

By: Representatives Byrd, James-Jones,
Sanders

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 1348

1 AN ACT TO AMEND SECTIONS 17-3-3, 17-5-1, 17-5-7, 17-11-37,
2 17-11-45, 17-17-107, 17-17-109, 17-17-227, 17-17-237, 17-17-309,
3 17-17-311, 17-17-329, 17-17-337, 17-17-348, 17-18-17, 17-21-53,
4 19-3-1, 19-3-11, 19-3-19, 19-3-33, 19-3-35, 19-3-67, 19-3-79,
5 19-5-9, 19-5-21, 19-5-23, 19-5-81, 19-5-92.1, 19-5-155, 19-5-157,
6 19-5-189, 19-5-199, 19-5-207, 19-5-219, 19-5-221, 19-7-3, 19-7-21,
7 19-9-11, 19-9-13, 19-9-27, 19-9-111, 19-9-114, 19-11-7, 19-13-53,
8 19-15-3, 19-23-5, 19-27-31, 19-29-7, 19-29-9, 19-29-18, 19-29-33,
9 19-31-7, 19-31-9, 19-31-23, 19-31-39, 21-1-7, 21-1-15, 21-3-7,
10 21-5-15, 21-13-11, 21-17-1, 21-17-9, 21-17-11, 21-17-17, 21-17-19,
11 21-19-2, 21-19-13, 21-19-20, 21-19-25, 21-19-51, 29-19-61,
12 21-25-21, 21-27-33, 21-27-43, 21-29-203, 21-33-29, 21-33-47,
13 21-33-89, 21-33-207, 21-33-307, 21-33-553, 21-35-5, 21-35-25,
14 21-35-31, 21-38-9, 21-41-5, 21-41-13, 21-41-51, 21-43-9,
15 21-43-117, AND 21-45-11, MISSISSIPPI CODE OF 1972, TO MODERNIZE
16 AND SIMPLIFY THE NOTICE PUBLICATION PROCESS FOR COUNTIES AND
17 MUNICIPALITIES BY ALLOWING ONLINE PUBLICATION AS AN ALTERNATIVE TO
18 NEWSPAPER PUBLICATION; TO PROVIDE THAT IF ANY TAXES, BONDS OR
19 BUDGETS ARE THE SUBJECT OF A NOTICE, THEN COUNTIES AND
20 MUNICIPALITIES MUST STILL PROVIDE CERTAIN NOTICE VIA PUBLICATION
21 THROUGH NEWSPAPERS; AND FOR RELATED PURPOSES.

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

23 **SECTION 1.** Section 17-3-3, Mississippi Code of 1972, is
24 amended as follows:

25 17-3-3. Advertising pursuant to Section 17-3-1 shall include
26 newspaper and magazine advertising and literature, publicity,
27 expositions, public entertainment or other form of advertising or



28 publicity, including advertising on a county or municipality
29 website or official social media page, which in the judgment of
30 such board or boards will be helpful toward advancing the moral,
31 financial and other interests of such municipality or county;
32 however, such advertising shall not include advertisements in
33 publications sponsored by political parties, political committees
34 or affiliated organizations, as such terms are defined in Section
35 23-15-801.

36 **SECTION 2.** Section 17-5-1, Mississippi Code of 1972, is
37 amended as follows:

38 17-5-1. (1) The board of supervisors of any county of the
39 state and the governing authorities of any municipality within
40 such county may enter into a contract for the joint construction,
41 expansion, remodeling and/or maintenance and equipping of a jail
42 in such municipality, or within one (1) mile of the corporate
43 limits thereof, and may issue bonds of both the county and such
44 municipality in the manner provided by general statutes for the
45 issuance of county and municipal bonds for such purposes, provided
46 that in no event shall the municipality bear over fifty percent
47 (50%) of the cost of constructing, expanding, remodeling and/or
48 maintaining and equipping such jail. Such contract or future
49 contracts may provide for the continued joint use of equipping,
50 repairing, reconstructing and remodeling of such jail. Before
51 issuing any bonds for the purposes herein set forth, the board of
52 supervisors and the governing authorities of such municipality



53 shall adopt a joint resolution declaring their intention to issue
54 the same, which resolution shall state the amount and purposes of
55 the bonds to be issued, and shall fix the date upon which action
56 will be taken to provide for the issuance of such bonds. * * *
57 The resolution shall be published once a week for at least three
58 (3) consecutive weeks in a newspaper published in the
59 county * * *. In addition to the required newspaper publication,
60 notice may be provided by a link to such resolution posted on the
61 county or municipality's website, or if the county or municipality
62 does not have a website, its official social media webpage. The
63 first publication of such notice * * * shall be made not less than
64 twenty-one (21) days prior to the date fixed in such resolution,
65 and the last publication * * * shall be made not more than seven
66 (7) days prior to such date. If twenty percent (20%) or fifteen
67 hundred (1500), whichever is less, of the qualified electors of
68 the county and municipality, respectively, shall file a written
69 protest against the issuance of such bonds on or before the date
70 specified in such resolution, then an election upon the issuance
71 of such bonds shall be called and held, and in such case such
72 bonds or other evidences of indebtedness shall not be issued
73 unless same are authorized by the affirmative vote of a majority
74 of the qualified electors of said county and municipality,
75 respectively, who vote on the proposition at such election.
76 Notice of such election shall be given by publication in like
77 manner as is provided for the publication of the initial



78 resolution, and said election shall be called, held and conducted
79 and the returns thereof made, canvassed and declared in the same
80 manner as provided by Section 19-9-1 et seq., and Section
81 21-33-301 et seq., respectively. If no such petition be filed
82 protesting against the issuance of said bonds, then the said board
83 of supervisors and the governing authorities of the municipality
84 shall have the authority to issue said bonds without an election.

85 (2) If the board of supervisors of a county and the
86 governing authorities of a municipality enter into an agreement
87 under the Regional Economic Development Act or an
88 intergovernmental agreement approved by the Attorney General for
89 the operation of a county jail, such county jail may be located
90 outside the corporate limits of the municipality and is not
91 subject to location restrictions in subsection (1).

92 **SECTION 3.** Section 17-5-7, Mississippi Code of 1972, is
93 amended as follows:

94 17-5-7. Bonds authorized and issued pursuant to the
95 provisions of Sections 17-5-3 through 17-5-11 may be issued in one
96 or more series, may bear such date or dates, shall mature
97 serially, not later than three (3) years from the date thereof, at
98 such time or times, not exceeding forty (40) years from their
99 respective dates, may bear interest at such rate or rates not
100 exceeding five per centum (5%) per annum, payable semi-annually,
101 may be in such denomination, may be in such form, either coupon or
102 registered, may be payable at such place or places, may carry such



103 registration and conversion privileges, may be executed in such
104 manner, may be payable in such medium of payment at such place or
105 places, may be subject to such terms of redemption, with or
106 without premium, and may be declared or become due before the
107 maturity date thereof, as may be provided by the resolution
108 authorizing their issuance. Such bonds and any interest coupons
109 appertaining thereto shall be executed in accordance with the
110 resolution providing for their authorization and issuance. Bonds
111 issued under Sections 17-5-3 through 17-5-11 bearing the
112 signatures of officers in office on the date of the signing
113 thereof, as well as any interest coupons appertaining thereto,
114 shall be valid and binding obligations, notwithstanding that
115 before the delivery thereof any or all of the persons whose
116 signatures or facsimile signatures appearing thereon shall have
117 ceased to be officers of the county issuing the same. Bonds
118 issued pursuant to the provisions of Sections 17-5-3 through
119 17-5-11 shall be negotiable for all purposes and shall possess all
120 the qualities of a negotiable instrument. Bonds authorized and
121 issued under the provisions of Sections 17-5-3 through 17-5-11
122 shall be sold and delivered only to the lowest bidder at public
123 sale after notice thereof has been published in accordance with a
124 motion, order, or resolution of the county proposing their
125 issuance and sale, which notice shall be published at least one
126 time, not less than ten (10) days prior to the date fixed for the
127 holding of such public sale, in a daily newspaper published and



128 circulating in the State of Mississippi. In addition to the
129 required newspaper publication, notice may be provided by a link
130 to such notice posted on the county or municipality's website or,
131 if the county or municipality does not have a website, its
132 official social media page. Any such bonds may be sold to the
133 United States of America at private sale in furtherance of any
134 loan or grant contract which may be entered into by and between
135 the county proposing to issue such bonds and the United States.
136 The * * * bonds shall not be sold for less than their par value
137 plus accrued interest.

138 **SECTION 4.** Section 17-11-37, Mississippi Code of 1972, is
139 amended as follows:

140 17-11-37. The governing body of the district, county or city
141 shall adopt a resolution declaring its intention to issue bonds
142 for the purposes authorized by this chapter, stating the amount of
143 the bonds proposed to be issued, whether such bonds are revenue
144 bonds or general obligation bonds, and the date upon which further
145 action will be taken by the governing body looking forward to the
146 issuance of such bonds. Such resolution shall be published once a
147 week for at least three (3) successive weeks in a newspaper
148 published and of general circulation within such county or city.
149 In addition to the required newspaper publication, a district
150 county or city may provide notice once a week for at least three
151 (3) successive weeks, or by a link to such resolution posted on
152 the district's, county's or municipality's website or, if the



153 district, county or municipality does not have a website, its
154 official social media webpage is to remain available to the public
155 for at least three (3) successive weeks. The first of such
156 publications shall be made at least twenty-one (21) days prior to
157 the date set forth in * * * the resolution as the date upon which
158 further action will be taken by the governing body, and the last
159 publication shall be made not more than seven (7) days prior to
160 said date. If, prior to the date set forth as aforesaid, there
161 shall be filed with the clerk of such governing body a petition in
162 writing signed by ten percent (10%) of the qualified electors of
163 such regional area, county or city thereof, or fifteen hundred
164 (1,500) qualified electors, whichever shall be the lesser number,
165 requesting an election on the question of the issuance of such
166 bonds, then such bonds shall not be issued unless authorized by a
167 majority of the qualified electors in such regional area, county
168 or city voting thereon at an election to be ordered by the
169 governing body for that purpose. Notice of such election shall be
170 given and such election shall be held and conducted in like manner
171 as provided by law with respect to elections held on the
172 submission of county or city bond issues. If the proposition so
173 submitted shall fail to receive approval at such election, then no
174 further proceedings for the issuance of such bonds shall be taken
175 for a period of six (6) months from and after the date of such
176 election. If, however, no such petition shall be filed, or if
177 such election or subsequent election on such proposition shall be



178 assented to by a majority of the qualified electors voting
179 thereon, then such governing body shall be authorized to proceed
180 with the issuance of such bonds without further election.

181 **SECTION 5.** Section 17-11-45, Mississippi Code of 1972, is
182 amended as follows:

183 17-11-45. The governing body or bodies issuing bonds under
184 this chapter shall sell such bonds in such manner and for such
185 price as it or they may determine to be for the best interest of
186 said governing body or bodies. No such sale shall be made at a
187 price less than par plus accrued interest to date of delivery of
188 the bonds of the purchaser. Notice of the sale of any such bonds
189 shall be published at least one time not less than ten (10) days
190 prior to the date of sale, and shall be published in a newspaper
191 published in and having general circulation within such regional
192 area, county or city. In addition to the required newspaper
193 publication, such notice may be posted on the district's, county's
194 or municipality's website or, if the district, county or
195 municipality does not have a website, its official social media
196 webpage.

197 **SECTION 6.** Section 17-17-107, Mississippi Code of 1972, is
198 amended as follows:

199 17-17-107. Before issuing any revenue bonds hereunder, the
200 governing body of any municipality shall adopt a resolution
201 declaring its intention to so issue, stating the amount of bonds
202 proposed to be issued, the purpose for which the bonds are to be



203 issued, and the date upon which the governing body proposes to
204 direct the issuance of such bonds. Such resolution shall be
205 published once a week for at least three (3) consecutive weeks in
206 at least one (1) newspaper published in the county in which such
207 municipality is located. In addition to the required newspaper
208 publication, the municipality may provide such notice by a link to
209 the resolution posted on the municipality's website or, if the
210 municipality does not have a website, its official social media
211 webpage is to remain available to the public for the duration of
212 three (3) consecutive weeks. The first publication of such
213 resolution shall be made not less than twenty-one (21) days prior
214 to the date fixed in such resolution for the issuance of the bonds
215 and the last publication shall be made not more than seven (7)
216 days prior to such date. If no newspaper be published in such
217 county and no such website exists, then such notice shall be given
218 by publishing the resolution for the required time in some
219 newspaper having a general circulation in such county, and, in
220 addition, by posting a copy of such resolution for at least
221 twenty-one (21) days next preceding the date fixed therein at
222 three (3) public places in such county. If twenty percent (20%)
223 or fifteen hundred (1500), whichever is less, of the qualified
224 electors of the municipality shall file a written protest against
225 the issuance of such bonds on or before the date specified in such
226 resolution, then an election on the question of the issuance of
227 such bonds shall be called and held as herein provided. If no



228 such protest be filed, then such bonds may be issued without an
229 election at any time within a period of two (2) years after the
230 date specified in the above-mentioned resolution. However, the
231 governing body of such municipality, in its discretion, may
232 nevertheless call an election on the question of the issuance of
233 the bonds, in which event it shall not be necessary to publish the
234 resolution declaring its intention to issue bonds as herein
235 provided.

236 **SECTION 7.** Section 17-17-109, Mississippi Code of 1972, is
237 amended as follows:

238 17-17-109. Where an election is to be called as provided in
239 Section 17-17-107, notice of such election shall be signed by the
240 clerk of the governing body of any municipality and shall be
241 published once a week for at least three (3) consecutive weeks, in
242 at least one (1) newspaper published in such county. In addition
243 to the required newspaper publication, the municipality may
244 provide such notice of election posted on the municipality's
245 website or, if the municipality does not have a website, its
246 official social media webpage is to remain available to the public
247 for the duration of three (3) consecutive weeks. The first
248 publication of such notice shall be made not less than twenty-one
249 (21) days prior to the date fixed for such election and the last
250 publication shall be made not more than seven (7) days prior to
251 such date. If no newspaper is published in such county, then such
252 notice shall be given by publishing the same for the required time



253 in some newspaper having a general circulation in such county and,
254 in addition, by posting a copy of such notice for at least
255 twenty-one (21) days next preceding such election at three (3)
256 public places in such county.

257 **SECTION 8.** Section 17-17-227, Mississippi Code of 1972, is
258 amended as follows:

259 17-17-227. (1) Each county, in cooperation with
260 municipalities within the county, shall prepare, adopt and submit
261 to the commission for review and approval a local nonhazardous
262 solid waste management plan for the county. Each local
263 nonhazardous solid waste management plan shall include, at a
264 minimum, the following:

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

270 (b) An inventory of all existing facilities where
271 municipal solid waste is currently being managed, including the
272 environmental suitability and operational history of each
273 facility, and the remaining available permitted capacity for each
274 facility;

275 (c) An inventory of existing solid waste collection
276 systems and transfer stations within the county. The inventory



277 shall identify the entities engaging in municipal solid waste
278 collection within the county;

279 (d) A strategy for achieving a twenty-five percent
280 (25%) waste reduction goal through source reduction, recycling or
281 other waste reduction technologies;

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

285 (f) An identification of the additional municipal solid
286 waste management facilities, including an evaluation of
287 alternative management technologies, and the amount of additional
288 capacity needed to manage the quantities projected in paragraph
289 (e);

290 (g) An estimation of development, construction,
291 operational, closure and post-closure costs, including a proposed
292 method for financing those costs;

293 (h) A plan for meeting any projected capacity
294 shortfall, including a schedule and methodology for attaining the
295 required capacity;

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

300 (i) Verification that the proposed facility meets
301 needs identified in the approved local nonhazardous solid waste



302 management plan which shall take into account the quantities of
303 municipal solid waste generated and the design capacities of
304 existing facilities;

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

307 (iii) Demonstration, to the extent possible, that
308 operation of the proposed facility will not negatively impact the
309 waste reduction strategy of the county, municipality, authority or
310 district that is submitting the plan;

311 (iv) Certification that the proposed service area
312 of the proposed facility is consistent with the local nonhazardous
313 solid waste management plan; and

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

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

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

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

325 (b) The method of implementation of the plan with
326 regard to the person who will apply for and acquire the permit for



327 any planned additional facilities and the person who will own or
328 operate any of the facilities.

329 (3) Each municipality shall cooperate with the county in
330 planning for the management of municipal solid waste generated
331 within its boundaries or the area served by that municipality.
332 The governing authority of any municipality which does not desire
333 to be included in the local nonhazardous solid waste management
334 plan shall adopt a resolution stating its intent not to be
335 included in the county plan. The resolution shall be provided to
336 the board of supervisors and the commission. Any municipality
337 resolving not to be included in a county waste plan shall prepare
338 a local nonhazardous solid waste management plan in accordance
339 with this section.

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



351 (5) (a) Upon completion of its local nonhazardous solid
352 waste management plan, the board of supervisors of the county
353 shall publish a public notice that describes the plan, specifies
354 the location where it is available for review and establishes a
355 period of thirty (30) days for comments concerning the plan and a
356 mechanism for submitting those comments. Public notice should be
357 published either in at least one (1) newspaper as defined in
358 Section 13-3-31, having general circulation within the
359 county * * * or by a link to such resolution posted on the
360 county's website or, if the county does not have a website, its
361 official social media page. The board of supervisors shall also
362 notify the board of supervisors of adjacent counties of the plan
363 and shall make it available for review by the board of supervisors
364 of each adjacent county. During the comment period, the board of
365 supervisors of the county shall conduct at least one (1) public
366 hearing concerning the plan. The board of supervisors of the
367 county shall publish * * * a notice conspicuously displayed
368 containing the time and place of the hearing and the location
369 where the plan is available for review either in at least one (1)
370 newspaper as defined in Section 13-3-31, having general
371 circulation within the county, * * * twice or by a link posted on
372 the county's website or, if the county does not have a website,
373 its official social media webpage to remain available to the
374 public for the duration of two (2) weeks.



375 (b) After the public hearing, the board of supervisors
376 of the county may modify the plan based upon the public's
377 comments. Within ninety (90) days after the public hearing, each
378 board of supervisors shall approve a local nonhazardous solid
379 waste management plan by resolution.

380 (c) A regional solid waste management authority or
381 other district shall declare the plan to be approved as the
382 authority's or district's solid waste management plan upon written
383 notification, including a copy of the resolution, that the board
384 of supervisors of each county forming the authority or district
385 has approved the plan.

386 (6) Upon ratification of the plan, the governing body of the
387 county, authority or district shall submit it to the commission
388 for review and approval in accordance with Section 17-17-225. The
389 commission shall, by order, approve or disapprove the plan within
390 one hundred eighty (180) days after its submission. The
391 commission shall include with an order disapproving a plan a
392 statement outlining the deficiencies in the plan and directing the
393 governing body of the county, authority or district to submit,
394 within one hundred twenty (120) days after issuance of the order,
395 a revised plan that remedies those deficiencies. If the governing
396 body of the county, authority or district, by resolution, requests
397 an extension of the time for submission of a revised plan, the
398 commission may, for good cause shown, grant one (1) extension for
399 a period of not more than sixty (60) additional days.



400 (7) After approval of the plan or revised plan by the
401 commission, the governing body of the county, authority or
402 district shall implement the plan in compliance with the
403 implementation schedule contained in the approved plan.

404 (8) The governing body of the county, authority or district
405 shall annually review implementation of the approved plan. The
406 commission may require the governing body of each local government
407 or authority to revise the local nonhazardous solid waste
408 management plan as necessary, but not more than once every five
409 (5) years.

410 (9) If the commission finds that the governing body of a
411 county, authority or district has failed to submit a local
412 nonhazardous solid waste management plan, obtain approval of its
413 local nonhazardous solid waste management plan or materially fails
414 to implement its local nonhazardous solid waste management plan,
415 the commission shall issue an order in accordance with Section
416 17-17-29, to the governing body of the county, authority or
417 district.

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



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

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

437 (13) Notwithstanding any provision of this chapter, no solid
438 waste management plan shall include a proposed new municipal solid
439 waste landfill in any county that has two (2) or more existing
440 permitted municipal solid waste landfills and such new landfill
441 will be located within a five (5) mile radius of an existing
442 municipal solid waste landfill, unless a referendum election has
443 been conducted and approved pursuant to Section 17-17-237. This
444 subsection (13) shall not apply to the proposed expansion or
445 replacement of any permitted landfill by the permit holder, and
446 shall not apply to any rubbish disposal facilities, transfer
447 stations, land application sites, composting facilities, solid
448 waste processing facilities, chipping/mulching facilities,
449 industrial/institutional/special waste landfills,



450 industrial/institutional/special waste rubbish sites, waste tire
451 processing facilities, commercial waste tire collection sites,
452 local government waste tire collection sites or generator waste
453 tire collection sites, and none of those facilities, stations,
454 landfills or sites shall be counted as a landfill within a county
455 for the purpose of determining whether a referendum election is
456 required to be conducted in the county as provided in this
457 section.

458 **SECTION 9.** Section 17-17-237, Mississippi Code of 1972, is
459 amended as follows:

460 17-17-237. (1) No new municipal solid waste landfill shall
461 be incorporated into any solid waste management plan and no
462 reference in any existing plan to any unpermitted new municipal
463 solid waste landfill shall be effective, applicable or operative
464 and no permit, grant or loan shall be approved for any new
465 municipal solid waste landfill in any county that has two (2) or
466 more existing permitted municipal solid waste landfills and such
467 new landfill will be located within a five * * * -mile radius of an
468 existing municipal solid waste landfill, unless a local referendum
469 election has been called and held in the county in which the new
470 municipal solid waste landfill is proposed and with the results
471 hereinafter provided. The board of supervisors may require the
472 proponent of or applicant for the new municipal solid waste
473 landfill to pay the costs of the election.



474 (2) Upon presentation and filing of a proper petition
475 requesting same signed by at least twenty percent (20%) or fifteen
476 hundred (1,500), whichever number is the lesser, of the qualified
477 electors of the county, it shall be the duty of the board of
478 supervisors to call an election at which there shall be submitted
479 to the qualified electors of the county the question of whether or
480 not the new municipal solid waste landfill proposed to be sited
481 within the county shall be eligible for consideration by the board
482 of supervisors for inclusion in the solid waste management plan of
483 the county. Such election shall be held and conducted by the
484 county election commissioners on a date fixed by the order of the
485 board of supervisors, which date shall not be more than sixty (60)
486 days from the date of the filing of * * * the petition. Notice
487 thereof shall be given by publishing such notice either in some
488 newspapers published in such county once each week for at least
489 three (3) consecutive weeks * * * or by a link to such notice on
490 the county's website or, if the county does not have a website,
491 its official social media webpage is to remain available to the
492 public for the duration of at least three (3) consecutive weeks.
493 If no newspaper be published therein * * * or no compliant webpage
494 exists, such publication in a newspaper in an adjoining county and
495 having a general circulation in the county involved is
496 permissible. The election shall be held not earlier than fifteen
497 (15) days from the first publication of such notice.



498 (3) The election shall be held and conducted as far as may
499 be possible in the same manner as is provided by law for the
500 holding of general elections. The ballots used thereat shall
501 contain a brief statement of the proposition submitted and, on
502 separate lines, the words "I vote FOR new municipal solid waste
503 landfill in _____ County ()", "I vote AGAINST new municipal
504 solid waste landfill in _____ County ()" with appropriate
505 boxes in which the voters may express their choice. All qualified
506 electors may vote by marking the ballot with a cross (x) or check
507 mark(ü) opposite the words of their choice.

508 (4) The election commissioners shall canvass and determine
509 the results of the election, and shall certify same to the board
510 of supervisors which shall adopt and spread upon its minutes an
511 order declaring such results. If, in such election, sixty percent
512 (60%) of the qualified electors participating therein shall vote
513 in favor of the proposition, inclusion of the proposed new
514 municipal solid waste landfill in a solid waste management plan
515 and permitting of such landfill may be approved provided that all
516 other requirements of law are satisfied as to the landfill. If,
517 on the other hand, sixty percent (60%) of the qualified electors
518 participating therein shall not vote in favor of the proposition,
519 the new landfill may not be included in any solid waste management
520 plan and shall not be permitted. In either case, no further
521 election shall be held in a county under the provisions of this
522 section for a period of two (2) years from the date of the prior



523 election and then only upon the filing of a petition requesting
524 same signed by at least twenty percent (20%) or fifteen hundred
525 (1,500), whichever number is the lesser, of the qualified electors
526 of the county as is otherwise provided herein.

527 **SECTION 10.** Section 17-17-309, Mississippi Code of 1972, is
528 amended as follows:

529 17-17-309. (1) Within forty (40) days following the
530 adoption of the final authorizing resolution, the designated
531 representatives shall proceed to incorporate an authority by
532 filing for record in the office of the chancery clerk of the
533 participating counties and the Secretary of State an incorporation
534 agreement approved by each member. The agreement shall comply in
535 form and substance with the requirements of this section and shall
536 be executed in the manner provided in Sections 17-17-301 through
537 17-17-349.

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

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

542 (b) The name of the authority which must include the
543 words " _____ Solid Waste Management Authority," or "The Solid
544 Waste Management Authority of _____," the blank spaces to
545 be filled in with the name of one or more of the members or other
546 geographically descriptive term. If the Secretary of State
547 determines that the name is identical to the name of any other



548 corporation organized under the laws of the state or so nearly
549 similar as to lead to confusion and uncertainty, the incorporators
550 may insert additional identifying words so as to eliminate any
551 duplication or similarity;

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

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

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

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

559 (g) If the exercise by the authority of any of its
560 powers is to be in any way prohibited, limited or conditioned, a
561 statement of the terms of such prohibition, limitation or
562 condition;

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

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

570 (3) The incorporation agreement shall be signed and
571 acknowledged by the incorporators before an officer authorized by
572 the laws of the state to take acknowledgements. When the



573 incorporation agreement is filed for record, there shall be
574 attached to it a certified copy of the authorizing resolution
575 adopted by the governing body of each member.

576 (4) The incorporators shall publish a notice of
577 incorporation either once a week for two (2) successive weeks in a
578 daily newspaper or newspapers having general circulation
579 throughout the region to be served or by a link to such notice of
580 incorporation posted on the county or municipality's website or,
581 if the county or municipality does not have a website, its
582 official social media webpage is to remain available to the public
583 for the duration of two (2) successive weeks.

584 (5) Upon the filing for record of the agreement and the
585 required documents, the authority shall come into existence and
586 shall constitute a public corporation under the name set forth in
587 the incorporation agreement. The Secretary of State shall
588 thereupon issue a certificate of incorporation to the authority.

589 **SECTION 11.** Section 17-17-311, Mississippi Code of 1972, is
590 amended as follows:

591 17-17-311. (1) The incorporation agreement of any authority
592 may be amended in the manner provided in this section. The board
593 of the authority shall first adopt a resolution proposing an
594 amendment to the incorporation agreement. The amendment shall be
595 set forth in full in the resolution and may include any matters
596 which might have been included in the original incorporation
597 agreement.



598 (2) After the adoption of the resolution by the board, the
599 chairman of the board and the secretary of the authority shall
600 file a certified copy of the resolution and a signed written
601 application in the name of and on behalf of the authority, under
602 its seal, with the governing body of each member, requesting the
603 governing body to adopt a resolution approving the proposed
604 amendment. As promptly as may be practicable after the filing of
605 the application with the governing body, that governing body shall
606 review the application and shall adopt a resolution either denying
607 the application or authorizing the proposed amendment. Any such
608 resolution shall be published in a newspaper or newspapers either
609 or by a link to such resolution posted on the county or
610 municipality's website or, if the county or municipality does not
611 have a website, its official social media webpage as provided in
612 subsection (4) of Section 17-17-309. The governing body shall
613 cause a copy of the application and all accompanying documents to
614 be spread upon or otherwise made a part of the minutes of the
615 meeting of the governing body at which final action upon the
616 application is taken. The incorporation agreement may be amended
617 only after the adoption of a resolution by two-thirds (2/3) of the
618 governing bodies of the members. Publication of such amendment
619 shall be made as provided in subsection (4) of Section 17-17-309.

620 (3) Within forty (40) days following the adoption of the
621 last adopted resolution approving the proposed amendment, the
622 chairman of the board and the secretary of the authority shall



623 sign, and file for record in the office of the chancery clerk with
624 which the incorporation agreement of the authority was originally
625 filed and the Secretary of State, a certificate in the name of and
626 in behalf of the authority, under its seal, reciting the adoption
627 of the respective resolutions by the board and by the governing
628 body of each member and setting forth the amendment. The chancery
629 clerk for such county shall record the certificate in an
630 appropriate book in his office. When such certificate has been so
631 filed and recorded, the amendment shall become effective. No
632 incorporation agreement of an authority shall be amended except in
633 the manner provided in this section.

634 (4) Any member of a regional solid waste management
635 authority may withdraw from the authority by submitting a
636 resolution to the board requesting an amendment to the
637 incorporation agreement pursuant to subsection (1) of this
638 section. Upon compliance with the requirements of subsections (1)
639 through (3) of this section and the payment of its pro rata share
640 of any indebtedness, costs, expenses or obligations of the
641 authority outstanding at the time of withdrawal, the amendment may
642 become effective upon adoption of the resolution by the board.
643 The withdrawal of a member shall not operate to impair,
644 invalidate, release or abrogate any contract, lien, bond, permit,
645 indebtedness or obligation of the authority, except to relieve the
646 withdrawing member from further financial obligation to the
647 authority.



648 (5) After the issuance of a permit by the permit board for
649 the construction and operation of a solid waste landfill, any
650 withdrawal of the situs county from the authority shall not affect
651 the ability of the authority to operate a solid waste landfill
652 upon the site for which the permit has been issued.

653 **SECTION 12.** Section 17-17-329, Mississippi Code of 1972, is
654 amended as follows:

655 17-17-329. (1) The board of supervisors of a county and the
656 governing authorities of a municipality, acting jointly or
657 severally, shall have the power and is hereby authorized, from
658 time to time, to issue general obligation bonds of the county or
659 municipality for the purpose of providing sufficient funds for
660 capital expenditures, including the financing of the acquisition,
661 construction, improvement or the closure, corrective action or
662 postclosure maintenance of solid waste management facilities
663 pursuant to the provisions of Sections 19-9-1 through 19-9-25, or
664 21-33-301 through 21-33-329. General obligation bonds issued
665 pursuant to this section shall be included in the limitation of
666 indebtedness as set forth in Sections 19-9-5 and 21-33-303.

667 (2) (a) In addition to compliance with the provisions of
668 Sections 19-9-1 through 19-9-25, Sections 21-33-301 through
669 21-33-329, for the issuance of general obligations of the county
670 or municipality, the county or municipality shall advertise its
671 intention to issue general obligation bonds of the county or
672 municipality and specify the proposed increased tax rate of the



673 county or municipality in a newspaper of general circulation in
674 the county or municipality. In addition to the required newspaper
675 advertisement, the county or municipality may provide such
676 advertisement by link to the advertisement posted on the county or
677 municipality's website or, if the county or municipality does not
678 have a website, its official social media webpage. The
679 advertisement shall be no less than one-fourth (1/4) page in size
680 and the type used shall be no smaller than eighteen (18) point and
681 surrounded by a one-fourth (1/4) inch solid black border. The
682 advertisement may not be placed in that portion of the newspaper
683 where legal notices and classified advertisements appear. It is
684 legislative intent that, whenever possible, the advertisement
685 appear in a newspaper that is published at least five (5) days a
686 week, unless the only newspaper in the county or municipality is
687 published less than five (5) days a week. It is further the
688 intent of the Legislature that the newspaper selected be one of
689 general interest and readership in the community, and not one of
690 limited subject matter. The advertisement shall be run once each
691 week for the two (2) weeks preceding the date specified in the
692 resolution by the board of supervisors or the governing
693 authorities of the municipality. The advertisement shall state
694 that the county or municipality proposes to issue general
695 obligation bonds of the county or municipality for a solid waste
696 management facility, the proposed property tax revenue and the
697 procedure that may be taken by qualified electors of the county



698 for calling an election on the question of issuance of the general
699 obligation bonds of the county or municipality.

700 (b) The form and content of the * * * advertisement
701 shall be as follows:

702 "NOTICE OF TAX INCREASE

703 (Name of the County or Municipality) has proposed to increase
704 its property tax revenue (designate one or more classes of
705 property provided for in Section 112, Mississippi Constitution of
706 1890) by (percentage of increase of each class) percent, and to
707 increase its total budget by (percentage of increase) percent for
708 the purpose of the issuance of general obligation bonds of the
709 county or municipality for a solid waste management facility."

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

721 **SECTION 13.** Section 17-17-337, Mississippi Code of 1972, is
722 amended as follows:



723 17-17-337. All bonds issued pursuant to Sections 17-17-329,
724 17-17-333 and 17-17-335 may be validated as now provided by law in
725 Sections 31-13-1 through 31-13-11 * * *. Such validation
726 proceedings shall be instituted in the chancery court of the
727 county in which the principal office of the authority is located,
728 but notice of such validation proceedings shall be published at
729 least two (2) times in a newspaper of general circulation in each
730 of the counties, the first publication of which in each case shall
731 be made at least ten (10) days preceding the date set for
732 validation. In addition to the required newspaper publication,
733 such notice may be provided by a link to such notice on the
734 county's website or, if the county does not have a website, its
735 official social media webpage is to be made available to the
736 public at least ten (10) days preceding the date set for
737 validation.

