

By: Representative Owen

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 1511

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, 17-17-337, 17-17-348, 17-18-17, 17-21-53, 19-3-1,
4 19-3-11, 19-3-19, 19-3-33, 19-3-35, 19-3-67, 19-3-79, 19-5-9,
5 19-5-81, 19-5-155, 19-5-157, 19-5-189, 19-5-199, 19-5-207,
6 19-5-219, 19-5-221, 19-7-3, 19-7-21, 19-9-11, 19-9-13, 19-11-7,
7 19-13-53, 19-15-3, 19-23-5, 19-27-31, 19-29-7, 19-29-9, 19-29-33,
8 19-31-7, 19-31-9, 19-31-23, 19-31-39, 21-1-7, 21-1-15, 21-3-7,
9 21-5-15, 21-13-11, 21-17-1, 21-17-9, 21-17-11, 21-17-17, 21-17-19,
10 21-19-20, 21-19-25, 21-19-51, 29-19-61, 21-25-21, 21-27-33,
11 21-27-43, 21-29-203, 21-33-29, 21-33-307, 21-33-553, 21-35-5,
12 21-35-25, 21-35-31, 21-38-9, 21-41-5, 21-41-13, 21-41-51, 21-43-9
13 AND 21-43-117, MISSISSIPPI CODE OF 1972, TO MODERNIZE AND SIMPLIFY
14 THE NOTICE PUBLICATION PROCESS FOR COUNTIES AND MUNICIPALITIES AND
15 TO REQUIRE PUBLICATION OF NOTICE IN A NEWSPAPER FOR INSTANCES
16 INVOLVING LEVYING OF TAXES; TO BRING FORWARD SECTION 21-39-3,
17 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
18 TO BRING FORWARD SECTIONS 17-17-329, 19-5-21, 19-5-23, 19-5-92.1,
19 19-9-27, 19-9-111, 19-9-114, 19-29-18, 21-19-2, 21-19-13,
20 21-33-47, 21-33-89 AND 21-33-207, MISSISSIPPI CODE OF 1972, WHICH
21 PROVIDE MUNICIPAL AND COUNTY NOTICE REQUIREMENTS, FOR PURPOSES OF
22 AMENDMENT; AND FOR RELATED PURPOSES.

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

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

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



29 publicity, including advertising on a county or municipality's
30 website or, if the county or municipality does not have a website,
31 its official social media webpage, which in the judgment of such
32 board or boards will be helpful toward advancing the moral,
33 financial and other interests of such municipality or county;
34 however, such advertising shall not include advertisements in
35 publications sponsored by political parties, political committees
36 or affiliated organizations, as such terms are defined in Section
37 23-15-801.

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

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



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



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

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

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

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



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



and circulating in the State of Mississippi or by a link to such notice posted on the county or municipality's website or, if the county or municipality does not have a website, its official social media webpage. Any such bonds may be sold to the United States of America at private sale in furtherance of any loan or grant contract which may be entered into by and between the county proposing to issue such bonds and the United States. The said bonds shall not be sold for less than their par value plus accrued interest.

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

17-11-37. The governing body of the district, county or city shall adopt a resolution declaring its intention to issue bonds for the purposes authorized by this chapter, stating the amount of the bonds proposed to be issued, whether such bonds are revenue bonds or general obligation bonds, and the date upon which further action will be taken by the governing body looking forward to the issuance of such bonds. Such resolution shall be published * * * either in a newspaper published and of general circulation within such county or city once a week for at least three (3) successive weeks, or by a link to such resolution posted on the district's, county's or municipality's website or, if the district, county or municipality does not have a website, its official social media webpage to remain available to the public for at least three (3) successive weeks. The first of such publications shall be made at



154 least twenty-one (21) days prior to the date set forth in said
155 resolution as the date upon which further action will be taken by
156 the governing body, and the last publication shall be made not
157 more than seven (7) days prior to said date. If, prior to the
158 date set forth as aforesaid, there shall be filed with the clerk
159 of such governing body a petition in writing signed by ten percent
160 (10%) of the qualified electors of such regional area, county or
161 city thereof, or fifteen hundred (1,500) qualified electors,
162 whichever shall be the lesser number, requesting an election on
163 the question of the issuance of such bonds, then such bonds shall
164 not be issued unless authorized by a majority of the qualified
165 electors in such regional area, county or city voting thereon at
166 an election to be ordered by the governing body for that purpose.
167 Notice of such election shall be given and such election shall be
168 held and conducted in like manner as provided by law with respect
169 to elections held on the submission of county or city bond issues.
170 If the proposition so submitted shall fail to receive approval at
171 such election, then no further proceedings for the issuance of
172 such bonds shall be taken for a period of six (6) months from and
173 after the date of such election. If, however, no such petition
174 shall be filed, or if such election or subsequent election on such
175 proposition shall be assented to by a majority of the qualified
176 electors voting thereon, then such governing body shall be
177 authorized to proceed with the issuance of such bonds without
178 further election.



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

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

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

196 17-17-107. Before issuing any revenue bonds hereunder, the
197 governing body of any municipality shall adopt a resolution
198 declaring its intention to so issue, stating the amount of bonds
199 proposed to be issued, the purpose for which the bonds are to be
200 issued, and the date upon which the governing body proposes to
201 direct the issuance of such bonds. Such resolution shall be
202 published * * * either in at least one (1) newspaper published in
203 the county in which such municipality is located once a week for



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



the bonds, in which event it shall not be necessary to publish the resolution declaring its intention to issue bonds as herein provided.

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

17-17-109. Where an election is to be called as provided in Section 17-17-107, notice of such election shall be signed by the clerk of the governing body of any municipality and shall be published either once a week for at least three (3) consecutive weeks * * * in at least one (1) newspaper published in such county or by a link to such notice of election posted on the county or municipality's website or, if the county or municipality does not have a website, its official social media webpage to remain available to the public for the duration of three (3) consecutive weeks. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date fixed for such election and the last publication shall be made not more than seven (7) days prior to such date. If no newspaper is published in such county, then such notice shall be given by publishing the same for the required time in some newspaper having a general circulation in such county and, in addition, by posting a copy of such notice for at least twenty-one (21) days next preceding such election at three (3) public places in such county.

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



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

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

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

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

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



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

280 (f) An identification of the additional municipal solid
281 waste management facilities, including an evaluation of
282 alternative management technologies, and the amount of additional
283 capacity needed to manage the quantities projected in paragraph
284 (e);

285 (g) An estimation of development, construction,
286 operational, closure and post-closure costs, including a proposed
287 method for financing those costs;

288 (h) A plan for meeting any projected capacity
289 shortfall, including a schedule and methodology for attaining the
290 required capacity;

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

295 (i) Verification that the proposed facility meets
296 needs identified in the approved local nonhazardous solid waste
297 management plan which shall take into account the quantities of
298 municipal solid waste generated and the design capacities of
299 existing facilities;

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



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

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

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

(j) Any other information the commission may require.

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

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

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

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



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

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

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



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

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

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



377 authority's or district's solid waste management plan upon written
378 notification, including a copy of the resolution, that the board
379 of supervisors of each county forming the authority or district
380 has approved the plan.

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

395 (7) After approval of the plan or revised plan by the
396 commission, the governing body of the county, authority or
397 district shall implement the plan in compliance with the
398 implementation schedule contained in the approved plan.

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



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

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

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

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

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



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

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



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

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

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

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



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

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



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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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



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

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



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

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

643 (5) After the issuance of a permit by the permit board for
644 the construction and operation of a solid waste landfill, any
645 withdrawal of the situs county from the authority shall not affect
646 the ability of the authority to operate a solid waste landfill
647 upon the site for which the permit has been issued.

648 **SECTION 12.** Section 17-17-337, Mississippi Code of 1972, is
649 amended as follows:



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

SECTION 13. Section 17-17-348, Mississippi Code of 1972, is amended as follows:

17-17-348. (1) In addition to any notice requirements otherwise provided by law, the board of supervisors of each county and the governing authorities of each municipality, before the first day of the fiscal year, shall publish a report either in a newspaper having a general circulation in the county or by a link to such resolution posted on the county or municipality's website or, if the county or municipality does not have a website, its official social media webpage. Such report should be a detailed, itemized report of all revenues, costs and expenses incurred by the county or municipality during the immediately preceding county



675 or municipal fiscal year in operating the garbage or rubbish
676 collection or disposal system. The report shall disclose:

677 (a) The total dollar amount of revenues received or
678 dedicated by the county or municipality during the immediately
679 preceding fiscal year for operation of the garbage or rubbish
680 collection or disposal system;

681 (b) The identity of each source of funding and the
682 dollar amount received from each source of funding during the
683 immediately preceding fiscal year for operation of the garbage or
684 rubbish collection or disposal system, including ad valorem taxes,
685 fees and other sources; and

686 (c) The total dollar amount expended by the county or
687 municipality to operate the garbage or rubbish collection or
688 disposal system, along with the names and addresses of all
689 businesses and persons with whom the county or municipality has
690 contracted to perform or provide garbage or rubbish collection or
691 disposal, the dollar amount of expenditures made under each
692 contract and an itemized list of all other expenditures of county
693 or municipal funds to operate and administer the garbage or
694 rubbish collection or disposal system.

695 (2) If published in a newspaper, the notice required under
696 subsection (1) of this section shall be no less than one-eighth
697 (1/8) page in size and the type used shall be no smaller than ten
698 (10) point and surrounded by a one-fourth (1/4) inch solid black
699 border. The notice may not be placed in that portion of the



newspaper where legal notices and classified advertisements appear. The notice must appear in a newspaper that is published at least five (5) days a week, unless the only newspaper in the county is published less than five (5) days a week. The newspaper selected must be one of general interest and readership in the community, and not one of limited subject matter. The notice must be published at least once. If published on a county or municipality's website or official social media webpage, a link to the notice must appear conspicuously on the main page.

SECTION 14. Section 17-18-17, Mississippi Code of 1972, is amended as follows:

17-18-17. (1) Except as provided in subsection (2) of this section, a community desiring to volunteer to host the state commercial hazardous waste management facility to be operated pursuant to this chapter may propose to do so by the adoption of a resolution by a majority vote of the governing body of the local governmental unit. The committee shall determine the adequacy of any proposal to voluntarily host the state commercial hazardous waste management facility. Once a proposal to volunteer to host the state commercial hazardous waste management facility has been accepted in writing by the committee, the resolution making such proposal may not be rescinded by the governing body of the local governmental unit, unless the management category or categories determined under Section 49-29-7 is changed after the date of the submission of such category determination to the Hazardous Waste



725 Technical Siting Committee. The governing body of the local
726 governmental unit shall hold a minimum of two (2) public hearings
727 prior to submission of a resolution regarding any proposal to
728 volunteer to host the state commercial hazardous waste management
729 facility pursuant to this chapter. The governing body of the
730 local governmental unit shall advertise its intent to hold the
731 public hearings. The advertisement shall be published either in a
732 newspaper of general circulation in the county or by a link to
733 such resolution posted on the county or municipality's website or,
734 if the county or municipality does not have a website, its
735 official social media webpage.

736 If printed, the advertisement shall be no less than
737 one-fourth (1/4) page in size and the type used shall be no
738 smaller than eighteen (18) point and surrounded by a one-fourth
739 (1/4) inch solid black border. The advertisement may not be
740 placed in that portion of the newspaper where legal notices and
741 classified advertisements appear. It is legislative intent that,
742 when the advertisement is printed, whenever possible, the printed
743 advertisement appear in a newspaper that is published at least
744 five (5) days a week, unless the only newspaper in the county is
745 published less than five (5) days a week. It is further the
746 intent of the Legislature that the newspaper selected be one of
747 general interest and readership in the community, and not one of
748 limited subject matter. * * * A print advertisement shall be run
749 once each week for the two (2) weeks preceding the public



750 hearings, and an online advertisement shall appear for the
751 duration of the two-week period. The advertisement shall state
752 that the governing body will meet on a certain day, time and place
753 fixed in the advertisement, which shall be not less than seven (7)
754 days after the day the first advertisement is published, for the
755 purpose of hearing comments regarding the proposed resolution and
756 to explain the reasons for the proposed resolution.

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

760 (3) This section shall not be construed to give priority for
761 the evaluation of potential sites to any one (1) volunteer host
762 community over any other volunteer host community, regardless of
763 whether the designation of a governmental unit as a volunteer host
764 community is accomplished under subsection (1) or subsection (2)
765 of this section.

766 **SECTION 15.** Section 17-21-53, Mississippi Code of 1972, is
767 amended as follows:

768 17-21-53. (1) Before any money is borrowed under the
769 provisions of this article, the governing authority shall adopt a
770 resolution declaring the necessity for such borrowing and
771 specifying the purpose for which the money borrowed is to be
772 expended, the amount to be borrowed, the date or dates of the
773 maturity thereof, and how such indebtedness is to be evidenced.



774 The resolution shall be certified over the signature of the head
775 of the governing authority.

776 (2) The borrowing shall be evidenced by negotiable notes or
777 certificates of indebtedness of the governing authority which
778 shall be signed by the head and clerk of such governing authority.

779 All such notes or certificates of indebtedness shall be offered at
780 public sale by the governing authority after not less than ten

781 (10) days' advertising either in a newspaper having general
782 circulation within the governing authority or on the governing
783 authority's website or official social media webpage, if the
784 governing authority does not have a website. Each sale shall be

785 made to the bidder offering the lowest rate of interest or whose
786 bid represents the lowest net cost to the governing authority;

787 however, the rate of interest shall not exceed that now or

788 hereafter authorized in Section 75-17-101, Mississippi Code of
789 1972. No such notes or certificates of indebtedness shall be

790 issued and sold for less than par and accrued interest. All notes
791 or certificates of indebtedness shall mature in approximately

792 equal installments of principal and interest over a period not to
793 exceed five (5) years from the dates of the issuance thereof.

794 Principal shall be payable annually, and interest shall be payable
795 annually or semiannually; provided, however, that the first

796 payment of principal or interest may be for any period not

797 exceeding one (1) year. Provided, however, if negotiable notes

798 are outstanding from not more than one (1) previous issue



799 authorized under the provisions of this article, then the schedule
800 of payments for a new or supplementary issue may be so adjusted
801 that the schedule of maturities of all notes or series of notes
802 hereunder shall, when combined, mature in approximately equal
803 installments of principal and interest over a period of five (5)
804 years from the date of the new or supplementary issue, or if a
805 lower interest rate will thereby be secured on notes previously
806 issued and outstanding, a portion of the proceeds of any issue
807 authorized hereunder may be used to refund the balance of the
808 indebtedness previously issued under the authority of this
809 article. Such notes or certificates of indebtedness shall be
810 issued in such form and in such denominations as may be determined
811 by the governing authority and may be made payable at the office
812 of any bank or trust company selected by the governing authority.
813 In such case, funds for the payment of principal and interest due
814 thereon shall be provided in the same manner provided by law for
815 the payment of the principal and interest due on bonds issued by
816 the governing authority.

817 (3) For the prompt payment of notes or certificates of
818 indebtedness at maturity, both principal and interest, the full
819 faith, credit and resources of the issuing entity are pledged. If
820 the issuing entity does not have available funds in an amount
821 sufficient to provide for the payment of principal and interest
822 according to the terms of such notes or certificates of
823 indebtedness, then the governing authority shall annually levy a



special tax upon all of its taxable property at a rate the avails of which will be sufficient to provide such payment. Funds derived from any such tax shall be paid into a sinking fund and used exclusively for the payment of principal of and interest on the notes or certificates of indebtedness. Until needed for expenditure, monies in the sinking fund may be invested in the same manner as the governing authority is elsewhere authorized by law to invest surplus funds.

SECTION 16. Section 19-3-1, Mississippi Code of 1972, is amended as follows:

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

If the boundaries of the districts are changed by order of the board of supervisors as provided in this section, the order shall be published either in a newspaper having general circulation in the county once each week for three (3) consecutive



weeks or by a link to such order posted on the county's website
or, if the county does not have a website, its official social
media website for the duration of the three (3) consecutive weeks.

SECTION 17. Section 19-3-11, Mississippi Code of 1972, is
amended as follows:

19-3-11. In counties having only one (1) court district, the
board of supervisors shall hold regular meetings at the courthouse
or in the chancery clerk's office in those counties where the
chancery clerk's office is in a building separate from the
courthouse. However, the board of supervisors may meet in any
other county-owned building if such building is located within one
(1) mile of the courthouse and if, more than thirty (30) days
prior to changing the meeting place, the board posts a
conspicuous, permanent notice to that effect in the chancery
clerk's office and in one (1) other place in the courthouse,
publishes notice thereof either in a newspaper published in the
county * * * for at least three (3) consecutive weeks or by a link
to such notice posted on the county's website or social media
webpage, if the county does not have a website, to remain
available to the public for the duration of three (3) consecutive
weeks. If there be no newspaper published in the county or no
county website, then notice should be published in a newspaper
having general circulation in the county, once each week, for at
least three (3) consecutive weeks, and enters an order upon its
minutes designating and describing in full the building and room



874 to be used as the meeting room of the board of supervisors. The
875 board of supervisors shall meet on the first Monday of each month.
876 However, when such meeting date falls on a legal holiday, then the
877 said meeting shall be held on the succeeding day.

878 **SECTION 18.** Section 19-3-19, Mississippi Code of 1972, is
879 amended as follows:

880 19-3-19. (1) The board of supervisors may, at a regular
881 meeting, by an order on its minutes, adjourn to meet at any time
882 it may determine upon.

883 (2) The president, or the vice president in the absence or
884 disability of the president, or any three (3) members of the
885 board, may call special meetings when deemed necessary. Notice
886 shall be given of all special meetings, for at least five (5)
887 days, by advertisement posted at the courthouse door, * * *
888 published in a newspaper of the county, * * * or by a link to such
889 notice posted on the county's website or, if the county does not
890 have a website, its official social media webpage. The notice
891 thereof, whether posted or published in a newspaper, shall be
892 entered in full on the minutes of said meeting. The notice of a
893 special meeting * * * shall specify each matter of business to be
894 transacted thereat, and at such special meetings business shall
895 not be transacted which is not specified in the order or notice
896 for such meeting.

897 (3) The president, or the vice president in the absence or
898 disability of the president, or any two (2) members of the board,



899 may by written notice, call an emergency meeting of the board of
900 supervisors in cases of an emergency arising as a result of
901 serious damage to county property, or to roads or bridges, or
902 emergencies arising as a result of epidemic conditions or weather
903 conditions. The notice shall state the time of the meeting and
904 distinctly specify the subject matters of business to be acted
905 upon and be signed before a notary by the officer or officers
906 calling the meeting. At least three (3) hours before the time
907 fixed for the meeting, notice shall be personally delivered to the
908 members of the board who have not signed it and who can be found.
909 The notice shall also be posted at the courthouse door at least
910 three (3) hours before the time fixed for the meeting. If a
911 member of the board cannot be found to complete the personal
912 delivery of the notice, the president, vice president or any one
913 of the two (2) members of the board calling an emergency meeting
914 shall make every attempt, within the applicable notice period, to
915 contact the board member that was not personally found by other
916 available means, including, but not limited to, telephone or
917 e-mail. The method of notice used to call the meeting shall be
918 entered on the minutes of the emergency meeting, and business not
919 specified in the notice shall not be transacted at the meeting.

920 **SECTION 19.** Section 19-3-33, Mississippi Code of 1972, is
921 amended as follows:

922 19-3-33. The board of supervisors may have its proceedings
923 published in some newspaper published in the county, and cause the



same to be paid for out of the county treasury, but the costs of such publication shall not exceed the sum fixed by law for publishing legal notices. If there be more than one (1) newspaper published in the county, the contract for publishing the proceedings, if made, shall be let to the lowest bidder among them. In lieu of publication in a newspaper, the board of supervisors may have its proceedings published on the county's website or official social media webpage, if the county does not have a website.

SECTION 20. Section 19-3-35, Mississippi Code of 1972, is amended as follows:

19-3-35. The board of supervisors after each meeting shall have an itemized statement made of allowances, to whom, for what, and the amounts; a list of all contracts providing for the expenditure of money and the terms of payment thereof; a statement of all loans from sixteenth section funds, lieu land funds, and sinking, and other trust funds, setting forth to whom made, the amount, and the kind of security approved; a statement or list of all sales of timber, of all leases upon, including all leases for oil, gas and minerals upon, sixteenth section or lieu lands situated in the county or belonging to the county, showing to whom sold or made, description of land involved, the length of the term of any such lease, and the consideration therefor; and it shall also publish a recapitulation of all expenditures according to districts and also the county as a whole, and in such



949 recapitulation the total expenses for each item shall be listed
950 for each district, and in the total county recapitulation the
951 total expended from each item shall be listed and same shall be
952 published within fifteen (15) days after adjournment. Publication
953 shall be made either in some newspaper of general circulation
954 published in the county * * * or by a link to such recapitulation
955 posted on the county's website or, if the county does not have a
956 website, its official social media webpage. If no such newspaper
957 is published in the county, then recapitulation may be published
958 in a newspaper published elsewhere in the state and having a
959 general circulation in such county. The cost of publishing the
960 same shall be paid for out of the general fund of the county. The
961 cost of such publication shall not exceed one-half (1/2) of the
962 rate now fixed by law for publishing legal notices, and in no
963 event shall the cost of such publication exceed One Hundred
964 Dollars (\$100.00) in any one (1) month, save, however, in counties
965 of classes 1 and 2 the board of supervisors may expend an amount
966 not to exceed One Hundred Seventy-five Dollars (\$175.00) per month
967 for the publication of said cumulative digest of its proceedings
968 as provided for above. If there be more than one newspaper
969 published in the county, the board of supervisors shall advertise,
970 as provided by law, for contracts for publishing such proceedings,
971 and shall award the contract to the lowest bidder for a period of
972 two (2) years. If no bid be made for the price above mentioned,
973 then the proceedings shall be posted at the courthouse door as



hereinafter provided. If there be no newspaper published in such county, then such proceedings shall be posted at the front courthouse door and on the county's website or official social media webpage, if the county does not have a website.

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

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

SECTION 21. Section 19-3-67, Mississippi Code of 1972, is amended as follows:

19-3-67. (1) When any member of any board of supervisors shall be required to travel outside of his county but within the



999 State of Mississippi in the performance of his official duties,
1000 such member shall receive as expenses of such travel the same
1001 mileage and actual and necessary expenses for food, lodging and
1002 travel by public carrier or private motor vehicles as is allowed
1003 state officers and employees pursuant to the provisions of Section
1004 25-3-41, Mississippi Code of 1972. Provided, however, mileage
1005 shall not be authorized when such travel is done by a motor
1006 vehicle owned by the county.

1007 (2) When any member of any board of supervisors shall be
1008 required to travel outside the State of Mississippi in the
1009 performance of his official duties, such member shall receive as
1010 expenses of such travel the same mileage and actual and necessary
1011 expenses for food, lodging and travel by public carrier or private
1012 motor vehicles as is allowed state officers and employees pursuant
1013 to the provisions of Section 25-3-41, Mississippi Code of 1972.
1014 Provided, however, such travel must receive the prior approval of
1015 the board before it is undertaken, and such approval shall be
1016 spread upon the minutes of the board.

1017 (3) Except as hereinafter provided with respect to mileage,
1018 no expenses shall be authorized or approved by any board of
1019 supervisors for travel by the member of such board within the
1020 county of such board. With respect to mileage, when travel within
1021 the county by a member of such board is done by a motor vehicle
1022 owned by the county, mileage shall not be authorized;



1023 however, when any member of such board does not have a
1024 county-owned motor vehicle regularly assigned to him for his use
1025 or when a county-owned motor vehicle is not otherwise available
1026 for his use at the time when travel is necessary, and he is
1027 required to travel within the county in the performance of his
1028 official duties using his private motor vehicle, then he may be
1029 reimbursed for mileage in the same manner as provided in Section
1030 25-3-41, Mississippi Code of 1972.

1031 (4) Itemized expense accounts shall be submitted by the
1032 member on forms prescribed by the Auditor of Public Accounts for
1033 reimbursement of expenses for state officers and employees in such
1034 numbers as the county may require. No expenses authorized in this
1035 section shall be reimbursed unless the expenses have been
1036 authorized or approved by a vote of a majority of the members of
1037 the board duly made and spread upon the minutes of such board.

