

By: Senator(s) Hopson

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2404

1 AN ACT TO AMEND SECTION 31-13-1, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE STATE BOND ATTORNEY WHEN A CONFLICT OF INTEREST ARISES
3 TO NOTIFY THE GOVERNOR, LIEUTENANT GOVERNOR AND THE ATTORNEY
4 GENERAL OF THE CONFLICT OF INTEREST; TO AUTHORIZE THE GOVERNOR TO
5 APPOINT A STATE BOND ATTORNEY PRO TEMPORE; TO BRING FORWARD
6 SECTION 31-13-11, MISSISSIPPI CODE OF 1972, WHICH IS THE PROVISION
7 THAT PROVIDES FOR THE FEES OF THE STATE BOND ATTORNEY, FOR THE
8 PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 31-13-1, Mississippi Code of 1972, is
11 amended as follows:

12 31-13-1. (1) The Governor, with the advice and consent of
13 the Senate, shall appoint a qualified and practicing attorney at
14 law, to be known as the State Bond Attorney, who shall possess the
15 same qualifications for office as the Attorney General, who shall
16 serve a term of office concurrent with that of the Governor or
17 until his successor is appointed and qualified, and whose duties
18 shall be those hereinafter specified.

19 (2) When the State Bond Attorney has a conflict of interest
20 under the Mississippi Rule of Professional Conduct that is not
21 consentable due to his or her participation in a validation of a



22 bond, the State Bond Attorney shall immediately notify the
23 Governor, Lieutenant Governor and the Attorney General of the
24 conflict of interest in writing. Upon receipt of such
25 notification, the Governor shall appoint a qualified and
26 practicing attorney at law as the State Bond Attorney pro tempore,
27 who shall possess the same qualifications for office as the
28 Attorney General, who shall serve a term of office the duration of
29 which shall be for the sole and limited purpose of reviewing the
30 proposed bond issue validation that is the subject of the conflict
31 of interest and acting upon the same. Upon issuance of the
32 Opinion of the State Bond Attorney pro tempore and the conclusion
33 of participation in any validation proceeding or contest, the
34 powers vested in the State Bond Attorney pro tempore shall be
35 vacated.

36 **SECTION 2.** Section 31-13-11, Mississippi Code of 1972, is
37 brought forward as follows:

38 31-13-11. The court costs in all such cases shall be paid by
39 the county, municipality, or district proposing to issue said
40 bonds or other written obligations, and in addition to such costs
41 it shall also pay to the bond attorney a fee of not more than
42 one-tenth of one percent (1/10 of 1%), provided said fee shall not
43 be less than One Hundred Dollars (\$100.00) nor more than Five
44 Hundred Dollars (\$500.00), of the amount of the bonds or other
45 obligations issued or proposed to be issued. The payment of this
46 fee shall be full compensation for all legal services rendered in



47 connection with the issuance of said bonds, except that when the
48 state's bond attorney attends a hearing of objection to the
49 validation of said bonds, his actual and necessary expenses and a
50 reasonable rate of compensation for attending the said hearing as
51 required by this chapter shall be taxed as a part of the costs of
52 the validation proceedings, upon approval by the clerk or
53 chancellor of an itemized account of such expenses and time
54 expended. If objection is filed to the validation of said bonds,
55 then in that event the taxation of court costs, including expenses
56 and a reasonable rate of compensation for the bond attorney, shall
57 be discretionary with the chancellor, as in other cases in the
58 chancery court, against the issuing board or district, or the
59 objector or objectors, or apportioned as the chancellor may deem
60 proper.

61 **SECTION 3.** This act shall take effect and be in force from
62 and after July 1, 2024.