738 **SECTION 14.** Section 17-17-348, Mississippi Code of 1972, is
739 amended as follows:

740 17-17-348. (1) In addition to any notice requirements
741 otherwise provided by law, the board of supervisors of each county
742 and the governing authorities of each municipality, before the
743 first day of the fiscal year, shall publish in a newspaper having
744 a general circulation in the county, a detailed, itemized report
745 of all revenues, costs and expenses incurred by the county or
746 municipality during the immediately preceding county or municipal
747 fiscal year in operating the garbage or rubbish collection or



748 disposal system. In addition to the required report that is
749 published in a newspaper, such report may be published by a link
750 to such report posted on the county or municipality's website or,
751 if the county or municipality does not have a website, its
752 official social media webpage. The report shall disclose:

753 (a) The total dollar amount of revenues received or
754 dedicated by the county or municipality during the immediately
755 preceding fiscal year for operation of the garbage or rubbish
756 collection or disposal system;

757 (b) The identity of each source of funding and the
758 dollar amount received from each source of funding during the
759 immediately preceding fiscal year for operation of the garbage or
760 rubbish collection or disposal system, including ad valorem taxes,
761 fees and other sources; and

762 (c) The total dollar amount expended by the county or
763 municipality to operate the garbage or rubbish collection or
764 disposal system, along with the names and addresses of all
765 businesses and persons with whom the county or municipality has
766 contracted to perform or provide garbage or rubbish collection or
767 disposal, the dollar amount of expenditures made under each
768 contract and an itemized list of all other expenditures of county
769 or municipal funds to operate and administer the garbage or
770 rubbish collection or disposal system.

771 (2) The notice required under subsection (1) of this section
772 shall be no less than one-eighth (1/8) page in size and the type



773 used shall be no smaller than ten (10) point and surrounded by a
774 one-fourth-inch (1/4) solid black border. The notice may not be
775 placed in that portion of the newspaper where legal notices and
776 classified advertisements appear. The notice must appear in a
777 newspaper that is published at least five (5) days a week, unless
778 the only newspaper in the county is published less than five (5)
779 days a week. The newspaper selected must be one of general
780 interest and readership in the community, and not one of limited
781 subject matter. The notice must be published at least once. In
782 addition to the required newspaper publication of the report, if
783 published on a county's or municipality's website or official
784 social media webpage, a link to the notice must appear
785 conspicuously on the main page.

786 **SECTION 15.** Section 17-18-17, Mississippi Code of 1972, is
787 amended as follows:

788 17-18-17. (1) Except as provided in subsection (2) of this
789 section, a community desiring to volunteer to host the state
790 commercial hazardous waste management facility to be operated
791 pursuant to this chapter may propose to do so by the adoption of a
792 resolution by a majority vote of the governing body of the local
793 governmental unit. The committee shall determine the adequacy of
794 any proposal to voluntarily host the state commercial hazardous
795 waste management facility. Once a proposal to volunteer to host
796 the state commercial hazardous waste management facility has been
797 accepted in writing by the committee, the resolution making such



798 proposal may not be rescinded by the governing body of the local
799 governmental unit, unless the management category or categories
800 determined under Section 49-29-7 is changed after the date of the
801 submission of such category determination to the Hazardous Waste
802 Technical Siting Committee. The governing body of the local
803 governmental unit shall hold a minimum of two (2) public hearings
804 prior to submission of a resolution regarding any proposal to
805 volunteer to host the state commercial hazardous waste management
806 facility pursuant to this chapter. The governing body of the
807 local governmental unit shall advertise its intent to hold the
808 public hearings. The advertisement shall be published either in a
809 newspaper of general circulation in the county or by a link to
810 such resolution posted on the county or municipality's website or,
811 if the county or municipality does not have a website, its
812 official social media webpage.

813 If printed, the advertisement shall be no less than
814 one-fourth (1/4) page in size and the type used shall be no
815 smaller than eighteen (18) point and surrounded by a one-fourth
816 (1/4) inch solid black border. The advertisement may not be
817 placed in that portion of the newspaper where legal notices and
818 classified advertisements appear. It is legislative intent that,
819 when the advertisement is printed, whenever possible, the printed
820 advertisement appear in a newspaper that is published at least
821 five (5) days a week, unless the only newspaper in the county is
822 published less than five (5) days a week. It is further the



823 intent of the Legislature that the newspaper selected be one of
824 general interest and readership in the community, and not one of
825 limited subject matter. * * * A print advertisement shall be run
826 once each week for the two (2) weeks preceding the public
827 hearings, and an online advertisement shall appear for the
828 duration of the two-week period. The advertisement shall state
829 that the governing body will meet on a certain day, time and place
830 fixed in the advertisement, which shall be not less than seven (7)
831 days after the day the first advertisement is published, for the
832 purpose of hearing comments regarding the proposed resolution and
833 to explain the reasons for the proposed resolution.

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

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

843 **SECTION 16.** Section 17-21-53, Mississippi Code of 1972, is
844 amended as follows:

845 17-21-53. (1) Before any money is borrowed under the
846 provisions of this article, the governing authority shall adopt a
847 resolution declaring the necessity for such borrowing and



848 specifying the purpose for which the money borrowed is to be
849 expended, the amount to be borrowed, the date or dates of the
850 maturity thereof, and how such indebtedness is to be evidenced.
851 The resolution shall be certified over the signature of the head
852 of the governing authority.

853 (2) The borrowing shall be evidenced by negotiable notes or
854 certificates of indebtedness of the governing authority which
855 shall be signed by the head and clerk of such governing authority.
856 All such notes or certificates of indebtedness shall be offered at
857 public sale by the governing authority after not less than ten
858 (10) days' advertising in a newspaper having general circulation
859 within the governing authority. In addition to the required
860 newspaper advertising, the governing authorities may prove such
861 notice on the governing authority's website or official social
862 media webpage, if the governing authority does not have a website.
863 Each sale shall be made to the bidder offering the lowest rate of
864 interest or whose bid represents the lowest net cost to the
865 governing authority; however, the rate of interest shall not
866 exceed that now or hereafter authorized in Section
867 75-17-101 * * *. No such notes or certificates of indebtedness
868 shall be issued and sold for less than par and accrued interest.
869 All notes or certificates of indebtedness shall mature in
870 approximately equal installments of principal and interest over a
871 period not to exceed five (5) years from the dates of the issuance
872 thereof. Principal shall be payable annually, and interest shall



873 be payable annually or semiannually; provided, however, that the
874 first payment of principal or interest may be for any period not
875 exceeding one (1) year. Provided, however, if negotiable notes
876 are outstanding from not more than one (1) previous issue
877 authorized under the provisions of this article, then the schedule
878 of payments for a new or supplementary issue may be so adjusted
879 that the schedule of maturities of all notes or series of notes
880 hereunder shall, when combined, mature in approximately equal
881 installments of principal and interest over a period of five (5)
882 years from the date of the new or supplementary issue, or if a
883 lower interest rate will thereby be secured on notes previously
884 issued and outstanding, a portion of the proceeds of any issue
885 authorized hereunder may be used to refund the balance of the
886 indebtedness previously issued under the authority of this
887 article. Such notes or certificates of indebtedness shall be
888 issued in such form and in such denominations as may be determined
889 by the governing authority and may be made payable at the office
890 of any bank or trust company selected by the governing authority.
891 In such case, funds for the payment of principal and interest due
892 thereon shall be provided in the same manner provided by law for
893 the payment of the principal and interest due on bonds issued by
894 the governing authority.

895 (3) For the prompt payment of notes or certificates of
896 indebtedness at maturity, both principal and interest, the full
897 faith, credit and resources of the issuing entity are pledged. If



898 the issuing entity does not have available funds in an amount
899 sufficient to provide for the payment of principal and interest
900 according to the terms of such notes or certificates of
901 indebtedness, then the governing authority shall annually levy a
902 special tax upon all of its taxable property at a rate the avails
903 of which will be sufficient to provide such payment. Funds
904 derived from any such tax shall be paid into a sinking fund and
905 used exclusively for the payment of principal of and interest on
906 the notes or certificates of indebtedness. Until needed for
907 expenditure, monies in the sinking fund may be invested in the
908 same manner as the governing authority is elsewhere authorized by
909 law to invest surplus funds.

910 **SECTION 17.** Section 19-3-1, Mississippi Code of 1972, is
911 amended as follows:

912 19-3-1. Each county shall be divided into five (5)
913 districts, with due regard to equality of population and
914 convenience of situation for the election of members of the boards
915 of supervisors, but the districts as now existing shall continue
916 until changed. The qualified electors of each district shall
917 elect, at the next general election, and every four (4) years
918 thereafter, in their districts one (1) member of the board of
919 supervisors. Subject to the provisions of Sections 23-15-283 and
920 23-15-285, the board, by a three-fifths (3/5) vote of all members
921 elected, may change the districts, the boundaries to be entered at
922 large in the minutes of the proceedings of the board.



923 If the boundaries of the districts are changed by order of
924 the board of supervisors as provided in this section, the order
925 shall be published either in a newspaper having general
926 circulation in the county once each week for three (3) consecutive
927 weeks or by a link to such order posted on the county's website
928 or, if the county does not have a website, its official social
929 media website for the duration of the three (3) consecutive weeks.

930 **SECTION 18.** Section 19-3-11, Mississippi Code of 1972, is
931 amended as follows:

932 19-3-11. In counties having only one (1) court district, the
933 board of supervisors shall hold regular meetings at the courthouse
934 or in the chancery clerk's office in those counties where the
935 chancery clerk's office is in a building separate from the
936 courthouse. However, the board of supervisors may meet in any
937 other county-owned building if such building is located within one
938 (1) mile of the courthouse and if, more than thirty (30) days
939 prior to changing the meeting place, the board posts a
940 conspicuous, permanent notice to that effect in the chancery
941 clerk's office and in one (1) other place in the courthouse,
942 publishes notice thereof either in a newspaper published in the
943 county * * * for at least three (3) consecutive weeks or by a link
944 to such notice posted on the county's website or social media
945 webpage, if the county does not have a website, to remain
946 available to the public for the duration of three (3) consecutive
947 weeks. If there be no newspaper published in the county or no



948 county website, then notice should be published in a newspaper
949 having general circulation in the county, once each week, for at
950 least three (3) consecutive weeks, and enters an order upon its
951 minutes designating and describing in full the building and room
952 to be used as the meeting room of the board of supervisors. The
953 board of supervisors shall meet on the first Monday of each month.
954 However, when such meeting date falls on a legal holiday, then the
955 said meeting shall be held on the succeeding day.

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

958 19-3-19. (1) The board of supervisors may, at a regular
959 meeting, by an order on its minutes, adjourn to meet at any time
960 it may determine upon.

961 (2) The president, or the vice president in the absence or
962 disability of the president, or any three (3) members of the
963 board, may call special meetings when deemed necessary. Notice
964 shall be given of all special meetings, for at least five (5)
965 days, by advertisement posted at the courthouse door, * * *
966 published in a newspaper of the county, * * * or by a link to such
967 notice posted on the county's website or, if the county does not
968 have a website, its official social media webpage. The notice
969 thereof, whether posted or published in a newspaper, shall be
970 entered in full on the minutes of said meeting. The notice of a
971 special meeting * * * shall specify each matter of business to be
972 transacted thereat, and at such special meetings business shall



973 not be transacted which is not specified in the order or notice
974 for such meeting.

975 (3) The president, or the vice president in the absence or
976 disability of the president, or any two (2) members of the board,
977 may by written notice, call an emergency meeting of the board of
978 supervisors in cases of an emergency arising as a result of
979 serious damage to county property, or to roads or bridges, or
980 emergencies arising as a result of epidemic conditions or weather
981 conditions. The notice shall state the time of the meeting and
982 distinctly specify the subject matters of business to be acted
983 upon and be signed before a notary by the officer or officers
984 calling the meeting. At least three (3) hours before the time
985 fixed for the meeting, notice shall be personally delivered to the
986 members of the board who have not signed it and who can be found.
987 The notice shall also be posted at the courthouse door at least
988 three (3) hours before the time fixed for the meeting. If a
989 member of the board cannot be found to complete the personal
990 delivery of the notice, the president, vice president or any one
991 (1) of the two (2) members of the board calling an emergency
992 meeting shall make every attempt, within the applicable notice
993 period, to contact the board member that was not personally found
994 by other available means, including, but not limited to, telephone
995 or e-mail. The method of notice used to call the meeting shall be
996 entered on the minutes of the emergency meeting, and business not
997 specified in the notice shall not be transacted at the meeting.



998 **SECTION 20.** Section 19-3-33, Mississippi Code of 1972, is
999 amended as follows:

1000 19-3-33. The board of supervisors may have its proceedings
1001 published in some newspaper published in the county, and cause the
1002 same to be paid for out of the county treasury, but the costs of
1003 such publication shall not exceed the sum fixed by law for
1004 publishing legal notices. If there be more than one (1) newspaper
1005 published in the county, the contract for publishing the
1006 proceedings, if made, shall be let to the lowest bidder among
1007 them. In lieu of publication in a newspaper, the board of
1008 supervisors may have its proceedings published on the county's
1009 website or official social media webpage, if the county does not
1010 have a website.

1011 **SECTION 21.** Section 19-3-35, Mississippi Code of 1972, is
1012 amended as follows:

1013 19-3-35. The board of supervisors after each meeting shall
1014 have an itemized statement made of allowances, to whom, for what,
1015 and the amounts; a list of all contracts providing for the
1016 expenditure of money and the terms of payment thereof; a statement
1017 of all loans from sixteenth section funds, lieu land funds, and
1018 sinking, and other trust funds, setting forth to whom made, the
1019 amount, and the kind of security approved; a statement or list of
1020 all sales of timber, of all leases upon, including all leases for
1021 oil, gas and minerals upon, sixteenth section or lieu lands
1022 situated in the county or belonging to the county, showing to whom



1023 sold or made, description of land involved, the length of the term
1024 of any such lease, and the consideration therefor; and it shall
1025 also publish a recapitulation of all expenditures according to
1026 districts and also the county as a whole, and in such
1027 recapitulation the total expenses for each item shall be listed
1028 for each district, and in the total county recapitulation the
1029 total expended from each item shall be listed and same shall be
1030 published within fifteen (15) days after adjournment in some
1031 newspaper of general circulation published in the county, and if
1032 no such newspaper is published in the county, then recapitulation
1033 shall be published in a newspaper published elsewhere in the state
1034 and having a general circulation in such county. In addition to
1035 the required newspaper publication, the county may provide such
1036 information by a link to such recapitulation posted on the
1037 county's website or, if the county does not have a website, its
1038 official social media webpage. The cost of publishing the same
1039 shall be paid for out of the general fund of the county. The cost
1040 of such publication shall not exceed one-half (1/2) of the rate
1041 now fixed by law for publishing legal notices, and in no event
1042 shall the cost of such publication exceed One Hundred Dollars
1043 (\$100.00) in any one (1) month, save, however, in counties of
1044 classes 1 and 2 the board of supervisors may expend an amount not
1045 to exceed One Hundred Seventy-five Dollars (\$175.00) per month for
1046 the publication of said cumulative digest of its proceedings as
1047 provided for above. If there be more than one newspaper published



1048 in the county, the board of supervisors shall advertise, as
1049 provided by law, for contracts for publishing such proceedings,
1050 and shall award the contract to the lowest bidder for a period of
1051 two (2) years. If no bid be made for the price above mentioned,
1052 then the proceedings shall be posted at the courthouse door as
1053 hereinafter provided. If there be no newspaper published in such
1054 county, then such proceedings shall be posted at the front
1055 courthouse door and on the county's website or official social
1056 media webpage, if the county does not have a website.

1057 If any member of a board of supervisors or the chancery clerk
1058 shall fail, refuse or neglect to comply with the provisions of
1059 this section, he shall, upon conviction, be guilty of a
1060 misdemeanor and shall be fined not more than Five Hundred Dollars
1061 (\$500.00) for such failure, refusal or neglect for each offense
1062 and, in addition thereto, shall be liable to a penalty of Five
1063 Hundred Dollars (\$500.00), recoverable on his official bond by
1064 suit filed by any county or district attorney or any interested
1065 citizen, upon his official bond.

1066 This shall not be construed to repeal Section 19-3-33, and
1067 where the verbatim proceedings are published as therein provided,
1068 this section shall not apply, it being intended hereby to provide
1069 a method of publishing the proceedings of the board of supervisors
1070 in addition to that now provided for by Section 19-3-33. Where
1071 publication is made under Section 19-3-33, this section shall not



1072 be construed so as to require any other and additional
1073 publication, or notice.

1074 **SECTION 22.** Section 19-3-67, Mississippi Code of 1972, is
1075 amended as follows:

1076 19-3-67. (1) When any member of any board of supervisors
1077 shall be required to travel outside of his county but within the
1078 State of Mississippi in the performance of his official duties,
1079 such member shall receive as expenses of such travel the same
1080 mileage and actual and necessary expenses for food, lodging and
1081 travel by public carrier or private motor vehicles as is allowed
1082 state officers and employees pursuant to the provisions of Section
1083 25-3-41, Mississippi Code of 1972. Provided, however, mileage
1084 shall not be authorized when such travel is done by a motor
1085 vehicle owned by the county.

1086 (2) When any member of any board of supervisors shall be
1087 required to travel outside the State of Mississippi in the
1088 performance of his official duties, such member shall receive as
1089 expenses of such travel the same mileage and actual and necessary
1090 expenses for food, lodging and travel by public carrier or private
1091 motor vehicles as is allowed state officers and employees pursuant
1092 to the provisions of Section 25-3-41, Mississippi Code of 1972.
1093 Provided, however, such travel must receive the prior approval of
1094 the board before it is undertaken, and such approval shall be
1095 spread upon the minutes of the board.



1096 (3) Except as hereinafter provided with respect to mileage,
1097 no expenses shall be authorized or approved by any board of
1098 supervisors for travel by the member of such board within the
1099 county of such board. With respect to mileage, when travel within
1100 the county by a member of such board is done by a motor vehicle
1101 owned by the county, mileage shall not be authorized; however,
1102 when any member of such board does not have a county-owned motor
1103 vehicle regularly assigned to him for his use or when a
1104 county-owned motor vehicle is not otherwise available for his use
1105 at the time when travel is necessary, and he is required to travel
1106 within the county in the performance of his official duties using
1107 his private motor vehicle, then he may be reimbursed for mileage
1108 in the same manner as provided in Section 25-3-41, Mississippi
1109 Code of 1972.

1110 (4) Itemized expense accounts shall be submitted by the
1111 member on forms prescribed by the Auditor of Public Accounts for
1112 reimbursement of expenses for state officers and employees in such
1113 numbers as the county may require. No expenses authorized in this
1114 section shall be reimbursed unless the expenses have been
1115 authorized or approved by a vote of a majority of the members of
1116 the board duly made and spread upon the minutes of such board.

1117 (5) Expenses authorized in this section shall be published
1118 by the board of supervisors in a newspaper of general circulation
1119 published in the county; and, if no such newspaper is published in
1120 the county, then in a newspaper published elsewhere in the state



1121 which has a general circulation in such county. In addition to
1122 the required newspaper publication, the county may provide such
1123 information a link to the information posted on the county's
1124 website or, if the county does not have a website, its official
1125 social media webpage. The publication shall be a detailed
1126 accounting of the expenses authorized to each member of the board.
1127 The cost of publishing such expense accounts shall be paid by the
1128 county pursuant to the provisions of Section 19-3-35.

1129 **SECTION 23.** Section 19-3-79, Mississippi Code of 1972, is
1130 amended as follows:

1131 19-3-79. (1) Any person, corporation or other legal entity
1132 required to obtain a state gaming license to conduct legal gaming
1133 aboard a cruise vessel or vessel, as defined in Section 27-109-1,
1134 as prescribed by the Mississippi Gaming Control Act shall, before
1135 applying for such license, provide the Mississippi Gaming
1136 Commission with a written notice of intent to apply for a license.
1137 The "notice of intent to apply for a gaming license" shall be on a
1138 form prescribed by the executive director of the commission and
1139 shall state the county in which the intending licensee desires to
1140 conduct legal gaming aboard a cruise vessel or vessel, as the case
1141 may be. Within ten (10) days after receipt of a notice of intent
1142 to apply for a gaming license, the commission shall require such
1143 person, corporation or legal entity to publish the notice * * *
1144 either in a newspaper having general circulation in the county in
1145 which the intending licensee desires to conduct legal gaming



1146 aboard a cruise vessel or vessel, as the case may be, once each
1147 week for three (3) consecutive weeks or by a link to such notice
1148 posted on the county's website or, if the county does not have a
1149 website, its official social media is to remain available to the
1150 public for the duration of three (3) consecutive weeks.

1151 (2) If no petition as prescribed in subsection (3) of this
1152 section is filed with the board of supervisors of the applicable
1153 county within thirty (30) days after the date of the last
1154 publication, the board of supervisors of such county shall adopt a
1155 resolution stating that no petition was timely filed and that
1156 legal gaming may henceforth be conducted aboard cruise vessels or
1157 vessels, as the case may be, in such county.

1158 (3) If a petition signed by twenty percent (20%) or fifteen
1159 hundred (1500), whichever is less, of the registered voters of a
1160 county in which a notice of intent to apply for a gaming license
1161 is published is filed within thirty (30) days of the date of the
1162 last publication with the circuit clerk of the applicable county,
1163 the board of supervisors of such county shall authorize the
1164 circuit clerk to hold an election on the proposition of allowing
1165 legal gaming to be conducted aboard cruise vessels or vessels, as
1166 the case may be, in the county on the date upon which such an
1167 election may be conducted under subsection (7). The referendum
1168 shall be advertised, held, conducted and the result thereof
1169 canvassed in the manner provided by law for advertising, holding
1170 and canvassing county elections.



1171 (4) At such election, all qualified electors of such county
1172 may vote. The ballots used at such election shall have printed
1173 thereon a brief statement of the purpose of the election and the
1174 words "FOR LEGAL GAMING ABOARD CRUISE VESSELS (OR VESSELS) IN THE
1175 COUNTY AS PRESCRIBED BY LAW" and "AGAINST LEGAL GAMING ABOARD
1176 CRUISE VESSELS (OR VESSELS) IN THE COUNTY AS PRESCRIBED BY LAW."
1177 The voter shall vote by placing a cross (x) or check (√) mark
1178 opposite his choice on the proposition. If a majority of the
1179 qualified electors who vote in such election shall vote in favor
1180 of allowing legal gaming to be conducted aboard cruise vessels or
1181 vessels, as the case may be, then legal gaming may henceforth be
1182 conducted aboard cruise vessels or vessels, as the case may be, in
1183 the county. If less than a majority of the qualified electors who
1184 vote in such election shall vote in favor of allowing legal gaming
1185 to be conducted aboard cruise vessels or vessels, as the case may
1186 be, in the county, then gaming aboard cruise vessels or vessels,
1187 as the case may be, shall be prohibited in the county until such
1188 time as a subsequent election, held according to the restrictions
1189 specified in subsection (7), may authorize such legal gaming.

1190 (5) In any county in which no petition is timely filed after
1191 a notice of intent to apply for a gaming license is published, or
1192 in which an election is held on the proposition of allowing legal
1193 gaming to be conducted aboard cruise vessels or vessels, as the
1194 case may be, in the county and a majority of the qualified
1195 electors who vote in such election vote in favor of allowing legal



1196 gaming to be conducted aboard cruise vessels or vessels, as the
1197 case may be, in the county, no election shall thereafter be held
1198 in that county pursuant to this section on the proposition of
1199 allowing legal gaming to be conducted aboard cruise vessels or
1200 vessels, as the case may be, in that county.

1201 (6) Notwithstanding any provision of this section or
1202 Sections 97-33-1, 97-33-7, 97-33-17, 97-33-25 and 97-33-27 to the
1203 contrary, if an election is held pursuant to this section which
1204 causes the conducting of gaming aboard cruise vessels to be
1205 prohibited in any county in which one or more cruise vessels were
1206 operating out of a port in the county on the effective date of
1207 this chapter, the prohibition on the conducting of gaming aboard
1208 cruise vessels in that county shall not apply to the conducting of
1209 legal gaming aboard any of those cruise vessels which were still
1210 operating out of a port in that county at the time of the
1211 election.

1212 (7) If an election has been held on the issue of allowing
1213 legal gaming to be conducted aboard cruise vessels or vessels, as
1214 the case may be, in a county, and the authority to conduct such
1215 legal gaming has been denied by the electors of such county, then
1216 a subsequent election on such issue may not be held until:

1217 (a) The date of the next succeeding general election in
1218 which the election for President of the United States occurs; or

1219 (b) In the case in which the authority to conduct such
1220 legal gaming has been denied by the electors of such county at



1221 elections on three (3) different occasions, whether those
1222 occasions be successive or not, the date of the next succeeding
1223 general election occurring at least eight (8) years after the last
1224 of the three (3) occasions on which the electors denied the
1225 authority to conduct such legal gaming.

1226 **SECTION 24.** Section 19-5-9, Mississippi Code of 1972, is
1227 amended as follows:

1228 19-5-9. (1) The construction codes published by a
1229 nationally recognized code group which sets minimum standards and
1230 has the proper provisions to maintain up-to-date amendments are
1231 adopted as minimum standard guides for building, plumbing,
1232 electrical, gas, sanitary, and other related codes in Mississippi.
1233 Any county within the State of Mississippi, in the discretion of
1234 the board of supervisors, may adopt building codes, plumbing
1235 codes, electrical codes, sanitary codes, or other related codes
1236 dealing with general public health, safety or welfare, or a
1237 combination of the same, within but not exceeding the provisions
1238 of the construction codes published by nationally recognized code
1239 groups, by order or resolution in the manner prescribed in this
1240 section, but those codes so adopted shall apply only to the
1241 unincorporated areas of the county. However, those codes shall
1242 not apply to the erection, maintenance, repair or extension of
1243 farm buildings or farm structures, except as may be required under
1244 the terms of the "Flood Disaster Protection Act of 1973," and
1245 shall apply to a master planned community as defined in Section



1246 19-5-10 only to the extent allowed in Section 19-5-10. The
1247 provisions of this section shall not be construed to authorize the
1248 adoption of any code which applies to the installation, repair or
1249 maintenance of electric wires, pipelines, apparatus, equipment or
1250 devices by or for a utility rendering public utility services,
1251 required by it to be utilized in the rendition of its duly
1252 authorized service to the public. Before any such code shall be
1253 adopted, it shall be either printed or typewritten and shall be
1254 presented in pamphlet form to the board of supervisors at a
1255 regular meeting. The order or resolution adopting the code shall
1256 not set out the code in full, but shall merely identify the same.
1257 The vote or passage of the order or resolution shall be the same
1258 as on any other order or resolution. After its adoption, the code
1259 or codes shall be certified to by the president and clerk of the
1260 board of supervisors and shall be filed as a permanent record in
1261 the office of the clerk who shall not be required to transcribe
1262 and record the same in the minute book as other orders and
1263 resolutions.

1264 (2) If the board of supervisors of any county adopts or has
1265 adopted construction codes which do not have proper provisions to
1266 maintain up-to-date amendments, specifications in such codes for
1267 cements used in portland cement concrete shall be superseded by
1268 nationally recognized specifications referenced in any code
1269 adopted by the Mississippi Building Code Council.



1270 (3) All provisions of this section shall apply to amendments
1271 and revisions of the codes mentioned in this section. The
1272 provisions of this section shall be in addition and supplemental
1273 to any existing laws authorizing the adoption, amendment or
1274 revision of county orders, resolutions or codes.

1275 (4) Any code adopted under the provisions of this section
1276 shall not be in operation or force until sixty (60) days have
1277 elapsed from the adoption of same; however, any code adopted for
1278 the immediate preservation of the public health, safety and
1279 general welfare may be effective from and after its adoption by a
1280 unanimous vote of the members of the board. Within five (5) days
1281 after the adoption or passage of an order or resolution adopting
1282 that code or codes the clerk of the board of supervisors shall
1283 publish either in a legal newspaper published in the county the
1284 full text of the order or resolution adopting and approving the
1285 code * * * or by a link to such order or resolution posted on the
1286 county's website or, if the county does not have a website, its
1287 official social media webpage. A print publication shall be
1288 inserted at least three (3) times, and shall be completed within
1289 thirty (30) days after the passage of the order or resolution. An
1290 online publication shall remain on the appropriate website or
1291 social media webpage for the duration of thirty (30) days after
1292 the passage of the order or resolution.

1293 (5) Any person or persons objecting to the code or codes may
1294 object in writing to the provisions of the code or codes within



1295 sixty (60) days after the passage of the order or resolution
1296 approving same, and if the board of supervisors adjudicates that
1297 ten percent (10%) or more of the qualified electors residing in
1298 the affected unincorporated areas of the county have objected in
1299 writing to the code or codes, then in such event the code shall be
1300 inoperative and not in effect unless adopted for the immediate
1301 preservation of the public health, safety and general welfare
1302 until approved by a special election called by the board of
1303 supervisors as other special elections are called and conducted by
1304 the election commissioners of the county as other special
1305 elections are conducted, the special election to be participated
1306 in by all the qualified electors of the county residing in the
1307 unincorporated areas of the county. If the voters approve the
1308 code or codes in the special election it shall be in force and in
1309 operation thereafter until amended or modified as provided in this
1310 section. If the majority of the qualified electors voting in the
1311 special election vote against the code or codes, then, in such
1312 event, the code or codes shall be void and of no force and effect,
1313 and no other code or codes dealing with that subject shall be
1314 adopted under the provisions of this section until at least two
1315 (2) years thereafter.

1316 (6) After any such code shall take effect the board of
1317 supervisors is authorized to employ such directors and other
1318 personnel as the board, in its discretion, deems necessary and to



1319 expend general county funds or any other funds available to the
1320 board to fulfill the purposes of this section.

1321 (7) For the purpose of promoting health, safety, morals or
1322 the general welfare of the community, the governing authority of
1323 any municipality, and, with respect to the unincorporated part of
1324 any county, the governing authority of any county, in its
1325 discretion, is empowered to regulate the height, number of stories
1326 and size of building and other structures, the percentage of lot
1327 that may be occupied, the size of the yards, courts and other open
1328 spaces, the density or population, and the location and use of
1329 buildings, structures and land for trade, industry, residence or
1330 other purposes, but no permits shall be required except as may be
1331 required under the terms of the "Flood Disaster Protection Act of
1332 1973" for the erection, maintenance, repair or extension of farm
1333 buildings or farm structures outside the corporate limits of
1334 municipalities.

1335 (8) The authority granted in this section is cumulative and
1336 supplemental to any other authority granted by law.

1337 (9) Notwithstanding any provision of this section to the
1338 contrary, any code adopted by a county before or after April 12,
1339 2001, is subject to the provisions of Section 41-26-14(10).

1340 (10) Notwithstanding any provision of this section to the
1341 contrary, the Boards of Supervisors of Jackson, Harrison, Hancock,
1342 Stone and Pearl River Counties shall enforce the requirements
1343 imposed under Section 17-2-1 as provided in such section.



1344 (11) Regardless of whether a county adopts or has adopted
1345 codes, as set forth in this section, each and every county in this
1346 state shall require permitting as a condition to construction
1347 within the unincorporated areas of the county, and such permits
1348 shall contain, on their face, in conspicuous print, (a) the
1349 contractor's material purchase certificate number to the extent
1350 furnished by the Department of Revenue pursuant to Section
1351 27-65-21(3) or the contractor's Taxpayer Identification Number as
1352 furnished by the Internal Revenue Service, and either a copy of
1353 such material purchase certificate furnished by the Department of
1354 Revenue pursuant to Section 27-65-21(3), or a copy of the
1355 contractor's W-9, as the case may be, shall be required to be
1356 provided to the county as part of the prime contractor's
1357 application for such permit, prior to the issuance of such permit,
1358 and (b) the contractor's license or certificate of responsibility
1359 number as required by either Section 31-3-14 et seq., 51-5-1 et
1360 seq. or 73-59-1 et seq.

1361 **SECTION 25.** Section 19-5-21, Mississippi Code of 1972, is
1362 amended as follows:

1363 19-5-21. (1) (a) Except as provided in paragraphs (b),
1364 (c), (d) and (g) of this subsection, the board of supervisors, to
1365 defray the cost of establishing and operating the system provided
1366 for in Section 19-5-17, may levy an ad valorem tax not to exceed
1367 four (4) mills on all taxable property within the area served by
1368 the county garbage or rubbish collection or disposal system. The



1369 service area may be comprised of unincorporated or incorporated
1370 areas of the county or both; however, no property shall be subject
1371 to this levy unless that property is within an area served by a
1372 county's garbage or rubbish collection or disposal system.

1373 (b) The board of supervisors of any county wherein
1374 Mississippi Highways 35 and 16 intersect and having a land area of
1375 five hundred eighty-six (586) square miles may levy, in its
1376 discretion, for the purposes of establishing, operating and
1377 maintaining a garbage or rubbish collection or disposal system, an
1378 ad valorem tax not to exceed six (6) mills on all taxable property
1379 within the area served by the system as set out in paragraph (a)
1380 of this subsection.

1381 (c) The board of supervisors of any county bordering on
1382 the Mississippi River and traversed by U.S. Highway 61, and which
1383 is intersected by Mississippi Highway 4, having a population of
1384 eleven thousand eight hundred fifty-four (11,854) according to the
1385 1970 federal census, and having an assessed valuation of Fourteen
1386 Million Eight Hundred Seventy-two Thousand One Hundred Forty-four
1387 Dollars (\$14,872,144.00) in 1970, may levy, in its discretion, for
1388 the purposes of establishing, operating and maintaining a garbage
1389 or rubbish collection or disposal system, an ad valorem tax not to
1390 exceed six (6) mills on all taxable property within the area
1391 served by the system as set out in paragraph (a) of this
1392 subsection.