1038 (5) Expenses authorized in this section shall be published
1039 by the board of supervisors either in a newspaper of general
1040 circulation published in the county or by a link to such
1041 resolution posted on the county's website or, if the county does
1042 not have a website, its official social media webpage; and, if no
1043 such newspaper is published in the county and no such website
1044 exists, then in a newspaper published elsewhere in the state which
1045 has a general circulation in such county. The publication shall
1046 be a detailed accounting of the expenses authorized to each member
1047 of the board. The cost of publishing such expense accounts shall



1048 be paid by the county pursuant to the provisions of Section
1049 19-3-35.

1050 **SECTION 22.** Section 19-3-79, Mississippi Code of 1972, is
1051 amended as follows:

1052 19-3-79. (1) Any person, corporation or other legal entity
1053 required to obtain a state gaming license to conduct legal gaming
1054 aboard a cruise vessel or vessel, as defined in Section 27-109-1,
1055 as prescribed by the Mississippi Gaming Control Act shall, before
1056 applying for such license, provide the Mississippi Gaming
1057 Commission with a written notice of intent to apply for a license.
1058 The "notice of intent to apply for a gaming license" shall be on a
1059 form prescribed by the executive director of the commission and
1060 shall state the county in which the intending licensee desires to
1061 conduct legal gaming aboard a cruise vessel or vessel, as the case
1062 may be. Within ten (10) days after receipt of a notice of intent
1063 to apply for a gaming license, the commission shall require such
1064 person, corporation or legal entity to publish the notice * * *
1065 either in a newspaper having general circulation in the county in
1066 which the intending licensee desires to conduct legal gaming
1067 aboard a cruise vessel or vessel, as the case may be, once each
1068 week for three (3) consecutive weeks or by a link to such notice
1069 posted on the county's website or, if the county does not have a
1070 website, its official social media webpage to remain available to
1071 the public for the duration of three (3) consecutive weeks.



1072 (2) If no petition as prescribed in subsection (3) of this
1073 section is filed with the board of supervisors of the applicable
1074 county within thirty (30) days after the date of the last
1075 publication, the board of supervisors of such county shall adopt a
1076 resolution stating that no petition was timely filed and that
1077 legal gaming may henceforth be conducted aboard cruise vessels or
1078 vessels, as the case may be, in such county.

1079 (3) If a petition signed by twenty percent (20%) or fifteen
1080 hundred (1500), whichever is less, of the registered voters of a
1081 county in which a notice of intent to apply for a gaming license
1082 is published is filed within thirty (30) days of the date of the
1083 last publication with the circuit clerk of the applicable county,
1084 the board of supervisors of such county shall authorize the
1085 circuit clerk to hold an election on the proposition of allowing
1086 legal gaming to be conducted aboard cruise vessels or vessels, as
1087 the case may be, in the county on the date upon which such an
1088 election may be conducted under subsection (7). The referendum
1089 shall be advertised, held, conducted and the result thereof
1090 canvassed in the manner provided by law for advertising, holding
1091 and canvassing county elections.

1092 (4) At such election, all qualified electors of such county
1093 may vote. The ballots used at such election shall have printed
1094 thereon a brief statement of the purpose of the election and the
1095 words "FOR LEGAL GAMING ABOARD CRUISE VESSELS (OR VESSELS) IN THE
1096 COUNTY AS PRESCRIBED BY LAW" and "AGAINST LEGAL GAMING ABOARD



1097 CRUISE VESSELS (OR VESSELS) IN THE COUNTY AS PRESCRIBED BY LAW."
1098 The voter shall vote by placing a cross (x) or check (✓) mark
1099 opposite his choice on the proposition. If a majority of the
1100 qualified electors who vote in such election shall vote in favor
1101 of allowing legal gaming to be conducted aboard cruise vessels or
1102 vessels, as the case may be, then legal gaming may henceforth be
1103 conducted aboard cruise vessels or vessels, as the case may be, in
1104 the county. If less than a majority of the qualified electors who
1105 vote in such election shall vote in favor of allowing legal gaming
1106 to be conducted aboard cruise vessels or vessels, as the case may
1107 be, in the county, then gaming aboard cruise vessels or vessels,
1108 as the case may be, shall be prohibited in the county until such
1109 time as a subsequent election, held according to the restrictions
1110 specified in subsection (7), may authorize such legal gaming.

1111 (5) In any county in which no petition is timely filed after
1112 a notice of intent to apply for a gaming license is published, or
1113 in which an election is held on the proposition of allowing legal
1114 gaming to be conducted aboard cruise vessels or vessels, as the
1115 case may be, in the county and a majority of the qualified
1116 electors who vote in such election vote in favor of allowing legal
1117 gaming to be conducted aboard cruise vessels or vessels, as the
1118 case may be, in the county, no election shall thereafter be held
1119 in that county pursuant to this section on the proposition of
1120 allowing legal gaming to be conducted aboard cruise vessels or
1121 vessels, as the case may be, in that county.



1122 (6) Notwithstanding any provision of this section or
1123 Sections 97-33-1, 97-33-7, 97-33-17, 97-33-25 and 97-33-27 to the
1124 contrary, if an election is held pursuant to this section which
1125 causes the conducting of gaming aboard cruise vessels to be
1126 prohibited in any county in which one or more cruise vessels were
1127 operating out of a port in the county on August 28, 1990, the
1128 prohibition on the conducting of gaming aboard cruise vessels in
1129 that county shall not apply to the conducting of legal gaming
1130 aboard any of those cruise vessels which were still operating out
1131 of a port in that county at the time of the election.

1132 (7) If an election has been held on the issue of allowing
1133 legal gaming to be conducted aboard cruise vessels or vessels, as
1134 the case may be, in a county, and the authority to conduct such
1135 legal gaming has been denied by the electors of such county, then
1136 a subsequent election on such issue may not be held until:

1137 (a) The date of the next succeeding general election in
1138 which the election for President of the United States occurs; or

1139 (b) In the case in which the authority to conduct such
1140 legal gaming has been denied by the electors of such county at
1141 elections on three (3) different occasions, whether those
1142 occasions be successive or not, the date of the next succeeding
1143 general election occurring at least eight (8) years after the last
1144 of the three (3) occasions on which the electors denied the
1145 authority to conduct such legal gaming.



1146 **SECTION 23.** Section 19-5-9, Mississippi Code of 1972, is
1147 amended as follows:

1148 19-5-9. (1) The construction codes published by a
1149 nationally recognized code group which sets minimum standards and
1150 has the proper provisions to maintain up-to-date amendments are
1151 adopted as minimum standard guides for building, plumbing,
1152 electrical, gas, sanitary, and other related codes in Mississippi.
1153 Any county within the State of Mississippi, in the discretion of
1154 the board of supervisors, may adopt building codes, plumbing
1155 codes, electrical codes, sanitary codes, or other related codes
1156 dealing with general public health, safety or welfare, or a
1157 combination of the same, within but not exceeding the provisions
1158 of the construction codes published by nationally recognized code
1159 groups, by order or resolution in the manner prescribed in this
1160 section, but those codes so adopted shall apply only to the
1161 unincorporated areas of the county. However, those codes shall
1162 not apply to the erection, maintenance, repair or extension of
1163 farm buildings or farm structures, except as may be required under
1164 the terms of the "Flood Disaster Protection Act of 1973," and
1165 shall apply to a master planned community as defined in Section
1166 19-5-10 only to the extent allowed in Section 19-5-10. The
1167 provisions of this section shall not be construed to authorize the
1168 adoption of any code which applies to the installation, repair or
1169 maintenance of electric wires, pipelines, apparatus, equipment or
1170 devices by or for a utility rendering public utility services,



1171 required by it to be utilized in the rendition of its duly
1172 authorized service to the public. Before any such code shall be
1173 adopted, it shall be either printed or typewritten and shall be
1174 presented in pamphlet form to the board of supervisors at a
1175 regular meeting. The order or resolution adopting the code shall
1176 not set out the code in full, but shall merely identify the same.
1177 The vote or passage of the order or resolution shall be the same
1178 as on any other order or resolution. After its adoption, the code
1179 or codes shall be certified to by the president and clerk of the
1180 board of supervisors and shall be filed as a permanent record in
1181 the office of the clerk who shall not be required to transcribe
1182 and record the same in the minute book as other orders and
1183 resolutions.

1184 (2) If the board of supervisors of any county adopts or has
1185 adopted construction codes which do not have proper provisions to
1186 maintain up-to-date amendments, specifications in such codes for
1187 cements used in portland cement concrete shall be superseded by
1188 nationally recognized specifications referenced in any code
1189 adopted by the Mississippi Building Code Council.

1190 (3) All provisions of this section shall apply to amendments
1191 and revisions of the codes mentioned in this section. The
1192 provisions of this section shall be in addition and supplemental
1193 to any existing laws authorizing the adoption, amendment or
1194 revision of county orders, resolutions or codes.



1195 (4) Any code adopted under the provisions of this section
1196 shall not be in operation or force until sixty (60) days have
1197 elapsed from the adoption of same; however, any code adopted for
1198 the immediate preservation of the public health, safety and
1199 general welfare may be effective from and after its adoption by a
1200 unanimous vote of the members of the board. Within five (5) days
1201 after the adoption or passage of an order or resolution adopting
1202 that code or codes the clerk of the board of supervisors shall
1203 publish either in a legal newspaper published in the county the
1204 full text of the order or resolution adopting and approving the
1205 code * * * or by a link to such order or resolution posted on the
1206 county's website or, if the county does not have a website, its
1207 official social media webpage. A print publication shall be
1208 inserted at least three (3) times, and shall be completed within
1209 thirty (30) days after the passage of the order or resolution. An
1210 online publication shall remain on the appropriate website or
1211 social media webpage for the duration of thirty (30) days after
1212 the passage of the order or resolution.

1213 (5) Any person or persons objecting to the code or codes may
1214 object in writing to the provisions of the code or codes within
1215 sixty (60) days after the passage of the order or resolution
1216 approving same, and if the board of supervisors adjudicates that
1217 ten percent (10%) or more of the qualified electors residing in
1218 the affected unincorporated areas of the county have objected in
1219 writing to the code or codes, then in such event the code shall be



1220 inoperative and not in effect unless adopted for the immediate
1221 preservation of the public health, safety and general welfare
1222 until approved by a special election called by the board of
1223 supervisors as other special elections are called and conducted by
1224 the election commissioners of the county as other special
1225 elections are conducted, the special election to be participated
1226 in by all the qualified electors of the county residing in the
1227 unincorporated areas of the county. If the voters approve the
1228 code or codes in the special election it shall be in force and in
1229 operation thereafter until amended or modified as provided in this
1230 section. If the majority of the qualified electors voting in the
1231 special election vote against the code or codes, then, in such
1232 event, the code or codes shall be void and of no force and effect,
1233 and no other code or codes dealing with that subject shall be
1234 adopted under the provisions of this section until at least two
1235 (2) years thereafter.

1236 (6) After any such code shall take effect the board of
1237 supervisors is authorized to employ such directors and other
1238 personnel as the board, in its discretion, deems necessary and to
1239 expend general county funds or any other funds available to the
1240 board to fulfill the purposes of this section.

1241 (7) For the purpose of promoting health, safety, morals or
1242 the general welfare of the community, the governing authority of
1243 any municipality, and, with respect to the unincorporated part of
1244 any county, the governing authority of any county, in its



discretion, is empowered to regulate the height, number of stories and size of building and other structures, the percentage of lot that may be occupied, the size of the yards, courts and other open spaces, the density or population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, but no permits shall be required except as may be required under the terms of the "Flood Disaster Protection Act of 1973" for the erection, maintenance, repair or extension of farm buildings or farm structures outside the corporate limits of municipalities.

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

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

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

(11) Regardless of whether a county adopts or has adopted codes, as set forth in this section, each and every county in this state shall require permitting as a condition to construction within the unincorporated areas of the county, and such permits shall contain, on their face, in conspicuous print, (a) the contractor's material purchase certificate number to the extent



1270 furnished by the Department of Revenue pursuant to Section
1271 27-65-21(3) or the contractor's Taxpayer Identification Number as
1272 furnished by the Internal Revenue Service, and either a copy of
1273 such material purchase certificate furnished by the Department of
1274 Revenue pursuant to Section 27-65-21(3), or a copy of the
1275 contractor's W-9, as the case may be, shall be required to be
1276 provided to the county as part of the prime contractor's
1277 application for such permit, prior to the issuance of such permit,
1278 and (b) the contractor's license or certificate of responsibility
1279 number as required by either Section 31-3-14 et seq., 51-5-1 et
1280 seq. or 73-59-1 et seq.

1281 **SECTION 24.** Section 19-5-81, Mississippi Code of 1972, is
1282 amended as follows:

1283 19-5-81. Before issuing the bonds, notes or loan warrants,
1284 authorized by Section 19-5-79 the board of supervisors shall
1285 publish notice of its intention to borrow such funds and to issue
1286 loan warrants, notes or bonds, and the clerk of said board shall
1287 publish a copy of such order either in three (3) weekly issues of
1288 some newspaper having a general circulation in the county * * * or
1289 by a link to such order posted on the county's website or, if the
1290 county does not have a website, its official social media webpage
1291 to remain available to the public for the duration of three (3)
1292 weeks. If, within twenty-one (21) days after the first
1293 publication of a copy of such order, twenty percent (20%) of the
1294 qualified electors of the county petition the board of supervisors



1295 for an election to determine whether or not the adoption of such
1296 order should be annulled, such election shall be ordered by said
1297 board of supervisors in which the qualified electors of the county
1298 shall be eligible to participate. If at such election a majority
1299 of those voting vote in favor of the adoption of such order the
1300 same shall be valid and effective, but if a majority shall vote
1301 against such order it shall be annulled and shall be ineffective.
1302 Such election shall be held and conducted and the returns thereof
1303 made as provided by law for other county elections. If no such
1304 petition be presented within twenty-one (21) days after the first
1305 publication of a copy of such order, the order shall be valid and
1306 effective and said board may thereupon proceed to issue said loan
1307 warrants hereunder without an election on the question of the
1308 issuance thereof.

1309 **SECTION 25.** Section 19-5-155, Mississippi Code of 1972, is
1310 amended as follows:

1311 19-5-155. Upon the filing of such petition, or upon the
1312 adoption of a resolution declaring the intent of the board of
1313 supervisors to incorporate such district, it shall then be the
1314 duty of the board of supervisors of such county to fix a time and
1315 place for a public hearing upon the question of the public
1316 convenience and necessity of the incorporation of the proposed
1317 district. The date fixed for such hearing shall be not more than
1318 thirty (30) days after the filing of the petition, and the date of
1319 the hearing, the place at which it shall be held, the proposed



boundaries of said district, and the purpose of the hearing, shall be set forth in a notice to be signed by the clerk of the board of supervisors of such county. Such notice shall be published either in a newspaper having general circulation within such proposed district or by a link to such notice posted on the county's website or, if the county does not have a website, its social media webpage. A print notice be published in a newspaper once a week for at least three (3) consecutive weeks prior to the date of such hearing, and online notice shall appear for the duration of at least three (3) weeks prior to the date of such hearing. The first such print publication shall be made not less than twenty-one (21) days prior to the date of such hearing and the last such publication shall be made not more than fourteen (14) days prior to the date of such hearing.

If, at such public hearing, the board of supervisors finds (1) that the public convenience and necessity require the creation of the district, and (2) that the creation of the district is economically sound and desirable, the board of supervisors shall adopt a resolution making the aforesaid findings and declaring its intention to create the district on a date to be specified in such resolution. Such resolution shall also designate the name of the proposed district, define its territorial limits which shall be fixed by said board pursuant to such hearing, and state whether or not the board of supervisors shall levy the tax authorized in Section 19-5-189, Mississippi Code of 1972, and whether or not the



board of supervisors proposes to assess benefited properties as outlined in Section 19-5-191, Mississippi Code of 1972.

SECTION 26. Section 19-5-157, Mississippi Code of 1972, is amended as follows:

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

If twenty percent (20%) or one hundred fifty (150), whichever is the lesser, of the qualified electors of such proposed district file written petition with such board of supervisors on or before the date specified aforesaid, protesting against the creation of such district, the board of supervisors shall call an election on the question of the creation of such district. Such election



1370 shall be held and conducted by the election commissioners of the
1371 county as nearly as may be in accordance with the general laws
1372 governing elections, and such election commissioners shall
1373 determine which of the qualified electors of such county reside
1374 within the proposed district, and only such qualified electors as
1375 reside within such proposed district shall be entitled to vote in
1376 such election. Notice of such election setting forth the time,
1377 place or places, and purpose of such election shall be published
1378 by the clerk of the board of supervisors, and such notice shall be
1379 published for the time and the manner provided in Section 19-5-155
1380 for the publication of the resolution of intention. The ballots
1381 to be prepared for and used at said election shall be in
1382 substantially the following form:

1383 "FOR CREATION OF _____ DISTRICT ()
1384 AGAINST CREATION OF _____ DISTRICT ()"

1385 and voters shall vote by placing a cross mark (x) or check mark
1386 (✓) opposite their choice.

1387 **SECTION 27.** Section 19-5-199, Mississippi Code of 1972, is
1388 amended as follows:

1389 19-5-199. All construction contracts by the district where
1390 the amount of the contract shall exceed Ten Thousand Dollars
1391 (\$10,000.00) shall, and construction contracts of less than Ten
1392 Thousand Dollars (\$10,000.00) may, be made upon at least three (3)
1393 weeks' public notice. Such notice shall be published * * * either
1394 in at least one (1) newspaper published in such county or having



1395 general circulation therein once a week for at least three (3)
1396 consecutive weeks or by a link to such resolution posted on the
1397 county's website or, if the county does not have a website, its
1398 official social media webpage to remain available to the public
1399 for the duration of three (3) consecutive weeks. The first print
1400 publication of such notice shall be made not less than twenty-one
1401 (21) days prior to the date fixed in such notice for the receipt
1402 of bids, and the last publication shall be made not more than
1403 seven (7) days prior to such date. The notice shall state the
1404 thing to be done and invite sealed proposals, to be filed with the
1405 secretary of the district, to do the work. In all such cases,
1406 before the notice shall be published, plans and specifications for
1407 the work shall be prepared by a registered professional engineer
1408 and shall be filed with the secretary of the district and there
1409 remain. The board of commissioners of the district shall award
1410 the contract to the lowest responsible bidder who will comply with
1411 the terms imposed by such commissioners and enter into bond with
1412 sufficient sureties to be approved by the commissioners in such
1413 penalty as shall be fixed by the commissioners; however, in no
1414 case shall such bond be less than the contract price, conditioned
1415 for the prompt, proper efficient performance of the contract.
1416 Contracts of less than Ten Thousand Dollars (\$10,000.00) may be
1417 negotiated; however, the board of commissioners shall invite and
1418 receive written proposals for the work from at least three (3)
1419 contractors regularly engaged in the type of work involved.



1420 **SECTION 28.** Section 19-5-207, Mississippi Code of 1972, is
1421 amended as follows:

1422 19-5-207. Within ninety (90) days after the close of each
1423 fiscal year, the board of commissioners shall publish * * * a
1424 sworn statement showing the financial condition of the district,
1425 the earnings for the fiscal year just ended, a statement of the
1426 water and sewer rates being charged * * * and a brief statement of
1427 the method used in arriving at such rates. Publication of such
1428 statement shall be made either in a newspaper of general
1429 circulation in the county or by a link to such statement posted on
1430 the county's website or, if the county does not have a website,
1431 its official social media webpage. Such statement shall also be
1432 filed with the board of supervisors creating the district.

1433 **SECTION 29.** Section 19-5-219, Mississippi Code of 1972, is
1434 amended as follows:

1435 19-5-219. Upon the filing of such petition, or upon the
1436 adoption of a resolution declaring the intent of the board of
1437 supervisors to incorporate such district, it shall then be the
1438 duty of the board of supervisors of such county to fix a time and
1439 place for a public hearing upon the question of the public
1440 convenience and necessity of the incorporation of the proposed
1441 district solely for fire protection grading purposes. The date
1442 fixed for such hearing shall be not more than thirty (30) days
1443 after the filing of the petition, and the date of the hearing, the
1444 place at which it shall be held, the proposed boundaries of the



district and the purpose of the hearing shall be set forth in a notice to be signed by the clerk of the board of supervisors of such county. Such notice shall be published either in a newspaper having general circulation within such proposed district once a week for at least three (3) consecutive weeks before the date of such hearing or by a link to such notice posted on the county's website or, if the county does not have a website, its official social media webpage to remain available to the public for the duration of at least three (3) consecutive weeks. The first such print publication shall be made not less than twenty-one (21) days before the date of such hearing and the last such publication shall be made not more than fourteen (14) days before the date of such hearing.

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

SECTION 30. Section 19-5-221, Mississippi Code of 1972, is amended as follows:



19-5-221. A certified copy of the resolution so adopted shall be published either in a newspaper having a general circulation within such proposed district or by a link to such resolution posted on the county's website or, if the county does not have a website, its official social media webpage. Print publication shall be made once a week for at least three (3) consecutive weeks before the date specified in the resolution as the date upon which the board intends to create such district. The first such publication shall be made not less than twenty-one (21) days before the date specified, and the last such publication shall be made not more than fourteen (14) days before such date. Online publication shall remain on the county's website or official social media webpage for the duration of the three week period prior to the date specified in such resolution as the date upon which such board intends to create such district. If twenty percent (20%) or one hundred fifty (150), whichever is the lesser, of the qualified electors of such proposed district file a written petition with such board of supervisors on or before the date specified as the date of creation of the district protesting against creation of such district, the board of supervisors shall call an election on the question of creation of such district. Procedure for the election should conform to the guidelines set forth in Section 19-5-157.

SECTION 31. Section 19-7-3, Mississippi Code of 1972, is amended as follows:



1495 19-7-3. (1) In case any of the real estate belonging to the
1496 county shall cease to be used for county purposes, the board of
1497 supervisors may sell, convey or lease the same on such terms as
1498 the board may elect and may, in addition, exchange the same for
1499 real estate belonging to any other political subdivision located
1500 within the county. In case of a sale on a credit, the county
1501 shall have a lien on the same for the purchase money, as against
1502 all persons, until paid and may enforce the lien as in such cases
1503 provided by law. The deed of conveyance in such cases shall be
1504 executed in the name of the county by the president of the board
1505 of supervisors, pursuant to an order of the board entered on its
1506 minutes.

1507 (2) (a) Before any lease, deed or conveyance is executed,
1508 the board shall publish * * * the intention to lease or sell, as
1509 the case may be, the county-owned land and to accept sealed
1510 competitive bids for the leasing or sale either in a public
1511 newspaper of the county in which the land is located or by a link
1512 to such intention posted on the county's website or, if the county
1513 does not have a website, its official social media webpage. Print
1514 publication shall be published at least once each week for three
1515 (3) consecutive weeks; if no newspaper be published in said county
1516 and said county has no website, print publication may be published
1517 in a newspaper having general circulation therein. Online
1518 publication shall remain available to the public for the duration
1519 of three (3) consecutive weeks. The board shall thereafter accept



1520 bids for the lease or sale. The board, at its option, may reject
1521 all bids or accept the highest and best bid received in response
1522 to the advertisement, or the board may hold an auction among those
1523 who submitted bids in response to the advertisement. If the board
1524 elects to hold an auction, no bidder shall be granted any
1525 preference. The opening bid at the auction shall be the highest
1526 bid received in response to the advertisement.

1527 (b) The board of supervisors of any county may contract
1528 for the professional services of a Mississippi-licensed real
1529 estate broker to assist in the marketing and sale or lease of the
1530 property for a reasonable commission, consistent with or lower
1531 than the market rate, for services rendered to be paid from the
1532 sale or lease proceeds.

1533 (3) (a) During the final year of an existing lease of any
1534 real estate belonging to the county, the board shall notify the
1535 holder of the existing lease if the board intends to re-lease the
1536 property after advertising for bids or holding an auction in the
1537 same manner as provided in subsection (2) of this section. If the
1538 board receives an acceptable bid in response to the advertisement
1539 and elects not to hold an auction among those submitting bids,
1540 then the holder of the existing lease may submit a second bid in
1541 an amount not less than five percent (5%) of the highest
1542 acceptable bid received if the holder of the existing lease: (i)
1543 submitted a bid in response to the advertisement; and (ii)
1544 constructed or made improvements on the leasehold premises after



1545 receiving approval of the board during the term of the existing
1546 lease.

