therefor. For the purposes of Section 27-39-321, the evidences of
6777 indebtedness issued hereunder shall be deemed to be "general
6778 obligation bonds."

6779 (c) Such evidences of indebtedness may be sold only to
6780 the board at private sale and may be sold at such price or prices,
6781 in such manner and at such times as may be agreed to by the
6782 municipality and the board, and the municipality may pay all
6783 expenses, premiums, fees and commissions which it may deem
6784 necessary and advantageous in connection with the issuance and
6785 sale thereof and such evidences of indebtedness shall mature at
6786 such time or times not exceeding thirty (30) years and in such
6787 amounts and shall bear interest at such rate or rates as required
6788 for loans made under the provisions of this chapter and as may be



6789 agreed upon by the board and the municipality; provided, that in
6790 connection with financing a Navy home port, the municipality may
6791 obtain a letter of credit and pledge to the repayment thereof the
6792 same sources pledged to such evidences of indebtedness or
6793 negotiate and enter into a credit agreement, trust indenture or
6794 other agreement with any bank, trust company or other lending
6795 institution for the purpose of making or receiving any payments
6796 required to be made to the United States Navy to accommodate a
6797 Navy home port.

6798 (d) The proceeds of such evidences of indebtedness
6799 shall be applied to the following: (i) the purpose for which such
6800 evidences of indebtedness were issued; (ii) the payment of all
6801 costs of issuance of such evidences of indebtedness; (iii) the
6802 payment of any fees and charges established by the board; (iv) the
6803 payment of interest on such evidences of indebtedness for a period
6804 of time not greater than the period of time estimated to be
6805 required to complete the purpose for which the evidences of
6806 indebtedness were issued or to the extent provided by resolution
6807 of the municipality and approved by the board; (v) the payment of
6808 any costs relating to obtaining or entering into a credit
6809 agreement, loan disbursement agreement, trust indenture or other
6810 agreement with any bank, trust company or other lending
6811 institution for the purpose of securing, making or receiving any
6812 payments required to be made to the United States Navy to
6813 accommodate a Navy home port.



6814 (e) Evidences of indebtedness issued under this section
6815 may be validated in the manner and with the force and effect
6816 provided in Section 31-13-1 et seq.

6817 (f) This section shall be deemed to provide an
6818 additional, alternate and complete method for the doing of the
6819 things authorized hereby and shall be deemed and construed to be
6820 supplemental to any provisions of any other laws and not in
6821 derogation of any such provisions. In connection with the
6822 issuance of evidences of indebtedness, a municipality shall not be
6823 required to comply with the provisions of any other law except as
6824 provided herein.

6825 **SECTION 86.** Section 57-75-17, Mississippi Code of 1972, is
6826 amended as follows:

6827 57-75-17. (1) For the purpose of aiding in the planning,
6828 design, undertaking and carrying out of the project or any
6829 facility related to the project, any public agency is authorized
6830 and empowered upon such terms, with or without consideration, as
6831 it may determine:

6832 (a) To enter into agreements, which may extend over any
6833 period, with the authority respecting action to be taken by such
6834 public agency with respect to the acquisition, planning,
6835 construction, improvement, operation, maintenance or funding of
6836 the project or any such facility, and which agreements may
6837 include:



6838 (i) The appropriation or payment of funds to the
6839 authority or to a trustee in amounts which shall be sufficient to
6840 enable the authority to defray any designated portion or
6841 percentage of the expenses of administering, planning, designing,
6842 constructing, acquiring, improving, operating, and maintaining the
6843 project or any facility related to the project,

6844 (ii) The appropriation or payment of funds to the
6845 authority or to a trustee to pay interest and principal (whether
6846 at maturity or upon sinking fund redemption) on bonds of the
6847 authority issued pursuant to this act and to fund reserves for
6848 debt service, for operation and maintenance and for renewals and
6849 replacements, and to fulfill requirements of any covenant with
6850 respect to debt service contained in any resolution, trust
6851 indenture or other security agreement relating to the bonds of the
6852 authority issued pursuant to this act,

6853 (iii) The furnishing of other assistance in
6854 connection with the project or facility related to the project,
6855 and

6856 (iv) The borrowing of money from the authority in
6857 connection with a project defined in Section 57-75-5(f)(ii);

6858 (b) To dedicate, sell, donate, convey or lease any
6859 property or interest in property to the authority or grant
6860 easements, licenses or other rights or privileges therein to the
6861 authority;



6862 (c) To incur the expense of any public improvements
6863 made or to be made by such public agency in exercising the powers
6864 granted in this section;

6865 (d) To lend, grant or contribute funds to the
6866 authority;

6867 (e) To cause public buildings and public facilities,
6868 including parks, playgrounds, recreational areas, community
6869 meeting facilities, water, sewer or drainage facilities, or any
6870 other works which it is otherwise empowered to undertake, to be
6871 furnished to or with respect to the project or any such facility;

6872 (f) To furnish, dedicate, close, vacate, pave, install,
6873 upgrade or improve highways, streets, roads, sidewalks, airports,
6874 railroads, or ports;

6875 (g) To plan or replan, zone or rezone any parcel of
6876 land within the public agency or make exceptions from land use,
6877 building and zoning regulations;

6878 (h) To cause administrative and other services to be
6879 furnished to the authority, including services pertaining to the
6880 acquisition of real property and the furnishing of relocation
6881 assistance; and

6882 (i) To loan to the owner, lessee or operator of any
6883 project defined in Section 57-75-5(f)(ii) the proceeds of any loan
6884 from the authority to the public entity under the provisions of
6885 this act.



6886 (2) Any contract between a public agency entered into with
6887 the authority pursuant to any of the powers granted by this act
6888 shall be binding upon said public agency according to its terms,
6889 and such public agency shall have the power to enter into such
6890 contracts as in the discretion of the governing authorities
6891 thereof would be to the best interest of the people of such public
6892 agency. Such contracts may include within the discretion of such
6893 governing authorities of public agencies defined under Section
6894 57-75-5(h) (ii) a pledge of the full faith and credit of such
6895 public agency or any other lawfully available funds for the
6896 performance thereof. If at any time title to or possession of the
6897 project or any such facility is held by any public body or
6898 governmental agency other than the authority, including any agency
6899 or instrumentality of the United States of America, the agreements
6900 referred to in this section shall inure to the benefit of and may
6901 be enforced by such public body or governmental agency.