1393 (d) The board of supervisors of any county having a
1394 population in excess of two hundred fifty thousand (250,000),
1395 according to the latest federal decennial census, and in which
1396 Interstate Highway 55 and Interstate Highway 20 intersect, may
1397 levy, in its discretion, for the purposes of establishing,
1398 operating and maintaining a garbage or rubbish collection or
1399 disposal system, an ad valorem tax not to exceed seven (7) mills
1400 on all taxable property within the area served by the system as
1401 set out in paragraph (a) of this subsection.

1402 (e) The proceeds derived from any additional millage
1403 levied pursuant to paragraphs (a) through (d) of this subsection
1404 in excess of two (2) mills shall be excluded from the ten percent
1405 (10%) increase limitation under Section 27-39-321 for the first
1406 year of such additional levy and shall be included within such
1407 limitation in any year thereafter. The proceeds from any millage
1408 levied pursuant to paragraph (g) shall be excluded from the ten
1409 percent (10%) increase limitation under Section 27-39-321 for the
1410 first year of the levy and shall be included within the limitation
1411 in any year thereafter.

1412 (f) The rate of the ad valorem tax levied under this
1413 section shall be shown as a line item on the notice of ad valorem
1414 taxes on taxable property owed by the taxpayer.

1415 (g) In lieu of the ad valorem tax authorized in
1416 paragraphs (a), (b), (c) and (d) of this subsection, the fees
1417 authorized in subsection (2) of this subsection and in Section



1418 19-5-17 or any combination thereof, the board of supervisors may
1419 levy an ad valorem tax not to exceed six (6) mills to defray the
1420 cost of establishing and operating the system provided for in
1421 Section 19-5-17 on all taxable property within the area served by
1422 the system as provided in paragraph (a) of this subsection.

1423 Any board of supervisors levying the ad valorem tax
1424 authorized in this paragraph (g) is prohibited from assessing or
1425 collecting fees for the services provided under the system.

1426 (2) In addition to the ad valorem taxes authorized in
1427 paragraphs (a), (b) and (c) of subsection (1) or in lieu of any
1428 other method authorized to defray the cost of establishing and
1429 operating the system provided for in Section 19-5-17, the board of
1430 supervisors of any county with a garbage or rubbish collection or
1431 disposal system may assess and collect fees to defray the costs of
1432 the services. The board of supervisors may assess and collect the
1433 fees from each single family residential generator of garbage or
1434 rubbish. The board of supervisors also may assess and collect the
1435 fees from each industrial, commercial and multifamily residential
1436 generator of garbage or rubbish for any time period that the
1437 generator has not contracted for the collection of garbage and
1438 rubbish that is ultimately disposed of at a permitted or
1439 authorized nonhazardous solid waste management facility. The fees
1440 assessed and collected under this subsection may not exceed, when
1441 added to the proceeds derived from any ad valorem tax imposed
1442 under this section and any special funds authorized under



1443 subsection (7), the actual costs estimated to be incurred by the
1444 county in operating the county garbage and rubbish collection and
1445 disposal system. In addition to such fees, an additional amount
1446 not to exceed up to One Dollar (\$1.00) or ten percent (10%) per
1447 month, whichever is greater, on the current monthly bill may be
1448 assessed and collected on the balance of any delinquent monthly
1449 fees.

1450 (3) (a) Before the adoption of any order to increase the ad
1451 valorem tax assessment or fees authorized by this section, the
1452 board of supervisors shall publish a notice advertising their
1453 intent to adopt an order to increase the ad valorem tax assessment
1454 or fees authorized by this section. The notice shall specify the
1455 purpose of the proposed increase, the proposed percentage increase
1456 and the proposed percentage increase in total revenues for garbage
1457 or rubbish collection or disposal services or shall contain a copy
1458 of the resolution by the board stating their intent to increase
1459 the ad valorem tax assessment or fees. The notice shall be
1460 published in a newspaper published or having general circulation
1461 in the county for no less than three (3) consecutive weeks before
1462 the adoption of the order. In addition to the newspaper
1463 publication, the county may provide such notice by a link to such
1464 notice posted on the county's website or, if the county does not
1465 have a website, its social media webpage is to remain available to
1466 the public for no less than three (3) consecutive weeks before the
1467 adoption of the order. For the required notice that is provided



1468 in the newspaper, the notice shall be in print no less than the
1469 size of eighteen (18) point and shall be surrounded by a
1470 one-fourth (1/4) inch black border. The notice shall not be
1471 placed in the legal section notice of the newspaper. There shall
1472 be no language in the notice stating or implying a mandate from
1473 the Legislature.

1474 (b) In addition to the requirement for publication of
1475 notice, the board of supervisors shall notify each person
1476 furnished garbage or rubbish collection or disposal service of any
1477 increase in the ad valorem tax assessment or fees. In the case of
1478 an increase of the ad valorem tax assessment, a notice shall be
1479 conspicuously placed on or attached to the first ad valorem tax
1480 bill on which the increased assessment is effective. In the case
1481 of an increase in fees, a notice shall be conspicuously placed on
1482 or attached to the first bill for fees on which the increased fees
1483 or charges are assessed. There shall be no language in any notice
1484 stating or implying a mandate from the Legislature.

1485 (4) The board of supervisors of each county shall adopt an
1486 order determining whether or not to grant exemptions, either full
1487 or partial, from the fees for certain classes of generators of
1488 garbage or rubbish. If a board of supervisors grants any
1489 exemption, it shall do so in accordance with policies and
1490 procedures, duly adopted and entered on its minutes, that clearly
1491 define those classes of generators to whom the exemptions are
1492 applicable. The order granting exemptions shall be interpreted



1493 consistently by the board when determining whether to grant or
1494 withhold requested exemptions.

1495 (5) (a) The board of supervisors in any county with a
1496 garbage or rubbish collection or disposal system only for
1497 residents in unincorporated areas may adopt an order authorizing
1498 any single family generator to elect not to use the county garbage
1499 or rubbish collection or disposal system. If the board of
1500 supervisors adopts an order, the head of any single family
1501 residential generator may elect not to use the county garbage or
1502 rubbish collection or disposal service by filing with the chancery
1503 clerk the form provided for in this subsection before December 1
1504 of each year. The board of supervisors shall develop a form that
1505 shall be available in the office of the chancery clerk for the
1506 head of household to elect not to use the service and to accept
1507 full responsibility for the disposal of his garbage or rubbish in
1508 accordance with state and federal laws and regulations. The board
1509 of supervisors, following consultation with the Department of
1510 Environmental Quality, shall develop and the chancery clerk shall
1511 provide a form to each person electing not to use the service
1512 describing penalties under state and federal law and regulations
1513 for improper or unauthorized management of garbage. Notice that
1514 the election may be made not to use the county service by filing
1515 the form with the chancery clerk's office shall be published in a
1516 newspaper published or having general circulation in the county
1517 for no less than three (3) consecutive weeks, with the first



1518 publication being made no sooner than five (5) weeks before the
1519 first day of December. In addition to the required newspaper
1520 publication, the county may provide such notice posted on the
1521 county's website or, if the county does not have a website, its
1522 official social media webpage is to be made available to the
1523 public for the duration of no less than three (3) consecutive
1524 weeks. The notice shall state that any single family residential
1525 generator may elect not to use the county garbage or rubbish
1526 collection or disposal service by the completion and filing of the
1527 form for that purpose with the chancery clerk's office before
1528 December 1 of that year. The notice shall also include a
1529 statement that any single family residential generator who does
1530 not timely file the form shall be assessed any fees levied to
1531 cover the cost of the county garbage or rubbish collection or
1532 disposal service. The chancery clerk shall maintain a list
1533 showing the name and address of each person who has filed a notice
1534 of intent not to use the county garbage or rubbish collection or
1535 disposal service.

1536 (b) If the homestead property of a person lies
1537 partially within the unincorporated service area of a county and
1538 partially within the incorporated service area of a municipality
1539 and both the municipality and the county provide garbage
1540 collection and disposal service to that person, then the person
1541 may elect to use either garbage collection and disposal service.
1542 The person shall notify the clerk of the governing authority of



1543 the local government whose garbage collection and disposal service
1544 he elects not to use of his decision not to use such services by
1545 certified mail, return receipt requested. The person shall not be
1546 liable for any fees or charges from the service he elects not to
1547 use.

1548 (6) The board may borrow money for the purposes of defraying
1549 the expenses of the system in anticipation of:

1550 (a) The tax levy authorized under this section;

1551 (b) Revenues resulting from the assessment of any fees
1552 for garbage or rubbish collection or disposal; or

1553 (c) Any combination thereof.

1554 (7) In addition to the fees or ad valorem millage authorized
1555 under this section, a board of supervisors may use monies from any
1556 special funds of the county that are not otherwise required by law
1557 to be dedicated for use for a particular purpose in order to
1558 defray the costs of the county garbage or rubbish collection or
1559 disposal system.

1560 **SECTION 26.** Section 19-5-23, Mississippi Code of 1972, is
1561 amended as follows:

1562 19-5-23. The tax levy authorized by Section 19-5-21 shall
1563 not be imposed until the board of supervisors shall have published
1564 notice of its intention to levy same. * * * The notice shall be
1565 published once each week for three (3) consecutive weeks in some
1566 newspaper having a general circulation in such county, but not
1567 less than twenty-one (21) days, nor more than sixty (60) days,



1568 intervening between the time of the first notice and the meeting
1569 at which * * * the board proposes to levy such tax. In addition
1570 to the newspaper publication, the county may provide such notice
1571 by a link to such resolution posted on the county's website or, if
1572 the county does not have a website, its official social media
1573 webpage is to remain available to the public for three (3)
1574 consecutive weeks. If, within the time of giving notice, twenty
1575 percent (20%) or fifteen hundred (1500), whichever is less, of the
1576 qualified electors of the district affected shall protest or file
1577 a petition against the levy of such tax, then such tax shall not
1578 be levied unless authorized by a majority of the qualified
1579 electors of such district voting at an election to be called and
1580 held for that purpose. The notice provided for herein shall only
1581 be required prior to the initial levy except when the board of
1582 supervisors intends to increase the levy over the amount shown in
1583 the initial notice.

1584 **SECTION 27.** Section 19-5-81, Mississippi Code of 1972, is
1585 amended as follows:

1586 19-5-81. Before issuing the bonds, notes or loan warrants,
1587 authorized by Section 19-5-79 the board of supervisors shall
1588 publish notice of its intention to borrow such funds and to issue
1589 loan warrants, notes or bonds, and the clerk of * * * the board
1590 shall publish in three (3) weekly issues of some newspaper having
1591 a general circulation in the county, a copy of such order. In
1592 addition to the newspaper publication, the county may provide such



1593 notice by a link to such resolution posted on the county's website
1594 or, if the county does not have a website, its official social
1595 media webpage is to remain available to the public for three (3)
1596 consecutive weeks. If, within twenty-one (21) days after the
1597 first publication of a copy of such order, twenty percent (20%) of
1598 the qualified electors of the county petition the board of
1599 supervisors for an election to determine whether or not the
1600 adoption of such order should be annulled, such election shall be
1601 ordered by * * * the board of supervisors in which the qualified
1602 electors of the county shall be eligible to participate. If at
1603 such election a majority of those voting vote in favor of the
1604 adoption of such order the same shall be valid and effective, but
1605 if a majority shall vote against such order it shall be annulled
1606 and shall be ineffective. Such election shall be held and
1607 conducted and the returns thereof made as provided by law for
1608 other county elections. If no such petition be presented within
1609 twenty-one (21) days after the first publication of a copy of such
1610 order, the order shall be valid and effective and * * * the board
1611 may thereupon proceed to issue * * * the loan warrants hereunder
1612 without an election on the question of the issuance thereof.

1613 **SECTION 28.** Section 19-5-92.1, Mississippi Code of 1972, is
1614 amended as follows:

1615 19-5-92.1. (1) The board of supervisors of any county,
1616 whenever the board determines that the health, comfort and



1617 convenience of the inhabitants of the county will be promoted,
1618 may:

1619 (a) Alter and change the channels of streams or other
1620 water courses;

1621 (b) Construct, reconstruct and repair bridges over
1622 streams and water courses; and

1623 (c) Incur costs and pay necessary expenses for:

1624 (i) Providing labor, materials and supplies to
1625 clean or clear drainage ditches, creeks or channels or conduits,
1626 both natural and man-made and to prevent erosion of such ditches,
1627 creeks or channels;

1628 (ii) Acquiring property and obtaining easements
1629 necessary to perform work under this section; and

1630 (iii) Reimbursing landowners for damages and
1631 injury resulting from work performed by the county under this
1632 section.

1633 (2) The work performed and the expenses incurred under
1634 subsection (1) of this section may take place on public or private
1635 property. However, if the work is to be performed or the expenses
1636 to be incurred will take place on private property, the board of
1637 supervisors must:

1638 (a) Make a finding, as evidenced by entry upon its
1639 minutes, that such work and/or expenses are necessary in order to
1640 promote the public health, safety and welfare of the citizens of
1641 the county;



1642 (b) Give notice, in writing, to all owners of property
1643 that will be affected by the work for such period of time as is
1644 reasonable to allow such owners to express any objections;

1645 (c) Not receive written objection to the work by any
1646 owners of property that will be affected by the work within the
1647 period of time allowed to express objections; and

1648 (d) Unless otherwise agreed, in writing, by the county
1649 and the landowner, construct or install a culvert or bridge, at
1650 the county's expense, at an appropriate location or locations to
1651 provide the landowner ingress and egress to all of the property to
1652 which the landowner had access immediately before performance of
1653 the work by the county.

1654 (3) The county shall reimburse landowners for all damages or
1655 injury resulting from work performed by the county under this
1656 section.

1657 (4) The provisions of this section do not impose any
1658 obligation or duty upon a county to perform any work or to incur
1659 any expenditures not otherwise required by law to be performed or
1660 incurred by a county, nor do the provisions of this section create
1661 any rights or benefits for the owner of any public or private
1662 property in addition to any rights or benefits as may be otherwise
1663 provided by law.

1664 (5) No additional taxes may be imposed for the work
1665 authorized under subsection (1) of this section until the board of
1666 supervisors adopts a resolution declaring its intention to levy



1667 the taxes and establishing the amount of the tax levies and the
1668 date on which the taxes initially will be levied and collected.
1669 This date shall be the first day of the month, but not earlier
1670 than the first day of the second month, from the date of adoption
1671 of the resolution. Notice of the proposed tax levy must be
1672 published once each week for at least three (3) consecutive weeks
1673 in a newspaper having a general circulation in the county. In
1674 addition to the newspaper publication, the county may provide such
1675 notice by a link to such resolution posted on the county's website
1676 or, if the county does not have a website, its official social
1677 media webpage is to remain available to the public for three (3)
1678 consecutive weeks. The first publication of the notice shall be
1679 made not less than twenty-one (21) days before the date fixed in
1680 the resolution on which the board of supervisors proposes to levy
1681 the taxes, and the last publication of the notice shall be made
1682 not more than seven (7) days before that date. If, within the
1683 time of giving notice, fifteen percent (15%) or two thousand five
1684 hundred (2,500), whichever is less, of the qualified electors of
1685 the county file a written petition against the levy of the taxes,
1686 then the taxes shall not be levied unless authorized by
1687 three-fifths (3/5) of the qualified electors of the county voting
1688 at an election to be called and held for that purpose.

1689 **SECTION 29.** Section 19-5-155, Mississippi Code of 1972, is
1690 amended as follows:



1691 19-5-155. Upon the filing of such petition, or upon the
1692 adoption of a resolution declaring the intent of the board of
1693 supervisors to incorporate such district, it shall then be the
1694 duty of the board of supervisors of such county to fix a time and
1695 place for a public hearing upon the question of the public
1696 convenience and necessity of the incorporation of the proposed
1697 district. The date fixed for such hearing shall be not more than
1698 thirty (30) days after the filing of the petition, and the date of
1699 the hearing, the place at which it shall be held, the proposed
1700 boundaries of said district, and the purpose of the hearing, shall
1701 be set forth in a notice to be signed by the clerk of the board of
1702 supervisors of such county. Such notice shall be published either
1703 in a newspaper having general circulation within such proposed
1704 district or by a link to such notice posted on the county's
1705 website or, if the county does not have a website, its social
1706 media webpage. A print notice shall be published in a newspaper
1707 once a week for at least three (3) consecutive weeks prior to the
1708 date of such hearing, and an online notice shall appear for the
1709 duration of at least three (3) weeks prior to the date of such
1710 hearing. The first such print publication shall be made not less
1711 than twenty-one (21) days prior to the date of such hearing and
1712 the last such publication shall be made not more than fourteen
1713 (14) days prior to the date of such hearing.

1714 If, at such public hearing, the board of supervisors finds
1715 (1) that the public convenience and necessity require the creation



1716 of the district, and (2) that the creation of the district is
1717 economically sound and desirable, the board of supervisors shall
1718 adopt a resolution making the aforesaid findings and declaring its
1719 intention to create the district on a date to be specified in such
1720 resolution. Such resolution shall also designate the name of the
1721 proposed district, define its territorial limits which shall be
1722 fixed by said board pursuant to such hearing, and state whether or
1723 not the board of supervisors shall levy the tax authorized in
1724 Section 19-5-189 * * *, and whether or not the board of
1725 supervisors proposes to assess benefited properties as outlined in
1726 Section 19-5-191 * * *.

1727 **SECTION 30.** Section 19-5-157, Mississippi Code of 1972, is
1728 amended as follows:

1729 19-5-157. A certified copy of the resolution so adopted
1730 shall be published either in a newspaper having a general
1731 circulation within such proposed district or by a link to such
1732 resolution posted on the county's website or, if the county does
1733 not have a website, its official social media page. Print
1734 publication shall be made once a week for at least three (3)
1735 consecutive weeks prior to the date specified in such resolution
1736 as the date upon which such board intends to create such district.
1737 The first such publication shall be made not less than twenty-one
1738 (21) days prior to the date specified, and the last such
1739 publication shall be made not more than fourteen (14) days prior
1740 to such date. Online publication shall remain on the county's



1741 website or official social media page for the duration of the
1742 three (3) week period prior to the date specified in such
1743 resolution as the date upon which such board intends to create
1744 such district.

1745 If twenty percent (20%) or one hundred fifty (150), whichever
1746 is the lesser, of the qualified electors of such proposed district
1747 file written petition with such board of supervisors on or before
1748 the date specified aforesaid, protesting against the creation of
1749 such district, the board of supervisors shall call an election on
1750 the question of the creation of such district. Such election
1751 shall be held and conducted by the election commissioners of the
1752 county as nearly as may be in accordance with the general laws
1753 governing elections, and such election commissioners shall
1754 determine which of the qualified electors of such county reside
1755 within the proposed district, and only such qualified electors as
1756 reside within such proposed district shall be entitled to vote in
1757 such election. Notice of such election setting forth the time,
1758 place or places, and purpose of such election shall be published
1759 by the clerk of the board of supervisors, and such notice shall be
1760 published for the time and the manner provided in Section 19-5-155
1761 for the publication of the resolution of intention. The ballots
1762 to be prepared for and used at said election shall be in
1763 substantially the following form:

1764 "FOR CREATION OF _____ DISTRICT ()
1765 AGAINST CREATION OF _____ DISTRICT ()"



1766 and voters shall vote by placing a cross mark (x) or check mark
1767 (√) opposite their choice.

1768 **SECTION 31.** Section 19-5-189, Mississippi Code of 1972, is
1769 amended as follows:

1770 19-5-189. (1) (a) Except as otherwise provided in
1771 subsection (2) of this section for levies for fire protection
1772 purposes and subsection (3) of this section for certain districts
1773 providing water service, the board of supervisors of the county in
1774 which any such district exists may, according to the terms of the
1775 resolution, levy a special tax, not to exceed four (4) mills
1776 annually, on all of the taxable real property in such district,
1777 the avails of which shall be paid over to the board of
1778 commissioners of the district to be used either for the operation,
1779 support and maintenance of the district or for the retirement of
1780 any bonds issued by the district, or for both.

1781 (b) The proceeds derived from two (2) mills of the levy
1782 authorized herein shall be included in the ten percent (10%)
1783 increase limitation under Section 27-39-321, and the proceeds
1784 derived from any additional millage levied under this subsection
1785 in excess of two (2) mills shall be excluded from such limitation
1786 for the first year of such additional levy and shall be included
1787 within such limitation in any year thereafter.

1788 (2) (a) In respect to fire protection purposes, the board
1789 of supervisors of the county in which any such district exists on
1790 July 1, 1987, may levy a special tax annually, not to exceed the



1791 tax levied for such purposes for the 1987 fiscal year on all of
1792 the taxable real property in such district, the avails of which
1793 shall be paid over to the board of commissioners of the district
1794 to be used either for the operation, support and maintenance of
1795 the fire protection district or for the retirement of any bonds
1796 issued by the district for fire protection purposes, or for both.
1797 Any such district for which no taxes have been levied for the 1987
1798 fiscal year may be treated as having been created after July 1,
1799 1987, for the purposes of this subsection.

1800 (b) In respect to fire protection purposes, the board
1801 of supervisors of the county in which any such district is created
1802 after July 1, 1987, may, according to the terms of the resolution
1803 of intent to incorporate the district, levy a special tax not to
1804 exceed two (2) mills annually on all of the taxable real property
1805 in such district, the avails of which shall be paid over to the
1806 board of commissioners of the district to be used either for the
1807 operation, support and maintenance of the fire protection district
1808 or for the retirement of any bonds issued by the district for fire
1809 protection purposes, or for both; however, the board of
1810 supervisors may increase the tax levy under this subsection as
1811 provided for in paragraph (c) of this subsection.

1812 (c) The tax levy under this subsection may be increased
1813 only when the board of supervisors has determined the need for
1814 additional revenues. Prior to levying a tax increase under this
1815 paragraph, the board of supervisors shall adopt a resolution



1816 declaring its intention to levy the tax. The resolution shall
1817 describe the amount of the increase in the tax levy and the
1818 purposes for which the proceeds of the additional tax will be
1819 used. The board of supervisors shall have a copy of the
1820 resolution published once a week for three (3) consecutive weeks
1821 in at least one (1) newspaper published in the county and having a
1822 general circulation therein. If no newspaper is published in the
1823 county, then notice shall be given by publishing the resolution
1824 for the required time in some newspaper having a general
1825 circulation in the county. A copy of the resolution shall also be
1826 posted at three (3) public places in the county for a period of at
1827 least twenty-one (21) days during the time of its publication in a
1828 newspaper. In addition to the required newspaper publication the
1829 county may also provide notice by a link to such resolution posted
1830 on the county's website or, if the county does not have a website,
1831 its official social media webpage is to remain available to the
1832 public for the duration of three (3) consecutive weeks. If more
1833 than twenty percent (20%) of the qualified electors of the
1834 district shall file with the clerk of the board of supervisors,
1835 within twenty-one (21) days after adoption of the resolution of
1836 intent to increase the tax levy, a petition requesting an election
1837 on the question of the increase in tax levy, then and in that
1838 event such increase shall not be made unless authorized by a
1839 majority of the votes cast at an election to be called and held
1840 for that purpose within the district. Notice of such election



1841 shall be given, the election shall be held and the result thereof
1842 determined, as far as is practicable, in the same manner as other
1843 elections are held in the county. If an election results in favor
1844 of the increase in the tax levy or if no election is required, the
1845 board of supervisors may increase the tax levy. The board of
1846 supervisors, in its discretion, may call an election on such
1847 question, in which event it shall not be necessary to publish the
1848 resolution declaring its intention to have the tax imposed.

1849 (d) Notwithstanding any provisions of this subsection
1850 to the contrary, in any county bordering on the Gulf of Mexico and
1851 the State of Louisiana, the board of supervisors may levy not to
1852 exceed four (4) mills annually on all the taxable real property
1853 within any fire protection district, the avails of which shall be
1854 paid over to the board of commissioners of the district to be used
1855 either for the operation, support and maintenance of the fire
1856 protection district or for the retirement of any bonds issued by
1857 the district for fire protection purposes, or for both. Prior to
1858 levying the tax under this paragraph, the board of supervisors
1859 shall adopt a resolution declaring its intention to levy the tax.
1860 The resolution shall describe the amount of the tax levy and the
1861 purposes for which the proceeds of the tax will be used. The
1862 board of supervisors shall have a copy of the resolution published
1863 once a week for three (3) consecutive weeks in at least one (1)
1864 newspaper published in the county and having a general circulation
1865 therein. If no newspaper is published in the county, then notice



1866 shall be given by publishing the resolution for the required time
1867 in some newspaper having a general circulation in the county. A
1868 copy of the resolution shall also be posted at three (3) public
1869 places in the county for a period of at least twenty-one (21) days
1870 during the time of its publication in a newspaper. In addition to
1871 the required newspaper publication, the county may also provide
1872 notice by a link to such resolution posted on the county's website
1873 or, if the county does not have a website, its official social
1874 media webpage is to remain available to the public for the
1875 duration of three (3) consecutive weeks. If more than twenty
1876 percent (20%) of the qualified electors of the district shall file
1877 with the clerk of the board of supervisors, within twenty-one (21)
1878 days after adoption of the resolution of intent to levy the tax, a
1879 petition requesting an election on the question of the levy of
1880 such tax, then and in that event such tax levy shall not be made
1881 unless authorized by a majority of the votes cast at an election
1882 to be called and held for that purpose within the district.
1883 Notice of such election shall be given, the election shall be held
1884 and the result thereof determined, as far as is practicable, in
1885 the same manner as other elections are held in the county. If an
1886 election results in favor of the tax levy or if no election is
1887 required, the board of supervisors may levy such tax. The board
1888 of supervisors, in its discretion, may call an election on such
1889 question, in which event it shall not be necessary to publish the
1890 resolution declaring its intention to have the tax imposed.



1891 (e) Notwithstanding any provisions of this subsection
1892 to the contrary, in any county bordering on the Mississippi River
1893 in which legal gaming is conducted and in which U.S. Highway 61
1894 intersects with Highway 4, the board of supervisors may levy a
1895 special tax not to exceed five (5) mills annually on all the
1896 taxable real and personal property within any fire protection
1897 district, except for utilities as defined in Section 77-3-3(d) (i)
1898 and (iii), the avails of which shall be paid over to the board of
1899 commissioners of the district to be used either for the operation,
1900 support and maintenance of the fire protection district or for the
1901 retirement of any bonds issued by the district for fire protection
1902 purposes, or for both. Before levying the tax under this
1903 paragraph, the board of supervisors shall adopt a resolution
1904 declaring its intention to levy the tax. The resolution shall
1905 describe the amount of the tax levy and the purposes for which the
1906 proceeds of the tax will be used. The board of supervisors shall
1907 have a copy of the resolution published once a week for three (3)
1908 consecutive weeks in at least one (1) newspaper published in the
1909 county and having a general circulation therein. If no newspaper
1910 is published in the county, then notice shall be given by
1911 publishing the resolution for the required time in some newspaper
1912 having general circulation in the county. In addition to the
1913 required newspaper publication, the county may also provide notice
1914 by a link to such resolution posted on the county's website or, if
1915 the county does not have a website, its official social media



1916 webpage is to remain available to the public for the duration of
1917 three (3) consecutive weeks. A copy of the resolution shall also
1918 be posted at three (3) public places in the county for a period of
1919 at least twenty-one (21) days during the time of its publication
1920 in a newspaper. If more than twenty percent (20%) of the
1921 qualified electors of the district shall file with the clerk of
1922 the board of supervisors, within twenty-one (21) days after
1923 adoption of the resolution of intent to levy the tax, a petition
1924 requesting an election of the questions of the levy of such tax,
1925 then and in that event such tax levy shall not be made unless
1926 authorized by a majority of the votes cast at an election to be
1927 called and held for that purpose within the district. Notice of
1928 such election shall be given, the election shall be held and the
1929 result thereof determined, as far as is practicable, in the same
1930 manner as other elections are held in the county. If an election
1931 results in favor of the tax levy or if no election is required,
1932 the board of supervisors may levy such tax. The board of
1933 supervisors, in its discretion, may call an election on such
1934 question, in which event it shall not be necessary to publish the
1935 resolution declaring its intention to have the tax imposed.

1936 (f) Any taxes levied under this subsection shall be
1937 excluded from the ten percent (10%) increase limitation under
1938 Section 27-39-321.



1939 (3) For any district authorized under Section 19-5-151(2),
1940 the board of supervisors shall not levy the special tax authorized
1941 in this section.

1942 **SECTION 32.** Section 19-5-199, Mississippi Code of 1972, is
1943 amended as follows:

1944 19-5-199. All construction contracts by the district where
1945 the amount of the contract shall exceed Ten Thousand Dollars
1946 (\$10,000.00) shall, and construction contracts of less than Ten
1947 Thousand Dollars (\$10,000.00) may, be made upon at least three (3)
1948 weeks' public notice. Such notice shall be published * * * either
1949 in at least one (1) newspaper published in such county or having
1950 general circulation therein once a week for at least three (3)
1951 consecutive weeks or by a link to such resolution posted on the
1952 county's website or, if the county does not have a website, its
1953 official social media webpage is to remain available to the public
1954 for the duration of three (3) consecutive weeks. The first print
1955 publication of such notice shall be made not less than twenty-one
1956 (21) days prior to the date fixed in such notice for the receipt
1957 of bids, and the last publication shall be made not more than
1958 seven (7) days prior to such date. The notice shall state the
1959 thing to be done and invite sealed proposals, to be filed with the
1960 secretary of the district, to do the work. In all such cases,
1961 before the notice shall be published, plans and specifications for
1962 the work shall be prepared by a registered professional engineer
1963 and shall be filed with the secretary of the district and there



1964 remain. The board of commissioners of the district shall award
1965 the contract to the lowest responsible bidder who will comply with
1966 the terms imposed by such commissioners and enter into bond with
1967 sufficient sureties to be approved by the commissioners in such
1968 penalty as shall be fixed by the commissioners; however, in no
1969 case shall such bond be less than the contract price, conditioned
1970 for the prompt, proper efficient performance of the contract.
1971 Contracts of less than Ten Thousand Dollars (\$10,000.00) may be
1972 negotiated; however, the board of commissioners shall invite and
1973 receive written proposals for the work from at least three (3)
1974 contractors regularly engaged in the type of work involved.

1975 **SECTION 33.** Section 19-5-207, Mississippi Code of 1972, is
1976 amended as follows:

1977 19-5-207. Within ninety (90) days after the close of each
1978 fiscal year, the board of commissioners shall publish * * * a
1979 sworn statement showing the financial condition of the district,
1980 the earnings for the fiscal year just ended, a statement of the
1981 water and sewer rates being charged * * * and a brief statement of
1982 the method used in arriving at such rates. Publication of such
1983 statement shall be made either in a newspaper of general
1984 circulation in the county or by a link to such statement posted on
1985 the county's website or, if the county does not have a website,
1986 its official social media page. Such statement shall also be
1987 filed with the board of supervisors creating the district.



1988 **SECTION 34.** Section 19-5-219, Mississippi Code of 1972, is
1989 amended as follows:

1990 19-5-219. Upon the filing of such petition, or upon the
1991 adoption of a resolution declaring the intent of the board of
1992 supervisors to incorporate such district, it shall then be the
1993 duty of the board of supervisors of such county to fix a time and
1994 place for a public hearing upon the question of the public
1995 convenience and necessity of the incorporation of the proposed
1996 district solely for fire protection grading purposes. The date
1997 fixed for such hearing shall be not more than thirty (30) days
1998 after the filing of the petition, and the date of the hearing, the
1999 place at which it shall be held, the proposed boundaries of the
2000 district and the purpose of the hearing shall be set forth in a
2001 notice to be signed by the clerk of the board of supervisors of
2002 such county. Such notice shall be published either in a newspaper
2003 having general circulation within such proposed district once a
2004 week for at least three (3) consecutive weeks before the date of
2005 such hearing or by a link to such notice posted on the county's
2006 website or, if the county does not have a website, its official
2007 social media webpage is to remain available to the public for the
2008 duration of at least three (3) consecutive weeks. The first such
2009 print publication shall be made not less than twenty-one (21) days
2010 before the date of such hearing and the last such publication
2011 shall be made not more than fourteen (14) days before the date of
2012 such hearing.



2013 If, at such public hearing, the board of supervisors finds
2014 that the public convenience and necessity require the creation of
2015 the fire protection grading district to enable the Mississippi
2016 State Rating Bureau to grade the district according to its fire
2017 insurance grading schedule, the board of supervisors shall adopt a
2018 resolution making such findings and declaring its intention to
2019 create the district on a date to be specified in such resolution.
2020 Such resolution shall also designate the name of the proposed
2021 district and define its territorial limits, which shall be fixed
2022 by the board in accordance with such hearing.

2023 **SECTION 35.** Section 19-5-221, Mississippi Code of 1972, is
2024 amended as follows:

2025 19-5-221. A certified copy of the resolution so adopted
2026 shall be published either in a newspaper having a general
2027 circulation within such proposed district or by a link to such
2028 resolution posted on the county's website or, if the county does
2029 not have a website, its official social media webpage. Print
2030 publication shall be made once a week for at least three (3)
2031 consecutive weeks before the date specified in the resolution as
2032 the date upon which the board intends to create such district.
2033 The first such publication shall be made not less than twenty-one
2034 (21) days before the date specified, and the last such publication
2035 shall be made not more than fourteen (14) days before such date.
2036 Online publication shall remain on the county's website or
2037 official social media page for the duration of the three (3) week



2038 period prior to the date specified in such resolution as the date
2039 upon which such board intends to create such district. If twenty
2040 percent (20%) or one hundred fifty (150), whichever is the lesser,
2041 of the qualified electors of such proposed district file a written
2042 petition with such board of supervisors on or before the date
2043 specified as the date of creation of the district protesting
2044 against creation of such district, the board of supervisors shall
2045 call an election on the question of creation of such district.
2046 Procedure for the election should conform to the guidelines set
2047 forth in Section 19-5-157.