1547 (b) If the holder of the existing lease elects to
1548 submit a second bid, the board shall hold an auction among those
1549 who submitted bids in response to the advertisement. The opening
1550 bid at the auction shall be the second bid of the holder of the
1551 existing lease. However, no leaseholder may submit a second bid
1552 if: (i) any rent, taxes or other payment required under the lease
1553 are past due; or (ii) the holder of the lease is otherwise in
1554 default of any term or provision of the lease and such default has
1555 not been corrected or cured to the satisfaction of the board after
1556 more than thirty (30) days' notice to the leaseholder of the
1557 default.

1558 (c) If an auction is held, the auction may be conducted
1559 at the meeting at which bids are opened or at a subsequent regular
1560 or special meeting. The board shall announce the time and place
1561 of the auction at the meeting at which bids are opened, and no
1562 further notice of the auction is required.

1563 (4) Whenever the board of supervisors shall find and
1564 determine, by resolution duly and lawfully adopted and spread upon
1565 its minutes (a) that any county-owned property is no longer needed
1566 for county or related purposes and is not to be used in the
1567 operation of the county, (b) that the sale of the property in the
1568 manner otherwise provided by law is not necessary or desirable for
1569 the financial welfare of the county, and (c) that the use of the



1570 county property for the purpose for which it is to be sold,
1571 conveyed or leased will promote and foster the development and
1572 improvement of the community in which it is located and the civic,
1573 social, educational, cultural, moral, economic or industrial
1574 welfare thereof, the board of supervisors of such county shall be
1575 authorized and empowered, in its discretion, to sell, convey,
1576 lease, or otherwise dispose of same for any of the purposes set
1577 forth herein.

1578 (5) (a) In addition to such authority as is otherwise
1579 granted under this section, the board of supervisors, in its
1580 discretion, may sell, lease, or otherwise convey property to any
1581 person or legal entity without public notice, without having to
1582 advertise for and accept competitive bids and without appraisal,
1583 with or without consideration, and on such terms and conditions as
1584 the parties may agree if the board of supervisors finds and
1585 determines, by resolution duly and lawfully adopted and spread
1586 upon its official minutes:

1587 (i) That the subject property is real property
1588 acquired by the county:

- 1589 1. By reason of a tax sale;
1590 2. Because the property was abandoned or
1591 blighted; or
1592 3. In a proceeding to satisfy a county lien
1593 against the property;



1594 (ii) That the subject property is blighted and is
1595 located in a blighted area;

1596 (iii) That the subject property is not needed for
1597 governmental or related purposes and is not to be used in the
1598 operation of the county;

1599 (iv) That the sale of the property in the manner
1600 otherwise provided by law is not necessary or desirable for the
1601 financial welfare of the county; and

1602 (v) That the use of the property for the purpose
1603 for which it is to be conveyed will promote and foster the
1604 development and improvement of the community in which it is
1605 located or the civic, social, educational, cultural, moral,
1606 economic or industrial welfare thereof; the purpose for which the
1607 property is conveyed shall be stated.

1608 (b) All costs associated with a conveyance under this
1609 subsection shall be paid by the person or entity to whom the
1610 conveyance is made.

1611 (c) Any deed or instrument of conveyance executed
1612 pursuant to the authority granted under this subsection shall
1613 contain a clause of reverter providing that title to the property
1614 will revert to the county if the person or entity to whom the
1615 property is conveyed does not fulfill the purpose for which the
1616 property was conveyed and satisfy all conditions imposed on the
1617 conveyance within two (2) years of the date of the conveyance.



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

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

SECTION 32. Section 19-7-21, Mississippi Code of 1972, is amended as follows:

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

Such lease or leases may be made only after legal advertisement for bids therefor have been published either once a week for three (3) consecutive weeks in some newspaper having a general circulation in the county or by a link to such advertisement posted on the county's website or, if the county does not have a website, its official social media webpage, to remain available to the public for the duration of three (3) consecutive weeks. It shall be necessary to describe the property in the advertisement by its popular name and by giving a definite legal description by metes and bounds. Said lease, with the legal description of the property set out therein, shall be executed to the highest and best bidder therefore on all the tract involved



1643 and shall contain a provision therein that no part of the property
1644 involved in said lease shall be dropped during the lifetime of
1645 said lease, which shall not be for a longer period than ten (10)
1646 years, unless production in commercial quantities results, and
1647 that if the delay rentals are not paid on all the property then
1648 said lease in its entirety shall become null and void. No lease
1649 shall become effective after its acceptance by the board of
1650 supervisors until the same shall have the written approval of the
1651 state mineral lease commission and the Mississippi Board of Park
1652 Examiners affixed thereto.

1653 From the proceeds arising from the execution of the original
1654 lease there shall be paid all cost of advertising herein required
1655 and other expenses necessary and incident to the execution
1656 thereof, and any balance then remaining on hand and accruing
1657 thereafter as a result of the rents, profits and income accruing
1658 from the lease shall be used, first, to build necessary bridges in
1659 the particular park property affected and, second, any balance
1660 then remaining on hand shall be used to call or pay any
1661 county-wide bonds now or hereafter outstanding and, third, if
1662 there be no outstanding county-wide bonds, then such balance shall
1663 be paid into the general funds of the county.

1664 Whenever production in commercial quantities is made on any
1665 property involved in such lease, the lessee shall not be required
1666 to pay delay rentals thereafter so long as such production
1667 continues.



1668 The proceeds to be paid to the county from the production of
1669 the oil, gas or other minerals shall be subject to all severance
1670 taxes imposed by law, just the same as if the county was an
1671 individual or corporation.

1672 The lessee shall be liable for all damages to property
1673 incurred by any operation in carrying out the terms of said lease.

1674 Nothing in this section shall in any way be construed to
1675 limit, abrogate, or otherwise restrict any right, title, or
1676 interest in the State of Mississippi.

1677 **SECTION 33.** Section 19-9-11, Mississippi Code of 1972, is
1678 amended as follows:

1679 19-9-11. Before issuing any bonds for any of the purposes
1680 enumerated in Sections 19-9-1 * * * and 19-9-3, the board of
1681 supervisors shall adopt a resolution declaring its intention so to
1682 do, stating the amount of bonds proposed to be issued and the
1683 purpose for which the bonds are to be issued, and the date upon
1684 which the board proposes to direct the issuance of such bonds.
1685 Such resolution shall be published * * * either in at least one
1686 (1) newspaper published in such county once a week for at least
1687 three (3) consecutive weeks or by a link to such resolution posted
1688 on the county's website or, if the county does not have a website,
1689 its official social media webpage, to remain available to the
1690 public for the duration of at least three (3) consecutive weeks.
1691 The first print publication of such resolution shall be made not
1692 less than twenty-one (21) days prior to the date fixed in such



1693 resolution for the issuance of the bonds, and the last publication
1694 shall be made not more than seven (7) days prior to such date. If
1695 no newspaper be published in such county and no such website
1696 exists, then such notice shall be given by publishing the
1697 resolution for the required time in some newspaper having a
1698 general circulation in such county and, in addition, by posting a
1699 copy of such resolution for at least twenty-one (21) days next
1700 preceding the date fixed therein at three (3) public places in
1701 such county. If twenty percent (20%), or fifteen hundred (1500),
1702 whichever is less, of the qualified electors of the county,
1703 supervisors district, or road district, as the case may be, shall
1704 file a written protest against the issuance of such bonds on or
1705 before the date specified in such resolution, then an election on
1706 the question of the issuance of such bonds shall be called and
1707 held as is provided in Sections 19-9-13 * * * and 19-9-15. If no
1708 such protest be filed, then such bonds may be issued without an
1709 election on the question of the issuance thereof, at any time
1710 within a period of two (2) years after the date specified in the
1711 above-mentioned resolution. However, the board of supervisors, in
1712 its discretion, may nevertheless call an election on such
1713 question, in which event it shall not be necessary to publish the
1714 resolution declaring its intention to issue such bonds as herein
1715 provided.

1716 **SECTION 34.** Section 19-9-13, Mississippi Code of 1972, is
1717 amended as follows:



19-9-13. Where an election is to be called, as provided in Section 19-9-11, notice of such election shall be signed by the clerk of the board of supervisors and shall be published either once a week for at least three (3) consecutive weeks, in at least one newspaper published in such county or by a link to such notice posted on the county's website or, if the county does not have a website, its official social media webpage. The first print publication of such notice shall be made not less than twenty-one (21) days prior to the date fixed for such election, and the last publication shall be made not more than seven (7) days prior to such date. If no newspaper is published in such county, then such notice shall be given by publishing the same for the required time in some newspaper having a general circulation in such county and, in addition, by posting a copy of such notice for at least twenty-one (21) days next preceding such election at three (3) public places in such county. Online publication should remain available to the public for the duration of the three-week period.

SECTION 35. Section 19-11-7, Mississippi Code of 1972, is amended as follows:

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

19-11-7. (1) The board of supervisors of each county of the State of Mississippi shall, at its August meeting of each year, prepare a complete budget of revenues, expenses and a working cash balance estimated for the next fiscal year, which shall be based



on the aggregate funds estimated to be available for the ensuing fiscal year for each fund, from which such estimated expenses will be paid, exclusive of school maintenance funds, which shall be shown separately. Such statement of revenues shall show every source of revenue along with the amount derived from each source. The budget containing such statement of revenues and expenses shall be published * * * either in a newspaper published in the county * * * at least one (1) time during August or September but not later than September 30 of the year or by a link to such budget containing statement of revenues and expenses posted on the county's website or, if the county does not have a website, its official social media webpage to remain available to the public for the duration of either August or September, according to the month it is initially posted. If no newspaper is published therein and no such website exists, then publication is proper in a newspaper having a general circulation therein.

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

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

19-11-7. (1) The county administrator of each county of the State of Mississippi shall prepare and submit to the board of



1768 supervisors at its August meeting of each year a complete budget
1769 of revenues, expenses and a working cash balance estimated for the
1770 next fiscal year, which shall be based on the aggregate funds
1771 estimated to be available for the ensuing fiscal year for each
1772 fund, from which such estimated expenses will be paid, exclusive
1773 of school maintenance funds, which shall be shown separately and
1774 exclusive of the budget of the sheriff's department which shall be
1775 prepared by the sheriff. Such statement of revenues shall show
1776 every source of revenue along with the amount derived from each
1777 source. The budget, including the sheriff's budget, containing
1778 such statement of revenues and expenses shall be published * * *
1779 either in a newspaper published in the county * * * at least one
1780 (1) time during August or September but not later than September
1781 30 of the year or by a link to such budget containing statement of
1782 revenues and expenses on the county's website or, if the county
1783 does not have a website, its official social media webpage to
1784 remain available to the public for the duration of either August
1785 or September, according to the month it is initially posted. If
1786 no such newspaper is published therein and no such website exists,
1787 then publication is proper in a newspaper having a general
1788 circulation therein.

1789 (2) The county administrator shall not prepare a budget that
1790 reduces the county budget by more than twenty percent (20%) in the
1791 last year of the members' term of office if a majority of the
1792 members of the board are not reelected.



1793 **SECTION 36.** Section 19-13-53, Mississippi Code of 1972, is
1794 amended as follows:

1795 19-13-53. A claim under Section 19-13-51 for accidents
1796 occurring shall be made in writing, itemized and sworn to, and
1797 shall be filed within three (3) months after such accident occurs,
1798 and shall remain on file with the clerk of the board of
1799 supervisors for sixty (60) days before the first day of the term
1800 at which it comes up for hearing. Notice of its pendency shall be
1801 published either in a newspaper published in the county at least
1802 one time before such claim comes up for hearing * * * or by a link
1803 to such notice posted on the county's website or, if the county
1804 does not have a website, its official social media webpage. If
1805 there be no paper in such county and no such website, publication
1806 is proper by posting notices at the courthouse and other public
1807 places.

1808 **SECTION 37.** Section 19-15-3, Mississippi Code of 1972, is
1809 amended as follows:

1810 19-15-3. Whenever any county records, documents, files or
1811 papers whatsoever are required by law to be preserved and
1812 retained, or which are necessary or desirable to be preserved or
1813 retained, the board of supervisors of the county shall have the
1814 power and authority, in its discretion, to destroy or dispose of
1815 any records, documents, files or papers after having reproductions
1816 made thereof as hereinafter provided and in accordance with a



records control schedule approved by the Local Government Records Committee as provided in Section 25-60-1.

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

After reproduction of the records and the like shall have been made, the board of supervisors shall have the power and authority to destroy and dispose of the originals thereof after



1842 spreading upon its minutes certification that the reproductions
1843 are true and correct copies and disposal is in accordance with a
1844 records control schedule approved by the Local Government Records
1845 Committee as provided in Section 25-60-1; the reproductions shall
1846 thereafter be preserved, retained and stored by the board of
1847 supervisors as a record of the county, and provision shall be made
1848 for preserving, examining and using them. Any reproductions or
1849 copy of any original record or other documents shall be deemed to
1850 be the original record for all purposes and shall be admissible as
1851 evidence in all courts or administrative agencies. A facsimile,
1852 exemplification or certified copy thereof shall, for all purposes
1853 set forth herein, be deemed to be a transcript, exemplification or
1854 certified copy of the original record.

1855 The board of supervisors of any county is hereby authorized
1856 to pay all expenses incurred in reproducing records and the like
1857 and in making provision for the preservation, retention and
1858 storage of the reproductions from the general fund of the county.

1859 When any of the records and the like of which reproductions
1860 are made under the provisions of this section are declared by law
1861 or are by their nature confidential and privileged records, then
1862 the reproduction thereof shall likewise be deemed to be
1863 confidential and privileged to the same extent as the original
1864 records and the like.

1865 Nothing herein shall be construed to require the keeping and
1866 preservation of any records and documents which are not required



1867 by law or a records control schedule to be kept and preserved, or
1868 which it is not desirable or necessary to keep and preserve, and
1869 in all cases where records and the like are authorized by law to
1870 be destroyed or disposed of, they may be disposed of as authorized
1871 by a records control schedule approved by the Local Government
1872 Records Committee as provided in Section 25-60-1.

1873 **SECTION 38.** Section 19-23-5, Mississippi Code of 1972, is
1874 amended as follows:

1875 19-23-5. The board of supervisors of any county where the
1876 county prosecuting attorney's office has been abolished may by its
1877 own motion entered upon the minutes, make an order to reestablish
1878 the said office of county prosecuting attorney in said county.
1879 Said order shall be published either in a newspaper published in
1880 said county and having a general circulation therein * * * or by a
1881 link to such order posted on the county's website or, if the
1882 county does not have a website, its official social media webpage.
1883 If there is no such newspaper or website in said county, the said
1884 order shall be posted in three (3) public places of said county,
1885 and one (1) of the said places shall be the courthouse, for three
1886 (3) consecutive weeks next preceding, and if within that time
1887 twenty percent (20%) of the qualified electors of the county shall
1888 petition against re-creation of said office, then the said office
1889 shall not be re-created, unless an election shall have been
1890 ordered in the manner provided for in Section 19-23-3, and a
1891 majority of the qualified voters in said election vote to



re-create said office. The said board shall not re-create said office unless two (2) years after the same has been abolished shall have passed. Should there be no petition against the re-creation of said office, the board of supervisors shall re-create said office of county prosecuting attorney.

SECTION 39. Section 19-27-31, Mississippi Code of 1972, is amended as follows:

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



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

SECTION 40. Section 19-29-7, Mississippi Code of 1972, is amended as follows:

19-29-7. (1) Any county in which there is located existing railroad properties and facilities or in which railroad properties and facilities previously existed, but were abandoned after February 5, 1976, may, by resolution, create a public body corporate and politic, to be known as a county railroad authority, which shall be authorized to exercise its functions upon the appointment and qualifications of the first commissioners thereof. Upon the adoption of a resolution creating a county railroad authority, the board of supervisors of the county shall, pursuant to the resolution, appoint five (5) persons as commissioners of the authority. The commissioners who are first appointed shall be designated to serve the terms of one (1), two (2), three (3), four



(4) and five (5) years respectively. Thereafter, each commissioner shall be appointed for a term of five (5) years, except that vacancies occurring otherwise than by the expiration of term shall be filled for the unexpired term in the same manner as the original appointments. A county shall not adopt a resolution authorized by this section without a public hearing thereon. Notice thereof shall be given * * * either in a newspaper published in the county * * * at least ten (10) days prior thereto or by a link to such notice posted on the county's website or, if the county does not have a website, its official social media webpage to remain available to the public for the duration of at least ten (10) days prior to the public hearing. If there is no newspaper published therein and no such website, then publication is proper in a newspaper having general circulation in the county.

(2) Any county and a municipality within a county may create a railroad authority under this section by resolution adopted by the respective governing authorities. The authority shall be governed by five (5) commissioners. The board of supervisors shall appoint two (2) persons as commissioners of the authority. The governing authorities of the municipality shall appoint two (2) persons as commissioners of the authority. One (1) commissioner shall be appointed by the municipality and the county on a rotating basis with the municipality making the first appointment. The terms of the commissioners shall be the same as



1967 those provided in subsection (1) with the term designation to be
1968 determined by the majority vote of the governing authorities of
1969 the municipality and of the county. The municipality and the
1970 county may dissolve the authority by a majority vote of both
1971 governing authorities.

1972 **SECTION 41.** Section 19-29-9, Mississippi Code of 1972, is
1973 amended as follows:

1974 19-29-9. (1) Two (2) or more counties in which there are
1975 located railroad properties and facilities of a railroad, or in
1976 which such properties and facilities previously existed, but were
1977 abandoned after February 5, 1976, may, by resolution of each,
1978 create a public body, corporate and politic, to be known as a
1979 regional railroad authority which shall be authorized to exercise
1980 its functions upon the issuance by the Secretary of State of a
1981 certificate of incorporation. The board of supervisors of each
1982 county joining in such regional authority shall, pursuant to the
1983 resolution organizing such authority, appoint five (5) residents
1984 of the county as commissioners of the authority and, as soon
1985 thereafter as practicable, the governing authorities of any
1986 municipality in such county, through which such railroads run,
1987 shall appoint a commissioner of the authority.

1988 If the regional authority consists of an even number of
1989 commissioners, an additional commissioner shall be appointed by
1990 the Governor from within the geographic boundaries of the regional
1991 authority.



1992 (2) A regional railroad authority may be increased from time
1993 to time to serve one or more additional counties if each
1994 additional county and each of the counties then included in the
1995 regional authority and the commissioners of the regional
1996 authority, respectively, adopt a resolution consenting thereto.
1997 If a county railroad authority for any county seeking to be
1998 included in the regional authority is then in existence, the
1999 commissioners of the county authority shall consent to the
2000 inclusion of the county in the regional authority, and if the
2001 county authority has any bonds outstanding, unless fifty-one
2002 percent (51%) or more of the holders of the bonds consent, in
2003 writing, to the inclusion of the county in the regional authority,
2004 no such inclusion shall be effected. Upon the inclusion of any
2005 county in the regional authority, all rights, contracts,
2006 obligations and property, real and personal, of the county
2007 authority shall be in the name of and vest in the regional
2008 authority.

2009 (3) A regional railroad authority may be decreased if each
2010 of the counties then included in the regional authority and the
2011 commissioners of the regional authority consent to the decrease
2012 and make provision for the retention or disposition of its assets
2013 and liabilities; however, if the regional authority has any bonds
2014 outstanding, no decrease shall be effected unless seventy-five
2015 percent (75%) or more of the holders of the bonds consent thereto
2016 in writing.



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

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

(6) A regional railroad authority, in its discretion, by resolution duly adopted and entered upon its minutes, may appoint an executive committee from among its membership. The executive committee shall consist of such number and shall be appointed in such manner so as to fairly represent the counties and municipalities served by the regional authority. The members of



the executive committee shall serve for such terms as designated by the regional authority and may be removed from the committee before expiration of their terms in accordance with such procedure as the regional authority may adopt. The executive committee, when so appointed, may be authorized by the regional authority to exercise such powers and perform such duties, with or without the prior approval of the regional authority, as the regional authority deems appropriate; however, the executive committee may not exercise any power or perform any duty that is inconsistent with or in excess of the powers and duties authorized to be performed under the provisions of this chapter by the commissioners of the regional authority.

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

SECTION 42. Section 19-29-33, Mississippi Code of 1972, is amended as follows:

19-29-33. Bonds authorized by resolution of the authority may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, provided that the bonds of any issue shall not bear a greater overall maximum interest rate to maturity than that allowed in Section 75-17-103, be in such denomination or denominations, be in such form, either coupon or registered, carry



2067 such conversion or registration privileges, have such rank or
2068 priority, be executed in such manner, be payable in such medium of
2069 payment, at such place or places, and be subject to such terms of
2070 redemption (with or without premium) as such resolution, its trust
2071 indenture or mortgage may provide. No bond shall bear more than
2072 one (1) rate of interest; each bond shall bear interest from its
2073 date to its stated maturity date at the interest rate specified in
2074 the bid; all bonds of the same maturity shall bear the same rate
2075 of interest from date to maturity; all interest accruing on such
2076 bonds so issued shall be payable semiannually or annually, except
2077 that the first interest coupon attached to any such bond may be
2078 for any period not exceeding one (1) year.

2079 No interest payment shall be evidenced by more than one (1)
2080 coupon and neither cancelled nor supplemental coupons shall be
2081 permitted; the lowest interest rate specified for any bonds issued
2082 shall not be less than seventy percent (70%) of the highest
2083 interest rate specified for the same bond issue.

2084 Each interest rate specified in any bid must be in multiples
2085 of one-eighth of one percent ($1/8$ of 1%) or in multiples of
2086 one-tenth of one percent ($1/10$ of 1%). The denomination, form and
2087 place or places of payment of such bonds shall be fixed in the
2088 resolution or ordinance of the governing authorities issuing such
2089 bonds. Such bonds shall be executed by the manual or facsimile
2090 signature of the chairman and secretary of such authority, with
2091 the seal of the authority affixed thereto. At least one (1)



signature on each bond shall be a manual signature, as specified in the resolution. The coupons may bear only the facsimile signatures of such chairman and secretary. No bonds shall be issued and sold under the provisions of this chapter for less than par and accrued interest.

The bonds may be sold at not less than par at public sale held after notice published * * * either in a newspaper having a general circulation in the area of operation once at least five (5) days prior to such sale or by a link to such notice posted on such area of operation's website or, if the area of operation does not have a website, its official social media webpage, to remain available to the public for the duration of at least five (5) days prior to such sale and in a financial newspaper published in the City of Jackson, Mississippi, or in the City of New York, New York. Such bonds may be sold at not less than par to the federal government at private sale without any public advertisement.

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



2116 The determination of the authority, in the resolution
2117 authorizing the bonds, as to the classification of the railroad
2118 properties and facilities for which such bonds are authorized and
2119 as to the maximum period of usefulness shall be conclusive in any
2120 action or proceeding involving the validity of such bonds.

2121 **SECTION 43.** Section 19-31-7, Mississippi Code of 1972, is
2122 amended as follows:

2123 19-31-7. (1) The method for the establishment of a public
2124 improvement district shall be pursuant to an ordinance adopted by
2125 the governing body of each county in which the land is located
2126 granting a petition for the establishment of a public improvement
2127 district. The petition for the establishment of a public
2128 improvement district shall be filed by the petitioner with the
2129 governing body of the county or counties. The petition shall
2130 contain:

2131 (a) A description of the boundaries of the district;

2132 (b) The written consent to the establishment of the
2133 district by all landowners in the district;

2134 (c) A designation of five (5) persons to be the initial
2135 members of the board of directors, who shall serve in that office
2136 until replaced by elected members as provided in Section 19-31-9;

2137 (d) The proposed name of the district;

2138 (e) A map of the proposed district showing existing
2139 infrastructure, if any; and



2140 (f) Based upon available data, the proposed timetable
2141 for construction of the district services and the estimated cost
2142 of constructing the proposed services.

