

By: Representatives Remak, Harris, Keen,
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To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 1360

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, 21-43-117
15 AND 21-45-11, MISSISSIPPI CODE OF 1972, TO MODERNIZE AND SIMPLIFY
16 THE NOTICE PUBLICATION PROCESS FOR COUNTIES AND MUNICIPALITIES BY
17 ALLOWING ONLINE PUBLICATION AS AN ALTERNATIVE TO NEWSPAPER
18 PUBLICATION; TO AMEND SECTION 21-39-3, MISSISSIPPI CODE OF 1972,
19 TO MAKE TECHNICAL REVISIONS; AND FOR RELATED PURPOSES.

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

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

23 17-3-3. Advertising pursuant to Section 17-3-1 shall include
24 newspaper and magazine advertising and literature, publicity,
25 expositions, public entertainment or other form of advertising or
26 publicity, including advertising on a county or municipality



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

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

36 17-5-1. (1) The board of supervisors of any county of the
37 state and the governing authorities of any municipality within
38 such county may enter into a contract for the joint construction,
39 expansion, remodeling and/or maintenance and equipping of a jail
40 in such municipality, or within one (1) mile of the corporate
41 limits thereof, and may issue bonds of both the county and such
42 municipality in the manner provided by general statutes for the
43 issuance of county and municipal bonds for such purposes, provided
44 that in no event shall the municipality bear over fifty percent
45 (50%) of the cost of constructing, expanding, remodeling and/or
46 maintaining and equipping such jail. Such contract or future
47 contracts may provide for the continued joint use of equipping,
48 repairing, reconstructing and remodeling of such jail. Before
49 issuing any bonds for the purposes herein set forth, the board of
50 supervisors and the governing authorities of such municipality
51 shall adopt a joint resolution declaring their intention to issue



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



77 manner as provided by Section 19-9-1 et seq., and Section
78 21-33-301 et seq., respectively. If no such petition be filed
79 protesting against the issuance of said bonds, then the said board
80 of supervisors and the governing authorities of the municipality
81 shall have the authority to issue said bonds without an election.

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

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

91 17-5-7. Bonds authorized and issued pursuant to the
92 provisions of Sections 17-5-3 through 17-5-11 may be issued in one
93 or more series, may bear such date or dates, shall mature
94 serially, not later than three (3) years from the date thereof, at
95 such time or times, not exceeding forty (40) years from their
96 respective dates, may bear interest at such rate or rates not
97 exceeding five per centum (5%) per annum, payable semi-annually,
98 may be in such denomination, may be in such form, either coupon or
99 registered, may be payable at such place or places, may carry such
100 registration and conversion privileges, may be executed in such
101 manner, may be payable in such medium of payment at such place or



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



127 municipality does not have a website, its official social media
128 page. Any such bonds may be sold to the United States of America
129 at private sale in furtherance of any loan or grant contract which
130 may be entered into by and between the county proposing to issue
131 such bonds and the United States. The said bonds shall not be sold
132 for less than their par value plus accrued interest.

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

135 17-11-37. The governing body of the district, county or city
136 shall adopt a resolution declaring its intention to issue bonds
137 for the purposes authorized by this chapter, stating the amount of
138 the bonds proposed to be issued, whether such bonds are revenue
139 bonds or general obligation bonds, and the date upon which further
140 action will be taken by the governing body looking forward to the
141 issuance of such bonds. Such resolution shall be published * * *
142 either in a newspaper published and of general circulation within
143 such county or city once a week for at least three (3) successive
144 weeks, or by a link to such resolution posted on the district's,
145 county's or municipality's website or, if the district, county or
146 municipality does not have a website, its official social media
147 webpage is to remain available to the public for at least three
148 (3) successive weeks. The first of such publications shall be
149 made at least twenty-one (21) days prior to the date set forth in
150 said resolution as the date upon which further action will be
151 taken by the governing body, and the last publication shall be



152 made not more than seven (7) days prior to said date. If, prior
153 to the date set forth as aforesaid, there shall be filed with the
154 clerk of such governing body a petition in writing signed by ten
155 percent (10%) of the qualified electors of such regional area,
156 county or city thereof, or fifteen hundred (1500) qualified
157 electors, whichever shall be the lesser number, requesting an
158 election on the question of the issuance of such bonds, then such
159 bonds shall not be issued unless authorized by a majority of the
160 qualified electors in such regional area, county or city voting
161 thereon at an election to be ordered by the governing body for
162 that purpose. Notice of such election shall be given, and such
163 election shall be held and conducted in like manner as provided by
164 law with respect to elections held on the submission of county or
165 city bond issues. If the proposition so submitted shall fail to
166 receive approval at such election, then no further proceedings for
167 the issuance of such bonds shall be taken for a period of six (6)
168 months from and after the date of such election. If, however, no
169 such petition shall be filed, or if such election or subsequent
170 election on such proposition shall be assented to by a majority of
171 the qualified electors voting thereon, then such governing body
172 shall be authorized to proceed with the issuance of such bonds
173 without further election.

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



176 17-11-45. The governing body or bodies issuing bonds under
177 this chapter shall sell such bonds in such manner and for such
178 price as it or they may determine to be for the best interest of
179 said governing body or bodies. No such sale shall be made at a
180 price less than par plus accrued interest to date of delivery of
181 the bonds of the purchaser. Notice of the sale of any such bonds
182 shall be published at least one time not less than ten (10) days
183 prior to the date of sale * * *. Notice shall be published either
184 in a newspaper published in and having general circulation within
185 such regional area, county or city or by a link to such notice
186 posted on the district's, county's or municipality's website or,
187 if the district, county or municipality does not have a website,
188 its official social media webpage.

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

191 17-17-107. Before issuing any revenue bonds hereunder, the
192 governing body of any municipality shall adopt a resolution
193 declaring its intention to so issue, stating the amount of bonds
194 proposed to be issued, the purpose for which the bonds are to be
195 issued, and the date upon which the governing body proposes to
196 direct the issuance of such bonds. Such resolution shall be
197 published * * * either in at least one (1) newspaper published in
198 the county in which such municipality is located once a week for
199 at least three (3) consecutive weeks or by a link to such
200 resolution posted on the municipality's website or, if the



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



225 resolution declaring its intention to issue bonds as herein
226 provided.

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

229 17-17-109. Where an election is to be called as provided in
230 Section 17-17-107, notice of such election shall be signed by the
231 clerk of the governing body of any municipality and shall be
232 published either once a week for at least three (3) consecutive
233 weeks * * * in at least one (1) newspaper published in such county
234 or by a link to such notice of election posted on the
235 municipality's website or, if the municipality does not have a
236 website, its official social media webpage is to remain available
237 to the public for the duration of three (3) consecutive weeks.

238 The first publication of such notice shall be made not less than
239 twenty-one (21) days prior to the date fixed for such election and
240 the last publication shall be made not more than seven (7) days
241 prior to such date. If no newspaper is published in such county,
242 then such notice shall be given by publishing the same for the
243 required time in some newspaper having a general circulation in
244 such county and, in addition, by posting a copy of such notice for
245 at least twenty-one (21) days next preceding such election at
246 three (3) public places in such county.

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



249 17-17-227. (1) Each county, in cooperation with
250 municipalities within the county, shall prepare, adopt and submit
251 to the commission for review and approval a local nonhazardous
252 solid waste management plan for the county. Each local
253 nonhazardous solid waste management plan shall include, at a
254 minimum, the following:

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

260 (b) An inventory of all existing facilities where
261 municipal solid waste is currently being managed, including the
262 environmental suitability and operational history of each
263 facility, and the remaining available permitted capacity for each
264 facility;

265 (c) An inventory of existing solid waste collection
266 systems and transfer stations within the county. The inventory
267 shall identify the entities engaging in municipal solid waste
268 collection within the county;

269 (d) A strategy for achieving a twenty-five percent
270 (25%) waste reduction goal through source reduction, recycling or
271 other waste reduction technologies;



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

275 (f) An identification of the additional municipal solid
276 waste management facilities, including an evaluation of
277 alternative management technologies, and the amount of additional
278 capacity needed to manage the quantities projected in paragraph
279 (e);

280 (g) An estimation of development, construction,
281 operational, closure and post-closure costs, including a proposed
282 method for financing those costs;

283 (h) A plan for meeting any projected capacity
284 shortfall, including a schedule and methodology for attaining the
285 required capacity;

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

290 (i) Verification that the proposed facility meets
291 needs identified in the approved local nonhazardous solid waste
292 management plan which shall take into account the quantities of
293 municipal solid waste generated and the design capacities of
294 existing facilities;

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



297 (iii) Demonstration, to the extent possible, that
298 operation of the proposed facility will not negatively impact the
299 waste reduction strategy of the county, municipality, authority or
300 district that is submitting the plan;

301 (iv) Certification that the proposed service area
302 of the proposed facility is consistent with the local nonhazardous
303 solid waste management plan; and

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

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

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

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

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

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



322 The governing authority of any municipality which does not desire
323 to be included in the local nonhazardous solid waste management
324 plan shall adopt a resolution stating its intent not to be
325 included in the county plan. The resolution shall be provided to
326 the board of supervisors and the commission. Any municipality
327 resolving not to be included in a county waste plan shall prepare
328 a local nonhazardous solid waste management plan in accordance
329 with this section.

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

341 (5) (a) Upon completion of its local nonhazardous solid
342 waste management plan, the board of supervisors of the county
343 shall publish a public notice that describes the plan, specifies
344 the location where it is available for review and establishes a
345 period of thirty (30) days for comments concerning the plan and a
346 mechanism for submitting those comments. Public notice should be



347 published either in at least one (1) newspaper as defined in
348 Section 13-3-31, having general circulation within the
349 county * * * or by a link to such resolution posted on the
350 county's website or, if the county does not have a website, its
351 official social media page. The board of supervisors shall also
352 notify the board of supervisors of adjacent counties of the plan
353 and shall make it available for review by the board of supervisors
354 of each adjacent county. During the comment period, the board of
355 supervisors of the county shall conduct at least one (1) public
356 hearing concerning the plan. The board of supervisors of the
357 county shall publish * * * a notice conspicuously displayed
358 containing the time and place of the hearing and the location
359 where the plan is available for review either in at least one (1)
360 newspaper as defined in Section 13-3-31, having general
361 circulation within the county * * * twice or by a link posted on
362 the county's website or, if the county does not have a website,
363 its official social media webpage is to remain available to the
364 public for the duration of two (2) weeks.

365 (b) After the public hearing, the board of supervisors
366 of the county may modify the plan based upon the public's
367 comments. Within ninety (90) days after the public hearing, each
368 board of supervisors shall approve a local nonhazardous solid
369 waste management plan by resolution.

370 (c) A regional solid waste management authority or
371 other district shall declare the plan to be approved as the



372 authority's or district's solid waste management plan upon written
373 notification, including a copy of the resolution, that the board
374 of supervisors of each county forming the authority or district
375 has approved the plan.

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

390 (7) After approval of the plan or revised plan by the
391 commission, the governing body of the county, authority or
392 district shall implement the plan in compliance with the
393 implementation schedule contained in the approved plan.

394 (8) The governing body of the county, authority or district
395 shall annually review implementation of the approved plan. The
396 commission may require the governing body of each local government



397 or authority to revise the local nonhazardous solid waste
398 management plan as necessary, but not more than once every five
399 (5) years.

400 (9) If the commission finds that the governing body of a
401 county, authority or district has failed to submit a local
402 nonhazardous solid waste management plan, obtain approval of its
403 local nonhazardous solid waste management plan or materially fails
404 to implement its local nonhazardous solid waste management plan,
405 the commission shall issue an order in accordance with Section
406 17-17-29, to the governing body of the county, authority or
407 district.

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

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

419 (12) If a public notice required in subsection (5) was
420 published in a newspaper as defined in Section 13-3-31, having
421 general circulation within the county but was not published in a



422 daily newspaper of general circulation as required by subsection
423 (5) before April 20, 1993, the commission shall not disapprove the
424 plan for failure to publish the notice in a daily newspaper. Any
425 plan disapproved for that reason by the commission shall be deemed
426 approved after remedying any other deficiencies in the plan.

427 (13) Notwithstanding any provision of this chapter, no solid
428 waste management plan shall include a proposed new municipal solid
429 waste landfill in any county that has two (2) or more existing
430 permitted municipal solid waste landfills and such new landfill
431 will be located within a five (5) mile radius of an existing
432 municipal solid waste landfill, unless a referendum election has
433 been conducted and approved pursuant to Section 17-17-237. This
434 subsection (13) shall not apply to the proposed expansion or
435 replacement of any permitted landfill by the permit holder, and
436 shall not apply to any rubbish disposal facilities, transfer
437 stations, land application sites, composting facilities, solid
438 waste processing facilities, chipping/mulching facilities,
439 industrial/institutional/special waste landfills,
440 industrial/institutional/special waste rubbish sites, waste tire
441 processing facilities, commercial waste tire collection sites,
442 local government waste tire collection sites or generator waste
443 tire collection sites, and none of those facilities, stations,
444 landfills or sites shall be counted as a landfill within a county
445 for the purpose of determining whether a referendum election is



446 required to be conducted in the county as provided in this
447 section.

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

450 17-17-237. (1) No new municipal solid waste landfill shall
451 be incorporated into any solid waste management plan and no
452 reference in any existing plan to any unpermitted new municipal
453 solid waste landfill shall be effective, applicable or operative
454 and no permit, grant or loan shall be approved for any new
455 municipal solid waste landfill in any county that has two (2) or
456 more existing permitted municipal solid waste landfills and such
457 new landfill will be located within a five * * * -mile radius of an
458 existing municipal solid waste landfill, unless a local referendum
459 election has been called and held in the county in which the new
460 municipal solid waste landfill is proposed and with the results
461 hereinafter provided. The board of supervisors may require the
462 proponent of or applicant for the new municipal solid waste
463 landfill to pay the costs of the election.

464 (2) Upon presentation and filing of a proper petition
465 requesting same signed by at least twenty percent (20%) or fifteen
466 hundred (1,500), whichever number is the lesser, of the qualified
467 electors of the county, it shall be the duty of the board of
468 supervisors to call an election at which there shall be submitted
469 to the qualified electors of the county the question of whether or
470 not the new municipal solid waste landfill proposed to be sited



471 within the county shall be eligible for consideration by the board
472 of supervisors for inclusion in the solid waste management plan of
473 the county. Such election shall be held and conducted by the
474 county election commissioners on a date fixed by the order of the
475 board of supervisors, which date shall not be more than sixty (60)
476 days from the date of the filing of said petition. Notice thereof
477 shall be given by publishing such notice either in some newspaper
478 published in said county once each week for at least three (3)
479 consecutive weeks * * * or by a link to such notice on the
480 county's website or, if the county does not have a website, its
481 official social media webpage is to remain available to the public
482 for the duration of at least three (3) consecutive weeks. If no
483 newspaper be published therein or no compliant webpage
484 exists, * * * such publication in a newspaper in an adjoining
485 county and having a general circulation in the county involved is
486 permissible. The election shall be held not earlier than fifteen
487 (15) days from the first publication of such notice.

488 (3) The election shall be held and conducted as far as may
489 be possible in the same manner as is provided by law for the
490 holding of general elections. The ballots used thereat shall
491 contain a brief statement of the proposition submitted and, on
492 separate lines, the words "I vote FOR new municipal solid waste
493 landfill in _____ County ()", "I vote AGAINST new municipal
494 solid waste landfill in _____ County ()" with appropriate
495 boxes in which the voters may express their choice. All qualified



496 electors may vote by marking the ballot with a cross (x) or check
497 mark(ü) opposite the words of their choice.

498 (4) The election commissioners shall canvass and determine
499 the results of the election, and shall certify same to the board
500 of supervisors which shall adopt and spread upon its minutes an
501 order declaring such results. If, in such election, sixty percent
502 (60%) of the qualified electors participating therein shall vote
503 in favor of the proposition, inclusion of the proposed new
504 municipal solid waste landfill in a solid waste management plan
505 and permitting of such landfill may be approved provided that all
506 other requirements of law are satisfied as to the landfill. If,
507 on the other hand, sixty percent (60%) of the qualified electors
508 participating therein shall not vote in favor of the proposition,
509 the new landfill may not be included in any solid waste management
510 plan and shall not be permitted. In either case, no further
511 election shall be held in a county under the provisions of this
512 section for a period of two (2) years from the date of the prior
513 election and then only upon the filing of a petition requesting
514 same signed by at least twenty percent (20%) or fifteen hundred
515 (1,500), whichever number is the lesser, of the qualified electors
516 of the county as is otherwise provided herein.

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

519 17-17-309. (1) Within forty (40) days following the
520 adoption of the final authorizing resolution, the designated



521 representatives shall proceed to incorporate an authority by
522 filing for record in the office of the chancery clerk of the
523 participating counties and the Secretary of State an incorporation
524 agreement approved by each member. The agreement shall comply in
525 form and substance with the requirements of this section and shall
526 be executed in the manner provided in Sections 17-17-301 through
527 17-17-349.

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

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

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

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

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



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

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

549 (g) If the exercise by the authority of any of its
550 powers is to be in any way prohibited, limited or conditioned, a
551 statement of the terms of such prohibition, limitation or
552 condition;

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

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

560 (3) The incorporation agreement shall be signed and
561 acknowledged by the incorporators before an officer authorized by
562 the laws of the state to take acknowledgements. When the
563 incorporation agreement is filed for record, there shall be
564 attached to it a certified copy of the authorizing resolution
565 adopted by the governing body of each member.

566 (4) The incorporators shall publish a notice of
567 incorporation either once a week for two (2) successive weeks in a
568 daily newspaper or newspapers having general circulation
569 throughout the region to be served or by a link to such notice of



570 incorporation posted on the county or municipality's website or,
571 if the county or municipality does not have a website, its
572 official social media webpage is to remain available to the public
573 for the duration of two (2) successive weeks.

574 (5) Upon the filing for record of the agreement and the
575 required documents, the authority shall come into existence and
576 shall constitute a public corporation under the name set forth in
577 the incorporation agreement. The Secretary of State shall
578 thereupon issue a certificate of incorporation to the authority.

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

581 17-17-311. (1) The incorporation agreement of any authority
582 may be amended in the manner provided in this section. The board
583 of the authority shall first adopt a resolution proposing an
584 amendment to the incorporation agreement. The amendment shall be
585 set forth in full in the resolution and may include any matters
586 which might have been included in the original incorporation
587 agreement.

588 (2) After the adoption of the resolution by the board, the
589 chairman of the board and the secretary of the authority shall
590 file a certified copy of the resolution and a signed written
591 application in the name of and on behalf of the authority, under
592 its seal, with the governing body of each member, requesting the
593 governing body to adopt a resolution approving the proposed
594 amendment. As promptly as may be practicable after the filing of



595 the application with the governing body, that governing body shall
596 review the application and shall adopt a resolution either denying
597 the application or authorizing the proposed amendment. Any such
598 resolution shall be published either in a newspaper or newspapers
599 or by a link to such resolution posted on the county or
600 municipality's website or, if the county or municipality does not
601 have a website, its official social media webpage as provided in
602 subsection (4) of Section 17-17-309. The governing body shall
603 cause a copy of the application and all accompanying documents to
604 be spread upon or otherwise made a part of the minutes of the
605 meeting of the governing body at which final action upon the
606 application is taken. The incorporation agreement may be amended
607 only after the adoption of a resolution by two-thirds (2/3) of the
608 governing bodies of the members. Publication of such amendment
609 shall be made as provided in subsection (4) of Section 17-17-309.

610 (3) Within forty (40) days following the adoption of the
611 last adopted resolution approving the proposed amendment, the
612 chairman of the board and the secretary of the authority shall
613 sign, and file for record in the office of the chancery clerk with
614 which the incorporation agreement of the authority was originally
615 filed and the Secretary of State, a certificate in the name of and
616 in behalf of the authority, under its seal, reciting the adoption
617 of the respective resolutions by the board and by the governing
618 body of each member and setting forth the amendment. The chancery
619 clerk for such county shall record the certificate in an



620 appropriate book in his office. When such certificate has been so
621 filed and recorded, the amendment shall become effective. No
622 incorporation agreement of an authority shall be amended except in
623 the manner provided in this section.

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

638 (5) After the issuance of a permit by the permit board for
639 the construction and operation of a solid waste landfill, any
640 withdrawal of the situs county from the authority shall not affect
641 the ability of the authority to operate a solid waste landfill
642 upon the site for which the permit has been issued.

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



645 17-17-329. (1) The board of supervisors of a county and the
646 governing authorities of a municipality, acting jointly or
647 severally, shall have the power and is hereby authorized, from
648 time to time, to issue general obligation bonds of the county or
649 municipality for the purpose of providing sufficient funds for
650 capital expenditures, including the financing of the acquisition,
651 construction, improvement or the closure, corrective action or
652 postclosure maintenance of solid waste management facilities
653 pursuant to the provisions of Sections 19-9-1 through 19-9-25, or
654 21-33-301 through 21-33-329. General obligation bonds issued
655 pursuant to this section shall be included in the limitation of
656 indebtedness as set forth in Sections 19-9-5 and 21-33-303.

657 (2) (a) In addition to compliance with the provisions of
658 Sections 19-9-1 through 19-9-25, Sections 21-33-301 through * * *
659 37-33-329, for the issuance of general obligations of the county
660 or municipality, the county or municipality shall advertise its
661 intention to issue general obligation bonds of the county or
662 municipality and specify the proposed increased tax rate of the
663 county or municipality in a newspaper of general circulation in
664 the county or municipality or by link to the advertisement posted
665 on the county or municipality's website or, if the county or
666 municipality does not have a website, its official social media
667 webpage. The advertisement may not be placed in that portion of
668 the newspaper where legal notices and classified advertisements
669 appear. It is legislative intent that, whenever possible, the



670 advertisement appear in a newspaper that is published at least
671 five (5) days a week, unless the only newspaper in the county or
672 municipality is published less than five (5) days a week. It is
673 further the intent of the Legislature that the newspaper selected
674 be one of general interest and readership in the community, and
675 not one of limited subject matter. The advertisement shall be run
676 once each week for the two (2) weeks preceding the date specified
677 in the resolution by the board of supervisors or the governing
678 authorities of the municipality. The advertisement shall state
679 that the county or municipality proposes to issue general
680 obligation bonds of the county or municipality for a solid waste
681 management facility, the proposed property tax revenue and the
682 procedure that may be taken by qualified electors of the county
683 for calling an election on the question of issuance of the general
684 obligation bonds of the county or municipality.

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

687 "NOTICE OF TAX INCREASE

688 (Name of the County or Municipality) has proposed to increase
689 its property tax revenue (designate one or more classes of
690 property provided for in Section 112, Mississippi Constitution of
691 1890) by (percentage of increase of each class) percent, and to
692 increase its total budget by (percentage of increase) percent for
693 the purpose of the issuance of general obligation bonds of the
694 county or municipality for a solid waste management facility."



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

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

708 17-17-337. All bonds issued pursuant to Sections 17-17-329,
709 17-17-333 and 17-17-335 may be validated as now provided by law in
710 Sections 31-13-1 through 31-13-11, Mississippi Code of 1972. Such
711 validation proceedings shall be instituted in the chancery court
712 of the county in which the principal office of the authority is
713 located, but notice of such validation proceedings shall be
714 published either at least two (2) times in a newspaper of general
715 circulation in each of the counties, the first publication of
716 which in each case shall be made at least ten (10) days preceding
717 the date set for validation, or by a link to such notice on the
718 county's website or, if the county does not have a website, its
719 official social media webpage is to be made available to the



720 public at least ten (10) days preceding the date set for
721 validation.

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

724 17-17-348. (1) In addition to any notice requirements
725 otherwise provided by law, the board of supervisors of each county
726 and the governing authorities of each municipality, before the
727 first day of the fiscal year, shall publish a report either in a
728 newspaper having a general circulation in the county * * * or by a
729 link to such resolution posted on the county or municipality's
730 website or, if the county or municipality does not have a website,
731 its official social media webpage. Such report should be a
732 detailed, itemized report of all revenues, costs and expenses
733 incurred by the county or municipality during the immediately
734 preceding county or municipal fiscal year in operating the garbage
735 or rubbish collection or disposal system. The report shall
736 disclose:

737 (a) The total dollar amount of revenues received or
738 dedicated by the county or municipality during the immediately
739 preceding fiscal year for operation of the garbage or rubbish
740 collection or disposal system;

741 (b) The identity of each source of funding and the
742 dollar amount received from each source of funding during the
743 immediately preceding fiscal year for operation of the garbage or



744 rubbish collection or disposal system, including ad valorem taxes,
745 fees and other sources; and

746 (c) The total dollar amount expended by the county or
747 municipality to operate the garbage or rubbish collection or
748 disposal system, along with the names and addresses of all
749 businesses and persons with whom the county or municipality has
750 contracted to perform or provide garbage or rubbish collection or
751 disposal, the dollar amount of expenditures made under each
752 contract and an itemized list of all other expenditures of county
753 or municipal funds to operate and administer the garbage or
754 rubbish collection or disposal system.

755 (2) If published in a newspaper, the notice required under
756 subsection (1) of this section shall be no less than one-eighth
757 (1/8) page in size and the type used shall be no smaller than ten
758 (10) point and surrounded by a one-fourth (1/4) inch solid black
759 border. The notice may not be placed in that portion of the
760 newspaper where legal notices and classified advertisements
761 appear. The notice must appear in a newspaper that is published
762 at least five (5) days a week, unless the only newspaper in the
763 county is published less than five (5) days a week. The newspaper
764 selected must be one of general interest and readership in the
765 community, and not one of limited subject matter. The notice must
766 be published at least once. If published on a county or
767 municipality's website or official social media webpage, a link to
768 the notice must appear conspicuously on the main page.



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

771 17-18-17. (1) Except as provided in subsection (2) of this
772 section, a community desiring to volunteer to host the state
773 commercial hazardous waste management facility to be operated
774 pursuant to this chapter may propose to do so by the adoption of a
775 resolution by a majority vote of the governing body of the local
776 governmental unit. The committee shall determine the adequacy of
777 any proposal to voluntarily host the state commercial hazardous
778 waste management facility. Once a proposal to volunteer to host
779 the state commercial hazardous waste management facility has been
780 accepted in writing by the committee, the resolution making such
781 proposal may not be rescinded by the governing body of the local
782 governmental unit, unless the management category or categories
783 determined under Section 49-29-7 is changed after the date of the
784 submission of such category determination to the Hazardous Waste
785 Technical Siting Committee. The governing body of the local
786 governmental unit shall hold a minimum of two (2) public hearings
787 prior to submission of a resolution regarding any proposal to
788 volunteer to host the state commercial hazardous waste management
789 facility pursuant to this chapter. The governing body of the
790 local governmental unit shall advertise its intent to hold the
791 public hearings. The advertisement shall be published either in a
792 newspaper of general circulation in the county or by a link to
793 such resolution posted on the county or municipality's website or,



794 if the county or municipality does not have a website, its
795 official social media webpage.

796 If printed, the advertisement shall be no less than
797 one-fourth (1/4) page in size and the type used shall be no
798 smaller than eighteen (18) point and surrounded by a one-fourth
799 (1/4) inch solid black border. The advertisement may not be
800 placed in that portion of the newspaper where legal notices and
801 classified advertisements appear. It is legislative intent that,
802 when the advertisement is printed, whenever possible, the printed
803 advertisement appear in a newspaper that is published at least
804 five (5) days a week, unless the only newspaper in the county is
805 published less than five (5) days a week. It is further the
806 intent of the Legislature that the newspaper selected be one of
807 general interest and readership in the community, and not one of
808 limited subject matter. * * * A print advertisement shall be run
809 once each week for the two (2) weeks preceding the public
810 hearings, and an online advertisement shall appear for the
811 duration of the two-week period. The advertisement shall state
812 that the governing body will meet on a certain day, time and place
813 fixed in the advertisement, which shall be not less than seven (7)
814 days after the day the first advertisement is published, for the
815 purpose of hearing comments regarding the proposed resolution and
816 to explain the reasons for the proposed resolution.



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

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

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

828 17-21-53. (1) Before any money is borrowed under the
829 provisions of this article, the governing authority shall adopt a
830 resolution declaring the necessity for such borrowing and
831 specifying the purpose for which the money borrowed is to be
832 expended, the amount to be borrowed, the date or dates of the
833 maturity thereof, and how such indebtedness is to be evidenced.
834 The resolution shall be certified over the signature of the head
835 of the governing authority.

836 (2) The borrowing shall be evidenced by negotiable notes or
837 certificates of indebtedness of the governing authority which
838 shall be signed by the head and clerk of such governing authority.
839 All such notes or certificates of indebtedness shall be offered at
840 public sale by the governing authority after not less than ten
841 (10) days' advertising either in a newspaper having general



842 circulation within the governing authority or on the governing
843 authority's website or official social media webpage, if the
844 governing authority does not have a website. Each sale shall be
845 made to the bidder offering the lowest rate of interest or whose
846 bid represents the lowest net cost to the governing authority;
847 however, the rate of interest shall not exceed that now or
848 hereafter authorized in Section 75-17-101, Mississippi Code of
849 1972. No such notes or certificates of indebtedness shall be
850 issued and sold for less than par and accrued interest. All notes
851 or certificates of indebtedness shall mature in approximately
852 equal installments of principal and interest over a period not to
853 exceed five (5) years from the dates of the issuance thereof.
854 Principal shall be payable annually, and interest shall be payable
855 annually or semiannually; provided, however, that the first
856 payment of principal or interest may be for any period not
857 exceeding one (1) year. Provided, however, if negotiable notes
858 are outstanding from not more than one (1) previous issue
859 authorized under the provisions of this article, then the schedule
860 of payments for a new or supplementary issue may be so adjusted
861 that the schedule of maturities of all notes or series of notes
862 hereunder shall, when combined, mature in approximately equal
863 installments of principal and interest over a period of five (5)
864 years from the date of the new or supplementary issue, or if a
865 lower interest rate will thereby be secured on notes previously
866 issued and outstanding, a portion of the proceeds of any issue



867 authorized hereunder may be used to refund the balance of the
868 indebtedness previously issued under the authority of this
869 article. Such notes or certificates of indebtedness shall be
870 issued in such form and in such denominations as may be determined
871 by the governing authority and may be made payable at the office
872 of any bank or trust company selected by the governing authority.
873 In such case, funds for the payment of principal and interest due
874 thereon shall be provided in the same manner provided by law for
875 the payment of the principal and interest due on bonds issued by
876 the governing authority.

877 (3) For the prompt payment of notes or certificates of
878 indebtedness at maturity, both principal and interest, the full
879 faith, credit and resources of the issuing entity are pledged. If
880 the issuing entity does not have available funds in an amount
881 sufficient to provide for the payment of principal and interest
882 according to the terms of such notes or certificates of
883 indebtedness, then the governing authority shall annually levy a
884 special tax upon all of its taxable property at a rate the avails
885 of which will be sufficient to provide such payment. Funds
886 derived from any such tax shall be paid into a sinking fund and
887 used exclusively for the payment of principal of and interest on
888 the notes or certificates of indebtedness. Until needed for
889 expenditure, monies in the sinking fund may be invested in the
890 same manner as the governing authority is elsewhere authorized by
891 law to invest surplus funds.



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

894 19-3-1. Each county shall be divided into five (5)
895 districts, with due regard to equality of population and
896 convenience of situation for the election of members of the boards
897 of supervisors, but the districts as now existing shall continue
898 until changed. The qualified electors of each district shall
899 elect, at the next general election, and every four (4) years
900 thereafter, in their districts one (1) member of the board of
901 supervisors. Subject to the provisions of Sections 23-15-283 and
902 23-15-285, the board, by a three-fifths (3/5) vote of all members
903 elected, may change the districts, the boundaries to be entered at
904 large in the minutes of the proceedings of the board.