6902 (3) Notwithstanding any provisions of this act to the
6903 contrary, any contract entered into between the authority and any
6904 public agency for the appropriation or payment of funds to the
6905 authority under item (a) (ii) or (a) (iv) of this section shall
6906 contain a provision therein requiring periodic payments by the
6907 public agency as required by the authority to pay its indebtedness
6908 and, if the public agency is not a county or municipality, such
6909 contract shall include as an additional party to the contract the
6910 county or municipality (referred to in this paragraph as "levying



6911 authority") that levies and collects taxes for the contracting
6912 public agency. If the public agency fails to pay its indebtedness
6913 for any month, the authority shall certify to the Department of
6914 Revenue, or other appropriate agency, the amount of the
6915 delinquency, and the Department of Revenue shall deduct such
6916 amount from the public agency's or levying authority's, as the
6917 case may be, next allocation of sales taxes, petroleum taxes,
6918 highway privilege taxes, severance taxes, Tennessee Valley
6919 Authority payments in lieu of taxes and homestead exemption
6920 reimbursements in that order of priority. The Department of
6921 Revenue, or other appropriate agency, shall pay the sums so
6922 deducted to the authority to be applied to the discharge of the
6923 contractual obligation.

6924 (4) Notwithstanding any provision of this act to the
6925 contrary, all loans made pursuant to Section 57-75-11(hh) and this
6926 section shall be for a term not to exceed twenty (20) years as may
6927 be determined by the authority, shall bear interest at such rates
6928 as may be determined by the authority, shall, in the sole
6929 discretion of the authority, be secured in an amount and a manner
6930 as may be determined by the authority.

6931 (5) (a) Before authorizing any loan to a public agency
6932 defined in Section 57-75-5(h)(ii), a local governmental unit, the
6933 governing authority of such local governmental unit in connection
6934 with a project defined in Section 57-75-5(f)(ii), shall adopt a
6935 resolution declaring its intention so to do, stating the amount of



6936 the loan proposed to be authorized and the purpose for which the
6937 loan is to be authorized, and the date upon which the loan will be
6938 authorized. Such resolution shall be published either on a free,
6939 publicly accessible, official government website for three (3)
6940 consecutive weeks, or once a week for at least three (3)
6941 consecutive weeks in at least one (1) newspaper published in such
6942 local governmental unit. The first publication of such resolution
6943 shall be made not less than twenty-one (21) days before the date
6944 fixed in such resolution for the authorization of the loan and the
6945 last publication shall be made not more than seven (7) days before
6946 such date. When published in a newspaper, if no newspaper is
6947 published in such local governmental unit, then such notice shall
6948 be given by publishing the resolution for the required time in
6949 some newspaper having a general circulation in such local
6950 governmental unit and, in addition, by posting a copy of such
6951 resolution for at least twenty-one (21) days next preceding the
6952 date fixed therein at three (3) public places in such local
6953 governmental unit. If fifteen percent (15%) of the qualified
6954 electors of the local governmental unit or fifteen hundred (1500),
6955 whichever is the lesser, file a written protest against the
6956 authorization of such loan on or before the date specified in such
6957 resolution, then an election on the question of the authorization
6958 of such loan shall be called and held as otherwise provided for in
6959 connection with the issuance of general obligation indebtedness of
6960 such local governmental unit. Notice of such election shall be



6961 given as otherwise required in connection with the issuance of
6962 general obligation indebtedness of such local governmental unit.
6963 If three-fifths (3/5) of the qualified electors voting in the
6964 election vote in favor of authorizing the loan, then the governing
6965 authority of the local governmental unit shall proceed with the
6966 loan; however, if less than three-fifths (3/5) of the qualified
6967 electors voting in the election vote in favor of authorizing the
6968 loan, then the loan shall not be incurred. If no protest be
6969 filed, then such loan may be entered into by the local
6970 governmental unit without an election on the question of the
6971 authorization of such loan, at any time within a period of two (2)
6972 years after the date specified in the resolution. However, the
6973 governing authority of any local governmental unit, in its
6974 discretion, may nevertheless call an election on such question, in
6975 which event it shall not be necessary to publish the resolution
6976 declaring its intention to authorize such loan as provided in this
6977 subsection.

6978 (b) Local governmental units may, in connection with
6979 any such loan, enter into any covenants and agreements with
6980 respect to such local governmental unit's operations, revenues,
6981 assets, monies, funds or property, or such loan, as may be
6982 prescribed by the authority.

6983 (c) Upon the making of any such loan by the authority
6984 to any local governmental unit, such local governmental unit shall
6985 be held and be deemed to have agreed that if such governmental



6986 unit fails to pay the principal of, premium, if any, and interest
6987 on any such loan as when due and payable, such governmental unit
6988 shall have waived any and all defenses to such nonpayment, and the
6989 authority, upon such nonpayment, shall thereupon avail itself of
6990 all remedies, rights and provisions of law applicable in such
6991 circumstance, including without limitation any remedies or rights
6992 theretofore agreed to by the local governmental unit, and that
6993 such loan shall for all of the purposes of this section, be held
6994 and be deemed to have become due and payable and to be unpaid.
6995 The authority may carry out the provisions of this section and
6996 exercise all of the rights and other applicable laws of this
6997 state.

6998 (d) This section shall be deemed to provide an
6999 additional, alternative and complete method for the doing of the
7000 things authorized by this section and shall be deemed and
7001 construed to be supplemental to any power conferred by other laws
7002 on public agencies and not in derogation of any such powers. Any
7003 obligation incurred pursuant to the provisions of this section
7004 shall not constitute an indebtedness of the public agency within
7005 the meaning of any constitutional or statutory limitation or
7006 restriction. For purposes of this act, a public agency shall not
7007 be required to comply with the provisions of any other law except
7008 as provided in this section.

7009 (6) Any public agency providing any utility service or
7010 services, to any project defined in Section 57-75-5(f)(iv)1 may



7011 enter into leases or subleases for any period of time not to
7012 exceed thirty (30) years, in the capacity as lessor or lessee or
7013 sublessor or sublessee of lands alone, or lands and facilities
7014 located thereon, whether the facilities are owned by the owner of
7015 the land, a lessee, sublessee or a third party, and whether the
7016 public agency is a lessor, lessee or owner of the land. Any such
7017 public agency may also enter into operating agreements and/or
7018 lease-purchase agreements with respect to land or utility
7019 facilities as owner, operator, lessor or lessee for any period of
7020 time not to exceed thirty (30) years. Any such public agency may
7021 also enter into contracts for the provision of utilities for any
7022 period of time not to exceed thirty (30) years and may set a
7023 special rate structure for such utilities.