2143 (2) A public hearing on the petition shall be conducted by
2144 the governing body of each county of the proposed district within
2145 sixty (60) days after the petition is filed unless an extension of
2146 time is requested by the petitioners and granted by the governing
2147 body of each county. The hearing shall be held at an accessible
2148 location in each county in which the public improvement district
2149 is to be located. The petitioner shall cause a notice of the
2150 hearing to be published either in a newspaper having general
2151 circulation in each county at least once a week for the four (4)
2152 successive weeks immediately prior to the hearing or by a link to
2153 such notice posted on the county's website or, if the county does
2154 not have a website, its official social media webpage, for the
2155 duration of four (4) successive weeks immediately prior to the
2156 hearing. Such notice shall give the time and place for the
2157 hearing, a description of the area to be included in the district,
2158 and any other relevant information which the establishing
2159 governing bodies may require. The advertisement shall be
2160 published in the official minutes of the local governing body.

2161 (3) The governing body of each county shall consider the
2162 record of the public hearing and any other relevant factors in
2163 making its determination to grant or deny a petition for the
2164 establishment of a public improvement district.



2165 (4) An ordinance establishing a public improvement district
2166 shall include the boundaries of the district, the names of the
2167 five (5) persons designated to be the initial members of the board
2168 of directors of the district and the name of the district.

2169 (5) If all of the land in the area for the proposed district
2170 is within the territorial jurisdiction of a municipality, then the
2171 petition requesting establishment of a public improvement district
2172 under this chapter shall be filed by the petitioner with that
2173 particular municipality. In such event, the duties of the county
2174 with regard to the petition shall be the duties of the
2175 municipality. If any of the land area of a proposed district is
2176 within the land area of a municipality, the governing body of the
2177 county may not create the district without the approval of the
2178 municipality.

2179 (6) The governing body of any governmental agency, county
2180 and/or municipality may enter into contribution agreements with
2181 the district.

2182 **SECTION 44.** Section 19-31-9, Mississippi Code of 1972, is
2183 amended as follows:

2184 19-31-9. (1) The board of the district, or if necessary,
2185 the governing authorities of the municipality in which the
2186 district is contained, shall exercise the powers granted to the
2187 district pursuant to this chapter. The board shall consist of
2188 five (5) members as otherwise provided in this section. Each
2189 member shall hold office for an initial term of six (6) years and



2190 until a successor is chosen and qualifies. The initial members of
2191 the board shall be residents of the state, and at least one (1) of
2192 the initial members shall be either a qualified voter within the
2193 district or an individual resident of the area immediately
2194 adjacent to the district. Upon appointment or election, the board
2195 members shall elect a chair who shall conduct board meetings.

2196 (2) (a) Beginning six (6) years after the initial
2197 appointment of members, the position of each member whose term has
2198 expired shall be filled by a qualified voter of the district,
2199 elected by the qualified voters of the district. There shall be
2200 an election of members every six (6) years from the date of the
2201 ordinance establishing the district. The district manager shall
2202 determine the date and time of the election, which election must
2203 be held at least twenty (20) days before the anniversary date of
2204 the ordinance establishing the district. If a contribution
2205 agreement exists, then the governing body of the public entity
2206 that is a party to the contribution agreement may appoint one (1)
2207 of the five (5) members to the board of the district at the time
2208 of the election in lieu of electing that member.

2209 (b) Candidates must qualify in writing by submitting a
2210 "Statement of Intent," as prescribed in this paragraph, to the
2211 district manager thirty (30) days before the election. The
2212 district manager shall prepare a ballot of all candidates
2213 qualified to run for office twenty-eight (28) days before the
2214 election.



2215 **Statement of Intent**

2216 Candidate for (insert name of district) Public Improvement
2217 District

2218 I, (name of candidate as it will appear on the ballot),
2219 (mailing address, street address, city, state, zip code, telephone
2220 number of the candidate), certify that I am a qualified voter, as
2221 defined in Section 19-31-5, Mississippi Code of 1972, of the
2222 (insert name of public improvement district) Public Improvement
2223 District in the State of Mississippi; and I do hereby declare my
2224 candidacy for Board of the (insert name of public improvement
2225 district) Public Improvement District at the election to be held
2226 on (insert date of election).

2227 _____

2228 (Signature of candidate) (Date)

2229 Received by _____

2230 (Signature) (Title) (Date)

2231 (c) Notice of the election shall be announced at a
2232 public meeting of the board at least ninety (90) days before the
2233 date of the election and shall be published either once a week for
2234 two (2) consecutive weeks in a newspaper which is in general
2235 circulation in the area of the district, the last day of such
2236 publication to be not fewer than fourteen (14) days nor more than
2237 twenty-eight (28) days before the election or by a link to such
2238 notice on the county's website or, if the county does not have a
2239 website, its official social media webpage for the duration of two



2240 (2) consecutive weeks. In addition, notice of the election shall
2241 be sent by United States first-class mail, not fewer than fourteen
2242 (14) days before the election, to all qualified voters at their
2243 last-known address as shown on the tax rolls. Instructions on how
2244 all qualified voters may participate in the election, along with
2245 sample proxies, shall be provided as part of the notice required
2246 by this paragraph, and the location, date and time of the election
2247 shall be included on all instructions and notices.

2248 (d) Each qualified voter shall be entitled to cast only
2249 one (1) ballot to elect each of the board members, regardless of
2250 the number of parcels owned by that voter within the district.
2251 Parcels may not be aggregated for determining the number of
2252 ballots allowed to be cast by a qualified voter. A list of
2253 qualified voters in the form of a voter roll must be kept current
2254 by the district manager and deemed final thirty (30) days before
2255 the election.

2256 (e) A qualified voter may vote in person or by proxy in
2257 writing. A vote cast by proxy must be submitted at or within
2258 fourteen (14) days before the election and must be submitted in
2259 the form prescribed in this section. Each proxy must be signed
2260 by the qualified voter for which the vote is cast and must contain
2261 the typed or printed name of the individual who signed the proxy
2262 and the street address, legal description of the property or the
2263 property's tax parcel identification number. The signature on a



2264 proxy need not be notarized. All votes cast by proxy must be
2265 reflected in the voter roll.

2266 **Proxy for Election**

2267 (Insert name of district) Public Improvement District

2268 I, _____, (name of qualified voter);

2269 _____ (street address);

2270 _____ (legal description);

2271 _____ (tax parcel identification number).

2272 [NOTE: To be considered, this proxy must contain at least one (1)
2273 of either: the street address; legal description; or tax parcel
2274 identification number.]

2275 1. Do constitute and appoint _____
2276 _____ (name), attorney and agent for me, and in my
2277 name, place and stead, to vote as my proxy for the election of
2278 members of the Board of Directors of the (name of district) Public
2279 Improvement District on (insert date), at the (insert voting
2280 location/facility name with street address); **OR (only choose one)**

2281 2. Do hereby cast my vote for:
2282 _____ [print or type name of
2283 person being voted for - PLEASE NOTE THAT YOUR VOTE MUST BE FOR A
2284 QUALIFIED VOTER (AS DEFINED IN MISSISSIPPI CODE SECTION 19-31-5)
2285 OF THE DISTRICT. A QUALIFIED VOTER MEANS ANY LANDOWNER OF THE
2286 DISTRICT WHO IS AT LEAST EIGHTEEN (18) YEARS OF AGE OR AN
2287 AUTHORIZED REPRESENTATIVE OF THE LANDOWNER WHO IS ALSO AT LEAST
2288 EIGHTEEN (18) YEARS OF AGE.] to be elected as a member of the



2289 Board of Directors of the (name of district) Public Improvement
2290 District for a term beginning (date of term) and ending six (6)
2291 years from that date or until a successor is chosen.

2292 I understand that I have the right to revoke this proxy at
2293 any time before the election. I understand that I have the right
2294 to be present in person at the election.

2295 I have executed this proxy on (insert date).

2296 _____

2297 **(Printed Name of Qualified Voter)**

2298 _____

2299 **(Signature of Qualified Voter)**

2300 (f) A qualified voter may cast only one (1) vote for
2301 each of the five (5) board member positions. When a qualified
2302 voter casts a vote for the same person more than once, only one
2303 (1) of the votes cast for that person will be counted. When a
2304 qualified voter casts more votes to elect board members than he or
2305 she is entitled to cast, all votes are invalid, and the qualified
2306 voter is deemed to have voted for none of them. When a qualified
2307 voter casts fewer votes to elect board members than he or she is
2308 entitled to cast, all votes cast by the qualified voter must be
2309 counted, but no votes shall be counted more than once.

2310 (g) If a board member dies, resigns or otherwise is
2311 prevented from serving as a board member, the board of the
2312 district shall appoint a member to fill the remainder of the board
2313 member's term. If no qualified voter is willing to serve on the



2314 board of the district, the governing body that established the
2315 district shall appoint members as necessary to fill any vacancy
2316 for the remainder of the term.

2317 (3) Members of the board shall be known as directors and,
2318 upon entering into office, shall take an oath of office. They
2319 shall hold office for the terms for which they were elected or
2320 appointed and until their successors are chosen and qualified. If
2321 during the term of office, a vacancy occurs, the remaining members
2322 of the board shall fill the vacancy by an appointment for the
2323 remainder of the unexpired term.

2324 (4) A majority of the members of the board constitutes a
2325 quorum for the purposes of conducting its business and exercising
2326 its powers and for all other purposes. Action taken by the
2327 district shall be upon a vote of a majority of the members present
2328 unless general law or a rule of the district requires a greater
2329 number. If a quorum cannot be obtained in a board meeting, the
2330 governing body that established the district shall appoint members
2331 as necessary to replace any board member missing three (3)
2332 consecutive meetings.

2333 (5) As soon as practicable after each election or
2334 appointment, the board shall organize by electing one (1) of its
2335 members as chair and by electing a secretary, who need not be a
2336 member of the board, and such other officers as the board may deem
2337 necessary.



2338 (6) The board shall keep a permanent minute book in which
2339 shall be recorded minutes of all meetings, resolutions,
2340 ordinances, proceedings and all corporate acts.

2341 (7) Members of the board may receive per diem compensation
2342 for services in an amount as provided under Section 25-3-69, and
2343 shall be entitled to expenses necessarily incurred in the
2344 discharge of their duties in accordance with Section 25-3-41. Any
2345 payments for compensation and expenses shall be paid from funds of
2346 the district.

2347 **SECTION 45.** Section 19-31-23, Mississippi Code of 1972, is
2348 amended as follows:

2349 19-31-23. (1) The district may issue and sell from time to
2350 time bonds, notes, negotiable notes, tax anticipation notes, bond
2351 anticipation notes, other fund anticipation notes, renewal notes,
2352 refunding bonds, interim certificates, certificates of
2353 indebtedness, certificates of participation, debentures, warrants,
2354 commercial paper or other obligations or evidences of indebtedness
2355 to provide funds for and to fulfill and achieve its public purpose
2356 or corporate purposes, as set forth in this chapter, including,
2357 but not limited to, the payment of all or a portion of the costs
2358 of a project, to provide amounts necessary for any corporate
2359 purposes, including incidental expenses in connection with the
2360 issuance of the obligations, the payment of principal and interest
2361 on the obligations of the district, the establishment of reserves
2362 to secure such obligations, and all other purposes and



expenditures of the district incident to and necessary or convenient to carry out its public functions or corporate purposes, and any credit enhancement for such obligations.

(2) Before the issuance of any bonds as authorized under this chapter, the district shall hold a public hearing on the advisability of the indebtedness. Notice of the hearing must be published either twice in a newspaper having general circulation in each county where the district is located or by a link to such resolution posted on the county's website or, if the county does not have a website, its official social media webpage to remain available to the public for the duration of two (2) weeks. The final print publication of notice must be at least ten (10) days before the public hearing. The district shall give, by United States first-class mail, written notice of the public hearing to all qualified voters in the district. The notice must be addressed to "Property Owner" and mailed by United States first-class mail to the current address of the owner, as reflected on tax rolls of property located in the district.

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

(b) Notice of the hearing must be published twice in a newspaper having general circulation in each county where the



2388 public entity is located. The final publication of notice must be
2389 at least ten (10) days before the public hearing.

2390 (c) The notice must state the following:

2391 (i) Time and place of the hearing;

2392 (ii) General nature of the proposed improvement;

2393 (iii) Estimated cost of the improvement;

2394 (iv) Boundaries of the public improvement

2395 district;

2396 (v) Proposed method of assessment;

2397 (vi) Proposed amount and term of indebtedness;

2398 (vii) Name of the public entity entering into the

2399 contribution agreement; and

2400 (viii) Proposed amount of contribution by the

2401 public entity.

2402 (d) The hearing may be adjourned from time to time

2403 until the governing body of the public entity makes findings by

2404 resolution as to the following:

2405 (i) Advisability of the improvement;

2406 (ii) Nature of the improvement;

2407 (iii) Estimated cost of the improvement;

2408 (iv) Boundaries of the public improvement

2409 district;

2410 (v) Method of assessment;



2411 (vi) Market value of real property within the
2412 district determined in accordance with paragraph (c) of this
2413 subsection; and

2414 (vii) Terms of the contribution agreement.

2415 (e) As provided in subsection (3)(d)(vi) of this
2416 section, the governing body of the public entity shall obtain an
2417 appraisal in accordance with the Uniform Standards of Professional
2418 Appraisal Practice, with special consideration given to the Income
2419 Approach to Value using a discounted cash flow analysis of the
2420 entire commercial, residential or industrial subdivision. The
2421 appraisal must satisfy all parties to the contribution agreement
2422 that the value of the property in the district will be sufficient
2423 to ensure payment of any obligation to which a public entity is
2424 subject.

2425 (4) Except as may otherwise be provided by the district,
2426 all obligations issued by the district shall be negotiable
2427 instruments and payable solely from the levy of any special
2428 assessment by the district or from any other sources whatsoever
2429 that may be available to the district but shall not be secured by
2430 the full faith and credit of the state or the county or
2431 municipality that created the district.

2432 (5) Obligations shall be authorized, issued and sold by a
2433 resolution or resolutions of the district adopted as provided in
2434 this chapter. Such bonds or obligations may be of such series,
2435 bear such date or dates, mature at such time or times, bear



2436 interest at such rate or rates, including variable, adjustable, or
2437 zero interest rates, be payable at such time or times, be in such
2438 denominations, be sold at such price or prices, at public or
2439 private negotiated sale, after advertisement as is provided for in
2440 Section 17-21-53(2) for and in connection with any public sale, be
2441 in such form, carry such registration and exchangeability
2442 privileges, be payable at such place or places, be subject to such
2443 terms of redemption and be entitled to such priorities on the
2444 income, revenue and receipts of, or available to, the district as
2445 may be provided by the district in the resolution or resolutions
2446 providing for the issuance and sale of the bonds or obligations of
2447 the district.

2448 (6) The obligations of the district shall be signed by such
2449 directors or officers of the district by either manual or
2450 facsimile signatures as shall be determined by resolution or
2451 resolutions of the district, and shall have impressed or imprinted
2452 thereon the seal of the district or a facsimile thereof.

2453 (7) Any obligations of the district may be validly issued,
2454 sold and delivered notwithstanding that one or more of the
2455 directors or officers of the district signing such obligations or
2456 whose facsimile signature or signatures may be on the obligations
2457 shall have ceased to be such director or officer of the district
2458 at the time such obligations shall actually have been delivered.

2459 (8) Obligations of the district may be sold in such manner
2460 and from time to time as may be determined by the district to be



2461 most beneficial, and the district may pay all expenses, premiums,
2462 fees or commissions that it deems necessary or advantageous in
2463 connection with the issuance and sale thereof, subject to the
2464 provisions of this chapter.

2465 (9) The district may authorize the establishment of a fund
2466 or funds for the creation of a debt service reserve, a renewal and
2467 replacement reserve or such other funds or reserves as the
2468 district may approve with respect to the financing and operation
2469 of any project and as may be authorized by any bond resolution,
2470 trust agreement, indenture of trust or similar instrument or
2471 agreement pursuant to the provisions of which the issuance of
2472 bonds or other obligations of the district may be authorized.

2473 (10) Notwithstanding any other law to the contrary, but
2474 subject to any agreement with bondholders or noteholders, monies
2475 of the district not required for immediate use, including proceeds
2476 from the sale of any bonds, notes or other obligations, may be
2477 invested in the following:

2478 (a) Obligations of any municipality, the State of
2479 Mississippi or the United States of America;

2480 (b) Obligations of which the principal and interest are
2481 guaranteed by the State of Mississippi or the United States of
2482 America;

2483 (c) Obligations of any corporation wholly owned by the
2484 United States of America;



2485 (d) Obligations of any corporation sponsored by the
2486 United States of America which are, or may become, eligible as
2487 collateral for advances to member banks as determined by the Board
2488 of Governors of the Federal Reserve System;

2489 (e) Obligations of insurance firms or other
2490 corporations whose investments are rated "A" or better by
2491 recognized rating companies;

2492 (f) Certificates of deposit or time deposits of
2493 qualified depositories of the State of Mississippi as approved by
2494 the State Depository Commission, secured in such manner, if any,
2495 as the commission determines appropriate;

2496 (g) Contracts for the purchase and sale of obligations
2497 of the type described in paragraphs (a) through (e) of this
2498 subsection;

2499 (h) Repurchase agreements secured by obligations
2500 described in paragraphs (a) through (e) of this subsection; and

2501 (i) Money market funds, the assets of which are
2502 required to be invested in obligations described in paragraphs (a)
2503 through (f) of this subsection.

2504 (11) Any cost, obligation or expense incurred for any of the
2505 purposes specified in this chapter shall be a part of the project
2506 costs and may be paid or reimbursed as such out of the proceeds of
2507 bonds or other obligations issued by the district.

2508 (12) Neither the directors of the board nor any person
2509 executing the bonds shall be personally liable for the bonds or be



2510 subject to any personal liability by reason of the issuance
2511 thereof. No earnings or assets of the district shall accrue to
2512 the benefit of any private persons. However, the limitation of
2513 liability provided for in this subsection shall not apply to any
2514 gross negligence or criminal negligence on the part of any
2515 director or person executing the bonds.

2516 (13) The district may avail itself of the provisions of
2517 Sections 31-13-1 through 31-13-11.

2518 (14) This chapter constitutes full and complete authority
2519 for the issuance of bonds and the exercise of the powers of the
2520 district provided herein. No procedures or proceedings,
2521 publications, notices, consents, approvals, orders, acts or things
2522 by the board or any board, officers, commission, department,
2523 agency or instrumentality of the district, other than those
2524 required by this chapter, shall be required to perform anything
2525 under this chapter, except that the issuance or sale of bonds
2526 pursuant to the provisions of this chapter shall comply with the
2527 general law requirements applicable to the issuance or sale of
2528 bonds by the district. Nothing in this chapter shall be construed
2529 to authorize the district to utilize bond proceeds to fund the
2530 ongoing operations of the district.

2531 (15) Before incurring any debt as provided in subsection (1)
2532 of this section, the district may, but shall not be required to,
2533 secure an agreement from one or more developers obligating such
2534 developer or developers:



2535 (a) To effect the completion of all or any portion of a
2536 project at no cost to the district;

2537 (b) To pay all or any portion of the real property
2538 taxes due on the project in a timely manner; and

2539 (c) To maintain and operate all or any portion of the
2540 buildings or other facilities or improvements of the project in
2541 such a manner as to preserve property values.

2542 No breach of any such agreement shall impose any pecuniary
2543 liability upon a district or any charge upon its general credit or
2544 against its taxing powers.

2545 Additionally, the district may enter into an agreement with
2546 the developer under which the developer may construct all or any
2547 part of the project with private funds in advance of issuance of
2548 bonds and may be reimbursed by the district for actual costs
2549 incurred by the developer upon issuance and delivery of bonds and
2550 receipt of the proceeds, conditioned upon dedication of the
2551 project by the developer to the district, a governmental agency, a
2552 county or a municipality to assure public use and access. This
2553 condition shall not apply to the privately owned portion of a
2554 project for which the Mississippi Development Authority has issued
2555 a certificate of convenience and necessity pursuant to the
2556 Regional Economic Development Act.

2557 As used in this section, the term "developer" means any
2558 entity or natural person which enters into an agreement with a
2559 district whereby the developer agrees to construct, operate and



2560 maintain or procure the construction, operation and maintenance of
2561 a project or projects, or portions thereof, upon land within the
2562 district.

2563 **SECTION 46.** Section 19-31-39, Mississippi Code of 1972, is
2564 amended as follows:

2565 19-31-39. (1) The district, or if necessary, the governing
2566 authorities of the municipality in which the district is
2567 contained, may prescribe, fix, establish and collect rates, fees,
2568 rentals or other charges for the facilities and services furnished
2569 by the district, within the limits of the district, including, but
2570 not limited to, recreational facilities, water management and
2571 control facilities and water and sewer systems. The district may
2572 also recover the costs of making connection with any district
2573 facility or system and provide for reasonable penalties against
2574 any user or property for any such rates, fees, rentals or other
2575 charges that are delinquent.

2576 (2) No such rates, fees, rentals or other charges for any of
2577 the facilities or services of the district may be fixed until
2578 after a public hearing at which all the users of the proposed
2579 facility or services shall have an opportunity to be heard
2580 concerning the proposed rates, fees, rentals or other charges.
2581 Notice of such public hearing setting forth the proposed schedule
2582 of rates, fees, rentals and other charges shall be published
2583 either in a newspaper having general circulation in each county
2584 where the district is located once at least ten (10) days before



2585 such public hearing or by a link to such notice posted on the
2586 county's website or, if the county does not have a website, its
2587 official social media webpage, to remain available to the public
2588 for the duration of at least ten (10) days before such public
2589 hearing.

2590 **SECTION 47.** Section 21-1-7, Mississippi Code of 1972, is
2591 amended as follows:

2592 21-1-7. The mayor and board of aldermen or municipal
2593 authorities may change the name of any municipality by preparing
2594 in writing the proposed change and having same published * * *
2595 either in a newspaper published in such municipality, if there be
2596 one * * * for three (3) weeks, or by a link to such proposed
2597 change posted on the municipality's website or, if the
2598 municipality does not have a website, its official social media
2599 webpage to remain available to the public for the duration of
2600 three (3) weeks. If none the municipality has none of these, then
2601 by posting for said time in at least three (3) public places
2602 therein, after which the proposed change shall be submitted to the
2603 Governor for his approval. If, after publication is made,
2604 one-tenth (1/10) of the qualified electors of the municipality
2605 shall within ten (10) days after the completion of such
2606 publication protest against the proposed change, the Governor
2607 shall not approve same until it shall be submitted to and ratified
2608 by a majority of the qualified electors of the municipality. When
2609 approved by the Governor, the same shall be recorded in the Office



of the Secretary of State and upon the record of the municipal governing authorities.

SECTION 48. Section 21-1-15, Mississippi Code of 1972, is amended as follows:

21-1-15. After the filing of said petition, and upon request therefor by the petitioners, the chancellor shall set a day certain, either in termtime or in vacation, for the hearing of such petition and notice shall be given to all persons interested in, affected by, or having objections to the proposed incorporation, that the hearing on the petition will be held on the day fixed by the chancellor and that all such persons will have the right to appear and enter their objections, if any, to the proposed incorporation. The said notice shall be given by publication thereof either in some newspaper published or having a general circulation in the territory proposed to be incorporated once each week for three (3) consecutive weeks * * * or by a link to such notice posted on the municipality's website or, if the municipality does not have a website, its official social media webpage, for the duration of three (3) consecutive weeks and by posting a copy of such notice in three (3) or more public places in such territory. The first publication of such notice and the posted notice shall be made at least thirty (30) days prior to the day fixed for the hearing of said petition, and such notice shall contain a full description of the territory proposed to be incorporated. However, if any of the territory proposed to be



2635 incorporated is located within three (3) miles of the boundaries
2636 of an existing municipality, then such existing municipality shall
2637 be made a party defendant to such petition and shall be served
2638 with process in the manner provided by law, which process shall be
2639 served at least thirty (30) days prior to the date set for the
2640 hearing.