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

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

914 19-3-11. In counties having only one (1) court district, the
915 board of supervisors shall hold regular meetings at the courthouse
916 or in the chancery clerk's office in those counties where the



917 chancery clerk's office is in a building separate from the
918 courthouse. However, the board of supervisors may meet in any
919 other county-owned building if such building is located within one
920 (1) mile of the courthouse and if, more than thirty (30) days
921 prior to changing the meeting place, the board posts a
922 conspicuous, permanent notice to that effect in the chancery
923 clerk's office and in one (1) other place in the courthouse,
924 publishes notice thereof either in a newspaper published in the
925 county * * * for at least three (3) consecutive weeks or by a link
926 to such notice posted on the county's website or social media
927 webpage, if the county does not have a website, to remain
928 available to the public for the duration of three (3) consecutive
929 weeks. If there be no newspaper published in the county or no
930 county website, then notice should be published in a newspaper
931 having general circulation in the county, once each week, for at
932 least three (3) consecutive weeks, and enters an order upon its
933 minutes designating and describing in full the building and room
934 to be used as the meeting room of the board of supervisors. The
935 board of supervisors shall meet on the first Monday of each month.
936 However, when such meeting date falls on a legal holiday, then the
937 said meeting shall be held on the succeeding day.

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



940 19-3-19. (1) The board of supervisors may, at a regular
941 meeting, by an order on its minutes, adjourn to meet at any time
942 it may determine upon.

943 (2) The president, or the vice president in the absence or
944 disability of the president, or any three (3) members of the
945 board, may call special meetings when deemed necessary. Notice
946 shall be given of all special meetings, for at least five (5)
947 days, by advertisement posted at the courthouse door, * * *
948 published in a newspaper of the county, * * * or by a link to such
949 notice posted on the county's website or, if the county does not
950 have a website, its official social media webpage. The notice
951 thereof, whether posted or published in a newspaper, shall be
952 entered in full on the minutes of said meeting. The notice of a
953 special meeting * * * shall specify each matter of business to be
954 transacted thereat, and at such special meetings business shall
955 not be transacted which is not specified in the order or notice
956 for such meeting.

957 (3) The president, or the vice president in the absence or
958 disability of the president, or any two (2) members of the board,
959 may by written notice, call an emergency meeting of the board of
960 supervisors in cases of an emergency arising as a result of
961 serious damage to county property, or to roads or bridges, or
962 emergencies arising as a result of epidemic conditions or weather
963 conditions. The notice shall state the time of the meeting and
964 distinctly specify the subject matters of business to be acted



965 upon and be signed before a notary by the officer or officers
966 calling the meeting. At least three (3) hours before the time
967 fixed for the meeting, notice shall be personally delivered to the
968 members of the board who have not signed it and who can be found.
969 The notice shall also be posted at the courthouse door at least
970 three (3) hours before the time fixed for the meeting. If a
971 member of the board cannot be found to complete the personal
972 delivery of the notice, the president, vice president or any one
973 (1) of the two (2) members of the board calling an emergency
974 meeting shall make every attempt, within the applicable notice
975 period, to contact the board member that was not personally found
976 by other available means, including, but not limited to, telephone
977 or e-mail. The method of notice used to call the meeting shall be
978 entered on the minutes of the emergency meeting, and business not
979 specified in the notice shall not be transacted at the meeting.

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

982 19-3-33. The board of supervisors may have its proceedings
983 published in some newspaper published in the county, and cause the
984 same to be paid for out of the county treasury, but the costs of
985 such publication shall not exceed the sum fixed by law for
986 publishing legal notices. If there be more than one (1) newspaper
987 published in the county, the contract for publishing the
988 proceedings, if made, shall be let to the lowest bidder among
989 them. In lieu of publication in a newspaper, the board of



990 supervisors may have its proceedings published on the county's
991 website or official social media webpage, if the county does not
992 have a website.

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

995 19-3-35. The board of supervisors after each meeting shall
996 have an itemized statement made of allowances, to whom, for what,
997 and the amounts; a list of all contracts providing for the
998 expenditure of money and the terms of payment thereof; a statement
999 of all loans from sixteenth section funds, lieu land funds, and
1000 sinking, and other trust funds, setting forth to whom made, the
1001 amount, and the kind of security approved; a statement or list of
1002 all sales of timber, of all leases upon, including all leases for
1003 oil, gas and minerals upon, sixteenth section or lieu lands
1004 situated in the county or belonging to the county, showing to whom
1005 sold or made, description of land involved, the length of the term
1006 of any such lease, and the consideration therefor; and it shall
1007 also publish a recapitulation of all expenditures according to
1008 districts and also the county as a whole, and in such
1009 recapitulation the total expenses for each item shall be listed
1010 for each district, and in the total county recapitulation the
1011 total expended from each item shall be listed and same shall be
1012 published within fifteen (15) days after adjournment. Publication
1013 shall be made either in some newspaper of general circulation
1014 published in the county * * * or by a link to such recapitulation



1015 posted on the county's website or, if the county does not have a
1016 website, its official social media webpage. If no such newspaper
1017 is published in the county, then recapitulation may be published
1018 in a newspaper published elsewhere in the state and having a
1019 general circulation in such county. The cost of publishing the
1020 same shall be paid for out of the general fund of the county. The
1021 cost of such publication shall not exceed one-half (1/2) of the
1022 rate now fixed by law for publishing legal notices, and in no
1023 event shall the cost of such publication exceed One Hundred
1024 Dollars (\$100.00) in any one (1) month, save, however, in counties
1025 of classes 1 and 2 the board of supervisors may expend an amount
1026 not to exceed One Hundred Seventy-five Dollars (\$175.00) per month
1027 for the publication of said cumulative digest of its proceedings
1028 as provided for above. If there be more than one (1) newspaper
1029 published in the county, the board of supervisors shall advertise,
1030 as provided by law, for contracts for publishing such proceedings,
1031 and shall award the contract to the lowest bidder for a period of
1032 two (2) years. If no bid be made for the price above mentioned,
1033 then the proceedings shall be posted at the courthouse door as
1034 hereinafter provided. If there be no newspaper published in such
1035 county, then such proceedings shall be posted at the front
1036 courthouse door and on the county's website or official social
1037 media webpage, if the county does not have a website.

1038 If any member of a board of supervisors or the chancery clerk
1039 shall fail, refuse or neglect to comply with the provisions of



1040 this section, he shall, upon conviction, be guilty of a
1041 misdemeanor and shall be fined not more than Five Hundred Dollars
1042 (\$500.00) for such failure, refusal or neglect for each offense
1043 and, in addition thereto, shall be liable to a penalty of Five
1044 Hundred Dollars (\$500.00), recoverable on his official bond by
1045 suit filed by any county or district attorney or any interested
1046 citizen, upon his official bond.

1047 This shall not be construed to repeal Section 19-3-33, and
1048 where the verbatim proceedings are published as therein provided,
1049 this section shall not apply, it being intended hereby to provide
1050 a method of publishing the proceedings of the board of supervisors
1051 in addition to that now provided for by Section 19-3-33. Where
1052 publication is made under Section 19-3-33, this section shall not
1053 be construed so as to require any other and additional
1054 publication, or notice.

1055 **SECTION 22.** Section 19-3-67, Mississippi Code of 1972, is
1056 amended as follows:

1057 19-3-67. (1) When any member of any board of supervisors
1058 shall be required to travel outside of his county but within the
1059 State of Mississippi in the performance of his official duties,
1060 such member shall receive as expenses of such travel the same
1061 mileage and actual and necessary expenses for food, lodging and
1062 travel by public carrier or private motor vehicles as is allowed
1063 state officers and employees pursuant to the provisions of Section
1064 25-3-41, Mississippi Code of 1972. Provided, however, mileage



1065 shall not be authorized when such travel is done by a motor
1066 vehicle owned by the county.

1067 (2) When any member of any board of supervisors shall be
1068 required to travel outside the State of Mississippi in the
1069 performance of his official duties, such member shall receive as
1070 expenses of such travel the same mileage and actual and necessary
1071 expenses for food, lodging and travel by public carrier or private
1072 motor vehicles as is allowed state officers and employees pursuant
1073 to the provisions of Section 25-3-41, Mississippi Code of 1972.
1074 Provided, however, such travel must receive the prior approval of
1075 the board before it is undertaken, and such approval shall be
1076 spread upon the minutes of the board.

1077 (3) Except as hereinafter provided with respect to mileage,
1078 no expenses shall be authorized or approved by any board of
1079 supervisors for travel by the member of such board within the
1080 county of such board. With respect to mileage, when travel within
1081 the county by a member of such board is done by a motor vehicle
1082 owned by the county, mileage shall not be authorized;
1083 however, when any member of such board does not have a
1084 county-owned motor vehicle regularly assigned to him for his use
1085 or when a county-owned motor vehicle is not otherwise available
1086 for his use at the time when travel is necessary, and he is
1087 required to travel within the county in the performance of his
1088 official duties using his private motor vehicle, then he may be



1089 reimbursed for mileage in the same manner as provided in Section
1090 25-3-41, Mississippi Code of 1972.

1091 (4) Itemized expense accounts shall be submitted by the
1092 member on forms prescribed by the Auditor of Public Accounts for
1093 reimbursement of expenses for state officers and employees in such
1094 numbers as the county may require. No expenses authorized in this
1095 section shall be reimbursed unless the expenses have been
1096 authorized or approved by a vote of a majority of the members of
1097 the board duly made and spread upon the minutes of such board.

1098 (5) Expenses authorized in this section shall be published
1099 by the board of supervisors either in a newspaper of general
1100 circulation published in the county or by a link to such
1101 resolution posted on the county's website or, if the county does
1102 not have a website, its official social media webpage; and, if no
1103 such newspaper is published in the county and no such website
1104 exists, then in a newspaper published elsewhere in the state which
1105 has a general circulation in such county. The publication shall
1106 be a detailed accounting of the expenses authorized to each member
1107 of the board. The cost of publishing such expense accounts shall
1108 be paid by the county pursuant to the provisions of Section
1109 19-3-35.

1110 **SECTION 23.** Section 19-3-79, Mississippi Code of 1972, is
1111 amended as follows:

1112 19-3-79. (1) Any person, corporation or other legal entity
1113 required to obtain a state gaming license to conduct legal gaming



1114 aboard a cruise vessel or vessel, as defined in Section 27-109-1,
1115 as prescribed by the Mississippi Gaming Control Act shall, before
1116 applying for such license, provide the Mississippi Gaming
1117 Commission with a written notice of intent to apply for a license.
1118 The "notice of intent to apply for a gaming license" shall be on a
1119 form prescribed by the executive director of the commission and
1120 shall state the county in which the intending licensee desires to
1121 conduct legal gaming aboard a cruise vessel or vessel, as the case
1122 may be. Within ten (10) days after receipt of a notice of intent
1123 to apply for a gaming license, the commission shall require such
1124 person, corporation or legal entity to publish the notice * * *
1125 either in a newspaper having general circulation in the county in
1126 which the intending licensee desires to conduct legal gaming
1127 aboard a cruise vessel or vessel, as the case may be, once each
1128 week for three (3) consecutive weeks or by a link to such notice
1129 posted on the county's website or, if the county does not have a
1130 website, its official social media is to remain available to the
1131 public for the duration of three (3) consecutive weeks.

1132 (2) If no petition as prescribed in subsection (3) of this
1133 section is filed with the board of supervisors of the applicable
1134 county within thirty (30) days after the date of the last
1135 publication, the board of supervisors of such county shall adopt a
1136 resolution stating that no petition was timely filed and that
1137 legal gaming may henceforth be conducted aboard cruise vessels or
1138 vessels, as the case may be, in such county.



1139 (3) If a petition signed by twenty percent (20%) or fifteen
1140 hundred (1500), whichever is less, of the registered voters of a
1141 county in which a notice of intent to apply for a gaming license
1142 is published is filed within thirty (30) days of the date of the
1143 last publication with the circuit clerk of the applicable county,
1144 the board of supervisors of such county shall authorize the
1145 circuit clerk to hold an election on the proposition of allowing
1146 legal gaming to be conducted aboard cruise vessels or vessels, as
1147 the case may be, in the county on the date upon which such an
1148 election may be conducted under subsection (7). The referendum
1149 shall be advertised, held, conducted and the result thereof
1150 canvassed in the manner provided by law for advertising, holding
1151 and canvassing county elections.

1152 (4) At such election, all qualified electors of such county
1153 may vote. The ballots used at such election shall have printed
1154 thereon a brief statement of the purpose of the election and the
1155 words "FOR LEGAL GAMING ABOARD CRUISE VESSELS (OR VESSELS) IN THE
1156 COUNTY AS PRESCRIBED BY LAW" and "AGAINST LEGAL GAMING ABOARD
1157 CRUISE VESSELS (OR VESSELS) IN THE COUNTY AS PRESCRIBED BY LAW."
1158 The voter shall vote by placing a cross (x) or check (√) mark
1159 opposite his choice on the proposition. If a majority of the
1160 qualified electors who vote in such election shall vote in favor
1161 of allowing legal gaming to be conducted aboard cruise vessels or
1162 vessels, as the case may be, then legal gaming may henceforth be
1163 conducted aboard cruise vessels or vessels, as the case may be, in



1164 the county. If less than a majority of the qualified electors who
1165 vote in such election shall vote in favor of allowing legal gaming
1166 to be conducted aboard cruise vessels or vessels, as the case may
1167 be, in the county, then gaming aboard cruise vessels or vessels,
1168 as the case may be, shall be prohibited in the county until such
1169 time as a subsequent election, held according to the restrictions
1170 specified in subsection (7), may authorize such legal gaming.

1171 (5) In any county in which no petition is timely filed after
1172 a notice of intent to apply for a gaming license is published, or
1173 in which an election is held on the proposition of allowing legal
1174 gaming to be conducted aboard cruise vessels or vessels, as the
1175 case may be, in the county and a majority of the qualified
1176 electors who vote in such election vote in favor of allowing legal
1177 gaming to be conducted aboard cruise vessels or vessels, as the
1178 case may be, in the county, no election shall thereafter be held
1179 in that county pursuant to this section on the proposition of
1180 allowing legal gaming to be conducted aboard cruise vessels or
1181 vessels, as the case may be, in that county.

1182 (6) Notwithstanding any provision of this section or
1183 Sections 97-33-1, 97-33-7, 97-33-17, 97-33-25 and 97-33-27 to the
1184 contrary, if an election is held pursuant to this section which
1185 causes the conducting of gaming aboard cruise vessels to be
1186 prohibited in any county in which one or more cruise vessels were
1187 operating out of a port in the county on the effective date of
1188 this chapter, the prohibition on the conducting of gaming aboard



1189 cruise vessels in that county shall not apply to the conducting of
1190 legal gaming aboard any of those cruise vessels which were still
1191 operating out of a port in that county at the time of the
1192 election.

1193 (7) If an election has been held on the issue of allowing
1194 legal gaming to be conducted aboard cruise vessels or vessels, as
1195 the case may be, in a county, and the authority to conduct such
1196 legal gaming has been denied by the electors of such county, then
1197 a subsequent election on such issue may not be held until:

1198 (a) The date of the next succeeding general election in
1199 which the election for President of the United States occurs; or

1200 (b) In the case in which the authority to conduct such
1201 legal gaming has been denied by the electors of such county at
1202 elections on three (3) different occasions, whether those
1203 occasions be successive or not, the date of the next succeeding
1204 general election occurring at least eight (8) years after the last
1205 of the three (3) occasions on which the electors denied the
1206 authority to conduct such legal gaming.

1207 **SECTION 24.** Section 19-5-9, Mississippi Code of 1972, is
1208 amended as follows:

1209 19-5-9. (1) The construction codes published by a
1210 nationally recognized code group which sets minimum standards and
1211 has the proper provisions to maintain up-to-date amendments are
1212 adopted as minimum standard guides for building, plumbing,
1213 electrical, gas, sanitary, and other related codes in Mississippi.



1214 Any county within the State of Mississippi, in the discretion of
1215 the board of supervisors, may adopt building codes, plumbing
1216 codes, electrical codes, sanitary codes, or other related codes
1217 dealing with general public health, safety or welfare, or a
1218 combination of the same, within but not exceeding the provisions
1219 of the construction codes published by nationally recognized code
1220 groups, by order or resolution in the manner prescribed in this
1221 section, but those codes so adopted shall apply only to the
1222 unincorporated areas of the county. However, those codes shall
1223 not apply to the erection, maintenance, repair or extension of
1224 farm buildings or farm structures, except as may be required under
1225 the terms of the "Flood Disaster Protection Act of 1973," and
1226 shall apply to a master planned community as defined in Section
1227 19-5-10 only to the extent allowed in Section 19-5-10. The
1228 provisions of this section shall not be construed to authorize the
1229 adoption of any code which applies to the installation, repair or
1230 maintenance of electric wires, pipelines, apparatus, equipment or
1231 devices by or for a utility rendering public utility services,
1232 required by it to be utilized in the rendition of its duly
1233 authorized service to the public. Before any such code shall be
1234 adopted, it shall be either printed or typewritten and shall be
1235 presented in pamphlet form to the board of supervisors at a
1236 regular meeting. The order or resolution adopting the code shall
1237 not set out the code in full, but shall merely identify the same.
1238 The vote or passage of the order or resolution shall be the same



1239 as on any other order or resolution. After its adoption, the code
1240 or codes shall be certified to by the president and clerk of the
1241 board of supervisors and shall be filed as a permanent record in
1242 the office of the clerk who shall not be required to transcribe
1243 and record the same in the minute book as other orders and
1244 resolutions.

1245 (2) If the board of supervisors of any county adopts or has
1246 adopted construction codes which do not have proper provisions to
1247 maintain up-to-date amendments, specifications in such codes for
1248 cements used in portland cement concrete shall be superseded by
1249 nationally recognized specifications referenced in any code
1250 adopted by the Mississippi Building Code Council.

1251 (3) All provisions of this section shall apply to amendments
1252 and revisions of the codes mentioned in this section. The
1253 provisions of this section shall be in addition and supplemental
1254 to any existing laws authorizing the adoption, amendment or
1255 revision of county orders, resolutions or codes.

1256 (4) Any code adopted under the provisions of this section
1257 shall not be in operation or force until sixty (60) days have
1258 elapsed from the adoption of same; however, any code adopted for
1259 the immediate preservation of the public health, safety and
1260 general welfare may be effective from and after its adoption by a
1261 unanimous vote of the members of the board. Within five (5) days
1262 after the adoption or passage of an order or resolution adopting
1263 that code or codes the clerk of the board of supervisors shall



1264 publish either in a legal newspaper published in the county the
1265 full text of the order or resolution adopting and approving the
1266 code * * * or by a link to such order or resolution posted on the
1267 county's website or, if the county does not have a website, its
1268 official social media webpage. A print publication shall be
1269 inserted at least three (3) times, and shall be completed within
1270 thirty (30) days after the passage of the order or resolution. An
1271 online publication shall remain on the appropriate website or
1272 social media webpage for the duration of thirty (30) days after
1273 the passage of the order or resolution.

1274 (5) Any person or persons objecting to the code or codes may
1275 object in writing to the provisions of the code or codes within
1276 sixty (60) days after the passage of the order or resolution
1277 approving same, and if the board of supervisors adjudicates that
1278 ten percent (10%) or more of the qualified electors residing in
1279 the affected unincorporated areas of the county have objected in
1280 writing to the code or codes, then in such event the code shall be
1281 inoperative and not in effect unless adopted for the immediate
1282 preservation of the public health, safety and general welfare
1283 until approved by a special election called by the board of
1284 supervisors as other special elections are called and conducted by
1285 the election commissioners of the county as other special
1286 elections are conducted, the special election to be participated
1287 in by all the qualified electors of the county residing in the
1288 unincorporated areas of the county. If the voters approve the



1289 code or codes in the special election it shall be in force and in
1290 operation thereafter until amended or modified as provided in this
1291 section. If the majority of the qualified electors voting in the
1292 special election vote against the code or codes, then, in such
1293 event, the code or codes shall be void and of no force and effect,
1294 and no other code or codes dealing with that subject shall be
1295 adopted under the provisions of this section until at least two
1296 (2) years thereafter.

1297 (6) After any such code shall take effect the board of
1298 supervisors is authorized to employ such directors and other
1299 personnel as the board, in its discretion, deems necessary and to
1300 expend general county funds or any other funds available to the
1301 board to fulfill the purposes of this section.

1302 (7) For the purpose of promoting health, safety, morals or
1303 the general welfare of the community, the governing authority of
1304 any municipality, and, with respect to the unincorporated part of
1305 any county, the governing authority of any county, in its
1306 discretion, is empowered to regulate the height, number of stories
1307 and size of building and other structures, the percentage of lot
1308 that may be occupied, the size of the yards, courts and other open
1309 spaces, the density or population, and the location and use of
1310 buildings, structures and land for trade, industry, residence or
1311 other purposes, but no permits shall be required except as may be
1312 required under the terms of the "Flood Disaster Protection Act of
1313 1973" for the erection, maintenance, repair or extension of farm



1314 buildings or farm structures outside the corporate limits of
1315 municipalities.

1316 (8) The authority granted in this section is cumulative and
1317 supplemental to any other authority granted by law.

1318 (9) Notwithstanding any provision of this section to the
1319 contrary, any code adopted by a county before or after April 12,
1320 2001, is subject to the provisions of Section 41-26-14(10).

1321 (10) Notwithstanding any provision of this section to the
1322 contrary, the Boards of Supervisors of Jackson, Harrison, Hancock,
1323 Stone and Pearl River Counties shall enforce the requirements
1324 imposed under Section 17-2-1 as provided in such section.

1325 (11) Regardless of whether a county adopts or has adopted
1326 codes, as set forth in this section, each and every county in this
1327 state shall require permitting as a condition to construction
1328 within the unincorporated areas of the county, and such permits
1329 shall contain, on their face, in conspicuous print, (a) the
1330 contractor's material purchase certificate number to the extent
1331 furnished by the Department of Revenue pursuant to Section
1332 27-65-21(3) or the contractor's Taxpayer Identification Number as
1333 furnished by the Internal Revenue Service, and either a copy of
1334 such material purchase certificate furnished by the Department of
1335 Revenue pursuant to Section 27-65-21(3), or a copy of the
1336 contractor's W-9, as the case may be, shall be required to be
1337 provided to the county as part of the prime contractor's
1338 application for such permit, prior to the issuance of such permit,



1339 and (b) the contractor's license or certificate of responsibility
1340 number as required by either Section 31-3-14 et seq., 51-5-1 et
1341 seq. or 73-59-1 et seq.

1342 **SECTION 25.** Section 19-5-21, Mississippi Code of 1972, is
1343 amended as follows:

1344 19-5-21. (1) (a) Except as provided in paragraphs (b),
1345 (c), (d) and (g) of this subsection, the board of supervisors, to
1346 defray the cost of establishing and operating the system provided
1347 for in Section 19-5-17, may levy an ad valorem tax not to exceed
1348 four (4) mills on all taxable property within the area served by
1349 the county garbage or rubbish collection or disposal system. The
1350 service area may be comprised of unincorporated or incorporated
1351 areas of the county or both; however, no property shall be subject
1352 to this levy unless that property is within an area served by a
1353 county's garbage or rubbish collection or disposal system.

1354 (b) The board of supervisors of any county wherein
1355 Mississippi Highways 35 and 16 intersect and having a land area of
1356 five hundred eighty-six (586) square miles may levy, in its
1357 discretion, for the purposes of establishing, operating and
1358 maintaining a garbage or rubbish collection or disposal system, an
1359 ad valorem tax not to exceed six (6) mills on all taxable property
1360 within the area served by the system as set out in paragraph (a)
1361 of this subsection.

1362 (c) The board of supervisors of any county bordering on
1363 the Mississippi River and traversed by U.S. Highway 61, and which



1364 is intersected by Mississippi Highway 4, having a population of
1365 eleven thousand eight hundred fifty-four (11,854) according to the
1366 1970 federal census, and having an assessed valuation of Fourteen
1367 Million Eight Hundred Seventy-two Thousand One Hundred Forty-four
1368 Dollars (\$14,872,144.00) in 1970, may levy, in its discretion, for
1369 the purposes of establishing, operating and maintaining a garbage
1370 or rubbish collection or disposal system, an ad valorem tax not to
1371 exceed six (6) mills on all taxable property within the area
1372 served by the system as set out in paragraph (a) of this
1373 subsection.

1374 (d) The board of supervisors of any county having a
1375 population in excess of two hundred fifty thousand (250,000),
1376 according to the latest federal decennial census, and in which
1377 Interstate Highway 55 and Interstate Highway 20 intersect, may
1378 levy, in its discretion, for the purposes of establishing,
1379 operating and maintaining a garbage or rubbish collection or
1380 disposal system, an ad valorem tax not to exceed seven (7) mills
1381 on all taxable property within the area served by the system as
1382 set out in paragraph (a) of this subsection.

1383 (e) The proceeds derived from any additional millage
1384 levied pursuant to paragraphs (a) through (d) of this subsection
1385 in excess of two (2) mills shall be excluded from the ten percent
1386 (10%) increase limitation under Section 27-39-321 for the first
1387 year of such additional levy and shall be included within such
1388 limitation in any year thereafter. The proceeds from any millage



1389 levied pursuant to paragraph (g) shall be excluded from the ten
1390 percent (10%) increase limitation under Section 27-39-321 for the
1391 first year of the levy and shall be included within the limitation
1392 in any year thereafter.

1393 (f) The rate of the ad valorem tax levied under this
1394 section shall be shown as a line item on the notice of ad valorem
1395 taxes on taxable property owed by the taxpayer.

1396 (g) In lieu of the ad valorem tax authorized in
1397 paragraphs (a), (b), (c) and (d) of this subsection, the fees
1398 authorized in subsection (2) of this subsection and in Section
1399 19-5-17 or any combination thereof, the board of supervisors may
1400 levy an ad valorem tax not to exceed six (6) mills to defray the
1401 cost of establishing and operating the system provided for in
1402 Section 19-5-17 on all taxable property within the area served by
1403 the system as provided in paragraph (a) of this subsection.

1404 Any board of supervisors levying the ad valorem tax
1405 authorized in this paragraph (g) is prohibited from assessing or
1406 collecting fees for the services provided under the system.

1407 (2) In addition to the ad valorem taxes authorized in
1408 paragraphs (a), (b) and (c) of subsection (1) or in lieu of any
1409 other method authorized to defray the cost of establishing and
1410 operating the system provided for in Section 19-5-17, the board of
1411 supervisors of any county with a garbage or rubbish collection or
1412 disposal system may assess and collect fees to defray the costs of
1413 the services. The board of supervisors may assess and collect the



1414 fees from each single family residential generator of garbage or
1415 rubbish. The board of supervisors also may assess and collect the
1416 fees from each industrial, commercial and multifamily residential
1417 generator of garbage or rubbish for any time period that the
1418 generator has not contracted for the collection of garbage and
1419 rubbish that is ultimately disposed of at a permitted or
1420 authorized nonhazardous solid waste management facility. The fees
1421 assessed and collected under this subsection may not exceed, when
1422 added to the proceeds derived from any ad valorem tax imposed
1423 under this section and any special funds authorized under
1424 subsection (7), the actual costs estimated to be incurred by the
1425 county in operating the county garbage and rubbish collection and
1426 disposal system. In addition to such fees, an additional amount
1427 not to exceed up to One Dollar (\$1.00) or ten percent (10%) per
1428 month, whichever is greater, on the current monthly bill may be
1429 assessed and collected on the balance of any delinquent monthly
1430 fees.

1431 (3) (a) Before the adoption of any order to increase the ad
1432 valorem tax assessment or fees authorized by this section, the
1433 board of supervisors shall publish a notice advertising their
1434 intent to adopt an order to increase the ad valorem tax assessment
1435 or fees authorized by this section. The notice shall specify the
1436 purpose of the proposed increase, the proposed percentage increase
1437 and the proposed percentage increase in total revenues for garbage
1438 or rubbish collection or disposal services or shall contain a copy



1439 of the resolution by the board stating their intent to increase
1440 the ad valorem tax assessment or fees. The notice shall be
1441 published either in a newspaper published or having general
1442 circulation in the county or by a link to such notice posted on
1443 the county's website or, if the county does not have a website,
1444 its social media webpage is to remain available to the public for
1445 no less than three (3) consecutive weeks before the adoption of
1446 the order. Print notice shall be published for no less than three
1447 (3) consecutive weeks before the adoption of the order. If
1448 printed in a newspaper, the notice shall be in print no less than
1449 the size of eighteen (18) point and shall be surrounded by a
1450 one-fourth (1/4) inch black border. The notice shall not be
1451 placed in the legal section notice of the newspaper. There shall
1452 be no language in the notice stating or implying a mandate from
1453 the Legislature.

1454 (b) In addition to the requirement for publication of
1455 notice, the board of supervisors shall notify each person
1456 furnished garbage or rubbish collection or disposal service of any
1457 increase in the ad valorem tax assessment or fees. In the case of
1458 an increase of the ad valorem tax assessment, a notice shall be
1459 conspicuously placed on or attached to the first ad valorem tax
1460 bill on which the increased assessment is effective. In the case
1461 of an increase in fees, a notice shall be conspicuously placed on
1462 or attached to the first bill for fees on which the increased fees



1463 or charges are assessed. There shall be no language in any notice
1464 stating or implying a mandate from the Legislature.

1465 (4) The board of supervisors of each county shall adopt an
1466 order determining whether or not to grant exemptions, either full
1467 or partial, from the fees for certain classes of generators of
1468 garbage or rubbish. If a board of supervisors grants any
1469 exemption, it shall do so in accordance with policies and
1470 procedures, duly adopted and entered on its minutes, that clearly
1471 define those classes of generators to whom the exemptions are
1472 applicable. The order granting exemptions shall be interpreted
1473 consistently by the board when determining whether to grant or
1474 withhold requested exemptions.

1475 (5) (a) The board of supervisors in any county with a
1476 garbage or rubbish collection or disposal system only for
1477 residents in unincorporated areas may adopt an order authorizing
1478 any single family generator to elect not to use the county garbage
1479 or rubbish collection or disposal system. If the board of
1480 supervisors adopts an order, the head of any single family
1481 residential generator may elect not to use the county garbage or
1482 rubbish collection or disposal service by filing with the chancery
1483 clerk the form provided for in this subsection before December 1
1484 of each year. The board of supervisors shall develop a form that
1485 shall be available in the office of the chancery clerk for the
1486 head of household to elect not to use the service and to accept
1487 full responsibility for the disposal of his garbage or rubbish in



1488 accordance with state and federal laws and regulations. The board
1489 of supervisors, following consultation with the Department of
1490 Environmental Quality, shall develop and the chancery clerk shall
1491 provide a form to each person electing not to use the service
1492 describing penalties under state and federal law and regulations
1493 for improper or unauthorized management of garbage. Notice that
1494 the election may be made not to use the county service by filing
1495 the form with the chancery clerk's office shall be published
1496 either in a newspaper published or having general circulation in
1497 the county or by a link to such notice posted on the county's
1498 website or, if the county does not have a website, its official
1499 social media webpage is to be made available to the public for the
1500 duration of no less than three (3) consecutive weeks. Print
1501 publication shall be made for no less than three (3) consecutive
1502 weeks, with the first publication being made no sooner than five
1503 (5) weeks before the first day of December. The notice shall
1504 state that any single family residential generator may elect not
1505 to use the county garbage or rubbish collection or disposal
1506 service by the completion and filing of the form for that purpose
1507 with the chancery clerk's office before December 1 of that year.
1508 The notice shall also include a statement that any single family
1509 residential generator who does not timely file the form shall be
1510 assessed any fees levied to cover the cost of the county garbage
1511 or rubbish collection or disposal service. The chancery clerk
1512 shall maintain a list showing the name and address of each person



1513 who has filed a notice of intent not to use the county garbage or
1514 rubbish collection or disposal service.

1515 (b) If the homestead property of a person lies
1516 partially within the unincorporated service area of a county and
1517 partially within the incorporated service area of a municipality
1518 and both the municipality and the county provide garbage
1519 collection and disposal service to that person, then the person
1520 may elect to use either garbage collection and disposal service.
1521 The person shall notify the clerk of the governing authority of
1522 the local government whose garbage collection and disposal service
1523 he elects not to use of his decision not to use such services by
1524 certified mail, return receipt requested. The person shall not be
1525 liable for any fees or charges from the service he elects not to
1526 use.