7024 (7) (a) No well shall be permitted by any public agency
7025 responsible for the conservation of oil and gas in the State of
7026 Mississippi to be drilled on or under a tract of land which is a
7027 part of a project owned or operated by an enterprise as defined in
7028 Section 57-75-5(f) (xxix) and which enterprise is a nonconsenting
7029 owner as defined in Section 53-3-7(1), which owns both the surface
7030 estate of said tract of land and also owns one hundred percent
7031 (100%) of the drilling rights in said tract of land.

7032 (b) No mining activities on or under land which is part
7033 of a project as defined in Section 57-75-5(f) (xxix) shall be
7034 permitted by any public agency responsible for mining in the state



7035 without the consent of the enterprise owning or operating such
7036 project.

7037 **SECTION 87.** Section 59-3-7, Mississippi Code of 1972, is
7038 amended as follows:

7039 59-3-7. Before issuing bonds authorized by Section 59-3-3
7040 the corporate authorities shall by resolution spread upon their
7041 minutes, declare their intention of issuing said bonds, fixing in
7042 such resolution the maximum amount thereof, and the purpose for
7043 which they are to be issued, and where an election is required
7044 shall fix in such resolution a date upon which an election shall
7045 be held in said municipality, of which not less than three (3)
7046 weeks' notice shall be given by the clerk by a notice published
7047 either on a free, publicly accessible, official government website
7048 for three (3) consecutive weeks, or in a newspaper published in
7049 said municipality once a week for three (3) weeks preceding said
7050 election at three (3) public places in said municipality. Such
7051 election shall be held, as far as practicable, as other elections
7052 are held in municipalities.

7053 **SECTION 88.** Section 59-3-9, Mississippi Code of 1972, is
7054 amended as follows:

7055 59-3-9. At such election as is provided for by Section
7056 59-3-7, all qualified electors may vote and the ballots used shall
7057 have printed thereon a brief statement of the amount and purpose
7058 of the proposed bond issue and the words, "For the bond issue,"
7059 and the words, "Against the bond issue," and the voter shall vote



7060 by placing a cross (X) opposite his choice of the proposition. In
7061 cities of less than twelve thousand (12,000) inhabitants, when the
7062 amount to be issued is not more than Thirty Thousand Dollars
7063 (\$30,000.00) the corporate authorities shall publish the
7064 resolution as herein provided either on a free, publicly
7065 accessible, official government website for three (3) consecutive
7066 weeks, or declaring their intention to issue said bonds for three
7067 (3) weeks, giving the day and date upon which said bonds are to be
7068 issued; and if twenty percent (20%) of the qualified electors of
7069 the municipality file a written protest against the issuance of
7070 said bonds on or before said date, then an election shall be had
7071 as herein provided, and if no protest shall be filed said bonds
7072 shall be issued without an election.

7073 **SECTION 89.** Section 59-7-17, Mississippi Code of 1972, is
7074 amended as follows:

7075 59-7-17. At an election required by Section 59-7-15, all
7076 qualified electors of said municipality may vote, and the ballots
7077 used shall have printed thereon a brief statement of the amount
7078 and purpose of the proposed bond issue and the words, "For the
7079 bond issue", and the words, "Against the bond issue", and the
7080 voter shall vote by placing a cross (X) opposite his choice of the
7081 proposition. In cities of less than twelve thousand (12,000)
7082 inhabitants, when the amount to be issued is not more than Thirty
7083 Thousand Dollars (\$30,000.00) the corporate authorities shall
7084 publish the resolution either on a free, publicly accessible,



7085 official government website for three (3) consecutive weeks, or in
7086 some newspaper published in the county for three (3) full
7087 consecutive weeks as herein provided, declaring their intention to
7088 issue said bonds, giving the day and date upon which said bonds
7089 are to be issued and if twenty percent (20%) of the qualified
7090 electors of the municipality file a written protest against the
7091 issuance of said bonds, on or before said date, then an election
7092 shall be had as herein provided, and if no protest shall be filed,
7093 said bonds shall be issued without an election.

7094 **SECTION 90.** Section 59-7-113, Mississippi Code of 1972, is
7095 amended as follows:

7096 59-7-113. Before issuing any bonds for any of the purposes
7097 herein enumerated, the board of supervisors shall adopt a
7098 resolution declaring its intention so to do, stating the amount of
7099 bonds proposed to be issued and the purpose for which the bonds
7100 are to be issued, and the date upon which the board proposes to
7101 direct the issuance of such bonds. Such resolution shall be
7102 published either on a free, publicly accessible, official
7103 government website for three (3) consecutive weeks, or once a week
7104 for at least three (3) consecutive weeks in at least one (1)
7105 newspaper published in such county. The first publication of such
7106 resolution shall be made not less than twenty-one (21) days prior
7107 to the date fixed in such resolution for the issuance of the
7108 bonds, and the last publication shall be made not more than seven
7109 (7) days prior to such date. When published in a newspaper, if no



7110 newspaper be published in such county, then such notice shall be
7111 given by publishing the resolution for the required time in some
7112 newspaper having a general circulation in such county and, in
7113 addition, by posting a copy of such resolution for at least
7114 twenty-one (21) days next preceding the date fixed therein at
7115 three (3) public places in such county. If twenty percent (20%)
7116 of the qualified electors of the county shall file a written
7117 protest against the issuance of such bonds on or before the date
7118 specified in such resolution, then an election on the question of
7119 the issuance of such bonds shall be called and held as is herein
7120 provided. If no such protest be filed, then such bonds may be
7121 issued without an election on the question of the issuance
7122 thereof, at any time within a period of two (2) years after the
7123 date specified in the above-mentioned resolution. However, the
7124 board of supervisors, in its discretion, may nevertheless call an
7125 election on such question, in which event it shall not be
7126 necessary to publish the resolution declaring its intention to
7127 issue such bonds as herein provided.

7128 **SECTION 91.** Section 59-7-115, Mississippi Code of 1972, is
7129 amended as follows:

7130 59-7-115. Where an election is to be called, as provided in
7131 Section 59-7-113, notice of such election shall be signed by the
7132 clerk of the board of supervisors and shall be published either on
7133 a free, publicly accessible, official government website for three
7134 (3) consecutive weeks, or once a week for at least three (3)



7135 consecutive weeks, in at least one (1) newspaper published in such
7136 county. The first publication of such notice shall be made not
7137 less than twenty-one (21) days prior to the date fixed for such
7138 election and the last publication shall be made not more than
7139 seven (7) days prior to such date. When published in a newspaper,
7140 if no newspaper is published in such county, then such notice
7141 shall be given by publishing the same for the required time in
7142 some newspaper having a general circulation in such county, and,
7143 in addition, by posting a copy of such notice for at least
7144 twenty-one (21) days next preceding such election at three (3)
7145 public places in such county.