2641 **SECTION 49.** Section 21-3-7, Mississippi Code of 1972, is
2642 amended as follows:

2643 21-3-7. (1) Except as provided in subsection (3) of this
2644 section, in all municipalities having a population of less than
2645 ten thousand (10,000) according to the latest * * * federal
2646 decennial census, there shall be five (5) aldermen, which aldermen
2647 may be elected from the municipality at large, or, in the
2648 discretion of the municipal authority, the municipality may be
2649 divided into four (4) wards, with one (1) alderman to be selected
2650 from each ward and one (1) from the municipality at large. On a
2651 petition of twenty percent (20%) of the qualified electors of any
2652 such municipality, the provisions of this section as to whether or
2653 not the aldermen shall be elected from wards or from the
2654 municipality at large shall be determined by the vote of the
2655 majority of the qualified electors of the municipality voting in a
2656 special election called for that purpose. All aldermen shall be
2657 selected by vote of the entire electorate of the municipality.
2658 Those municipalities which determine to select one (1) alderman
2659 from each of the four (4) wards shall select one (1) from the



2660 candidates for alderman from each particular ward who shall be a
2661 resident of said ward by majority vote of the entire electorate of
2662 the municipality.

2663 (2) Except as provided in subsection (4) of this section, in
2664 all municipalities having a population of ten thousand (10,000) or
2665 more, according to the latest * * * federal decennial census,
2666 there shall be seven (7) aldermen, which aldermen may be elected
2667 from the municipality at large, or, in the discretion of the
2668 municipal authority, the municipality may be divided into six (6)
2669 wards, with one (1) alderman to be selected from each ward and one
2670 (1) from the municipality at large. On a petition of twenty
2671 percent (20%) of the qualified electors of any such municipality,
2672 the provisions of this section as to whether or not the aldermen
2673 shall be elected from wards or from the municipality at large
2674 shall be determined by the vote of the majority of the qualified
2675 electors of the municipality voting in a special election called
2676 for that purpose. This section in no way affects the number of
2677 aldermen, councilmen, or commissioners of any city operating under
2678 a special charter. All aldermen shall be selected by vote of the
2679 entire electorate of the municipality. Those municipalities which
2680 determine to select one (1) alderman from each of the six (6)
2681 wards shall select one (1) of the candidates for alderman from
2682 each particular ward by majority vote of the entire electorate of
2683 the municipality.



2684 (3) In any municipality having a population of five hundred
2685 (500) or less according to the latest * * * federal decennial
2686 census, there may be three (3) aldermen. The change from five (5)
2687 aldermen to three (3) aldermen shall be approved by a majority of
2688 the qualified electors of the municipality voting in a special
2689 election held for this purpose.

2690 (4) If a municipality has a population according to the 2010
2691 federal decennial census that is less than ten thousand (10,000)
2692 and whose population according to the 2020 federal decennial
2693 census is ten thousand (10,000) or more, the municipality may
2694 elect to continue with five (5) aldermen and not increase to seven
2695 (7) aldermen by the adoption of a resolution by a majority of the
2696 board of aldermen expressing the intent to continue with five (5)
2697 aldermen and not increase to seven (7) aldermen. Before the
2698 adoption of such resolution, the proposed resolution shall be
2699 published * * * either in at least one (1) newspaper published in
2700 the municipality for three (3) consecutive weeks or by a link to
2701 such proposed resolution posted on the municipality's website or,
2702 if the municipality does not have a website, its official social
2703 media webpage, to remain available to the public for the duration
2704 of three (3) consecutive weeks. The first print publication of
2705 such resolution shall be made not less than twenty-one (21) days
2706 prior to the date fixed in such resolution for the adoption of the
2707 same and the last publication shall be made not more than seven
2708 (7) days prior to such date. If no newspaper be published in the



2709 municipality and no such website exists, then such notice shall be
2710 given by publishing the resolution for the required time in some
2711 newspaper having a general circulation in such municipality and,
2712 in addition, by posting a copy of such resolution for at least
2713 twenty-one (21) days next preceding the date fixed to adopt the
2714 resolution at three (3) public places in such municipality. If
2715 ten percent (10%) of the qualified electors of the municipality or
2716 fifteen hundred (1,500) whichever is lesser, shall file a written
2717 protest against the resolution on or before the date specified in
2718 the resolution, then an election on the question shall be called.
2719 Notice of such election shall be signed by the clerk of the
2720 municipality and shall be published * * * either in at least one
2721 (1) newspaper published in the municipality once a week for at
2722 least three (3) consecutive weeks or by a link to such notice
2723 posted on the municipality's website or, if the municipality does
2724 not have a website, its official social media webpage, for the
2725 duration of three (3) consecutive weeks. The first print
2726 publication of such notice shall be made not less than twenty-one
2727 (21) days prior to the date fixed for such election and the last
2728 publication shall be made not more than seven (7) days prior to
2729 such date. If no newspaper be published in the municipality and
2730 no such website exists, then such notice shall be given by
2731 publishing the same for the required time in some newspaper having
2732 a general circulation in such municipality and, in addition, by
2733 posting a copy of such notice for at least twenty-one (21) days



2734 next preceding the date fixed to adopt the resolution at three (3)
2735 public places in such municipality. At the election, all
2736 qualified electors of such municipality may vote, and the ballots
2737 used in the election shall have printed thereon a brief statement
2738 of the purpose of the increase in the number of aldermen and the
2739 words "FOR THE INCREASE IN THE NUMBER OF ALDERMEN FROM 5 TO 7" and
2740 on a separate line, "AGAINST THE INCREASE IN NUMBER OF ALDERMEN
2741 FROM 5 TO 7" and the voters shall vote by placing a cross (X) or
2742 check (✓) opposite their choice on the proposition. The results
2743 of the election shall be certified by the municipal election
2744 commissions and spread on the minutes of the municipality. If a
2745 majority of electors who voted in the election vote in favor of
2746 maintaining five (5) aldermen and not increasing the number to
2747 seven (7) aldermen, the number of aldermen shall remain at five
2748 (5) and shall not be increased except by special election called
2749 for such purpose. If a majority of electors who voted in the
2750 election vote against maintaining five (5) aldermen and in favor
2751 of increasing the number to seven (7) aldermen, the number of
2752 aldermen for such municipality shall be increased to seven (7)
2753 aldermen and the number shall not be decreased except by act of
2754 the Legislature.

2755 **SECTION 50.** Section 21-5-15, Mississippi Code of 1972, is
2756 amended as follows:

2757 21-5-15. At the first regular meeting of the council that is
2758 first elected, or as soon thereafter as practicable, the council



2759 shall, by ordinance, fix the salary of the mayor and each of the
2760 councilmen (or commissioners), which ordinance shall not become
2761 operative until the same shall have been approved by a majority of
2762 the qualified electors voting at an election to be held for that
2763 purpose, as provided by this section. Said ordinance shall be
2764 published either in a newspaper published in said city, and having
2765 a general circulation therein, for at least ten (10) days before
2766 such election, * * * or by a link to such ordinance posted on the
2767 municipality's website or, if the municipality does not have a
2768 website, its official social media webpage to remain available to
2769 the public for the duration of at least ten (10) days before such
2770 election. Notice of the date of such election shall be given by
2771 the council for ten (10) days by publication in a newspaper
2772 published in such city, and having general circulation therein, or
2773 by a link to such ordinance posted on the municipality's website
2774 or, if the municipality does not have a website, its official
2775 social media webpage to remain available to the public for the
2776 duration of ten (10) days. In case such ordinance shall be
2777 rejected by the electors at such election, then a new ordinance,
2778 or ordinances, may be passed by the council and submitted to the
2779 electors in like manner, until the same shall have been ratified
2780 by the electors. When an ordinance so fixing the salaries shall
2781 have been finally adopted and approved, the salaries so fixed
2782 shall remain in effect until altered or changed in the manner
2783 hereinafter provided.



2784 To reduce the salary so fixed it shall be sufficient that the
2785 council adopt an ordinance to that effect, which ordinance shall
2786 become effective upon adoption without the necessity of
2787 publication or of an election. To increase the salary so fixed,
2788 an ordinance shall be duly adopted, by the council, which
2789 ordinance shall be published for ten (10) days in a newspaper
2790 published or having a general circulation in such city * * * or by
2791 a link to such ordinance posted on the municipality's website or,
2792 if the municipality does not have a website, its official social
2793 media webpage to remain available to the public for ten (10) days.
2794 The ordinance shall not become effective until it shall have been
2795 approved by a majority of the qualified electors of such city
2796 voting at an election to be held for that purpose after notice of
2797 such election shall have been given by the council for ten (10)
2798 days by publication in a newspaper published in such city or
2799 having a general circulation therein, the last notice to appear
2800 not more than one (1) week next prior to the date of the election,
2801 or by a link to such ordinance posted on the municipality's
2802 website or, if the municipality does not have a website, its
2803 official social media webpage to remain available to the public
2804 for ten (10) days.

2805 Every officer or assistant, other than the mayor and
2806 councilmen, shall receive such salary or compensation as the
2807 council shall by ordinance provide. The salary or compensation of



2808 all other employees of such city shall be fixed by the council
2809 from time to time, as occasion may demand.

2810 **SECTION 51.** Section 21-13-11, Mississippi Code of 1972, is
2811 amended as follows:

2812 21-13-11. Every ordinance passed by the governing body of a
2813 municipality, except as is otherwise provided by law, shall be
2814 certified by a municipal clerk, signed by the mayor or a majority
2815 of all the members of the governing body, recorded in the
2816 ordinance book, and published at least one (1) time either in some
2817 newspaper published in such municipality * * * or by a link to
2818 such ordinance posted on the municipality's website or, if the
2819 municipality does not have a website, its official social media
2820 webpage. If there be no such newspaper or website, then the
2821 ordinance shall be published in a newspaper within the county
2822 having general circulation in said municipality, or, if there be
2823 no newspaper published in or having general circulation in same,
2824 then in any newspaper published in the State of Mississippi having
2825 general circulation in said county; and all of same shall be done
2826 before such ordinance shall be effective. The publication of the
2827 ordinance may be made as provided in Section 21-17-19. No
2828 ordinance shall be in force for one (1) month after its passage;
2829 however, any ordinance for the immediate and temporary
2830 preservation of the public peace, health or safety or for other
2831 good cause, which is adopted by unanimous vote of all members of
2832 the governing body, may be made effective from and after its



2833 passage by a unanimous vote of all members of the governing body.
2834 However, in such cases, such ordinance shall contain a statement
2835 of reason why it is necessary that same become immediately
2836 effective. All such ordinances shall be published and recorded in
2837 the ordinance book in the same manner as other ordinances, but
2838 shall become effective immediately upon the adoption thereof, and
2839 prior to being so recorded and published. Nothing in this section
2840 shall apply to ordinances appropriating money for the payment of
2841 the current expenses of the municipality or the payment of sums
2842 due on any contract previously made.

2843 **SECTION 52.** Section 21-17-1, Mississippi Code of 1972, is
2844 amended as follows:

2845 21-17-1. (1) Every municipality of this state shall be a
2846 municipal corporation and shall have power to sue and be sued; to
2847 purchase and hold real estate, either within or without the
2848 corporate limits, for all proper municipal purposes, including
2849 parks, cemeteries, hospitals, schoolhouses, houses of correction,
2850 waterworks, electric lights, sewers and other proper municipal
2851 purposes; to purchase and hold personal property for all proper
2852 municipal purposes; to sell or dispose of personal property or
2853 real property owned by it consistent with Section 17-25-25; to
2854 acquire equipment and machinery by lease-purchase agreement and to
2855 pay interest thereon, if contracted, when needed for proper
2856 municipal purposes; and to sell and convey any real property owned
2857 by it, and make such order respecting the same as may be deemed



2858 conducive to the best interest of the municipality, and exercise
2859 jurisdiction over the same.

2860 (2) (a) In case any of the real property belonging to a
2861 municipality shall cease to be used for municipal purposes, the
2862 governing authority of the municipality may sell, convey or lease
2863 the same on such terms as the municipal authority may elect. In
2864 case of a sale on a credit, the municipality shall charge
2865 appropriate interest as contracted and shall have a lien on the
2866 same for the purchase money, as against all persons, until paid
2867 and may enforce the lien as in such cases provided by law. The
2868 deed of conveyance in such cases shall be executed in the name of
2869 the municipality by the governing authority of the municipality
2870 pursuant to an order entered on the minutes. In any sale or
2871 conveyance of real property, the municipality shall retain all
2872 mineral rights that it owns, together with the right of ingress
2873 and egress to remove same. Except as otherwise provided in this
2874 section, before any such lease, deed or conveyance is executed,
2875 the governing authority of the municipality shall publish * * *
2876 the intention to lease or sell, as the case may be, the
2877 municipally owned real property and to accept sealed competitive
2878 bids for the leasing or sale either in a public newspaper of the
2879 municipality in which the real property is located at least once
2880 each week for three (3) weeks or by a link to such intention
2881 posted on the municipality's website or, if the municipality does
2882 not have a website, its official social media webpage, for the



2883 duration of three (3) consecutive weeks. If no such newspaper is
2884 published and no such website exists, then publication is proper
2885 in a newspaper having general circulation therein. The governing
2886 authority of the municipality shall thereafter accept bids for the
2887 lease or sale and shall award the lease or sale to the highest
2888 bidder in the manner provided by law. However, whenever the
2889 governing authority of the municipality shall find and determine,
2890 by resolution duly and lawfully adopted and spread upon its
2891 minutes (i) that any municipally owned real property is no longer
2892 needed for municipal or related purposes and is not to be used in
2893 the operation of the municipality, (ii) that the sale of such
2894 property in the manner otherwise provided by law is not necessary
2895 or desirable for the financial welfare of the municipality, and
2896 (iii) that the use of such property for the purpose for which it
2897 is to be sold, conveyed or leased will promote and foster the
2898 development and improvement of the community in which it is
2899 located and the civic, social, educational, cultural, moral,
2900 economic or industrial welfare thereof, the governing authority of
2901 the municipality shall be authorized and empowered, in its
2902 discretion, to sell, convey or lease same for any of the purposes
2903 set forth herein without having to advertise for and accept
2904 competitive bids.

2905 (b) In any case in which a municipality proposes to
2906 sell, convey or lease real property under the provisions of this
2907 subsection (2) without advertising for and accepting competitive



2908 bids, the governing authority may sell, convey or lease the
2909 property as follows:

2910 (i) Consideration for the purchase, conveyance or
2911 lease of the property shall be not less than the average of the
2912 fair market price for such property as determined by at least two
2913 (2) professional property appraisers selected by the municipality
2914 and approved by the purchaser or lessee. Appraisal fees shall be
2915 shared equally by the municipality and the purchaser or lessee;

2916 (ii) The governing authority of a municipality may
2917 contract for the professional services of a Mississippi licensed
2918 real estate broker to assist the municipality in the marketing and
2919 sale or lease of the property, and may provide the broker
2920 reasonable compensation for services rendered to be paid from the
2921 sale or lease proceeds. The reasonable compensation shall not
2922 exceed the usual and customary compensation for similar services
2923 within the municipality; or

2924 (iii) The governing authority of a municipality
2925 may lease property of less than one thousand five hundred (1,500)
2926 square feet to any person or legal entity by having two (2)
2927 appraisals establish the fair market value of the lease, and on
2928 such other terms and conditions as the parties may agree, such
2929 lease being lawfully adopted and spread upon its official minutes.

2930 (3) Whenever the governing authority of the municipality
2931 shall find and determine by resolution duly and lawfully adopted
2932 and spread upon the minutes that municipally owned real property



is not used for municipal purposes and therefore surplus as set forth in subsection (2) of this section:

(a) (i) Except as otherwise provided in subparagraph (ii) of this paragraph (a), the governing authority may donate such lands to a bona fide not-for-profit civic or eleemosynary corporation organized and existing under the laws of the State of Mississippi and granted tax-exempt status by the Internal Revenue Service and may donate such lands and necessary funds related thereto to the public school district in which the land is situated for the purposes set forth herein. Any deed or conveyance executed pursuant hereto shall contain a clause of reverter providing that the bona fide not-for-profit corporation or public school district may hold title to such lands only so long as they are continued to be used for the civic, social, educational, cultural, moral, economic or industrial welfare of the community, and that title shall revert to the municipality in the event of the cessation of such use for a period of two (2) years. In any such deed or conveyance, the municipality shall retain all mineral rights that it owns, together with the right of ingress and egress to remove same;

(ii) If the governing authority of a municipality with a total population of greater than forty thousand (40,000) but not more than forty-two thousand five hundred (42,500) according to the 2010 federal decennial census, donates real property to a bona fide not-for-profit civic or eleemosynary



2958 corporation and such civic or eleemosynary corporation commits Two
2959 Million Dollars (\$2,000,000.00) to renovate or make capital
2960 improvements to the property by an agreement between a certain
2961 state institution of higher learning and the civic or eleemosynary
2962 corporation, then the clause of reverter required by this
2963 paragraph shall provide that title of such real property shall
2964 revert 1. to the bona fide not-for-profit civic or eleemosynary
2965 corporation, if a certain state institution of higher learning
2966 ceases to use the property for the purposes required by this
2967 paragraph (a) for donated lands, or 2. to the municipality, if a
2968 certain state institution of higher learning ceases to use the
2969 property for the purposes required by this paragraph (a) and the
2970 not-for-profit civic or eleemosynary corporation or its successor
2971 ceases to exist;

2972 (b) (i) The governing authority may donate such lands
2973 to a bona fide not-for-profit corporation (such as Habitat for
2974 Humanity) which is primarily engaged in the construction of
2975 housing for persons who otherwise can afford to live only in
2976 substandard housing. In any such deed or conveyance, the
2977 municipality shall retain all mineral rights that it owns,
2978 together with the right of ingress and egress to remove same;

2979 (ii) In the event the governing authority does not
2980 wish to donate title to such lands to the bona fide not-for-profit
2981 civic or eleemosynary corporation, but wishes to retain title to
2982 the lands, the governing authority may lease the lands to a bona



2983 fide not-for-profit corporation described in paragraph (a) or this
2984 paragraph (b) for less than fair market value;

2985 (c) The governing authority may donate any municipally
2986 owned lot measuring twenty-five (25) feet or less along the
2987 frontage line as follows: the governing authority may cause the
2988 lot to be divided in half along a line running generally
2989 perpendicular to the frontage line and may convey each one-half
2990 (1/2) of that lot to the owners of the parcels laterally adjoining
2991 the municipally owned lot. All costs associated with a conveyance
2992 under this paragraph (c) shall be paid by the person or entity to
2993 whom the conveyance is made. In any such deed or instrument of
2994 conveyance, the municipality shall retain all mineral rights that
2995 it owns, together with the right of ingress and egress to remove
2996 same;

2997 (d) Nothing contained in this subsection (3) shall be
2998 construed to prohibit, restrict or to prescribe conditions with
2999 regard to the authority granted under Section 17-25-3.

3000 (4) Every municipality shall also be authorized and
3001 empowered to loan to private persons or entities, whether
3002 organized for profit or nonprofit, funds received from the United
3003 States Department of Housing and Urban Development (HUD) under an
3004 urban development action grant or a community development block
3005 grant under the Housing and Community Development Act of 1974
3006 (Public Law 93-383), as amended, and to charge interest thereon if
3007 contracted, provided that no such loan shall include any funds



3008 from any revenues other than the funds from the United States
3009 Department of Housing and Urban Development; to make all contracts
3010 and do all other acts in relation to the property and affairs of
3011 the municipality necessary to the exercise of its governmental,
3012 corporate and administrative powers; and to exercise such other or
3013 further powers as are otherwise conferred by law.

3014 (5) (a) The governing authority of any municipality may
3015 establish an employer-assisted housing program to provide funds to
3016 eligible employees to be used toward the purchase of a home. This
3017 assistance may be applied toward the down payment, closing costs
3018 or any other fees or costs associated with the purchase of a home.
3019 The housing assistance may be in the form of a grant, forgivable
3020 loan or repayable loan. The governing authority of a municipality
3021 may contract with one or more public or private entities to
3022 provide assistance in implementing and administering the program
3023 and shall adopt rules and regulations regarding the eligibility of
3024 a municipality for the program and for the implementation and
3025 administration of the program. However, no general funds of a
3026 municipality may be used for a grant or loan under the program.

3027 (b) Participation in the program established under this
3028 subsection (5) shall be available to any eligible municipal
3029 employee as determined by the governing authority of the
3030 municipality. Any person who receives financial assistance under
3031 the program must purchase a house and reside within certain



3032 geographic boundaries as determined by the governing authority of
3033 the municipality.

3034 (c) If the assistance authorized under this subsection
3035 (5) is structured as a forgivable loan, the participating employee
3036 must remain as an employee of the municipality for an agreed upon
3037 period of time, as determined by the rules and regulations adopted
3038 by the governing authority of the municipality, in order to have
3039 the loan forgiven. The forgiveness structure, amount of
3040 assistance and repayment terms shall be determined by the
3041 governing authority of the municipality.

3042 (6) The governing authority of any municipality may contract
3043 with a private attorney or private collection agent or agency to
3044 collect any type of delinquent payment owed to the municipality,
3045 including, but not limited to, past-due fees, fines and other
3046 assessments, or with the district attorney of the circuit court
3047 district in which the municipality is located to collect any
3048 delinquent fees, fines and other assessments. Any such contract
3049 debt may provide for payment contingent upon successful collection
3050 efforts or payment based upon a percentage of the delinquent
3051 amount collected; however, the entire amount of all delinquent
3052 payments collected shall be remitted to the municipality and shall
3053 not be reduced by any collection costs or fees. Any private
3054 attorney or private collection agent or agency contracting with
3055 the municipality under the provisions of this subsection shall
3056 give bond or other surety payable to the municipality in such



3057 amount as the governing authority of the municipality deems
3058 sufficient. Any private attorney with whom the municipality
3059 contracts under the provisions of this subsection must be a member
3060 in good standing of The Mississippi Bar. Any private collection
3061 agent or agency with whom the municipality contracts under the
3062 provisions of this subsection must meet all licensing requirements
3063 for doing business in the State of Mississippi. Neither the
3064 municipality nor any officer or employee of the municipality shall
3065 be liable, civilly or criminally, for any wrongful or unlawful act
3066 or omission of any person or business with whom the municipality
3067 has contracted under the provisions of this subsection. The
3068 Mississippi Department of Audit shall establish rules and
3069 regulations for use by municipalities in contracting with persons
3070 or businesses under the provisions of this subsection. If a
3071 municipality uses its own employees to collect any type of
3072 delinquent payment owed to the municipality, then from and after
3073 July 1, 2000, the municipality may charge an additional fee for
3074 collection of the delinquent payment provided the payment has been
3075 delinquent for ninety (90) days. The collection fee may not
3076 exceed twenty-five percent (25%) of the delinquent payment if the
3077 collection is made within this state and may not exceed fifty
3078 percent (50%) of the delinquent payment if the collection is made
3079 outside this state. In conducting collection of delinquent
3080 payments, the municipality may utilize credit cards or electronic
3081 fund transfers. The municipality may pay any service fees for the



3082 use of such methods of collection from the collection fee, but not
3083 from the delinquent payment. There shall be due to the
3084 municipality from any person whose delinquent payment is collected
3085 under a contract executed as provided in this subsection an
3086 amount, in addition to the delinquent payment, * * * not to exceed
3087 twenty-five percent (25%) of the delinquent payment for
3088 collections made within this state, and not to exceed fifty
3089 percent (50%) of the delinquent payment for collections made
3090 outside of this state.

3091 (7) In addition to such authority as is otherwise granted
3092 under this section, the governing authority of any municipality
3093 may expend funds necessary to maintain and repair, and to purchase
3094 liability insurance, tags and decals for, any personal property
3095 acquired under the Federal Excess Personal Property Program that
3096 is used by the local volunteer fire department.

3097 (8) In addition to the authority to expend matching funds
3098 under Section 21-19-65, the governing authority of any
3099 municipality, in its discretion, may expend municipal funds to
3100 match any state, federal or private funding for any program
3101 administered by the State of Mississippi, the United States
3102 government or any nonprofit organization that is exempt under 26
3103 USCS Section 501(c)(3) from paying federal income tax.

3104 (9) The governing authority of any municipality that owns
3105 and operates a gas distribution system, as defined in Section
3106 21-27-11(b), and the governing authority of any public natural gas



3107 district are authorized to contract for the purchase of the supply
3108 of natural gas for a term of up to ten (10) years with any public
3109 nonprofit corporation which is organized under the laws of this
3110 state or any other state.