1527 (6) The board may borrow money for the purposes of defraying
1528 the expenses of the system in anticipation of:

1529 (a) The tax levy authorized under this section;

1530 (b) Revenues resulting from the assessment of any fees
1531 for garbage or rubbish collection or disposal; or

1532 (c) Any combination thereof.

1533 (7) In addition to the fees or ad valorem millage authorized
1534 under this section, a board of supervisors may use monies from any
1535 special funds of the county that are not otherwise required by law
1536 to be dedicated for use for a particular purpose in order to



1537 defray the costs of the county garbage or rubbish collection or
1538 disposal system.

1539 **SECTION 26.** Section 19-5-23, Mississippi Code of 1972, is
1540 amended as follows:

1541 19-5-23. The tax levy authorized by Section 19-5-21 shall
1542 not be imposed until the board of supervisors shall have published
1543 notice of its intention to levy same. Said notice shall be
1544 published * * * either in some newspaper having a general
1545 circulation in such county or by a link to such resolution posted
1546 on the county's website or, if the county does not have a website,
1547 its official social media webpage is to remain available to the
1548 public for three (3) consecutive weeks. Print publication should
1549 occur once each week for three (3) consecutive weeks, but not less
1550 than twenty-one (21) days, nor more than sixty (60) days,
1551 intervening between the time of the first notice and the meeting
1552 at which said board proposes to levy such tax. If, within the
1553 time of giving notice, twenty percent (20%) or fifteen hundred
1554 (1500), whichever is less, of the qualified electors of the
1555 district affected shall protest or file a petition against the
1556 levy of such tax, then such tax shall not be levied unless
1557 authorized by a majority of the qualified electors of such
1558 district voting at an election to be called and held for that
1559 purpose. The notice provided for herein shall only be required
1560 prior to the initial levy except when the board of supervisors



1561 intends to increase the levy over the amount shown in the initial
1562 notice.

1563 **SECTION 27.** Section 19-5-81, Mississippi Code of 1972, is
1564 amended as follows:

1565 19-5-81. Before issuing the bonds, notes or loan warrants,
1566 authorized by Section 19-5-79 the board of supervisors shall
1567 publish notice of its intention to borrow such funds and to issue
1568 loan warrants, notes or bonds, and the clerk of said board shall
1569 publish a copy of such order either in three (3) weekly issues of
1570 some newspaper having a general circulation in the county * * * or
1571 by a link to such order posted on the county's website or, if the
1572 county does not have a website, its official social media webpage
1573 is to remain available to the public for the duration of three (3)
1574 weeks. If, within twenty-one (21) days after the first
1575 publication of a copy of such order, twenty percent (20%) of the
1576 qualified electors of the county petition the board of supervisors
1577 for an election to determine whether or not the adoption of such
1578 order should be annulled, such election shall be ordered by said
1579 board of supervisors in which the qualified electors of the county
1580 shall be eligible to participate. If at such election a majority
1581 of those voting vote in favor of the adoption of such order the
1582 same shall be valid and effective, but if a majority shall vote
1583 against such order, it shall be annulled and shall be ineffective.
1584 Such election shall be held and conducted and the returns thereof
1585 made as provided by law for other county elections. If no such



1586 petition be presented within twenty-one (21) days after the first
1587 publication of a copy of such order, the order shall be valid and
1588 effective and said board may thereupon proceed to issue said loan
1589 warrants hereunder without an election on the question of the
1590 issuance thereof.

1591 **SECTION 28.** Section 19-5-92.1, Mississippi Code of 1972, is
1592 amended as follows:

1593 19-5-92.1. (1) The board of supervisors of any county,
1594 whenever the board determines that the health, comfort and
1595 convenience of the inhabitants of the county will be promoted,
1596 may:

1597 (a) Alter and change the channels of streams or other
1598 water courses;

1599 (b) Construct, reconstruct and repair bridges over
1600 streams and water courses; and

1601 (c) Incur costs and pay necessary expenses for:

1602 (i) Providing labor, materials and supplies to
1603 clean or clear drainage ditches, creeks or channels or conduits,
1604 both natural and man-made and to prevent erosion of such ditches,
1605 creeks or channels;

1606 (ii) Acquiring property and obtaining easements
1607 necessary to perform work under this section; and

1608 (iii) Reimbursing landowners for damages and
1609 injury resulting from work performed by the county under this
1610 section.



1611 (2) The work performed and the expenses incurred under
1612 subsection (1) of this section may take place on public or private
1613 property. However, if the work is to be performed or the expenses
1614 to be incurred will take place on private property, the board of
1615 supervisors must:

1616 (a) Make a finding, as evidenced by entry upon its
1617 minutes, that such work and/or expenses are necessary in order to
1618 promote the public health, safety and welfare of the citizens of
1619 the county;

1620 (b) Give notice, in writing, to all owners of property
1621 that will be affected by the work for such period of time as is
1622 reasonable to allow such owners to express any objections;

1623 (c) Not receive written objection to the work by any
1624 owners of property that will be affected by the work within the
1625 period of time allowed to express objections; and

1626 (d) Unless otherwise agreed, in writing, by the county
1627 and the landowner, construct or install a culvert or bridge, at
1628 the county's expense, at an appropriate location or locations to
1629 provide the landowner ingress and egress to all of the property to
1630 which the landowner had access immediately before performance of
1631 the work by the county.

1632 (3) The county shall reimburse landowners for all damages or
1633 injury resulting from work performed by the county under this
1634 section.



1635 (4) The provisions of this section do not impose any
1636 obligation or duty upon a county to perform any work or to incur
1637 any expenditures not otherwise required by law to be performed or
1638 incurred by a county, nor do the provisions of this section create
1639 any rights or benefits for the owner of any public or private
1640 property in addition to any rights or benefits as may be otherwise
1641 provided by law.

1642 (5) No additional taxes may be imposed for the work
1643 authorized under subsection (1) of this section until the board of
1644 supervisors adopts a resolution declaring its intention to levy
1645 the taxes and establishing the amount of the tax levies and the
1646 date on which the taxes initially will be levied and collected.
1647 This date shall be the first day of the month, but not earlier
1648 than the first day of the second month, from the date of adoption
1649 of the resolution. Notice of the proposed tax levy must be
1650 published * * * either in a newspaper having a general circulation
1651 in the county once each week for at least three (3) consecutive
1652 weeks or by a link to such notice posted on the county's website
1653 or, if the county does not have a website, its official social
1654 media webpage is to remain available to the public for the
1655 duration of at least three (3) consecutive weeks. The first
1656 publication of the notice shall be made not less than twenty-one
1657 (21) days before the date fixed in the resolution on which the
1658 board of supervisors proposes to levy the taxes, and the last
1659 publication of the notice shall be made not more than seven (7)



1660 days before that date. If, within the time of giving notice,
1661 fifteen percent (15%) or two thousand five hundred (2,500),
1662 whichever is less, of the qualified electors of the county file a
1663 written petition against the levy of the taxes, then the taxes
1664 shall not be levied unless authorized by three-fifths (3/5) of the
1665 qualified electors of the county voting at an election to be
1666 called and held for that purpose.

1667 **SECTION 29.** Section 19-5-155, Mississippi Code of 1972, is
1668 amended as follows:

1669 19-5-155. Upon the filing of such petition, or upon the
1670 adoption of a resolution declaring the intent of the board of
1671 supervisors to incorporate such district, it shall then be the
1672 duty of the board of supervisors of such county to fix a time and
1673 place for a public hearing upon the question of the public
1674 convenience and necessity of the incorporation of the proposed
1675 district. The date fixed for such hearing shall be not more than
1676 thirty (30) days after the filing of the petition, and the date of
1677 the hearing, the place at which it shall be held, the proposed
1678 boundaries of said district, and the purpose of the hearing, shall
1679 be set forth in a notice to be signed by the clerk of the board of
1680 supervisors of such county. Such notice shall be published either
1681 in a newspaper having general circulation within such proposed
1682 district or by a link to such notice posted on the county's
1683 website or, if the county does not have a website, its social
1684 media webpage. A print notice shall be published in a newspaper



1685 once a week for at least three (3) consecutive weeks prior to the
1686 date of such hearing, and an online notice shall appear for the
1687 duration of at least three (3) weeks prior to the date of such
1688 hearing. The first such print publication shall be made not less
1689 than twenty-one (21) days prior to the date of such hearing and
1690 the last such publication shall be made not more than fourteen
1691 (14) days prior to the date of such hearing.

1692 If, at such public hearing, the board of supervisors finds
1693 (1) that the public convenience and necessity require the creation
1694 of the district, and (2) that the creation of the district is
1695 economically sound and desirable, the board of supervisors shall
1696 adopt a resolution making the aforesaid findings and declaring its
1697 intention to create the district on a date to be specified in such
1698 resolution. Such resolution shall also designate the name of the
1699 proposed district, define its territorial limits which shall be
1700 fixed by said board pursuant to such hearing, and state whether or
1701 not the board of supervisors shall levy the tax authorized in
1702 Section 19-5-189, Mississippi Code of 1972, and whether or not the
1703 board of supervisors proposes to assess benefited properties as
1704 outlined in Section 19-5-191, Mississippi Code of 1972.

1705 **SECTION 30.** Section 19-5-157, Mississippi Code of 1972, is
1706 amended as follows:

1707 19-5-157. A certified copy of the resolution so adopted
1708 shall be published either in a newspaper having a general
1709 circulation within such proposed district or by a link to such



1710 resolution posted on the county's website or, if the county does
1711 not have a website, its official social media page. Print
1712 publication shall be made once a week for at least three (3)
1713 consecutive weeks prior to the date specified in such resolution
1714 as the date upon which such board intends to create such district.
1715 The first such publication shall be made not less than twenty-one
1716 (21) days prior to the date specified, and the last such
1717 publication shall be made not more than fourteen (14) days prior
1718 to such date. Online publication shall remain on the county's
1719 website or official social media page for the duration of the
1720 three (3) week period prior to the date specified in such
1721 resolution as the date upon which such board intends to create
1722 such district.

1723 If twenty percent (20%) or one hundred fifty (150), whichever
1724 is the lesser, of the qualified electors of such proposed district
1725 file written petition with such board of supervisors on or before
1726 the date specified aforesaid, protesting against the creation of
1727 such district, the board of supervisors shall call an election on
1728 the question of the creation of such district. Such election
1729 shall be held and conducted by the election commissioners of the
1730 county as nearly as may be in accordance with the general laws
1731 governing elections, and such election commissioners shall
1732 determine which of the qualified electors of such county reside
1733 within the proposed district, and only such qualified electors as
1734 reside within such proposed district shall be entitled to vote in



1735 such election. Notice of such election setting forth the time,
1736 place or places, and purpose of such election shall be published
1737 by the clerk of the board of supervisors, and such notice shall be
1738 published for the time and the manner provided in Section 19-5-155
1739 for the publication of the resolution of intention. The ballots
1740 to be prepared for and used at said election shall be in
1741 substantially the following form:

1742 "FOR CREATION OF _____ DISTRICT ()
1743 AGAINST CREATION OF _____ DISTRICT ()"

1744 and voters shall vote by placing a cross mark (x) or check mark
1745 (√) opposite their choice.

1746 **SECTION 31.** Section 19-5-189, Mississippi Code of 1972, is
1747 amended as follows:

1748 19-5-189. (1) (a) Except as otherwise provided in
1749 subsection (2) of this section for levies for fire protection
1750 purposes and subsection (3) of this section for certain districts
1751 providing water service, the board of supervisors of the county in
1752 which any such district exists may, according to the terms of the
1753 resolution, levy a special tax, not to exceed four (4) mills
1754 annually, on all of the taxable real property in such district,
1755 the avails of which shall be paid over to the board of
1756 commissioners of the district to be used either for the operation,
1757 support and maintenance of the district or for the retirement of
1758 any bonds issued by the district, or for both.



1759 (b) The proceeds derived from two (2) mills of the levy
1760 authorized herein shall be included in the ten percent (10%)
1761 increase limitation under Section 27-39-321, and the proceeds
1762 derived from any additional millage levied under this subsection
1763 in excess of two (2) mills shall be excluded from such limitation
1764 for the first year of such additional levy and shall be included
1765 within such limitation in any year thereafter.

1766 (2) (a) In respect to fire protection purposes, the board
1767 of supervisors of the county in which any such district exists on
1768 July 1, 1987, may levy a special tax annually, not to exceed the
1769 tax levied for such purposes for the 1987 fiscal year on all of
1770 the taxable real property in such district, the avails of which
1771 shall be paid over to the board of commissioners of the district
1772 to be used either for the operation, support and maintenance of
1773 the fire protection district or for the retirement of any bonds
1774 issued by the district for fire protection purposes, or for both.
1775 Any such district for which no taxes have been levied for the 1987
1776 fiscal year may be treated as having been created after July 1,
1777 1987, for the purposes of this subsection.

1778 (b) In respect to fire protection purposes, the board
1779 of supervisors of the county in which any such district is created
1780 after July 1, 1987, may, according to the terms of the resolution
1781 of intent to incorporate the district, levy a special tax not to
1782 exceed two (2) mills annually on all of the taxable real property
1783 in such district, the avails of which shall be paid over to the



1784 board of commissioners of the district to be used either for the
1785 operation, support and maintenance of the fire protection district
1786 or for the retirement of any bonds issued by the district for fire
1787 protection purposes, or for both; however, the board of
1788 supervisors may increase the tax levy under this subsection as
1789 provided for in paragraph (c) of this subsection.

1790 (c) The tax levy under this subsection may be increased
1791 only when the board of supervisors has determined the need for
1792 additional revenues. Prior to levying a tax increase under this
1793 paragraph, the board of supervisors shall adopt a resolution
1794 declaring its intention to levy the tax. The resolution shall
1795 describe the amount of the increase in the tax levy and the
1796 purposes for which the proceeds of the additional tax will be
1797 used. The board of supervisors shall have a copy of the
1798 resolution published once a week for three (3) consecutive weeks
1799 either in at least one (1) newspaper published in the county and
1800 having a general circulation therein or by a link to such
1801 resolution posted on the county's website or, if the county does
1802 not have a website, its official social media webpage is to remain
1803 available to the public for the duration of three (3) consecutive
1804 weeks. If no newspaper is published in the county and no such
1805 website exists, then notice shall be given by publishing the
1806 resolution for the required time in some newspaper having a
1807 general circulation in the county. A copy of the resolution shall
1808 also be posted at three (3) public places in the county for a



1809 period of at least twenty-one (21) days during the time of its
1810 publication in a newspaper. If more than twenty percent (20%) of
1811 the qualified electors of the district shall file with the clerk
1812 of the board of supervisors, within twenty-one (21) days after
1813 adoption of the resolution of intent to increase the tax levy, a
1814 petition requesting an election on the question of the increase in
1815 tax levy, then and in that event such increase shall not be made
1816 unless authorized by a majority of the votes cast at an election
1817 to be called and held for that purpose within the district.

1818 Notice of such election shall be given, the election shall be held
1819 and the result thereof determined, as far as is practicable, in
1820 the same manner as other elections are held in the county. If an
1821 election results in favor of the increase in the tax levy or if no
1822 election is required, the board of supervisors may increase the
1823 tax levy. The board of supervisors, in its discretion, may call
1824 an election on such question, in which event it shall not be
1825 necessary to publish the resolution declaring its intention to
1826 have the tax imposed.

1827 (d) Notwithstanding any provisions of this subsection
1828 to the contrary, in any county bordering on the Gulf of Mexico and
1829 the State of Louisiana, the board of supervisors may levy not to
1830 exceed four (4) mills annually on all the taxable real property
1831 within any fire protection district, the avails of which shall be
1832 paid over to the board of commissioners of the district to be used
1833 either for the operation, support and maintenance of the fire



1834 protection district or for the retirement of any bonds issued by
1835 the district for fire protection purposes, or for both. Prior to
1836 levying the tax under this paragraph, the board of supervisors
1837 shall adopt a resolution declaring its intention to levy the tax.
1838 The resolution shall describe the amount of the tax levy and the
1839 purposes for which the proceeds of the tax will be used. The
1840 board of supervisors shall have a copy of the resolution
1841 published * * * either in at least one (1) newspaper published in
1842 the county and having a general circulation therein once a week
1843 for three (3) consecutive weeks or by a link to such resolution
1844 posted on the county's website or, if the county does not have a
1845 website, its official social media webpage is to remain available
1846 to the public for the duration of three (3) consecutive weeks. If
1847 no newspaper is published in the county and no such website
1848 exists, then notice shall be given by publishing the resolution
1849 for the required time in some newspaper having a general
1850 circulation in the county. A copy of the resolution shall also be
1851 posted at three (3) public places in the county for a period of at
1852 least twenty-one (21) days during the time of its publication in a
1853 newspaper. If more than twenty percent (20%) of the qualified
1854 electors of the district shall file with the clerk of the board of
1855 supervisors, within twenty-one (21) days after adoption of the
1856 resolution of intent to levy the tax, a petition requesting an
1857 election on the question of the levy of such tax, then and in that
1858 event such tax levy shall not be made unless authorized by a



1859 majority of the votes cast at an election to be called and held
1860 for that purpose within the district. Notice of such election
1861 shall be given, the election shall be held and the result thereof
1862 determined, as far as is practicable, in the same manner as other
1863 elections are held in the county. If an election results in favor
1864 of the tax levy or if no election is required, the board of
1865 supervisors may levy such tax. The board of supervisors, in its
1866 discretion, may call an election on such question, in which event
1867 it shall not be necessary to publish the resolution declaring its
1868 intention to have the tax imposed.

1869 (e) Notwithstanding any provisions of this subsection
1870 to the contrary, in any county bordering on the Mississippi River
1871 in which legal gaming is conducted and in which U.S. Highway 61
1872 intersects with Highway 4, the board of supervisors may levy a
1873 special tax not to exceed five (5) mills annually on all the
1874 taxable real and personal property within any fire protection
1875 district, except for utilities as defined in Section 77-3-3(d) (i)
1876 and (iii), the avails of which shall be paid over to the board of
1877 commissioners of the district to be used either for the operation,
1878 support and maintenance of the fire protection district or for the
1879 retirement of any bonds issued by the district for fire protection
1880 purposes, or for both. Before levying the tax under this
1881 paragraph, the board of supervisors shall adopt a resolution
1882 declaring its intention to levy the tax. The resolution shall
1883 describe the amount of the tax levy and the purposes for which the



1884 proceeds of the tax will be used. The board of supervisors shall
1885 have a copy of the resolution published * * * either in at least
1886 one (1) newspaper published in the county and having a general
1887 circulation therein once a week for three (3) consecutive weeks or
1888 by a link to such resolution posted on the county's website or, if
1889 the county does not have a website, its official social media
1890 webpage is to remain available to the public for the duration of
1891 three (3) consecutive weeks. If no newspaper is published in the
1892 county and no such website exists, then notice shall be given by
1893 publishing the resolution for the required time in some newspaper
1894 having general circulation in the county. A copy of the
1895 resolution shall also be posted at three (3) public places in the
1896 county for a period of at least twenty-one (21) days during the
1897 time of its publication in a newspaper. If more than twenty
1898 percent (20%) of the qualified electors of the district shall file
1899 with the clerk of the board of supervisors, within twenty-one (21)
1900 days after adoption of the resolution of intent to levy the tax, a
1901 petition requesting an election of the questions of the levy of
1902 such tax, then and in that event such tax levy shall not be made
1903 unless authorized by a majority of the votes cast at an election
1904 to be called and held for that purpose within the district.
1905 Notice of such election shall be given, the election shall be held
1906 and the result thereof determined, as far as is practicable, in
1907 the same manner as other elections are held in the county. If an
1908 election results in favor of the tax levy or if no election is



1909 required, the board of supervisors may levy such tax. The board
1910 of supervisors, in its discretion, may call an election on such
1911 question, in which event it shall not be necessary to publish the
1912 resolution declaring its intention to have the tax imposed.

1913 (f) Any taxes levied under this subsection shall be
1914 excluded from the ten percent (10%) increase limitation under
1915 Section 27-39-321.

1916 (3) For any district authorized under Section 19-5-151(2),
1917 the board of supervisors shall not levy the special tax authorized
1918 in this section.

1919 **SECTION 32.** Section 19-5-199, Mississippi Code of 1972, is
1920 amended as follows:

1921 19-5-199. All construction contracts by the district where
1922 the amount of the contract shall exceed Ten Thousand Dollars
1923 (\$10,000.00) shall, and construction contracts of less than Ten
1924 Thousand Dollars (\$10,000.00) may, be made upon at least three (3)
1925 weeks' public notice. Such notice shall be published * * * either
1926 in at least one (1) newspaper published in such county or having
1927 general circulation therein once a week for at least three (3)
1928 consecutive weeks or by a link to such resolution posted on the
1929 county's website or, if the county does not have a website, its
1930 official social media webpage is to remain available to the public
1931 for the duration of three (3) consecutive weeks. The first print
1932 publication of such notice shall be made not less than twenty-one
1933 (21) days prior to the date fixed in such notice for the receipt



1934 of bids, and the last publication shall be made not more than
1935 seven (7) days prior to such date. The notice shall state the
1936 thing to be done and invite sealed proposals, to be filed with the
1937 secretary of the district, to do the work. In all such cases,
1938 before the notice shall be published, plans and specifications for
1939 the work shall be prepared by a registered professional engineer
1940 and shall be filed with the secretary of the district and there
1941 remain. The board of commissioners of the district shall award
1942 the contract to the lowest responsible bidder who will comply with
1943 the terms imposed by such commissioners and enter into bond with
1944 sufficient sureties to be approved by the commissioners in such
1945 penalty as shall be fixed by the commissioners; however, in no
1946 case shall such bond be less than the contract price, conditioned
1947 for the prompt, proper efficient performance of the contract.
1948 Contracts of less than Ten Thousand Dollars (\$10,000.00) may be
1949 negotiated; however, the board of commissioners shall invite and
1950 receive written proposals for the work from at least three (3)
1951 contractors regularly engaged in the type of work involved.

1952 **SECTION 33.** Section 19-5-207, Mississippi Code of 1972, is
1953 amended as follows:

1954 19-5-207. Within ninety (90) days after the close of each
1955 fiscal year, the board of commissioners shall publish * * * a
1956 sworn statement showing the financial condition of the district,
1957 the earnings for the fiscal year just ended, a statement of the
1958 water and sewer rates being charged * * * and a brief statement of



1959 the method used in arriving at such rates. Publication of such
1960 statement shall be made either in a newspaper of general
1961 circulation in the county or by a link to such statement posted on
1962 the county's website or, if the county does not have a website,
1963 its official social media page. Such statement shall also be
1964 filed with the board of supervisors creating the district.

1965 **SECTION 34.** Section 19-5-219, Mississippi Code of 1972, is
1966 amended as follows:

1967 19-5-219. Upon the filing of such petition, or upon the
1968 adoption of a resolution declaring the intent of the board of
1969 supervisors to incorporate such district, it shall then be the
1970 duty of the board of supervisors of such county to fix a time and
1971 place for a public hearing upon the question of the public
1972 convenience and necessity of the incorporation of the proposed
1973 district solely for fire protection grading purposes. The date
1974 fixed for such hearing shall be not more than thirty (30) days
1975 after the filing of the petition, and the date of the hearing, the
1976 place at which it shall be held, the proposed boundaries of the
1977 district and the purpose of the hearing shall be set forth in a
1978 notice to be signed by the clerk of the board of supervisors of
1979 such county. Such notice shall be published either in a newspaper
1980 having general circulation within such proposed district once a
1981 week for at least three (3) consecutive weeks before the date of
1982 such hearing or by a link to such notice posted on the county's
1983 website or, if the county does not have a website, its official



1984 social media webpage is to remain available to the public for the
1985 duration of at least three (3) consecutive weeks. The first such
1986 print publication shall be made not less than twenty-one (21) days
1987 before the date of such hearing and the last such publication
1988 shall be made not more than fourteen (14) days before the date of
1989 such hearing.

1990 If, at such public hearing, the board of supervisors finds
1991 that the public convenience and necessity require the creation of
1992 the fire protection grading district to enable the Mississippi
1993 State Rating Bureau to grade the district according to its fire
1994 insurance grading schedule, the board of supervisors shall adopt a
1995 resolution making such findings and declaring its intention to
1996 create the district on a date to be specified in such resolution.
1997 Such resolution shall also designate the name of the proposed
1998 district and define its territorial limits, which shall be fixed
1999 by the board in accordance with such hearing.

2000 **SECTION 35.** Section 19-5-221, Mississippi Code of 1972, is
2001 amended as follows:

2002 19-5-221. A certified copy of the resolution so adopted
2003 shall be published either in a newspaper having a general
2004 circulation within such proposed district or by a link to such
2005 resolution posted on the county's website or, if the county does
2006 not have a website, its official social media webpage. Print
2007 publication shall be made once a week for at least three (3)
2008 consecutive weeks before the date specified in the resolution as



2009 the date upon which the board intends to create such district.
2010 The first such publication shall be made not less than twenty-one
2011 (21) days before the date specified, and the last such publication
2012 shall be made not more than fourteen (14) days before such date.
2013 Online publication shall remain on the county's website or
2014 official social media page for the duration of the three (3) week
2015 period prior to the date specified in such resolution as the date
2016 upon which such board intends to create such district. If twenty
2017 percent (20%) or one hundred fifty (150), whichever is the lesser,
2018 of the qualified electors of such proposed district file a written
2019 petition with such board of supervisors on or before the date
2020 specified as the date of creation of the district protesting
2021 against creation of such district, the board of supervisors shall
2022 call an election on the question of creation of such district.
2023 Procedure for the election should conform to the guidelines set
2024 forth in Section 19-5-157.

2025 **SECTION 36.** Section 19-7-3, Mississippi Code of 1972, is
2026 amended as follows:

2027 19-7-3. (1) In case any of the real estate belonging to the
2028 county shall cease to be used for county purposes, the board of
2029 supervisors may sell, convey or lease the same on such terms as
2030 the board may elect and may, in addition, exchange the same for
2031 real estate belonging to any other political subdivision located
2032 within the county. In case of a sale on a credit, the county
2033 shall have a lien on the same for the purchase money, as against



2034 all persons, until paid and may enforce the lien as in such cases
2035 provided by law. The deed of conveyance in such cases shall be
2036 executed in the name of the county by the president of the board
2037 of supervisors, pursuant to an order of the board entered on its
2038 minutes.

2039 (2) (a) Before any lease, deed or conveyance is executed,
2040 the board shall publish * * * the intention to lease or sell, as
2041 the case may be, the county-owned land and to accept sealed
2042 competitive bids for the leasing or sale either in a public
2043 newspaper of the county in which the land is located or by a link
2044 to such intention posted on the county's website or, if the county
2045 does not have a website, its official social media page. Print
2046 publication shall be published at least once each week for three
2047 (3) consecutive weeks; if no newspaper be published in said county
2048 and said county has no website, print publication may be published
2049 in a newspaper having general circulation therein. Online
2050 publication shall remain available to the public for the duration
2051 of three (3) consecutive weeks. The board shall thereafter accept
2052 bids for the lease or sale. The board, at its option, may reject
2053 all bids or accept the highest and best bid received in response
2054 to the advertisement, or the board may hold an auction among those
2055 who submitted bids in response to the advertisement. If the board
2056 elects to hold an auction, no bidder shall be granted any
2057 preference. The opening bid at the auction shall be the highest
2058 bid received in response to the advertisement.



2059 (b) The board of supervisors of any county may contract
2060 for the professional services of a Mississippi-licensed real
2061 estate broker to assist in the marketing and sale or lease of the
2062 property for a reasonable commission, consistent with or lower
2063 than the market rate, for services rendered to be paid from the
2064 sale or lease proceeds.

2065 (3) (a) During the final year of an existing lease of any
2066 real estate belonging to the county, the board shall notify the
2067 holder of the existing lease if the board intends to re-lease the
2068 property after advertising for bids or holding an auction in the
2069 same manner as provided in subsection (2) of this section. If the
2070 board receives an acceptable bid in response to the advertisement
2071 and elects not to hold an auction among those submitting bids,
2072 then the holder of the existing lease may submit a second bid in
2073 an amount not less than five percent (5%) of the highest
2074 acceptable bid received if the holder of the existing lease: (i)
2075 submitted a bid in response to the advertisement; and (ii)
2076 constructed or made improvements on the leasehold premises after
2077 receiving approval of the board during the term of the existing
2078 lease.

2079 (b) If the holder of the existing lease elects to
2080 submit a second bid, the board shall hold an auction among those
2081 who submitted bids in response to the advertisement. The opening
2082 bid at the auction shall be the second bid of the holder of the
2083 existing lease. However, no leaseholder may submit a second bid



2084 if: (i) any rent, taxes or other payment required under the lease
2085 are past due; or (ii) the holder of the lease is otherwise in
2086 default of any term or provision of the lease and such default has
2087 not been corrected or cured to the satisfaction of the board after
2088 more than thirty (30) days' notice to the leaseholder of the
2089 default.

2090 (c) If an auction is held, the auction may be conducted
2091 at the meeting at which bids are opened or at a subsequent regular
2092 or special meeting. The board shall announce the time and place
2093 of the auction at the meeting at which bids are opened, and no
2094 further notice of the auction is required.

2095 (4) Whenever the board of supervisors shall find and
2096 determine, by resolution duly and lawfully adopted and spread upon
2097 its minutes (a) that any county-owned property is no longer needed
2098 for county or related purposes and is not to be used in the
2099 operation of the county, (b) that the sale of the property in the
2100 manner otherwise provided by law is not necessary or desirable for
2101 the financial welfare of the county, and (c) that the use of the
2102 county property for the purpose for which it is to be sold,
2103 conveyed or leased will promote and foster the development and
2104 improvement of the community in which it is located and the civic,
2105 social, educational, cultural, moral, economic or industrial
2106 welfare thereof, the board of supervisors of such county shall be
2107 authorized and empowered, in its discretion, to sell, convey,



2108 lease, or otherwise dispose of same for any of the purposes set
2109 forth herein.

2110 (5) (a) In addition to such authority as is otherwise
2111 granted under this section, the board of supervisors, in its
2112 discretion, may sell, lease, or otherwise convey property to any
2113 person or legal entity without public notice, without having to
2114 advertise for and accept competitive bids and without appraisal,
2115 with or without consideration, and on such terms and conditions as
2116 the parties may agree if the board of supervisors finds and
2117 determines, by resolution duly and lawfully adopted and spread
2118 upon its official minutes:

2119 (i) That the subject property is real property
2120 acquired by the county:

- 2121 1. By reason of a tax sale;
- 2122 2. Because the property was abandoned or
2123 blighted; or
- 2124 3. In a proceeding to satisfy a county lien
2125 against the property;

2126 (ii) That the subject property is blighted and is
2127 located in a blighted area;

2128 (iii) That the subject property is not needed for
2129 governmental or related purposes and is not to be used in the
2130 operation of the county;



2131 (iv) That the sale of the property in the manner
2132 otherwise provided by law is not necessary or desirable for the
2133 financial welfare of the county; and

2134 (v) That the use of the property for the purpose
2135 for which it is to be conveyed will promote and foster the
2136 development and improvement of the community in which it is
2137 located or the civic, social, educational, cultural, moral,
2138 economic or industrial welfare thereof; the purpose for which the
2139 property is conveyed shall be stated.

2140 (b) All costs associated with a conveyance under this
2141 subsection shall be paid by the person or entity to whom the
2142 conveyance is made.

2143 (c) Any deed or instrument of conveyance executed
2144 pursuant to the authority granted under this subsection shall
2145 contain a clause of reverter providing that title to the property
2146 will revert to the county if the person or entity to whom the
2147 property is conveyed does not fulfill the purpose for which the
2148 property was conveyed and satisfy all conditions imposed on the
2149 conveyance within two (2) years of the date of the conveyance.

2150 (d) In any such deed or instrument of conveyance, the
2151 county shall retain all mineral rights that it owns, together with
2152 the right of ingress and egress to remove same.

2153 (6) Nothing contained in this section shall be construed to
2154 prohibit, restrict or to prescribe conditions with regard to the
2155 authority granted under Section 17-25-3 or Section 57-75-37.