7146 **SECTION 92.** Section 59-13-5, Mississippi Code of 1972, is
7147 amended as follows:

7148 59-13-5. Upon the adoption of such order by the board of
7149 supervisors, as provided for in Section 59-13-3, the clerk of such
7150 board shall publish either on a free, publicly accessible,
7151 official government website for two (2) weeks, or in two (2)
7152 weekly issues of some newspaper having a general circulation in
7153 the county, a notice of intention to issue bonds for said
7154 purposes; if, within fifteen (15) days after the first publication
7155 of a copy of such notice twenty-five percent (25%) of the
7156 qualified electors of the county if the bonds to be issued are to
7157 be county-wide bonds, or twenty-five percent (25%) of the
7158 qualified electors of the supervisor's district if the bonds to be
7159 issued are to be district bonds, petition the board of supervisors



7160 for an election to determine whether or not such bonds shall be
7161 issued, such election shall be ordered by said board of
7162 supervisors in which the qualified electors of the county, if the
7163 bonds to be issued are county-wide bonds, or of the supervisor's
7164 district, if the bonds to be issued are district bonds, shall be
7165 eligible to participate, and if at such election a majority of
7166 those voting vote in favor of the issuance of such bonds the same
7167 shall be issued, but if a majority shall vote against the issuance
7168 of such bonds the same shall not be issued. Such election shall
7169 be held and conducted and the returns thereof made as provided by
7170 law for other county or district elections. If no such petition
7171 be presented within fifteen (15) days after the first publication
7172 of such notice, the bonds shall be issued in the manner provided
7173 by law. However, in any case where an election has heretofore
7174 been held in any county or supervisors district, pursuant to the
7175 provisions of this chapter on the question of issuing bonds of
7176 such county or supervisors district for the purpose of providing
7177 and constructing public harbor improvements, harbor developments,
7178 breakwaters, wharves and docks, recreational centers and all
7179 buildings in connection therewith, and providing necessary
7180 rights-of-way, and a majority of those who participated in such
7181 election voted in favor of the issuance of such bonds, and such
7182 bonds have not for any reason been issued, the board of
7183 supervisors of such county in which such supervisors district is
7184 situated, as the case may be, may, by resolution of such board,



7185 adopted at any time within twelve (12) months from and after the
7186 passage of this chapter, authorize and direct the issuance of
7187 bonds of such county or district under the provisions of this
7188 chapter, in an amount not exceeding the amount set forth in the
7189 proposition submitted at such election, and for the purposes
7190 authorized by this chapter, without the giving of any notice
7191 required in this section and without any further election on the
7192 issuance thereof.

7193 **SECTION 93.** Section 65-7-4, Mississippi Code of 1972, is
7194 amended as follows:

7195 65-7-4. (1) On or before July 1, 2000, the board of
7196 supervisors of each county shall prepare and adopt an official map
7197 designating and delineating all public roads on the county road
7198 system. Changes to the county road system shall be recorded on
7199 this map as soon as is reasonably possible. The map, as it is
7200 periodically revised, shall be kept on file in the office of the
7201 clerk of the board of supervisors where it shall be available for
7202 public inspection.

7203 (2) On or before July 1, 2000, the board of supervisors of
7204 each county shall prepare and adopt a county road system register
7205 in which shall be entered:

7206 (a) The number and name of each public road on the
7207 county road system.

7208 (b) A general reference to the terminal points and
7209 course of each such road.



7210 (c) A memorandum of every proceeding in reference to
7211 each such road, with the date of such proceeding, and the page and
7212 volume of the minute book of the board of supervisors where it is
7213 recorded; however, reference to proceedings before July 1, 2000,
7214 shall not be required.

7215 (3) Before the initial adoption of the official map and the
7216 county road system register, the board of supervisors shall hold a
7217 public hearing on the content of the official map and the county
7218 road system registry and shall publish notice of the hearing
7219 either on a free, publicly accessible, official government website
7220 for not less than two (2) weeks, or at least one (1) time, not
7221 less than two (2) weeks before the date of the hearing, in a
7222 newspaper having general circulation in the county.

7223 (4) All subsequent proceedings and changes to the county
7224 road system shall be recorded in the county road system register
7225 as soon as is reasonably possible. The county road system
7226 register, as it is periodically revised, shall be kept on file in
7227 the office of the clerk of the board of supervisors where it shall
7228 be available for public inspection.

7229 (5) From and after July 1, 2000, the official record of the
7230 county road system shall consist of an official map, as provided
7231 for in subsection (1) of this section, and the county road system
7232 register, as provided for in subsection (2) of this section. The
7233 county road system register shall have priority in case of
7234 conflict between the register and the official map. The minutes



7235 of the board of supervisors containing proceedings with respect to
7236 county roads and the county road system shall serve as the
7237 official record until such proceedings are recorded on the
7238 official map and in the county road system register. The official
7239 record of the county road system, at a minimum, shall be revised
7240 and updated on or before July 1 of each year.

7241 (6) It is the intention of the Legislature that the initial
7242 official record of the county road system prepared and adopted in
7243 accordance with this section shall include all public roads that
7244 the board of supervisors determines, consistent with fact, as of
7245 July 1, 2000, or such date the initial official record is adopted,
7246 are laid out and open according to law. From and after July 1,
7247 2000, no road shall be added or deleted from the county road
7248 system or otherwise changed except by order or other appropriate
7249 action of the board of supervisors and such action shall be
7250 recorded in the minutes of the board. All additions, deletions or
7251 changes to the county road system shall be recorded in the
7252 official record of the county road system as provided for in this
7253 section.

7254 **SECTION 94.** Section 65-7-121, Mississippi Code of 1972, is
7255 amended as follows:

7256 65-7-121. (1) The board of supervisors of any county may,
7257 upon its own motion or upon the petition of any interested
7258 resident of the county, by resolution spread upon its minutes,
7259 declare any section of the county road system abandoned upon its



7260 finding that one or more of the following circumstances are
7261 applicable to the section in question:

7262 (a) The section does not provide primary access to
7263 occupied properties;

7264 (b) Traffic on the section has for a period of at least
7265 ten (10) consecutive years been intermittent and of such low
7266 volume that no substantial public purpose is being served thereby;

7267 (c) The board of supervisors has, for a period of at
7268 least the previous five (5) consecutive years, not maintained such
7269 section as part of the county road system; or

7270 (d) For any reason, the public interest or convenience
7271 does not require the section to remain open to the public or that
7272 it is in the public interest or convenience to close, vacate and
7273 abandon the section.