3111 (10) The governing authority of any municipality may perform
3112 and exercise any duty, responsibility or function, may enter into
3113 agreements and contracts, may provide and deliver any services or
3114 assistance, and may receive, expend and administer any grants,
3115 gifts, matching funds, loans or other monies, in accordance with
3116 and as may be authorized by any federal law, rule or regulation
3117 creating, establishing or providing for any program, activity or
3118 service. The provisions of this subsection shall not be construed
3119 as authorizing any municipality or the governing authority of such
3120 municipality to perform any function or activity that is
3121 specifically prohibited under the laws of this state or as
3122 granting any authority in addition to or in conflict with the
3123 provisions of any federal law, rule or regulation.

3124 (11) (a) In addition to such authority as is otherwise
3125 granted under this section, the governing authority of a
3126 municipality, in its discretion, may sell, lease, donate or
3127 otherwise convey property to any person or legal entity without
3128 public notice, without having to advertise for and accept
3129 competitive bids and without appraisal, with or without
3130 consideration, and on such terms and conditions as the parties may
3131 agree if the governing authority finds and determines, by



3132 resolution duly and lawfully adopted and spread upon its official
3133 minutes:

3134 (i) The subject property is real property acquired
3135 by the municipality:

3136 1. By reason of a tax sale;

3137 2. Because the property was abandoned or
3138 blighted; or

3139 3. In a proceeding to satisfy a municipal
3140 lien against the property;

3141 (ii) The subject property is blighted and is
3142 located in a blighted area;

3143 (iii) The subject property is not needed for
3144 governmental or related purposes and is not to be used in the
3145 operation of the municipality;

3146 (iv) That the sale of the property in the manner
3147 otherwise provided by law is not necessary or desirable for the
3148 financial welfare of the municipality; and

3149 (v) That the use of the property for the purpose
3150 for which it is to be conveyed will promote and foster the
3151 development and improvement of the community in which it is
3152 located or the civic, social, educational, cultural, moral,
3153 economic or industrial welfare thereof; the purpose for which the
3154 property is conveyed shall be stated.

3155 (b) Any deed or instrument of conveyance executed
3156 pursuant to the authority granted under this subsection shall



3157 contain a clause of reverter providing that title to the property
3158 will revert to the municipality if the person or entity to whom
3159 the property is conveyed does not fulfill the purpose for which
3160 the property was conveyed and satisfy all conditions imposed on
3161 the conveyance within two (2) years of the date of the conveyance.

3162 (c) In any such deed or instrument of conveyance, the
3163 municipality shall retain all mineral rights that it owns,
3164 together with the right of ingress and egress to remove same.

3165 (12) The governing authority of any municipality may enter
3166 into agreements and contracts with any housing authority, as
3167 defined in Section 43-33-1, to provide extra police protection in
3168 exchange for the payment of compensation or a fee to the
3169 municipality.

3170 (13) The governing authority of any municipality may
3171 reimburse the cost of an insured's deductible for an automobile
3172 insurance coverage claim if the claim has been paid for damages to
3173 the insured's property arising from the negligence of a duly
3174 authorized officer, agent, servant, attorney or employee of the
3175 municipality in the performance of his or her official duties, and
3176 the officer, agent, servant, attorney or employee owning or
3177 operating the motor vehicle is protected by immunity under the
3178 Mississippi Tort Claims Act, Section 11-46-1 et seq.

3179 (14) The powers conferred by this section shall be in
3180 addition and supplemental to the powers conferred by any other
3181 law, and nothing contained in this section shall be construed to



3182 prohibit, or to prescribe conditions concerning, any practice or
3183 practices authorized under any other law.

3184 **SECTION 53.** Section 21-17-9, Mississippi Code of 1972, is
3185 amended as follows:

3186 21-17-9. When a municipality now existing, which has not
3187 adopted the code charter or commission form of government, but is
3188 governed by another charter, shall desire to amend its charter,
3189 the same may be done in this way: the mayor and board of
3190 aldermen, city council, or municipal authority, by whatever name
3191 known, may prepare, in writing, the desired amendment or
3192 amendments and have the same published * * * either in a legal
3193 newspaper published in the municipality, if there be one, * * *
3194 for three (3) weeks or by a link to such amendment posted on the
3195 municipality's website or, if the municipality does not have a
3196 website, its official social media webpage for the duration of the
3197 three (3) week period. If * * * no such newspaper or website
3198 exists, then by posting for said time in at least three (3) public
3199 places therein, after which the proposed amendment or amendments
3200 shall be submitted to the Governor, who shall submit the same to
3201 the Attorney General for his opinion. The publication of the
3202 amendment or amendments may be made as provided in Section
3203 21-17-19. If the Attorney General is of the opinion that the
3204 proposed amendment or amendments are consistent with the
3205 Constitution and laws of the United States and the Constitution of
3206 this state, the Governor shall approve the proposed amendment or



3207 amendments. If, after publication is made, one-tenth (1/10) of
3208 the qualified electors of the municipality shall protest against
3209 the proposed amendments, or any of them, the Governor shall not
3210 approve the ones protested against until they shall be submitted
3211 to and ratified by a majority of the electors of the municipality
3212 voting in a special election. Amendments, when approved by the
3213 Governor, shall be recorded, at the expense of the municipality,
3214 in the office of the Secretary of State and upon the records of
3215 the mayor and board of aldermen, or other governing authorities of
3216 the municipality, and when so recorded shall have the force and
3217 effect of law. No amendment to the private or special charter of
3218 any municipality shall be adopted or approved when such amendment
3219 is in conflict with any of the provisions of this title expressly
3220 made applicable to municipalities operating under a private or
3221 special charter, or is in conflict with the provisions of any
3222 other legislation expressly made applicable to any such
3223 municipality.

3224 **SECTION 54.** Section 21-17-11, Mississippi Code of 1972, is
3225 amended as follows:

3226 21-17-11. It shall be lawful for any number, not less than
3227 twenty percent (20%) of the qualified electors of any
3228 municipality, by petition, to propose an amendment or amendments
3229 to the charter of such municipality not in conflict with the
3230 Constitution and laws of the United States, or the Constitution of
3231 this state. The said amendment or amendments shall be



published * * * either in a newspaper published in the
municipality, if there be one, * * * for three (3) weeks prior to
a special election or by a link to such amendment or amendments on
the municipality's website or, if the municipality does not have a
website, its official social media webpage to remain available to
the public for the duration of three (3) weeks prior to a special
election. If * * * there is no such newspaper or website,
publication is proper by posting for said time in at least three
(3) public places therein. The publication of the amendment or
amendments may be made as provided in Section 21-17-19. If such
election results in favor of any such amendment or amendments,
then the amendment or amendments shall be submitted to the
Governor, as is provided in Section 21-17-9, and the procedure
therein outlined shall be followed, except that it shall not be
necessary to republish such amendment or amendments, or resubmit
such amendment or amendments for approval of the qualified
electors.

SECTION 55. Section 21-17-17, Mississippi Code of 1972, is
amended as follows:

21-17-17. Notwithstanding the provisions of Sections
21-3-19, 21-5-13, 21-7-9 and 21-9-39, Mississippi Code of 1972,
the governing authorities of any municipality may by ordinance
duly adopted change the day of the week set by the appropriate
section hereinabove as their regular monthly or bimonthly meeting
date. Before the adoption of any such ordinance, the ordinance



shall first be published * * * in a newspaper published in or having general circulation within the municipality once a week for at least three (3) consecutive weeks or by a link to such ordinance posted on the municipality's website or, if the municipality does not have a website, its official social media webpage, for the duration of three (3) consecutive weeks. Once such regular meeting day has been changed, meetings shall be held as otherwise provided by law.

SECTION 56. Section 21-17-19, Mississippi Code of 1972, is amended as follows:

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

(2) The substance of the public measure or amendment thereto shall be an explanatory statement summarizing the full text of the public measure or amendment thereto, in which the chief purpose of the measure is explained in clear and unambiguous language. Such



statement shall be prepared by the governing authorities of the municipality, and shall not exceed three hundred (300) words in length to the extent practicable.

(3) During the entire time of the publication of the explanatory statement either in a newspaper or by a link to such statement posted on the municipality's website or, if the municipality does not have a website, its official social media webpage, a copy of the full text of the public measure or amendment thereto shall be posted by the clerk of the municipality (a) at the city hall, (b) at the main public library in the municipality, or at the courthouse in the judicial district or county in which the municipality is located; and in addition, the clerk shall post such copy at least at one (1) other public place in the municipality. The clerk shall furnish any resident of the municipality a copy of the full text of the public measure or amendment thereto upon request, and this shall be stated in the publication of the explanatory statement.

SECTION 57. Section 21-19-20, Mississippi Code of 1972, is amended as follows:

21-19-20. (1) (a) A municipality shall institute proceedings to have demolished or seized an abandoned house or building that is used for the sale or use of drugs. In addition, the governing authorities of a municipality may sell, transfer or otherwise convey or use an abandoned house or building for suitable municipal purposes. The local law enforcement authority



of the municipality shall have documented proof of drug sales or use in the abandoned property before a municipality may initiate proceedings to have the property demolished or seized.

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

(ii) Upon the receipt of a petition requesting the municipality to demolish or seize an abandoned house or building that constitutes a public hazard and nuisance signed by a majority of the residents residing within four hundred (400) feet of the property, the governing authority of the municipality shall notify the property owner that the petition has been filed and that a date for a hearing on the petition has been set. Notice to the property owner shall be by United States mail, or if the property owner or the owner's address is unknown, publication of the notice shall be made * * * either in a public newspaper of the county in which the municipality is located twice each week during two (2) successive weeks or by a link to such notice posted on the municipality's website or, if the municipality does not have a website, its official social media webpage to remain available to the public for the duration of two (2) successive weeks; where there is no such newspaper or website in the county, the notice



3332 shall be published in a newspaper having a general circulation in
3333 the state. The hearing shall be held not less than thirty (30)
3334 nor more than sixty (60) days after service or completion of
3335 publication of the notice. At the hearing, the governing
3336 authority shall determine whether the property is a menace to the
3337 public health and safety of the community which constitutes a
3338 public hazard and nuisance. If the governing authority determines
3339 that the property is a public hazard and nuisance, the
3340 municipality shall institute proceedings under subsection (2) of
3341 this section to demolish or seize the abandoned house or building.

3342 (2) The municipality shall file a petition to declare the
3343 abandoned property a public hazard and nuisance and to have the
3344 property demolished or seized with the circuit clerk of the county
3345 in which the property or some part of the property is located.
3346 All of the owners of the property involved, and any mortgagee,
3347 trustee, or other person having any interest in or lien on the
3348 property shall be made defendants to the proceedings. The circuit
3349 clerk shall present the petition to the circuit judge who, by
3350 written order directed to the circuit clerk, shall fix the time
3351 and place for the hearing of the matter in termtime or vacation.
3352 The time of the hearing shall be fixed on a date to allow
3353 sufficient time for each defendant named to be served with
3354 process, as otherwise provided by law, not less than thirty (30)
3355 days before the hearing. If a defendant or other party in
3356 interest is not served for the specified time before the date



fixed, the hearing shall be continued to a day certain to allow the thirty-day period specified.

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

SECTION 58. Section 21-19-25, Mississippi Code of 1972, is amended as follows:

21-19-25. (1) Any municipality within the State of Mississippi may, in the discretion of its governing authority, adopt building codes, plumbing codes, electrical codes, gas codes, sanitary codes, or any other codes dealing with general public health, safety or welfare, or a combination of the same, by ordinance, in the manner prescribed in this section. Before any such code shall be adopted, it shall be either printed or typewritten, and it shall be presented in pamphlet form to the governing authority of the municipality at a regular meeting. The ordinance adopting the code shall not set out the code in full, but shall merely identify the same. The vote on passage of the ordinance shall be the same as on any other ordinances. After its adoption, the code shall be certified to by the mayor and clerk of the municipality, and shall be filed as a permanent record in the office of the clerk, who shall not be required to transcribe and record the same in the ordinance book as other ordinances. It shall not be necessary that the ordinance adopting the code or the code itself be published in full, but notice of the adoption of



3382 the code shall be given by publication either in some newspaper of
3383 the municipality for one (1) time * * * or by a link to such
3384 notice posted on the municipality's website or, if the
3385 municipality does not have a website, its official social media
3386 webpage. If there be no such newspaper or website, publication is
3387 proper by posting at three (3) or more public places within the
3388 corporate limits, a notice in substantially the following form:

3389 Notice is given that the city (or town or village) of
3390 _____, on the (give date of ordinance adopting code), adopted
3391 (state type of code and other information serving to identify the
3392 same) code.

3393 (2) If the governing authority of any municipality adopts or
3394 has adopted construction codes which do not have proper provisions
3395 to maintain up-to-date amendments, specifications in such codes
3396 for cements used in portland cement concrete shall be superseded
3397 by nationally recognized specifications referenced in any code
3398 adopted by the Mississippi Building Code Council.

3399 (3) All the provisions of this section shall apply to
3400 amendments and revisions of the code mentioned in this section.
3401 Any code adopted in accordance with this section shall not be in
3402 force for one (1) month after its passage, unless the municipal
3403 authorities in the ordinance authorize to the contrary. The
3404 provisions of this section shall be in addition and supplemental
3405 to any existing laws authorizing the adoption, amendment or
3406 revision of municipal ordinances or codes.



3407 (4) Notwithstanding any provision of this section to the
3408 contrary, any code adopted by a municipality before or after April
3409 12, 2001, is subject to the provisions of Section 41-26-14(10).

3410 (5) Notwithstanding any provision of this section to the
3411 contrary, the governing authorities of each municipality in
3412 Jackson, Harrison, Hancock, Stone and Pearl River Counties shall
3413 enforce the requirements imposed under Section 17-2-1 as provided
3414 in such section.

3415 (6) Regardless of whether the governing authority of any
3416 municipality adopts or has adopted construction codes, as set
3417 forth in this section, each and every governing authority of any
3418 municipality shall require permitting as a condition to
3419 construction within the municipality's jurisdiction, and any and
3420 all such permits shall contain on their faces, in conspicuous
3421 print, (a) the contractor's material purchase certificate number
3422 to the extent one is furnished by the Department of Revenue
3423 pursuant to Section 27-65-21(3) or the contractor's Taxpayer
3424 Identification Number as furnished by the Internal Revenue
3425 Service, and either a copy of such material purchase certificate
3426 furnished by the Department of Revenue pursuant to Section
3427 27-65-21(3), or a copy of the contractor's W-9, as the case may
3428 be, shall be required to be provided to the governing authority of
3429 such municipality as part of the contractor's application for such
3430 permit, prior to the issuance of such permit, and (b) the
3431 contractor's license or certificate of responsibility number as



3432 required by either Section 31-3-14 et seq., 51-5-1 et seq. or
3433 73-59-1 et seq.

3434 (7) The provisions of this section shall apply to all
3435 municipalities of this state, whether operating under the code
3436 charter, a special charter, commission form, or other form of
3437 government.

3438 **SECTION 59.** Section 21-19-51, Mississippi Code of 1972, is
3439 amended as follows:

3440 21-19-51. The governing authorities of municipalities shall
3441 have the power and authority, in their discretion, to contribute,
3442 appropriate or donate to fair associations, domiciled in their
3443 respective county, a sum of money not to exceed Ten Thousand
3444 Dollars (\$10,000.00) per annum for the purpose of advertising,
3445 displaying, exhibiting or promoting the agricultural or industrial
3446 resources of such municipality or its respective county. The
3447 expenditure of such money, when contributed, appropriated or
3448 donated, shall be under the control of the municipality, and such
3449 governing authorities are hereby authorized and empowered to
3450 appoint one (1) or as many as three (3) individuals, in their
3451 discretion, to represent the municipal authorities in the proper
3452 expenditure of such money for said purpose in conjunction with the
3453 fair association. Before contributing, appropriating or donating
3454 any money to any fair association, such governing authorities
3455 shall publish notice of their intention to contribute, appropriate
3456 or donate money to said fair association, giving the amount of,



and the date of making said contribution, appropriation or donation, either in some newspaper published in the municipality, or having a general circulation therein if none be there published, for three (3) weeks ending not less than ten (10) days prior to the making of any contribution, appropriation or donation or by a link to such notice posted on the municipality's website or, if the municipality does not have a website, its official social media webpage to remain available to the public for the duration of three (3) weeks ending not less than ten (10) days prior to the making of any contribution, appropriation or donation. If, before the making of said contribution, appropriation or donation, twenty per centum (20%) of the adult taxpayers of the municipality shall petition against such contribution, appropriation or donation, then the said contribution, appropriation or donation shall not be made, unless authorized by a majority of the electors voting in an election to be ordered for that purpose. All of the expenses of publishing the notice herein provided for and of holding any election hereunder shall be paid out of the municipal treasury.

SECTION 60. Section 21-19-61, Mississippi Code of 1972, is amended as follows:

21-19-61. Any municipality in this state which has a population in excess of one hundred thousand (100,000) people may set aside, appropriate and expend * * * monies for the purpose of advertising and bringing to the attention of the citizens of such



3482 municipality the reasons for and status of any municipal activity,
3483 litigation, franchise, proposed bond issue, and any other
3484 municipal matter about which it is for the best interest of the
3485 people that they be fully informed.

3486 Such advertising and publicizing may be done by newspaper,
3487 magazine, radio, television, municipality website, official
3488 municipality social media webpage, or by any combination of same,
3489 which in the judgment of the governing body of such municipality
3490 will be helpful toward advancing the moral, financial and other
3491 interests of such municipality.

3492 **SECTION 61.** Section 21-25-21, Mississippi Code of 1972, is
3493 amended as follows:

3494 21-25-21. The governing authorities of any municipality are
3495 hereby authorized to create, by ordinance, a fire district within
3496 or adjoining such municipality when petitioned so to do by a
3497 majority of the owners of property, either real or personal,
3498 located within such proposed fire district. After the creation of
3499 the fire district such governing authorities shall cause the
3500 ordinance creating such fire district to be published * * * either
3501 in some newspaper in such municipality, or the county in which the
3502 municipality is located, * * * for three (3) weeks or by a link to
3503 such ordinance posted on the municipality's website or, if the
3504 municipality does not have a website, its official social media
3505 webpage to remain available to the public for the duration of
3506 three (3) weeks. At the next regular meeting of the governing



authorities after such three (3) weeks' publication, they shall declare such territory to be a fire district as provided by this section. Such governing authorities shall have full power to contract for laying water mains and any other pipes or connections to the water mains to be used in said fire district, and for the establishment and maintenance of fire service therein.

SECTION 62. Section 21-27-33, Mississippi Code of 1972, is amended as follows:

21-27-33. All municipalities of the state are hereby empowered and authorized, if they so desire, to sell, lease, or otherwise dispose of any or all electric, water, gas or other municipally-owned public utility systems or properties on such terms and conditions, and with such safeguards as will best promote and protect the public interest. Said municipal corporations are empowered and authorized to transfer title to said public utility properties by warranty deed, bill of sale, contract, or lease, in the manner provided by law. However, notice of intention to make such sale, lease, or disposition of any such system, setting out the price and other general terms and conditions of such proposed sale, lease, or disposition shall be given by publication * * * either in a legal newspaper published in such municipality once a week for three (3) consecutive weeks, * * * or by a link to such notice posted on the municipality's website or, if the municipality does not have a website, its official social media webpage for the duration of



3532 three (3) consecutive weeks. If no such newspaper be published in
3533 said municipality and no such website exists, then publication is
3534 proper in some newspaper having a general circulation in such
3535 municipality. After ten (10) days from the last publication of
3536 such notice, the system may be disposed of, unless within ten (10)
3537 days after the last publication of such notice a petition signed
3538 by not less than twenty per centum (20%) of the qualified voters
3539 of such municipality be filed, objecting to and protesting against
3540 such sale, lease, or disposition, in which event the same shall
3541 not be made unless submitted to a special election ordered for the
3542 purpose of determining whether a majority of those voting in such
3543 election shall vote for or against such sale, lease, or other
3544 disposition. Such election shall be ordered to be held not less
3545 than forty (40) days after the date of the last notice of the
3546 proposed sale, lease or disposition. Notice of such election,
3547 stating the purpose of election, shall be published once each week
3548 for three (3) consecutive weeks next preceding the time set for
3549 holding said election in such newspaper as herein provided. The
3550 laws governing special municipal elections shall govern the
3551 ordering and conduct of said election.

3552 The ballots provided shall have plainly written or printed
3553 thereon the words "shall the waterworks, electric, or gas (as the
3554 case may be) system be sold, leased, or disposed of (as the case
3555 may be)" and below said words shall be suitably placed on separate



lines, the words "yes" and "no," so that the voter may indicate the way he desires to vote on the question submitted.

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

SECTION 63. Section 21-27-43, Mississippi Code of 1972, is amended as follows:

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

However, the requirement for an election to be held before the issuance of the bonds shall not apply to the issuance of the revenue bonds for the purpose of improving, repairing or extending any waterworks system, water supply system, sewage system, sewage disposal system (or the addition of a sewage disposal system to a sewage system), gas producing system, gas generating,



3581 transmission, or distribution system, electric generating,
3582 transmission, or distribution system, garbage disposal system,
3583 rubbish disposal or incinerator system, or motor vehicle
3584 transportation system, which is now, or hereafter, owned or
3585 operated by any municipality, or railroad transportation system
3586 owned or operated by any municipality located in a county
3587 bordering the Mississippi River and in which Highways 49 and 61
3588 intersect. The revenue bonds may be issued for such purposes in
3589 the following manner: notice of intention to issue the revenue
3590 bonds, setting out the amount and other terms or conditions of the
3591 proposed issue, shall be given by publication either once a week
3592 for three (3) consecutive weeks in a local newspaper published in
3593 the municipality * * * or by a link to such notice posted on the
3594 municipality's website or, if the municipality does not have a
3595 website, its official social media webpage for the duration of
3596 three (3) consecutive weeks. If such a newspaper is not published
3597 in the municipality and no such website exists, then publication
3598 is proper in some newspaper having a general circulation in the
3599 municipality. After ten (10) days from the last publication of
3600 the notice, the bonds may be sold under the regular procedure for
3601 selling the bonds unless, within ten (10) days after the last
3602 publication of the notice, a petition signed by not less than
3603 twenty percent (20%) of the qualified voters of such municipality
3604 be filed objecting to and protesting against such revenue bond
3605 issue, in which event the same shall not be made unless submitted



to a special election ordered for the purpose of determining whether or not a majority of those voting in the election shall vote for or against the revenue bond issue. The election shall be ordered to be held not later than forty (40) days after the date of the last notice of the proposed revenue bond issue. Notice of the election, stating the purpose of the election, shall be published either once each week for three (3) consecutive weeks next preceding the time set for holding the election in the newspaper or by a link to such notice posted on the municipality's website or, if the municipality does not have a website, its official social media webpage for the duration of three (3) consecutive weeks next preceding the time set for holding the election in the newspaper, provided in this section. The laws governing municipal elections shall govern the order and conduct of the election. However, nothing in this section shall prevent the governing authorities from calling an election, whether required by petition of twenty percent (20%) of the qualified voters or not. This section shall not have application to and it shall not affect the authority granted public utilities commissions under Section 21-27-25.

SECTION 64. Section 21-29-203, Mississippi Code of 1972, is amended as follows:

21-29-203. Said fund and system of relief to the fire department and/or police department shall be inaugurated in each municipality only in the following manner: each municipality



desiring to create said fund and inaugurate this system of disability and relief for its firemen and/or policemen, shall call an election after giving either three (3) weeks consecutive notice in a newspaper published in said city * * * or by a link to such notice posted on the municipality's website or, if the municipality does not have a website, its official social media webpage for the duration of three (3) weeks. Notice shall state the date, purpose and time of holding said election for the electors to determine whether or not said municipality shall adopt the "disability and relief fund for firemen and policemen." At said election the ballots used by the qualified electors shall read: "For the Disability and Relief Fund for Firemen and Policemen," "Against the Disability and Relief Fund for Firemen and Policemen." Said election shall be held as such other elections of like nature, and if at said election the majority of qualified electors voting thereat, shall vote against the creation of said fund and system, then the said fund and system shall not be created and said fund and system shall not be inaugurated in said municipality. Should a majority of said qualified electors voting at said election vote in favor of the creation of said fund and the operation of said system, the said fund and system shall be inaugurated by said municipality.