2048 **SECTION 36.** Section 19-7-3, Mississippi Code of 1972, is
2049 amended as follows:

2050 19-7-3. (1) In case any of the real estate belonging to the
2051 county shall cease to be used for county purposes, the board of
2052 supervisors may sell, convey or lease the same on such terms as
2053 the board may elect and may, in addition, exchange the same for
2054 real estate belonging to any other political subdivision located
2055 within the county. In case of a sale on a credit, the county
2056 shall have a lien on the same for the purchase money, as against
2057 all persons, until paid and may enforce the lien as in such cases
2058 provided by law. The deed of conveyance in such cases shall be
2059 executed in the name of the county by the president of the board
2060 of supervisors, pursuant to an order of the board entered on its
2061 minutes.



2062 (2) (a) Before any lease, deed or conveyance is executed,
2063 the board shall publish * * * the intention to lease or sell, as
2064 the case may be, the county-owned land and to accept sealed
2065 competitive bids for the leasing or sale either in a public
2066 newspaper of the county in which the land is located or by a link
2067 to such intention posted on the county's website or, if the county
2068 does not have a website, its official social media page. Print
2069 publication shall be published at least once each week for three
2070 (3) consecutive weeks; if no newspaper be published in said county
2071 and said county has no website, print publication may be published
2072 in a newspaper having general circulation therein. Online
2073 publication shall remain available to the public for the duration
2074 of three (3) consecutive weeks. The board shall thereafter accept
2075 bids for the lease or sale. The board, at its option, may reject
2076 all bids or accept the highest and best bid received in response
2077 to the advertisement, or the board may hold an auction among those
2078 who submitted bids in response to the advertisement. If the board
2079 elects to hold an auction, no bidder shall be granted any
2080 preference. The opening bid at the auction shall be the highest
2081 bid received in response to the advertisement.

2082 (b) The board of supervisors of any county may contract
2083 for the professional services of a Mississippi-licensed real
2084 estate broker to assist in the marketing and sale or lease of the
2085 property for a reasonable commission, consistent with or lower



2086 than the market rate, for services rendered to be paid from the
2087 sale or lease proceeds.

2088 (3) (a) During the final year of an existing lease of any
2089 real estate belonging to the county, the board shall notify the
2090 holder of the existing lease if the board intends to re-lease the
2091 property after advertising for bids or holding an auction in the
2092 same manner as provided in subsection (2) of this section. If the
2093 board receives an acceptable bid in response to the advertisement
2094 and elects not to hold an auction among those submitting bids,
2095 then the holder of the existing lease may submit a second bid in
2096 an amount not less than five percent (5%) of the highest
2097 acceptable bid received if the holder of the existing lease: (i)
2098 submitted a bid in response to the advertisement; and (ii)
2099 constructed or made improvements on the leasehold premises after
2100 receiving approval of the board during the term of the existing
2101 lease.

2102 (b) If the holder of the existing lease elects to
2103 submit a second bid, the board shall hold an auction among those
2104 who submitted bids in response to the advertisement. The opening
2105 bid at the auction shall be the second bid of the holder of the
2106 existing lease. However, no leaseholder may submit a second bid
2107 if: (i) any rent, taxes or other payment required under the lease
2108 are past due; or (ii) the holder of the lease is otherwise in
2109 default of any term or provision of the lease and such default has
2110 not been corrected or cured to the satisfaction of the board after



2111 more than thirty (30) days' notice to the leaseholder of the
2112 default.

2113 (c) If an auction is held, the auction may be conducted
2114 at the meeting at which bids are opened or at a subsequent regular
2115 or special meeting. The board shall announce the time and place
2116 of the auction at the meeting at which bids are opened, and no
2117 further notice of the auction is required.

2118 (4) Whenever the board of supervisors shall find and
2119 determine, by resolution duly and lawfully adopted and spread upon
2120 its minutes (a) that any county-owned property is no longer needed
2121 for county or related purposes and is not to be used in the
2122 operation of the county, (b) that the sale of the property in the
2123 manner otherwise provided by law is not necessary or desirable for
2124 the financial welfare of the county, and (c) that the use of the
2125 county property for the purpose for which it is to be sold,
2126 conveyed or leased will promote and foster the development and
2127 improvement of the community in which it is located and the civic,
2128 social, educational, cultural, moral, economic or industrial
2129 welfare thereof, the board of supervisors of such county shall be
2130 authorized and empowered, in its discretion, to sell, convey,
2131 lease, or otherwise dispose of same for any of the purposes set
2132 forth herein.

2133 (5) (a) In addition to such authority as is otherwise
2134 granted under this section, the board of supervisors, in its
2135 discretion, may sell, lease, or otherwise convey property to any



2136 person or legal entity without public notice, without having to
2137 advertise for and accept competitive bids and without appraisal,
2138 with or without consideration, and on such terms and conditions as
2139 the parties may agree if the board of supervisors finds and
2140 determines, by resolution duly and lawfully adopted and spread
2141 upon its official minutes:

2142 (i) That the subject property is real property
2143 acquired by the county:

- 2144 1. By reason of a tax sale;
2145 2. Because the property was abandoned or
2146 blighted; or
2147 3. In a proceeding to satisfy a county lien
2148 against the property;

2149 (ii) That the subject property is blighted and is
2150 located in a blighted area;

2151 (iii) That the subject property is not needed for
2152 governmental or related purposes and is not to be used in the
2153 operation of the county;

2154 (iv) That the sale of the property in the manner
2155 otherwise provided by law is not necessary or desirable for the
2156 financial welfare of the county; and

2157 (v) That the use of the property for the purpose
2158 for which it is to be conveyed will promote and foster the
2159 development and improvement of the community in which it is
2160 located or the civic, social, educational, cultural, moral,



2161 economic or industrial welfare thereof; the purpose for which the
2162 property is conveyed shall be stated.

2163 (b) All costs associated with a conveyance under this
2164 subsection shall be paid by the person or entity to whom the
2165 conveyance is made.

2166 (c) Any deed or instrument of conveyance executed
2167 pursuant to the authority granted under this subsection shall
2168 contain a clause of reverter providing that title to the property
2169 will revert to the county if the person or entity to whom the
2170 property is conveyed does not fulfill the purpose for which the
2171 property was conveyed and satisfy all conditions imposed on the
2172 conveyance within two (2) years of the date of the conveyance.

2173 (d) In any such deed or instrument of conveyance, the
2174 county shall retain all mineral rights that it owns, together with
2175 the right of ingress and egress to remove same.

2176 (6) Nothing contained in this section shall be construed to
2177 prohibit, restrict or to prescribe conditions with regard to the
2178 authority granted under Section 17-25-3 or Section 57-75-37.

2179 **SECTION 37.** Section 19-7-21, Mississippi Code of 1972, is
2180 amended as follows:

2181 19-7-21. Any county which has acquired and conveyed or may
2182 hereafter acquire and convey any land for state park purposes and
2183 has retained or does retain the mineral rights thereunder may
2184 lease the same for oil, gas and other minerals either jointly or
2185 severally.



2186 Such lease or leases may be made only after legal
2187 advertisement for bids therefor have been published either once a
2188 week for three (3) consecutive weeks in some newspaper having a
2189 general circulation in the county or by a link to such
2190 advertisement posted on the county's website or, if the county
2191 does not have a website, its official social media page is to
2192 remain available to the public for the duration of three (3)
2193 consecutive weeks. It shall be necessary to describe the property
2194 in the advertisement by its popular name and by giving a definite
2195 legal description by metes and bounds. Said lease, with the legal
2196 description of the property set out therein, shall be executed to
2197 the highest and best bidder therefore on all the tract involved
2198 and shall contain a provision therein that no part of the property
2199 involved in said lease shall be dropped during the lifetime of
2200 said lease, which shall not be for a longer period than ten (10)
2201 years, unless production in commercial quantities results, and
2202 that if the delay rentals are not paid on all the property then
2203 said lease in its entirety shall become null and void. No lease
2204 shall become effective after its acceptance by the board of
2205 supervisors until the same shall have the written approval of the
2206 state mineral lease commission and the Mississippi Board of Park
2207 Examiners affixed thereto.

2208 From the proceeds arising from the execution of the original
2209 lease there shall be paid all cost of advertising herein required
2210 and other expenses necessary and incident to the execution



2211 thereof, and any balance then remaining on hand and accruing
2212 thereafter as a result of the rents, profits and income accruing
2213 from the lease shall be used, first, to build necessary bridges in
2214 the particular park property affected and, second, any balance
2215 then remaining on hand shall be used to call or pay any
2216 county-wide bonds now or hereafter outstanding and, third, if
2217 there be no outstanding county-wide bonds, then such balance shall
2218 be paid into the general funds of the county.

2219 Whenever production in commercial quantities is made on any
2220 property involved in such lease, the lessee shall not be required
2221 to pay delay rentals thereafter so long as such production
2222 continues.

2223 The proceeds to be paid to the county from the production of
2224 the oil, gas or other minerals shall be subject to all severance
2225 taxes imposed by law, just the same as if the county was an
2226 individual or corporation.

2227 The lessee shall be liable for all damages to property
2228 incurred by any operation in carrying out the terms of said lease.

2229 Nothing in this section shall in any way be construed to
2230 limit, abrogate, or otherwise restrict any right, title, or
2231 interest in the State of Mississippi.

2232 **SECTION 38.** Section 19-9-11, Mississippi Code of 1972, is
2233 amended as follows:

2234 19-9-11. Before issuing any bonds for any of the purposes
2235 enumerated in Sections 19-9-1 * * * and 19-9-3, the board of



2236 supervisors shall adopt a resolution declaring its intention so to
2237 do, stating the amount of bonds proposed to be issued and the
2238 purpose for which the bonds are to be issued, and the date upon
2239 which the board proposes to direct the issuance of such bonds.
2240 Such resolution shall be published once a week for at least three
2241 (3) consecutive weeks in at least one (1) newspaper published in
2242 such county. In addition to the required newspaper publication,
2243 the county may provide such notice by a link to such resolution
2244 posted on the county's website or, if the county does not have a
2245 website, its official social media webpage is to remain available
2246 to the public for the duration of at least three (3) consecutive
2247 weeks. The first publication of such resolution shall be made not
2248 less than twenty-one (21) days prior to the date fixed in such
2249 resolution for the issuance of the bonds, and the last publication
2250 shall be made not more than seven (7) days prior to such date. If
2251 no newspaper be published in such county, then such notice shall
2252 be given by publishing the resolution for the required time in
2253 some newspaper having a general circulation in such county and, in
2254 addition, by posting a copy of such resolution for at least
2255 twenty-one (21) days next preceding the date fixed therein at
2256 three (3) public places in such county. If twenty percent (20%),
2257 or fifteen hundred (1500), whichever is less, of the qualified
2258 electors of the county, supervisors district, or road district, as
2259 the case may be, shall file a written protest against the issuance
2260 of such bonds on or before the date specified in such resolution,



2261 then an election on the question of the issuance of such bonds
2262 shall be called and held as is provided in Sections 19-9-13 * * *
2263 and 19-9-15. If no such protest be filed, then such bonds may be
2264 issued without an election on the question of the issuance
2265 thereof, at any time within a period of two (2) years after the
2266 date specified in the above-mentioned resolution. However, the
2267 board of supervisors, in its discretion, may nevertheless call an
2268 election on such question, in which event it shall not be
2269 necessary to publish the resolution declaring its intention to
2270 issue such bonds as herein provided.

2271 **SECTION 39.** Section 19-9-13, Mississippi Code of 1972, is
2272 amended as follows:

2273 19-9-13. Where an election is to be called, as provided in
2274 Section 19-9-11, notice of such election shall be signed by the
2275 clerk of the board of supervisors and shall be published once a
2276 week for at least three (3) consecutive weeks, in at least one (1)
2277 newspaper published in such county. The first publication of such
2278 notice shall be made not less than twenty-one (21) days prior to
2279 the date fixed for such election, and the last publication shall
2280 be made not more than seven (7) days prior to such date. If no
2281 newspaper is published in such county, then such notice shall be
2282 given by publishing the same for the required time in some
2283 newspaper having a general circulation in such county and, in
2284 addition, by posting a copy of such notice for at least twenty-one
2285 (21) days next preceding such election at three (3) public places



2286 in such county. In addition to the required newspaper
2287 publication, the county may provide such notice by a link to such
2288 notice posted on the county's website or, if the county does not
2289 have a website, its official social media webpage.

2290 **SECTION 40.** Section 19-9-27, Mississippi Code of 1972, is
2291 amended as follows:

2292 19-9-27. The board of supervisors of any county may borrow
2293 money in anticipation of taxes for the purpose of defraying the
2294 expenses of such county, and may issue negotiable notes of the
2295 county therefor, to mature not later than April 1 of the year
2296 succeeding the year in which they are issued. The amount of money
2297 herein authorized to be borrowed shall not be in excess of
2298 twenty-five percent (25%) of the estimated amount of taxes
2299 collected and to be collected under the last preceding annual tax
2300 levies for the particular fund for which said money is borrowed.
2301 The board of supervisors may borrow * * * such money, as
2302 hereinbefore provided, from any available fund in the county
2303 treasury, or from any other source, and such loan shall be repaid
2304 in the manner herein provided. The notes herein authorized shall
2305 bear interest at a rate to be fixed by the board, not to exceed
2306 that allowed in Section 75-17-105 * * * and such notes shall be
2307 payable at any place to be named by the board of supervisors. Any
2308 notes or obligations issued in excess of the amount authorized to
2309 be issued under the provisions of this section shall be void.
2310 Money may be borrowed in anticipation of ad valorem taxes under



2311 the provisions of this section, regardless of whether or not such
2312 borrowing shall create an indebtedness in excess of statutory
2313 limitations.

2314 For the payment of such loan, the board of supervisors shall
2315 either pledge the levy of a special tax each year sufficient to
2316 pay the amount borrowed for use that year, with interest, or shall
2317 pledge that such notes shall be paid out of the first money
2318 collected from taxes for the year in which they are issued. The
2319 aforesaid special tax, if necessary, may be in excess of the rate
2320 of taxation otherwise limited by law. The notes herein authorized
2321 shall not be issued until the board of supervisors shall have
2322 published notice of its intention to issue same; said notice to be
2323 published once each week for three (3) weeks in some newspaper
2324 having a general circulation in such county, but not less than
2325 twenty-one (21) days, nor more than sixty (60) days, intervening
2326 between the time of the first notice and the meeting at which said
2327 board proposes to issue such notes. In addition to the required
2328 newspaper publication, the county may provide such notice by a
2329 link to such resolution posted on the county's website or, if the
2330 county does not have a website, its official social media webpage
2331 for a duration of three (3) weeks. If, within the time of giving
2332 notice, twenty percent (20%), or fifteen hundred (1500), whichever
2333 is less, of the qualified electors of the county shall protest or
2334 file a petition against the issuance of such notes, then such
2335 notes shall not be issued unless authorized by a three-fifths



2336 (3/5) majority of the qualified electors of such county, voting at
2337 an election to be called and held for that purpose.

2338 **SECTION 41.** Section 19-9-111, Mississippi Code of 1972, is
2339 amended as follows:

2340 19-9-111. The board of supervisors of any county authorized
2341 to establish or cooperate in the establishment of economic
2342 development districts pursuant to Section 19-5-99 may, in its
2343 discretion, levy a tax of not more than two (2) mills against the
2344 taxable property in the county or the portion thereof comprising
2345 an economic development district, to be used to support and
2346 maintain such district. The levy so made shall be in addition to
2347 all other levies provided by law.

2348 Before any such levy is made, the board of supervisors shall
2349 signify its intention to make such a levy and publish same in a
2350 newspaper published in * * * such county for thirty (30) days
2351 prior to making * * * the levy. In addition to the required
2352 newspaper publication, the county may provide such notice by a
2353 link to such intention posted on the county's website or, if the
2354 county does not have a website, its official social media webpage
2355 is to remain available to the public for the duration of thirty
2356 (30) days prior to making such levy. In the event more than
2357 twenty percent (20%) or fifteen hundred (1500), whichever is less,
2358 of the qualified electors of said economic development district
2359 protest in writing to the board of supervisors against the
2360 imposition of such tax levy within thirty (30) days from the date



2361 such notice is published, then such proposed tax levy shall not be
2362 made unless same is approved by a special election called for said
2363 purpose. Said special election shall be conducted and had as
2364 provided by law.

2365 The governing authorities of any municipality in a county,
2366 which has established an economic development district or which is
2367 included in an economic development district, may contribute to
2368 the support of such economic development district from its general
2369 fund.

2370 **SECTION 42.** Section 19-9-114, Mississippi Code of 1972, is
2371 amended as follows:

2372 19-9-114. The board of supervisors of any county bordering
2373 on the Gulf of Mexico having a population according to the 1970
2374 census of one hundred thirty-four thousand five hundred eighty-two
2375 (134,582) persons, and having two (2) cities located therein each
2376 having a population of over thirty thousand (30,000) persons
2377 according to the 1970 census, and in which is located a deep water
2378 port of entry and two (2) military establishments located therein,
2379 is hereby authorized and empowered, in its discretion, to levy an
2380 additional ad valorem tax not to exceed one (1) mill to provide
2381 funds for the construction of a facility to house a county-wide
2382 vocational and technical educational center. Such additional levy
2383 may be in excess of and in addition to the rate of taxation
2384 otherwise limited by law.



2385 The tax herein authorized shall not be levied until the board
2386 of supervisors shall have published notice of its intention to
2387 levy same. * * * The notice shall be published once each week for
2388 three (3) weeks in some newspaper having a general circulation in
2389 such county, but not less than twenty-one (21) days, nor more than
2390 sixty (60) days, intervening between the time of the first notice
2391 and the meeting at which said board proposes to levy such tax. In
2392 addition to the required newspaper publication, the county may
2393 provide such notice by a link to such notice posted on the
2394 county's website or, if the county does not have a website, its
2395 official social media webpage is to remain available to the public
2396 for the duration of three (3) weeks prior to making such levy.
2397 If, within the time of giving notice, twenty percent (20%) or
2398 fifteen hundred (1500), whichever is less, of the qualified
2399 electors of the county shall protest or file a petition against
2400 the levy of such tax, then such tax shall not be levied unless
2401 authorized by a three-fifths ($\frac{3}{5}$) majority of the qualified
2402 electors of such county voting at an election to be called and
2403 held for that purpose.

2404 **SECTION 43.** Section 19-11-7, Mississippi Code of 1972, is
2405 amended as follows:

2406 **[With regard to any county which is exempt from the**
2407 **provisions of Section 19-2-3, this section shall read as follows:]**

2408 19-11-7. (1) The board of supervisors of each county of the
2409 State of Mississippi shall, at its August meeting of each year,



2410 prepare a complete budget of revenues, expenses and a working cash
2411 balance estimated for the next fiscal year, which shall be based
2412 on the aggregate funds estimated to be available for the ensuing
2413 fiscal year for each fund, from which such estimated expenses will
2414 be paid, exclusive of school maintenance funds, which shall be
2415 shown separately. Such statement of revenues shall show every
2416 source of revenue along with the amount derived from each source.
2417 The budget containing such statement of revenues and expenses
2418 shall be published at least one (1) time during August or
2419 September but not later than September 30 of the year in a
2420 newspaper published in the county, or if no newspaper is published
2421 therein, then in a newspaper having a general circulation therein.
2422 In addition to the required newspaper publication, the county may
2423 provide such statements once each week for three (3) weeks or by a
2424 link to such notice posted on the county's website or, if the
2425 county does not have a website, its official social media webpage
2426 is to remain available to the public for the duration of three (3)
2427 weeks.

2428 (2) The board of supervisors shall not prepare a budget that
2429 reduces the county budget by more than twenty percent (20%) in the
2430 last year of the members' term of office if a majority of the
2431 members of the board are not reelected.

2432 **[With regard to any county which is required to operate on a**
2433 **countywide system of road administration as described in Section**
2434 **19-2-3, this section shall read as follows:]**



2435 19-11-7. (1) The county administrator of each county of the
2436 State of Mississippi shall prepare and submit to the board of
2437 supervisors at its August meeting of each year a complete budget
2438 of revenues, expenses and a working cash balance estimated for the
2439 next fiscal year, which shall be based on the aggregate funds
2440 estimated to be available for the ensuing fiscal year for each
2441 fund, from which such estimated expenses will be paid, exclusive
2442 of school maintenance funds, which shall be shown separately and
2443 exclusive of the budget of the sheriff's department which shall be
2444 prepared by the sheriff. Such statement of revenues shall show
2445 every source of revenue along with the amount derived from each
2446 source. The budget, including the sheriff's budget, containing
2447 such statement of revenues and expenses shall be published at
2448 least one (1) time during August or September but not later than
2449 September 30 of the year in a newspaper published in the county,
2450 or if no newspaper is published therein, then in a newspaper
2451 having a general circulation therein. In addition to the required
2452 newspaper publication, the county may provide such statements once
2453 each week for three (3) weeks or by a link to such notice posted
2454 on the county's website or, if the county does not have a website,
2455 its official social media webpage is to remain available to the
2456 public for the duration of three (3) weeks.

2457 (2) The county administrator shall not prepare a budget that
2458 reduces the county budget by more than twenty percent (20%) in the



2459 last year of the members' term of office if a majority of the
2460 members of the board are not reelected.

2461 **SECTION 44.** Section 19-13-53, Mississippi Code of 1972, is
2462 amended as follows:

2463 19-13-53. A claim under Section 19-13-51 for accidents
2464 occurring shall be made in writing, itemized and sworn to, and
2465 shall be filed within three (3) months after such accident occurs,
2466 and shall remain on file with the clerk of the board of
2467 supervisors for sixty (60) days before the first day of the term
2468 at which it comes up for hearing. Notice of its pendency shall be
2469 published either in a newspaper published in the county at least
2470 one time before such claim comes up for hearing * * * or by a link
2471 to such notice posted on the county's website or, if the county
2472 does not have a website, its official social media webpage. If
2473 there be no paper in such county and no such website, publication
2474 is proper by posting notices at the courthouse and other public
2475 places.

2476 **SECTION 45.** Section 19-15-3, Mississippi Code of 1972, is
2477 amended as follows:

2478 19-15-3. Whenever any county records, documents, files or
2479 papers whatsoever are required by law to be preserved and
2480 retained, or which are necessary or desirable to be preserved or
2481 retained, the board of supervisors of the county shall have the
2482 power and authority, in its discretion, to destroy or dispose of
2483 any records, documents, files or papers after having reproductions



2484 made thereof as hereinafter provided and in accordance with a
2485 records control schedule approved by the Local Government Records
2486 Committee as provided in Section 25-60-1.

2487 Whenever the board of supervisors of any county shall desire
2488 to destroy or dispose of any records, documents, files or papers,
2489 the board shall first cause the same to be reproduced under
2490 standards established by the Department of Archives and History
2491 using microfilm, microfiche, data processing, computers, magnetic
2492 tape, optical discs or other medium. If the county where records
2493 and the like are to be destroyed or disposed of does not have or
2494 own the necessary equipment to reproduce same, the board of
2495 supervisors shall be authorized and empowered to enter into a
2496 contract for the reproduction thereof, which contract may be for a
2497 period of not more than twelve (12) months from the date thereof.
2498 The contract shall be awarded to the lowest and best bidder after
2499 the board of supervisors shall have advertised its intentions of
2500 awarding such contract by publication of a notice thereof * * *
2501 either in some newspaper published or having a general circulation
2502 in such county once each week for at least three (3) consecutive
2503 weeks or by a link to such notice posted on the county's website
2504 or, if the county does not have a website, its official social
2505 media webpage is to remain available to the public for the
2506 duration of the three (3) week period.

2507 After reproduction of the records and the like shall have
2508 been made, the board of supervisors shall have the power and



2509 authority to destroy and dispose of the originals thereof after
2510 spreading upon its minutes certification that the reproductions
2511 are true and correct copies and disposal is in accordance with a
2512 records control schedule approved by the Local Government Records
2513 Committee as provided in Section 25-60-1; the reproductions shall
2514 thereafter be preserved, retained and stored by the board of
2515 supervisors as a record of the county, and provision shall be made
2516 for preserving, examining and using them. Any reproductions or
2517 copy of any original record or other documents shall be deemed to
2518 be the original record for all purposes and shall be admissible as
2519 evidence in all courts or administrative agencies. A facsimile,
2520 exemplification or certified copy thereof shall, for all purposes
2521 set forth herein, be deemed to be a transcript, exemplification or
2522 certified copy of the original record.

2523 The board of supervisors of any county is hereby authorized
2524 to pay all expenses incurred in reproducing records and the like
2525 and in making provision for the preservation, retention and
2526 storage of the reproductions from the general fund of the county.

2527 When any of the records and the like of which reproductions
2528 are made under the provisions of this section are declared by law
2529 or are by their nature confidential and privileged records, then
2530 the reproduction thereof shall likewise be deemed to be
2531 confidential and privileged to the same extent as the original
2532 records and the like.



2533 Nothing herein shall be construed to require the keeping and
2534 preservation of any records and documents which are not required
2535 by law or a records control schedule to be kept and preserved, or
2536 which it is not desirable or necessary to keep and preserve, and
2537 in all cases where records and the like are authorized by law to
2538 be destroyed or disposed of, they may be disposed of as authorized
2539 by a records control schedule approved by the Local Government
2540 Records Committee as provided in Section 25-60-1.

2541 **SECTION 46.** Section 19-23-5, Mississippi Code of 1972, is
2542 amended as follows:

2543 19-23-5. The board of supervisors of any county where the
2544 county prosecuting attorney's office has been abolished may by its
2545 own motion entered upon the minutes, make an order to reestablish
2546 the said office of county prosecuting attorney in said county.
2547 Said order shall be published either in a newspaper published in
2548 said county and having a general circulation therein * * * or by a
2549 link to such order posted on the county's website or, if the
2550 county does not have a website, its official social media webpage.
2551 If there is no such newspaper or website in said county, the said
2552 order shall be posted in three (3) public places of said county,
2553 and one (1) of the said places shall be the courthouse, for three
2554 (3) consecutive weeks next preceding, and if within that time
2555 twenty percent (20%) of the qualified electors of the county shall
2556 petition against re-creation of said office, then the said office
2557 shall not be re-created, unless an election shall have been



2558 ordered in the manner provided for in Section 19-23-3, and a
2559 majority of the qualified voters in said election vote to
2560 re-create said office. The said board shall not re-create said
2561 office unless two (2) years after the same has been abolished
2562 shall have passed. Should there be no petition against the
2563 re-creation of said office, the board of supervisors shall
2564 re-create said office of county prosecuting attorney.

2565 **SECTION 47.** Section 19-27-31, Mississippi Code of 1972, is
2566 amended as follows:

2567 19-27-31. If the owner of any land which shall have been
2568 laid off, mapped, or platted as a city, town or village, or
2569 addition thereto, or subdivision thereof, or other platted area,
2570 whether inside or outside a municipality, shall be desirous of
2571 altering or vacating such map or plat, or any part thereof, he
2572 may, under oath, petition the chancery court for relief in the
2573 premises, setting forth the particular circumstances of the case
2574 and giving an accurate description of the property, the map or
2575 plat of which is to be vacated, or altered, and the names of the
2576 persons to be adversely affected thereby, or directly interested
2577 therein. The parties so named shall be made defendants thereto,
2578 and publication of summons shall be made one (1) time either in a
2579 newspaper published, or having a general circulation, in the
2580 county where the land is situated, * * * or by a link to such
2581 summons posted on the county's website or, if the county does not
2582 have a website, its official social media webpage. Such



2583 publication shall clearly state the objects and purposes of the
2584 petition.

2585 At any time after the expiration of five (5) days from said
2586 publication and the service of process upon the named defendants,
2587 the cause or proceeding shall be triable, and the court in term
2588 time or the chancellor in vacation may hear the petition and all
2589 objections from any person thereto, and may decree according to
2590 the merits of the case. However, where all adversely affected or
2591 directly interested persons join in said petition, the same may be
2592 finally heard and determined by the court or chancellor at any
2593 time. If the decree vacate, in whole or in part, or alter the map
2594 or plat, it shall be recorded as a deed, and a memorandum thereof
2595 noted on the record of the map or plat.

2596 **SECTION 48.** Section 19-29-7, Mississippi Code of 1972, is
2597 amended as follows:

2598 19-29-7. (1) Any county in which there is located existing
2599 railroad properties and facilities or in which railroad properties
2600 and facilities previously existed, but were abandoned after
2601 February 5, 1976, may, by resolution, create a public body
2602 corporate and politic, to be known as a county railroad authority,
2603 which shall be authorized to exercise its functions upon the
2604 appointment and qualifications of the first commissioners thereof.
2605 Upon the adoption of a resolution creating a county railroad
2606 authority, the board of supervisors of the county shall, pursuant
2607 to the resolution, appoint five (5) persons as commissioners of



2608 the authority. The commissioners who are first appointed shall be
2609 designated to serve the terms of one (1), two (2), three (3), four
2610 (4) and five (5) years respectively. Thereafter, each
2611 commissioner shall be appointed for a term of five (5) years,
2612 except that vacancies occurring otherwise than by the expiration
2613 of term shall be filled for the unexpired term in the same manner
2614 as the original appointments. A county shall not adopt a
2615 resolution authorized by this section without a public hearing
2616 thereon. Notice thereof shall be given * * * either in a
2617 newspaper published in the county * * * at least ten (10) days
2618 prior thereto or by a link to such notice posted on the county's
2619 website or, if the county does not have a website, its official
2620 social media webpage is to remain available to the public for the
2621 duration of at least ten (10) days prior to the public hearing.
2622 If there is no newspaper published therein and no such website,
2623 then publication is proper in a newspaper having general
2624 circulation in the county.

2625 (2) Any county and a municipality within a county may create
2626 a railroad authority under this section by resolution adopted by
2627 the respective governing authorities. The authority shall be
2628 governed by five (5) commissioners. The board of supervisors
2629 shall appoint two (2) persons as commissioners of the authority.
2630 The governing authorities of the municipality shall appoint two
2631 (2) persons as commissioners of the authority. One (1)
2632 commissioner shall be appointed by the municipality and the county



2633 on a rotating basis with the municipality making the first
2634 appointment. The terms of the commissioners shall be the same as
2635 those provided in subsection (1) with the term designation to be
2636 determined by the majority vote of the governing authorities of
2637 the municipality and of the county. The municipality and the
2638 county may dissolve the authority by a majority vote of both
2639 governing authorities.

2640 **SECTION 49.** Section 19-29-9, Mississippi Code of 1972, is
2641 amended as follows:

2642 19-29-9. (1) Two (2) or more counties in which there are
2643 located railroad properties and facilities of a railroad, or in
2644 which such properties and facilities previously existed, but were
2645 abandoned after February 5, 1976, may, by resolution of each,
2646 create a public body, corporate and politic, to be known as a
2647 regional railroad authority which shall be authorized to exercise
2648 its functions upon the issuance by the Secretary of State of a
2649 certificate of incorporation. The board of supervisors of each
2650 county joining in such regional authority shall, pursuant to the
2651 resolution organizing such authority, appoint five (5) residents
2652 of the county as commissioners of the authority and, as soon
2653 thereafter as practicable, the governing authorities of any
2654 municipality in such county, through which such railroads run,
2655 shall appoint a commissioner of the authority.

2656 If the regional authority consists of an even number of
2657 commissioners, an additional commissioner shall be appointed by



2658 the Governor from within the geographic boundaries of the regional
2659 authority.

2660 (2) A regional railroad authority may be increased from time
2661 to time to serve one or more additional counties if each
2662 additional county and each of the counties then included in the
2663 regional authority and the commissioners of the regional
2664 authority, respectively, adopt a resolution consenting thereto.
2665 If a county railroad authority for any county seeking to be
2666 included in the regional authority is then in existence, the
2667 commissioners of the county authority shall consent to the
2668 inclusion of the county in the regional authority, and if the
2669 county authority has any bonds outstanding, unless fifty-one
2670 percent (51%) or more of the holders of the bonds consent, in
2671 writing, to the inclusion of the county in the regional authority,
2672 no such inclusion shall be effected. Upon the inclusion of any
2673 county in the regional authority, all rights, contracts,
2674 obligations and property, real and personal, of the county
2675 authority shall be in the name of and vest in the regional
2676 authority.

2677 (3) A regional railroad authority may be decreased if each
2678 of the counties then included in the regional authority and the
2679 commissioners of the regional authority consent to the decrease
2680 and make provision for the retention or disposition of its assets
2681 and liabilities; however, if the regional authority has any bonds
2682 outstanding, no decrease shall be effected unless seventy-five



2683 percent (75%) or more of the holders of the bonds consent thereto
2684 in writing.

2685 (4) A county shall not adopt any resolution authorized by
2686 this section without a public hearing thereon. Notice thereof
2687 shall be given * * * either in a newspaper published in the
2688 county * * * at least ten (10) days prior thereto or by a link to
2689 such notice posted on the county's website or, if the county does
2690 not have a website, its official social media webpage is to remain
2691 available to the public for the duration of at least ten (10) days
2692 prior to the hearing. If there is no newspaper published therein
2693 and no such website, then publication is proper in a newspaper
2694 having general circulation in the county.