7274 (2) Except as provided in subsection (3) of this section,
7275 before any section of the county road system may be abandoned as
7276 provided in this section, the board of supervisors shall hold a
7277 public hearing on the question of such abandonment and shall
7278 publish notice of such hearing either on a free, publicly
7279 accessible, official government website for not less than two (2)
7280 weeks, or at least two (2) times, not less than two (2) weeks
7281 prior to the date of the hearing, in a newspaper having general
7282 circulation in the county.

7283 (3) [Repealed]



7284 (4) The resolution of the board of supervisors abandoning
7285 any section of the county road system will abrogate the easement
7286 theretofore owned, held, claimed or used by or on behalf of the
7287 general public but will not affect any private easements.

7288 (5) Upon the abandonment of any section of the county road
7289 system, the board of supervisors shall post clearly visible signs
7290 at any intersection of the abandoned roadway with the county road
7291 system indicating that the abandoned section is no longer part of
7292 the county road system and is not maintained by the county. Once
7293 the required signs are posted, the county shall not be liable for
7294 the death of or injury to a vehicle owner, operator or passenger,
7295 or for damage to a vehicle or its contents, resulting from a
7296 dangerous condition on the abandoned section. If there exists a
7297 public railroad grade crossing or railroad bridge on the section
7298 of county road so abandoned, the county shall furnish the railroad
7299 or individual owning such railroad trackage with a copy of the
7300 resolution authorizing the abandonment and thereupon, the railroad
7301 company or individual owning such trackage may barricade the
7302 crossing or remove the bridge.

7303 (6) From and after July 1, 2000, any proceedings under this
7304 section shall be documented in the official record of the county
7305 road system in accordance with the requirements of Section 65-7-4.

7306 **SECTION 95.** Section 65-19-3, Mississippi Code of 1972, is
7307 amended as follows:



7308 65-19-3. Whenever the proceeding has been initiated or
7309 proposed by either of the methods above provided, the said board
7310 shall cause notice to be published of the said proposal, which
7311 notice shall be sufficiently full to fairly apprise all persons in
7312 interest of the character and objects of said proposal. The
7313 notice shall fix a time and place when and where the board of
7314 supervisors will hear objections to the creation of said district
7315 and to the bringing of any of the defined territory within said
7316 district. Said notice shall be published either on a free,
7317 publicly accessible, official government website for three (3)
7318 consecutive weeks, or in a newspaper of general circulation
7319 published in the county once a week for three (3) weeks prior to
7320 the date of the hearing fixed in said notice; the first
7321 publication shall be not less than eighteen (18) nor more than
7322 forty (40) days prior to said date. When published in a
7323 newspaper, if there be no newspaper published in the county in
7324 which the territory is located, the notice shall be published in
7325 some newspaper having a general circulation therein.

7326 **SECTION 96.** Section 65-21-17, Mississippi Code of 1972, is
7327 amended as follows:

7328 65-21-17. For the purpose of carrying out the provisions of
7329 Section 65-21-15, the board or boards of supervisors may, in the
7330 same manner as set forth in said section, declare it to be their
7331 intention to issue bonds not earlier than thirty (30) days and
7332 publish the same, stating the amount of contemplated bond issue,



7333 either on a free, publicly accessible, official government
7334 website, or in any legal newspaper in the county or counties
7335 involved as provided by law. If twenty percent (20%) of the
7336 qualified electors petition the board or boards of supervisors for
7337 an election to determine said bond issue, the board or boards of
7338 supervisors shall order an election not later than thirty (30)
7339 days from the date the petition was presented, and a majority of
7340 the qualified electors voting shall decide the bond issue. If one
7341 or more of the counties voting should, by a majority vote of the
7342 qualified electors voting, decide against said bond issue, the
7343 part voting against the bond issue shall not issue said bonds; but
7344 if one or more of the counties voting at the same time or some
7345 other time vote favorably by a majority of the qualified electors
7346 voting for a bond issue, as provided in this section, then the
7347 board or boards of supervisors of the county or counties so voting
7348 may issue the designated bonds for the purpose of purchasing only
7349 the designated bridge or bridges.

7350 **SECTION 97.** Section 65-33-49, Mississippi Code of 1972, is
7351 amended as follows:

7352 65-33-49. In those counties operating under this chapter,
7353 the board of supervisors may borrow funds not in excess of Three
7354 Hundred Fifty Thousand Dollars (\$350,000.00) at a rate of interest
7355 not exceeding six percent (6%) * * * per annum, in addition to
7356 such sums as may have heretofore been borrowed, for the purpose of
7357 extending, constructing, repairing, or maintaining the road



7358 protection of the county or to protect by sea wall or road
7359 protection any street, highway, road, or avenue connected
7360 therewith extending to or along the side of a harbor or to a boat
7361 landing or dock, which, in the judgment of the board of
7362 supervisors of such county, should be so protected either for an
7363 existing or a contemplated road, street, highway, or avenue. Such
7364 board of supervisors shall have authority to acquire by purchase
7365 or otherwise a dredge boat and use and operate the same for the
7366 purpose of pumping a sand beach adjacent to such sea wall or road
7367 protection structure, and to pay for same out of any funds
7368 provided under this section or any funds collected under Section
7369 65-33-47. The funds or amount borrowed for the purpose provided
7370 for in this section shall be paid within a period of ten (10)
7371 years from the date borrowed, and shall be paid out of the funds
7372 collected under this chapter. All bonds, notes, or certificates
7373 of indebtedness maturing each year and the interest thereon,
7374 however, shall be first provided for and paid out of said funds.
7375 The loans authorized herein shall not be subject to other
7376 limitations, restrictions, or provisions of the general laws
7377 governing the borrowing of money, amounts of indebtedness, budget,
7378 and election; and said loans may be made by the board of
7379 supervisors of such county either by issuance of county bonds,
7380 notes, or certificates of indebtedness which shall be full faith
7381 and credit obligations of the county issuing the same and shall be
7382 payable, both as to principal and interest, from the same sources