SECTION 65. Section 21-33-29, Mississippi Code of 1972, is amended as follows:



21-33-29. Except as otherwise provided in Section 21-33-10, the governing authorities of every municipality shall, at a regular or special meeting to be held in September or October in each year (unless a different time be fixed by order), receive the assessment rolls of real and personal property from the assessor and shall proceed to change, correct, revise, and equalize said assessments in the same manner and with the same powers as is provided for the equalization of assessments by county boards of supervisors. When the equalization has been completed, the governing authorities shall give ten (10) days' notice of the regular or special meeting at which objections to such assessments will be heard. The notice shall be given by publication at least one (1) time either in a legal newspaper, if there be one published in the municipality, * * * or by a link to such notice posted on the municipality's website or, if the municipality does not have a website, its official social media webpage. If no such newspaper be published in the municipality and no such website exists, the notice shall be given by posting written notices thereof in five (5) or more public places in the municipality.

SECTION 66. Section 21-33-307, Mississippi Code of 1972, is amended as follows:

21-33-307. Before issuing any bonds for any of the purposes enumerated in Section 21-33-301, the governing authority of the issuing municipality shall adopt a resolution declaring its intention so to do, stating the amount of bonds proposed to be



3680 issued and the purpose for which the bonds are to be issued, and
3681 the date upon which the aforesaid authority proposes to direct the
3682 issuance of such bonds. Such resolution shall be published either
3683 once a week for at least three (3) consecutive weeks in at least
3684 one (1) newspaper published in such municipality or by a link to
3685 such resolution posted on the municipality's website or, if the
3686 municipality does not have a website, its official social media
3687 webpage to remain available to the public for the duration of
3688 three (3) consecutive weeks. The first publication of such
3689 resolution shall be made not less than twenty-one (21) days prior
3690 to the date fixed in such resolution for the issuance of the
3691 bonds, and the last publication shall be made not more than seven
3692 (7) days prior to such date. If no newspaper be published in such
3693 municipality and no such website exists, then such notice shall be
3694 given by publishing the resolution for the required time in some
3695 newspaper having a general circulation in such municipality and,
3696 in addition, by posting a copy of such resolution for at least
3697 twenty-one (21) days next preceding the date fixed therein at
3698 three (3) public places in such municipality. The publication of
3699 the resolution may be made as provided in Section 21-17-19. If
3700 ten percent (10%) of the qualified electors of the municipality,
3701 or fifteen hundred (1500), whichever is the lesser, shall file a
3702 written protest against the issuance of such bonds on or before
3703 the date specified in such resolution, then an election on the
3704 question of the bonds shall be called and held as is provided in



3705 Section 21-33-309. Notice of such election shall be signed by the
3706 clerk of the municipality and shall be published either once a
3707 week for at least three (3) consecutive weeks in at least one (1)
3708 newspaper published in such municipality or by a link to such
3709 notice of election posted on the municipality's website or, if the
3710 municipality does not have a website, its official social media
3711 webpage to remain available to the public for the duration of
3712 three (3) weeks. The first publication of such notice shall be
3713 made not less than twenty-one (21) days prior to the date fixed
3714 for such election, and the last publication shall be made not more
3715 than seven (7) days prior to such date. If no newspaper is
3716 published in such municipality and no such website exists, then
3717 such notice shall be given by publishing the same for the required
3718 time in some newspaper having a general circulation in such
3719 municipality and published in the same or an adjoining county and,
3720 in addition, by posting a copy of such notice for at least
3721 twenty-one (21) days next preceding such election at three (3)
3722 public places in such municipality. If no protest be filed, then
3723 such bonds may be issued without an election on the question of
3724 the issuance thereof, at any time within a period of two (2) years
3725 after the date specified in the above-mentioned resolution.
3726 However, the governing authority of any municipality in its
3727 discretion may nevertheless call an election on such question, in
3728 which event it shall not be necessary to publish the resolution
3729 declaring its intention to issue such bonds as herein provided.



3730 Under no circumstances shall any municipality exceed the bond
3731 limit as set by statute for municipalities.

3732 **SECTION 67.** Section 21-33-553, Mississippi Code of 1972, is
3733 amended as follows:

3734 21-33-553. (1) A special local improvement assessment
3735 district may be created under this section if the boundaries of
3736 the proposed special local improvement assessment district are
3737 within the boundaries of the homeowners' association representing
3738 that area. Upon delivery of a petition to the clerk of the
3739 municipality in which the proposed district is located, signed by
3740 the owners of at least sixty percent (60%) of the taxable real
3741 property in the homeowners' association representing the area in
3742 the proposed district, the municipality shall begin efforts to
3743 establish the district; however, if the boundaries of the proposed
3744 special local improvement assessment district are located, in
3745 whole or in part, within the boundaries of the Capitol Complex
3746 Improvement District, or a portion of the proposed district
3747 adjoins the boundaries of the Capitol Complex Improvement
3748 District, the petition may be delivered to the Capitol Complex
3749 Improvement District Project Advisory Committee, and the committee
3750 shall deliver the petition to the clerk of the municipality.

3751 (2) The homeowners' association representing the property
3752 owners in the proposed special local improvement assessment
3753 district shall submit a strategic plan to the municipality
3754 specifying the local improvements proposed for the district during



3755 the municipality's upcoming fiscal year and the total amount
3756 proposed to be expended for the improvements. Based on the
3757 strategic plan, the governing authorities of the municipality
3758 shall determine the additional millage to be levied upon all
3759 taxable real property in the district, not to exceed six (6)
3760 mills, needed in order to provide funds for the local improvements
3761 as proposed in the strategic plan.

3762 (3) Within ninety (90) days of receipt of the strategic
3763 plan, the municipality shall prepare a notice calling for an
3764 election to be held in the proposed district on the question of
3765 whether to establish the special local improvement assessment
3766 district. The date and time of the election and the voting
3767 location shall be fixed in the notice. The municipality shall
3768 publish the notice of the election either once each week for at
3769 least three (3) consecutive weeks in a newspaper published or
3770 having a general circulation in the town * * * or by a link to
3771 such notice posted on the municipality's website or, if the
3772 municipality does not have a website, its official social media
3773 webpage to remain available to the public for the duration of at
3774 least three (3) consecutive weeks. The first publication of the
3775 notice * * * shall be made not less than twenty-one (21) days
3776 before the date fixed in the notice of the election and the last
3777 publication to be made not more than seven (7) days before the
3778 election. At the election, all qualified electors of the proposed
3779 special local improvement assessment district may vote, which



3780 qualified electors shall be determined by use of the voter rolls
3781 of all municipal voting precincts containing any property in the
3782 proposed special local improvement assessment district.

3783 The ballots prepared by the municipality and used in the
3784 election shall have printed thereon the additional millage to be
3785 assessed, a brief statement of the purposes of the proposed
3786 special local improvement assessment district and the words "FOR
3787 THE SPECIAL IMPROVEMENT ASSESSMENT DISTRICT" and, on a separate
3788 line, "AGAINST THE SPECIAL IMPROVEMENT ASSESSMENT DISTRICT," and
3789 the voters shall vote by placing a cross (X) or check (✓) opposite
3790 their choice on the proposition.

3791 (4) When the results of the election shall have been
3792 canvassed and certified by the municipality, the governing
3793 authorities of the municipality shall adopt a resolution creating
3794 the special local improvement assessment district if at least
3795 sixty percent (60%) of the qualified electors in the proposed
3796 special local improvement assessment district who vote in the
3797 election vote in favor of creating the district. The resolution
3798 shall contain a description of the boundaries of the district and
3799 shall specify the millage rate to be levied upon taxable real
3800 property in the district for the municipality's fiscal year. At
3801 least thirty (30) days before the effective date of the tax, the
3802 governing authorities shall furnish to the Department of Revenue a
3803 certified copy of the resolution evidencing the tax.



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

SECTION 68. Section 21-35-5, Mississippi Code of 1972, is amended as follows:

21-35-5. The governing authorities of each municipality of the State of Mississippi shall, not later than September 15 each year, prepare a complete budget of the municipal revenues, expenses and working cash balances estimated for the next fiscal year, and shall prepare a statement showing the aggregate revenues collected during the current year in said municipality for municipal purposes. Such statement shall show every source of revenue along with the amount derived from each source. Said budget of any municipality of one thousand five hundred (1,500) inhabitants or more, according to the last preceding federal census, with said statement of revenue and expenses, shall be published at least one (1) time during September of said year either in a newspaper published in such municipality or * * * by a link to such budget posted on the municipality's website or, if the municipality does not have a website, its official social media webpage. If no such newspaper be published in such municipality and no such website exists, publication is proper in any newspaper published in the county wherein the municipality is located. In municipalities of less than one thousand five hundred (1,500) inhabitants, according to the last preceding federal



census, as many as three (3) prepared statements of said budget shall be posted in three (3) public places in said municipalities.

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

SECTION 69. Section 21-35-25, Mississippi Code of 1972, is amended as follows:

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

The governing authorities of any municipality are authorized to revise the budget for expenses of such municipality at any one (1) regular meeting of said governing authorities held not later than August of the first year in which such governing authorities enter upon the discharge of their duties, provided there be funds in the treasury of the municipality, or coming into the treasury during the fiscal year, not appropriated by the budget of the outgoing board of governing authorities, and there is a deficit in



3854 any one or more items provided for in the budget of the preceding
3855 board. This section shall not, however, validate or invalidate
3856 any contracts made, executed or entered into by the governing
3857 authorities of the preceding term.

3858 If it appears at any time during the current fiscal year, but
3859 not later than the regular July meeting of the board of governing
3860 authorities, that collections of anticipated revenues from taxes
3861 or other sources will be less than the amount estimated, and a
3862 deficit is thereby indicated for any fund, or funds, the governing
3863 authorities shall, at a regular meeting, revise and reduce the
3864 budget appropriations for such funds as is anticipated will have a
3865 deficit, so as to conform to the lowered indicated revenue,
3866 including revenue from taxes and all other sources.

3867 If it affirmatively appears at any time during the current
3868 fiscal year that actual collections and anticipated revenues from
3869 taxes or other sources, including grants or donations, will exceed
3870 the estimates, then the governing authorities may revise and
3871 increase the budget appropriation of such fund, or funds, affected
3872 by such increase in revenue, but no such transfer shall be made
3873 from fund to fund, or from item to item, which will result in the
3874 expenditure of any money for a purpose different from that for
3875 which the tax was levied. The budget, as so revised, shall be
3876 spread in detail upon the minutes of said board of governing
3877 authorities. However, no such increase shall in any event be



3878 construed to authorize expenditures or to incur obligations which
3879 will result in a deficit in any fund, or funds.

3880 If the increase in revenue over the estimates is from other
3881 than regular sources, including grants and donations, such excess
3882 over the estimate may be expended for improvements and new
3883 construction, including buildings, additions to buildings,
3884 streets, and street improvements.

3885 If it affirmatively appears at any time during the current
3886 fiscal year that there is in any fund or account any sum remaining
3887 unexpended and not needed or expected to be needed for the purpose
3888 or purposes for which appropriated in said budget, then the
3889 governing authorities may, in their discretion, transfer such sum
3890 or any part thereof to any other fund or funds or account or
3891 accounts where needed, by order to such effect entered upon their
3892 minutes. This shall not, however, authorize the expenditure of
3893 any funds for any purpose other than that for which the levy
3894 producing such funds was made.

3895 Any amendments made pursuant to this section to an originally
3896 adopted budget which exceed ten percent (10%) of the total amount
3897 appropriated or authorized to be expended in a particular
3898 department fund shall be published or posted within two (2) weeks
3899 of the action either in a newspaper in the same manner as the
3900 final adopted budget or by a link to such amendments posted on the
3901 municipality's website or, if the municipality does not have a
3902 website, its official social media webpage. Separate amendments



3903 to an originally adopted budget during one fiscal year which
3904 affect a particular department fund shall be considered as one (1)
3905 amendment in determining whether the ten percent (10%) threshold
3906 requiring publication or posting has been reached. This
3907 publication or posted notice shall contain a description of the
3908 amendment, the amount of money and funds affected, and a detailed
3909 statement explaining the need and purpose of the amendment. The
3910 vote of each member of the municipality's governing authority on
3911 each amendment shall be included in the publication or posted
3912 notice.

3913 **SECTION 70.** Section 21-35-31, Mississippi Code of 1972, is
3914 amended as follows:

3915 **[For municipal fiscal years commencing before October 1,**
3916 **2009, this section shall read as follows:]**

3917 21-35-31. The governing authorities of every municipality in
3918 the state shall have their books audited annually, prior to the
3919 close of the next succeeding fiscal year, either by a competent
3920 accountant approved by the State Auditor or by a certified public
3921 accountant, who has paid a privilege tax as such in this state,
3922 and shall pay for same out of the General Fund. No advertisement
3923 shall be necessary before entering into such contract, but same
3924 shall be entered into as a private contract. Said audit shall be
3925 made upon a uniform formula set up and promulgated by the State
3926 Auditor, as the head of the State Department of Audit, or the
3927 director thereof, appointed by him, as designated and defined in



3928 Title 7, Chapter 7, of the Mississippi Code of 1972, or any office
3929 or officers hereafter designated to replace or perform the duties
3930 imposed by said chapter. Provided, however, any municipality with
3931 a population of three thousand (3,000) or less may employ a
3932 competent accountant or auditor, approved by the State Auditor, to
3933 prepare annually a compilation report and a compliance letter, in
3934 a format prescribed by the State Auditor, in lieu of an annual
3935 audit when such audit will be a financial hardship on the
3936 municipality. Two (2) copies of said audit or compilation shall
3937 be mailed to the said State Auditor within thirty (30) days after
3938 completion of said audit. Said State Auditor shall, at the end of
3939 each fiscal year, submit to the Legislature a composite report
3940 showing any information concerning municipalities in this state
3941 that he might deem pertinent and necessary to the Legislature for
3942 use in its deliberations. A synopsis of said audit, in a format
3943 prescribed by the State Auditor, shall be published within thirty
3944 (30) days by the governing authorities of such municipalities in a
3945 newspaper published in such municipalities or * * * by a link to
3946 such synopsis posted on the municipality's website or, if the
3947 municipality does not have a website, its official social media
3948 webpage. If no newspaper be published in any such municipality
3949 and no such website exists, in any newspaper having a general
3950 circulation published in the county wherein such municipality is
3951 located. The publication of the audit may be made as provided in
3952 Section 21-17-19, Mississippi Code of 1972. Such publication



shall be made one (1) time, and the governing authorities of such municipalities shall be authorized to pay only one-half (1/2) of the legal rate prescribed by law for such legal publication.

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

21-35-31. (1) The governing authority of every municipality in the state shall have the municipal books audited annually, before the close of the next succeeding fiscal year, in accordance with procedures and reporting requirements prescribed by the State Auditor. The municipality shall pay for the audit or report out of its general fund. No advertisement shall be necessary before entering into the contract, and it shall be entered into as a private contract. The audit or report shall be made upon a uniform formula set up and promulgated by the State Auditor, as the head of the State Department of Audit, or the director thereof, appointed by him, as designated and defined in Title 7, Chapter 7, Mississippi Code of 1972, or any office or officers hereafter designated to replace or perform the duties imposed by said chapter. Two (2) copies of the audit or report shall be mailed to the said State Auditor within thirty (30) days after completion. The State Auditor, at the end of each fiscal year, shall submit to the Legislature a composite report showing any information concerning municipalities in this state that the Auditor deems pertinent and necessary to the Legislature for use in its deliberations. A synopsis of the audit or report, in a



3978 format prescribed by the State Auditor, shall be published within
3979 thirty (30) days by the governing authority of each municipality
3980 in a newspaper published in the municipality or * * * by a link to
3981 such synopsis posted on the municipality's website or, if the
3982 municipality does not have a website, its official social media
3983 webpage. If no newspaper is published in a municipality and no
3984 such website exists, in any newspaper having a general circulation
3985 published in the county wherein the municipality is located. The
3986 publication of the audit or report may be made as provided in
3987 Section 21-17-19. Publication shall be made one (1) time, and the
3988 governing authority of each municipality shall be authorized to
3989 pay only one-half (1/2) of the legal rate prescribed by law for
3990 such legal publication.

3991 (2) It shall be the duty of the State Auditor to determine
3992 whether each municipality has complied with the requirements of
3993 subsection (1) of this section. If upon examination the State
3994 Auditor determines that a municipality has not initiated efforts
3995 to comply with the requirements of subsection (1), the State
3996 Auditor shall file a certified written notice with the clerk of
3997 the municipality notifying the governing authority of the
3998 municipality that a certificate of noncompliance will be issued to
3999 the State Tax Commission and to the Attorney General thirty (30)
4000 days immediately following the date of the filing of the notice
4001 unless within that period the municipality substantially complies
4002 with the requirements of subsection (1). If, after thirty (30)



4003 days from the giving of the notice, the municipality, in the
4004 opinion of the State Auditor, has not substantially initiated
4005 efforts to comply with the requirements of subsection (1), the
4006 State Auditor shall issue a certificate of noncompliance to the
4007 clerk of the municipality, State Tax Commission and the Attorney
4008 General. Thereafter, the State Tax Commission shall withhold from
4009 all allocations and payments to the municipality that would
4010 otherwise be payable the amount necessary to pay one hundred fifty
4011 percent (150%) of the cost of preparing the required audit or
4012 report as contracted for by the State Auditor. The cost shall be
4013 determined by the State Auditor after receiving proposals for the
4014 audit or report required in subsection (1) of this section. The
4015 State Auditor shall notify the State Tax Commission of the amount
4016 in writing, and the State Tax Commission shall transfer that
4017 amount to the State Auditor. The State Auditor is authorized to
4018 escalate, budget and expend these funds in accordance with rules
4019 and regulations of the Department of Finance and Administration
4020 consistent with the escalation of federal funds. All remaining
4021 funds shall be retained by the State Auditor to offset the costs
4022 of administering these contracts. The State Auditor shall not
4023 unreasonably delay the issuance of a written notice of
4024 cancellation of a certificate of noncompliance but shall promptly
4025 issue a written notice of cancellation of certificate of
4026 noncompliance upon an affirmative showing by the municipality that
4027 it has come into substantial compliance.



4028 **SECTION 71.** Section 21-38-9, Mississippi Code of 1972, is
4029 amended as follows:

4030 21-38-9. Any ordinance to incorporate real property into the
4031 corporate boundaries of a municipality under this chapter shall
4032 include the following provisions and shall be effective as
4033 follows:

4034 (a) The ordinance shall accurately describe the metes
4035 and bounds of the real property to be incorporated, and only real
4036 property acquired or leased from the United States under this
4037 chapter shall be subject to such incorporation.

4038 (b) If the United States retains ownership of the real
4039 property to be incorporated by the municipality, the United States
4040 must consent to the incorporation and a written statement of such
4041 consent must be cited and included in the ordinance.

4042 (c) The ordinance shall provide that it will not become
4043 effective until publication thereof shall have been made either
4044 once each week for three (3) consecutive weeks in a newspaper, or
4045 newspapers, published or having a general circulation in the
4046 county in which the municipality and the real property to be
4047 incorporated are located or by a link to such ordinance posted on
4048 the municipality's website or, if the municipality does not have a
4049 website, its official social media webpage to remain available to
4050 the public for the duration of three (3) consecutive weeks.



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

SECTION 72. Section 21-41-5, Mississippi Code of 1972, is amended as follows:

21-41-5. When the governing authorities of any municipality shall determine to make any local or special improvement, the cost of which or any part thereof is to be assessed against the property benefited, they shall adopt a resolution declaring necessary the proposed improvement describing the nature and extent of the work, the general character of the material to be used, and the location and terminal points of the streets, highways, boulevards, avenues, squares, alleys or parks, or parts thereof, or clearly define the boundary of areas in which said improvements are to be made. In publishing said resolution declaring the work necessary, the plans and specifications of said work need not be published but may be referred to as being on file in the office of the city clerk or city engineer. The publication of the resolution may be made as provided in Section 21-17-19. Said resolution shall fix a date when the governing authorities of said municipality shall meet, which shall be not less than fifteen (15) days after the date of the first publication of the notice herein provided for, to hear any objections or remonstrances that may be made to said improvements. The notice herein provided for shall be published either once each week for three (3) successive



4076 publications in a public newspaper having a general circulation in
4077 the municipality * * * or by a link to such notice posted on the
4078 municipality's website or, if the municipality does not have a
4079 website, its official social media webpage to remain available to
4080 the public for the duration of not less than fifteen (15) days
4081 before said meeting. If no newspaper is published therein and no
4082 such website exists it shall be sufficient to post said notice in
4083 three (3) public places of the municipality for not less than
4084 fifteen (15) days before said meeting, one which shall be posted
4085 at the town or city hall of said municipality. Moreover, the
4086 clerk of the municipality shall send a copy of the notice, by
4087 certified mail, postage prepaid, within five (5) days after the
4088 first publication of the notice herein provided for, to the
4089 last-known address of owners of property affected by the
4090 resolution. However, failure of the clerk to mail such notice or
4091 failure of the owner to receive such notice shall not invalidate
4092 any proceeding in this chapter, where such notice has been
4093 published as provided herein. Notice declaring the work necessary
4094 shall be notice to the property owners that the work has been
4095 declared necessary.

4096 If the governing authorities of a municipality desire to make
4097 any special or local improvement under the Regional Economic
4098 Development Act, the governing authorities also shall comply with
4099 any requirements provided therein.



4100 **SECTION 73.** Section 21-41-13, Mississippi Code of 1972, is
4101 amended as follows:

4102 21-41-13. Upon the completion of any improvement authorized
4103 by this chapter, the governing authorities shall ascertain and
4104 determine the cost of the improvement and declare the same by
4105 resolution. Upon said completion the governing authorities shall
4106 cause to be prepared a roll or list to be called the "assessment
4107 roll" showing the names of the property owners, and, opposite each
4108 name a description of each parcel of land. Such roll shall be
4109 entered in a well-bound book prepared for that purpose, which
4110 shall contain appropriate columns in which payments may be
4111 credited. Said book shall be known as "assessment book for local
4112 improvements." It shall be a public record and the entry therein
4113 of any assessment shall be and constitute notice to the public of
4114 the lien against the land so assessed, and no other record or
4115 notice thereof shall be necessary to any person or corporation for
4116 that purpose. No error, omission or mistake in regard to the name
4117 of the owner shall be held to invalidate any assessment. After
4118 the completion of the said assessment roll it shall be delivered
4119 to the clerk of the municipality, or to the officer performing the
4120 duties of such clerk, who shall thereupon give a notice by
4121 publication in either some newspaper published in said
4122 municipality or by a link to such notice posted on the
4123 municipality's website or, if the municipality does not have a
4124 website, its official social media webpage that the assessment



roll (for that piece of local improvement made) has been delivered to him and is open for inspection at his office, and that at a time and place therein mentioned, not less than fifteen (15) days from the date of the first publication, the governing authorities of said municipality will meet to hear and determine any objections or defense.

SECTION 74. Section 21-41-51, Mississippi Code of 1972, is amended as follows:

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

SECTION 75. Section 21-43-9, Mississippi Code of 1972, is amended as follows:

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

(a) One (1) publication of the resolution of intention in a newspaper of general circulation in the municipality or by a



4150 link to such resolution posted on the municipality's website or,
4151 if the municipality does not have a website, its official social
4152 media webpage, which may be made as provided in Section 21-17-19;

4153 (b) Mailing a complete copy of the resolution of
4154 intention to each business in the proposed or established area.
4155 Publication and mailing shall be completed at least ten (10) days
4156 prior to the time of the hearing.

4157 **SECTION 76.** Section 21-43-117, Mississippi Code of 1972, is
4158 amended as follows:

4159 21-43-117. (1) For initial creation of the district,
4160 reauthorization of the district at the end of each ten-year
4161 period, or modification of the boundaries of the district at the
4162 end of a ten-year period, the clerk of the municipality shall
4163 notify all property owners to be included in the proposed district
4164 of a public hearing to review the plan and receive comment about
4165 the process for accepting or rejecting the plan. Following a
4166 public hearing, the governing authority of the municipality shall
4167 set an election date not more than sixty (60) days from the date
4168 of the public hearing. The ballot shall clearly state the issue
4169 to be decided. Only property owners of record as of the date of
4170 initial notice given as provided in Section 21-43-111 shall be
4171 eligible to participate in any such election.