2156 **SECTION 37.** Section 19-7-21, Mississippi Code of 1972, is
2157 amended as follows:

2158 19-7-21. Any county which has acquired and conveyed or may
2159 hereafter acquire and convey any land for state park purposes and
2160 has retained or does retain the mineral rights thereunder may
2161 lease the same for oil, gas and other minerals either jointly or
2162 severally.

2163 Such lease or leases may be made only after legal
2164 advertisement for bids therefor have been published either once a
2165 week for three (3) consecutive weeks in some newspaper having a
2166 general circulation in the county or by a link to such
2167 advertisement posted on the county's website or, if the county
2168 does not have a website, its official social media page is to
2169 remain available to the public for the duration of three (3)
2170 consecutive weeks. It shall be necessary to describe the property
2171 in the advertisement by its popular name and by giving a definite
2172 legal description by metes and bounds. Said lease, with the legal
2173 description of the property set out therein, shall be executed to
2174 the highest and best bidder therefore on all the tract involved
2175 and shall contain a provision therein that no part of the property
2176 involved in said lease shall be dropped during the lifetime of
2177 said lease, which shall not be for a longer period than ten (10)
2178 years, unless production in commercial quantities results, and
2179 that if the delay rentals are not paid on all the property then
2180 said lease in its entirety shall become null and void. No lease



2181 shall become effective after its acceptance by the board of
2182 supervisors until the same shall have the written approval of the
2183 state mineral lease commission and the Mississippi Board of Park
2184 Examiners affixed thereto.

2185 From the proceeds arising from the execution of the original
2186 lease there shall be paid all cost of advertising herein required
2187 and other expenses necessary and incident to the execution
2188 thereof, and any balance then remaining on hand and accruing
2189 thereafter as a result of the rents, profits and income accruing
2190 from the lease shall be used, first, to build necessary bridges in
2191 the particular park property affected and, second, any balance
2192 then remaining on hand shall be used to call or pay any
2193 county-wide bonds now or hereafter outstanding and, third, if
2194 there be no outstanding county-wide bonds, then such balance shall
2195 be paid into the general funds of the county.

2196 Whenever production in commercial quantities is made on any
2197 property involved in such lease, the lessee shall not be required
2198 to pay delay rentals thereafter so long as such production
2199 continues.

2200 The proceeds to be paid to the county from the production of
2201 the oil, gas or other minerals shall be subject to all severance
2202 taxes imposed by law, just the same as if the county was an
2203 individual or corporation.

2204 The lessee shall be liable for all damages to property
2205 incurred by any operation in carrying out the terms of said lease.



2206 Nothing in this section shall in any way be construed to
2207 limit, abrogate, or otherwise restrict any right, title, or
2208 interest in the State of Mississippi.

2209 **SECTION 38.** Section 19-9-11, Mississippi Code of 1972, is
2210 amended as follows:

2211 19-9-11. Before issuing any bonds for any of the purposes
2212 enumerated in Sections 19-9-1 * * * and 19-9-3, the board of
2213 supervisors shall adopt a resolution declaring its intention so to
2214 do, stating the amount of bonds proposed to be issued and the
2215 purpose for which the bonds are to be issued, and the date upon
2216 which the board proposes to direct the issuance of such bonds.
2217 Such resolution shall be published * * * either in at least one
2218 (1) newspaper published in such county once a week for at least
2219 three (3) consecutive weeks or by a link to such resolution posted
2220 on the county's website or, if the county does not have a website,
2221 its official social media webpage is to remain available to the
2222 public for the duration of at least three (3) consecutive weeks.
2223 The first print publication of such resolution shall be made not
2224 less than twenty-one (21) days prior to the date fixed in such
2225 resolution for the issuance of the bonds, and the last publication
2226 shall be made not more than seven (7) days prior to such date. If
2227 no newspaper be published in such county and no such website
2228 exists, then such notice shall be given by publishing the
2229 resolution for the required time in some newspaper having a
2230 general circulation in such county and, in addition, by posting a



2231 copy of such resolution for at least twenty-one (21) days next
2232 preceding the date fixed therein at three (3) public places in
2233 such county. If twenty percent (20%), or fifteen hundred (1500),
2234 whichever is less, of the qualified electors of the county,
2235 supervisors district, or road district, as the case may be, shall
2236 file a written protest against the issuance of such bonds on or
2237 before the date specified in such resolution, then an election on
2238 the question of the issuance of such bonds shall be called and
2239 held as is provided in Sections 19-9-13 * * * and 19-9-15. If no
2240 such protest be filed, then such bonds may be issued without an
2241 election on the question of the issuance thereof, at any time
2242 within a period of two (2) years after the date specified in the
2243 above-mentioned resolution. However, the board of supervisors, in
2244 its discretion, may nevertheless call an election on such
2245 question, in which event it shall not be necessary to publish the
2246 resolution declaring its intention to issue such bonds as herein
2247 provided.

2248 **SECTION 39.** Section 19-9-13, Mississippi Code of 1972, is
2249 amended as follows:

2250 19-9-13. Where an election is to be called, as provided in
2251 Section 19-9-11, notice of such election shall be signed by the
2252 clerk of the board of supervisors and shall be published either
2253 once a week for at least three (3) consecutive weeks * * * in at
2254 least one (1) newspaper published in such county or by a link to
2255 such notice posted on the county's website or, if the county does



2256 not have a website, its official social media webpage. The first
2257 print publication of such notice shall be made not less than
2258 twenty-one (21) days prior to the date fixed for such election,
2259 and the last publication shall be made not more than seven (7)
2260 days prior to such date. If no newspaper is published in such
2261 county, then such notice shall be given by publishing the same for
2262 the required time in some newspaper having a general circulation
2263 in such county and, in addition, by posting a copy of such notice
2264 for at least twenty-one (21) days next preceding such election at
2265 three (3) public places in such county. Online publication should
2266 remain available to the public for the duration of the three (3)
2267 week period.

2268 **SECTION 40.** Section 19-9-27, Mississippi Code of 1972, is
2269 amended as follows:

2270 19-9-27. The board of supervisors of any county may borrow
2271 money in anticipation of taxes for the purpose of defraying the
2272 expenses of such county, and may issue negotiable notes of the
2273 county therefor, to mature not later than April 1 of the year
2274 succeeding the year in which they are issued. The amount of money
2275 herein authorized to be borrowed shall not be in excess of
2276 twenty-five percent (25%) of the estimated amount of taxes
2277 collected and to be collected under the last preceding annual tax
2278 levies for the particular fund for which said money is borrowed.
2279 The board of supervisors may borrow said money, as hereinbefore
2280 provided, from any available fund in the county treasury, or from



2281 any other source, and such loan shall be repaid in the manner
2282 herein provided. The notes herein authorized shall bear interest
2283 at a rate to be fixed by the board, not to exceed that allowed in
2284 Section 75-17-105, Mississippi Code of 1972, and such notes shall
2285 be payable at any place to be named by the board of supervisors.
2286 Any notes or obligations issued in excess of the amount authorized
2287 to be issued under the provisions of this section shall be void.
2288 Money may be borrowed in anticipation of ad valorem taxes under
2289 the provisions of this section, regardless of whether or not such
2290 borrowing shall create an indebtedness in excess of statutory
2291 limitations.

2292 For the payment of such loan, the board of supervisors shall
2293 either pledge the levy of a special tax each year sufficient to
2294 pay the amount borrowed for use that year, with interest, or shall
2295 pledge that such notes shall be paid out of the first money
2296 collected from taxes for the year in which they are issued. The
2297 aforesaid special tax, if necessary, may be in excess of the rate
2298 of taxation otherwise limited by law. The notes herein authorized
2299 shall not be issued until the board of supervisors shall have
2300 published notice of its intention to issue same; said notice to be
2301 published * * * either in some newspaper having a general
2302 circulation in such county or by a link to such resolution posted
2303 on the county's website or, if the county does not have a website,
2304 its official social media webpage. Such print notice shall be
2305 published once each week for three (3) weeks, but not less than



2306 twenty-one (21) days, nor more than sixty (60) days, intervening
2307 between the time of the first notice and the meeting at which said
2308 board proposes to issue such notes. Online publication should
2309 remain available to the public for the duration of three (3)
2310 weeks. If, within the time of giving notice, twenty percent
2311 (20%), or fifteen hundred (1500), whichever is less, of the
2312 qualified electors of the county shall protest or file a petition
2313 against the issuance of such notes, then such notes shall not be
2314 issued unless authorized by a three-fifths (3/5) majority of the
2315 qualified electors of such county, voting at an election to be
2316 called and held for that purpose.

2317 **SECTION 41.** Section 19-9-111, Mississippi Code of 1972, is
2318 amended as follows:

2319 19-9-111. The board of supervisors of any county authorized
2320 to establish or cooperate in the establishment of economic
2321 development districts pursuant to Section 19-5-99 may, in its
2322 discretion, levy a tax of not more than two (2) mills against the
2323 taxable property in the county or the portion thereof comprising
2324 an economic development district, to be used to support and
2325 maintain such district. The levy so made shall be in addition to
2326 all other levies provided by law.

2327 Before any such levy is made, the board of supervisors shall
2328 signify its intention to make such a levy and publish same either
2329 in a newspaper published in said county for thirty (30) days prior
2330 to making said levy or by a link to such intention posted on the



2331 county's website or, if the county does not have a website, its
2332 official social media webpage is to remain available to the public
2333 for the duration of thirty (30) days prior to making said levy.

2334 In the event more than twenty percent (20%) or fifteen hundred
2335 (1500), whichever is less, of the qualified electors of said
2336 economic development district protest in writing to the board of
2337 supervisors against the imposition of such tax levy within thirty
2338 (30) days from the date such notice is published, then such
2339 proposed tax levy shall not be made unless same is approved by a
2340 special election called for said purpose. Said special election
2341 shall be conducted and had as provided by law.

2342 The governing authorities of any municipality in a county,
2343 which has established an economic development district or which is
2344 included in an economic development district, may contribute to
2345 the support of such economic development district from its general
2346 fund.

2347 **SECTION 42.** Section 19-9-114, Mississippi Code of 1972, is
2348 amended as follows:

2349 19-9-114. The board of supervisors of any county bordering
2350 on the Gulf of Mexico having a population according to the 1970
2351 census of 134,582 persons, and having two (2) cities located
2352 therein each having a population of over 30,000 persons according
2353 to the 1970 census, and in which is located a deep water port of
2354 entry and two (2) military establishments located therein, is
2355 hereby authorized and empowered, in its discretion, to levy an



2356 additional ad valorem tax not to exceed one (1) mill to provide
2357 funds for the construction of a facility to house a county-wide
2358 vocational and technical educational center. Such additional levy
2359 may be in excess of and in addition to the rate of taxation
2360 otherwise limited by law.

2361 The tax herein authorized shall not be levied until the board
2362 of supervisors shall have published notice of its intention to
2363 levy same. Said notice shall be published * * * either in some
2364 newspaper having a general circulation in such county once each
2365 week for three (3) weeks or by a link to such notice posted on the
2366 county's website or, if the county does not have a website, its
2367 official social media webpage is to remain available to the public
2368 for the duration of three (3) weeks. If printed, said notice
2369 shall be published once each week for three (3) weeks, but not
2370 less than twenty-one (21) days, nor more than sixty (60) days,
2371 intervening between the time of the first notice and the meeting
2372 at which said board proposes to levy such tax. If, within the
2373 time of giving notice, twenty percent (20%) or fifteen hundred
2374 (1500), whichever is less, of the qualified electors of the county
2375 shall protest or file a petition against the levy of such tax,
2376 then such tax shall not be levied unless authorized by a
2377 three-fifths ($\frac{3}{5}$) majority of the qualified electors of such
2378 county voting at an election to be called and held for that
2379 purpose.



2380 **SECTION 43.** Section 19-11-7, Mississippi Code of 1972, is
2381 amended as follows:

2382 **[With regard to any county which is exempt from the**
2383 **provisions of Section 19-2-3, this section shall read as follows:]**

2384 19-11-7. (1) The board of supervisors of each county of the
2385 State of Mississippi shall, at its August meeting of each year,
2386 prepare a complete budget of revenues, expenses and a working cash
2387 balance estimated for the next fiscal year, which shall be based
2388 on the aggregate funds estimated to be available for the ensuing
2389 fiscal year for each fund, from which such estimated expenses will
2390 be paid, exclusive of school maintenance funds, which shall be
2391 shown separately. Such statement of revenues shall show every
2392 source of revenue along with the amount derived from each source.
2393 The budget containing such statement of revenues and expenses
2394 shall be published * * * either in a newspaper published in the
2395 county * * * at least one time during August or September, but not
2396 later than September 30 of the year, or by a link to such budget
2397 containing statement of revenues and expenses posted on the
2398 county's website or, if the county does not have a website, its
2399 official social media webpage is to remain available to the public
2400 for the duration of either August or September, according to the
2401 month it is initially posted. If no newspaper is published
2402 therein and no such website exists, then publication is proper in
2403 a newspaper having a general circulation therein.



2404 (2) The board of supervisors shall not prepare a budget that
2405 reduces the county budget by more than twenty percent (20%) in the
2406 last year of the members' term of office if a majority of the
2407 members of the board are not reelected.

2408 **[With regard to any county which is required to operate on a**
2409 **countywide system of road administration as described in Section**
2410 **19-2-3, this section shall read as follows:]**

2411 19-11-7. (1) The county administrator of each county of the
2412 State of Mississippi shall prepare and submit to the board of
2413 supervisors at its August meeting of each year a complete budget
2414 of revenues, expenses and a working cash balance estimated for the
2415 next fiscal year, which shall be based on the aggregate funds
2416 estimated to be available for the ensuing fiscal year for each
2417 fund, from which such estimated expenses will be paid, exclusive
2418 of school maintenance funds, which shall be shown separately and
2419 exclusive of the budget of the sheriff's department which shall be
2420 prepared by the sheriff. Such statement of revenues shall show
2421 every source of revenue along with the amount derived from each
2422 source. The budget, including the sheriff's budget, containing
2423 such statement of revenues and expenses shall be published * * *
2424 either in a newspaper published in the county * * * at least one
2425 time during August or September, but not later than September 30
2426 of the year, or by a link to such budget containing statement of
2427 revenues and expenses on the county's website or, if the county
2428 does not have a website, its official social media webpage is to



2429 remain available to the public for the duration of either August
2430 or September, according to the month it is initially posted. If
2431 no such newspaper is published therein and no such website exists,
2432 then publication is proper in a newspaper having a general
2433 circulation therein.

2434 (2) The county administrator shall not prepare a budget that
2435 reduces the county budget by more than twenty percent (20%) in the
2436 last year of the members' term of office if a majority of the
2437 members of the board are not reelected.

2438 **SECTION 44.** Section 19-13-53, Mississippi Code of 1972, is
2439 amended as follows:

2440 19-13-53. A claim under Section 19-13-51 for accidents
2441 occurring shall be made in writing, itemized and sworn to, and
2442 shall be filed within three (3) months after such accident occurs,
2443 and shall remain on file with the clerk of the board of
2444 supervisors for sixty (60) days before the first day of the term
2445 at which it comes up for hearing. Notice of its pendency shall be
2446 published either in a newspaper published in the county at least
2447 one time before such claim comes up for hearing * * * or by a link
2448 to such notice posted on the county's website or, if the county
2449 does not have a website, its official social media webpage. If
2450 there be no paper in such county and no such website, publication
2451 is proper by posting notices at the courthouse and other public
2452 places.



2453 **SECTION 45.** Section 19-15-3, Mississippi Code of 1972, is
2454 amended as follows:

2455 19-15-3. Whenever any county records, documents, files or
2456 papers whatsoever are required by law to be preserved and
2457 retained, or which are necessary or desirable to be preserved or
2458 retained, the board of supervisors of the county shall have the
2459 power and authority, in its discretion, to destroy or dispose of
2460 any records, documents, files or papers after having reproductions
2461 made thereof as hereinafter provided and in accordance with a
2462 records control schedule approved by the Local Government Records
2463 Committee as provided in Section 25-60-1.

2464 Whenever the board of supervisors of any county shall desire
2465 to destroy or dispose of any records, documents, files or papers,
2466 the board shall first cause the same to be reproduced under
2467 standards established by the Department of Archives and History
2468 using microfilm, microfiche, data processing, computers, magnetic
2469 tape, optical discs or other medium. If the county where records
2470 and the like are to be destroyed or disposed of does not have or
2471 own the necessary equipment to reproduce same, the board of
2472 supervisors shall be authorized and empowered to enter into a
2473 contract for the reproduction thereof, which contract may be for a
2474 period of not more than twelve (12) months from the date thereof.
2475 The contract shall be awarded to the lowest and best bidder after
2476 the board of supervisors shall have advertised its intentions of
2477 awarding such contract by publication of a notice thereof * * *



2478 either in some newspaper published or having a general circulation
2479 in such county once each week for at least three (3) consecutive
2480 weeks or by a link to such notice posted on the county's website
2481 or, if the county does not have a website, its official social
2482 media webpage is to remain available to the public for the
2483 duration of the three (3) week period.

2484 After reproduction of the records and the like shall have
2485 been made, the board of supervisors shall have the power and
2486 authority to destroy and dispose of the originals thereof after
2487 spreading upon its minutes certification that the reproductions
2488 are true and correct copies and disposal is in accordance with a
2489 records control schedule approved by the Local Government Records
2490 Committee as provided in Section 25-60-1; the reproductions shall
2491 thereafter be preserved, retained and stored by the board of
2492 supervisors as a record of the county, and provision shall be made
2493 for preserving, examining and using them. Any reproductions or
2494 copy of any original record or other documents shall be deemed to
2495 be the original record for all purposes and shall be admissible as
2496 evidence in all courts or administrative agencies. A facsimile,
2497 exemplification or certified copy thereof shall, for all purposes
2498 set forth herein, be deemed to be a transcript, exemplification or
2499 certified copy of the original record.

2500 The board of supervisors of any county is hereby authorized
2501 to pay all expenses incurred in reproducing records and the like



2502 and in making provision for the preservation, retention and
2503 storage of the reproductions from the general fund of the county.

2504 When any of the records and the like of which reproductions
2505 are made under the provisions of this section are declared by law
2506 or are by their nature confidential and privileged records, then
2507 the reproduction thereof shall likewise be deemed to be
2508 confidential and privileged to the same extent as the original
2509 records and the like.

2510 Nothing herein shall be construed to require the keeping and
2511 preservation of any records and documents which are not required
2512 by law or a records control schedule to be kept and preserved, or
2513 which it is not desirable or necessary to keep and preserve, and
2514 in all cases where records and the like are authorized by law to
2515 be destroyed or disposed of, they may be disposed of as authorized
2516 by a records control schedule approved by the Local Government
2517 Records Committee as provided in Section 25-60-1.

2518 **SECTION 46.** Section 19-23-5, Mississippi Code of 1972, is
2519 amended as follows:

2520 19-23-5. The board of supervisors of any county where the
2521 county prosecuting attorney's office has been abolished may by its
2522 own motion entered upon the minutes, make an order to reestablish
2523 the said office of county prosecuting attorney in said county.
2524 Said order shall be published either in a newspaper published in
2525 said county and having a general circulation therein * * * or by a
2526 link to such order posted on the county's website or, if the



2527 county does not have a website, its official social media webpage.
2528 If there is no such newspaper or website in said county, the said
2529 order shall be posted in three (3) public places of said county,
2530 and one (1) of the said places shall be the courthouse, for three
2531 (3) consecutive weeks next preceding, and if within that time
2532 twenty percent (20%) of the qualified electors of the county shall
2533 petition against re-creation of said office, then the said office
2534 shall not be re-created, unless an election shall have been
2535 ordered in the manner provided for in Section 19-23-3, and a
2536 majority of the qualified voters in said election vote to
2537 re-create said office. The said board shall not re-create said
2538 office unless two (2) years after the same has been abolished
2539 shall have passed. Should there be no petition against the
2540 re-creation of said office, the board of supervisors shall
2541 re-create said office of county prosecuting attorney.

2542 **SECTION 47.** Section 19-27-31, Mississippi Code of 1972, is
2543 amended as follows:

2544 19-27-31. If the owner of any land which shall have been
2545 laid off, mapped, or platted as a city, town or village, or
2546 addition thereto, or subdivision thereof, or other platted area,
2547 whether inside or outside a municipality, shall be desirous of
2548 altering or vacating such map or plat, or any part thereof, he
2549 may, under oath, petition the chancery court for relief in the
2550 premises, setting forth the particular circumstances of the case
2551 and giving an accurate description of the property, the map or



2552 plat of which is to be vacated, or altered, and the names of the
2553 persons to be adversely affected thereby, or directly interested
2554 therein. The parties so named shall be made defendants thereto,
2555 and publication of summons shall be made one (1) time either in a
2556 newspaper published, or having a general circulation, in the
2557 county where the land is situated, * * * or by a link to such
2558 summons posted on the county's website or, if the county does not
2559 have a website, its official social media webpage. Such
2560 publication shall clearly state the objects and purposes of the
2561 petition.

2562 At any time after the expiration of five (5) days from said
2563 publication and the service of process upon the named defendants,
2564 the cause or proceeding shall be triable, and the court in term
2565 time or the chancellor in vacation may hear the petition and all
2566 objections from any person thereto, and may decree according to
2567 the merits of the case. However, where all adversely affected or
2568 directly interested persons join in said petition, the same may be
2569 finally heard and determined by the court or chancellor at any
2570 time. If the decree vacate, in whole or in part, or alter the map
2571 or plat, it shall be recorded as a deed, and a memorandum thereof
2572 noted on the record of the map or plat.

2573 **SECTION 48.** Section 19-29-7, Mississippi Code of 1972, is
2574 amended as follows:

2575 19-29-7. (1) Any county in which there is located existing
2576 railroad properties and facilities or in which railroad properties



2577 and facilities previously existed, but were abandoned after
2578 February 5, 1976, may, by resolution, create a public body
2579 corporate and politic, to be known as a county railroad authority,
2580 which shall be authorized to exercise its functions upon the
2581 appointment and qualifications of the first commissioners thereof.
2582 Upon the adoption of a resolution creating a county railroad
2583 authority, the board of supervisors of the county shall, pursuant
2584 to the resolution, appoint five (5) persons as commissioners of
2585 the authority. The commissioners who are first appointed shall be
2586 designated to serve the terms of one (1), two (2), three (3), four
2587 (4) and five (5) years respectively. Thereafter, each
2588 commissioner shall be appointed for a term of five (5) years,
2589 except that vacancies occurring otherwise than by the expiration
2590 of term shall be filled for the unexpired term in the same manner
2591 as the original appointments. A county shall not adopt a
2592 resolution authorized by this section without a public hearing
2593 thereon. Notice thereof shall be given * * * either in a
2594 newspaper published in the county * * * at least ten (10) days
2595 prior thereto or by a link to such notice posted on the county's
2596 website or, if the county does not have a website, its official
2597 social media webpage is to remain available to the public for the
2598 duration of at least ten (10) days prior to the public hearing.
2599 If there is no newspaper published therein and no such website,
2600 then publication is proper in a newspaper having general
2601 circulation in the county.



2602 (2) Any county and a municipality within a county may create
2603 a railroad authority under this section by resolution adopted by
2604 the respective governing authorities. The authority shall be
2605 governed by five (5) commissioners. The board of supervisors
2606 shall appoint two (2) persons as commissioners of the authority.
2607 The governing authorities of the municipality shall appoint two
2608 (2) persons as commissioners of the authority. One (1)
2609 commissioner shall be appointed by the municipality and the county
2610 on a rotating basis with the municipality making the first
2611 appointment. The terms of the commissioners shall be the same as
2612 those provided in subsection (1) with the term designation to be
2613 determined by the majority vote of the governing authorities of
2614 the municipality and of the county. The municipality and the
2615 county may dissolve the authority by a majority vote of both
2616 governing authorities.

2617 **SECTION 49.** Section 19-29-9, Mississippi Code of 1972, is
2618 amended as follows:

2619 19-29-9. (1) Two (2) or more counties in which there are
2620 located railroad properties and facilities of a railroad, or in
2621 which such properties and facilities previously existed, but were
2622 abandoned after February 5, 1976, may, by resolution of each,
2623 create a public body, corporate and politic, to be known as a
2624 regional railroad authority which shall be authorized to exercise
2625 its functions upon the issuance by the Secretary of State of a
2626 certificate of incorporation. The board of supervisors of each



2627 county joining in such regional authority shall, pursuant to the
2628 resolution organizing such authority, appoint five (5) residents
2629 of the county as commissioners of the authority and, as soon
2630 thereafter as practicable, the governing authorities of any
2631 municipality in such county, through which such railroads run,
2632 shall appoint a commissioner of the authority.

2633 If the regional authority consists of an even number of
2634 commissioners, an additional commissioner shall be appointed by
2635 the Governor from within the geographic boundaries of the regional
2636 authority.

2637 (2) A regional railroad authority may be increased from time
2638 to time to serve one or more additional counties if each
2639 additional county and each of the counties then included in the
2640 regional authority and the commissioners of the regional
2641 authority, respectively, adopt a resolution consenting thereto.
2642 If a county railroad authority for any county seeking to be
2643 included in the regional authority is then in existence, the
2644 commissioners of the county authority shall consent to the
2645 inclusion of the county in the regional authority, and if the
2646 county authority has any bonds outstanding, unless fifty-one
2647 percent (51%) or more of the holders of the bonds consent, in
2648 writing, to the inclusion of the county in the regional authority,
2649 no such inclusion shall be effected. Upon the inclusion of any
2650 county in the regional authority, all rights, contracts,
2651 obligations and property, real and personal, of the county



2652 authority shall be in the name of and vest in the regional
2653 authority.

2654 (3) A regional railroad authority may be decreased if each
2655 of the counties then included in the regional authority and the
2656 commissioners of the regional authority consent to the decrease
2657 and make provision for the retention or disposition of its assets
2658 and liabilities; however, if the regional authority has any bonds
2659 outstanding, no decrease shall be effected unless seventy-five
2660 percent (75%) or more of the holders of the bonds consent thereto
2661 in writing.

2662 (4) A county shall not adopt any resolution authorized by
2663 this section without a public hearing thereon. Notice thereof
2664 shall be given * * * either in a newspaper published in the
2665 county * * * at least ten (10) days prior thereto or by a link to
2666 such notice posted on the county's website or, if the county does
2667 not have a website, its official social media webpage is to remain
2668 available to the public for the duration of at least ten (10) days
2669 prior to the hearing. If there is no newspaper published therein
2670 and no such website, then publication is proper in a newspaper
2671 having general circulation in the county.

2672 (5) All commissioners of a regional railroad authority
2673 appointed by municipalities shall be appointed for terms of five
2674 (5) years each. Commissioners who are initially appointed by a
2675 board of supervisors shall be designated to serve terms of one
2676 (1), two (2), three (3), four (4) and five (5) years,



2677 respectively; thereafter, each such term shall be five (5) years.
2678 A vacancy occurring otherwise than by expiration of term shall be
2679 filled for the unexpired term in the same manner as the original
2680 appointments.

2681 (6) A regional railroad authority, in its discretion, by
2682 resolution duly adopted and entered upon its minutes, may appoint
2683 an executive committee from among its membership. The executive
2684 committee shall consist of such number and shall be appointed in
2685 such manner so as to fairly represent the counties and
2686 municipalities served by the regional authority. The members of
2687 the executive committee shall serve for such terms as designated
2688 by the regional authority and may be removed from the committee
2689 before expiration of their terms in accordance with such procedure
2690 as the regional authority may adopt. The executive committee,
2691 when so appointed, may be authorized by the regional authority to
2692 exercise such powers and perform such duties, with or without the
2693 prior approval of the regional authority, as the regional
2694 authority deems appropriate; however, the executive committee may
2695 not exercise any power or perform any duty that is inconsistent
2696 with or in excess of the powers and duties authorized to be
2697 performed under the provisions of this chapter by the
2698 commissioners of the regional authority.

2699 (7) A regional railroad authority may accept counties,
2700 municipalities and other political subdivisions of the state



2701 outside the jurisdiction of the regional authority to become
2702 associate members.

2703 **SECTION 50.** Section 19-29-18, Mississippi Code of 1972, is
2704 amended as follows:

2705 19-29-18. (1) The governing body of a county railroad
2706 authority or regional railroad authority, as the case may be, may
2707 file a petition with the board of supervisors of any county
2708 included in the railroad authority, specifying for each such
2709 county, the rate of the ad valorem tax, not to exceed two (2)
2710 mills, to be levied by such county on the taxable property
2711 therein, for acquisition and maintenance of railroad properties
2712 and facilities, and to defray operating expenses of the railroad
2713 authority and any other expenses authorized to be incurred by the
2714 railroad authority. Prior to levying the tax specified by the
2715 railroad authority, the board of supervisors of each such county
2716 shall publish notice of its intention to levy same. The notice
2717 shall be published * * * either in some newspaper having a general
2718 circulation in the county once each week for three (3) weeks or by
2719 a link to such notice posted on the county's website or, if the
2720 county does not have a website, its official social media webpage
2721 is to remain available to the public for the duration of three (3)
2722 weeks. Said print notice shall be published once each week for
2723 three (3) weeks, but not less than twenty-one (21) days, nor more
2724 than sixty (60) days, intervening between the time of the first
2725 notice and the meeting at which said board proposes to levy the



2726 tax. If, within the time of giving notice, twenty percent (20%)
2727 or one thousand five hundred (1,500) of the qualified electors of
2728 the county, whichever is less, shall file a written protest
2729 against the levy of the tax, then the tax shall not be levied
2730 unless authorized by three-fifths (3/5) of the qualified electors
2731 of such county, voting at an election to be called and held for
2732 that purpose. If the tax levy fails to be authorized at an
2733 election held in a county included in the regional authority, then
2734 such tax levy shall not be made in any of the counties included in
2735 such regional authority.

2736 (2) The avails of the ad valorem tax levied under authority
2737 of this section shall be paid by the county board of supervisors
2738 to the governing body of the railroad authority to be used as
2739 herein authorized.

2740 (3) For any fiscal year after the initial levy of the tax,
2741 the board of supervisors levying same shall levy such tax at a
2742 millage rate which will produce an amount of revenue which
2743 approximates, but does not exceed, the amount of revenue produced
2744 from the levy for the preceding fiscal year. The county board of
2745 supervisors shall not increase the millage rate for the purposes
2746 authorized herein unless notice thereof is published and an
2747 election held, if required, in the manner set forth in subsection
2748 (1) of this section.

2749 (4) Each railroad authority shall be subject to examination
2750 by the State Auditor.



2751 (5) The tax levy authorized in this section shall not be
2752 included in the ten percent (10%) limitation on increases under
2753 Sections 27-39-320 or 27-39-321.

2754 (6) The tax levy authorized in this section shall not be
2755 reimbursable under the provisions of the Homestead Exemption Law.

2756 (7) A railroad authority created under Section 19-29-7(2)
2757 must receive the approval of the governing authorities of the
2758 municipality and the county creating such authority before levying
2759 any tax under this section.

2760 **SECTION 51.** Section 19-29-33, Mississippi Code of 1972, is
2761 amended as follows:

2762 19-29-33. Bonds authorized by resolution of the authority
2763 may be issued in one or more series and shall bear such date or
2764 dates, mature at such time or times, bear interest at such rate or
2765 rates, provided that the bonds of any issue shall not bear a
2766 greater overall maximum interest rate to maturity than that
2767 allowed in Section 75-17-103, be in such denomination or
2768 denominations, be in such form, either coupon or registered, carry
2769 such conversion or registration privileges, have such rank or
2770 priority, be executed in such manner, be payable in such medium of
2771 payment, at such place or places, and be subject to such terms of
2772 redemption (with or without premium) as such resolution, its trust
2773 indenture or mortgage may provide. No bond shall bear more than
2774 one (1) rate of interest; each bond shall bear interest from its
2775 date to its stated maturity date at the interest rate specified in



2776 the bid; all bonds of the same maturity shall bear the same rate
2777 of interest from date to maturity; all interest accruing on such
2778 bonds so issued shall be payable semiannually or annually, except
2779 that the first interest coupon attached to any such bond may be
2780 for any period not exceeding one (1) year.