7383 of revenue and taxes made available for the payment of road
7384 protection bonds under the provisions of this chapter. The money
7385 herein authorized to be borrowed may be borrowed by such board of
7386 supervisors from any person, firm, corporation, governmental
7387 lending agency, or from any sinking funds of such county, provided
7388 that if the money be borrowed from any sinking fund, it shall be
7389 repaid before the sinking fund from which it is borrowed, when
7390 supplemented by funds paid into same, is needed. Before the board
7391 of supervisors shall borrow money under this section, it shall
7392 spread on its minutes an order reciting such intention and shall
7393 thereafter publish a copy of such order, either on a free,
7394 publicly accessible, official government website for two (2)
7395 consecutive weeks, or in two (2) weekly issues of some newspaper
7396 having a general circulation in the county. If, within fifteen
7397 (15) days after the first publication of a copy of such order,
7398 twenty-five percent (25%) of the qualified electors of the county
7399 petition the board of supervisors for an election to determine
7400 whether or not the adoption of such order should be annulled, such
7401 election shall be ordered by such board of supervisors. If at
7402 such election a majority of those voting vote in favor of the
7403 adoption of such order, the same shall be valid and effective; but
7404 if a majority shall vote against such order, it shall be annulled
7405 and shall be ineffective, and no further effort shall be made to
7406 borrow funds under this section by such board for a period of six
7407 (6) months from the date of such election. If no such petition be



7408 presented within fifteen (15) days after the first publication of
7409 a copy of such order, such order shall be valid and effective.
7410 The amount authorized to be borrowed under this section may be
7411 borrowed at any time and in any amount, but the total borrowed
7412 shall not exceed Three Hundred Fifty Thousand Dollars
7413 (\$350,000.00) in addition to such sums as may heretofore have been
7414 borrowed for the purposes herein enumerated, or either of them.

7415 **SECTION 98.** Section 65-33-51, Mississippi Code of 1972, is
7416 amended as follows:

7417 65-33-51. (1) In any county maintaining a seawall or road
7418 protection structure under the provisions of this chapter, the
7419 board of supervisors may borrow funds not in excess of One Million
7420 Five Hundred Thousand Dollars (\$1,500,000.00), at a rate of
7421 interest not exceeding four percent (4%) per annum, in addition to
7422 such sums as have heretofore been borrowed for the purpose of
7423 constructing, repairing, strengthening or maintaining the road
7424 protection structure or seawall of the county. Such board of
7425 supervisors shall have the authority to acquire by purchase or
7426 otherwise a dredge boat and to use and operate it for the purpose
7427 of pumping a sand beach adjacent to such seawall or road
7428 protection structure or for the maintenance thereof, and to pay
7429 for same out of any funds provided under this section. The funds
7430 or amount borrowed for the purposes provided for in this section
7431 shall be repaid within a period of fifteen (15) years from the
7432 date borrowed, and shall be paid out of the funds collected under



7433 this chapter. All bonds, notes, or certificates of indebtedness
7434 maturing each year and the interest thereon, however, shall be
7435 first provided for and paid out of said funds. The loans
7436 authorized herein shall not be subject to other limitations,
7437 restrictions, or provisions of the general laws governing the
7438 borrowing of money, amounts of indebtedness, budget, and election;
7439 and said loans may be made by the board of supervisors of such
7440 county either by issuance of county bonds, notes, or certificates
7441 of indebtedness which shall be full faith and credit obligations
7442 of the county issuing same and shall be payable, both as to
7443 principal and interest, from the same sources of revenue and taxes
7444 made available for the payment of road protection bonds under the
7445 provisions of this chapter. The money herein authorized to be
7446 borrowed by such board of supervisors may be borrowed from any
7447 person, firm, corporation, governmental lending agency, or from
7448 any sinking funds of such county; if the money be borrowed from
7449 any sinking fund, it shall be repaid before the sinking fund from
7450 which it is borrowed, when supplemented by funds paid into same,
7451 is needed. Before the board of supervisors shall borrow money
7452 under this section, it shall spread on its minutes an order
7453 reciting such intention, and shall thereafter publish a copy of
7454 such order either on a free, publicly accessible, official
7455 government website for three (3) consecutive weeks, or in three
7456 (3) weekly issues of some newspaper having a general circulation
7457 in the county. If, within fifteen (15) days after the first



7458 publication of a copy of such order, fifteen percent (15%) of the
7459 qualified electors of the county shall file with such board of
7460 supervisors a petition in writing requesting an election on the
7461 question of borrowing money in the amount and for the purpose as
7462 set forth in such order, then such money shall not be borrowed
7463 unless authorized by a majority of the qualified voters of such
7464 county voting in an election to be ordered by such board of
7465 supervisors for that purpose. Notice of such election shall be
7466 given and such election shall be held and conducted as provided by
7467 law in connection with elections for the submission of bond issues
7468 in such county. If such proposition shall fail to receive such
7469 majority vote at such election, then no further proceedings for
7470 the borrowing of such money shall be had or taken within a period
7471 of six (6) months from and after the date of such election. If,
7472 however, no such petition shall be so filed, or if at such
7473 election such petition shall be assented to by a majority vote,
7474 then such board of supervisors shall be authorized to borrow such
7475 money in the amount and for the purpose as set forth in such order
7476 as published. The amount authorized to be borrowed under this
7477 section may be borrowed at any time and in any amount, but the
7478 total borrowed shall not exceed One Million Five Hundred Thousand
7479 Dollars (\$1,500,000.00) in addition to such sums as may heretofore
7480 have been borrowed for the purposes herein enumerated, or either
7481 of them.



7482 (2) The board of supervisors is hereby given full power and
7483 authority to meet and do and grant any request of the United
7484 States Beach Erosion Board of the United States Army Corps of
7485 Engineers by and under Public Law 727, 79th Congress, Chapter 960,
7486 2nd Session, and to assure either or both the following:

7487 (a) Assure maintenance of the seawall and drainage
7488 facilities, and of the beach by artificial replenishment, during
7489 the useful life of these works, as may be required to serve their
7490 intended purpose;

7491 (b) Provide, at the county's own expense, all necessary
7492 land, easements, and rights-of-way;

7493 (c) To hold and save the United States free from all
7494 claims for damages that may arise either before, during, or after
7495 prosecution of the work;

7496 (d) To prevent, by ordinance, any water pollution that
7497 would endanger the health of the bathers;

7498 (e) To assume perpetual ownership of any beach
7499 construction and its administration for public use only, and that
7500 the board of supervisors is given full power and authority to do
7501 any and all things necessary in and about the repair and
7502 reconstruction, or construction or maintenance of the seawall and
7503 sloping beach adjacent thereto; and it is given such power to
7504 cooperate with the requirements of the United States government to
7505 receive any grant or grants of money from Congress or to
7506 contribute any grant or grants to the United States Army Corps of



7507 Engineers in and about this construction and maintenance and it is
7508 further given full power and authority to employ engineers,
7509 lawyers, or any other professional or technical help in and about
7510 the completion of this project. In the event the county engineer
7511 is selected to do any or all of said work, the board of
7512 supervisors is hereby authorized to pay and allow him such
7513 reasonable fees or salary which, in its opinion, is necessary,
7514 just, and commensurate to the work done by him.