2695 (5) All commissioners of a regional railroad authority
2696 appointed by municipalities shall be appointed for terms of five
2697 (5) years each. Commissioners who are initially appointed by a
2698 board of supervisors shall be designated to serve terms of one
2699 (1), two (2), three (3), four (4) and five (5) years,
2700 respectively; thereafter, each such term shall be five (5) years.
2701 A vacancy occurring otherwise than by expiration of term shall be
2702 filled for the unexpired term in the same manner as the original
2703 appointments.

2704 (6) A regional railroad authority, in its discretion, by
2705 resolution duly adopted and entered upon its minutes, may appoint
2706 an executive committee from among its membership. The executive
2707 committee shall consist of such number and shall be appointed in



2708 such manner so as to fairly represent the counties and
2709 municipalities served by the regional authority. The members of
2710 the executive committee shall serve for such terms as designated
2711 by the regional authority and may be removed from the committee
2712 before expiration of their terms in accordance with such procedure
2713 as the regional authority may adopt. The executive committee,
2714 when so appointed, may be authorized by the regional authority to
2715 exercise such powers and perform such duties, with or without the
2716 prior approval of the regional authority, as the regional
2717 authority deems appropriate; however, the executive committee may
2718 not exercise any power or perform any duty that is inconsistent
2719 with or in excess of the powers and duties authorized to be
2720 performed under the provisions of this chapter by the
2721 commissioners of the regional authority.

2722 (7) A regional railroad authority may accept counties,
2723 municipalities and other political subdivisions of the state
2724 outside the jurisdiction of the regional authority to become
2725 associate members.

2726 **SECTION 50.** Section 19-29-18, Mississippi Code of 1972, is
2727 amended as follows:

2728 19-29-18. (1) The governing body of a county railroad
2729 authority or regional railroad authority, as the case may be, may
2730 file a petition with the board of supervisors of any county
2731 included in the railroad authority, specifying for each such
2732 county, the rate of the ad valorem tax, not to exceed two (2)



2733 mills, to be levied by such county on the taxable property
2734 therein, for acquisition and maintenance of railroad properties
2735 and facilities, and to defray operating expenses of the railroad
2736 authority and any other expenses authorized to be incurred by the
2737 railroad authority. Prior to levying the tax specified by the
2738 railroad authority, the board of supervisors of each such county
2739 shall publish notice of its intention to levy same. The notice
2740 shall be published once each week for three (3) weeks in some
2741 newspaper having a general circulation in the county, but not less
2742 than twenty-one (21) days, nor more than sixty (60) days,
2743 intervening between the time of the first notice and the meeting
2744 at which said board proposes to levy the tax. In addition to the
2745 required newspaper publication, a county may provide such notice
2746 once each week for three (3) weeks or by a link to such notice
2747 posted on the county's website or, if the county does not have a
2748 website, its official social media webpage is to remain available
2749 to the public for the duration of three (3) weeks. If, within the
2750 time of giving notice, twenty percent (20%) or one thousand five
2751 hundred (1,500) of the qualified electors of the county, whichever
2752 is less, shall file a written protest against the levy of the tax,
2753 then the tax shall not be levied unless authorized by three-fifths
2754 (3/5) of the qualified electors of such county, voting at an
2755 election to be called and held for that purpose. If the tax levy
2756 fails to be authorized at an election held in a county included in



2757 the regional authority, then such tax levy shall not be made in
2758 any of the counties included in such regional authority.

2759 (2) The avails of the ad valorem tax levied under authority
2760 of this section shall be paid by the county board of supervisors
2761 to the governing body of the railroad authority to be used as
2762 herein authorized.

2763 (3) For any fiscal year after the initial levy of the tax,
2764 the board of supervisors levying same shall levy such tax at a
2765 millage rate which will produce an amount of revenue which
2766 approximates, but does not exceed, the amount of revenue produced
2767 from the levy for the preceding fiscal year. The county board of
2768 supervisors shall not increase the millage rate for the purposes
2769 authorized herein unless notice thereof is published and an
2770 election held, if required, in the manner set forth in subsection
2771 (1) of this section.

2772 (4) Each railroad authority shall be subject to examination
2773 by the State Auditor.

2774 (5) The tax levy authorized in this section shall not be
2775 included in the ten percent (10%) limitation on increases under
2776 Sections 27-39-320 or 27-39-321.

2777 (6) The tax levy authorized in this section shall not be
2778 reimbursable under the provisions of the Homestead Exemption Law.

2779 (7) A railroad authority created under Section 19-29-7(2)
2780 must receive the approval of the governing authorities of the



2781 municipality and the county creating such authority before levying
2782 any tax under this section.

2783 **SECTION 51.** Section 19-29-33, Mississippi Code of 1972, is
2784 amended as follows:

2785 19-29-33. Bonds authorized by resolution of the authority
2786 may be issued in one or more series and shall bear such date or
2787 dates, mature at such time or times, bear interest at such rate or
2788 rates, provided that the bonds of any issue shall not bear a
2789 greater overall maximum interest rate to maturity than that
2790 allowed in Section 75-17-103, be in such denomination or
2791 denominations, be in such form, either coupon or registered, carry
2792 such conversion or registration privileges, have such rank or
2793 priority, be executed in such manner, be payable in such medium of
2794 payment, at such place or places, and be subject to such terms of
2795 redemption (with or without premium) as such resolution, its trust
2796 indenture or mortgage may provide. No bond shall bear more than
2797 one (1) rate of interest; each bond shall bear interest from its
2798 date to its stated maturity date at the interest rate specified in
2799 the bid; all bonds of the same maturity shall bear the same rate
2800 of interest from date to maturity; all interest accruing on such
2801 bonds so issued shall be payable semiannually or annually, except
2802 that the first interest coupon attached to any such bond may be
2803 for any period not exceeding one (1) year.

2804 No interest payment shall be evidenced by more than one (1)
2805 coupon and neither cancelled nor supplemental coupons shall be



2806 permitted; the lowest interest rate specified for any bonds issued
2807 shall not be less than seventy percent (70%) of the highest
2808 interest rate specified for the same bond issue.

2809 Each interest rate specified in any bid must be in multiples
2810 of one-eighth of one percent (1/8 of 1%) or in multiples of
2811 one-tenth of one percent (1/10 of 1%). The denomination, form and
2812 place or places of payment of such bonds shall be fixed in the
2813 resolution or ordinance of the governing authorities issuing such
2814 bonds. Such bonds shall be executed by the manual or facsimile
2815 signature of the chairman and secretary of such authority, with
2816 the seal of the authority affixed thereto. At least one (1)
2817 signature on each bond shall be a manual signature, as specified
2818 in the resolution. The coupons may bear only the facsimile
2819 signatures of such chairman and secretary. No bonds shall be
2820 issued and sold under the provisions of this chapter for less than
2821 par and accrued interest.

2822 The bonds may be sold at not less than par at public sale
2823 held after notice published once at least five (5) days prior to
2824 such sale in a newspaper having a general circulation in the area
2825 of operation and in a financial newspaper published in the City of
2826 Jackson, Mississippi, or in the City of New York, New York. In
2827 addition to the required newspaper, notice may be provided once at
2828 least five (5) days prior to such sale or by a link to such notice
2829 posted on such area of operation's website or, if the area of
2830 operation does not have a website, its official social media page



2831 is to remain available to the public for the duration of at least
2832 five (5) days prior to such sale. Such bonds may be sold at not
2833 less than par to the federal government at private sale without
2834 any public advertisement.

2835 In case any of the commissioners or officers of the authority
2836 whose signatures appear on any bonds or coupons shall cease to be
2837 such commissioners or officers before the delivery of such bonds,
2838 such signatures shall, nevertheless, be valid and sufficient for
2839 all purposes, the same as if such commissioners or officers had
2840 remained in office until such delivery. Any provision of any law
2841 to the contrary notwithstanding, any bonds issued pursuant to this
2842 chapter shall be fully negotiable.

2843 The determination of the authority, in the resolution
2844 authorizing the bonds, as to the classification of the railroad
2845 properties and facilities for which such bonds are authorized and
2846 as to the maximum period of usefulness shall be conclusive in any
2847 action or proceeding involving the validity of such bonds.

2848 **SECTION 52.** Section 19-31-7, Mississippi Code of 1972, is
2849 amended as follows:

2850 19-31-7. (1) The method for the establishment of a public
2851 improvement district shall be pursuant to an ordinance adopted by
2852 the governing body of each county in which the land is located
2853 granting a petition for the establishment of a public improvement
2854 district. The petition for the establishment of a public
2855 improvement district shall be filed by the petitioner with the



2856 governing body of the county or counties. The petition shall
2857 contain:

2858 (a) A description of the boundaries of the district;

2859 (b) The written consent to the establishment of the
2860 district by all landowners in the district;

2861 (c) A designation of five (5) persons to be the initial
2862 members of the board of directors, who shall serve in that office
2863 until replaced by elected members as provided in Section 19-31-9;

2864 (d) The proposed name of the district;

2865 (e) A map of the proposed district showing existing
2866 infrastructure, if any; and

2867 (f) Based upon available data, the proposed timetable
2868 for construction of the district services and the estimated cost
2869 of constructing the proposed services.

2870 (2) A public hearing on the petition shall be conducted by
2871 the governing body of each county of the proposed district within
2872 sixty (60) days after the petition is filed unless an extension of
2873 time is requested by the petitioners and granted by the governing
2874 body of each county. The hearing shall be held at an accessible
2875 location in each county in which the public improvement district
2876 is to be located. The petitioner shall cause a notice of the
2877 hearing to be published either in a newspaper having general
2878 circulation in each county at least once a week for the four (4)
2879 successive weeks immediately prior to the hearing or by a link to
2880 such notice posted on the county's website or, if the county does



2881 not have a website, its official social media page, for the
2882 duration of four (4) successive weeks immediately prior to the
2883 hearing. Such notice shall give the time and place for the
2884 hearing, a description of the area to be included in the district,
2885 and any other relevant information which the establishing
2886 governing bodies may require. The advertisement shall be
2887 published in the official minutes of the local governing body.

2888 (3) The governing body of each county shall consider the
2889 record of the public hearing and any other relevant factors in
2890 making its determination to grant or deny a petition for the
2891 establishment of a public improvement district.

2892 (4) An ordinance establishing a public improvement district
2893 shall include the boundaries of the district, the names of the
2894 five (5) persons designated to be the initial members of the board
2895 of directors of the district and the name of the district.

2896 (5) If all of the land in the area for the proposed district
2897 is within the territorial jurisdiction of a municipality, then the
2898 petition requesting establishment of a public improvement district
2899 under this chapter shall be filed by the petitioner with that
2900 particular municipality. In such event, the duties of the county
2901 with regard to the petition shall be the duties of the
2902 municipality. If any of the land area of a proposed district is
2903 within the land area of a municipality, the governing body of the
2904 county may not create the district without the approval of the
2905 municipality.



2906 (6) The governing body of any governmental agency, county
2907 and/or municipality may enter into contribution agreements with
2908 the district.

2909 **SECTION 53.** Section 19-31-9, Mississippi Code of 1972, is
2910 amended as follows:

2911 19-31-9. (1) The board of the district, or if necessary,
2912 the governing authorities of the municipality in which the
2913 district is contained, shall exercise the powers granted to the
2914 district pursuant to this chapter. The board shall consist of
2915 five (5) members as otherwise provided in this section. Each
2916 member shall hold office for an initial term of six (6) years and
2917 until a successor is chosen and qualifies. The initial members of
2918 the board shall be residents of the state, and at least one (1) of
2919 the initial members shall be either a qualified voter within the
2920 district or an individual resident of the area immediately
2921 adjacent to the district. Upon appointment or election, the board
2922 members shall elect a chair who shall conduct board meetings.

2923 (2) (a) Beginning six (6) years after the initial
2924 appointment of members, the position of each member whose term has
2925 expired shall be filled by a qualified voter of the district,
2926 elected by the qualified voters of the district. There shall be
2927 an election of members every six (6) years from the date of the
2928 ordinance establishing the district. The district manager shall
2929 determine the date and time of the election, which election must
2930 be held at least twenty (20) days before the anniversary date of



2931 the ordinance establishing the district. If a contribution
2932 agreement exists, then the governing body of the public entity
2933 that is a party to the contribution agreement may appoint one (1)
2934 of the five (5) members to the board of the district at the time
2935 of the election in lieu of electing that member.

2936 (b) Candidates must qualify in writing by submitting a
2937 "Statement of Intent," as prescribed in this paragraph, to the
2938 district manager thirty (30) days before the election. The
2939 district manager shall prepare a ballot of all candidates
2940 qualified to run for office twenty-eight (28) days before the
2941 election.

2942 **Statement of Intent**

2943 Candidate for (insert name of district) Public Improvement
2944 District

2945 I, (name of candidate as it will appear on the ballot),
2946 (mailing address, street address, city, state, zip code, telephone
2947 number of the candidate), certify that I am a qualified voter, as
2948 defined in Section 19-31-5, Mississippi Code of 1972, of the
2949 (insert name of public improvement district) Public Improvement
2950 District in the State of Mississippi; and I do hereby declare my
2951 candidacy for Board of the (insert name of public improvement
2952 district) Public Improvement District at the election to be held
2953 on (insert date of election).

2954 _____

2955 (Signature of candidate) (Date)



2956 Received by _____

2957 (Signature) (Title) (Date)

2958 (c) Notice of the election shall be announced at a
2959 public meeting of the board at least ninety (90) days before the
2960 date of the election and shall be published either once a week for
2961 two (2) consecutive weeks in a newspaper which is in general
2962 circulation in the area of the district, the last day of such
2963 publication to be not fewer than fourteen (14) days nor more than
2964 twenty-eight (28) days before the election or by a link to such
2965 notice on the county's website or, if the county does not have a
2966 website, its official social media webpage for the duration of two
2967 (2) consecutive weeks. In addition, notice of the election shall
2968 be sent by United States first-class mail, not fewer than fourteen
2969 (14) days before the election, to all qualified voters at their
2970 last-known address as shown on the tax rolls. Instructions on how
2971 all qualified voters may participate in the election, along with
2972 sample proxies, shall be provided as part of the notice required
2973 by this paragraph, and the location, date and time of the election
2974 shall be included on all instructions and notices.

2975 (d) Each qualified voter shall be entitled to cast only
2976 one (1) ballot to elect each of the board members, regardless of
2977 the number of parcels owned by that voter within the district.
2978 Parcels may not be aggregated for determining the number of
2979 ballots allowed to be cast by a qualified voter. A list of
2980 qualified voters in the form of a voter roll must be kept current



2981 by the district manager and deemed final thirty (30) days before
2982 the election.

2983 (e) A qualified voter may vote in person or by proxy in
2984 writing. A vote cast by proxy must be submitted at or within
2985 fourteen (14) days before the election and must be submitted in
2986 the form prescribed in this section. Each proxy must be signed
2987 by the qualified voter for which the vote is cast and must contain
2988 the typed or printed name of the individual who signed the proxy
2989 and the street address, legal description of the property or the
2990 property's tax parcel identification number. The signature on a
2991 proxy need not be notarized. All votes cast by proxy must be
2992 reflected in the voter roll.

2993 **Proxy for Election**

2994 (Insert name of district) Public Improvement District

2995 I, _____, (name of qualified voter);
2996 _____ (street address);
2997 _____ (legal description);
2998 _____ (tax parcel identification number).

2999 [NOTE: To be considered, this proxy must contain at least one (1)
3000 of either: the street address; legal description; or tax parcel
3001 identification number.]

3002 1. Do constitute and appoint _____
3003 _____ (name), attorney and agent for me, and in my
3004 name, place and stead, to vote as my proxy for the election of
3005 members of the Board of Directors of the (name of district) Public



3006 Improvement District on (insert date), at the (insert voting
3007 location/facility name with street address); **OR (only choose one)**

3008 2. Do hereby cast my vote for:

3009 _____ [print or type name of
3010 person being voted for - PLEASE NOTE THAT YOUR VOTE MUST BE FOR A
3011 QUALIFIED VOTER (AS DEFINED IN MISSISSIPPI CODE SECTION 19-31-5)
3012 OF THE DISTRICT. A QUALIFIED VOTER MEANS ANY LANDOWNER OF THE
3013 DISTRICT WHO IS AT LEAST EIGHTEEN (18) YEARS OF AGE OR AN
3014 AUTHORIZED REPRESENTATIVE OF THE LANDOWNER WHO IS ALSO AT LEAST
3015 EIGHTEEN (18) YEARS OF AGE.] to be elected as a member of the
3016 Board of Directors of the (name of district) Public Improvement
3017 District for a term beginning (date of term) and ending six (6)
3018 years from that date or until a successor is chosen.

3019 I understand that I have the right to revoke this proxy at
3020 any time before the election. I understand that I have the right
3021 to be present in person at the election.

3022 I have executed this proxy on (insert date).

3023 _____
3024 **(Printed Name of Qualified Voter)**

3025 _____
3026 **(Signature of Qualified Voter)**

3027 (f) A qualified voter may cast only one (1) vote for
3028 each of the five (5) board member positions. When a qualified
3029 voter casts a vote for the same person more than once, only one
3030 (1) of the votes cast for that person will be counted. When a



3031 qualified voter casts more votes to elect board members than he or
3032 she is entitled to cast, all votes are invalid, and the qualified
3033 voter is deemed to have voted for none of them. When a qualified
3034 voter casts fewer votes to elect board members than he or she is
3035 entitled to cast, all votes cast by the qualified voter must be
3036 counted, but no votes shall be counted more than once.

3037 (g) If a board member dies, resigns or otherwise is
3038 prevented from serving as a board member, the board of the
3039 district shall appoint a member to fill the remainder of the board
3040 member's term. If no qualified voter is willing to serve on the
3041 board of the district, the governing body that established the
3042 district shall appoint members as necessary to fill any vacancy
3043 for the remainder of the term.

3044 (3) Members of the board shall be known as directors and,
3045 upon entering into office, shall take an oath of office. They
3046 shall hold office for the terms for which they were elected or
3047 appointed and until their successors are chosen and qualified. If
3048 during the term of office, a vacancy occurs, the remaining members
3049 of the board shall fill the vacancy by an appointment for the
3050 remainder of the unexpired term.

3051 (4) A majority of the members of the board constitutes a
3052 quorum for the purposes of conducting its business and exercising
3053 its powers and for all other purposes. Action taken by the
3054 district shall be upon a vote of a majority of the members present
3055 unless general law or a rule of the district requires a greater



3056 number. If a quorum cannot be obtained in a board meeting, the
3057 governing body that established the district shall appoint members
3058 as necessary to replace any board member missing three (3)
3059 consecutive meetings.

3060 (5) As soon as practicable after each election or
3061 appointment, the board shall organize by electing one (1) of its
3062 members as chair and by electing a secretary, who need not be a
3063 member of the board, and such other officers as the board may deem
3064 necessary.

3065 (6) The board shall keep a permanent minute book in which
3066 shall be recorded minutes of all meetings, resolutions,
3067 ordinances, proceedings and all corporate acts.

3068 (7) Members of the board may receive per diem compensation
3069 for services in an amount as provided under Section 25-3-69, and
3070 shall be entitled to expenses necessarily incurred in the
3071 discharge of their duties in accordance with Section 25-3-41. Any
3072 payments for compensation and expenses shall be paid from funds of
3073 the district.

3074 **SECTION 54.** Section 19-31-23, Mississippi Code of 1972, is
3075 amended as follows:

3076 19-31-23. (1) The district may issue and sell from time to
3077 time bonds, notes, negotiable notes, tax anticipation notes, bond
3078 anticipation notes, other fund anticipation notes, renewal notes,
3079 refunding bonds, interim certificates, certificates of
3080 indebtedness, certificates of participation, debentures, warrants,



3081 commercial paper or other obligations or evidences of indebtedness
3082 to provide funds for and to fulfill and achieve its public purpose
3083 or corporate purposes, as set forth in this chapter, including,
3084 but not limited to, the payment of all or a portion of the costs
3085 of a project, to provide amounts necessary for any corporate
3086 purposes, including incidental expenses in connection with the
3087 issuance of the obligations, the payment of principal and interest
3088 on the obligations of the district, the establishment of reserves
3089 to secure such obligations, and all other purposes and
3090 expenditures of the district incident to and necessary or
3091 convenient to carry out its public functions or corporate
3092 purposes, and any credit enhancement for such obligations.

3093 (2) Before the issuance of any bonds as authorized under
3094 this chapter, the district shall hold a public hearing on the
3095 advisability of the indebtedness. Notice of the hearing must be
3096 published twice in a newspaper having general circulation in each
3097 county where the district is located. The final publication of
3098 notice must be at least ten (10) days before the public hearing.
3099 In addition to the required newspaper publication, the county may
3100 provide such notice by a link to such resolution posted on the
3101 county's website or, if the county does not have a website, its
3102 official social media webpage is to remain available to the public
3103 for the duration of two (2) weeks. The district shall give, by
3104 United States first-class mail, written notice of the public
3105 hearing to all qualified voters in the district. The notice must



3106 be addressed to "Property Owner" and mailed by United States
3107 first-class mail to the current address of the owner, as reflected
3108 on tax rolls of property located in the district.

3109 (3) (a) If a district proposes to enter into a contribution
3110 agreement with a public entity for any bond issue, the public
3111 entity shall hold a public hearing on the advisability of the
3112 contribution agreement for any bonds the district proposes to
3113 enter.

3114 (b) Notice of the hearing must be published twice in a
3115 newspaper having general circulation in each county where the
3116 public entity is located. The final publication of notice must be
3117 at least ten (10) days before the public hearing.

3118 (c) The notice must state the following:

3119 (i) Time and place of the hearing;

3120 (ii) General nature of the proposed improvement;

3121 (iii) Estimated cost of the improvement;

3122 (iv) Boundaries of the public improvement

3123 district;

3124 (v) Proposed method of assessment;

3125 (vi) Proposed amount and term of indebtedness;

3126 (vii) Name of the public entity entering into the

3127 contribution agreement; and

3128 (viii) Proposed amount of contribution by the

3129 public entity.



3130 (d) The hearing may be adjourned from time to time
3131 until the governing body of the public entity makes findings by
3132 resolution as to the following:

3133 (i) Advisability of the improvement;

3134 (ii) Nature of the improvement;

3135 (iii) Estimated cost of the improvement;

3136 (iv) Boundaries of the public improvement
3137 district;

3138 (v) Method of assessment;

3139 (vi) Market value of real property within the
3140 district determined in accordance with paragraph (c) of this
3141 subsection; and

3142 (vii) Terms of the contribution agreement.

3143 (e) As provided in subsection (3) (d) (vi) of this
3144 section, the governing body of the public entity shall obtain an
3145 appraisal in accordance with the Uniform Standards of Professional
3146 Appraisal Practice, with special consideration given to the Income
3147 Approach to Value using a discounted cash flow analysis of the
3148 entire commercial, residential or industrial subdivision. The
3149 appraisal must satisfy all parties to the contribution agreement
3150 that the value of the property in the district will be sufficient
3151 to ensure payment of any obligation to which a public entity is
3152 subject.

3153 (4) Except as may otherwise be provided by the district,
3154 all obligations issued by the district shall be negotiable



3155 instruments and payable solely from the levy of any special
3156 assessment by the district or from any other sources whatsoever
3157 that may be available to the district but shall not be secured by
3158 the full faith and credit of the state or the county or
3159 municipality that created the district.

3160 (5) Obligations shall be authorized, issued and sold by a
3161 resolution or resolutions of the district adopted as provided in
3162 this chapter. Such bonds or obligations may be of such series,
3163 bear such date or dates, mature at such time or times, bear
3164 interest at such rate or rates, including variable, adjustable, or
3165 zero interest rates, be payable at such time or times, be in such
3166 denominations, be sold at such price or prices, at public or
3167 private negotiated sale, after advertisement as is provided for in
3168 Section 17-21-53(2) for and in connection with any public sale, be
3169 in such form, carry such registration and exchangeability
3170 privileges, be payable at such place or places, be subject to such
3171 terms of redemption and be entitled to such priorities on the
3172 income, revenue and receipts of, or available to, the district as
3173 may be provided by the district in the resolution or resolutions
3174 providing for the issuance and sale of the bonds or obligations of
3175 the district.

3176 (6) The obligations of the district shall be signed by such
3177 directors or officers of the district by either manual or
3178 facsimile signatures as shall be determined by resolution or



3179 resolutions of the district, and shall have impressed or imprinted
3180 thereon the seal of the district or a facsimile thereof.

3181 (7) Any obligations of the district may be validly issued,
3182 sold and delivered notwithstanding that one or more of the
3183 directors or officers of the district signing such obligations or
3184 whose facsimile signature or signatures may be on the obligations
3185 shall have ceased to be such director or officer of the district
3186 at the time such obligations shall actually have been delivered.

3187 (8) Obligations of the district may be sold in such manner
3188 and from time to time as may be determined by the district to be
3189 most beneficial, and the district may pay all expenses, premiums,
3190 fees or commissions that it deems necessary or advantageous in
3191 connection with the issuance and sale thereof, subject to the
3192 provisions of this chapter.

3193 (9) The district may authorize the establishment of a fund
3194 or funds for the creation of a debt service reserve, a renewal and
3195 replacement reserve or such other funds or reserves as the
3196 district may approve with respect to the financing and operation
3197 of any project and as may be authorized by any bond resolution,
3198 trust agreement, indenture of trust or similar instrument or
3199 agreement pursuant to the provisions of which the issuance of
3200 bonds or other obligations of the district may be authorized.

3201 (10) Notwithstanding any other law to the contrary, but
3202 subject to any agreement with bondholders or noteholders, monies
3203 of the district not required for immediate use, including proceeds



3204 from the sale of any bonds, notes or other obligations, may be
3205 invested in the following:

3206 (a) Obligations of any municipality, the State of
3207 Mississippi or the United States of America;

3208 (b) Obligations of which the principal and interest are
3209 guaranteed by the State of Mississippi or the United States of
3210 America;

3211 (c) Obligations of any corporation wholly owned by the
3212 United States of America;

3213 (d) Obligations of any corporation sponsored by the
3214 United States of America which are, or may become, eligible as
3215 collateral for advances to member banks as determined by the Board
3216 of Governors of the Federal Reserve System;

3217 (e) Obligations of insurance firms or other
3218 corporations whose investments are rated "A" or better by
3219 recognized rating companies;

3220 (f) Certificates of deposit or time deposits of
3221 qualified depositories of the State of Mississippi as approved by
3222 the State Depository Commission, secured in such manner, if any,
3223 as the commission determines appropriate;

3224 (g) Contracts for the purchase and sale of obligations
3225 of the type described in paragraphs (a) through (e) of this
3226 subsection;

3227 (h) Repurchase agreements secured by obligations
3228 described in paragraphs (a) through (e) of this subsection; and



3229 (i) Money market funds, the assets of which are
3230 required to be invested in obligations described in paragraphs (a)
3231 through (f) of this subsection.

3232 (11) Any cost, obligation or expense incurred for any of the
3233 purposes specified in this chapter shall be a part of the project
3234 costs and may be paid or reimbursed as such out of the proceeds of
3235 bonds or other obligations issued by the district.

3236 (12) Neither the directors of the board nor any person
3237 executing the bonds shall be personally liable for the bonds or be
3238 subject to any personal liability by reason of the issuance
3239 thereof. No earnings or assets of the district shall accrue to
3240 the benefit of any private persons. However, the limitation of
3241 liability provided for in this subsection shall not apply to any
3242 gross negligence or criminal negligence on the part of any
3243 director or person executing the bonds.

3244 (13) The district may avail itself of the provisions of
3245 Sections 31-13-1 through 31-13-11.

3246 (14) This chapter constitutes full and complete authority
3247 for the issuance of bonds and the exercise of the powers of the
3248 district provided herein. No procedures or proceedings,
3249 publications, notices, consents, approvals, orders, acts or things
3250 by the board or any board, officers, commission, department,
3251 agency or instrumentality of the district, other than those
3252 required by this chapter, shall be required to perform anything
3253 under this chapter, except that the issuance or sale of bonds



3254 pursuant to the provisions of this chapter shall comply with the
3255 general law requirements applicable to the issuance or sale of
3256 bonds by the district. Nothing in this chapter shall be construed
3257 to authorize the district to utilize bond proceeds to fund the
3258 ongoing operations of the district.

3259 (15) Before incurring any debt as provided in subsection (1)
3260 of this section, the district may, but shall not be required to,
3261 secure an agreement from one or more developers obligating such
3262 developer or developers:

3263 (a) To effect the completion of all or any portion of a
3264 project at no cost to the district;

3265 (b) To pay all or any portion of the real property
3266 taxes due on the project in a timely manner; and

3267 (c) To maintain and operate all or any portion of the
3268 buildings or other facilities or improvements of the project in
3269 such a manner as to preserve property values.

3270 No breach of any such agreement shall impose any pecuniary
3271 liability upon a district or any charge upon its general credit or
3272 against its taxing powers.

3273 Additionally, the district may enter into an agreement with
3274 the developer under which the developer may construct all or any
3275 part of the project with private funds in advance of issuance of
3276 bonds and may be reimbursed by the district for actual costs
3277 incurred by the developer upon issuance and delivery of bonds and
3278 receipt of the proceeds, conditioned upon dedication of the



3279 project by the developer to the district, a governmental agency, a
3280 county or a municipality to assure public use and access. This
3281 condition shall not apply to the privately owned portion of a
3282 project for which the Mississippi Development Authority has issued
3283 a certificate of convenience and necessity pursuant to the
3284 Regional Economic Development Act.

3285 As used in this section, the term "developer" means any
3286 entity or natural person which enters into an agreement with a
3287 district whereby the developer agrees to construct, operate and
3288 maintain or procure the construction, operation and maintenance of
3289 a project or projects, or portions thereof, upon land within the
3290 district.

3291 **SECTION 55.** Section 19-31-39, Mississippi Code of 1972, is
3292 amended as follows:

3293 19-31-39. (1) The district, or if necessary, the governing
3294 authorities of the municipality in which the district is
3295 contained, may prescribe, fix, establish and collect rates, fees,
3296 rentals or other charges for the facilities and services furnished
3297 by the district, within the limits of the district, including, but
3298 not limited to, recreational facilities, water management and
3299 control facilities and water and sewer systems. The district may
3300 also recover the costs of making connection with any district
3301 facility or system and provide for reasonable penalties against
3302 any user or property for any such rates, fees, rentals or other
3303 charges that are delinquent.



3304 (2) No such rates, fees, rentals or other charges for any of
3305 the facilities or services of the district may be fixed until
3306 after a public hearing at which all the users of the proposed
3307 facility or services shall have an opportunity to be heard
3308 concerning the proposed rates, fees, rentals or other charges.
3309 Notice of such public hearing setting forth the proposed schedule
3310 of rates, fees, rentals and other charges shall be published in a
3311 newspaper having general circulation in each county where the
3312 district is located once at least ten (10) days before such public
3313 hearing. In addition to the required newspaper publication, the
3314 county may provide such notice by a link to such notice posted on
3315 the county's website or, if the county does not have a website,
3316 its official social media webpage is to remain available to the
3317 public for the duration of at least ten (10) days before such
3318 public hearing.

3319 **SECTION 56.** Section 21-1-7, Mississippi Code of 1972, is
3320 amended as follows:

3321 21-1-7. The mayor and board of aldermen or municipal
3322 authorities may change the name of any municipality by preparing
3323 in writing the proposed change and having same published * * *
3324 either in a newspaper published in such municipality, if there be
3325 one (1) * * * for three (3) weeks, or by a link to such proposed
3326 change posted on the municipality's website or, if the
3327 municipality does not have a website, its official social media
3328 webpage is to remain available to the public for the duration of



3329 three (3) weeks. If the municipality has none of these, then by
3330 posting for said time in at least three (3) public places therein,
3331 after which the proposed change shall be submitted to the Governor
3332 for his approval. If, after publication is made, one-tenth (1/10)
3333 of the qualified electors of the municipality shall within ten
3334 (10) days after the completion of such publication protest against
3335 the proposed change, the Governor shall not approve same until it
3336 shall be submitted to and ratified by a majority of the qualified
3337 electors of the municipality. When approved by the Governor, the
3338 same shall be recorded in the Office of the Secretary of State and
3339 upon the record of the municipal governing authorities.

3340 **SECTION 57.** Section 21-1-15, Mississippi Code of 1972, is
3341 amended as follows:

3342 21-1-15. After the filing of said petition, and upon request
3343 therefor by the petitioners, the chancellor shall set a day
3344 certain, either in termtime or in vacation, for the hearing of
3345 such petition and notice shall be given to all persons interested
3346 in, affected by, or having objections to the proposed
3347 incorporation, that the hearing on the petition will be held on
3348 the day fixed by the chancellor and that all such persons will
3349 have the right to appear and enter their objections, if any, to
3350 the proposed incorporation. The said notice shall be given by
3351 publication thereof either in some newspaper published or having a
3352 general circulation in the territory proposed to be incorporated
3353 once each week for three (3) consecutive weeks * * * or by a link



3354 to such notice posted on the municipality's website or, if the
3355 municipality does not have a website, its official social media
3356 webpage, for the duration of three (3) consecutive weeks and by
3357 posting a copy of such notice in three (3) or more public places
3358 in such territory. The first publication of such notice and the
3359 posted notice shall be made at least thirty (30) days prior to the
3360 day fixed for the hearing of said petition, and such notice shall
3361 contain a full description of the territory proposed to be
3362 incorporated. However, if any of the territory proposed to be
3363 incorporated is located within three (3) miles of the boundaries
3364 of an existing municipality, then such existing municipality shall
3365 be made a party defendant to such petition and shall be served
3366 with process in the manner provided by law, which process shall be
3367 served at least thirty (30) days prior to the date set for the
3368 hearing.