2781 No interest payment shall be evidenced by more than one (1)
2782 coupon and neither cancelled nor supplemental coupons shall be
2783 permitted; the lowest interest rate specified for any bonds issued
2784 shall not be less than seventy percent (70%) of the highest
2785 interest rate specified for the same bond issue.

2786 Each interest rate specified in any bid must be in multiples
2787 of one-eighth of one percent (1/8 of 1%) or in multiples of
2788 one-tenth of one percent (1/10 of 1%). The denomination, form and
2789 place or places of payment of such bonds shall be fixed in the
2790 resolution or ordinance of the governing authorities issuing such
2791 bonds. Such bonds shall be executed by the manual or facsimile
2792 signature of the chairman and secretary of such authority, with
2793 the seal of the authority affixed thereto. At least one (1)
2794 signature on each bond shall be a manual signature, as specified
2795 in the resolution. The coupons may bear only the facsimile
2796 signatures of such chairman and secretary. No bonds shall be
2797 issued and sold under the provisions of this chapter for less than
2798 par and accrued interest.

2799 The bonds may be sold at not less than par at public sale
2800 held after notice published * * * either in a newspaper having a



2801 general circulation in the area of operation once at least five
2802 (5) days prior to such sale or by a link to such notice posted on
2803 such area of operation's website or, if the area of operation does
2804 not have a website, its official social media page is to remain
2805 available to the public for the duration of at least five (5) days
2806 prior to such sale and in a financial newspaper published in the
2807 City of Jackson, Mississippi, or in the City of New York, New
2808 York. Such bonds may be sold at not less than par to the federal
2809 government at private sale without any public advertisement.

2810 In case any of the commissioners or officers of the authority
2811 whose signatures appear on any bonds or coupons shall cease to be
2812 such commissioners or officers before the delivery of such bonds,
2813 such signatures shall, nevertheless, be valid and sufficient for
2814 all purposes, the same as if such commissioners or officers had
2815 remained in office until such delivery. Any provision of any law
2816 to the contrary notwithstanding, any bonds issued pursuant to this
2817 chapter shall be fully negotiable.

2818 The determination of the authority, in the resolution
2819 authorizing the bonds, as to the classification of the railroad
2820 properties and facilities for which such bonds are authorized and
2821 as to the maximum period of usefulness shall be conclusive in any
2822 action or proceeding involving the validity of such bonds.

2823 **SECTION 52.** Section 19-31-7, Mississippi Code of 1972, is
2824 amended as follows:



2825 19-31-7. (1) The method for the establishment of a public
2826 improvement district shall be pursuant to an ordinance adopted by
2827 the governing body of each county in which the land is located
2828 granting a petition for the establishment of a public improvement
2829 district. The petition for the establishment of a public
2830 improvement district shall be filed by the petitioner with the
2831 governing body of the county or counties. The petition shall
2832 contain:

2833 (a) A description of the boundaries of the district;

2834 (b) The written consent to the establishment of the
2835 district by all landowners in the district;

2836 (c) A designation of five (5) persons to be the initial
2837 members of the board of directors, who shall serve in that office
2838 until replaced by elected members as provided in Section 19-31-9;

2839 (d) The proposed name of the district;

2840 (e) A map of the proposed district showing existing
2841 infrastructure, if any; and

2842 (f) Based upon available data, the proposed timetable
2843 for construction of the district services and the estimated cost
2844 of constructing the proposed services.

2845 (2) A public hearing on the petition shall be conducted by
2846 the governing body of each county of the proposed district within
2847 sixty (60) days after the petition is filed unless an extension of
2848 time is requested by the petitioners and granted by the governing
2849 body of each county. The hearing shall be held at an accessible



2850 location in each county in which the public improvement district
2851 is to be located. The petitioner shall cause a notice of the
2852 hearing to be published either in a newspaper having general
2853 circulation in each county at least once a week for the four (4)
2854 successive weeks immediately prior to the hearing or by a link to
2855 such notice posted on the county's website or, if the county does
2856 not have a website, its official social media page, for the
2857 duration of four (4) successive weeks immediately prior to the
2858 hearing. Such notice shall give the time and place for the
2859 hearing, a description of the area to be included in the district,
2860 and any other relevant information which the establishing
2861 governing bodies may require. The advertisement shall be
2862 published in the official minutes of the local governing body.

2863 (3) The governing body of each county shall consider the
2864 record of the public hearing and any other relevant factors in
2865 making its determination to grant or deny a petition for the
2866 establishment of a public improvement district.

2867 (4) An ordinance establishing a public improvement district
2868 shall include the boundaries of the district, the names of the
2869 five (5) persons designated to be the initial members of the board
2870 of directors of the district and the name of the district.

2871 (5) If all of the land in the area for the proposed district
2872 is within the territorial jurisdiction of a municipality, then the
2873 petition requesting establishment of a public improvement district
2874 under this chapter shall be filed by the petitioner with that



2875 particular municipality. In such event, the duties of the county
2876 with regard to the petition shall be the duties of the
2877 municipality. If any of the land area of a proposed district is
2878 within the land area of a municipality, the governing body of the
2879 county may not create the district without the approval of the
2880 municipality.

2881 (6) The governing body of any governmental agency, county
2882 and/or municipality may enter into contribution agreements with
2883 the district.

2884 **SECTION 53.** Section 19-31-9, Mississippi Code of 1972, is
2885 amended as follows:

2886 19-31-9. (1) The board of the district, or if necessary,
2887 the governing authorities of the municipality in which the
2888 district is contained, shall exercise the powers granted to the
2889 district pursuant to this chapter. The board shall consist of
2890 five (5) members as otherwise provided in this section. Each
2891 member shall hold office for an initial term of six (6) years and
2892 until a successor is chosen and qualifies. The initial members of
2893 the board shall be residents of the state, and at least one (1) of
2894 the initial members shall be either a qualified voter within the
2895 district or an individual resident of the area immediately
2896 adjacent to the district. Upon appointment or election, the board
2897 members shall elect a chair who shall conduct board meetings.

2898 (2) (a) Beginning six (6) years after the initial
2899 appointment of members, the position of each member whose term has



2900 expired shall be filled by a qualified voter of the district,
2901 elected by the qualified voters of the district. There shall be
2902 an election of members every six (6) years from the date of the
2903 ordinance establishing the district. The district manager shall
2904 determine the date and time of the election, which election must
2905 be held at least twenty (20) days before the anniversary date of
2906 the ordinance establishing the district. If a contribution
2907 agreement exists, then the governing body of the public entity
2908 that is a party to the contribution agreement may appoint one (1)
2909 of the five (5) members to the board of the district at the time
2910 of the election in lieu of electing that member.

2911 (b) Candidates must qualify in writing by submitting a
2912 "Statement of Intent," as prescribed in this paragraph, to the
2913 district manager thirty (30) days before the election. The
2914 district manager shall prepare a ballot of all candidates
2915 qualified to run for office twenty-eight (28) days before the
2916 election.

2917 **Statement of Intent**

2918 Candidate for (insert name of district) Public Improvement
2919 District

2920 I, (name of candidate as it will appear on the ballot),
2921 (mailing address, street address, city, state, zip code, telephone
2922 number of the candidate), certify that I am a qualified voter, as
2923 defined in Section 19-31-5, Mississippi Code of 1972, of the
2924 (insert name of public improvement district) Public Improvement



2925 District in the State of Mississippi; and I do hereby declare my
2926 candidacy for Board of the (insert name of public improvement
2927 district) Public Improvement District at the election to be held
2928 on (insert date of election).

2929 _____

2930 (Signature of candidate) (Date)

2931 Received by _____

2932 (Signature) (Title) (Date)

2933 (c) Notice of the election shall be announced at a
2934 public meeting of the board at least ninety (90) days before the
2935 date of the election and shall be published either once a week for
2936 two (2) consecutive weeks in a newspaper which is in general
2937 circulation in the area of the district, the last day of such
2938 publication to be not fewer than fourteen (14) days nor more than
2939 twenty-eight (28) days before the election or by a link to such
2940 notice on the county's website or, if the county does not have a
2941 website, its official social media webpage for the duration of two
2942 (2) consecutive weeks. In addition, notice of the election shall
2943 be sent by United States first-class mail, not fewer than fourteen
2944 (14) days before the election, to all qualified voters at their
2945 last-known address as shown on the tax rolls. Instructions on how
2946 all qualified voters may participate in the election, along with
2947 sample proxies, shall be provided as part of the notice required
2948 by this paragraph, and the location, date and time of the election
2949 shall be included on all instructions and notices.



2950 (d) Each qualified voter shall be entitled to cast only
2951 one (1) ballot to elect each of the board members, regardless of
2952 the number of parcels owned by that voter within the district.
2953 Parcels may not be aggregated for determining the number of
2954 ballots allowed to be cast by a qualified voter. A list of
2955 qualified voters in the form of a voter roll must be kept current
2956 by the district manager and deemed final thirty (30) days before
2957 the election.

2958 (e) A qualified voter may vote in person or by proxy in
2959 writing. A vote cast by proxy must be submitted at or within
2960 fourteen (14) days before the election and must be submitted in
2961 the form prescribed in this section. Each proxy must be signed
2962 by the qualified voter for which the vote is cast and must contain
2963 the typed or printed name of the individual who signed the proxy
2964 and the street address, legal description of the property or the
2965 property's tax parcel identification number. The signature on a
2966 proxy need not be notarized. All votes cast by proxy must be
2967 reflected in the voter roll.

2968 **Proxy for Election**

2969 (Insert name of district) Public Improvement District

2970 I, _____, (name of qualified voter);
2971 _____ (street address);
2972 _____ (legal description);
2973 _____ (tax parcel identification number).



2974 [NOTE: To be considered, this proxy must contain at least one (1)
2975 of either: the street address; legal description; or tax parcel
2976 identification number.]

2977 1. Do constitute and appoint _____
2978 _____ (name), attorney and agent for me, and in my
2979 name, place and stead, to vote as my proxy for the election of
2980 members of the Board of Directors of the (name of district) Public
2981 Improvement District on (insert date), at the (insert voting
2982 location/facility name with street address); **OR (only choose one)**

2983 2. Do hereby cast my vote for:
2984 _____ [print or type name of
2985 person being voted for - PLEASE NOTE THAT YOUR VOTE MUST BE FOR A
2986 QUALIFIED VOTER (AS DEFINED IN MISSISSIPPI CODE SECTION 19-31-5)
2987 OF THE DISTRICT. A QUALIFIED VOTER MEANS ANY LANDOWNER OF THE
2988 DISTRICT WHO IS AT LEAST EIGHTEEN (18) YEARS OF AGE OR AN
2989 AUTHORIZED REPRESENTATIVE OF THE LANDOWNER WHO IS ALSO AT LEAST
2990 EIGHTEEN (18) YEARS OF AGE.] to be elected as a member of the
2991 Board of Directors of the (name of district) Public Improvement
2992 District for a term beginning (date of term) and ending six (6)
2993 years from that date or until a successor is chosen.

2994 I understand that I have the right to revoke this proxy at
2995 any time before the election. I understand that I have the right
2996 to be present in person at the election.

2997 I have executed this proxy on (insert date).

2998 _____



2999 **(Printed Name of Qualified Voter)**

3000 _____
3001 **(Signature of Qualified Voter)**

3002 (f) A qualified voter may cast only one (1) vote for
3003 each of the five (5) board member positions. When a qualified
3004 voter casts a vote for the same person more than once, only one
3005 (1) of the votes cast for that person will be counted. When a
3006 qualified voter casts more votes to elect board members than he or
3007 she is entitled to cast, all votes are invalid, and the qualified
3008 voter is deemed to have voted for none of them. When a qualified
3009 voter casts fewer votes to elect board members than he or she is
3010 entitled to cast, all votes cast by the qualified voter must be
3011 counted, but no votes shall be counted more than once.

3012 (g) If a board member dies, resigns or otherwise is
3013 prevented from serving as a board member, the board of the
3014 district shall appoint a member to fill the remainder of the board
3015 member's term. If no qualified voter is willing to serve on the
3016 board of the district, the governing body that established the
3017 district shall appoint members as necessary to fill any vacancy
3018 for the remainder of the term.

3019 (3) Members of the board shall be known as directors and,
3020 upon entering into office, shall take an oath of office. They
3021 shall hold office for the terms for which they were elected or
3022 appointed and until their successors are chosen and qualified. If
3023 during the term of office, a vacancy occurs, the remaining members



3024 of the board shall fill the vacancy by an appointment for the
3025 remainder of the unexpired term.

3026 (4) A majority of the members of the board constitutes a
3027 quorum for the purposes of conducting its business and exercising
3028 its powers and for all other purposes. Action taken by the
3029 district shall be upon a vote of a majority of the members present
3030 unless general law or a rule of the district requires a greater
3031 number. If a quorum cannot be obtained in a board meeting, the
3032 governing body that established the district shall appoint members
3033 as necessary to replace any board member missing three (3)
3034 consecutive meetings.

3035 (5) As soon as practicable after each election or
3036 appointment, the board shall organize by electing one (1) of its
3037 members as chair and by electing a secretary, who need not be a
3038 member of the board, and such other officers as the board may deem
3039 necessary.

3040 (6) The board shall keep a permanent minute book in which
3041 shall be recorded minutes of all meetings, resolutions,
3042 ordinances, proceedings and all corporate acts.

3043 (7) Members of the board may receive per diem compensation
3044 for services in an amount as provided under Section 25-3-69, and
3045 shall be entitled to expenses necessarily incurred in the
3046 discharge of their duties in accordance with Section 25-3-41. Any
3047 payments for compensation and expenses shall be paid from funds of
3048 the district.



3049 **SECTION 54.** Section 19-31-23, Mississippi Code of 1972, is
3050 amended as follows:

3051 19-31-23. (1) The district may issue and sell from time to
3052 time bonds, notes, negotiable notes, tax anticipation notes, bond
3053 anticipation notes, other fund anticipation notes, renewal notes,
3054 refunding bonds, interim certificates, certificates of
3055 indebtedness, certificates of participation, debentures, warrants,
3056 commercial paper or other obligations or evidences of indebtedness
3057 to provide funds for and to fulfill and achieve its public purpose
3058 or corporate purposes, as set forth in this chapter, including,
3059 but not limited to, the payment of all or a portion of the costs
3060 of a project, to provide amounts necessary for any corporate
3061 purposes, including incidental expenses in connection with the
3062 issuance of the obligations, the payment of principal and interest
3063 on the obligations of the district, the establishment of reserves
3064 to secure such obligations, and all other purposes and
3065 expenditures of the district incident to and necessary or
3066 convenient to carry out its public functions or corporate
3067 purposes, and any credit enhancement for such obligations.

3068 (2) Before the issuance of any bonds as authorized under
3069 this chapter, the district shall hold a public hearing on the
3070 advisability of the indebtedness. Notice of the hearing must be
3071 published either twice in a newspaper having general circulation
3072 in each county where the district is located or by a link to such
3073 resolution posted on the county's website or, if the county does



3074 not have a website, its official social media webpage is to remain
3075 available to the public for the duration of two (2) weeks. The
3076 final print publication of notice must be at least ten (10) days
3077 before the public hearing. The district shall give, by United
3078 States first-class mail, written notice of the public hearing to
3079 all qualified voters in the district. The notice must be
3080 addressed to "Property Owner" and mailed by United States
3081 first-class mail to the current address of the owner, as reflected
3082 on tax rolls of property located in the district.

3083 (3) (a) If a district proposes to enter into a contribution
3084 agreement with a public entity for any bond issue, the public
3085 entity shall hold a public hearing on the advisability of the
3086 contribution agreement for any bonds the district proposes to
3087 enter.

3088 (b) Notice of the hearing must be published twice in a
3089 newspaper having general circulation in each county where the
3090 public entity is located. The final publication of notice must be
3091 at least ten (10) days before the public hearing.

3092 (c) The notice must state the following:

- 3093 (i) Time and place of the hearing;
3094 (ii) General nature of the proposed improvement;
3095 (iii) Estimated cost of the improvement;
3096 (iv) Boundaries of the public improvement

3097 district;

3098 (v) Proposed method of assessment;



3099 (vi) Proposed amount and term of indebtedness;
3100 (vii) Name of the public entity entering into the
3101 contribution agreement; and

3102 (viii) Proposed amount of contribution by the
3103 public entity.

3104 (d) The hearing may be adjourned from time to time
3105 until the governing body of the public entity makes findings by
3106 resolution as to the following:

3107 (i) Advisability of the improvement;

3108 (ii) Nature of the improvement;

3109 (iii) Estimated cost of the improvement;

3110 (iv) Boundaries of the public improvement
3111 district;

3112 (v) Method of assessment;

3113 (vi) Market value of real property within the
3114 district determined in accordance with paragraph (c) of this
3115 subsection; and

3116 (vii) Terms of the contribution agreement.

3117 (e) As provided in subsection (3) (d) (vi) of this
3118 section, the governing body of the public entity shall obtain an
3119 appraisal in accordance with the Uniform Standards of Professional
3120 Appraisal Practice, with special consideration given to the Income
3121 Approach to Value using a discounted cash flow analysis of the
3122 entire commercial, residential or industrial subdivision. The
3123 appraisal must satisfy all parties to the contribution agreement



3124 that the value of the property in the district will be sufficient
3125 to ensure payment of any obligation to which a public entity is
3126 subject.

3127 (4) Except as may otherwise be provided by the district, all
3128 obligations issued by the district shall be negotiable instruments
3129 and payable solely from the levy of any special assessment by the
3130 district or from any other sources whatsoever that may be
3131 available to the district but shall not be secured by the full
3132 faith and credit of the state or the county or municipality that
3133 created the district.

3134 (5) Obligations shall be authorized, issued and sold by a
3135 resolution or resolutions of the district adopted as provided in
3136 this chapter. Such bonds or obligations may be of such series,
3137 bear such date or dates, mature at such time or times, bear
3138 interest at such rate or rates, including variable, adjustable, or
3139 zero interest rates, be payable at such time or times, be in such
3140 denominations, be sold at such price or prices, at public or
3141 private negotiated sale, after advertisement as is provided for in
3142 Section 17-21-53(2) for and in connection with any public sale, be
3143 in such form, carry such registration and exchangeability
3144 privileges, be payable at such place or places, be subject to such
3145 terms of redemption and be entitled to such priorities on the
3146 income, revenue and receipts of, or available to, the district as
3147 may be provided by the district in the resolution or resolutions



3148 providing for the issuance and sale of the bonds or obligations of
3149 the district.

3150 (6) The obligations of the district shall be signed by such
3151 directors or officers of the district by either manual or
3152 facsimile signatures as shall be determined by resolution or
3153 resolutions of the district, and shall have impressed or imprinted
3154 thereon the seal of the district or a facsimile thereof.

3155 (7) Any obligations of the district may be validly issued,
3156 sold and delivered notwithstanding that one or more of the
3157 directors or officers of the district signing such obligations or
3158 whose facsimile signature or signatures may be on the obligations
3159 shall have ceased to be such director or officer of the district
3160 at the time such obligations shall actually have been delivered.

3161 (8) Obligations of the district may be sold in such manner
3162 and from time to time as may be determined by the district to be
3163 most beneficial, and the district may pay all expenses, premiums,
3164 fees or commissions that it deems necessary or advantageous in
3165 connection with the issuance and sale thereof, subject to the
3166 provisions of this chapter.

3167 (9) The district may authorize the establishment of a fund
3168 or funds for the creation of a debt service reserve, a renewal and
3169 replacement reserve or such other funds or reserves as the
3170 district may approve with respect to the financing and operation
3171 of any project and as may be authorized by any bond resolution,
3172 trust agreement, indenture of trust or similar instrument or



3173 agreement pursuant to the provisions of which the issuance of
3174 bonds or other obligations of the district may be authorized.

3175 (10) Notwithstanding any other law to the contrary, but
3176 subject to any agreement with bondholders or noteholders, monies
3177 of the district not required for immediate use, including proceeds
3178 from the sale of any bonds, notes or other obligations, may be
3179 invested in the following:

3180 (a) Obligations of any municipality, the State of
3181 Mississippi or the United States of America;

3182 (b) Obligations of which the principal and interest are
3183 guaranteed by the State of Mississippi or the United States of
3184 America;

3185 (c) Obligations of any corporation wholly owned by the
3186 United States of America;

3187 (d) Obligations of any corporation sponsored by the
3188 United States of America which are, or may become, eligible as
3189 collateral for advances to member banks as determined by the Board
3190 of Governors of the Federal Reserve System;

3191 (e) Obligations of insurance firms or other
3192 corporations whose investments are rated "A" or better by
3193 recognized rating companies;

3194 (f) Certificates of deposit or time deposits of
3195 qualified depositories of the State of Mississippi as approved by
3196 the State Depository Commission, secured in such manner, if any,
3197 as the commission determines appropriate;



3198 (g) Contracts for the purchase and sale of obligations
3199 of the type described in paragraphs (a) through (e) of this
3200 subsection;

3201 (h) Repurchase agreements secured by obligations
3202 described in paragraphs (a) through (e) of this subsection; and

3203 (i) Money market funds, the assets of which are
3204 required to be invested in obligations described in paragraphs (a)
3205 through (f) of this subsection.

3206 (11) Any cost, obligation or expense incurred for any of the
3207 purposes specified in this chapter shall be a part of the project
3208 costs and may be paid or reimbursed as such out of the proceeds of
3209 bonds or other obligations issued by the district.

3210 (12) Neither the directors of the board nor any person
3211 executing the bonds shall be personally liable for the bonds or be
3212 subject to any personal liability by reason of the issuance
3213 thereof. No earnings or assets of the district shall accrue to
3214 the benefit of any private persons. However, the limitation of
3215 liability provided for in this subsection shall not apply to any
3216 gross negligence or criminal negligence on the part of any
3217 director or person executing the bonds.

3218 (13) The district may avail itself of the provisions of
3219 Sections 31-13-1 through 31-13-11.

3220 (14) This chapter constitutes full and complete authority
3221 for the issuance of bonds and the exercise of the powers of the
3222 district provided herein. No procedures or proceedings,



3223 publications, notices, consents, approvals, orders, acts or things
3224 by the board or any board, officers, commission, department,
3225 agency or instrumentality of the district, other than those
3226 required by this chapter, shall be required to perform anything
3227 under this chapter, except that the issuance or sale of bonds
3228 pursuant to the provisions of this chapter shall comply with the
3229 general law requirements applicable to the issuance or sale of
3230 bonds by the district. Nothing in this chapter shall be construed
3231 to authorize the district to utilize bond proceeds to fund the
3232 ongoing operations of the district.

3233 (15) Before incurring any debt as provided in subsection (1)
3234 of this section, the district may, but shall not be required to,
3235 secure an agreement from one or more developers obligating such
3236 developer or developers:

3237 (a) To effect the completion of all or any portion of a
3238 project at no cost to the district;

3239 (b) To pay all or any portion of the real property
3240 taxes due on the project in a timely manner; and

3241 (c) To maintain and operate all or any portion of the
3242 buildings or other facilities or improvements of the project in
3243 such a manner as to preserve property values.

3244 No breach of any such agreement shall impose any pecuniary
3245 liability upon a district or any charge upon its general credit or
3246 against its taxing powers.



3247 Additionally, the district may enter into an agreement with
3248 the developer under which the developer may construct all or any
3249 part of the project with private funds in advance of issuance of
3250 bonds and may be reimbursed by the district for actual costs
3251 incurred by the developer upon issuance and delivery of bonds and
3252 receipt of the proceeds, conditioned upon dedication of the
3253 project by the developer to the district, a governmental agency, a
3254 county or a municipality to assure public use and access. This
3255 condition shall not apply to the privately owned portion of a
3256 project for which the Mississippi Development Authority has issued
3257 a certificate of convenience and necessity pursuant to the
3258 Regional Economic Development Act.

3259 As used in this section, the term "developer" means any
3260 entity or natural person which enters into an agreement with a
3261 district whereby the developer agrees to construct, operate and
3262 maintain or procure the construction, operation and maintenance of
3263 a project or projects, or portions thereof, upon land within the
3264 district.

3265 **SECTION 55.** Section 19-31-39, Mississippi Code of 1972, is
3266 amended as follows:

3267 19-31-39. (1) The district, or if necessary, the governing
3268 authorities of the municipality in which the district is
3269 contained, may prescribe, fix, establish and collect rates, fees,
3270 rentals or other charges for the facilities and services furnished
3271 by the district, within the limits of the district, including, but



3272 not limited to, recreational facilities, water management and
3273 control facilities and water and sewer systems. The district may
3274 also recover the costs of making connection with any district
3275 facility or system and provide for reasonable penalties against
3276 any user or property for any such rates, fees, rentals or other
3277 charges that are delinquent.

3278 (2) No such rates, fees, rentals or other charges for any of
3279 the facilities or services of the district may be fixed until
3280 after a public hearing at which all the users of the proposed
3281 facility or services shall have an opportunity to be heard
3282 concerning the proposed rates, fees, rentals or other charges.
3283 Notice of such public hearing setting forth the proposed schedule
3284 of rates, fees, rentals and other charges shall be published
3285 either in a newspaper having general circulation in each county
3286 where the district is located once at least ten (10) days before
3287 such public hearing or by a link to such notice posted on the
3288 county's website or, if the county does not have a website, its
3289 official social media webpage is to remain available to the public
3290 for the duration of at least ten (10) days before such public
3291 hearing.

3292 **SECTION 56.** Section 21-1-7, Mississippi Code of 1972, is
3293 amended as follows:

3294 21-1-7. The mayor and board of aldermen or municipal
3295 authorities may change the name of any municipality by preparing
3296 in writing the proposed change and having same published * * *



3297 either in a newspaper published in such municipality, if there be
3298 one (1) * * * for three (3) weeks, or by a link to such proposed
3299 change posted on the municipality's website or, if the
3300 municipality does not have a website, its official social media
3301 webpage is to remain available to the public for the duration of
3302 three (3) weeks. If the municipality has none of these, then by
3303 posting for said time in at least three (3) public places therein,
3304 after which the proposed change shall be submitted to the Governor
3305 for his approval. If, after publication is made, one-tenth (1/10)
3306 of the qualified electors of the municipality shall within ten
3307 (10) days after the completion of such publication protest against
3308 the proposed change, the Governor shall not approve same until it
3309 shall be submitted to and ratified by a majority of the qualified
3310 electors of the municipality. When approved by the Governor, the
3311 same shall be recorded in the Office of the Secretary of State and
3312 upon the record of the municipal governing authorities.

3313 **SECTION 57.** Section 21-1-15, Mississippi Code of 1972, is
3314 amended as follows:

3315 21-1-15. After the filing of said petition, and upon request
3316 therefor by the petitioners, the chancellor shall set a day
3317 certain, either in termtime or in vacation, for the hearing of
3318 such petition and notice shall be given to all persons interested
3319 in, affected by, or having objections to the proposed
3320 incorporation, that the hearing on the petition will be held on
3321 the day fixed by the chancellor and that all such persons will



3322 have the right to appear and enter their objections, if any, to
3323 the proposed incorporation. The said notice shall be given by
3324 publication thereof either in some newspaper published or having a
3325 general circulation in the territory proposed to be incorporated
3326 once each week for three (3) consecutive weeks * * * or by a link
3327 to such notice posted on the municipality's website or, if the
3328 municipality does not have a website, its official social media
3329 webpage, for the duration of three (3) consecutive weeks and by
3330 posting a copy of such notice in three (3) or more public places
3331 in such territory. The first publication of such notice and the
3332 posted notice shall be made at least thirty (30) days prior to the
3333 day fixed for the hearing of said petition, and such notice shall
3334 contain a full description of the territory proposed to be
3335 incorporated. However, if any of the territory proposed to be
3336 incorporated is located within three (3) miles of the boundaries
3337 of an existing municipality, then such existing municipality shall
3338 be made a party defendant to such petition and shall be served
3339 with process in the manner provided by law, which process shall be
3340 served at least thirty (30) days prior to the date set for the
3341 hearing.

3342 **SECTION 58.** Section 21-3-7, Mississippi Code of 1972, is
3343 amended as follows:

3344 21-3-7. (1) Except as provided in subsection (3) of this
3345 section, in all municipalities having a population of less than
3346 ten thousand (10,000) according to the latest * * * federal



3347 decennial census, there shall be five (5) aldermen, which aldermen
3348 may be elected from the municipality at large, or, in the
3349 discretion of the municipal authority, the municipality may be
3350 divided into four (4) wards, with one (1) alderman to be selected
3351 from each ward and one (1) from the municipality at large. On a
3352 petition of twenty percent (20%) of the qualified electors of any
3353 such municipality, the provisions of this section as to whether or
3354 not the aldermen shall be elected from wards or from the
3355 municipality at large shall be determined by the vote of the
3356 majority of the qualified electors of the municipality voting in a
3357 special election called for that purpose. All aldermen shall be
3358 selected by vote of the entire electorate of the municipality.
3359 Those municipalities which determine to select one (1) alderman
3360 from each of the four (4) wards shall select one (1) from the
3361 candidates for alderman from each particular ward who shall be a
3362 resident of said ward by majority vote of the entire electorate of
3363 the municipality.

3364 (2) Except as provided in subsection (4) of this section, in
3365 all municipalities having a population of ten thousand (10,000) or
3366 more, according to the latest * * * federal decennial census,
3367 there shall be seven (7) aldermen, which aldermen may be elected
3368 from the municipality at large, or, in the discretion of the
3369 municipal authority, the municipality may be divided into six (6)
3370 wards, with one (1) alderman to be selected from each ward and one
3371 (1) from the municipality at large. On a petition of twenty



3372 percent (20%) of the qualified electors of any such municipality,
3373 the provisions of this section as to whether or not the aldermen
3374 shall be elected from wards or from the municipality at large
3375 shall be determined by the vote of the majority of the qualified
3376 electors of the municipality voting in a special election called
3377 for that purpose. This section in no way affects the number of
3378 aldermen, councilmen, or commissioners of any city operating under
3379 a special charter. All aldermen shall be selected by vote of the
3380 entire electorate of the municipality. Those municipalities which
3381 determine to select one (1) alderman from each of the six (6)
3382 wards shall select one (1) of the candidates for alderman from
3383 each particular ward by majority vote of the entire electorate of
3384 the municipality.

3385 (3) In any municipality having a population of five hundred
3386 (500) or less according to the latest * * * federal decennial
3387 census, there may be three (3) aldermen. The change from five (5)
3388 aldermen to three (3) aldermen shall be approved by a majority of
3389 the qualified electors of the municipality voting in a special
3390 election held for this purpose.