7515 It is further given full power and authority to let, by
7516 competitive bids, any contract for the repair of said wall, or for
7517 the installation and drainage, and for the construction of any
7518 additional section of wall, together with any artificial beach
7519 adjacent to said wall; or it may, in its discretion, negotiate a
7520 contract for any and all construction or any part thereof for the
7521 construction, repair, reconstruction, or additions thereto; or it
7522 may do any or all of said work under the direction of the county
7523 engineer or engineers employed by it and for which purpose it may
7524 employ all necessary labor and equipment and purchase necessary
7525 materials.

7526 The intent and purpose of this section is to give unto the
7527 respective boards of supervisors the full power and authority to
7528 carry out all the provisions herein, and to act independently,
7529 jointly, or severally with the United States government by and
7530 under Public Law 727, 79th Congress.



7531 (3) The provisions of this section shall not apply to any
7532 county with an assessed valuation of less than Ten Million Dollars
7533 (\$10,000,000.00).

7534 **SECTION 99.** Section 65-33-53, Mississippi Code of 1972, is
7535 amended as follows:

7536 65-33-53. (1) In any county maintaining a seawall or road
7537 protection structure under the provisions of this chapter, the
7538 board of supervisors may borrow funds not in excess of Five
7539 Hundred Thousand Dollars (\$500,000.00) in addition to the One
7540 Million Five Hundred Thousand Dollars (\$1,500,000.00) authorized
7541 under Section 65-33-51, at the rate of interest not exceeding four
7542 percent (4%) per annum, in addition to such sums as have
7543 heretofore been borrowed for the purpose of constructing,
7544 repairing, strengthening, or maintaining the road protection
7545 structure or seawall of the county, including the raising of the
7546 roadbed as recommended and approved by the Mississippi * * *
7547 Transportation Commission, and to construct retaining walls for
7548 such raised roadbeds and to pump by hydraulic fill, or otherwise,
7549 a sand beach adjacent to such retaining wall or seawall structure.
7550 Such board of supervisors shall have the authority to acquire by
7551 purchase or otherwise a dredge boat and to use and operate it for
7552 the purpose of pumping a sand beach adjacent to such seawall or
7553 road protection structure or for the maintenance thereof; however,
7554 said board of supervisors shall not pay for same out of any funds
7555 provided under this section. The funds or amount borrowed for the



7556 purposes provided in this section shall be repaid within a period
7557 of fifteen (15) years from the date borrowed, and shall be paid
7558 out of the funds collected under this chapter. All bonds, notes,
7559 or certificates of indebtedness maturing each year and the
7560 interest thereon, however, shall be first provided for and paid
7561 out of said funds. The loans authorized herein shall not be
7562 subject to other limitations, restrictions, or provisions of the
7563 general laws governing the borrowing of money, amounts of
7564 indebtedness, budget, and election, and said loans may be made by
7565 the board of supervisors of such county either by issuance of
7566 county bonds, notes, or certificates of indebtedness which shall
7567 be full faith and credit obligations of the county issuing same
7568 and shall be payable, both as to principal and interest, from the
7569 same sources of revenue and taxes made available for the payment
7570 of road protection bonds under the provisions of this chapter,
7571 which sources of revenue and taxes are irrevocably pledged toward
7572 the repayment of any monies borrowed or any bonds issued under the
7573 provisions of this section. The money herein authorized to be
7574 borrowed by such board of supervisors may be borrowed from any
7575 person, firm, corporation, governmental lending agency, or from
7576 any sinking funds of such county; if the money is borrowed from
7577 any sinking fund, it shall be repaid before the sinking fund from
7578 which it is borrowed, when supplemented by funds paid into same,
7579 is needed. Before the board of supervisors shall borrow money
7580 under this section, it shall spread on its minutes an order



7581 reciting such intention and shall thereafter publish a copy of
7582 such order either on a free, publicly accessible, official
7583 government website for three (3) consecutive weeks, or in three
7584 (3) weekly issues of some newspaper having a general circulation
7585 in the county. If, within fifteen (15) days after the first
7586 publication of a copy of such order, fifteen percent (15%) of the
7587 qualified electors of the county shall file with such board of
7588 supervisors a petition in writing requesting an election on the
7589 question of borrowing money in the amount and for the purpose as
7590 set forth in such order, then such money shall not be borrowed
7591 unless authorized by a majority of the qualified voters of such
7592 county voting in an election to be ordered by such board of
7593 supervisors for that purpose. Notice of such election shall be
7594 given and such election shall be held and conducted as provided by
7595 law in connection with elections for the submission of bond issues
7596 in such county. If such proposition shall fail to receive such
7597 majority vote at such election, then no further proceedings for
7598 the borrowing of such money shall be had or taken within a period
7599 of six (6) months from and after the date of such election. If,
7600 however, no such petition shall be so filed, or if at such
7601 election such petition shall be assented to by a majority vote,
7602 then such board of supervisors shall be authorized to borrow such
7603 money in the amount and for the purpose as set forth in such order
7604 as published. The amount authorized to be borrowed under this
7605 section may be borrowed at any time and in any amount, but the



7606 total borrowed shall not exceed Five Hundred Thousand Dollars
7607 (\$500,000.00) in addition to such sums as may heretofore have been
7608 borrowed for the purposes herein enumerated, or either of them,
7609 and especially in addition to any sums that may have heretofore
7610 been borrowed or in addition to any bonds that may have heretofore
7611 been issued under authority of Section 65-33-51. Any attorneys'
7612 fees paid for the issuance of said bonds shall be paid out of the
7613 general fund of said county.

7614 (2) The board of supervisors is hereby given full power and
7615 authority to meet and do and grant any request of the United
7616 States Beach Erosion Board of the United States Army Corps of
7617 Engineers by and under Public Law 727, 79th Congress, Chapter 960,
7618 2nd Session, and to assure either or both the following:

7619 (a) Assure maintenance of the seawall and drainage
7620 facilities, and of the beach by artificial replenishment, during
7621 the useful life of these works, as may be required to serve their
7622 intended purpose;

7623 (b) Provide, at the county's own expense, all necessary
7624 land, easements, and rights_of_way;

7625 (c) To hold and save the United States free from all
7626 claims for damages that may arise either before, during, or after
7627 prosecution of the work;

7628 (d) To prevent, by ordinance, any water pollution that
7629 would endanger the health of the bathers;



7630 (e) To assume perpetual ownership of any beach
7631 construction and its administration for public use only, and that
7632 the board of supervisors is given full power and authority to do
7633 any and all things necessary in and about the repair and
7634 reconstruction, or construction or maintenance of the seawall and
7635 sloping beach adjacent thereto, built under the authority of this
7636 section, and it is given such power to cooperate with the
7637 requirements of the United States government to receive any grant
7638 or grants of money from Congress or to contribute any grant or
7639 grants to the United States Army Corps of Engineers in and about
7640 this construction and maintenance, and it is further given full
7641 power and authority to employ engineers, lawyers, or any other
7642 professional or technical help in and about the completion of this
7643 project. In the event the county engineer is selected to do any
7644 or all of said work, the board of supervisors is hereby authorized
7645 to pay and allow him such reasonable fees or salary which, in its
7646 opinion, is necessary, just, and commensurate to work done by him.

