

By: Representatives Haney, Patterson

To: Municipalities

HOUSE BILL NO. 1369

1 AN ACT TO AMEND SECTION 21-17-19, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT ANY NOTICE THAT IS REQUIRED BY LAW TO PUBLISH OR
 3 ADVERTISE MAY BE PUBLISHED ELECTRONICALLY, AS LONG AS THE
 4 GOVERNING AUTHORITY PASSES AN ORDINANCE PROVIDING FOR THE
 5 ELECTRONIC PUBLICATION; TO PROVIDE THAT SUCH PUBLICATION MAY BE
 6 PERFORMED IN LIEU OF OR IN ADDITION TO THE REQUIRED PUBLICATION IN
 7 A NEWSPAPER; TO PROVIDE THAT ALL NOTICES THAT ARE PUBLISHED
 8 ELECTRONICALLY MUST COMPLY WITH CERTAIN GUIDELINES; AND FOR
 9 RELATED PURPOSES.

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

11 **SECTION 1.** Section 21-17-19, Mississippi Code of 1972, is
 12 amended as follows:

13 21-17-19. (1) Whenever a municipality is required by law to
 14 publish in a newspaper any public measure or amendment thereto,
 15 the substance of the public measure or amendment thereto may be
 16 printed in lieu of the full text of the public measure or
 17 amendment thereto, as provided in this section. Such a public
 18 measure shall include, but shall not be limited to, an ordinance,
 19 resolution, amendment to a municipal charter or annual audit. The
 20 provisions of this section shall not apply to publication of the
 21 annual budget or amendments thereto; such publication shall be



22 made as provided in Chapter 35, Title 21, Mississippi Code of
23 1972.

24 (2) The substance of the public measure or amendment thereto
25 shall be an explanatory statement summarizing the full text of the
26 public measure or amendment thereto, in which the chief purpose of
27 the measure is explained in clear and unambiguous language. Such
28 statement shall be prepared by the governing authorities of the
29 municipality, and shall not exceed three hundred (300) words in
30 length to the extent practicable.

31 (3) During the entire time of the publication of the
32 explanatory statement in a newspaper, a copy of the full text of
33 the public measure or amendment thereto shall be posted by the
34 clerk of the municipality (a) at the city hall, (b) at the main
35 public library in the municipality, or at the courthouse in the
36 judicial district or county in which the municipality is located;
37 and in addition, the clerk shall post such copy at least at one
38 (1) other public place in the municipality. The clerk shall
39 furnish any resident of the municipality a copy of the full text
40 of the public measure or amendment thereto upon request, and this
41 shall be stated in the publication of the explanatory statement.

42 (4) (a) The governing authority of a municipality may adopt
43 an ordinance providing that any notice it is required by law to
44 publish or advertise, whether under this Section 21-17-19 or under
45 any other general law, or under any local act, may be published
46 electronically as provided by this section in lieu of or in



47 addition to the required publication or advertisement. The
48 ordinance may cover all notices required to be published or
49 advertised or a clearly identified category of notices.

50 (b) Upon adoption of an ordinance under subsection (a)
51 of this section. The governing authority shall publish specific
52 instructions as to how to access all notices published
53 electronically under the ordinance adopted pursuant to this
54 section at least once a month for six (6) months in a newspaper
55 having a general circulation for that jurisdiction.

56 (c) Any notice published under an ordinance adopted
57 pursuant to paragraph (a) of this section shall comply with all of
58 the following:

59 (i) The notice is published on the website of the
60 governing authority no later than the time that publication is
61 required under the applicable statute or local act.

62 (ii) The website contains, on its main page, links
63 to all notices or a link to another page with links to all
64 notices.

65 (iii) Notices and links to all notices on the
66 website shall be maintained on that website for at least one (1)
67 year after publication and shall be searchable.

68 (iv) A copy of the notice shall be filed in a
69 notice book maintained separate and apart from the ordinance book
70 or minutes of the governing authority. The notice book shall be
71 appropriately indexed and maintained for public inspection in the



72 office of the municipal clerk or in the office of another
73 individual who is an employee of the governing authority, as
74 designated in the ordinance adopted pursuant to this Section.

75 (v) A copy of the notice shall be mailed or
76 emailed to any person who has filed a written request for notice
77 with the clerk or secretary of the governing authority or with
78 some other person designated by the governing authority. The
79 governing authority may require each person submitting such a
80 written request for notice to renew that request monthly.

81 (d) Ordinances adopted pursuant to this section may not
82 supersede any general law or local act that requires notice by
83 mail to certain persons or classes of persons of the posting of
84 signs on certain property.

85 (e) The ordinance adopted by the governing authority
86 may control notice given by any board or commission appointed by
87 the governing authority, including a planning commission and
88 zoning board of adjustment and appeals.

89 (f) For purposes of this section, "governing authority"
90 means the body elected or appointed as the legislative body of the
91 municipality.

92 **SECTION 2.** This act shall take effect and be in force from
93 and after July 1, 2020.