3369 **SECTION 58.** Section 21-3-7, Mississippi Code of 1972, is
3370 amended as follows:

3371 21-3-7. (1) Except as provided in subsection (3) of this
3372 section, in all municipalities having a population of less than
3373 ten thousand (10,000) according to the latest * * * federal
3374 decennial census, there shall be five (5) aldermen, which aldermen
3375 may be elected from the municipality at large, or, in the
3376 discretion of the municipal authority, the municipality may be
3377 divided into four (4) wards, with one (1) alderman to be selected
3378 from each ward and one (1) from the municipality at large. On a



3379 petition of twenty percent (20%) of the qualified electors of any
3380 such municipality, the provisions of this section as to whether or
3381 not the aldermen shall be elected from wards or from the
3382 municipality at large shall be determined by the vote of the
3383 majority of the qualified electors of the municipality voting in a
3384 special election called for that purpose. All aldermen shall be
3385 selected by vote of the entire electorate of the municipality.
3386 Those municipalities which determine to select one (1) alderman
3387 from each of the four (4) wards shall select one (1) from the
3388 candidates for alderman from each particular ward who shall be a
3389 resident of said ward by majority vote of the entire electorate of
3390 the municipality.

3391 (2) Except as provided in subsection (4) of this section, in
3392 all municipalities having a population of ten thousand (10,000) or
3393 more, according to the latest * * * federal decennial census,
3394 there shall be seven (7) aldermen, which aldermen may be elected
3395 from the municipality at large, or, in the discretion of the
3396 municipal authority, the municipality may be divided into six (6)
3397 wards, with one (1) alderman to be selected from each ward and one
3398 (1) from the municipality at large. On a petition of twenty
3399 percent (20%) of the qualified electors of any such municipality,
3400 the provisions of this section as to whether or not the aldermen
3401 shall be elected from wards or from the municipality at large
3402 shall be determined by the vote of the majority of the qualified
3403 electors of the municipality voting in a special election called



3404 for that purpose. This section in no way affects the number of
3405 aldermen, councilmen, or commissioners of any city operating under
3406 a special charter. All aldermen shall be selected by vote of the
3407 entire electorate of the municipality. Those municipalities which
3408 determine to select one (1) alderman from each of the six (6)
3409 wards shall select one (1) of the candidates for alderman from
3410 each particular ward by majority vote of the entire electorate of
3411 the municipality.

3412 (3) In any municipality having a population of five hundred
3413 (500) or less according to the latest * * * federal decennial
3414 census, there may be three (3) aldermen. The change from five (5)
3415 aldermen to three (3) aldermen shall be approved by a majority of
3416 the qualified electors of the municipality voting in a special
3417 election held for this purpose.

3418 (4) If a municipality has a population according to the 2010
3419 federal decennial census that is less than ten thousand (10,000)
3420 and whose population according to the 2020 federal decennial
3421 census is ten thousand (10,000) or more, the municipality may
3422 elect to continue with five (5) aldermen and not increase to seven
3423 (7) aldermen by the adoption of a resolution by a majority of the
3424 board of aldermen expressing the intent to continue with five (5)
3425 aldermen and not increase to seven (7) aldermen. Before the
3426 adoption of such resolution, the proposed resolution shall be
3427 published * * * either in at least one (1) newspaper published in
3428 the municipality for three (3) consecutive weeks or by a link to



3429 such proposed resolution posted on the municipality's website or,
3430 if the municipality does not have a website, its official social
3431 media webpage is to remain available to the public for the
3432 duration of three (3) consecutive weeks. The first print
3433 publication of such resolution shall be made not less than
3434 twenty-one (21) days prior to the date fixed in such resolution
3435 for the adoption of the same and the last publication shall be
3436 made not more than seven (7) days prior to such date. If no
3437 newspaper be published in the municipality and no such website
3438 exists, then such notice shall be given by publishing the
3439 resolution for the required time in some newspaper having a
3440 general circulation in such municipality and, in addition, by
3441 posting a copy of such resolution for at least twenty-one (21)
3442 days next preceding the date fixed to adopt the resolution at
3443 three (3) public places in such municipality. If ten percent
3444 (10%) of the qualified electors of the municipality or fifteen
3445 hundred (1,500) whichever is lesser, shall file a written protest
3446 against the resolution on or before the date specified in the
3447 resolution, then an election on the question shall be called.
3448 Notice of such election shall be signed by the clerk of the
3449 municipality and shall be published * * * either in at least one
3450 (1) newspaper published in the municipality once a week for at
3451 least three (3) consecutive weeks or by a link to such notice
3452 posted on the municipality's website or, if the municipality does
3453 not have a website, its official social media webpage, for the



3454 duration of three (3) consecutive weeks. The first print
3455 publication of such notice shall be made not less than twenty-one
3456 (21) days prior to the date fixed for such election and the last
3457 publication shall be made not more than seven (7) days prior to
3458 such date. If no newspaper be published in the municipality and
3459 no such website exists, then such notice shall be given by
3460 publishing the same for the required time in some newspaper having
3461 a general circulation in such municipality and, in addition, by
3462 posting a copy of such notice for at least twenty-one (21) days
3463 next preceding the date fixed to adopt the resolution at three (3)
3464 public places in such municipality. At the election, all
3465 qualified electors of such municipality may vote, and the ballots
3466 used in the election shall have printed thereon a brief statement
3467 of the purpose of the increase in the number of aldermen and the
3468 words "FOR THE INCREASE IN THE NUMBER OF ALDERMEN FROM 5 TO 7" and
3469 on a separate line, "AGAINST THE INCREASE IN NUMBER OF ALDERMEN
3470 FROM 5 TO 7" and the voters shall vote by placing a cross (X) or
3471 check (√) opposite their choice on the proposition. The results
3472 of the election shall be certified by the municipal election
3473 commissions and spread on the minutes of the municipality. If a
3474 majority of electors who voted in the election vote in favor of
3475 maintaining five (5) aldermen and not increasing the number to
3476 seven (7) aldermen, the number of aldermen shall remain at five
3477 (5) and shall not be increased except by special election called
3478 for such purpose. If a majority of electors who voted in the



3479 election vote against maintaining five (5) aldermen and in favor
3480 of increasing the number to seven (7) aldermen, the number of
3481 aldermen for such municipality shall be increased to seven (7)
3482 aldermen and the number shall not be decreased except by act of
3483 the Legislature.

3484 **SECTION 59.** Section 21-5-15, Mississippi Code of 1972, is
3485 amended as follows:

3486 21-5-15. At the first regular meeting of the council that is
3487 first elected, or as soon thereafter as practicable, the council
3488 shall, by ordinance, fix the salary of the mayor and each of the
3489 councilmen (or commissioners), which ordinance shall not become
3490 operative until the same shall have been approved by a majority of
3491 the qualified electors voting at an election to be held for that
3492 purpose, as provided by this section. Said ordinance shall be
3493 published in a newspaper published in said city, and having a
3494 general circulation therein, for at least ten (10) days before
3495 such election * * * or by a link to such ordinance posted on the
3496 municipality's website or, if the municipality does not have a
3497 website, its official social media webpage is to remain available
3498 to the public for the duration of at least ten (10) days before
3499 such election. Notice of the date of such election shall be given
3500 by the council for ten (10) days by publication in a newspaper
3501 published in such city, and having general circulation therein, or
3502 by a link to such ordinance posted on the municipality's website
3503 or, if the municipality does not have a website, its official



3504 social media webpage is to remain available to the public for the
3505 duration of ten (10) days. In case such ordinance shall be
3506 rejected by the electors at such election, then a new ordinance,
3507 or ordinances, may be passed by the council and submitted to the
3508 electors in like manner, until the same shall have been ratified
3509 by the electors. When an ordinance so fixing the salaries shall
3510 have been finally adopted and approved, the salaries so fixed
3511 shall remain in effect until altered or changed in the manner
3512 hereinafter provided.

3513 To reduce the salary so fixed it shall be sufficient that the
3514 council adopt an ordinance to that effect, which ordinance shall
3515 become effective upon adoption without the necessity of
3516 publication or of an election. To increase the salary so fixed,
3517 an ordinance shall be duly adopted, by the council, which
3518 ordinance shall be published for ten (10) days in a newspaper
3519 published or having a general circulation in such city * * * or by
3520 a link to such ordinance posted on the municipality's website or,
3521 if the municipality does not have a website, its official social
3522 media webpage is to remain available to the public for ten (10)
3523 days. The ordinance shall not become effective until it shall
3524 have been approved by a majority of the qualified electors of such
3525 city voting at an election to be held for that purpose after
3526 notice of such election shall have been given by the council for
3527 ten (10) days by publication in a newspaper published in such city
3528 or having a general circulation therein, the last notice to appear



3529 not more than one * * * week next prior to the date of the
3530 election, or by a link to such ordinance posted on the
3531 municipality's website or, if the municipality does not have a
3532 website, its official social media webpage is to remain available
3533 to the public for ten (10) days.

3534 Every officer or assistant, other than the mayor and
3535 councilmen, shall receive such salary or compensation as the
3536 council shall by ordinance provide. The salary or compensation of
3537 all other employees of such city shall be fixed by the council
3538 from time to time, as occasion may demand.

3539 **SECTION 60.** Section 21-13-11, Mississippi Code of 1972, is
3540 amended as follows:

3541 21-13-11. Every ordinance passed by the governing body of a
3542 municipality, except as is otherwise provided by law, shall be
3543 certified by a municipal clerk, signed by the mayor or a majority
3544 of all the members of the governing body, recorded in the
3545 ordinance book, and published at least one * * * time either in
3546 some newspaper published in such municipality * * * or by a link
3547 to such ordinance posted on the municipality's website or, if the
3548 municipality does not have a website, its official social media
3549 webpage. If there be no such newspaper or website, then the
3550 ordinance shall be published in a newspaper within the county
3551 having general circulation in said municipality, or, if there be
3552 no newspaper published in or having general circulation in same,
3553 then in any newspaper published in the State of Mississippi having



3554 general circulation in said county; and all of same shall be done
3555 before such ordinance shall be effective. The publication of the
3556 ordinance may be made as provided in Section 21-17-19. No
3557 ordinance shall be in force for one (1) month after its passage;
3558 however, any ordinance for the immediate and temporary
3559 preservation of the public peace, health or safety or for other
3560 good cause, which is adopted by unanimous vote of all members of
3561 the governing body, may be made effective from and after its
3562 passage by a unanimous vote of all members of the governing body.
3563 However, in such cases, such ordinance shall contain a statement
3564 of reason why it is necessary that same become immediately
3565 effective. All such ordinances shall be published and recorded in
3566 the ordinance book in the same manner as other ordinances, but
3567 shall become effective immediately upon the adoption thereof, and
3568 prior to being so recorded and published. Nothing in this section
3569 shall apply to ordinances appropriating money for the payment of
3570 the current expenses of the municipality or the payment of sums
3571 due on any contract previously made.

3572 **SECTION 61.** Section 21-17-1, Mississippi Code of 1972, is
3573 amended as follows:

3574 21-17-1. (1) Every municipality of this state shall be a
3575 municipal corporation and shall have power to sue and be sued; to
3576 purchase and hold real estate, either within or without the
3577 corporate limits, for all proper municipal purposes, including
3578 parks, cemeteries, hospitals, schoolhouses, houses of correction,



3579 waterworks, electric lights, sewers and other proper municipal
3580 purposes; to purchase and hold personal property for all proper
3581 municipal purposes; to sell or dispose of personal property or
3582 real property owned by it consistent with Section 17-25-25; to
3583 acquire equipment and machinery by lease-purchase agreement and to
3584 pay interest thereon, if contracted, when needed for proper
3585 municipal purposes; and to sell and convey any real property owned
3586 by it, and make such order respecting the same as may be deemed
3587 conducive to the best interest of the municipality, and exercise
3588 jurisdiction over the same.

3589 (2) (a) In case any of the real property belonging to a
3590 municipality shall cease to be used for municipal purposes, the
3591 governing authority of the municipality may sell, convey or lease
3592 the same on such terms as the municipal authority may elect. In
3593 case of a sale on a credit, the municipality shall charge
3594 appropriate interest as contracted and shall have a lien on the
3595 same for the purchase money, as against all persons, until paid
3596 and may enforce the lien as in such cases provided by law. The
3597 deed of conveyance in such cases shall be executed in the name of
3598 the municipality by the governing authority of the municipality
3599 pursuant to an order entered on the minutes. In any sale or
3600 conveyance of real property, the municipality shall retain all
3601 mineral rights that it owns, together with the right of ingress
3602 and egress to remove same. Except as otherwise provided in this
3603 section, before any such lease, deed or conveyance is executed,



3604 the governing authority of the municipality shall publish * * *
3605 the intention to lease or sell, as the case may be, the
3606 municipally owned real property and to accept sealed competitive
3607 bids for the leasing or sale either in a public newspaper of the
3608 municipality in which the real property is located at least once
3609 each week for three (3) weeks or by a link to such intention
3610 posted on the municipality's website or, if the municipality does
3611 not have a website, its official social media webpage, for the
3612 duration of three (3) consecutive weeks. If no such newspaper is
3613 published and no such website exists, then publication is proper
3614 in a newspaper having general circulation therein. The governing
3615 authority of the municipality shall thereafter accept bids for the
3616 lease or sale and shall award the lease or sale to the highest
3617 bidder in the manner provided by law. However, whenever the
3618 governing authority of the municipality shall find and determine,
3619 by resolution duly and lawfully adopted and spread upon its
3620 minutes (i) that any municipally owned real property is no longer
3621 needed for municipal or related purposes and is not to be used in
3622 the operation of the municipality, (ii) that the sale of such
3623 property in the manner otherwise provided by law is not necessary
3624 or desirable for the financial welfare of the municipality, and
3625 (iii) that the use of such property for the purpose for which it
3626 is to be sold, conveyed or leased will promote and foster the
3627 development and improvement of the community in which it is
3628 located and the civic, social, educational, cultural, moral,



3629 economic or industrial welfare thereof, the governing authority of
3630 the municipality shall be authorized and empowered, in its
3631 discretion, to sell, convey or lease same for any of the purposes
3632 set forth herein without having to advertise for and accept
3633 competitive bids.

3634 (b) In any case in which a municipality proposes to
3635 sell, convey or lease real property under the provisions of this
3636 subsection (2) without advertising for and accepting competitive
3637 bids, the governing authority may sell, convey or lease the
3638 property as follows:

3639 (i) Consideration for the purchase, conveyance or
3640 lease of the property shall be not less than the average of the
3641 fair market price for such property as determined by at least two
3642 (2) professional property appraisers selected by the municipality
3643 and approved by the purchaser or lessee. Appraisal fees shall be
3644 shared equally by the municipality and the purchaser or lessee;

3645 (ii) The governing authority of a municipality may
3646 contract for the professional services of a Mississippi licensed
3647 real estate broker to assist the municipality in the marketing and
3648 sale or lease of the property, and may provide the broker
3649 reasonable compensation for services rendered to be paid from the
3650 sale or lease proceeds. The reasonable compensation shall not
3651 exceed the usual and customary compensation for similar services
3652 within the municipality; or



3653 (iii) The governing authority of a municipality
3654 may lease property of less than one thousand five hundred (1,500)
3655 square feet to any person or legal entity by having two (2)
3656 appraisals establish the fair market value of the lease, and on
3657 such other terms and conditions as the parties may agree, such
3658 lease being lawfully adopted and spread upon its official minutes.

3659 (3) Whenever the governing authority of the municipality
3660 shall find and determine by resolution duly and lawfully adopted
3661 and spread upon the minutes that municipally owned real property
3662 is not used for municipal purposes and therefore surplus as set
3663 forth in subsection (2) of this section:

3664 (a) (i) Except as otherwise provided in subparagraph
3665 (ii) of this paragraph (a), the governing authority may donate
3666 such lands to a bona fide not-for-profit civic or eleemosynary
3667 corporation organized and existing under the laws of the State of
3668 Mississippi and granted tax-exempt status by the Internal Revenue
3669 Service and may donate such lands and necessary funds related
3670 thereto to the public school district in which the land is
3671 situated for the purposes set forth herein. Any deed or
3672 conveyance executed pursuant hereto shall contain a clause of
3673 reverter providing that the bona fide not-for-profit corporation
3674 or public school district may hold title to such lands only so
3675 long as they are continued to be used for the civic, social,
3676 educational, cultural, moral, economic or industrial welfare of
3677 the community, and that title shall revert to the municipality in



3678 the event of the cessation of such use for a period of two (2)
3679 years. In any such deed or conveyance, the municipality shall
3680 retain all mineral rights that it owns, together with the right of
3681 ingress and egress to remove same;

3682 (ii) If the governing authority of a municipality
3683 with a total population of greater than forty thousand (40,000),
3684 but not more than forty-two thousand five hundred (42,500)
3685 according to the 2010 federal decennial census, donates real
3686 property to a bona fide not-for-profit civic or eleemosynary
3687 corporation and such civic or eleemosynary corporation commits Two
3688 Million Dollars (\$2,000,000.00) to renovate or make capital
3689 improvements to the property by an agreement between a certain
3690 state institution of higher learning and the civic or eleemosynary
3691 corporation, then the clause of reverter required by this
3692 paragraph shall provide that title of such real property shall
3693 revert 1. to the bona fide not-for-profit civic or eleemosynary
3694 corporation, if a certain state institution of higher learning
3695 ceases to use the property for the purposes required by this
3696 paragraph (a) for donated lands, or 2. to the municipality, if a
3697 certain state institution of higher learning ceases to use the
3698 property for the purposes required by this paragraph (a) and the
3699 not-for-profit civic or eleemosynary corporation or its successor
3700 ceases to exist;

3701 (b) (i) The governing authority may donate such lands
3702 to a bona fide not-for-profit corporation (such as Habitat for



3703 Humanity) which is primarily engaged in the construction of
3704 housing for persons who otherwise can afford to live only in
3705 substandard housing. In any such deed or conveyance, the
3706 municipality shall retain all mineral rights that it owns,
3707 together with the right of ingress and egress to remove same;

3708 (ii) In the event the governing authority does not
3709 wish to donate title to such lands to the bona fide not-for-profit
3710 civic or eleemosynary corporation, but wishes to retain title to
3711 the lands, the governing authority may lease the lands to a bona
3712 fide not-for-profit corporation described in paragraph (a) or this
3713 paragraph (b) for less than fair market value;

3714 (c) The governing authority may donate any municipally
3715 owned lot measuring twenty-five (25) feet or less along the
3716 frontage line as follows: the governing authority may cause the
3717 lot to be divided in half along a line running generally
3718 perpendicular to the frontage line and may convey each one-half
3719 (1/2) of that lot to the owners of the parcels laterally adjoining
3720 the municipally owned lot. All costs associated with a conveyance
3721 under this paragraph (c) shall be paid by the person or entity to
3722 whom the conveyance is made. In any such deed or instrument of
3723 conveyance, the municipality shall retain all mineral rights that
3724 it owns, together with the right of ingress and egress to remove
3725 same;



3726 (d) Nothing contained in this subsection (3) shall be
3727 construed to prohibit, restrict or to prescribe conditions with
3728 regard to the authority granted under Section 17-25-3.

3729 (4) Every municipality shall also be authorized and
3730 empowered to loan to private persons or entities, whether
3731 organized for profit or nonprofit, funds received from the United
3732 States Department of Housing and Urban Development (HUD) under an
3733 urban development action grant or a community development block
3734 grant under the Housing and Community Development Act of 1974
3735 (Public Law 93-383), as amended, and to charge interest thereon if
3736 contracted, provided that no such loan shall include any funds
3737 from any revenues other than the funds from the United States
3738 Department of Housing and Urban Development; to make all contracts
3739 and do all other acts in relation to the property and affairs of
3740 the municipality necessary to the exercise of its governmental,
3741 corporate and administrative powers; and to exercise such other or
3742 further powers as are otherwise conferred by law.

3743 (5) (a) The governing authority of any municipality may
3744 establish an employer-assisted housing program to provide funds to
3745 eligible employees to be used toward the purchase of a home. This
3746 assistance may be applied toward the down payment, closing costs
3747 or any other fees or costs associated with the purchase of a home.
3748 The housing assistance may be in the form of a grant, forgivable
3749 loan or repayable loan. The governing authority of a municipality
3750 may contract with one or more public or private entities to



3751 provide assistance in implementing and administering the program
3752 and shall adopt rules and regulations regarding the eligibility of
3753 a municipality for the program and for the implementation and
3754 administration of the program. However, no general funds of a
3755 municipality may be used for a grant or loan under the program.

3756 (b) Participation in the program established under this
3757 subsection (5) shall be available to any eligible municipal
3758 employee as determined by the governing authority of the
3759 municipality. Any person who receives financial assistance under
3760 the program must purchase a house and reside within certain
3761 geographic boundaries as determined by the governing authority of
3762 the municipality.

3763 (c) If the assistance authorized under this subsection
3764 (5) is structured as a forgivable loan, the participating employee
3765 must remain as an employee of the municipality for an agreed upon
3766 period of time, as determined by the rules and regulations adopted
3767 by the governing authority of the municipality, in order to have
3768 the loan forgiven. The forgiveness structure, amount of
3769 assistance and repayment terms shall be determined by the
3770 governing authority of the municipality.

3771 (6) The governing authority of any municipality may contract
3772 with a private attorney or private collection agent or agency to
3773 collect any type of delinquent payment owed to the municipality,
3774 including, but not limited to, past-due fees, fines and other
3775 assessments, or with the district attorney of the circuit court



3776 district in which the municipality is located to collect any
3777 delinquent fees, fines and other assessments. Any such contract
3778 debt may provide for payment contingent upon successful collection
3779 efforts or payment based upon a percentage of the delinquent
3780 amount collected; however, the entire amount of all delinquent
3781 payments collected shall be remitted to the municipality and shall
3782 not be reduced by any collection costs or fees. Any private
3783 attorney or private collection agent or agency contracting with
3784 the municipality under the provisions of this subsection shall
3785 give bond or other surety payable to the municipality in such
3786 amount as the governing authority of the municipality deems
3787 sufficient. Any private attorney with whom the municipality
3788 contracts under the provisions of this subsection must be a member
3789 in good standing of The Mississippi Bar. Any private collection
3790 agent or agency with whom the municipality contracts under the
3791 provisions of this subsection must meet all licensing requirements
3792 for doing business in the State of Mississippi. Neither the
3793 municipality nor any officer or employee of the municipality shall
3794 be liable, civilly or criminally, for any wrongful or unlawful act
3795 or omission of any person or business with whom the municipality
3796 has contracted under the provisions of this subsection. The
3797 Mississippi Department of Audit shall establish rules and
3798 regulations for use by municipalities in contracting with persons
3799 or businesses under the provisions of this subsection. If a
3800 municipality uses its own employees to collect any type of



3801 delinquent payment owed to the municipality, then from and after
3802 July 1, 2000, the municipality may charge an additional fee for
3803 collection of the delinquent payment provided the payment has been
3804 delinquent for ninety (90) days. The collection fee may not
3805 exceed twenty-five percent (25%) of the delinquent payment if the
3806 collection is made within this state and may not exceed fifty
3807 percent (50%) of the delinquent payment if the collection is made
3808 outside this state. In conducting collection of delinquent
3809 payments, the municipality may utilize credit cards or electronic
3810 fund transfers. The municipality may pay any service fees for the
3811 use of such methods of collection from the collection fee, but not
3812 from the delinquent payment. There shall be due to the
3813 municipality from any person whose delinquent payment is collected
3814 under a contract executed as provided in this subsection an
3815 amount, in addition to the delinquent payment, * * * not to exceed
3816 twenty-five percent (25%) of the delinquent payment for
3817 collections made within this state, and not to exceed fifty
3818 percent (50%) of the delinquent payment for collections made
3819 outside of this state.

3820 (7) In addition to such authority as is otherwise granted
3821 under this section, the governing authority of any municipality
3822 may expend funds necessary to maintain and repair, and to purchase
3823 liability insurance, tags and decals for, any personal property
3824 acquired under the Federal Excess Personal Property Program that
3825 is used by the local volunteer fire department.



3826 (8) In addition to the authority to expend matching funds
3827 under Section 21-19-65, the governing authority of any
3828 municipality, in its discretion, may expend municipal funds to
3829 match any state, federal or private funding for any program
3830 administered by the State of Mississippi, the United States
3831 government or any nonprofit organization that is exempt under 26
3832 USCS Section 501(c) (3) from paying federal income tax.

3833 (9) The governing authority of any municipality that owns
3834 and operates a gas distribution system, as defined in Section
3835 21-27-11(b), and the governing authority of any public natural gas
3836 district are authorized to contract for the purchase of the supply
3837 of natural gas for a term of up to ten (10) years with any public
3838 nonprofit corporation which is organized under the laws of this
3839 state or any other state.

3840 (10) The governing authority of any municipality may perform
3841 and exercise any duty, responsibility or function, may enter into
3842 agreements and contracts, may provide and deliver any services or
3843 assistance, and may receive, expend and administer any grants,
3844 gifts, matching funds, loans or other monies, in accordance with
3845 and as may be authorized by any federal law, rule or regulation
3846 creating, establishing or providing for any program, activity or
3847 service. The provisions of this subsection shall not be construed
3848 as authorizing any municipality or the governing authority of such
3849 municipality to perform any function or activity that is
3850 specifically prohibited under the laws of this state or as



3851 granting any authority in addition to or in conflict with the
3852 provisions of any federal law, rule or regulation.

3853 (11) (a) In addition to such authority as is otherwise
3854 granted under this section, the governing authority of a
3855 municipality, in its discretion, may sell, lease, donate or
3856 otherwise convey property to any person or legal entity without
3857 public notice, without having to advertise for and accept
3858 competitive bids and without appraisal, with or without
3859 consideration, and on such terms and conditions as the parties may
3860 agree if the governing authority finds and determines, by
3861 resolution duly and lawfully adopted and spread upon its official
3862 minutes:

3863 (i) The subject property is real property acquired
3864 by the municipality:

- 3865 1. By reason of a tax sale;
- 3866 2. Because the property was abandoned or
3867 blighted; or
- 3868 3. In a proceeding to satisfy a municipal
3869 lien against the property;

3870 (ii) The subject property is blighted and is
3871 located in a blighted area;

3872 (iii) The subject property is not needed for
3873 governmental or related purposes and is not to be used in the
3874 operation of the municipality;



3875 (iv) That the sale of the property in the manner
3876 otherwise provided by law is not necessary or desirable for the
3877 financial welfare of the municipality; and

3878 (v) That the use of the property for the purpose
3879 for which it is to be conveyed will promote and foster the
3880 development and improvement of the community in which it is
3881 located or the civic, social, educational, cultural, moral,
3882 economic or industrial welfare thereof; the purpose for which the
3883 property is conveyed shall be stated.

3884 (b) Any deed or instrument of conveyance executed
3885 pursuant to the authority granted under this subsection shall
3886 contain a clause of reverter providing that title to the property
3887 will revert to the municipality if the person or entity to whom
3888 the property is conveyed does not fulfill the purpose for which
3889 the property was conveyed and satisfy all conditions imposed on
3890 the conveyance within two (2) years of the date of the conveyance.

3891 (c) In any such deed or instrument of conveyance, the
3892 municipality shall retain all mineral rights that it owns,
3893 together with the right of ingress and egress to remove same.

3894 (12) The governing authority of any municipality may enter
3895 into agreements and contracts with any housing authority, as
3896 defined in Section 43-33-1, to provide extra police protection in
3897 exchange for the payment of compensation or a fee to the
3898 municipality.



3899 (13) The governing authority of any municipality may
3900 reimburse the cost of an insured's deductible for an automobile
3901 insurance coverage claim if the claim has been paid for damages to
3902 the insured's property arising from the negligence of a duly
3903 authorized officer, agent, servant, attorney or employee of the
3904 municipality in the performance of his or her official duties, and
3905 the officer, agent, servant, attorney or employee owning or
3906 operating the motor vehicle is protected by immunity under the
3907 Mississippi Tort Claims Act, Section 11-46-1 et seq.

3908 (14) The powers conferred by this section shall be in
3909 addition and supplemental to the powers conferred by any other
3910 law, and nothing contained in this section shall be construed to
3911 prohibit, or to prescribe conditions concerning, any practice or
3912 practices authorized under any other law.

3913 **SECTION 62.** Section 21-17-9, Mississippi Code of 1972, is
3914 amended as follows:

3915 21-17-9. When a municipality now existing, which has not
3916 adopted the code charter or commission form of government, but is
3917 governed by another charter, shall desire to amend its charter,
3918 the same may be done in this way: the mayor and board of
3919 aldermen, city council, or municipal authority, by whatever name
3920 known, may prepare, in writing, the desired amendment or
3921 amendments and have the same published * * * either in a legal
3922 newspaper published in the municipality, if there be one, * * *
3923 for three (3) weeks or by a link to such amendment posted on the



3924 municipality's website or, if the municipality does not have a
3925 website, its official social media webpage for the duration of the
3926 three (3) week period. If * * * no such newspaper or website
3927 exists, then by posting for said time in at least three (3) public
3928 places therein, after which the proposed amendment or amendments
3929 shall be submitted to the Governor, who shall submit the same to
3930 the Attorney General for his opinion. The publication of the
3931 amendment or amendments may be made as provided in Section
3932 21-17-19. If the Attorney General is of the opinion that the
3933 proposed amendment or amendments are consistent with the
3934 Constitution and laws of the United States and the Constitution of
3935 this state, the Governor shall approve the proposed amendment or
3936 amendments. If, after publication is made, one-tenth (1/10) of
3937 the qualified electors of the municipality shall protest against
3938 the proposed amendments, or any of them, the Governor shall not
3939 approve the ones protested against until they shall be submitted
3940 to and ratified by a majority of the electors of the municipality
3941 voting in a special election. Amendments, when approved by the
3942 Governor, shall be recorded, at the expense of the municipality,
3943 in the office of the Secretary of State and upon the records of
3944 the mayor and board of aldermen, or other governing authorities of
3945 the municipality, and when so recorded shall have the force and
3946 effect of law. No amendment to the private or special charter of
3947 any municipality shall be adopted or approved when such amendment
3948 is in conflict with any of the provisions of this title expressly



3949 made applicable to municipalities operating under a private or
3950 special charter, or is in conflict with the provisions of any
3951 other legislation expressly made applicable to any such
3952 municipality.

3953 **SECTION 63.** Section 21-17-11, Mississippi Code of 1972, is
3954 amended as follows:

3955 21-17-11. It shall be lawful for any number, not less than
3956 twenty percent (20%) of the qualified electors of any
3957 municipality, by petition, to propose an amendment or amendments
3958 to the charter of such municipality not in conflict with the
3959 Constitution and laws of the United States, or the Constitution of
3960 this state. The said amendment or amendments shall be
3961 published * * * either in a newspaper published in the
3962 municipality, if there be one, * * * for three (3) weeks prior to
3963 a special election or by a link to such amendment or amendments on
3964 the municipality's website or, if the municipality does not have a
3965 website, its official social media page is to remain available to
3966 the public for the duration of three (3) weeks prior to a special
3967 election. If * * * there is no such newspaper or website,
3968 publication is proper by posting for said time in at least three
3969 (3) public places therein. The publication of the amendment or
3970 amendments may be made as provided in Section 21-17-19. If such
3971 election results in favor of any such amendment or amendments,
3972 then the amendment or amendments shall be submitted to the
3973 Governor, as is provided in Section 21-17-9, and the procedure



3974 therein outlined shall be followed, except that it shall not be
3975 necessary to republish such amendment or amendments, or resubmit
3976 such amendment or amendments for approval of the qualified
3977 electors.

3978 **SECTION 64.** Section 21-17-17, Mississippi Code of 1972, is
3979 amended as follows:

3980 21-17-17. Notwithstanding the provisions of Sections
3981 21-3-19, 21-5-13, 21-7-9 and 21-9-39, Mississippi Code of 1972,
3982 the governing authorities of any municipality may by ordinance
3983 duly adopted change the day of the week set by the appropriate
3984 section hereinabove as their regular monthly or bimonthly meeting
3985 date. Before the adoption of any such ordinance, the ordinance
3986 shall first be published * * * in a newspaper published in or
3987 having general circulation within the municipality once a week for
3988 at least three (3) consecutive weeks or by a link to such
3989 ordinance posted on the municipality's website or, if the
3990 municipality does not have a website, its official social media
3991 webpage, for the duration of three (3) consecutive weeks. Once
3992 such regular meeting day has been changed, meetings shall be held
3993 as otherwise provided by law.

3994 **SECTION 65.** Section 21-17-19, Mississippi Code of 1972, is
3995 amended as follows:

3996 21-17-19. (1) Whenever a municipality is required by law to
3997 publish in a newspaper or municipality website any public measure
3998 or amendment thereto, the substance of the public measure or



3999 amendment thereto may be printed in lieu of the full text of the
4000 public measure or amendment thereto, as provided in this section.
4001 Such a public measure shall include, but shall not be limited to,
4002 an ordinance, resolution, amendment to a municipal charter or
4003 annual audit. The provisions of this section shall not apply to
4004 publication of the annual budget or amendments thereto; such
4005 publication shall be made as provided in Chapter 35, Title 21,
4006 Mississippi Code of 1972.