7647 It is further given full power and authority to let, by
7648 competitive bids, any contract for the repair of said wall, or for
7649 the installation and drainage, and for the construction of any
7650 additional section of wall, together with any artificial beach
7651 adjacent to said wall, and for the raising of any roadbeds and the
7652 construction of any such retaining wall.

7653 The intent and purpose of this section is to give unto the
7654 respective boards the full power and authority to carry out all



7655 the provisions herein, and to act independently, jointly, or
7656 severally with the United States government by and under Public
7657 Law 727, 79th Congress.

7658 (3) The provisions of this section shall not apply to any
7659 county with an assessed valuation of less than Ten Million Dollars
7660 (\$10,000,000.00).

7661 **SECTION 100.** Section 77-3-16, Mississippi Code of 1972, is
7662 amended as follows:

7663 77-3-16. (1) All contracts for construction, extension
7664 and/or repair of facilities in excess of Two Hundred Thousand
7665 Dollars (\$200,000.00) by or on the behalf of any public utility
7666 subject to rate regulations by the Mississippi Public Service
7667 Commission, shall be governed by this section. The public utility
7668 shall maintain a list of contractors and suppliers qualified to
7669 perform contracts within the scope of proposed utility projects.
7670 The public utility shall, upon written request of any qualified
7671 prospective bidder, add his or its name to such list. At least
7672 every six (6) months, the public utility shall publish either on a
7673 free, publicly accessible, official government website, or in a
7674 newspaper, having general circulation in the area in which the
7675 utility operates, a notice requesting names of qualified
7676 contractors and suppliers. Upon written request by qualified
7677 contractors and suppliers, those names shall be added to such
7678 list. The public utility shall give to each contractor or
7679 supplier on said list who is qualified with respect to a project



7680 under consideration written invitation to bid those projects
7681 subject to this section. Contracts subject to this section shall
7682 be awarded to the lowest and best bidder. Provided, however,
7683 nothing contained herein shall prohibit any public utility from
7684 performing services covered by this section with its own regularly
7685 employed workforce.

7686 (2) The public utility may enter into a master contract with
7687 the lowest and best contractor to cover all construction work to
7688 be performed in a specified geographic area.

7689 (3) If the chief executive officer of a public utility
7690 determines that an emergency exists which affects the public
7691 health, safety or welfare, the provisions of this section shall
7692 not apply. As used in this section, an emergency is any
7693 occurrence in which service is interrupted.

7694 (4) The provisions of this section shall not apply to
7695 contracts which by their nature are not adapted to competitive
7696 bidding, including, but not limited to:

7697 (a) Items which may be acquired from a sole source;

7698 (b) Contracts for professional services;

7699 (c) Equipment and systems which, by reason of the
7700 training of personnel or of any inventory replacement of parts
7701 maintained by the utility, are or should be compatible with
7702 existing equipment;

7703 (d) Contracts for interstate or intrastate carriage of
7704 persons or property with a common carrier or contract carrier at



7705 the rates set forth in the officially approved tariff of that
7706 carrier; and

7707 (e) Such contracts as the commission may define by
7708 regulation.

7709 (5) The Public Service Commission shall have the authority
7710 to monitor all conditions contained in this section.

7711 **SECTION 101.** Section 77-5-407, Mississippi Code of 1972, is
7712 amended as follows:

7713 77-5-407. Before any bonds are issued under this article an
7714 election shall be held in the manner herein provided. The
7715 governing body of the municipality shall adopt a resolution
7716 (herein called the "election resolution") which shall state in
7717 substance:

7718 (a) the amount or maximum amount of bonds to be issued;

7719 (b) the purpose or purposes for which such bonds are to
7720 be issued;

7721 (c) the rate or maximum rate of interest which such
7722 bonds are to bear;

7723 (d) a brief concise statement (which need not go into
7724 any detail other than the mere statement of fact) showing whether
7725 such bonds will be payable (1) exclusively from revenues, (2)
7726 exclusively from taxes, (3) primarily from revenues and, to the
7727 extent of any deficiency in such revenues, from taxes, or (4) from
7728 taxes and additionally secured by a pledge of revenues;

7729 (e) the date on which such election will be held; and



7730 (f) the place or places where votes may be cast.

7731 Such election resolution shall be published in full at least
7732 once, not less than fifteen (15) days prior to the date fixed for
7733 such election, either on a free, publicly accessible, official
7734 government website, or in a newspaper published and circulating in
7735 the municipality, or, if there be no such newspaper, then such
7736 election resolution shall be so published in a newspaper
7737 circulating in the municipality. Such election resolution shall
7738 also be posted not less than fifteen (15) days prior to the date
7739 fixed for such election in five (5) public places in the
7740 municipality.

7741 At such election the ballot shall contain a brief statement
7742 of the maximum amount of bonds to be authorized and the purposes
7743 for which such bonds are to be issued, and shall contain the words
7744 "for the issuance of electric plant bonds" and "against the
7745 issuance of electric plant bonds," so arranged that the voter can
7746 intelligently vote his preference by making a cross (X) mark
7747 opposite the words indicating his preference. It shall not be
7748 necessary for the ballot to be of any particular size, color or
7749 quality, nor need sample ballots be printed, posted, or
7750 distributed.

7751 At or before the regular meeting of the governing body of the
7752 municipality next succeeding the date of such election, such
7753 governing body shall canvass the returns and determine and declare
7754 the results of the election, and it shall be the duty of the



7755 governing body of such municipality to enter upon its minutes the
7756 results and the returns in such election. Except as otherwise
7757 provided in this article, such election shall be conducted by the
7758 election authorities prescribed by the general law of the State of
7759 Mississippi and according to the provisions of the general
7760 election laws of the State of Mississippi.

7761 **SECTION 102.** This act shall take effect and be in force from
7762 and after July 1, 2018.