3391 (4) If a municipality has a population according to the 2010
3392 federal decennial census that is less than ten thousand (10,000)
3393 and whose population according to the 2020 federal decennial
3394 census is ten thousand (10,000) or more, the municipality may
3395 elect to continue with five (5) aldermen and not increase to seven
3396 (7) aldermen by the adoption of a resolution by a majority of the



3397 board of aldermen expressing the intent to continue with five (5)
3398 aldermen and not increase to seven (7) aldermen. Before the
3399 adoption of such resolution, the proposed resolution shall be
3400 published * * * either in at least one (1) newspaper published in
3401 the municipality for three (3) consecutive weeks or by a link to
3402 such proposed resolution posted on the municipality's website or,
3403 if the municipality does not have a website, its official social
3404 media webpage is to remain available to the public for the
3405 duration of three (3) consecutive weeks. The first print
3406 publication of such resolution shall be made not less than
3407 twenty-one (21) days prior to the date fixed in such resolution
3408 for the adoption of the same and the last publication shall be
3409 made not more than seven (7) days prior to such date. If no
3410 newspaper be published in the municipality and no such website
3411 exists, then such notice shall be given by publishing the
3412 resolution for the required time in some newspaper having a
3413 general circulation in such municipality and, in addition, by
3414 posting a copy of such resolution for at least twenty-one (21)
3415 days next preceding the date fixed to adopt the resolution at
3416 three (3) public places in such municipality. If ten percent
3417 (10%) of the qualified electors of the municipality or fifteen
3418 hundred (1,500) whichever is lesser, shall file a written protest
3419 against the resolution on or before the date specified in the
3420 resolution, then an election on the question shall be called.
3421 Notice of such election shall be signed by the clerk of the



3422 municipality and shall be published * * * either in at least one
3423 (1) newspaper published in the municipality once a week for at
3424 least three (3) consecutive weeks or by a link to such notice
3425 posted on the municipality's website or, if the municipality does
3426 not have a website, its official social media webpage, for the
3427 duration of three (3) consecutive weeks. The first print
3428 publication of such notice shall be made not less than twenty-one
3429 (21) days prior to the date fixed for such election and the last
3430 publication shall be made not more than seven (7) days prior to
3431 such date. If no newspaper be published in the municipality and
3432 no such website exists, then such notice shall be given by
3433 publishing the same for the required time in some newspaper having
3434 a general circulation in such municipality and, in addition, by
3435 posting a copy of such notice for at least twenty-one (21) days
3436 next preceding the date fixed to adopt the resolution at three (3)
3437 public places in such municipality. At the election, all
3438 qualified electors of such municipality may vote, and the ballots
3439 used in the election shall have printed thereon a brief statement
3440 of the purpose of the increase in the number of aldermen and the
3441 words "FOR THE INCREASE IN THE NUMBER OF ALDERMEN FROM 5 TO 7" and
3442 on a separate line, "AGAINST THE INCREASE IN NUMBER OF ALDERMEN
3443 FROM 5 TO 7" and the voters shall vote by placing a cross (X) or
3444 check (√) opposite their choice on the proposition. The results
3445 of the election shall be certified by the municipal election
3446 commissions and spread on the minutes of the municipality. If a



3447 majority of electors who voted in the election vote in favor of
3448 maintaining five (5) aldermen and not increasing the number to
3449 seven (7) aldermen, the number of aldermen shall remain at five
3450 (5) and shall not be increased except by special election called
3451 for such purpose. If a majority of electors who voted in the
3452 election vote against maintaining five (5) aldermen and in favor
3453 of increasing the number to seven (7) aldermen, the number of
3454 aldermen for such municipality shall be increased to seven (7)
3455 aldermen and the number shall not be decreased except by act of
3456 the Legislature.

3457 **SECTION 59.** Section 21-5-15, Mississippi Code of 1972, is
3458 amended as follows:

3459 21-5-15. At the first regular meeting of the council that is
3460 first elected, or as soon thereafter as practicable, the council
3461 shall, by ordinance, fix the salary of the mayor and each of the
3462 councilmen (or commissioners), which ordinance shall not become
3463 operative until the same shall have been approved by a majority of
3464 the qualified electors voting at an election to be held for that
3465 purpose, as provided by this section. Said ordinance shall be
3466 published either in a newspaper published in said city, and having
3467 a general circulation therein, for at least ten (10) days before
3468 such election, * * * or by a link to such ordinance posted on the
3469 municipality's website or, if the municipality does not have a
3470 website, its official social media webpage is to remain available
3471 to the public for the duration of at least ten (10) days before



3472 such election. Notice of the date of such election shall be given
3473 by the council for ten (10) days by publication in a newspaper
3474 published in such city, and having general circulation therein, or
3475 by a link to such ordinance posted on the municipality's website
3476 or, if the municipality does not have a website, its official
3477 social media webpage is to remain available to the public for the
3478 duration of ten (10) days. In case such ordinance shall be
3479 rejected by the electors at such election, then a new ordinance,
3480 or ordinances, may be passed by the council and submitted to the
3481 electors in like manner, until the same shall have been ratified
3482 by the electors. When an ordinance so fixing the salaries shall
3483 have been finally adopted and approved, the salaries so fixed
3484 shall remain in effect until altered or changed in the manner
3485 hereinafter provided.

3486 To reduce the salary so fixed it shall be sufficient that the
3487 council adopt an ordinance to that effect, which ordinance shall
3488 become effective upon adoption without the necessity of
3489 publication or of an election. To increase the salary so fixed,
3490 an ordinance shall be duly adopted, by the council, which
3491 ordinance shall be published for ten (10) days in a newspaper
3492 published or having a general circulation in such city * * * or by
3493 a link to such ordinance posted on the municipality's website or,
3494 if the municipality does not have a website, its official social
3495 media webpage is to remain available to the public for ten (10)
3496 days. The ordinance shall not become effective until it shall



3497 have been approved by a majority of the qualified electors of such
3498 city voting at an election to be held for that purpose after
3499 notice of such election shall have been given by the council for
3500 ten (10) days by publication in a newspaper published in such city
3501 or having a general circulation therein, the last notice to appear
3502 not more than one (1) week next prior to the date of the election,
3503 or by link to such ordinance posted on the municipality's website
3504 or, if the municipality does not have a website, its official
3505 social media webpage is to remain available to the public for ten
3506 (10) days.

3507 Every officer or assistant, other than the mayor and
3508 councilmen, shall receive such salary or compensation as the
3509 council shall by ordinance provide. The salary or compensation of
3510 all other employees of such city shall be fixed by the council
3511 from time to time, as occasion may demand.

3512 **SECTION 60.** Section 21-13-11, Mississippi Code of 1972, is
3513 amended as follows:

3514 21-13-11. Every ordinance passed by the governing body of a
3515 municipality, except as is otherwise provided by law, shall be
3516 certified by a municipal clerk, signed by the mayor or a majority
3517 of all the members of the governing body, recorded in the
3518 ordinance book, and published at least one * * * time either in
3519 some newspaper published in such municipality * * * or by a link
3520 to such ordinance posted on the municipality's website or, if the
3521 municipality does not have a website, its official social media



3522 webpage. If there be no such newspaper or website, then the
3523 ordinance shall be published in a newspaper within the county
3524 having general circulation in said municipality, or, if there be
3525 no newspaper published in or having general circulation in same,
3526 then in any newspaper published in the State of Mississippi having
3527 general circulation in said county; and all of same shall be done
3528 before such ordinance shall be effective. The publication of the
3529 ordinance may be made as provided in Section 21-17-19. No
3530 ordinance shall be in force for one (1) month after its passage;
3531 however, any ordinance for the immediate and temporary
3532 preservation of the public peace, health or safety or for other
3533 good cause, which is adopted by unanimous vote of all members of
3534 the governing body, may be made effective from and after its
3535 passage by a unanimous vote of all members of the governing body.
3536 However, in such cases, such ordinance shall contain a statement
3537 of reason why it is necessary that same become immediately
3538 effective. All such ordinances shall be published and recorded in
3539 the ordinance book in the same manner as other ordinances, but
3540 shall become effective immediately upon the adoption thereof, and
3541 prior to being so recorded and published. Nothing in this section
3542 shall apply to ordinances appropriating money for the payment of
3543 the current expenses of the municipality or the payment of sums
3544 due on any contract previously made.

3545 **SECTION 61.** Section 21-17-1, Mississippi Code of 1972, is
3546 amended as follows:



3547 21-17-1. (1) Every municipality of this state shall be a
3548 municipal corporation and shall have power to sue and be sued; to
3549 purchase and hold real estate, either within or without the
3550 corporate limits, for all proper municipal purposes, including
3551 parks, cemeteries, hospitals, schoolhouses, houses of correction,
3552 waterworks, electric lights, sewers and other proper municipal
3553 purposes; to purchase and hold personal property for all proper
3554 municipal purposes; to sell or dispose of personal property or
3555 real property owned by it consistent with Section 17-25-25; to
3556 acquire equipment and machinery by lease-purchase agreement and to
3557 pay interest thereon, if contracted, when needed for proper
3558 municipal purposes; and to sell and convey any real property owned
3559 by it, and make such order respecting the same as may be deemed
3560 conducive to the best interest of the municipality, and exercise
3561 jurisdiction over the same.

3562 (2) (a) In case any of the real property belonging to a
3563 municipality shall cease to be used for municipal purposes, the
3564 governing authority of the municipality may sell, convey or lease
3565 the same on such terms as the municipal authority may elect. In
3566 case of a sale on a credit, the municipality shall charge
3567 appropriate interest as contracted and shall have a lien on the
3568 same for the purchase money, as against all persons, until paid
3569 and may enforce the lien as in such cases provided by law. The
3570 deed of conveyance in such cases shall be executed in the name of
3571 the municipality by the governing authority of the municipality



3572 pursuant to an order entered on the minutes. In any sale or
3573 conveyance of real property, the municipality shall retain all
3574 mineral rights that it owns, together with the right of ingress
3575 and egress to remove same. Except as otherwise provided in this
3576 section, before any such lease, deed or conveyance is executed,
3577 the governing authority of the municipality shall publish * * *
3578 the intention to lease or sell, as the case may be, the
3579 municipally owned real property and to accept sealed competitive
3580 bids for the leasing or sale either in a public newspaper of the
3581 municipality in which the real property is located at least once
3582 each week for three (3) weeks or by a link to such intention
3583 posted on the municipality's website or, if the municipality does
3584 not have a website, its official social media webpage, for the
3585 duration of three (3) consecutive weeks. If no such newspaper is
3586 published and no such website exists, then publication is proper
3587 in a newspaper having general circulation therein. The governing
3588 authority of the municipality shall thereafter accept bids for the
3589 lease or sale and shall award the lease or sale to the highest
3590 bidder in the manner provided by law. However, whenever the
3591 governing authority of the municipality shall find and determine,
3592 by resolution duly and lawfully adopted and spread upon its
3593 minutes (i) that any municipally owned real property is no longer
3594 needed for municipal or related purposes and is not to be used in
3595 the operation of the municipality, (ii) that the sale of such
3596 property in the manner otherwise provided by law is not necessary



3597 or desirable for the financial welfare of the municipality, and
3598 (iii) that the use of such property for the purpose for which it
3599 is to be sold, conveyed or leased will promote and foster the
3600 development and improvement of the community in which it is
3601 located and the civic, social, educational, cultural, moral,
3602 economic or industrial welfare thereof, the governing authority of
3603 the municipality shall be authorized and empowered, in its
3604 discretion, to sell, convey or lease same for any of the purposes
3605 set forth herein without having to advertise for and accept
3606 competitive bids.

3607 (b) In any case in which a municipality proposes to
3608 sell, convey or lease real property under the provisions of this
3609 subsection (2) without advertising for and accepting competitive
3610 bids, the governing authority may sell, convey or lease the
3611 property as follows:

3612 (i) Consideration for the purchase, conveyance or
3613 lease of the property shall be not less than the average of the
3614 fair market price for such property as determined by at least two
3615 (2) professional property appraisers selected by the municipality
3616 and approved by the purchaser or lessee. Appraisal fees shall be
3617 shared equally by the municipality and the purchaser or lessee;

3618 (ii) The governing authority of a municipality may
3619 contract for the professional services of a Mississippi licensed
3620 real estate broker to assist the municipality in the marketing and
3621 sale or lease of the property, and may provide the broker



3622 reasonable compensation for services rendered to be paid from the
3623 sale or lease proceeds. The reasonable compensation shall not
3624 exceed the usual and customary compensation for similar services
3625 within the municipality; or

3626 (iii) The governing authority of a municipality
3627 may lease property of less than one thousand five hundred (1,500)
3628 square feet to any person or legal entity by having two (2)
3629 appraisals establish the fair market value of the lease, and on
3630 such other terms and conditions as the parties may agree, such
3631 lease being lawfully adopted and spread upon its official minutes.

3632 (3) Whenever the governing authority of the municipality
3633 shall find and determine by resolution duly and lawfully adopted
3634 and spread upon the minutes that municipally owned real property
3635 is not used for municipal purposes and therefore surplus as set
3636 forth in subsection (2) of this section:

3637 (a) (i) Except as otherwise provided in subparagraph
3638 (ii) of this paragraph (a), the governing authority may donate
3639 such lands to a bona fide not-for-profit civic or eleemosynary
3640 corporation organized and existing under the laws of the State of
3641 Mississippi and granted tax-exempt status by the Internal Revenue
3642 Service and may donate such lands and necessary funds related
3643 thereto to the public school district in which the land is
3644 situated for the purposes set forth herein. Any deed or
3645 conveyance executed pursuant hereto shall contain a clause of
3646 reverter providing that the bona fide not-for-profit corporation



3647 or public school district may hold title to such lands only so
3648 long as they are continued to be used for the civic, social,
3649 educational, cultural, moral, economic or industrial welfare of
3650 the community, and that title shall revert to the municipality in
3651 the event of the cessation of such use for a period of two (2)
3652 years. In any such deed or conveyance, the municipality shall
3653 retain all mineral rights that it owns, together with the right of
3654 ingress and egress to remove same;

3655 (ii) If the governing authority of a municipality
3656 with a total population of greater than forty thousand (40,000),
3657 but not more than forty-two thousand five hundred (42,500)
3658 according to the 2010 federal decennial census, donates real
3659 property to a bona fide not-for-profit civic or eleemosynary
3660 corporation and such civic or eleemosynary corporation commits Two
3661 Million Dollars (\$2,000,000.00) to renovate or make capital
3662 improvements to the property by an agreement between a certain
3663 state institution of higher learning and the civic or eleemosynary
3664 corporation, then the clause of reverter required by this
3665 paragraph shall provide that title of such real property shall
3666 revert 1. to the bona fide not-for-profit civic or eleemosynary
3667 corporation, if a certain state institution of higher learning
3668 ceases to use the property for the purposes required by this
3669 paragraph (a) for donated lands, or 2. to the municipality, if a
3670 certain state institution of higher learning ceases to use the
3671 property for the purposes required by this paragraph (a) and the



3672 not-for-profit civic or eleemosynary corporation or its successor
3673 ceases to exist;

3674 (b) (i) The governing authority may donate such lands
3675 to a bona fide not-for-profit corporation (such as Habitat for
3676 Humanity) which is primarily engaged in the construction of
3677 housing for persons who otherwise can afford to live only in
3678 substandard housing. In any such deed or conveyance, the
3679 municipality shall retain all mineral rights that it owns,
3680 together with the right of ingress and egress to remove same;

3681 (ii) In the event the governing authority does not
3682 wish to donate title to such lands to the bona fide not-for-profit
3683 civic or eleemosynary corporation, but wishes to retain title to
3684 the lands, the governing authority may lease the lands to a bona
3685 fide not-for-profit corporation described in paragraph (a) or this
3686 paragraph (b) for less than fair market value;

3687 (c) The governing authority may donate any municipally
3688 owned lot measuring twenty-five (25) feet or less along the
3689 frontage line as follows: the governing authority may cause the
3690 lot to be divided in half along a line running generally
3691 perpendicular to the frontage line and may convey each one-half
3692 (1/2) of that lot to the owners of the parcels laterally adjoining
3693 the municipally owned lot. All costs associated with a conveyance
3694 under this paragraph (c) shall be paid by the person or entity to
3695 whom the conveyance is made. In any such deed or instrument of
3696 conveyance, the municipality shall retain all mineral rights that



3697 it owns, together with the right of ingress and egress to remove
3698 same;

3699 (d) Nothing contained in this subsection (3) shall be
3700 construed to prohibit, restrict or to prescribe conditions with
3701 regard to the authority granted under Section 17-25-3.

3702 (4) Every municipality shall also be authorized and
3703 empowered to loan to private persons or entities, whether
3704 organized for profit or nonprofit, funds received from the United
3705 States Department of Housing and Urban Development (HUD) under an
3706 urban development action grant or a community development block
3707 grant under the Housing and Community Development Act of 1974
3708 (Public Law 93-383), as amended, and to charge interest thereon if
3709 contracted, provided that no such loan shall include any funds
3710 from any revenues other than the funds from the United States
3711 Department of Housing and Urban Development; to make all contracts
3712 and do all other acts in relation to the property and affairs of
3713 the municipality necessary to the exercise of its governmental,
3714 corporate and administrative powers; and to exercise such other or
3715 further powers as are otherwise conferred by law.

3716 (5) (a) The governing authority of any municipality may
3717 establish an employer-assisted housing program to provide funds to
3718 eligible employees to be used toward the purchase of a home. This
3719 assistance may be applied toward the down payment, closing costs
3720 or any other fees or costs associated with the purchase of a home.
3721 The housing assistance may be in the form of a grant, forgivable



3722 loan or repayable loan. The governing authority of a municipality
3723 may contract with one or more public or private entities to
3724 provide assistance in implementing and administering the program
3725 and shall adopt rules and regulations regarding the eligibility of
3726 a municipality for the program and for the implementation and
3727 administration of the program. However, no general funds of a
3728 municipality may be used for a grant or loan under the program.

3729 (b) Participation in the program established under this
3730 subsection (5) shall be available to any eligible municipal
3731 employee as determined by the governing authority of the
3732 municipality. Any person who receives financial assistance under
3733 the program must purchase a house and reside within certain
3734 geographic boundaries as determined by the governing authority of
3735 the municipality.

3736 (c) If the assistance authorized under this subsection
3737 (5) is structured as a forgivable loan, the participating employee
3738 must remain as an employee of the municipality for an agreed upon
3739 period of time, as determined by the rules and regulations adopted
3740 by the governing authority of the municipality, in order to have
3741 the loan forgiven. The forgiveness structure, amount of
3742 assistance and repayment terms shall be determined by the
3743 governing authority of the municipality.

3744 (6) The governing authority of any municipality may contract
3745 with a private attorney or private collection agent or agency to
3746 collect any type of delinquent payment owed to the municipality,



3747 including, but not limited to, past-due fees, fines and other
3748 assessments, or with the district attorney of the circuit court
3749 district in which the municipality is located to collect any
3750 delinquent fees, fines and other assessments. Any such contract
3751 debt may provide for payment contingent upon successful collection
3752 efforts or payment based upon a percentage of the delinquent
3753 amount collected; however, the entire amount of all delinquent
3754 payments collected shall be remitted to the municipality and shall
3755 not be reduced by any collection costs or fees. Any private
3756 attorney or private collection agent or agency contracting with
3757 the municipality under the provisions of this subsection shall
3758 give bond or other surety payable to the municipality in such
3759 amount as the governing authority of the municipality deems
3760 sufficient. Any private attorney with whom the municipality
3761 contracts under the provisions of this subsection must be a member
3762 in good standing of The Mississippi Bar. Any private collection
3763 agent or agency with whom the municipality contracts under the
3764 provisions of this subsection must meet all licensing requirements
3765 for doing business in the State of Mississippi. Neither the
3766 municipality nor any officer or employee of the municipality shall
3767 be liable, civilly or criminally, for any wrongful or unlawful act
3768 or omission of any person or business with whom the municipality
3769 has contracted under the provisions of this subsection. The
3770 Mississippi Department of Audit shall establish rules and
3771 regulations for use by municipalities in contracting with persons



3772 or businesses under the provisions of this subsection. If a
3773 municipality uses its own employees to collect any type of
3774 delinquent payment owed to the municipality, then from and after
3775 July 1, 2000, the municipality may charge an additional fee for
3776 collection of the delinquent payment provided the payment has been
3777 delinquent for ninety (90) days. The collection fee may not
3778 exceed twenty-five percent (25%) of the delinquent payment if the
3779 collection is made within this state and may not exceed fifty
3780 percent (50%) of the delinquent payment if the collection is made
3781 outside this state. In conducting collection of delinquent
3782 payments, the municipality may utilize credit cards or electronic
3783 fund transfers. The municipality may pay any service fees for the
3784 use of such methods of collection from the collection fee, but not
3785 from the delinquent payment. There shall be due to the
3786 municipality from any person whose delinquent payment is collected
3787 under a contract executed as provided in this subsection an
3788 amount, in addition to the delinquent payment, * * * not to exceed
3789 twenty-five percent (25%) of the delinquent payment for
3790 collections made within this state, and not to exceed fifty
3791 percent (50%) of the delinquent payment for collections made
3792 outside of this state.

3793 (7) In addition to such authority as is otherwise granted
3794 under this section, the governing authority of any municipality
3795 may expend funds necessary to maintain and repair, and to purchase
3796 liability insurance, tags and decals for, any personal property



3797 acquired under the Federal Excess Personal Property Program that
3798 is used by the local volunteer fire department.

3799 (8) In addition to the authority to expend matching funds
3800 under Section 21-19-65, the governing authority of any
3801 municipality, in its discretion, may expend municipal funds to
3802 match any state, federal or private funding for any program
3803 administered by the State of Mississippi, the United States
3804 government or any nonprofit organization that is exempt under 26
3805 USCS Section 501(c) (3) from paying federal income tax.

3806 (9) The governing authority of any municipality that owns
3807 and operates a gas distribution system, as defined in Section
3808 21-27-11(b), and the governing authority of any public natural gas
3809 district are authorized to contract for the purchase of the supply
3810 of natural gas for a term of up to ten (10) years with any public
3811 nonprofit corporation which is organized under the laws of this
3812 state or any other state.

3813 (10) The governing authority of any municipality may perform
3814 and exercise any duty, responsibility or function, may enter into
3815 agreements and contracts, may provide and deliver any services or
3816 assistance, and may receive, expend and administer any grants,
3817 gifts, matching funds, loans or other monies, in accordance with
3818 and as may be authorized by any federal law, rule or regulation
3819 creating, establishing or providing for any program, activity or
3820 service. The provisions of this subsection shall not be construed
3821 as authorizing any municipality or the governing authority of such



3822 municipality to perform any function or activity that is
3823 specifically prohibited under the laws of this state or as
3824 granting any authority in addition to or in conflict with the
3825 provisions of any federal law, rule or regulation.

3826 (11) (a) In addition to such authority as is otherwise
3827 granted under this section, the governing authority of a
3828 municipality, in its discretion, may sell, lease, donate or
3829 otherwise convey property to any person or legal entity without
3830 public notice, without having to advertise for and accept
3831 competitive bids and without appraisal, with or without
3832 consideration, and on such terms and conditions as the parties may
3833 agree if the governing authority finds and determines, by
3834 resolution duly and lawfully adopted and spread upon its official
3835 minutes:

3836 (i) The subject property is real property acquired
3837 by the municipality:

- 3838 1. By reason of a tax sale;
3839 2. Because the property was abandoned or
3840 blighted; or
3841 3. In a proceeding to satisfy a municipal
3842 lien against the property;

3843 (ii) The subject property is blighted and is
3844 located in a blighted area;



3845 (iii) The subject property is not needed for
3846 governmental or related purposes and is not to be used in the
3847 operation of the municipality;

3848 (iv) That the sale of the property in the manner
3849 otherwise provided by law is not necessary or desirable for the
3850 financial welfare of the municipality; and

3851 (v) That the use of the property for the purpose
3852 for which it is to be conveyed will promote and foster the
3853 development and improvement of the community in which it is
3854 located or the civic, social, educational, cultural, moral,
3855 economic or industrial welfare thereof; the purpose for which the
3856 property is conveyed shall be stated.

3857 (b) Any deed or instrument of conveyance executed
3858 pursuant to the authority granted under this subsection shall
3859 contain a clause of reverter providing that title to the property
3860 will revert to the municipality if the person or entity to whom
3861 the property is conveyed does not fulfill the purpose for which
3862 the property was conveyed and satisfy all conditions imposed on
3863 the conveyance within two (2) years of the date of the conveyance.

3864 (c) In any such deed or instrument of conveyance, the
3865 municipality shall retain all mineral rights that it owns,
3866 together with the right of ingress and egress to remove same.

3867 (12) The governing authority of any municipality may enter
3868 into agreements and contracts with any housing authority, as
3869 defined in Section 43-33-1, to provide extra police protection in



3870 exchange for the payment of compensation or a fee to the
3871 municipality.

3872 (13) The governing authority of any municipality may
3873 reimburse the cost of an insured's deductible for an automobile
3874 insurance coverage claim if the claim has been paid for damages to
3875 the insured's property arising from the negligence of a duly
3876 authorized officer, agent, servant, attorney or employee of the
3877 municipality in the performance of his or her official duties, and
3878 the officer, agent, servant, attorney or employee owning or
3879 operating the motor vehicle is protected by immunity under the
3880 Mississippi Tort Claims Act, Section 11-46-1 et seq.

3881 (14) The powers conferred by this section shall be in
3882 addition and supplemental to the powers conferred by any other
3883 law, and nothing contained in this section shall be construed to
3884 prohibit, or to prescribe conditions concerning, any practice or
3885 practices authorized under any other law.

3886 **SECTION 62.** Section 21-17-9, Mississippi Code of 1972, is
3887 amended as follows:

3888 21-17-9. When a municipality now existing, which has not
3889 adopted the code charter or commission form of government, but is
3890 governed by another charter, shall desire to amend its charter,
3891 the same may be done in this way: the mayor and board of
3892 aldermen, city council, or municipal authority, by whatever name
3893 known, may prepare, in writing, the desired amendment or
3894 amendments and have the same published * * * either in a legal



3895 newspaper published in the municipality, if there be one, * * *
3896 for three (3) weeks or by a link to such amendment posted on the
3897 municipality's website or, if the municipality does not have a
3898 website, its official social media webpage for the duration of the
3899 three (3) week period. If * * * no such newspaper or website
3900 exists, then by posting for said time in at least three (3) public
3901 places therein, after which the proposed amendment or amendments
3902 shall be submitted to the Governor, who shall submit the same to
3903 the Attorney General for his opinion. The publication of the
3904 amendment or amendments may be made as provided in Section
3905 21-17-19. If the Attorney General is of the opinion that the
3906 proposed amendment or amendments are consistent with the
3907 Constitution and laws of the United States and the Constitution of
3908 this state, the Governor shall approve the proposed amendment or
3909 amendments. If, after publication is made, one-tenth (1/10) of
3910 the qualified electors of the municipality shall protest against
3911 the proposed amendments, or any of them, the Governor shall not
3912 approve the ones protested against until they shall be submitted
3913 to and ratified by a majority of the electors of the municipality
3914 voting in a special election. Amendments, when approved by the
3915 Governor, shall be recorded, at the expense of the municipality,
3916 in the office of the Secretary of State and upon the records of
3917 the mayor and board of aldermen, or other governing authorities of
3918 the municipality, and when so recorded shall have the force and
3919 effect of law. No amendment to the private or special charter of



3920 any municipality shall be adopted or approved when such amendment
3921 is in conflict with any of the provisions of this title expressly
3922 made applicable to municipalities operating under a private or
3923 special charter, or is in conflict with the provisions of any
3924 other legislation expressly made applicable to any such
3925 municipality.

3926 **SECTION 63.** Section 21-17-11, Mississippi Code of 1972, is
3927 amended as follows:

3928 21-17-11. It shall be lawful for any number, not less than
3929 twenty percent (20%) of the qualified electors of any
3930 municipality, by petition, to propose an amendment or amendments
3931 to the charter of such municipality not in conflict with the
3932 Constitution and laws of the United States, or the Constitution of
3933 this state. The said amendment or amendments shall be
3934 published * * * either in a newspaper published in the
3935 municipality, if there be one, * * * for three (3) weeks prior to
3936 a special election or by a link to such amendment or amendments on
3937 the municipality's website or, if the municipality does not have a
3938 website, its official social media page is to remain available to
3939 the public for the duration of three (3) weeks prior to a special
3940 election. If * * * there is no such newspaper or website,
3941 publication is proper by posting for said time in at least three
3942 (3) public places therein. The publication of the amendment or
3943 amendments may be made as provided in Section 21-17-19. If such
3944 election results in favor of any such amendment or amendments,



3945 then the amendment or amendments shall be submitted to the
3946 Governor, as is provided in Section 21-17-9, and the procedure
3947 therein outlined shall be followed, except that it shall not be
3948 necessary to republish such amendment or amendments, or resubmit
3949 such amendment or amendments for approval of the qualified
3950 electors.

3951 **SECTION 64.** Section 21-17-17, Mississippi Code of 1972, is
3952 amended as follows:

3953 21-17-17. Notwithstanding the provisions of Sections
3954 21-3-19, 21-5-13, 21-7-9 and 21-9-39, Mississippi Code of 1972,
3955 the governing authorities of any municipality may by ordinance
3956 duly adopted change the day of the week set by the appropriate
3957 section hereinabove as their regular monthly or bimonthly meeting
3958 date. Before the adoption of any such ordinance, the ordinance
3959 shall first be published * * * in a newspaper published in or
3960 having general circulation within the municipality once a week for
3961 at least three (3) consecutive weeks or by a link to such
3962 ordinance posted on the municipality's website or, if the
3963 municipality does not have a website, its official social media
3964 webpage, for the duration of three (3) consecutive weeks. Once
3965 such regular meeting day has been changed, meetings shall be held
3966 as otherwise provided by law.

3967 **SECTION 65.** Section 21-17-19, Mississippi Code of 1972, is
3968 amended as follows:



3969 21-17-19. (1) Whenever a municipality is required by law to
3970 publish in a newspaper or municipality website any public measure
3971 or amendment thereto, the substance of the public measure or
3972 amendment thereto may be printed in lieu of the full text of the
3973 public measure or amendment thereto, as provided in this section.
3974 Such a public measure shall include, but shall not be limited to,
3975 an ordinance, resolution, amendment to a municipal charter or
3976 annual audit. The provisions of this section shall not apply to
3977 publication of the annual budget or amendments thereto; such
3978 publication shall be made as provided in Chapter 35, Title 21,
3979 Mississippi Code of 1972.

3980 (2) The substance of the public measure or amendment thereto
3981 shall be an explanatory statement summarizing the full text of the
3982 public measure or amendment thereto, in which the chief purpose of
3983 the measure is explained in clear and unambiguous language. Such
3984 statement shall be prepared by the governing authorities of the
3985 municipality, and shall not exceed three hundred (300) words in
3986 length to the extent practicable.

3987 (3) During the entire time of the publication of the
3988 explanatory statement either in a newspaper or by a link to such
3989 statement posted on the municipality's website or, if the
3990 municipality does not have a website, its official social media
3991 webpage, a copy of the full text of the public measure or
3992 amendment thereto shall be posted by the clerk of the municipality
3993 (a) at the city hall, (b) at the main public library in the



3994 municipality, or at the courthouse in the judicial district or
3995 county in which the municipality is located; and in addition, the
3996 clerk shall post such copy at least at one (1) other public place
3997 in the municipality. The clerk shall furnish any resident of the
3998 municipality a copy of the full text of the public measure or
3999 amendment thereto upon request, and this shall be stated in the
4000 publication of the explanatory statement.

4001 **SECTION 66.** Section 21-19-2, Mississippi Code of 1972, is
4002 amended as follows:

4003 21-19-2. (1) (a) To defray the cost of establishing,
4004 operating and maintaining the system provided for in Section
4005 21-19-1, the governing authority of a municipality may develop a
4006 system for the billing and/or collection of any fees or charges
4007 imposed on each person furnished garbage and/or rubbish collection
4008 and/or disposal service by the municipality or at the expense of
4009 the municipality. The governing authority of the municipality
4010 shall provide for the collection of the fees or charges.

4011 (b) The governing authority of a municipality may enter
4012 into a contract upon mutual agreement with a public or private
4013 corporation, nonprofit corporation, planning and development
4014 district or a public agency, association, utility or utility
4015 district within the area receiving garbage and/or rubbish
4016 collection and/or disposal services from the municipality for the
4017 purpose of developing, maintaining, operating and administering a
4018 system for the billing and/or collection of fees or charges



4019 imposed by the municipality for garbage and/or rubbish collection
4020 and/or disposal services. The entity with whom the governing
4021 authority of a municipality contracts shall notify the governing
4022 authority of the municipality monthly of any unpaid fees or
4023 charges assessed under this section. Any entity that contracts to
4024 provide a service to customers, within the area being served by
4025 the municipality's garbage and/or rubbish collection and/or
4026 disposal system, may provide a list of its customers to the
4027 governing authority of the municipality upon the request of the
4028 governing authority.

4029 (2) (a) To defray the cost of establishing and operating
4030 the system provided for in Section 21-19-1, the governing body of
4031 a municipality may levy an ad valorem tax not to exceed four (4)
4032 mills on all taxable property within the area served by the
4033 municipality's garbage and/or rubbish collection and/or disposal
4034 system. The service area may be comprised of incorporated and/or
4035 unincorporated areas within a county; however, no property shall
4036 be subject to this levy unless that property is within an area
4037 served by a municipality's garbage and/or rubbish collection
4038 and/or disposal system. The rate of the ad valorem tax levied
4039 under this section shall be shown as a line item on the notice of
4040 ad valorem taxes on taxable property owed by the taxpayer.