4007 (2) The substance of the public measure or amendment thereto
4008 shall be an explanatory statement summarizing the full text of the
4009 public measure or amendment thereto, in which the chief purpose of
4010 the measure is explained in clear and unambiguous language. Such
4011 statement shall be prepared by the governing authorities of the
4012 municipality, and shall not exceed three hundred (300) words in
4013 length to the extent practicable.

4014 (3) During the entire time of the publication of the
4015 explanatory statement either in a newspaper or by a link to such
4016 statement posted on the municipality's website or, if the
4017 municipality does not have a website, its official social media
4018 webpage, a copy of the full text of the public measure or
4019 amendment thereto shall be posted by the clerk of the municipality
4020 (a) at the city hall, (b) at the main public library in the
4021 municipality, or at the courthouse in the judicial district or
4022 county in which the municipality is located; and in addition, the
4023 clerk shall post such copy at least at one (1) other public place



4024 in the municipality. The clerk shall furnish any resident of the
4025 municipality a copy of the full text of the public measure or
4026 amendment thereto upon request, and this shall be stated in the
4027 publication of the explanatory statement.

4028 **SECTION 66.** Section 21-19-2, Mississippi Code of 1972, is
4029 amended as follows:

4030 21-19-2. (1) (a) To defray the cost of establishing,
4031 operating and maintaining the system provided for in Section
4032 21-19-1, the governing authority of a municipality may develop a
4033 system for the billing and/or collection of any fees or charges
4034 imposed on each person furnished garbage and/or rubbish collection
4035 and/or disposal service by the municipality or at the expense of
4036 the municipality. The governing authority of the municipality
4037 shall provide for the collection of the fees or charges.

4038 (b) The governing authority of a municipality may enter
4039 into a contract upon mutual agreement with a public or private
4040 corporation, nonprofit corporation, planning and development
4041 district or a public agency, association, utility or utility
4042 district within the area receiving garbage and/or rubbish
4043 collection and/or disposal services from the municipality for the
4044 purpose of developing, maintaining, operating and administering a
4045 system for the billing and/or collection of fees or charges
4046 imposed by the municipality for garbage and/or rubbish collection
4047 and/or disposal services. The entity with whom the governing
4048 authority of a municipality contracts shall notify the governing



4049 authority of the municipality monthly of any unpaid fees or
4050 charges assessed under this section. Any entity that contracts to
4051 provide a service to customers, within the area being served by
4052 the municipality's garbage and/or rubbish collection and/or
4053 disposal system, may provide a list of its customers to the
4054 governing authority of the municipality upon the request of the
4055 governing authority.

4056 (2) (a) To defray the cost of establishing and operating
4057 the system provided for in Section 21-19-1, the governing body of
4058 a municipality may levy an ad valorem tax not to exceed four (4)
4059 mills on all taxable property within the area served by the
4060 municipality's garbage and/or rubbish collection and/or disposal
4061 system. The service area may be comprised of incorporated and/or
4062 unincorporated areas within a county; however, no property shall
4063 be subject to this levy unless that property is within an area
4064 served by a municipality's garbage and/or rubbish collection
4065 and/or disposal system. The rate of the ad valorem tax levied
4066 under this section shall be shown as a line item on the notice of
4067 ad valorem taxes on taxable property owed by the taxpayer.

4068 (b) In addition to or in lieu of any other method
4069 authorized to defray the cost of establishing and operating the
4070 system provided for in Section 21-19-1, the governing body of a
4071 municipality that has established a garbage and/or rubbish
4072 collection and/or disposal system may assess and collect fees or
4073 charges to defray the costs of such services. The governing



4074 authority may assess and collect the fees or charges from each
4075 single family residential generator of garbage and/or rubbish.
4076 The governing authority also may assess and collect such fees or
4077 charges from each industrial, commercial and multi-family
4078 residential generator of garbage and/or rubbish for any time
4079 period that the generator has not otherwise contracted for the
4080 collection of garbage and/or rubbish that is ultimately disposed
4081 of at a permitted or authorized nonhazardous solid waste
4082 management facility.

4083 (c) Before the adoption of any resolution or ordinance
4084 to increase the ad valorem tax assessment or fees or charges
4085 authorized by this section, the governing authority of a
4086 municipality shall have published a notice advertising their
4087 intent to increase the ad valorem tax assessment or fees or
4088 charges authorized by this section. The notice shall specify the
4089 purpose of the proposed increase, the proposed percentage increase
4090 and the proposed percentage increase in total revenues for garbage
4091 and/or rubbish collection and/or disposal services or shall
4092 contain a copy of any resolution by the governing authority
4093 stating their intent to increase the ad valorem tax assessment or
4094 fees or charges authorized by this section. The notice shall be
4095 published in a newspaper having general circulation in the
4096 municipality for no less than three (3) consecutive weeks before
4097 the adoption of the order. The notice shall be in print no less
4098 than the size of eighteen (18) point and shall be surrounded by a



4099 one-fourth (1/4) inch black border. The notice shall not be
4100 placed in the legal section notice of the newspaper. There shall
4101 be no language in the notice inferring a mandate from the
4102 Legislature. In addition to the required newspaper publication
4103 for the notice, the municipality may provide such notice by a link
4104 to such notice posted on the municipality's website or, if the
4105 municipality does not have a website, its official social media
4106 webpage is to remain available to the public for the duration of
4107 three (3) consecutive weeks before the adoption of the order.

4108 In addition to the requirement for publication of notice, the
4109 governing authority of a municipality shall notify each person
4110 furnished garbage and/or rubbish collection and/or disposal
4111 service of any increase in the ad valorem tax assessment or fees
4112 or charges authorized by this section. In the case of an increase
4113 of the ad valorem tax assessment, a notice shall be conspicuously
4114 placed on or attached to the first ad valorem tax bill on which
4115 the increased assessment is effective. In the case of an increase
4116 in fees or charges, a notice shall be conspicuously placed on or
4117 attached to the first bill for fees or charges on which the
4118 increased fees or charges are assessed. There shall be no
4119 language in any notice inferring a mandate from the Legislature.

4120 (d) The governing authority of a municipality may adopt
4121 an ordinance authorizing the granting of exemptions from the fees
4122 or charges for certain generators of garbage and/or rubbish. The
4123 ordinance shall define clearly those generators that may be



4124 exempted and shall be interpreted consistently by the governing
4125 authority when determining whether to grant or withhold requested
4126 exemptions.

4127 (e) The governing authority may borrow money for the
4128 purpose of defraying the expenses of the system in anticipation
4129 of:

4130 (i) The tax levy authorized under this section;

4131 (ii) Revenues resulting from the assessment of any
4132 fees or charges for garbage and/or rubbish collection and/or
4133 disposal; or

4134 (iii) Any combination thereof.

4135 (3) (a) Fees or charges for garbage and/or rubbish
4136 collection and/or disposal shall be assessed jointly and severally
4137 against the generator of the garbage and/or rubbish and against
4138 the owner of the property furnished the service. However, any
4139 person who pays, as a part of a rental or lease agreement, an
4140 amount for garbage and/or rubbish collection and/or disposal
4141 services shall not be held liable upon the failure of the property
4142 owner to pay such fees.

4143 (b) Every generator assessed the fees or charges
4144 provided for and limited by this section and the owner of the
4145 property occupied by that generator shall be jointly and severally
4146 liable for the fees and/or charges so assessed. The fees or
4147 charges shall be a lien upon the real property offered garbage
4148 and/or rubbish collection and/or disposal service.



4149 At the discretion of the governing body of the municipality,
4150 fees or charges assessed for the service may be assessed annually.
4151 If fees or charges are assessed annually, the fees or charges for
4152 each calendar year shall be a lien upon the real property offered
4153 the service beginning on January 1 of the next immediately
4154 succeeding calendar year. The person or entity owing the fees or
4155 charges, upon signing a form provided by the governing authority,
4156 may pay the fees or charges in equal installments.

4157 If fees or charges so assessed are assessed on a basis other
4158 than annually, the fees or charges shall become a lien on the real
4159 property offered the service on the date that the fees or charges
4160 become due and payable.

4161 No real or personal property shall be sold to satisfy any
4162 lien imposed under this section.

4163 The municipality shall mail a notice of the lien, including
4164 the amount of unpaid fees or charges and a description of the
4165 property subject to the lien, to the owner of the property subject
4166 to the lien.

4167 (c) The municipal governing body shall notify the
4168 county tax collector of any unpaid fees or charges assessed under
4169 this section within ninety (90) days after such fees or charges
4170 are due. Upon receipt of a delinquency notice, the tax collector
4171 shall not issue or renew a motor vehicle road and bridge privilege
4172 license for any motor vehicle owned by a person who is delinquent
4173 in the payment of fees or charges, unless such fees or charges, in



4174 addition to any other taxes or fees assessed against the motor
4175 vehicle, are paid.

4176 (d) Liens created under this section may be discharged
4177 as follows:

4178 (i) By filing with the municipal tax collector a
4179 receipt or acknowledgement, signed by the municipality, that the
4180 lien has been paid or discharged; or

4181 (ii) By depositing with the municipal tax
4182 collector money equal to the amount of the claim, which money
4183 shall be held for the benefit of the municipality.

4184 **SECTION 67.** Section 21-19-13, Mississippi Code of 1972, is
4185 amended as follows:

4186 21-19-13. (1) The governing authorities of municipalities
4187 shall have the power to establish, alter and change the channels
4188 of streams or other water courses, and to bridge the same,
4189 whenever so to do will promote the health, comfort and convenience
4190 of the inhabitants of such municipality.

4191 (2) The governing authorities of any municipality shall also
4192 have the power and authority to incur costs and pay necessary
4193 expenses in providing labor, materials and supplies to clean or
4194 clear drainage ditches, creeks or channels, whether on public or
4195 private property, and to incur costs and pay necessary expenses in
4196 providing labor, materials and supplies in order to prevent
4197 erosion where such erosion has been caused or will be caused by
4198 such drainage ditches, creeks or channels. This paragraph shall



4199 not impose any obligation or duty upon the municipality and shall
4200 not create any additional rights for the benefit of any owner of
4201 public or private property.

4202 (3) No additional taxes shall be imposed for the works
4203 authorized under subsections (1) and (2) of this section until the
4204 governing authorities shall adopt a resolution declaring its
4205 intention to levy the taxes and establishing the amount of the tax
4206 levies and the date on which the taxes initially will be levied
4207 and collected. This date shall be the first day of a month but
4208 not earlier than the first day of the second month from the date
4209 of adoption of the resolution. Notice of the proposed tax levies
4210 shall be published once each week for at least three (3) weeks in
4211 a newspaper having a general circulation in the municipality. The
4212 first publication of the notice shall be made not less than
4213 twenty-one (21) days before the date fixed in the resolution on
4214 which the governing authorities propose to levy the taxes, and the
4215 last publication of the notice shall be made not more than seven
4216 (7) days before that date. In addition to the required newspaper
4217 publication, the municipality may provide once each week for at
4218 least three (3) weeks or by a link to such notice posted on the
4219 municipality's website or, if the municipality does not have a
4220 website, its official social media webpage for the duration of
4221 three (3) weeks. If, within the time of giving notice, fifteen
4222 percent (15%) or two thousand five hundred (2,500), whichever is
4223 less, of the qualified electors of the municipality file a written



4224 petition against the levy of the taxes, then the taxes shall not
4225 be levied unless authorized by three-fifths (3/5) of the qualified
4226 electors of the municipality voting at an election to be called
4227 and held for that purpose.

4228 **SECTION 68.** Section 21-19-20, Mississippi Code of 1972, is
4229 amended as follows:

4230 21-19-20. (1) (a) A municipality shall institute
4231 proceedings to have demolished or seized an abandoned house or
4232 building that is used for the sale or use of drugs. In addition,
4233 the governing authorities of a municipality may sell, transfer or
4234 otherwise convey or use an abandoned house or building for
4235 suitable municipal purposes. The local law enforcement authority
4236 of the municipality shall have documented proof of drug sales or
4237 use in the abandoned property before a municipality may initiate
4238 proceedings to have the property demolished or seized.

4239 (b) (i) A municipality shall institute proceedings
4240 under this section to have an abandoned house or building
4241 demolished or seized if the governing authority of the
4242 municipality determines that the house or building is a menace to
4243 the public health and safety of the community and that it
4244 constitutes a public hazard and nuisance.

4245 (ii) Upon the receipt of a petition requesting the
4246 municipality to demolish or seize an abandoned house or building
4247 that constitutes a public hazard and nuisance signed by a majority
4248 of the residents residing within four hundred (400) feet of the



4249 property, the governing authority of the municipality shall notify
4250 the property owner that the petition has been filed and that a
4251 date for a hearing on the petition has been set. Notice to the
4252 property owner shall be by United States mail, or if the property
4253 owner or the owner's address is unknown, publication of the notice
4254 shall be made * * * either in a public newspaper of the county in
4255 which the municipality is located twice each week during two (2)
4256 successive weeks or by a link to such notice posted on the
4257 municipality's website or, if the municipality does not have a
4258 website, its official social media webpage is to remain available
4259 to the public for the duration of two (2) successive weeks; where
4260 there is no such newspaper or website in the county, the notice
4261 shall be published in a newspaper having a general circulation in
4262 the state. The hearing shall be held not less than thirty (30)
4263 nor more than sixty (60) days after service or completion of
4264 publication of the notice. At the hearing, the governing
4265 authority shall determine whether the property is a menace to the
4266 public health and safety of the community which constitutes a
4267 public hazard and nuisance. If the governing authority determines
4268 that the property is a public hazard and nuisance, the
4269 municipality shall institute proceedings under subsection (2) of
4270 this section to demolish or seize the abandoned house or building.
4271 (2) The municipality shall file a petition to declare the
4272 abandoned property a public hazard and nuisance and to have the
4273 property demolished or seized with the circuit clerk of the county



4274 in which the property or some part of the property is located.
4275 All of the owners of the property involved, and any mortgagee,
4276 trustee, or other person having any interest in or lien on the
4277 property shall be made defendants to the proceedings. The circuit
4278 clerk shall present the petition to the circuit judge who, by
4279 written order directed to the circuit clerk, shall fix the time
4280 and place for the hearing of the matter in termtime or vacation.
4281 The time of the hearing shall be fixed on a date to allow
4282 sufficient time for each defendant named to be served with
4283 process, as otherwise provided by law, not less than thirty (30)
4284 days before the hearing. If a defendant or other party in
4285 interest is not served for the specified time before the date
4286 fixed, the hearing shall be continued to a day certain to allow
4287 the thirty-day period specified.

4288 (3) Any cost incurred by a municipality under this section
4289 for demolishing or seizing abandoned property shall be paid by the
4290 owners of the property.

4291 **SECTION 69.** Section 21-19-25, Mississippi Code of 1972, is
4292 amended as follows:

4293 21-19-25. (1) Any municipality within the State of
4294 Mississippi may, in the discretion of its governing authority,
4295 adopt building codes, plumbing codes, electrical codes, gas codes,
4296 sanitary codes, or any other codes dealing with general public
4297 health, safety or welfare, or a combination of the same, by
4298 ordinance, in the manner prescribed in this section. Before any



4299 such code shall be adopted, it shall be either printed or
4300 typewritten, and it shall be presented in pamphlet form to the
4301 governing authority of the municipality at a regular meeting. The
4302 ordinance adopting the code shall not set out the code in full,
4303 but shall merely identify the same. The vote on passage of the
4304 ordinance shall be the same as on any other ordinances. After its
4305 adoption, the code shall be certified to by the mayor and clerk of
4306 the municipality, and shall be filed as a permanent record in the
4307 office of the clerk, who shall not be required to transcribe and
4308 record the same in the ordinance book as other ordinances. It
4309 shall not be necessary that the ordinance adopting the code or the
4310 code itself be published in full, but notice of the adoption of
4311 the code shall be given by publication either in some newspaper of
4312 the municipality for one (1) time * * * or by a link to such
4313 notice posted on the municipality's website or, if the
4314 municipality does not have a website, its official social media
4315 webpage. If there be no such newspaper or website, publication is
4316 proper by posting at three (3) or more public places within the
4317 corporate limits, a notice in substantially the following form:

4318 Notice is given that the city (or town or village) of
4319 _____, on the (give date of ordinance adopting code), adopted
4320 (state type of code and other information serving to identify the
4321 same) code.

4322 (2) If the governing authority of any municipality adopts or
4323 has adopted construction codes which do not have proper provisions



4324 to maintain up-to-date amendments, specifications in such codes
4325 for cements used in portland cement concrete shall be superseded
4326 by nationally recognized specifications referenced in any code
4327 adopted by the Mississippi Building Code Council.

4328 (3) All the provisions of this section shall apply to
4329 amendments and revisions of the code mentioned in this section.
4330 Any code adopted in accordance with this section shall not be in
4331 force for one (1) month after its passage, unless the municipal
4332 authorities in the ordinance authorize to the contrary. The
4333 provisions of this section shall be in addition and supplemental
4334 to any existing laws authorizing the adoption, amendment or
4335 revision of municipal ordinances or codes.

4336 (4) Notwithstanding any provision of this section to the
4337 contrary, any code adopted by a municipality before or after April
4338 12, 2001, is subject to the provisions of Section 41-26-14(10).

4339 (5) Notwithstanding any provision of this section to the
4340 contrary, the governing authorities of each municipality in
4341 Jackson, Harrison, Hancock, Stone and Pearl River Counties shall
4342 enforce the requirements imposed under Section 17-2-1 as provided
4343 in such section.

4344 (6) Regardless of whether the governing authority of any
4345 municipality adopts or has adopted construction codes, as set
4346 forth in this section, each and every governing authority of any
4347 municipality shall require permitting as a condition to
4348 construction within the municipality's jurisdiction, and any and



4349 all such permits shall contain on their faces, in conspicuous
4350 print, (a) the contractor's material purchase certificate number
4351 to the extent one is furnished by the Department of Revenue
4352 pursuant to Section 27-65-21(3) or the contractor's Taxpayer
4353 Identification Number as furnished by the Internal Revenue
4354 Service, and either a copy of such material purchase certificate
4355 furnished by the Department of Revenue pursuant to Section
4356 27-65-21(3), or a copy of the contractor's W-9, as the case may
4357 be, shall be required to be provided to the governing authority of
4358 such municipality as part of the contractor's application for such
4359 permit, prior to the issuance of such permit, and (b) the
4360 contractor's license or certificate of responsibility number as
4361 required by either Section 31-3-14 et seq., 51-5-1 et seq. or
4362 73-59-1 et seq.

4363 (7) The provisions of this section shall apply to all
4364 municipalities of this state, whether operating under the code
4365 charter, a special charter, commission form, or other form of
4366 government.

4367 **SECTION 70.** Section 21-19-51, Mississippi Code of 1972, is
4368 amended as follows:

4369 21-19-51. The governing authorities of municipalities shall
4370 have the power and authority, in their discretion, to contribute,
4371 appropriate or donate to fair associations, domiciled in their
4372 respective county, a sum of money not to exceed Ten Thousand
4373 Dollars (\$10,000.00) per annum for the purpose of advertising,



4374 displaying, exhibiting or promoting the agricultural or industrial
4375 resources of such municipality or its respective county. The
4376 expenditure of such money, when contributed, appropriated or
4377 donated, shall be under the control of the municipality, and such
4378 governing authorities are hereby authorized and empowered to
4379 appoint one (1) or as many as three (3) individuals, in their
4380 discretion, to represent the municipal authorities in the proper
4381 expenditure of such money for said purpose in conjunction with the
4382 fair association. Before contributing, appropriating or donating
4383 any money to any fair association, such governing authorities
4384 shall publish notice of their intention to contribute, appropriate
4385 or donate money to said fair association, giving the amount of,
4386 and the date of making said contribution, appropriation or
4387 donation, either in some newspaper published in the municipality,
4388 or having a general circulation therein if none be there
4389 published, for three (3) weeks ending not less than ten (10) days
4390 prior to the making of any contribution, appropriation or donation
4391 or by a link to such notice posted on the municipality's website
4392 or, if the municipality does not have a website, its official
4393 social media webpage is to remain available to the public for the
4394 duration of three (3) weeks ending not less than ten (10) days
4395 prior to the making of any contribution, appropriation or
4396 donation. If, before the making of said contribution,
4397 appropriation or donation, twenty per centum (20%) of the adult
4398 taxpayers of the municipality shall petition against such



4399 contribution, appropriation or donation, then the said
4400 contribution, appropriation or donation shall not be made, unless
4401 authorized by a majority of the electors voting in an election to
4402 be ordered for that purpose. All of the expenses of publishing
4403 the notice herein provided for and of holding any election
4404 hereunder shall be paid out of the municipal treasury.

4405 **SECTION 71.** Section 21-19-61, Mississippi Code of 1972, is
4406 amended as follows:

4407 21-19-61. Any municipality in this state which has a
4408 population in excess of one hundred thousand (1,000) people may
4409 set aside, appropriate and expend * * * monies for the purpose of
4410 advertising and bringing to the attention of the citizens of such
4411 municipality the reasons for and status of any municipal activity,
4412 litigation, franchise, proposed bond issue, and any other
4413 municipal matter about which it is for the best interest of the
4414 people that they be fully informed.

4415 Such advertising and publicizing may be done by newspaper,
4416 magazine, radio, television, municipality website, official
4417 municipality social media webpage, or by any combination of same,
4418 which in the judgment of the governing body of such municipality
4419 will be helpful toward advancing the moral, financial and other
4420 interests of such municipality.

4421 **SECTION 72.** Section 21-25-21, Mississippi Code of 1972, is
4422 amended as follows:



4423 21-25-21. The governing authorities of any municipality are
4424 hereby authorized to create, by ordinance, a fire district within
4425 or adjoining such municipality when petitioned so to do by a
4426 majority of the owners of property, either real or personal,
4427 located within such proposed fire district. After the creation of
4428 the fire district such governing authorities shall cause the
4429 ordinance creating such fire district to be published * * * either
4430 in some newspaper in such municipality, or the county in which the
4431 municipality is located, * * * for three (3) weeks or by a link to
4432 such ordinance posted on the municipality's website or, if the
4433 municipality does not have a website, its official social media
4434 webpage is to remain available to the public for the duration of
4435 three (3) weeks. At the next regular meeting of the governing
4436 authorities after such three (3) weeks' publication, they shall
4437 declare such territory to be a fire district as provided by this
4438 section. Such governing authorities shall have full power to
4439 contract for laying water mains and any other pipes or connections
4440 to the water mains to be used in said fire district, and for the
4441 establishment and maintenance of fire service therein.

4442 **SECTION 73.** Section 21-27-33, Mississippi Code of 1972, is
4443 amended as follows:

4444 21-27-33. All municipalities of the state are hereby
4445 empowered and authorized, if they so desire, to sell, lease, or
4446 otherwise dispose of any or all electric, water, gas or other
4447 municipally-owned public utility systems or properties on such



4448 terms and conditions, and with such safeguards as will best
4449 promote and protect the public interest. Said municipal
4450 corporations are empowered and authorized to transfer title to
4451 said public utility properties by warranty deed, bill of sale,
4452 contract, or lease, in the manner provided by law. However,
4453 notice of intention to make such sale, lease, or disposition of
4454 any such system, setting out the price and other general terms and
4455 conditions of such proposed sale, lease, or disposition shall be
4456 given by publication * * * either in a legal newspaper published
4457 in such municipality once a week for three (3) consecutive
4458 weeks, * * * or by a link to such notice posted on the
4459 municipality's website or, if the municipality does not have a
4460 website, its official social media webpage for the duration of
4461 three (3) consecutive weeks. If no such newspaper be published in
4462 said municipality and no such website exists, then publication is
4463 proper in some newspaper having a general circulation in such
4464 municipality. After ten (10) days from the last publication of
4465 such notice, the system may be disposed of, unless within ten (10)
4466 days after the last publication of such notice a petition signed
4467 by not less than twenty (20) per centum of the qualified voters of
4468 such municipality be filed, objecting to and protesting against
4469 such sale, lease, or disposition, in which event the same shall
4470 not be made unless submitted to a special election ordered for the
4471 purpose of determining whether a majority of those voting in such
4472 election shall vote for or against such sale, lease, or other



4473 disposition. Such election shall be ordered to be held not less
4474 than forty (40) days after the date of the last notice of the
4475 proposed sale, lease or disposition. Notice of such election,
4476 stating the purpose of election, shall be published once each week
4477 for three (3) consecutive weeks next preceding the time set for
4478 holding said election in such newspaper as herein provided. The
4479 laws governing special municipal elections shall govern the
4480 ordering and conduct of said election.

4481 The ballots provided shall have plainly written or printed
4482 thereon the words "shall the waterworks, electric, or gas (as the
4483 case may be) system be sold, leased, or disposed of (as the case
4484 may be)" and below said words shall be suitably placed on separate
4485 lines, the words "yes" and "no," so that the voter may indicate
4486 the way he desires to vote on the question submitted.

4487 If a majority of those voting in said election shall vote in
4488 favor of such sale, lease, or disposition, then the proper officer
4489 of the municipality may proceed to sell, lease or dispose of such
4490 system in accordance with the terms and conditions set out in the
4491 notice of proposed intention to sell, lease or dispose of such
4492 system, as herein provided. If such election is determined
4493 against such sale, lease or disposition of such system, then such
4494 system shall not be sold, leased or disposed of, but shall remain
4495 the property of the municipality.

4496 **SECTION 74.** Section 21-27-43, Mississippi Code of 1972, is
4497 amended as follows:



4498 21-27-43. Except as hereinafter provided, no bonds shall be
4499 issued pursuant to the authority granted in Section 21-27-23 until
4500 and unless a majority of those qualified electors of the
4501 municipality, voting on a proposition stating in general terms the
4502 maximum amount and purposes of the bonds, have approved the
4503 issuance at a special election called thereon according to law.

4504 However, the requirement for an election to be held before
4505 the issuance of the bonds shall not apply to the issuance of the
4506 revenue bonds for the purpose of improving, repairing or extending
4507 any waterworks system, water supply system, sewage system, sewage
4508 disposal system (or the addition of a sewage disposal system to a
4509 sewage system), gas producing system, gas generating,
4510 transmission, or distribution system, electric generating,
4511 transmission, or distribution system, garbage disposal system,
4512 rubbish disposal or incinerator system, or motor vehicle
4513 transportation system, which is now, or hereafter, owned or
4514 operated by any municipality, or railroad transportation system
4515 owned or operated by any municipality located in a county
4516 bordering the Mississippi River and in which Highways 49 and 61
4517 intersect. The revenue bonds may be issued for such purposes in
4518 the following manner: notice of intention to issue the revenue
4519 bonds, setting out the amount and other terms or conditions of the
4520 proposed issue, shall be given by publication once a week for
4521 three (3) consecutive weeks in a local newspaper published in the
4522 municipality, and if a newspaper is not published in the



4523 municipality, then in some newspaper having a general circulation
4524 in the municipality. In addition to the required newspaper
4525 publication, the municipality may provide such notice by a link to
4526 such notice posted on the municipality's website or, if the
4527 municipality does not have a website, its official social media
4528 webpage for the duration of three (3) consecutive weeks. After
4529 ten (10) days from the last publication of the notice, the bonds
4530 may be sold under the regular procedure for selling the bonds
4531 unless, within ten (10) days after the last publication of the
4532 notice, a petition signed by not less than twenty percent (20%) of
4533 the qualified voters of such municipality be filed objecting to
4534 and protesting against such revenue bond issue, in which event the
4535 same shall not be made unless submitted to a special election
4536 ordered for the purpose of determining whether or not a majority
4537 of those voting in the election shall vote for or against the
4538 revenue bond issue. The election shall be ordered to be held not
4539 later than forty (40) days after the date of the last notice of
4540 the proposed revenue bond issue. Notice of the election, stating
4541 the purpose of the election, shall be published once each week for
4542 three (3) consecutive weeks next preceding the time set for
4543 holding the election in the newspaper, provided in this section.
4544 The laws governing municipal elections shall govern the order and
4545 conduct of the election. In addition to the required newspaper
4546 publication, the municipality may provide such notice by a link to
4547 such notice posted on the municipality's website or, if the



4548 municipality does not have a website, its official social media
4549 webpage for the duration of three (3) consecutive weeks next
4550 preceding the time set for holding the election in the newspaper.

4551 * * * Nothing in this section shall prevent the governing
4552 authorities from calling an election, whether required by petition
4553 of twenty percent (20%) of the qualified voters or not. This
4554 section shall not have application to and it shall not affect the
4555 authority granted public utilities commissions under Section
4556 21-27-25.

4557 **SECTION 75.** Section 21-29-203, Mississippi Code of 1972, is
4558 amended as follows:

4559 21-29-203. Said fund and system of relief to the fire
4560 department and/or police department shall be inaugurated in each
4561 municipality only in the following manner: each municipality
4562 desiring to create said fund and inaugurate this system of
4563 disability and relief for its firemen and/or policemen, shall call
4564 an election after giving either three (3) weeks consecutive notice
4565 in a newspaper published in said city * * * or by a link to such
4566 notice posted on the municipality's website or, if the
4567 municipality does not have a website, its official social media
4568 webpage for the duration of three (3) weeks. Notice shall state
4569 the date, purpose and time of holding said election for the
4570 electors to determine whether or not said municipality shall adopt
4571 the "disability and relief fund for firemen and policemen." At
4572 said election the ballots used by the qualified electors shall



4573 read: "For the Disability and Relief Fund for Firemen and
4574 Policemen," "Against the Disability and Relief Fund for Firemen
4575 and Policemen." Said election shall be held as such other
4576 elections of like nature, and if at said election the majority of
4577 qualified electors voting thereat, shall vote against the creation
4578 of said fund and system, then the said fund and system shall not
4579 be created and said fund and system shall not be inaugurated in
4580 said municipality. Should a majority of said qualified electors
4581 voting at said election vote in favor of the creation of said fund
4582 and the operation of said system, the said fund and system shall
4583 be inaugurated by said municipality.

4584 **SECTION 76.** Section 21-33-29, Mississippi Code of 1972, is
4585 amended as follows:

4586 21-33-29. Except as otherwise provided in Section 21-33-10,
4587 the governing authorities of every municipality shall, at a
4588 regular or special meeting to be held in September or October in
4589 each year (unless a different time be fixed by order), receive the
4590 assessment rolls of real and personal property from the assessor
4591 and shall proceed to change, correct, revise, and equalize said
4592 assessments in the same manner and with the same powers as is
4593 provided for the equalization of assessments by county boards of
4594 supervisors. When the equalization has been completed, the
4595 governing authorities shall give ten (10) days' notice of the
4596 regular or special meeting at which objections to such assessments
4597 will be heard. The notice shall be given by publication at least



4598 one (1) time either in a legal newspaper, if there be one
4599 published in the municipality, * * * or by a link to such notice
4600 posted on the municipality's website or, if the municipality does
4601 not have a website, its official social media webpage. If no such
4602 newspaper be published in the municipality and no such website
4603 exists, the notice shall be given by posting written notices
4604 thereof in five (5) or more public places in the municipality.

4605 **SECTION 77.** Section 21-33-47, Mississippi Code of 1972, is
4606 amended as follows:

4607 21-33-47. (1) When the governing authorities of any
4608 municipality shall have made the levy of municipal taxes by
4609 resolution, or for any other taxing district of which the
4610 municipality is a part by resolution, the clerk of the
4611 municipality shall thereupon immediately certify the same to the
4612 tax collector of the municipality, or such other taxing district
4613 of which the municipality may be a part.

4614 (2) When a resolution levying ad valorem taxes has been
4615 finally adopted by the governing authorities of any municipality
4616 embracing, in whole or in part, any other taxing district of which
4617 such municipality is a part, the clerk of such municipality shall
4618 immediately certify a copy of such resolution to the * * *
4619 Department of Revenue, as the law directs. The clerk shall have
4620 the resolution of the governing authorities making the levy
4621 printed within two (2) weeks after it is entered on the minutes of
4622 such governing authorities, and he shall furnish any taxpayer with



4623 a copy thereof, upon request. If a newspaper is published within
4624 such municipality, then such resolution shall be published in its
4625 entirety, at least one, within ten (10) days after its adoption.
4626 Instead of publishing the resolution in its entirety, the
4627 publication of the resolution may be made as provided in Section
4628 21-17-19. If no newspaper be published within such municipality,
4629 then a copy of such resolution, in its entirety, shall be posted
4630 by such municipal clerk in at least three (3) public places in
4631 such municipality, within ten (10) days after its adoption. In
4632 addition to the required publication, the municipality may also
4633 provide notice of such taxes by a link to such resolution posted
4634 on the municipality's website or, if the municipality does not
4635 have a website, its official social media webpage is to become
4636 available to the public in its entirety within ten (10) days after
4637 its adoption.

4638 (3) The clerk shall be liable on his bond for any damages
4639 sustained by his failure to comply with the requirements of this
4640 section. However, failure to thus publish or post the same shall
4641 not affect the validity of the levy.

4642 **SECTION 78.** Section 21-33-89, Mississippi Code of 1972, is
4643 amended as follows:

4644 21-33-89. The governing authorities of any municipality
4645 having a population of less than one thousand (1,000), according
4646 to the last federal decennial census, shall have the power and
4647 authority, in their discretion, to assess, levy and collect an



4648 additional ad valorem tax on all of the taxable property in such
4649 municipality of not exceeding two (2) mills on the dollar for
4650 street maintenance, upkeep and construction purposes, and/or an
4651 additional ad valorem tax on all of the taxable property in such
4652 municipality of not exceeding two (2) mills on the dollar for
4653 cemetery improvement, upkeep and maintenance purposes, which said
4654 taxes shall be in addition to all other taxes now authorized by
4655 law. However, such taxes shall not be levied unless and until the
4656 levy thereof has been approved by a majority of the qualified
4657 voters of such municipality voting in an election to be held for
4658 such purpose, notice of which election shall be given in some
4659 newspaper having a general circulation in such municipality not
4660 less than twenty (20) nor more than thirty (30) days prior to such
4661 election; one (1) publication of such notice shall be sufficient.
4662 In addition to the required newspaper notice of the election, the
4663 municipality may provide such notice not less than twenty (20) nor
4664 more than thirty (30) days prior to such election by a link posted
4665 on the municipality's website or, if the municipality does not
4666 have a website, its official social media webpage. No
4667 consideration for homestead exemption refunds shall be considered
4668 in connection with the assessment and levy provided herein.

4669 **SECTION 79.** Section 21-33-207, Mississippi Code of 1972, is
4670 amended as follows:

4671 21-33-207. (a) The mayor and board of aldermen or other
4672 governing authority of any municipality desiring to avail itself



4673 of the provisions of the City Utility Tax Law shall adopt an
4674 ordinance declaring its intention to have the utility tax imposed
4675 at the specified rate for the benefit of such municipality
4676 effective on and after a date fixed in the ordinance which must be
4677 at least thirty (30) days later and on the first day of a month. A
4678 certified copy of this ordinance shall be immediately forwarded to
4679 the Chairman of the * * * Department of Revenue. The municipal
4680 authorities shall have a copy of the ordinance published once a
4681 week for three (3) consecutive weeks in at least one (1) newspaper
4682 published in the municipality and having a general circulation
4683 therein. The first publication shall be not less than
4684 twenty-eight (28) days prior to the levying date fixed in such
4685 ordinance, and the last publication shall be made not less than
4686 seven (7) days prior to such date. If no newspaper is published
4687 in the municipality, then notice shall be given by publishing the
4688 ordinance for the required time in some newspaper published in the
4689 same or an adjoining county having a general circulation in the
4690 municipality. A copy of the ordinance shall also be posted at
4691 three (3) public places in the municipality for a period of at
4692 least twenty-one (21) days during the time of its publication in a
4693 newspaper. In addition to the required publication of the
4694 ordinance in a newspaper, as provided in this section, municipal
4695 authorities may post such ordinance by a link to such ordinance
4696 posted on the municipality's website or, if the municipality does
4697 not have a website, its official social media webpage is to remain



4698 available to the public for the duration of three (3) consecutive
4699 weeks. The publication of the ordinance may be made as provided
4700 in Section 21-17-19. Proof of publication must also be furnished
4701 to the Chairman of the * * * Department of Revenue.

4702 (b) If more than twenty percent (20%) of the qualified
4703 electors of the municipality having no city utility tax shall file
4704 with the clerk of the municipality within twenty-one (21) days
4705 after adoption of the ordinance of intent to qualify for the
4706 collection of the tax, a petition requesting an election on the
4707 question of the levy of such tax, then and in that event such tax
4708 levy shall not be made unless authorized by a majority of the
4709 votes cast at an election to be called and held for that purpose.
4710 Notice of such election shall be given, the election shall be held
4711 and the result thereof determined in the manner provided in Title
4712 21, Chapter 11, of the Mississippi Code of 1972. In the event of
4713 an election resulting in favor of the levy or where no election is
4714 required, the governing authorities shall adopt another ordinance
4715 qualifying for the collection of the tax provided in the City
4716 Utility Tax Law, and shall set the first of a month following the
4717 date of such adoption as the effective date of the tax levy. A
4718 certified copy of this ordinance together with the result of the
4719 election, if any, shall be immediately furnished the Chairman of
4720 the * * * Department of Revenue. Upon receipt of the certified
4721 ordinance and other official notice from the municipality, the
4722 chairman shall notify the utilities in such municipality which are



4723 affected by the City Utility Tax Law, and take the necessary
4724 action to collect the tax. The first payment of the tax after its
4725 adoption shall be on all receipts of the utility derived from all
4726 billings made fifteen (15) days after the effective date of * * *
4727 such adoption.

4728 **SECTION 80.** Section 21-33-307, Mississippi Code of 1972, is
4729 amended as follows:

4730 21-33-307. Before issuing any bonds for any of the purposes
4731 enumerated in Section 21-33-301, the governing authority of the
4732 issuing municipality shall adopt a resolution declaring its
4733 intention so to do, stating the amount of bonds proposed to be
4734 issued and the purpose for which the bonds are to be issued, and
4735 the date upon which the aforesaid authority proposes to direct the
4736 issuance of such bonds. Such resolution shall be published once a
4737 week for at least three (3) consecutive weeks in at least one (1)
4738 newspaper published in such municipality. The first publication
4739 of such resolution shall be made not less than twenty-one (21)
4740 days prior to the date fixed in such resolution for the issuance
4741 of the bonds, and the last publication shall be made not more than
4742 seven (7) days prior to such date. If no newspaper be published
4743 in such municipality, then such notice shall be given by
4744 publishing the resolution for the required time in some newspaper
4745 having a general circulation in such municipality and, in
4746 addition, by posting a copy of such resolution for at least
4747 twenty-one (21) days next preceding the date fixed therein at



4748 three (3) public places in such municipality. In addition to the
4749 required newspaper publication of the resolution, the municipality
4750 may make such publication by a link to such resolution posted on
4751 the municipality's website or, if the municipality does not have a
4752 website, its official social media page is to remain available to
4753 the public for the duration of three (3) consecutive weeks. The
4754 publication of the resolution may be made as provided in Section
4755 21-17-19. If ten percent (10%) of the qualified electors of the
4756 municipality, or fifteen hundred (1500), whichever is the lesser,
4757 shall file a written protest against the issuance of such bonds on
4758 or before the date specified in such resolution, then an election
4759 on the question of the bonds shall be called and held as is
4760 provided in Section 21-33-309. Notice of such election shall be
4761 signed by the clerk of the municipality and shall be published
4762 once a week for at least three (3) consecutive weeks in at least
4763 one (1) newspaper published in such municipality. The first
4764 publication of such notice shall be made not less than twenty-one
4765 (21) days prior to the date fixed for such election, and the last
4766 publication shall be made not more than seven (7) days prior to
4767 such date. If no newspaper is published in such municipality,
4768 then such notice shall be given by publishing the same for the
4769 required time in some newspaper having a general circulation in
4770 such municipality and published in the same or an adjoining county
4771 and, in addition, by posting a copy of such notice for at least
4772 twenty-one (21) days next preceding such election at three (3)



4773 public places in such municipality. In addition to the required
4774 newspaper publication, a municipality may provide such notice by a
4775 link to the notice of election posted on the municipality's
4776 website or, if the municipality does not have a website, its
4777 official social media webpage is to remain available to the public
4778 for the duration of three (3) weeks. If no protest be filed, then
4779 such bonds may be issued without an election on the question of
4780 the issuance thereof, at any time within a period of two (2) years
4781 after the date specified in the above-mentioned resolution.
4782 However, the governing authority of any municipality in its
4783 discretion may nevertheless call an election on such question, in
4784 which event it shall not be necessary to publish the resolution
4785 declaring its intention to issue such bonds as herein provided.

4786 Under no circumstances shall any municipality exceed the bond
4787 limit as set by statute for municipalities.

4788 **SECTION 81.** Section 21-33-553, Mississippi Code of 1972, is
4789 amended as follows:

4790 21-33-553. (1) A special local improvement assessment
4791 district may be created under this section if the boundaries of
4792 the proposed special local improvement assessment district are
4793 within the boundaries of the homeowners' association representing
4794 that area. Upon delivery of a petition to the clerk of the
4795 municipality in which the proposed district is located, signed by
4796 the owners of at least sixty percent (60%) of the taxable real
4797 property in the homeowners' association representing the area in



4798 the proposed district, the municipality shall begin efforts to
4799 establish the district; however, if the boundaries of the proposed
4800 special local improvement assessment district are located, in
4801 whole or in part, within the boundaries of the Capitol Complex
4802 Improvement District, or a portion of the proposed district
4803 adjoins the boundaries of the Capitol Complex Improvement
4804 District, the petition may be delivered to the Capitol Complex
4805 Improvement District Project Advisory Committee, and the committee
4806 shall deliver the petition to the clerk of the municipality.

4807 (2) The homeowners' association representing the property
4808 owners in the proposed special local improvement assessment
4809 district shall submit a strategic plan to the municipality
4810 specifying the local improvements proposed for the district during
4811 the municipality's upcoming fiscal year and the total amount
4812 proposed to be expended for the improvements. Based on the
4813 strategic plan, the governing authorities of the municipality
4814 shall determine the additional millage to be levied upon all
4815 taxable real property in the district, not to exceed six (6)
4816 mills, needed in order to provide funds for the local improvements
4817 as proposed in the strategic plan.

4818 (3) Within ninety (90) days of receipt of the strategic
4819 plan, the municipality shall prepare a notice calling for an
4820 election to be held in the proposed district on the question of
4821 whether to establish the special local improvement assessment
4822 district. The date and time of the election and the voting



4823 location shall be fixed in the notice. The municipality shall
4824 publish the notice of the election either once each week for at
4825 least three (3) consecutive weeks in a newspaper published or
4826 having a general circulation in the town * * * or by a link to
4827 such notice posted on the municipality's website or, if the
4828 municipality does not have a website, its official social media
4829 webpage is to remain available to the public for the duration of
4830 at least three (3) consecutive weeks. The first publication of
4831 the notice shall * * * be made not less than twenty-one (21) days
4832 before the date fixed in the notice of the election and the last
4833 publication to be made not more than seven (7) days before the
4834 election. At the election, all qualified electors of the proposed
4835 special local improvement assessment district may vote, which
4836 qualified electors shall be determined by use of the voter rolls
4837 of all municipal voting precincts containing any property in the
4838 proposed special local improvement assessment district.

4839 The ballots prepared by the municipality and used in the
4840 election shall have printed thereon the additional millage to be
4841 assessed, a brief statement of the purposes of the proposed
4842 special local improvement assessment district and the words "FOR
4843 THE SPECIAL IMPROVEMENT ASSESSMENT DISTRICT" and, on a separate
4844 line, "AGAINST THE SPECIAL IMPROVEMENT ASSESSMENT DISTRICT," and
4845 the voters shall vote by placing a cross (X) or check (✓) opposite
4846 their choice on the proposition.



4847 (4) When the results of the election shall have been
4848 canvassed and certified by the municipality, the governing
4849 authorities of the municipality shall adopt a resolution creating
4850 the special local improvement assessment district if at least
4851 sixty percent (60%) of the qualified electors in the proposed
4852 special local improvement assessment district who vote in the
4853 election vote in favor of creating the district. The resolution
4854 shall contain a description of the boundaries of the district and
4855 shall specify the millage rate to be levied upon taxable real
4856 property in the district for the municipality's fiscal year. At
4857 least thirty (30) days before the effective date of the tax, the
4858 governing authorities shall furnish to the Department of Revenue a
4859 certified copy of the resolution evidencing the tax.

4860 (5) The procedures required in this section for the
4861 establishment of a district shall be used for the modification of
4862 the boundaries of a district.

4863 **SECTION 82.** Section 21-35-5, Mississippi Code of 1972, is
4864 amended as follows:

4865 21-35-5. The governing authorities of each municipality of
4866 the State of Mississippi shall, not later than September 15 each
4867 year, prepare a complete budget of the municipal revenues,
4868 expenses and working cash balances estimated for the next fiscal
4869 year, and shall prepare a statement showing the aggregate revenues
4870 collected during the current year in said municipality for
4871 municipal purposes. Such statement shall show every source of



4872 revenue along with the amount derived from each source. Said
4873 budget of any municipality of one thousand five hundred (1,500)
4874 inhabitants or more, according to the last preceding federal
4875 census, with said statement of revenue and expenses, shall be
4876 published at least one (1) time during September of said year
4877 either in a newspaper published in such municipality or * * * by a
4878 link to such budget posted on the municipality's website or, if
4879 the municipality does not have a website, its official social
4880 media webpage. If no such newspaper be published in such
4881 municipality and no such website exists, publication is proper in
4882 any newspaper published in the county wherein the municipality is
4883 located. In municipalities of less than one thousand five hundred
4884 (1,500) inhabitants, according to the last preceding federal
4885 census, as many as three (3) prepared statements of said budget
4886 shall be posted in three (3) public places in said municipalities.
4887 Prior to the adoption of a budget pursuant to this section,
4888 the governing authority of each municipality shall hold at least
4889 one (1) public hearing to provide the general public with an
4890 opportunity to comment on the taxing and spending plan
4891 incorporated in the proposed budget. The public hearing shall be
4892 held at least one (1) week prior to the adoption of the budget
4893 with advance notice and held outside normal working hours. The
4894 advance notice shall include an announcement published or posted
4895 in the same manner as required for the final adopted budget.



4896 **SECTION 83.** Section 21-35-25, Mississippi Code of 1972, is
4897 amended as follows:

4898 21-35-25. Notwithstanding any provision in this chapter to
4899 the contrary, the budget of any municipality may be revised as
4900 provided in this section and under the conditions herein stated,
4901 and when a deficit is indicated the budget shall be revised.

4902 The governing authorities of any municipality are authorized
4903 to revise the budget for expenses of such municipality at any one
4904 (1) regular meeting of said governing authorities held not later
4905 than August of the first year in which such governing authorities
4906 enter upon the discharge of their duties, provided there be funds
4907 in the treasury of the municipality, or coming into the treasury
4908 during the fiscal year, not appropriated by the budget of the
4909 outgoing board of governing authorities, and there is a deficit in
4910 any one or more items provided for in the budget of the preceding
4911 board. This section shall not, however, validate or invalidate
4912 any contracts made, executed or entered into by the governing
4913 authorities of the preceding term.

4914 If it appears at any time during the current fiscal year, but
4915 not later than the regular July meeting of the board of governing
4916 authorities, that collections of anticipated revenues from taxes
4917 or other sources will be less than the amount estimated, and a
4918 deficit is thereby indicated for any fund, or funds, the governing
4919 authorities shall, at a regular meeting, revise and reduce the
4920 budget appropriations for such funds as is anticipated will have a



4921 deficit, so as to conform to the lowered indicated revenue,
4922 including revenue from taxes and all other sources.

4923 If it affirmatively appears at any time during the current
4924 fiscal year that actual collections and anticipated revenues from
4925 taxes or other sources, including grants or donations, will exceed
4926 the estimates, then the governing authorities may revise and
4927 increase the budget appropriation of such fund, or funds, affected
4928 by such increase in revenue, but no such transfer shall be made
4929 from fund to fund, or from item to item, which will result in the
4930 expenditure of any money for a purpose different from that for
4931 which the tax was levied. The budget, as so revised, shall be
4932 spread in detail upon the minutes of said board of governing
4933 authorities. However, no such increase shall in any event be
4934 construed to authorize expenditures or to incur obligations which
4935 will result in a deficit in any fund, or funds.

4936 If the increase in revenue over the estimates is from other
4937 than regular sources, including grants and donations, such excess
4938 over the estimate may be expended for improvements and new
4939 construction, including buildings, additions to buildings,
4940 streets, and street improvements.

4941 If it affirmatively appears at any time during the current
4942 fiscal year that there is in any fund or account any sum remaining
4943 unexpended and not needed or expected to be needed for the purpose
4944 or purposes for which appropriated in said budget, then the
4945 governing authorities may, in their discretion, transfer such sum



4946 or any part thereof to any other fund or funds or account or
4947 accounts where needed, by order to such effect entered upon their
4948 minutes. This shall not, however, authorize the expenditure of
4949 any funds for any purpose other than that for which the levy
4950 producing such funds was made.

4951 Any amendments made pursuant to this section to an originally
4952 adopted budget which exceed ten percent (10%) of the total amount
4953 appropriated or authorized to be expended in a particular
4954 department fund shall be published or posted within two (2) weeks
4955 of the action either in a newspaper in the same manner as the
4956 final adopted budget or by a link to such amendments posted on the
4957 municipality's website or, if the municipality does not have a
4958 website, its official social media webpage. Separate amendments
4959 to an originally adopted budget during one fiscal year which
4960 affect a particular department fund shall be considered as one (1)
4961 amendment in determining whether the ten percent (10%) threshold
4962 requiring publication or posting has been reached. This
4963 publication or posted notice shall contain a description of the
4964 amendment, the amount of money and funds affected, and a detailed
4965 statement explaining the need and purpose of the amendment. The
4966 vote of each member of the municipality's governing authority on
4967 each amendment shall be included in the publication or posted
4968 notice.

4969 **SECTION 84.** Section 21-35-31, Mississippi Code of 1972, is
4970 amended as follows:



4971 **[For municipal fiscal years commencing before October 1,**
4972 **2009, this section shall read as follows:]**

4973 21-35-31. The governing authorities of every municipality in
4974 the state shall have their books audited annually, prior to the
4975 close of the next succeeding fiscal year, either by a competent
4976 accountant approved by the State Auditor or by a certified public
4977 accountant, who has paid a privilege tax as such in this state,
4978 and shall pay for same out of the General Fund. No advertisement
4979 shall be necessary before entering into such contract, but same
4980 shall be entered into as a private contract. Said audit shall be
4981 made upon a uniform formula set up and promulgated by the State
4982 Auditor, as the head of the State Department of Audit, or the
4983 director thereof, appointed by him, as designated and defined in
4984 Title 7, Chapter 7, of the Mississippi Code of 1972, or any office
4985 or officers hereafter designated to replace or perform the duties
4986 imposed by said chapter. Provided, however, any municipality with
4987 a population of three thousand (3,000) or less may employ a
4988 competent accountant or auditor, approved by the State Auditor, to
4989 prepare annually a compilation report and a compliance letter, in
4990 a format prescribed by the State Auditor, in lieu of an annual
4991 audit when such audit will be a financial hardship on the
4992 municipality. Two (2) copies of said audit or compilation shall
4993 be mailed to the said State Auditor within thirty (30) days after
4994 completion of said audit. Said State Auditor shall, at the end of
4995 each fiscal year, submit to the Legislature a composite report



4996 showing any information concerning municipalities in this state
4997 that he might deem pertinent and necessary to the Legislature for
4998 use in its deliberations. A synopsis of said audit, in a format
4999 prescribed by the State Auditor, shall be published within thirty
5000 (30) days by the governing authorities of such municipalities in a
5001 newspaper published in such municipalities or * * * by a link to
5002 such synopsis posted on the municipality's website or, if the
5003 municipality does not have a website, its official social media
5004 webpage. If no newspaper be published in any such municipality
5005 and no such website exists, in any newspaper having a general
5006 circulation published in the county wherein such municipality is
5007 located. The publication of the audit may be made as provided in
5008 Section 21-17-19, Mississippi Code of 1972. Such publication
5009 shall be made one (1) time, and the governing authorities of such
5010 municipalities shall be authorized to pay only one-half (1/2) of
5011 the legal rate prescribed by law for such legal publication.

5012 **[For municipal fiscal years commencing on or after October 1,**
5013 **2009, this section shall read as follows:]**

5014 21-35-31. (1) The governing authority of every municipality
5015 in the state shall have the municipal books audited annually,
5016 before the close of the next succeeding fiscal year, in accordance
5017 with procedures and reporting requirements prescribed by the State
5018 Auditor. The municipality shall pay for the audit or report out
5019 of its general fund. No advertisement shall be necessary before
5020 entering into the contract, and it shall be entered into as a



5021 private contract. The audit or report shall be made upon a
5022 uniform formula set up and promulgated by the State Auditor, as
5023 the head of the State Department of Audit, or the director
5024 thereof, appointed by him, as designated and defined in Title 7,
5025 Chapter 7, Mississippi Code of 1972, or any office or officers
5026 hereafter designated to replace or perform the duties imposed by
5027 said chapter. Two (2) copies of the audit or report shall be
5028 mailed to the said State Auditor within thirty (30) days after
5029 completion. The State Auditor, at the end of each fiscal year,
5030 shall submit to the Legislature a composite report showing any
5031 information concerning municipalities in this state that the
5032 Auditor deems pertinent and necessary to the Legislature for use
5033 in its deliberations. A synopsis of the audit or report, in a
5034 format prescribed by the State Auditor, shall be published within
5035 thirty (30) days by the governing authority of each municipality
5036 in a newspaper published in the municipality or * * * by a link to
5037 such synopsis posted on the municipality's website or, if the
5038 municipality does not have a website, its official social media
5039 webpage. If no newspaper is published in a municipality and no
5040 such website exists, in any newspaper having a general circulation
5041 published in the county wherein the municipality is located. The
5042 publication of the audit or report may be made as provided in
5043 Section 21-17-19. Publication shall be made one (1) time, and the
5044 governing authority of each municipality shall be authorized to



5045 pay only one-half (1/2) of the legal rate prescribed by law for
5046 such legal publication.

5047 (2) It shall be the duty of the State Auditor to determine
5048 whether each municipality has complied with the requirements of
5049 subsection (1) of this section. If upon examination the State
5050 Auditor determines that a municipality has not initiated efforts
5051 to comply with the requirements of subsection (1), the State
5052 Auditor shall file a certified written notice with the clerk of
5053 the municipality notifying the governing authority of the
5054 municipality that a certificate of noncompliance will be issued to
5055 the * * * Department of Revenue and to the Attorney General thirty
5056 (30) days immediately following the date of the filing of the
5057 notice unless within that period the municipality substantially
5058 complies with the requirements of subsection (1). If, after
5059 thirty (30) days from the giving of the notice, the municipality,
5060 in the opinion of the State Auditor, has not substantially
5061 initiated efforts to comply with the requirements of subsection
5062 (1), the State Auditor shall issue a certificate of noncompliance
5063 to the clerk of the municipality, * * * Department of Revenue and
5064 the Attorney General. Thereafter, the * * * Department of Revenue
5065 shall withhold from all allocations and payments to the
5066 municipality that would otherwise be payable the amount necessary
5067 to pay one hundred fifty percent (150%) of the cost of preparing
5068 the required audit or report as contracted for by the State
5069 Auditor. The cost shall be determined by the State Auditor after



5070 receiving proposals for the audit or report required in subsection
5071 (1) of this section. The State Auditor shall notify the * * *
5072 Department of Revenue of the amount in writing, and the * * *
5073 Department of Revenue shall transfer that amount to the State
5074 Auditor. The State Auditor is authorized to escalate, budget and
5075 expend these funds in accordance with rules and regulations of the
5076 Department of Finance and Administration consistent with the
5077 escalation of federal funds. All remaining funds shall be
5078 retained by the State Auditor to offset the costs of administering
5079 these contracts. The State Auditor shall not unreasonably delay
5080 the issuance of a written notice of cancellation of a certificate
5081 of noncompliance but shall promptly issue a written notice of
5082 cancellation of certificate of noncompliance upon an affirmative
5083 showing by the municipality that it has come into substantial
5084 compliance.

5085 **SECTION 85.** Section 21-38-9, Mississippi Code of 1972, is
5086 amended as follows:

5087 21-38-9. Any ordinance to incorporate real property into the
5088 corporate boundaries of a municipality under this chapter shall
5089 include the following provisions and shall be effective as
5090 follows:

5091 (a) The ordinance shall accurately describe the metes
5092 and bounds of the real property to be incorporated, and only real
5093 property acquired or leased from the United States under this
5094 chapter shall be subject to such incorporation.



5095 (b) If the United States retains ownership of the real
5096 property to be incorporated by the municipality, the United States
5097 must consent to the incorporation and a written statement of such
5098 consent must be cited and included in the ordinance.

5099 (c) The ordinance shall provide that it will not become
5100 effective until publication thereof shall have been made either
5101 once each week for three (3) consecutive weeks in a newspaper, or
5102 newspapers, published or having a general circulation in the
5103 county in which the municipality and the real property to be
5104 incorporated are located or by a link to such ordinance posted on
5105 the municipality's website or, if the municipality does not have a
5106 website, its official social media webpage is to remain available
5107 to the public for the duration of three (3) consecutive weeks.

5108 (d) Subject only to the limitations of this chapter,
5109 the ordinance shall become effective upon the effective date fixed
5110 therein.

5111 **SECTION 86.** Section 21-41-5, Mississippi Code of 1972, is
5112 amended as follows:

5113 21-41-5. When the governing authorities of any municipality
5114 shall determine to make any local or special improvement, the cost
5115 of which or any part thereof is to be assessed against the
5116 property benefited, they shall adopt a resolution declaring
5117 necessary the proposed improvement describing the nature and
5118 extent of the work, the general character of the material to be
5119 used, and the location and terminal points of the streets,



5120 highways, boulevards, avenues, squares, alleys or parks, or parts
5121 thereof, or clearly define the boundary of areas in which said
5122 improvements are to be made. In publishing said resolution
5123 declaring the work necessary, the plans and specifications of said
5124 work need not be published but may be referred to as being on file
5125 in the office of the city clerk or city engineer. The publication
5126 of the resolution may be made as provided in Section 21-17-19.
5127 Said resolution shall fix a date when the governing authorities of
5128 said municipality shall meet, which shall be not less than fifteen
5129 (15) days after the date of the first publication of the notice
5130 herein provided for, to hear any objections or remonstrances that
5131 may be made to said improvements. The notice herein provided for
5132 shall be published either once each week for three (3) successive
5133 publications in a public newspaper having a general circulation in
5134 the municipality * * * or by a link to such notice posted on the
5135 municipality's website or, if the municipality does not have a
5136 website, its official social media webpage is to remain available
5137 to the public for the duration of not less than fifteen (15) days
5138 before said meeting. If no newspaper is published therein and no
5139 such website exists it shall be sufficient to post said notice in
5140 three (3) public places of the municipality for not less than
5141 fifteen (15) days before said meeting, one which shall be posted
5142 at the town or city hall of said municipality. Moreover, the
5143 clerk of the municipality shall send a copy of the notice, by
5144 certified mail, postage prepaid, within five (5) days after the



5145 first publication of the notice herein provided for, to the
5146 last-known address of owners of property affected by the
5147 resolution. However, failure of the clerk to mail such notice or
5148 failure of the owner to receive such notice shall not invalidate
5149 any proceeding in this chapter, where such notice has been
5150 published as provided herein. Notice declaring the work necessary
5151 shall be notice to the property owners that the work has been
5152 declared necessary.

5153 If the governing authorities of a municipality desire to make
5154 any special or local improvement under the Regional Economic
5155 Development Act, the governing authorities also shall comply with
5156 any requirements provided therein.

5157 **SECTION 87.** Section 21-41-13, Mississippi Code of 1972, is
5158 amended as follows:

5159 21-41-13. Upon the completion of any improvement authorized
5160 by this chapter, the governing authorities shall ascertain and
5161 determine the cost of the improvement and declare the same by
5162 resolution. Upon said completion the governing authorities shall
5163 cause to be prepared a roll or list to be called the "assessment
5164 roll" showing the names of the property owners, and, opposite each
5165 name a description of each parcel of land. Such roll shall be
5166 entered in a well-bound book prepared for that purpose, which
5167 shall contain appropriate columns in which payments may be
5168 credited. Said book shall be known as "assessment book for local
5169 improvements." It shall be a public record and the entry therein



5170 of any assessment shall be and constitute notice to the public of
5171 the lien against the land so assessed, and no other record or
5172 notice thereof shall be necessary to any person or corporation for
5173 that purpose. No error, omission or mistake in regard to the name
5174 of the owner shall be held to invalidate any assessment. After the
5175 completion of the said assessment roll it shall be delivered to
5176 the clerk of the municipality, or to the officer performing the
5177 duties of such clerk, who shall thereupon give a notice by
5178 publication in either some newspaper published in said
5179 municipality or by a link to such notice posted on the
5180 municipality's website or, if the municipality does not have a
5181 website, its official social media webpage that the assessment
5182 roll (for that piece of local improvement made) has been delivered
5183 to him and is open for inspection at his office, and that at a
5184 time and place therein mentioned, not less than fifteen (15) days
5185 from the date of the first publication, the governing authorities
5186 of said municipality will meet to hear and determine any
5187 objections or defense.

5188 **SECTION 88.** Section 21-41-51, Mississippi Code of 1972, is
5189 amended as follows:

5190 21-41-51. Except as may be otherwise provided, where, by any
5191 provision of this chapter, notice is required to be given by
5192 publication, such publication made shall be either in a newspaper
5193 published in the municipality, if there be one (1), or by a link
5194 to such notice published on the municipality's website or, if the



5195 municipality does not have a website, its official social media
5196 webpage. If there be no newspaper published in the municipality
5197 and no such website exists, then such notice shall be posted for
5198 the prescribed period of time in at least five (5) public places
5199 in the municipality, one (1) of which shall be the city or town
5200 hall, or the place of meeting of the governing authorities, if
5201 there be no city or town hall.

5202 **SECTION 89.** Section 21-43-9, Mississippi Code of 1972, is
5203 amended as follows:

5204 21-43-9. Notice of the hearing shall be given by:

5205 (a) One (1) publication of the resolution of intention
5206 in a newspaper of general circulation in the municipality or by a
5207 link to such resolution posted on the municipality's website or,
5208 if the municipality does not have a website, its official social
5209 media webpage, which may be made as provided in Section 21-17-19;

5210 (b) Mailing a complete copy of the resolution of
5211 intention to each business in the proposed or established area.
5212 Publication and mailing shall be completed at least ten (10) days
5213 prior to the time of the hearing.

5214 **SECTION 90.** Section 21-43-117, Mississippi Code of 1972, is
5215 amended as follows:

5216 21-43-117. (1) For initial creation of the district,
5217 reauthorization of the district at the end of each ten-year
5218 period, amendment to the district plan within the ten-year plan
5219 period or modification of the boundaries of the district at the



5220 end of a ten-year period, the clerk of the municipality shall
5221 notify all property owners to be included in the proposed district
5222 of a public hearing to review the plan and receive comment about
5223 the process for accepting or rejecting the plan. Following a
5224 public hearing, the governing authority of the municipality shall
5225 set an election date not more than sixty (60) days from the date
5226 of the public hearing. The ballot shall clearly state the issue
5227 to be decided. Only property owners of record as of the date of
5228 initial notice given as provided in Section 21-43-111 shall be
5229 eligible to participate in any such election.

5230 (2) Notice of an election to create, continue, amend or
5231 extend a district shall be:

5232 (a) Mailed to each of the district property owners of
5233 record thirty (30) days prior to the election, and

5234 (b) Published either at least twice in a newspaper of
5235 general circulation in the municipality, the first publication
5236 shall be not less than ten (10), nor more than thirty (30) days
5237 before the date for the election or by a link to such notice
5238 posted on the municipality's website or, if the municipality does
5239 not have a website, its official social media webpage for the
5240 duration of fifteen (15) days prior to the date for the election.

5241 The notice shall include a copy of the plan, a ballot for the
5242 election and a notice about the time and date for the election.

5243 (3) Not less than ten (10) nor more than thirty (30) days
5244 before the date set for the election, the governing authority of



5245 the municipality shall cause a copy of the plan and the ballot to
5246 be posted in the lobby of its city hall.

5247 (4) Ballots shall be marked, signed and submitted by the
5248 eligible property owner to the clerk of the municipality by the
5249 date designated on the ballot.

5250 (5) The clerk of the municipality shall notify the property
5251 owners in the district of the result.

5252 (6) If the plan is approved by sixty percent (60%) of the
5253 participating eligible property owners, the mayor of the
5254 municipality shall review the district plan to ensure its
5255 compliance with the provisions of Sections 21-43-101 through
5256 21-43-133.

5257 (7) The municipality shall disburse the proceeds collected
5258 from the assessment to the designated district management group
5259 within thirty (30) days after the assessment is due.

5260 **SECTION 91.** Section 21-45-11, Mississippi Code of 1972, is
5261 amended as follows:

5262 21-45-11. Any tax increment financing plan, at a minimum,
5263 shall contain:

5264 (a) A statement of the objectives of a municipality
5265 with regard to the plan;

5266 (b) A statement indicating the need and proposed use of
5267 the tax increment financing plan in relationship to the
5268 redevelopment plan;



5269 (c) A statement containing the cost estimates of the
5270 redevelopment project and the projected sources of revenue (ad
5271 valorem taxes, sales taxes, and the proceeds of any other
5272 financial assistance) to be used to meet the costs including
5273 estimates of tax increments and the total amount of indebtedness
5274 to be incurred;

5275 (d) A list of all real property to be included in the
5276 tax increment financing plan;

5277 (e) The duration of the tax increment financing plan's
5278 existence;

5279 (f) A statement of the estimated impact of the tax
5280 increment financing plan upon the revenues of all taxing
5281 jurisdictions in which a redevelopment project is located; and

5282 (g) A statement requiring that a separate fund be
5283 established to receive ad valorem taxes and the proceeds of any
5284 other financial assistance.

5285 Before approving any tax increment financing plan, the
5286 governing body shall hold a public hearing thereon after published
5287 notice in a newspaper in which the municipality is authorized to
5288 publish legal notices at least once and not less than ten (10)
5289 days and not more than twenty (20) days prior to the hearing. In
5290 addition to the required newspaper publication, the municipality
5291 may provide such notice by a link to the notice posted on the
5292 municipality's website or, if the municipality does not have a
5293 website, its official social media webpage is to remain available



5294 to the public for the duration of fifteen (15) days prior to the
5295 hearing.

5296 **SECTION 92.** This act shall take effect and be in force from
5297 and after July 1, 2024.