4041 (b) In addition to or in lieu of any other method
4042 authorized to defray the cost of establishing and operating the
4043 system provided for in Section 21-19-1, the governing body of a



4044 municipality that has established a garbage and/or rubbish
4045 collection and/or disposal system may assess and collect fees or
4046 charges to defray the costs of such services. The governing
4047 authority may assess and collect the fees or charges from each
4048 single family residential generator of garbage and/or rubbish.
4049 The governing authority also may assess and collect such fees or
4050 charges from each industrial, commercial and multi-family
4051 residential generator of garbage and/or rubbish for any time
4052 period that the generator has not otherwise contracted for the
4053 collection of garbage and/or rubbish that is ultimately disposed
4054 of at a permitted or authorized nonhazardous solid waste
4055 management facility.

4056 (c) Before the adoption of any resolution or ordinance
4057 to increase the ad valorem tax assessment or fees or charges
4058 authorized by this section, the governing authority of a
4059 municipality shall have published a notice advertising their
4060 intent to increase the ad valorem tax assessment or fees or
4061 charges authorized by this section. The notice shall specify the
4062 purpose of the proposed increase, the proposed percentage increase
4063 and the proposed percentage increase in total revenues for garbage
4064 and/or rubbish collection and/or disposal services or shall
4065 contain a copy of any resolution by the governing authority
4066 stating their intent to increase the ad valorem tax assessment or
4067 fees or charges authorized by this section. The notice shall be
4068 published either in a newspaper having general circulation in the



4069 municipality for no less than three (3) consecutive weeks before
4070 the adoption of the order or by a link to such notice posted on
4071 the municipality's website or, if the municipality does not have a
4072 website, its official social media webpage is to remain available
4073 to the public for the duration of three (3) consecutive weeks
4074 before the adoption of the order. The print notice shall be in
4075 print no less than the size of eighteen (18) point and shall be
4076 surrounded by a one-fourth (1/4) inch black border. The print
4077 notice shall not be placed in the legal section notice of the
4078 newspaper. There shall be no language in the notice inferring a
4079 mandate from the Legislature.

4080 In addition to the requirement for publication of notice, the
4081 governing authority of a municipality shall notify each person
4082 furnished garbage and/or rubbish collection and/or disposal
4083 service of any increase in the ad valorem tax assessment or fees
4084 or charges authorized by this section. In the case of an increase
4085 of the ad valorem tax assessment, a notice shall be conspicuously
4086 placed on or attached to the first ad valorem tax bill on which
4087 the increased assessment is effective. In the case of an increase
4088 in fees or charges, a notice shall be conspicuously placed on or
4089 attached to the first bill for fees or charges on which the
4090 increased fees or charges are assessed. There shall be no
4091 language in any notice inferring a mandate from the Legislature.

4092 (d) The governing authority of a municipality may adopt
4093 an ordinance authorizing the granting of exemptions from the fees



4094 or charges for certain generators of garbage and/or rubbish. The
4095 ordinance shall define clearly those generators that may be
4096 exempted and shall be interpreted consistently by the governing
4097 authority when determining whether to grant or withhold requested
4098 exemptions.

4099 (e) The governing authority may borrow money for the
4100 purpose of defraying the expenses of the system in anticipation
4101 of:

4102 (i) The tax levy authorized under this section;

4103 (ii) Revenues resulting from the assessment of any
4104 fees or charges for garbage and/or rubbish collection and/or
4105 disposal; or

4106 (iii) Any combination thereof.

4107 (3) (a) Fees or charges for garbage and/or rubbish
4108 collection and/or disposal shall be assessed jointly and severally
4109 against the generator of the garbage and/or rubbish and against
4110 the owner of the property furnished the service. However, any
4111 person who pays, as a part of a rental or lease agreement, an
4112 amount for garbage and/or rubbish collection and/or disposal
4113 services shall not be held liable upon the failure of the property
4114 owner to pay such fees.

4115 (b) Every generator assessed the fees or charges
4116 provided for and limited by this section and the owner of the
4117 property occupied by that generator shall be jointly and severally
4118 liable for the fees and/or charges so assessed. The fees or



4119 charges shall be a lien upon the real property offered garbage
4120 and/or rubbish collection and/or disposal service.

4121 At the discretion of the governing body of the municipality,
4122 fees or charges assessed for the service may be assessed annually.
4123 If fees or charges are assessed annually, the fees or charges for
4124 each calendar year shall be a lien upon the real property offered
4125 the service beginning on January 1 of the next immediately
4126 succeeding calendar year. The person or entity owing the fees or
4127 charges, upon signing a form provided by the governing authority,
4128 may pay the fees or charges in equal installments.

4129 If fees or charges so assessed are assessed on a basis other
4130 than annually, the fees or charges shall become a lien on the real
4131 property offered the service on the date that the fees or charges
4132 become due and payable.

4133 No real or personal property shall be sold to satisfy any
4134 lien imposed under this section.

4135 The municipality shall mail a notice of the lien, including
4136 the amount of unpaid fees or charges and a description of the
4137 property subject to the lien, to the owner of the property subject
4138 to the lien.

4139 (c) The municipal governing body shall notify the
4140 county tax collector of any unpaid fees or charges assessed under
4141 this section within ninety (90) days after such fees or charges
4142 are due. Upon receipt of a delinquency notice, the tax collector
4143 shall not issue or renew a motor vehicle road and bridge privilege



4144 license for any motor vehicle owned by a person who is delinquent
4145 in the payment of fees or charges, unless such fees or charges, in
4146 addition to any other taxes or fees assessed against the motor
4147 vehicle, are paid.

4148 (d) Liens created under this section may be discharged
4149 as follows:

4150 (i) By filing with the municipal tax collector a
4151 receipt or acknowledgement, signed by the municipality, that the
4152 lien has been paid or discharged; or

4153 (ii) By depositing with the municipal tax
4154 collector money equal to the amount of the claim, which money
4155 shall be held for the benefit of the municipality.

4156 **SECTION 67.** Section 21-19-13, Mississippi Code of 1972, is
4157 amended as follows:

4158 21-19-13. (1) The governing authorities of municipalities
4159 shall have the power to establish, alter and change the channels
4160 of streams or other water courses, and to bridge the same,
4161 whenever so to do will promote the health, comfort and convenience
4162 of the inhabitants of such municipality.

4163 (2) The governing authorities of any municipality shall also
4164 have the power and authority to incur costs and pay necessary
4165 expenses in providing labor, materials and supplies to clean or
4166 clear drainage ditches, creeks or channels, whether on public or
4167 private property, and to incur costs and pay necessary expenses in
4168 providing labor, materials and supplies in order to prevent



4169 erosion where such erosion has been caused or will be caused by
4170 such drainage ditches, creeks or channels. This paragraph shall
4171 not impose any obligation or duty upon the municipality and shall
4172 not create any additional rights for the benefit of any owner of
4173 public or private property.

4174 (3) No additional taxes shall be imposed for the works
4175 authorized under subsections (1) and (2) of this section until the
4176 governing authorities shall adopt a resolution declaring its
4177 intention to levy the taxes and establishing the amount of the tax
4178 levies and the date on which the taxes initially will be levied
4179 and collected. This date shall be the first day of a month but
4180 not earlier than the first day of the second month from the date
4181 of adoption of the resolution. Notice of the proposed tax levies
4182 shall be published * * * either in a newspaper having a general
4183 circulation in the municipality once each week for at least three
4184 (3) weeks or by a link to such notice posted on the municipality's
4185 website or, if the municipality does not have a website, its
4186 official social media webpage for the duration of three (3) weeks.
4187 The first print publication of the notice shall be made not less
4188 than twenty-one (21) days before the date fixed in the resolution
4189 on which the governing authorities propose to levy the taxes, and
4190 the last publication of the notice shall be made not more than
4191 seven (7) days before that date. If, within the time of giving
4192 notice, fifteen percent (15%) or two thousand five hundred
4193 (2,500), whichever is less, of the qualified electors of the



4194 municipality file a written petition against the levy of the
4195 taxes, then the taxes shall not be levied unless authorized by
4196 three-fifths (3/5) of the qualified electors of the municipality
4197 voting at an election to be called and held for that purpose.

4198 **SECTION 68.** Section 21-19-20, Mississippi Code of 1972, is
4199 amended as follows:

4200 21-19-20. (1) (a) A municipality shall institute
4201 proceedings to have demolished or seized an abandoned house or
4202 building that is used for the sale or use of drugs. In addition,
4203 the governing authorities of a municipality may sell, transfer or
4204 otherwise convey or use an abandoned house or building for
4205 suitable municipal purposes. The local law enforcement authority
4206 of the municipality shall have documented proof of drug sales or
4207 use in the abandoned property before a municipality may initiate
4208 proceedings to have the property demolished or seized.

4209 (b) (i) A municipality shall institute proceedings
4210 under this section to have an abandoned house or building
4211 demolished or seized if the governing authority of the
4212 municipality determines that the house or building is a menace to
4213 the public health and safety of the community and that it
4214 constitutes a public hazard and nuisance.

4215 (ii) Upon the receipt of a petition requesting the
4216 municipality to demolish or seize an abandoned house or building
4217 that constitutes a public hazard and nuisance signed by a majority
4218 of the residents residing within four hundred (400) feet of the



4219 property, the governing authority of the municipality shall notify
4220 the property owner that the petition has been filed and that a
4221 date for a hearing on the petition has been set. Notice to the
4222 property owner shall be by United States mail, or if the property
4223 owner or the owner's address is unknown, publication of the notice
4224 shall be made * * * either in a public newspaper of the county in
4225 which the municipality is located twice each week during two (2)
4226 successive weeks or by a link to such notice posted on the
4227 municipality's website or, if the municipality does not have a
4228 website, its official social media webpage is to remain available
4229 to the public for the duration of two (2) successive weeks; where
4230 there is no such newspaper or website in the county, the notice
4231 shall be published in a newspaper having a general circulation in
4232 the state. The hearing shall be held not less than thirty (30)
4233 nor more than sixty (60) days after service or completion of
4234 publication of the notice. At the hearing, the governing
4235 authority shall determine whether the property is a menace to the
4236 public health and safety of the community which constitutes a
4237 public hazard and nuisance. If the governing authority determines
4238 that the property is a public hazard and nuisance, the
4239 municipality shall institute proceedings under subsection (2) of
4240 this section to demolish or seize the abandoned house or building.
4241 (2) The municipality shall file a petition to declare the
4242 abandoned property a public hazard and nuisance and to have the
4243 property demolished or seized with the circuit clerk of the county



4244 in which the property or some part of the property is located.
4245 All of the owners of the property involved, and any mortgagee,
4246 trustee, or other person having any interest in or lien on the
4247 property shall be made defendants to the proceedings. The circuit
4248 clerk shall present the petition to the circuit judge who, by
4249 written order directed to the circuit clerk, shall fix the time
4250 and place for the hearing of the matter in termtime or vacation.
4251 The time of the hearing shall be fixed on a date to allow
4252 sufficient time for each defendant named to be served with
4253 process, as otherwise provided by law, not less than thirty (30)
4254 days before the hearing. If a defendant or other party in
4255 interest is not served for the specified time before the date
4256 fixed, the hearing shall be continued to a day certain to allow
4257 the thirty-day period specified.

4258 (3) Any cost incurred by a municipality under this section
4259 for demolishing or seizing abandoned property shall be paid by the
4260 owners of the property.

4261 **SECTION 69.** Section 21-19-25, Mississippi Code of 1972, is
4262 amended as follows:

4263 21-19-25. (1) Any municipality within the State of
4264 Mississippi may, in the discretion of its governing authority,
4265 adopt building codes, plumbing codes, electrical codes, gas codes,
4266 sanitary codes, or any other codes dealing with general public
4267 health, safety or welfare, or a combination of the same, by
4268 ordinance, in the manner prescribed in this section. Before any



4269 such code shall be adopted, it shall be either printed or
4270 typewritten, and it shall be presented in pamphlet form to the
4271 governing authority of the municipality at a regular meeting. The
4272 ordinance adopting the code shall not set out the code in full,
4273 but shall merely identify the same. The vote on passage of the
4274 ordinance shall be the same as on any other ordinances. After its
4275 adoption, the code shall be certified to by the mayor and clerk of
4276 the municipality, and shall be filed as a permanent record in the
4277 office of the clerk, who shall not be required to transcribe and
4278 record the same in the ordinance book as other ordinances. It
4279 shall not be necessary that the ordinance adopting the code or the
4280 code itself be published in full, but notice of the adoption of
4281 the code shall be given by publication either in some newspaper of
4282 the municipality for one (1) time * * * or by a link to such
4283 notice posted on the municipality's website or, if the
4284 municipality does not have a website, its official social media
4285 webpage. If there be no such newspaper or website, publication is
4286 proper by posting at three (3) or more public places within the
4287 corporate limits, a notice in substantially the following form:

4288 Notice is given that the city (or town or village) of
4289 _____, on the (give date of ordinance adopting code), adopted
4290 (state type of code and other information serving to identify the
4291 same) code.

4292 (2) If the governing authority of any municipality adopts or
4293 has adopted construction codes which do not have proper provisions



4294 to maintain up-to-date amendments, specifications in such codes
4295 for cements used in portland cement concrete shall be superseded
4296 by nationally recognized specifications referenced in any code
4297 adopted by the Mississippi Building Code Council.

4298 (3) All the provisions of this section shall apply to
4299 amendments and revisions of the code mentioned in this section.
4300 Any code adopted in accordance with this section shall not be in
4301 force for one (1) month after its passage, unless the municipal
4302 authorities in the ordinance authorize to the contrary. The
4303 provisions of this section shall be in addition and supplemental
4304 to any existing laws authorizing the adoption, amendment or
4305 revision of municipal ordinances or codes.

4306 (4) Notwithstanding any provision of this section to the
4307 contrary, any code adopted by a municipality before or after April
4308 12, 2001, is subject to the provisions of Section 41-26-14(10).

4309 (5) Notwithstanding any provision of this section to the
4310 contrary, the governing authorities of each municipality in
4311 Jackson, Harrison, Hancock, Stone and Pearl River Counties shall
4312 enforce the requirements imposed under Section 17-2-1 as provided
4313 in such section.

4314 (6) Regardless of whether the governing authority of any
4315 municipality adopts or has adopted construction codes, as set
4316 forth in this section, each and every governing authority of any
4317 municipality shall require permitting as a condition to
4318 construction within the municipality's jurisdiction, and any and



4319 all such permits shall contain on their faces, in conspicuous
4320 print, (a) the contractor's material purchase certificate number
4321 to the extent one is furnished by the Department of Revenue
4322 pursuant to Section 27-65-21(3) or the contractor's Taxpayer
4323 Identification Number as furnished by the Internal Revenue
4324 Service, and either a copy of such material purchase certificate
4325 furnished by the Department of Revenue pursuant to Section
4326 27-65-21(3), or a copy of the contractor's W-9, as the case may
4327 be, shall be required to be provided to the governing authority of
4328 such municipality as part of the contractor's application for such
4329 permit, prior to the issuance of such permit, and (b) the
4330 contractor's license or certificate of responsibility number as
4331 required by either Section 31-3-14 et seq., 51-5-1 et seq. or
4332 73-59-1 et seq.

4333 (7) The provisions of this section shall apply to all
4334 municipalities of this state, whether operating under the code
4335 charter, a special charter, commission form, or other form of
4336 government.

4337 **SECTION 70.** Section 21-19-51, Mississippi Code of 1972, is
4338 amended as follows:

4339 21-19-51. The governing authorities of municipalities shall
4340 have the power and authority, in their discretion, to contribute,
4341 appropriate or donate to fair associations, domiciled in their
4342 respective county, a sum of money not to exceed Ten Thousand
4343 Dollars (\$10,000.00) per annum for the purpose of advertising,



4344 displaying, exhibiting or promoting the agricultural or industrial
4345 resources of such municipality or its respective county. The
4346 expenditure of such money, when contributed, appropriated or
4347 donated, shall be under the control of the municipality, and such
4348 governing authorities are hereby authorized and empowered to
4349 appoint one (1) or as many as three (3) individuals, in their
4350 discretion, to represent the municipal authorities in the proper
4351 expenditure of such money for said purpose in conjunction with the
4352 fair association. Before contributing, appropriating or donating
4353 any money to any fair association, such governing authorities
4354 shall publish notice of their intention to contribute, appropriate
4355 or donate money to said fair association, giving the amount of,
4356 and the date of making said contribution, appropriation or
4357 donation, either in some newspaper published in the municipality,
4358 or having a general circulation therein if none be there
4359 published, for three (3) weeks ending not less than ten (10) days
4360 prior to the making of any contribution, appropriation or donation
4361 or by a link to such notice posted on the municipality's website
4362 or, if the municipality does not have a website, its official
4363 social media webpage is to remain available to the public for the
4364 duration of three (3) weeks ending not less than ten (10) days
4365 prior to the making of any contribution, appropriation or
4366 donation. If, before the making of said contribution,
4367 appropriation or donation, twenty per centum (20%) of the adult
4368 taxpayers of the municipality shall petition against such



4369 contribution, appropriation or donation, then the said
4370 contribution, appropriation or donation shall not be made, unless
4371 authorized by a majority of the electors voting in an election to
4372 be ordered for that purpose. All of the expenses of publishing
4373 the notice herein provided for and of holding any election
4374 hereunder shall be paid out of the municipal treasury.

4375 **SECTION 71.** Section 21-19-61, Mississippi Code of 1972, is
4376 amended as follows:

4377 21-19-61. Any municipality in this state which has a
4378 population in excess of one hundred thousand (1,000) people may
4379 set aside, appropriate and expend * * * monies for the purpose of
4380 advertising and bringing to the attention of the citizens of such
4381 municipality the reasons for and status of any municipal activity,
4382 litigation, franchise, proposed bond issue, and any other
4383 municipal matter about which it is for the best interest of the
4384 people that they be fully informed.

4385 Such advertising and publicizing may be done by newspaper,
4386 magazine, radio, television, municipality website, official
4387 municipality social media webpage, or by any combination of same,
4388 which in the judgment of the governing body of such municipality
4389 will be helpful toward advancing the moral, financial and other
4390 interests of such municipality.

4391 **SECTION 72.** Section 21-25-21, Mississippi Code of 1972, is
4392 amended as follows:



4393 21-25-21. The governing authorities of any municipality are
4394 hereby authorized to create, by ordinance, a fire district within
4395 or adjoining such municipality when petitioned so to do by a
4396 majority of the owners of property, either real or personal,
4397 located within such proposed fire district. After the creation of
4398 the fire district such governing authorities shall cause the
4399 ordinance creating such fire district to be published * * * either
4400 in some newspaper in such municipality, or the county in which the
4401 municipality is located, * * * for three (3) weeks or by a link to
4402 such ordinance posted on the municipality's website or, if the
4403 municipality does not have a website, its official social media
4404 webpage is to remain available to the public for the duration of
4405 three (3) weeks. At the next regular meeting of the governing
4406 authorities after such three (3) weeks' publication, they shall
4407 declare such territory to be a fire district as provided by this
4408 section. Such governing authorities shall have full power to
4409 contract for laying water mains and any other pipes or connections
4410 to the water mains to be used in said fire district, and for the
4411 establishment and maintenance of fire service therein.

4412 **SECTION 73.** Section 21-27-33, Mississippi Code of 1972, is
4413 amended as follows:

4414 21-27-33. All municipalities of the state are hereby
4415 empowered and authorized, if they so desire, to sell, lease, or
4416 otherwise dispose of any or all electric, water, gas or other
4417 municipally-owned public utility systems or properties on such



4418 terms and conditions, and with such safeguards as will best
4419 promote and protect the public interest. Said municipal
4420 corporations are empowered and authorized to transfer title to
4421 said public utility properties by warranty deed, bill of sale,
4422 contract, or lease, in the manner provided by law. However,
4423 notice of intention to make such sale, lease, or disposition of
4424 any such system, setting out the price and other general terms and
4425 conditions of such proposed sale, lease, or disposition shall be
4426 given by publication * * * either in a legal newspaper published
4427 in such municipality once a week for three (3) consecutive
4428 weeks, * * * or by a link to such notice posted on the
4429 municipality's website or, if the municipality does not have a
4430 website, its official social media webpage for the duration of
4431 three (3) consecutive weeks. If no such newspaper be published in
4432 said municipality and no such website exists, then publication is
4433 proper in some newspaper having a general circulation in such
4434 municipality. After ten (10) days from the last publication of
4435 such notice, the system may be disposed of, unless within ten (10)
4436 days after the last publication of such notice a petition signed
4437 by not less than twenty (20) per centum of the qualified voters of
4438 such municipality be filed, objecting to and protesting against
4439 such sale, lease, or disposition, in which event the same shall
4440 not be made unless submitted to a special election ordered for the
4441 purpose of determining whether a majority of those voting in such
4442 election shall vote for or against such sale, lease, or other



4443 disposition. Such election shall be ordered to be held not less
4444 than forty (40) days after the date of the last notice of the
4445 proposed sale, lease or disposition. Notice of such election,
4446 stating the purpose of election, shall be published once each week
4447 for three (3) consecutive weeks next preceding the time set for
4448 holding said election in such newspaper as herein provided. The
4449 laws governing special municipal elections shall govern the
4450 ordering and conduct of said election.

4451 The ballots provided shall have plainly written or printed
4452 thereon the words "shall the waterworks, electric, or gas (as the
4453 case may be) system be sold, leased, or disposed of (as the case
4454 may be)" and below said words shall be suitably placed on separate
4455 lines, the words "yes" and "no," so that the voter may indicate
4456 the way he desires to vote on the question submitted.

4457 If a majority of those voting in said election shall vote in
4458 favor of such sale, lease, or disposition, then the proper officer
4459 of the municipality may proceed to sell, lease or dispose of such
4460 system in accordance with the terms and conditions set out in the
4461 notice of proposed intention to sell, lease or dispose of such
4462 system, as herein provided. If such election is determined
4463 against such sale, lease or disposition of such system, then such
4464 system shall not be sold, leased or disposed of, but shall remain
4465 the property of the municipality.

4466 **SECTION 74.** Section 21-27-43, Mississippi Code of 1972, is
4467 amended as follows:



4468 21-27-43. Except as hereinafter provided, no bonds shall be
4469 issued pursuant to the authority granted in Section 21-27-23 until
4470 and unless a majority of those qualified electors of the
4471 municipality, voting on a proposition stating in general terms the
4472 maximum amount and purposes of the bonds, have approved the
4473 issuance at a special election called thereon according to law.

4474 However, the requirement for an election to be held before
4475 the issuance of the bonds shall not apply to the issuance of the
4476 revenue bonds for the purpose of improving, repairing or extending
4477 any waterworks system, water supply system, sewage system, sewage
4478 disposal system (or the addition of a sewage disposal system to a
4479 sewage system), gas producing system, gas generating,
4480 transmission, or distribution system, electric generating,
4481 transmission, or distribution system, garbage disposal system,
4482 rubbish disposal or incinerator system, or motor vehicle
4483 transportation system, which is now, or hereafter, owned or
4484 operated by any municipality, or railroad transportation system
4485 owned or operated by any municipality located in a county
4486 bordering the Mississippi River and in which Highways 49 and 61
4487 intersect. The revenue bonds may be issued for such purposes in
4488 the following manner: notice of intention to issue the revenue
4489 bonds, setting out the amount and other terms or conditions of the
4490 proposed issue, shall be given by publication either once a week
4491 for three (3) consecutive weeks in a local newspaper published in
4492 the municipality * * * or by a link to such notice posted on the



4493 municipality's website or, if the municipality does not have a
4494 website, its official social media webpage for the duration of
4495 three (3) consecutive weeks. If such a newspaper is not published
4496 in the municipality and no such website exists, then publication
4497 is proper in some newspaper having a general circulation in the
4498 municipality. After ten (10) days from the last publication of
4499 the notice, the bonds may be sold under the regular procedure for
4500 selling the bonds unless, within ten (10) days after the last
4501 publication of the notice, a petition signed by not less than
4502 twenty percent (20%) of the qualified voters of such municipality
4503 be filed objecting to and protesting against such revenue bond
4504 issue, in which event the same shall not be made unless submitted
4505 to a special election ordered for the purpose of determining
4506 whether or not a majority of those voting in the election shall
4507 vote for or against the revenue bond issue. The election shall be
4508 ordered to be held not later than forty (40) days after the date
4509 of the last notice of the proposed revenue bond issue. Notice of
4510 the election, stating the purpose of the election, shall be
4511 published either once each week for three (3) consecutive weeks
4512 next preceding the time set for holding the election in the
4513 newspaper or by a link to such notice posted on the municipality's
4514 website or, if the municipality does not have a website, its
4515 official social media webpage for the duration of three (3)
4516 consecutive weeks next preceding the time set for holding the
4517 election in the newspaper, provided in this section. The laws



4518 governing municipal elections shall govern the order and conduct
4519 of the election. However, nothing in this section shall prevent
4520 the governing authorities from calling an election, whether
4521 required by petition of twenty percent (20%) of the qualified
4522 voters or not. This section shall not have application to and it
4523 shall not affect the authority granted public utilities
4524 commissions under Section 21-27-25.

4525 **SECTION 75.** Section 21-29-203, Mississippi Code of 1972, is
4526 amended as follows:

4527 21-29-203. Said fund and system of relief to the fire
4528 department and/or police department shall be inaugurated in each
4529 municipality only in the following manner: each municipality
4530 desiring to create said fund and inaugurate this system of
4531 disability and relief for its firemen and/or policemen, shall call
4532 an election after giving either three (3) weeks consecutive notice
4533 in a newspaper published in said city * * * or by a link to such
4534 notice posted on the municipality's website or, if the
4535 municipality does not have a website, its official social media
4536 webpage for the duration of three (3) weeks. Notice shall state
4537 the date, purpose and time of holding said election for the
4538 electors to determine whether or not said municipality shall adopt
4539 the "disability and relief fund for firemen and policemen." At
4540 said election the ballots used by the qualified electors shall
4541 read: "For the Disability and Relief Fund for Firemen and
4542 Policemen," "Against the Disability and Relief Fund for Firemen



4543 and Policemen." Said election shall be held as such other
4544 elections of like nature, and if at said election the majority of
4545 qualified electors voting thereat, shall vote against the creation
4546 of said fund and system, then the said fund and system shall not
4547 be created and said fund and system shall not be inaugurated in
4548 said municipality. Should a majority of said qualified electors
4549 voting at said election vote in favor of the creation of said fund
4550 and the operation of said system, the said fund and system shall
4551 be inaugurated by said municipality.

4552 **SECTION 76.** Section 21-33-29, Mississippi Code of 1972, is
4553 amended as follows:

4554 21-33-29. Except as otherwise provided in Section 21-33-10,
4555 the governing authorities of every municipality shall, at a
4556 regular or special meeting to be held in September or October in
4557 each year (unless a different time be fixed by order), receive the
4558 assessment rolls of real and personal property from the assessor
4559 and shall proceed to change, correct, revise, and equalize said
4560 assessments in the same manner and with the same powers as is
4561 provided for the equalization of assessments by county boards of
4562 supervisors. When the equalization has been completed, the
4563 governing authorities shall give ten (10) days' notice of the
4564 regular or special meeting at which objections to such assessments
4565 will be heard. The notice shall be given by publication at least
4566 one (1) time either in a legal newspaper, if there be one
4567 published in the municipality, * * * or by a link to such notice



4568 posted on the municipality's website or, if the municipality does
4569 not have a website, its official social media webpage. If no such
4570 newspaper be published in the municipality and no such website
4571 exists, the notice shall be given by posting written notices
4572 thereof in five (5) or more public places in the municipality.

4573 **SECTION 77.** Section 21-33-47, Mississippi Code of 1972, is
4574 amended as follows:

4575 21-33-47. (1) When the governing authorities of any
4576 municipality shall have made the levy of municipal taxes by
4577 resolution, or for any other taxing district of which the
4578 municipality is a part by resolution, the clerk of the
4579 municipality shall thereupon immediately certify the same to the
4580 tax collector of the municipality, or such other taxing district
4581 of which the municipality may be a part.

4582 (2) When a resolution levying ad valorem taxes has been
4583 finally adopted by the governing authorities of any municipality
4584 embracing, in whole or in part, any other taxing district of which
4585 such municipality is a part, the clerk of such municipality shall
4586 immediately certify a copy of such resolution to the * * *
4587 Department of Revenue, as the law directs. The clerk shall have
4588 the resolution of the governing authorities making the levy
4589 printed within two (2) weeks after it is entered on the minutes of
4590 such governing authorities, and he shall furnish any taxpayer with
4591 a copy thereof, upon request. If a newspaper is published within
4592 such municipality, then such resolution shall be published in its



4593 entirety, at least one, within ten (10) days after its adoption.
4594 Publication shall also be proper by a link to such resolution
4595 posted on the municipality's website or, if the municipality does
4596 not have a website, its official social media webpage is to become
4597 available to the public in its entirety within ten (10) days after
4598 its adoption. Instead of publishing the resolution in its
4599 entirety, the publication of the resolution may be made as
4600 provided in Section 21-17-19. If no newspaper be published within
4601 such municipality and no such website exists, then a copy of such
4602 resolution, in its entirety, shall be posted by such municipal
4603 clerk in at least three (3) public places in such municipality,
4604 within ten (10) days after its adoption.

4605 (3) The clerk shall be liable on his bond for any damages
4606 sustained by his failure to comply with the requirements of this
4607 section. However, failure to thus publish or post the same shall
4608 not affect the validity of the levy.

4609 **SECTION 78.** Section 21-33-89, Mississippi Code of 1972, is
4610 amended as follows:

4611 21-33-89. The governing authorities of any municipality
4612 having a population of less than one thousand (1,000), according
4613 to the last federal decennial census, shall have the power and
4614 authority, in their discretion, to assess, levy and collect an
4615 additional ad valorem tax on all of the taxable property in such
4616 municipality of not exceeding two (2) mills on the dollar for
4617 street maintenance, upkeep and construction purposes, and/or an



4618 additional ad valorem tax on all of the taxable property in such
4619 municipality of not exceeding two (2) mills on the dollar for
4620 cemetery improvement, upkeep and maintenance purposes, which said
4621 taxes shall be in addition to all other taxes now authorized by
4622 law. However, such taxes shall not be levied unless and until the
4623 levy thereof has been approved by a majority of the qualified
4624 voters of such municipality voting in an election to be held for
4625 such purpose, notice of which election shall be given either in
4626 some newspaper having a general circulation in such municipality
4627 not less than twenty (20) nor more than thirty (30) days prior to
4628 such election or by a link to such notice posted on the
4629 municipality's website or, if the municipality does not have a
4630 website, its official social media webpage; one (1) publication of
4631 such notice shall be sufficient. No consideration for homestead
4632 exemption refunds shall be considered in connection with the
4633 assessment and levy provided herein.

4634 **SECTION 79.** Section 21-33-207, Mississippi Code of 1972, is
4635 amended as follows:

4636 21-33-207. (a) The mayor and board of aldermen or other
4637 governing authority of any municipality desiring to avail itself
4638 of the provisions of the City Utility Tax Law shall adopt an
4639 ordinance declaring its intention to have the utility tax imposed
4640 at the specified rate for the benefit of such municipality
4641 effective on and after a date fixed in the ordinance which must be
4642 at least thirty (30) days later and on the first day of a month. A



4643 certified copy of this ordinance shall be immediately forwarded to
4644 the Chairman of the * * * Department of Revenue. The municipal
4645 authorities shall have a copy of the ordinance published either
4646 once a week for three (3) consecutive weeks in at least one (1)
4647 newspaper published in the municipality and having a general
4648 circulation therein or by a link to such ordinance posted on the
4649 municipality's website or, if the municipality does not have a
4650 website, its official social media webpage is to remain available
4651 to the public for the duration of three (3) consecutive weeks.
4652 The first publication shall be not less than twenty-eight (28)
4653 days prior to the levying date fixed in such ordinance, and the
4654 last publication shall be made not less than seven (7) days prior
4655 to such date. If no newspaper is published in the municipality
4656 and no such website exists, then notice shall be given by
4657 publishing the ordinance for the required time in some newspaper
4658 published in the same or an adjoining county having a general
4659 circulation in the municipality. A copy of the ordinance shall
4660 also be posted at three (3) public places in the municipality for
4661 a period of at least twenty-one (21) days during the time of its
4662 publication in a newspaper. The publication of the ordinance may
4663 be made as provided in Section 21-17-19. Proof of publication
4664 must also be furnished to the Chairman of the * * * Department of
4665 Revenue.

4666 (b) If more than twenty percent (20%) of the qualified
4667 electors of the municipality having no city utility tax shall file



4668 with the clerk of the municipality within twenty-one (21) days
4669 after adoption of the ordinance of intent to qualify for the
4670 collection of the tax, a petition requesting an election on the
4671 question of the levy of such tax, then and in that event such tax
4672 levy shall not be made unless authorized by a majority of the
4673 votes cast at an election to be called and held for that purpose.
4674 Notice of such election shall be given, the election shall be held
4675 and the result thereof determined in the manner provided in Title
4676 21, Chapter 11, of the Mississippi Code of 1972. In the event of
4677 an election resulting in favor of the levy or where no election is
4678 required, the governing authorities shall adopt another ordinance
4679 qualifying for the collection of the tax provided in the City
4680 Utility Tax Law, and shall set the first of a month following the
4681 date of such adoption as the effective date of the tax levy. A
4682 certified copy of this ordinance together with the result of the
4683 election, if any, shall be immediately furnished the Chairman of
4684 the * * * Department of Revenue. Upon receipt of the certified
4685 ordinance and other official notice from the municipality, the
4686 chairman shall notify the utilities in such municipality which are
4687 affected by the City Utility Tax Law, and take the necessary
4688 action to collect the tax. The first payment of the tax after its
4689 adoption shall be on all receipts of the utility derived from all
4690 billings made fifteen (15) days after the effective date of said
4691 adoption.



4692 **SECTION 80.** Section 21-33-307, Mississippi Code of 1972, is
4693 amended as follows:

4694 21-33-307. Before issuing any bonds for any of the purposes
4695 enumerated in Section 21-33-301, the governing authority of the
4696 issuing municipality shall adopt a resolution declaring its
4697 intention so to do, stating the amount of bonds proposed to be
4698 issued and the purpose for which the bonds are to be issued, and
4699 the date upon which the aforesaid authority proposes to direct the
4700 issuance of such bonds. Such resolution shall be published either
4701 once a week for at least three (3) consecutive weeks in at least
4702 one (1) newspaper published in such municipality or by a link to
4703 such resolution posted on the municipality's website or, if the
4704 municipality does not have a website, its official social media
4705 webpage is to remain available to the public for the duration of
4706 three (3) consecutive weeks. The first publication of such
4707 resolution shall be made not less than twenty-one (21) days prior
4708 to the date fixed in such resolution for the issuance of the
4709 bonds, and the last publication shall be made not more than seven
4710 (7) days prior to such date. If no newspaper be published in such
4711 municipality and no such website exists, then such notice shall be
4712 given by publishing the resolution for the required time in some
4713 newspaper having a general circulation in such municipality and,
4714 in addition, by posting a copy of such resolution for at least
4715 twenty-one (21) days next preceding the date fixed therein at
4716 three (3) public places in such municipality. The publication of



4717 the resolution may be made as provided in Section 21-17-19. If
4718 ten percent (10%) of the qualified electors of the municipality,
4719 or fifteen hundred (1500), whichever is the lesser, shall file a
4720 written protest against the issuance of such bonds on or before
4721 the date specified in such resolution, then an election on the
4722 question of the bonds shall be called and held as is provided in
4723 Section 21-33-309. Notice of such election shall be signed by the
4724 clerk of the municipality and shall be published either once a
4725 week for at least three (3) consecutive weeks in at least one (1)
4726 newspaper published in such municipality or by a link to such
4727 notice of election posted on the municipality's website or, if the
4728 municipality does not have a website, its official social media
4729 webpage is to remain available to the public for the duration of
4730 three (3) weeks. The first publication of such notice shall be
4731 made not less than twenty-one (21) days prior to the date fixed
4732 for such election, and the last publication shall be made not more
4733 than seven (7) days prior to such date. If no newspaper is
4734 published in such municipality and no such website exists, then
4735 such notice shall be given by publishing the same for the required
4736 time in some newspaper having a general circulation in such
4737 municipality and published in the same or an adjoining county and,
4738 in addition, by posting a copy of such notice for at least
4739 twenty-one (21) days next preceding such election at three (3)
4740 public places in such municipality. If no protest be filed, then
4741 such bonds may be issued without an election on the question of



4742 the issuance thereof, at any time within a period of two (2) years
4743 after the date specified in the above-mentioned resolution.
4744 However, the governing authority of any municipality in its
4745 discretion may nevertheless call an election on such question, in
4746 which event it shall not be necessary to publish the resolution
4747 declaring its intention to issue such bonds as herein provided.

4748 Under no circumstances shall any municipality exceed the bond
4749 limit as set by statute for municipalities.

4750 **SECTION 81.** Section 21-33-553, Mississippi Code of 1972, is
4751 amended as follows:

4752 21-33-553. (1) A special local improvement assessment
4753 district may be created under this section if the boundaries of
4754 the proposed special local improvement assessment district are
4755 within the boundaries of the homeowners' association representing
4756 that area. Upon delivery of a petition to the clerk of the
4757 municipality in which the proposed district is located, signed by
4758 the owners of at least sixty percent (60%) of the taxable real
4759 property in the homeowners' association representing the area in
4760 the proposed district, the municipality shall begin efforts to
4761 establish the district; however, if the boundaries of the proposed
4762 special local improvement assessment district are located, in
4763 whole or in part, within the boundaries of the Capitol Complex
4764 Improvement District, or a portion of the proposed district
4765 adjoins the boundaries of the Capitol Complex Improvement
4766 District, the petition may be delivered to the Capitol Complex



4767 Improvement District Project Advisory Committee, and the committee
4768 shall deliver the petition to the clerk of the municipality.

4769 (2) The homeowners' association representing the property
4770 owners in the proposed special local improvement assessment
4771 district shall submit a strategic plan to the municipality
4772 specifying the local improvements proposed for the district during
4773 the municipality's upcoming fiscal year and the total amount
4774 proposed to be expended for the improvements. Based on the
4775 strategic plan, the governing authorities of the municipality
4776 shall determine the additional millage to be levied upon all
4777 taxable real property in the district, not to exceed six (6)
4778 mills, needed in order to provide funds for the local improvements
4779 as proposed in the strategic plan.

4780 (3) Within ninety (90) days of receipt of the strategic
4781 plan, the municipality shall prepare a notice calling for an
4782 election to be held in the proposed district on the question of
4783 whether to establish the special local improvement assessment
4784 district. The date and time of the election and the voting
4785 location shall be fixed in the notice. The municipality shall
4786 publish the notice of the election either once each week for at
4787 least three (3) consecutive weeks in a newspaper published or
4788 having a general circulation in the town * * * or by a link to
4789 such notice posted on the municipality's website or, if the
4790 municipality does not have a website, its official social media
4791 webpage is to remain available to the public for the duration of



4792 at least three (3) consecutive weeks. The first publication of
4793 the notice shall * * * be made not less than twenty-one (21) days
4794 before the date fixed in the notice of the election and the last
4795 publication to be made not more than seven (7) days before the
4796 election. At the election, all qualified electors of the proposed
4797 special local improvement assessment district may vote, which
4798 qualified electors shall be determined by use of the voter rolls
4799 of all municipal voting precincts containing any property in the
4800 proposed special local improvement assessment district.

4801 The ballots prepared by the municipality and used in the
4802 election shall have printed thereon the additional millage to be
4803 assessed, a brief statement of the purposes of the proposed
4804 special local improvement assessment district and the words "FOR
4805 THE SPECIAL IMPROVEMENT ASSESSMENT DISTRICT" and, on a separate
4806 line, "AGAINST THE SPECIAL IMPROVEMENT ASSESSMENT DISTRICT," and
4807 the voters shall vote by placing a cross (X) or check (✓) opposite
4808 their choice on the proposition.

4809 (4) When the results of the election shall have been
4810 canvassed and certified by the municipality, the governing
4811 authorities of the municipality shall adopt a resolution creating
4812 the special local improvement assessment district if at least
4813 sixty percent (60%) of the qualified electors in the proposed
4814 special local improvement assessment district who vote in the
4815 election vote in favor of creating the district. The resolution
4816 shall contain a description of the boundaries of the district and



4817 shall specify the millage rate to be levied upon taxable real
4818 property in the district for the municipality's fiscal year. At
4819 least thirty (30) days before the effective date of the tax, the
4820 governing authorities shall furnish to the Department of Revenue a
4821 certified copy of the resolution evidencing the tax.

4822 (5) The procedures required in this section for the
4823 establishment of a district shall be used for the modification of
4824 the boundaries of a district.

4825 **SECTION 82.** Section 21-35-5, Mississippi Code of 1972, is
4826 amended as follows:

4827 21-35-5. The governing authorities of each municipality of
4828 the State of Mississippi shall, not later than September 15 each
4829 year, prepare a complete budget of the municipal revenues,
4830 expenses and working cash balances estimated for the next fiscal
4831 year, and shall prepare a statement showing the aggregate revenues
4832 collected during the current year in said municipality for
4833 municipal purposes. Such statement shall show every source of
4834 revenue along with the amount derived from each source. Said
4835 budget of any municipality of one thousand five hundred (1,500)
4836 inhabitants or more, according to the last preceding federal
4837 census, with said statement of revenue and expenses, shall be
4838 published at least one (1) time during September of said year
4839 either in a newspaper published in such municipality or * * * by a
4840 link to such budget posted on the municipality's website or, if
4841 the municipality does not have a website, its official social



4842 media webpage. If no such newspaper be published in such
4843 municipality and no such website exists, publication is proper in
4844 any newspaper published in the county wherein the municipality is
4845 located. In municipalities of less than one thousand five hundred
4846 (1,500) inhabitants, according to the last preceding federal
4847 census, as many as three (3) prepared statements of said budget
4848 shall be posted in three (3) public places in said municipalities.

4849 Prior to the adoption of a budget pursuant to this section,
4850 the governing authority of each municipality shall hold at least
4851 one (1) public hearing to provide the general public with an
4852 opportunity to comment on the taxing and spending plan
4853 incorporated in the proposed budget. The public hearing shall be
4854 held at least one (1) week prior to the adoption of the budget
4855 with advance notice and held outside normal working hours. The
4856 advance notice shall include an announcement published or posted
4857 in the same manner as required for the final adopted budget.

4858 **SECTION 83.** Section 21-35-25, Mississippi Code of 1972, is
4859 amended as follows:

4860 21-35-25. Notwithstanding any provision in this chapter to
4861 the contrary, the budget of any municipality may be revised as
4862 provided in this section and under the conditions herein stated,
4863 and when a deficit is indicated the budget shall be revised.

4864 The governing authorities of any municipality are authorized
4865 to revise the budget for expenses of such municipality at any one
4866 (1) regular meeting of said governing authorities held not later



4867 than August of the first year in which such governing authorities
4868 enter upon the discharge of their duties, provided there be funds
4869 in the treasury of the municipality, or coming into the treasury
4870 during the fiscal year, not appropriated by the budget of the
4871 outgoing board of governing authorities, and there is a deficit in
4872 any one or more items provided for in the budget of the preceding
4873 board. This section shall not, however, validate or invalidate
4874 any contracts made, executed or entered into by the governing
4875 authorities of the preceding term.

4876 If it appears at any time during the current fiscal year, but
4877 not later than the regular July meeting of the board of governing
4878 authorities, that collections of anticipated revenues from taxes
4879 or other sources will be less than the amount estimated, and a
4880 deficit is thereby indicated for any fund, or funds, the governing
4881 authorities shall, at a regular meeting, revise and reduce the
4882 budget appropriations for such funds as is anticipated will have a
4883 deficit, so as to conform to the lowered indicated revenue,
4884 including revenue from taxes and all other sources.

4885 If it affirmatively appears at any time during the current
4886 fiscal year that actual collections and anticipated revenues from
4887 taxes or other sources, including grants or donations, will exceed
4888 the estimates, then the governing authorities may revise and
4889 increase the budget appropriation of such fund, or funds, affected
4890 by such increase in revenue, but no such transfer shall be made
4891 from fund to fund, or from item to item, which will result in the



4892 expenditure of any money for a purpose different from that for
4893 which the tax was levied. The budget, as so revised, shall be
4894 spread in detail upon the minutes of said board of governing
4895 authorities. However, no such increase shall in any event be
4896 construed to authorize expenditures or to incur obligations which
4897 will result in a deficit in any fund, or funds.

4898 If the increase in revenue over the estimates is from other
4899 than regular sources, including grants and donations, such excess
4900 over the estimate may be expended for improvements and new
4901 construction, including buildings, additions to buildings,
4902 streets, and street improvements.

4903 If it affirmatively appears at any time during the current
4904 fiscal year that there is in any fund or account any sum remaining
4905 unexpended and not needed or expected to be needed for the purpose
4906 or purposes for which appropriated in said budget, then the
4907 governing authorities may, in their discretion, transfer such sum
4908 or any part thereof to any other fund or funds or account or
4909 accounts where needed, by order to such effect entered upon their
4910 minutes. This shall not, however, authorize the expenditure of
4911 any funds for any purpose other than that for which the levy
4912 producing such funds was made.

4913 Any amendments made pursuant to this section to an originally
4914 adopted budget which exceed ten percent (10%) of the total amount
4915 appropriated or authorized to be expended in a particular
4916 department fund shall be published or posted within two (2) weeks



4917 of the action either in a newspaper in the same manner as the
4918 final adopted budget or by a link to such amendments posted on the
4919 municipality's website or, if the municipality does not have a
4920 website, its official social media webpage. Separate amendments
4921 to an originally adopted budget during one fiscal year which
4922 affect a particular department fund shall be considered as one (1)
4923 amendment in determining whether the ten percent (10%) threshold
4924 requiring publication or posting has been reached. This
4925 publication or posted notice shall contain a description of the
4926 amendment, the amount of money and funds affected, and a detailed
4927 statement explaining the need and purpose of the amendment. The
4928 vote of each member of the municipality's governing authority on
4929 each amendment shall be included in the publication or posted
4930 notice.

4931 **SECTION 84.** Section 21-35-31, Mississippi Code of 1972, is
4932 amended as follows:

4933 **[For municipal fiscal years commencing before October 1,**
4934 **2009, this section shall read as follows:]**

4935 21-35-31. The governing authorities of every municipality in
4936 the state shall have their books audited annually, prior to the
4937 close of the next succeeding fiscal year, either by a competent
4938 accountant approved by the State Auditor or by a certified public
4939 accountant, who has paid a privilege tax as such in this state,
4940 and shall pay for same out of the General Fund. No advertisement
4941 shall be necessary before entering into such contract, but same



4942 shall be entered into as a private contract. Said audit shall be
4943 made upon a uniform formula set up and promulgated by the State
4944 Auditor, as the head of the State Department of Audit, or the
4945 director thereof, appointed by him, as designated and defined in
4946 Title 7, Chapter 7, of the Mississippi Code of 1972, or any office
4947 or officers hereafter designated to replace or perform the duties
4948 imposed by said chapter. Provided, however, any municipality with
4949 a population of three thousand (3,000) or less may employ a
4950 competent accountant or auditor, approved by the State Auditor, to
4951 prepare annually a compilation report and a compliance letter, in
4952 a format prescribed by the State Auditor, in lieu of an annual
4953 audit when such audit will be a financial hardship on the
4954 municipality. Two (2) copies of said audit or compilation shall
4955 be mailed to the said State Auditor within thirty (30) days after
4956 completion of said audit. Said State Auditor shall, at the end of
4957 each fiscal year, submit to the Legislature a composite report
4958 showing any information concerning municipalities in this state
4959 that he might deem pertinent and necessary to the Legislature for
4960 use in its deliberations. A synopsis of said audit, in a format
4961 prescribed by the State Auditor, shall be published within thirty
4962 (30) days by the governing authorities of such municipalities in a
4963 newspaper published in such municipalities or * * * by a link to
4964 such synopsis posted on the municipality's website or, if the
4965 municipality does not have a website, its official social media
4966 webpage. If no newspaper be published in any such municipality



4967 and no such website exists, in any newspaper having a general
4968 circulation published in the county wherein such municipality is
4969 located. The publication of the audit may be made as provided in
4970 Section 21-17-19, Mississippi Code of 1972. Such publication
4971 shall be made one (1) time, and the governing authorities of such
4972 municipalities shall be authorized to pay only one-half (1/2) of
4973 the legal rate prescribed by law for such legal publication.

4974 **[For municipal fiscal years commencing on or after October 1,**
4975 **2009, this section shall read as follows:]**

4976 21-35-31. (1) The governing authority of every municipality
4977 in the state shall have the municipal books audited annually,
4978 before the close of the next succeeding fiscal year, in accordance
4979 with procedures and reporting requirements prescribed by the State
4980 Auditor. The municipality shall pay for the audit or report out
4981 of its general fund. No advertisement shall be necessary before
4982 entering into the contract, and it shall be entered into as a
4983 private contract. The audit or report shall be made upon a
4984 uniform formula set up and promulgated by the State Auditor, as
4985 the head of the State Department of Audit, or the director
4986 thereof, appointed by him, as designated and defined in Title 7,
4987 Chapter 7, Mississippi Code of 1972, or any office or officers
4988 hereafter designated to replace or perform the duties imposed by
4989 said chapter. Two (2) copies of the audit or report shall be
4990 mailed to the said State Auditor within thirty (30) days after
4991 completion. The State Auditor, at the end of each fiscal year,



4992 shall submit to the Legislature a composite report showing any
4993 information concerning municipalities in this state that the
4994 Auditor deems pertinent and necessary to the Legislature for use
4995 in its deliberations. A synopsis of the audit or report, in a
4996 format prescribed by the State Auditor, shall be published within
4997 thirty (30) days by the governing authority of each municipality
4998 in a newspaper published in the municipality or * * * by a link to
4999 such synopsis posted on the municipality's website or, if the
5000 municipality does not have a website, its official social media
5001 webpage. If no newspaper is published in a municipality and no
5002 such website exists, in any newspaper having a general circulation
5003 published in the county wherein the municipality is located. The
5004 publication of the audit or report may be made as provided in
5005 Section 21-17-19. Publication shall be made one (1) time, and the
5006 governing authority of each municipality shall be authorized to
5007 pay only one-half (1/2) of the legal rate prescribed by law for
5008 such legal publication.

5009 (2) It shall be the duty of the State Auditor to determine
5010 whether each municipality has complied with the requirements of
5011 subsection (1) of this section. If upon examination the State
5012 Auditor determines that a municipality has not initiated efforts
5013 to comply with the requirements of subsection (1), the State
5014 Auditor shall file a certified written notice with the clerk of
5015 the municipality notifying the governing authority of the
5016 municipality that a certificate of noncompliance will be issued to



5017 the * * * Department of Revenue and to the Attorney General thirty
5018 (30) days immediately following the date of the filing of the
5019 notice unless within that period the municipality substantially
5020 complies with the requirements of subsection (1). If, after
5021 thirty (30) days from the giving of the notice, the municipality,
5022 in the opinion of the State Auditor, has not substantially
5023 initiated efforts to comply with the requirements of subsection
5024 (1), the State Auditor shall issue a certificate of noncompliance
5025 to the clerk of the municipality, * * * Department of Revenue and
5026 the Attorney General. Thereafter, the * * * Department of Revenue
5027 shall withhold from all allocations and payments to the
5028 municipality that would otherwise be payable the amount necessary
5029 to pay one hundred fifty percent (150%) of the cost of preparing
5030 the required audit or report as contracted for by the State
5031 Auditor. The cost shall be determined by the State Auditor after
5032 receiving proposals for the audit or report required in subsection
5033 (1) of this section. The State Auditor shall notify the * * *
5034 Department of Revenue of the amount in writing, and the * * *
5035 Department of Revenue shall transfer that amount to the State
5036 Auditor. The State Auditor is authorized to escalate, budget and
5037 expend these funds in accordance with rules and regulations of the
5038 Department of Finance and Administration consistent with the
5039 escalation of federal funds. All remaining funds shall be
5040 retained by the State Auditor to offset the costs of administering
5041 these contracts. The State Auditor shall not unreasonably delay



5042 the issuance of a written notice of cancellation of a certificate
5043 of noncompliance but shall promptly issue a written notice of
5044 cancellation of certificate of noncompliance upon an affirmative
5045 showing by the municipality that it has come into substantial
5046 compliance.

5047 **SECTION 85.** Section 21-38-9, Mississippi Code of 1972, is
5048 amended as follows:

5049 21-38-9. Any ordinance to incorporate real property into the
5050 corporate boundaries of a municipality under this chapter shall
5051 include the following provisions and shall be effective as
5052 follows:

5053 (a) The ordinance shall accurately describe the metes
5054 and bounds of the real property to be incorporated, and only real
5055 property acquired or leased from the United States under this
5056 chapter shall be subject to such incorporation.

5057 (b) If the United States retains ownership of the real
5058 property to be incorporated by the municipality, the United States
5059 must consent to the incorporation and a written statement of such
5060 consent must be cited and included in the ordinance.

5061 (c) The ordinance shall provide that it will not become
5062 effective until publication thereof shall have been made either
5063 once each week for three (3) consecutive weeks in a newspaper, or
5064 newspapers, published or having a general circulation in the
5065 county in which the municipality and the real property to be
5066 incorporated are located or by a link to such ordinance posted on



5067 the municipality's website or, if the municipality does not have a
5068 website, its official social media webpage is to remain available
5069 to the public for the duration of three (3) consecutive weeks.

5070 (d) Subject only to the limitations of this chapter,
5071 the ordinance shall become effective upon the effective date fixed
5072 therein.

5073 **SECTION 86.** Section 21-41-5, Mississippi Code of 1972, is
5074 amended as follows:

5075 21-41-5. When the governing authorities of any municipality
5076 shall determine to make any local or special improvement, the cost
5077 of which or any part thereof is to be assessed against the
5078 property benefited, they shall adopt a resolution declaring
5079 necessary the proposed improvement describing the nature and
5080 extent of the work, the general character of the material to be
5081 used, and the location and terminal points of the streets,
5082 highways, boulevards, avenues, squares, alleys or parks, or parts
5083 thereof, or clearly define the boundary of areas in which said
5084 improvements are to be made. In publishing said resolution
5085 declaring the work necessary, the plans and specifications of said
5086 work need not be published but may be referred to as being on file
5087 in the office of the city clerk or city engineer. The publication
5088 of the resolution may be made as provided in Section 21-17-19.
5089 Said resolution shall fix a date when the governing authorities of
5090 said municipality shall meet, which shall be not less than fifteen
5091 (15) days after the date of the first publication of the notice



5092 herein provided for, to hear any objections or remonstrances that
5093 may be made to said improvements. The notice herein provided for
5094 shall be published either once each week for three (3) successive
5095 publications in a public newspaper having a general circulation in
5096 the municipality * * * or by a link to such notice posted on the
5097 municipality's website or, if the municipality does not have a
5098 website, its official social media webpage is to remain available
5099 to the public for the duration of not less than fifteen (15) days
5100 before said meeting. If no newspaper is published therein and no
5101 such website exists it shall be sufficient to post said notice in
5102 three (3) public places of the municipality for not less than
5103 fifteen (15) days before said meeting, one which shall be posted
5104 at the town or city hall of said municipality. Moreover, the
5105 clerk of the municipality shall send a copy of the notice, by
5106 certified mail, postage prepaid, within five (5) days after the
5107 first publication of the notice herein provided for, to the
5108 last-known address of owners of property affected by the
5109 resolution. However, failure of the clerk to mail such notice or
5110 failure of the owner to receive such notice shall not invalidate
5111 any proceeding in this chapter, where such notice has been
5112 published as provided herein. Notice declaring the work necessary
5113 shall be notice to the property owners that the work has been
5114 declared necessary.

5115 If the governing authorities of a municipality desire to make
5116 any special or local improvement under the Regional Economic



5117 Development Act, the governing authorities also shall comply with
5118 any requirements provided therein.

5119 **SECTION 87.** Section 21-41-13, Mississippi Code of 1972, is
5120 amended as follows:

5121 21-41-13. Upon the completion of any improvement authorized
5122 by this chapter, the governing authorities shall ascertain and
5123 determine the cost of the improvement and declare the same by
5124 resolution. Upon said completion the governing authorities shall
5125 cause to be prepared a roll or list to be called the "assessment
5126 roll" showing the names of the property owners, and, opposite each
5127 name a description of each parcel of land. Such roll shall be
5128 entered in a well-bound book prepared for that purpose, which
5129 shall contain appropriate columns in which payments may be
5130 credited. Said book shall be known as "assessment book for local
5131 improvements." It shall be a public record and the entry therein
5132 of any assessment shall be and constitute notice to the public of
5133 the lien against the land so assessed, and no other record or
5134 notice thereof shall be necessary to any person or corporation for
5135 that purpose. No error, omission or mistake in regard to the name
5136 of the owner shall be held to invalidate any assessment. After
5137 the completion of the said assessment roll it shall be delivered
5138 to the clerk of the municipality, or to the officer performing the
5139 duties of such clerk, who shall thereupon give a notice by
5140 publication in either some newspaper published in said
5141 municipality or by a link to such notice posted on the



5142 municipality's website or, if the municipality does not have a
5143 website, its official social media webpage that the assessment
5144 roll (for that piece of local improvement made) has been delivered
5145 to him and is open for inspection at his office, and that at a
5146 time and place therein mentioned, not less than fifteen (15) days
5147 from the date of the first publication, the governing authorities
5148 of said municipality will meet to hear and determine any
5149 objections or defense.

5150 **SECTION 88.** Section 21-41-51, Mississippi Code of 1972, is
5151 amended as follows:

5152 21-41-51. Except as may be otherwise provided, where, by any
5153 provision of this chapter, notice is required to be given by
5154 publication, such publication made shall be either in a newspaper
5155 published in the municipality, if there be one (1), or by a link
5156 to such notice published on the municipality's website or, if the
5157 municipality does not have a website, its official social media
5158 webpage. If there be no newspaper published in the municipality
5159 and no such website exists, then such notice shall be posted for
5160 the prescribed period of time in at least five (5) public places
5161 in the municipality, one (1) of which shall be the city or town
5162 hall, or the place of meeting of the governing authorities, if
5163 there be no city or town hall.

5164 **SECTION 89.** Section 21-43-9, Mississippi Code of 1972, is
5165 amended as follows:

5166 21-43-9. Notice of the hearing shall be given by:



5167 (a) One (1) publication of the resolution of intention
5168 in a newspaper of general circulation in the municipality or by a
5169 link to such resolution posted on the municipality's website or,
5170 if the municipality does not have a website, its official social
5171 media webpage, which may be made as provided in Section 21-17-19;

5172 (b) Mailing a complete copy of the resolution of
5173 intention to each business in the proposed or established area.
5174 Publication and mailing shall be completed at least ten (10) days
5175 prior to the time of the hearing.

5176 **SECTION 90.** Section 21-43-117, Mississippi Code of 1972, is
5177 amended as follows:

5178 21-43-117. (1) For initial creation of the district,
5179 reauthorization of the district at the end of each ten-year
5180 period, amendment to the district plan within the ten-year plan
5181 period or modification of the boundaries of the district at the
5182 end of a ten-year period, the clerk of the municipality shall
5183 notify all property owners to be included in the proposed district
5184 of a public hearing to review the plan and receive comment about
5185 the process for accepting or rejecting the plan. Following a
5186 public hearing, the governing authority of the municipality shall
5187 set an election date not more than sixty (60) days from the date
5188 of the public hearing. The ballot shall clearly state the issue
5189 to be decided. Only property owners of record as of the date of
5190 initial notice given as provided in Section 21-43-111 shall be
5191 eligible to participate in any such election.



5192 (2) Notice of an election to create, continue, amend or
5193 extend a district shall be:

5194 (a) Mailed to each of the district property owners of
5195 record thirty (30) days prior to the election, and

5196 (b) Published either at least twice in a newspaper of
5197 general circulation in the municipality, the first publication
5198 shall be not less than ten (10), nor more than thirty (30) days
5199 before the date for the election or by a link to such notice
5200 posted on the municipality's website or, if the municipality does
5201 not have a website, its official social media webpage for the
5202 duration of fifteen (15) days prior to the date for the election.

5203 The notice shall include a copy of the plan, a ballot for the
5204 election and a notice about the time and date for the election.

5205 (3) Not less than ten (10) nor more than thirty (30) days
5206 before the date set for the election, the governing authority of
5207 the municipality shall cause a copy of the plan and the ballot to
5208 be posted in the lobby of its city hall.

5209 (4) Ballots shall be marked, signed and submitted by the
5210 eligible property owner to the clerk of the municipality by the
5211 date designated on the ballot.

5212 (5) The clerk of the municipality shall notify the property
5213 owners in the district of the result.

5214 (6) If the plan is approved by sixty percent (60%) of the
5215 participating eligible property owners, the mayor of the
5216 municipality shall review the district plan to ensure its



5217 compliance with the provisions of Sections 21-43-101 through
5218 21-43-133.

5219 (7) The municipality shall disburse the proceeds collected
5220 from the assessment to the designated district management group
5221 within thirty (30) days after the assessment is due.

5222 **SECTION 91.** Section 21-45-11, Mississippi Code of 1972, is
5223 amended as follows:

5224 21-45-11. Any tax increment financing plan, at a minimum,
5225 shall contain:

5226 (a) A statement of the objectives of a municipality
5227 with regard to the plan;

5228 (b) A statement indicating the need and proposed use of
5229 the tax increment financing plan in relationship to the
5230 redevelopment plan;

5231 (c) A statement containing the cost estimates of the
5232 redevelopment project and the projected sources of revenue (ad
5233 valorem taxes, sales taxes, and the proceeds of any other
5234 financial assistance) to be used to meet the costs including
5235 estimates of tax increments and the total amount of indebtedness
5236 to be incurred;

5237 (d) A list of all real property to be included in the
5238 tax increment financing plan;

5239 (e) The duration of the tax increment financing plan's
5240 existence;



5241 (f) A statement of the estimated impact of the tax
5242 increment financing plan upon the revenues of all taxing
5243 jurisdictions in which a redevelopment project is located; and

5244 (g) A statement requiring that a separate fund be
5245 established to receive ad valorem taxes and the proceeds of any
5246 other financial assistance.

5247 Before approving any tax increment financing plan, the
5248 governing body shall hold a public hearing thereon after published
5249 notice either in a newspaper in which the municipality is
5250 authorized to publish legal notices at least once and not less
5251 than ten (10) days and not more than twenty (20) days prior to the
5252 hearing or by a link to such notice posted on the municipality's
5253 website or, if the municipality does not have a website, its
5254 official social media webpage is to remain available to the public
5255 for the duration of fifteen (15) days prior to the hearing.

5256 **SECTION 92.** Section 21-39-3, Mississippi Code of 1972, is
5257 amended as follows:

5258 21-39-3. In municipalities in which there is more than one
5259 (1) newspaper qualified to publish legal notices, the governing
5260 authorities of such municipality shall enter into a contract for
5261 the publication of its proceedings, ordinances, resolutions, and
5262 other notices required to be published only after inviting
5263 competitive bids from such newspapers. Such contracts shall be
5264 let to the lowest bidder among them for a period of not more than
5265 twelve (12) months from the date of such contract. It shall not



5266 be necessary, however, that the governing authorities of such
5267 municipality advertise its intention to accept such competitive
5268 bids but it shall be sufficient if notice thereof in writing be
5269 given to all of such newspapers by mail or delivery at least five
5270 (5) days prior to the date on which said bids will be received,
5271 which said notice shall specify the date on which such bids will
5272 be received.

5273 **SECTION 93.** This act shall take effect and be in force from
5274 and after July 1, 2024.