4172 (2) Notice of an election to create, continue or extend a
4173 district shall be:



4174 (a) Mailed to each of the district property owners of
4175 record thirty (30) days prior to the election, and

4176 (b) Published either at least twice in a newspaper of
4177 general circulation in the municipality, the first publication
4178 shall be not less than ten (10), nor more than thirty (30) days
4179 before the date for the election or by a link to such notice
4180 posted on the municipality's website or, if the municipality does
4181 not have a website, its official social media webpage for the
4182 duration of fifteen (15) days prior to the date for the election.

4183 The notice shall include a copy of the plan, a ballot for the
4184 election and a notice about the time and date for the election.

4185 (3) Not less than ten (10) nor more than thirty (30) days
4186 before the date set for the election, the governing authority of
4187 the municipality shall cause a copy of the plan and the ballot to
4188 be posted in the lobby of its city hall.

4189 (4) Ballots shall be marked, signed and submitted by the
4190 eligible property owner to the clerk of the municipality by the
4191 date designated on the ballot.

4192 (5) The clerk of the municipality shall notify the property
4193 owners in the district of the result.

4194 (6) If the plan is approved by sixty percent (60%) of the
4195 participating eligible property owners, the mayor of the
4196 municipality shall review the initial district plan to ensure its
4197 compliance with the provisions of Sections 21-43-101 through
4198 21-43-133.



4199 (7) The tax collector shall disburse the proceeds collected
4200 from the assessment to the designated district management group
4201 within thirty (30) days after the assessment is due. At such time
4202 of any disbursement, the tax collector shall provide a listing of
4203 the property owners and payment amounts, including the date paid.
4204 The tax collector shall provide information upon request by the
4205 district related to any unpaid or sold parcels.

4206 **SECTION 77.** Section 21-39-3, Mississippi Code of 1972, is
4207 brought forward as follows:

4208 21-39-3. In municipalities in which there is more than one
4209 newspaper qualified to publish legal notices, the governing
4210 authorities of such municipality shall enter into a contract for
4211 the publication of its proceedings, ordinances, resolutions, and
4212 other notices required to be published only after inviting
4213 competitive bids from such newspapers. Such contracts shall be
4214 let to the lowest bidder among them for a period of not more than
4215 twelve months from the date of such contract. It shall not be
4216 necessary, however, that the governing authorities of such
4217 municipality advertise its intention to accept such competitive
4218 bids but it shall be sufficient if notice thereof in writing be
4219 given to all of such newspapers by mail or delivery at least five
4220 days prior to the date on which said bids will be received, which
4221 said notice shall specify the date on which such bids will be
4222 received.



4223 **SECTION 78.** Section 17-17-329, Mississippi Code of 1972, is
4224 brought forward as follows:

4225 17-17-329. (1) The board of supervisors of a county and the
4226 governing authorities of a municipality, acting jointly or
4227 severally, shall have the power and is hereby authorized, from
4228 time to time, to issue general obligation bonds of the county or
4229 municipality for the purpose of providing sufficient funds for
4230 capital expenditures, including the financing of the acquisition,
4231 construction, improvement or the closure, corrective action or
4232 postclosure maintenance of solid waste management facilities
4233 pursuant to the provisions of Sections 19-9-1 through 19-9-25, or
4234 21-33-301 through 21-33-329. General obligation bonds issued
4235 pursuant to this section shall be included in the limitation of
4236 indebtedness as set forth in Sections 19-9-5 and 21-33-303.

4237 (2) (a) In addition to compliance with the provisions of
4238 Sections 19-9-1 through 19-9-25, Sections 21-33-301 through
4239 21-37-329, for the issuance of general obligations of the county
4240 or municipality, the county or municipality shall advertise its
4241 intention to issue general obligation bonds of the county or
4242 municipality and specify the proposed increased tax rate of the
4243 county or municipality in a newspaper of general circulation in
4244 the county or municipality. The advertisement shall be no less
4245 than one-fourth (1/4) page in size and the type used shall be no
4246 smaller than eighteen (18) point and surrounded by a one-fourth
4247 (1/4) inch solid black border. The advertisement may not be



placed in that portion of the newspaper where legal notices and classified advertisements appear. It is legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least five (5) days a week, unless the only newspaper in the county or municipality is published less than five (5) days a week. It is further the intent of the Legislature that the newspaper selected be one of general interest and readership in the community, and not one of limited subject matter. The advertisement shall be run once each week for the two (2) weeks preceding the date specified in the resolution by the board of supervisors or the governing authorities of the municipality. The advertisement shall state that the county or municipality proposes to issue general obligation bonds of the county or municipality for a solid waste management facility, the proposed property tax revenue and the procedure that may be taken by qualified electors of the county for calling an election on the question of issuance of the general obligation bonds of the county or municipality.

(b) The form and content of the notice shall be as follows:

"NOTICE OF TAX INCREASE

(Name of the County or Municipality) has proposed to increase its property tax revenue (designate one or more classes of property provided for in Section 112, Mississippi Constitution of 1890) by (percentage of increase of each class) percent, and to increase its total budget by (percentage of increase) percent for



the purpose of the issuance of general obligation bonds of the county or municipality for a solid waste management facility."

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

SECTION 79. Section 19-5-21, Mississippi Code of 1972, is brought forward as follows:

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



4298 (b) The board of supervisors of any county wherein
4299 Mississippi Highways 35 and 16 intersect and having a land area of
4300 five hundred eighty-six (586) square miles may levy, in its
4301 discretion, for the purposes of establishing, operating and
4302 maintaining a garbage or rubbish collection or disposal system, an
4303 ad valorem tax not to exceed six (6) mills on all taxable property
4304 within the area served by the system as set out in paragraph (a)
4305 of this subsection.

4306 (c) The board of supervisors of any county bordering on
4307 the Mississippi River and traversed by U.S. Highway 61, and which
4308 is intersected by Mississippi Highway 4, having a population of
4309 eleven thousand eight hundred fifty-four (11,854) according to the
4310 1970 federal census, and having an assessed valuation of Fourteen
4311 Million Eight Hundred Seventy-two Thousand One Hundred Forty-four
4312 Dollars (\$14,872,144.00) in 1970, may levy, in its discretion, for
4313 the purposes of establishing, operating and maintaining a garbage
4314 or rubbish collection or disposal system, an ad valorem tax not to
4315 exceed six (6) mills on all taxable property within the area
4316 served by the system as set out in paragraph (a) of this
4317 subsection.

4318 (d) The board of supervisors of any county having a
4319 population in excess of two hundred fifty thousand (250,000),
4320 according to the latest federal decennial census, and in which
4321 Interstate Highway 55 and Interstate Highway 20 intersect, may
4322 levy, in its discretion, for the purposes of establishing,



4323 operating and maintaining a garbage or rubbish collection or
4324 disposal system, an ad valorem tax not to exceed seven (7) mills
4325 on all taxable property within the area served by the system as
4326 set out in paragraph (a) of this subsection.

4327 (e) The proceeds derived from any additional millage
4328 levied pursuant to paragraphs (a) through (d) of this subsection
4329 in excess of two (2) mills shall be excluded from the ten percent
4330 (10%) increase limitation under Section 27-39-321 for the first
4331 year of such additional levy and shall be included within such
4332 limitation in any year thereafter. The proceeds from any millage
4333 levied pursuant to paragraph (g) shall be excluded from the ten
4334 percent (10%) increase limitation under Section 27-39-321 for the
4335 first year of the levy and shall be included within the limitation
4336 in any year thereafter.

4337 (f) The rate of the ad valorem tax levied under this
4338 section shall be shown as a line item on the notice of ad valorem
4339 taxes on taxable property owed by the taxpayer.

4340 (g) In lieu of the ad valorem tax authorized in
4341 paragraphs (a), (b), (c) and (d) of this subsection, the fees
4342 authorized in subsection (2) of this subsection and in Section
4343 19-5-17 or any combination thereof, the board of supervisors may
4344 levy an ad valorem tax not to exceed six (6) mills to defray the
4345 cost of establishing and operating the system provided for in
4346 Section 19-5-17 on all taxable property within the area served by
4347 the system as provided in paragraph (a) of this subsection.



4348 Any board of supervisors levying the ad valorem tax
4349 authorized in this paragraph (g) is prohibited from assessing or
4350 collecting fees for the services provided under the system.

4351 (2) In addition to the ad valorem taxes authorized in
4352 paragraphs (a), (b) and (c) of subsection (1) or in lieu of any
4353 other method authorized to defray the cost of establishing and
4354 operating the system provided for in Section 19-5-17, the board of
4355 supervisors of any county with a garbage or rubbish collection or
4356 disposal system may assess and collect fees to defray the costs of
4357 the services. The board of supervisors may assess and collect the
4358 fees from each single family residential generator of garbage or
4359 rubbish. The board of supervisors also may assess and collect the
4360 fees from each industrial, commercial and multifamily residential
4361 generator of garbage or rubbish for any time period that the
4362 generator has not contracted for the collection of garbage and
4363 rubbish that is ultimately disposed of at a permitted or
4364 authorized nonhazardous solid waste management facility. The fees
4365 assessed and collected under this subsection may not exceed, when
4366 added to the proceeds derived from any ad valorem tax imposed
4367 under this section and any special funds authorized under
4368 subsection (7), the actual costs estimated to be incurred by the
4369 county in operating the county garbage and rubbish collection and
4370 disposal system. In addition to such fees, an additional amount
4371 not to exceed up to One Dollar (\$1.00) or ten percent (10%) per
4372 month, whichever is greater, on the current monthly bill may be



4373 assessed and collected on the balance of any delinquent monthly
4374 fees.

4375 (3) (a) Before the adoption of any order to increase the ad
4376 valorem tax assessment or fees authorized by this section, the
4377 board of supervisors shall publish a notice advertising their
4378 intent to adopt an order to increase the ad valorem tax assessment
4379 or fees authorized by this section. The notice shall specify the
4380 purpose of the proposed increase, the proposed percentage increase
4381 and the proposed percentage increase in total revenues for garbage
4382 or rubbish collection or disposal services or shall contain a copy
4383 of the resolution by the board stating their intent to increase
4384 the ad valorem tax assessment or fees. The notice shall be
4385 published in a newspaper published or having general circulation
4386 in the county for no less than three (3) consecutive weeks before
4387 the adoption of the order. The notice shall be in print no less
4388 than the size of eighteen (18) point and shall be surrounded by a
4389 one-fourth (1/4) inch black border. The notice shall not be
4390 placed in the legal section notice of the newspaper. There shall
4391 be no language in the notice stating or implying a mandate from
4392 the Legislature.

4393 (b) In addition to the requirement for publication of
4394 notice, the board of supervisors shall notify each person
4395 furnished garbage or rubbish collection or disposal service of any
4396 increase in the ad valorem tax assessment or fees. In the case of
4397 an increase of the ad valorem tax assessment, a notice shall be



4398 conspicuously placed on or attached to the first ad valorem tax
4399 bill on which the increased assessment is effective. In the case
4400 of an increase in fees, a notice shall be conspicuously placed on
4401 or attached to the first bill for fees on which the increased fees
4402 or charges are assessed. There shall be no language in any notice
4403 stating or implying a mandate from the Legislature.

4404 (4) The board of supervisors of each county shall adopt an
4405 order determining whether or not to grant exemptions, either full
4406 or partial, from the fees for certain classes of generators of
4407 garbage or rubbish. If a board of supervisors grants any
4408 exemption, it shall do so in accordance with policies and
4409 procedures, duly adopted and entered on its minutes, that clearly
4410 define those classes of generators to whom the exemptions are
4411 applicable. The order granting exemptions shall be interpreted
4412 consistently by the board when determining whether to grant or
4413 withhold requested exemptions.

4414 (5) (a) The board of supervisors in any county with a
4415 garbage or rubbish collection or disposal system only for
4416 residents in unincorporated areas may adopt an order authorizing
4417 any single family generator to elect not to use the county garbage
4418 or rubbish collection or disposal system. If the board of
4419 supervisors adopts an order, the head of any single family
4420 residential generator may elect not to use the county garbage or
4421 rubbish collection or disposal service by filing with the chancery
4422 clerk the form provided for in this subsection before December 1



4423 of each year. The board of supervisors shall develop a form that
4424 shall be available in the office of the chancery clerk for the
4425 head of household to elect not to use the service and to accept
4426 full responsibility for the disposal of his garbage or rubbish in
4427 accordance with state and federal laws and regulations. The board
4428 of supervisors, following consultation with the Department of
4429 Environmental Quality, shall develop and the chancery clerk shall
4430 provide a form to each person electing not to use the service
4431 describing penalties under state and federal law and regulations
4432 for improper or unauthorized management of garbage. Notice that
4433 the election may be made not to use the county service by filing
4434 the form with the chancery clerk's office shall be published in a
4435 newspaper published or having general circulation in the county
4436 for no less than three (3) consecutive weeks, with the first
4437 publication being made no sooner than five (5) weeks before the
4438 first day of December. The notice shall state that any single
4439 family residential generator may elect not to use the county
4440 garbage or rubbish collection or disposal service by the
4441 completion and filing of the form for that purpose with the
4442 chancery clerk's office before December 1 of that year. The
4443 notice shall also include a statement that any single family
4444 residential generator who does not timely file the form shall be
4445 assessed any fees levied to cover the cost of the county garbage
4446 or rubbish collection or disposal service. The chancery clerk
4447 shall maintain a list showing the name and address of each person



4448 who has filed a notice of intent not to use the county garbage or
4449 rubbish collection or disposal service.

4450 (b) If the homestead property of a person lies
4451 partially within the unincorporated service area of a county and
4452 partially within the incorporated service area of a municipality
4453 and both the municipality and the county provide garbage
4454 collection and disposal service to that person, then the person
4455 may elect to use either garbage collection and disposal service.
4456 The person shall notify the clerk of the governing authority of
4457 the local government whose garbage collection and disposal service
4458 he elects not to use of his decision not to use such services by
4459 certified mail, return receipt requested. The person shall not be
4460 liable for any fees or charges from the service he elects not to
4461 use.

4462 (6) The board may borrow money for the purposes of defraying
4463 the expenses of the system in anticipation of:

4464 (a) The tax levy authorized under this section;

4465 (b) Revenues resulting from the assessment of any fees
4466 for garbage or rubbish collection or disposal; or

4467 (c) Any combination thereof.

4468 (7) In addition to the fees or ad valorem millage authorized
4469 under this section, a board of supervisors may use monies from any
4470 special funds of the county that are not otherwise required by law
4471 to be dedicated for use for a particular purpose in order to



4472 defray the costs of the county garbage or rubbish collection or
4473 disposal system.

4474 **SECTION 80.** Section 19-5-23, Mississippi Code of 1972, is
4475 brought forward as follows:

4476 19-5-23. The tax levy authorized by Section 19-5-21 shall
4477 not be imposed until the board of supervisors shall have published
4478 notice of its intention to levy same. Said notice shall be
4479 published once each week for three (3) consecutive weeks in some
4480 newspaper having a general circulation in such county, but not
4481 less than twenty-one (21) days, nor more than sixty (60) days,
4482 intervening between the time of the first notice and the meeting
4483 at which said board proposes to levy such tax. If, within the
4484 time of giving notice, twenty percent (20%) or fifteen hundred
4485 (1500), whichever is less, of the qualified electors of the
4486 district affected shall protest or file a petition against the
4487 levy of such tax, then such tax shall not be levied unless
4488 authorized by a majority of the qualified electors of such
4489 district voting at an election to be called and held for that
4490 purpose. The notice provided for herein shall only be required
4491 prior to the initial levy except when the board of supervisors
4492 intends to increase the levy over the amount shown in the initial
4493 notice.

4494 **SECTION 81.** Section 19-5-92.1, Mississippi Code of 1972, is
4495 brought forward as follows:



4496 19-5-92.1. (1) The board of supervisors of any county,
4497 whenever the board determines that the health, comfort and
4498 convenience of the inhabitants of the county will be promoted,
4499 may:

4500 (a) Alter and change the channels of streams or other
4501 water courses;

4502 (b) Construct, reconstruct and repair bridges over
4503 streams and water courses; and

4504 (c) Incur costs and pay necessary expenses for:

4505 (i) Providing labor, materials and supplies to
4506 clean or clear drainage ditches, creeks or channels or conduits,
4507 both natural and man-made and to prevent erosion of such ditches,
4508 creeks or channels;

4509 (ii) Acquiring property and obtaining easements
4510 necessary to perform work under this section; and

4511 (iii) Reimbursing landowners for damages and
4512 injury resulting from work performed by the county under this
4513 section.

4514 (2) The work performed and the expenses incurred under
4515 subsection (1) of this section may take place on public or private
4516 property. However, if the work is to be performed or the expenses
4517 to be incurred will take place on private property, the board of
4518 supervisors must:

4519 (a) Make a finding, as evidenced by entry upon its
4520 minutes, that such work and/or expenses are necessary in order to



4521 promote the public health, safety and welfare of the citizens of
4522 the county;

4523 (b) Give notice, in writing, to all owners of property
4524 that will be affected by the work for such period of time as is
4525 reasonable to allow such owners to express any objections;

4526 (c) Not receive written objection to the work by any
4527 owners of property that will be affected by the work within the
4528 period of time allowed to express objections; and

4529 (d) Unless otherwise agreed, in writing, by the county
4530 and the landowner, construct or install a culvert or bridge, at
4531 the county's expense, at an appropriate location or locations to
4532 provide the landowner ingress and egress to all of the property to
4533 which the landowner had access immediately before performance of
4534 the work by the county.

4535 (3) The county shall reimburse landowners for all damages or
4536 injury resulting from work performed by the county under this
4537 section.

4538 (4) The provisions of this section do not impose any
4539 obligation or duty upon a county to perform any work or to incur
4540 any expenditures not otherwise required by law to be performed or
4541 incurred by a county, nor do the provisions of this section create
4542 any rights or benefits for the owner of any public or private
4543 property in addition to any rights or benefits as may be otherwise
4544 provided by law.



(5) No additional taxes may be imposed for the work authorized under subsection (1) of this section until the board of supervisors adopts a resolution declaring its intention to levy the taxes and establishing the amount of the tax levies and the date on which the taxes initially will be levied and collected. This date shall be the first day of the month, but not earlier than the first day of the second month, from the date of adoption of the resolution. Notice of the proposed tax levy must be published once each week for at least three (3) consecutive weeks in a newspaper having a general circulation in the county. The first publication of the notice shall be made not less than twenty-one (21) days before the date fixed in the resolution on which the board of supervisors proposes to levy the taxes, and the last publication of the notice shall be made not more than seven (7) days before that date. If, within the time of giving notice, fifteen percent (15%) or two thousand five hundred (2,500), whichever is less, of the qualified electors of the county file a written petition against the levy of the taxes, then the taxes shall not be levied unless authorized by three-fifths (3/5) of the qualified electors of the county voting at an election to be called and held for that purpose.

SECTION 82. Section 19-9-27, Mississippi Code of 1972, is brought forward as follows:

19-9-27. The board of supervisors of any county may borrow money in anticipation of taxes for the purpose of defraying the



4570 expenses of such county, and may issue negotiable notes of the
4571 county therefor, to mature not later than April 1 of the year
4572 succeeding the year in which they are issued. The amount of money
4573 herein authorized to be borrowed shall not be in excess of
4574 twenty-five percent (25%) of the estimated amount of taxes
4575 collected and to be collected under the last preceding annual tax
4576 levies for the particular fund for which said money is borrowed.
4577 The board of supervisors may borrow said money, as hereinbefore
4578 provided, from any available fund in the county treasury, or from
4579 any other source, and such loan shall be repaid in the manner
4580 herein provided. The notes herein authorized shall bear interest
4581 at a rate to be fixed by the board, not to exceed that allowed in
4582 Section 75-17-105, Mississippi Code of 1972, and such notes shall
4583 be payable at any place to be named by the board of supervisors.
4584 Any notes or obligations issued in excess of the amount authorized
4585 to be issued under the provisions of this section shall be void.
4586 Money may be borrowed in anticipation of ad valorem taxes under
4587 the provisions of this section, regardless of whether or not such
4588 borrowing shall create an indebtedness in excess of statutory
4589 limitations.

4590 For the payment of such loan, the board of supervisors shall
4591 either pledge the levy of a special tax each year sufficient to
4592 pay the amount borrowed for use that year, with interest, or shall
4593 pledge that such notes shall be paid out of the first money
4594 collected from taxes for the year in which they are issued. The



4595 aforesaid special tax, if necessary, may be in excess of the rate
4596 of taxation otherwise limited by law. The notes herein authorized
4597 shall not be issued until the board of supervisors shall have
4598 published notice of its intention to issue same; said notice to be
4599 published once each week for three (3) weeks in some newspaper
4600 having a general circulation in such county, but not less than
4601 twenty-one (21) days, nor more than sixty (60) days, intervening
4602 between the time of the first notice and the meeting at which said
4603 board proposes to issue such notes. If, within the time of giving
4604 notice, twenty percent (20%), or fifteen hundred (1500), whichever
4605 is less, of the qualified electors of the county shall protest or
4606 file a petition against the issuance of such notes, then such
4607 notes shall not be issued unless authorized by a three-fifths
4608 (3/5) majority of the qualified electors of such county, voting at
4609 an election to be called and held for that purpose.

4610 **SECTION 83.** Section 19-9-111, Mississippi Code of 1972, is
4611 brought forward as follows:

4612 19-9-111. The board of supervisors of any county authorized
4613 to establish or cooperate in the establishment of economic
4614 development districts pursuant to Section 19-5-99 may, in its
4615 discretion, levy a tax of not more than two (2) mills against the
4616 taxable property in the county or the portion thereof comprising
4617 an economic development district, to be used to support and
4618 maintain such district. The levy so made shall be in addition to
4619 all other levies provided by law.



4620 Before any such levy is made, the board of supervisors shall
4621 signify its intention to make such a levy and publish same in a
4622 newspaper published in said county for thirty (30) days prior to
4623 making said levy. In the event more than twenty percent (20%) or
4624 fifteen hundred (1500), whichever is less, of the qualified
4625 electors of said economic development district protest in writing
4626 to the board of supervisors against the imposition of such tax
4627 levy within thirty (30) days from the date such notice is
4628 published, then such proposed tax levy shall not be made unless
4629 same is approved by a special election called for said purpose.
4630 Said special election shall be conducted and had as provided by
4631 law.

4632 The governing authorities of any municipality in a county,
4633 which has established an economic development district or which is
4634 included in an economic development district, may contribute to
4635 the support of such economic development district from its general
4636 fund.

4637 **SECTION 84.** Section 19-9-114, Mississippi Code of 1972, is
4638 brought forward as follows:

4639 19-9-114. The board of supervisors of any county bordering
4640 on the Gulf of Mexico having a population according to the 1970
4641 census of 134,582 persons, and having two cities located therein
4642 each having a population of over 30,000 persons according to the
4643 1970 census, and in which is located a deep water port of entry
4644 and two military establishments located therein, is hereby



4645 authorized and empowered, in its discretion, to levy an additional
4646 ad valorem tax not to exceed one (1) mill to provide funds for the
4647 construction of a facility to house a county-wide vocational and
4648 technical educational center. Such additional levy may be in
4649 excess of and in addition to the rate of taxation otherwise
4650 limited by law.

4651 The tax herein authorized shall not be levied until the board
4652 of supervisors shall have published notice of its intention to
4653 levy same. Said notice shall be published once each week for
4654 three (3) weeks in some newspaper having a general circulation in
4655 such county, but not less than twenty-one (21) days, nor more than
4656 sixty (60) days, intervening between the time of the first notice
4657 and the meeting at which said board proposes to levy such tax.
4658 If, within the time of giving notice, twenty percent (20%) or
4659 fifteen hundred (1500), whichever is less, of the qualified
4660 electors of the county shall protest or file a petition against
4661 the levy of such tax, then such tax shall not be levied unless
4662 authorized by a three-fifths ($\frac{3}{5}$) majority of the qualified
4663 electors of such county voting at an election to be called and
4664 held for that purpose.

4665 **SECTION 85.** Section 19-29-18, Mississippi Code of 1972, is
4666 brought forward as follows:

4667 19-29-18. (1) The governing body of a county railroad
4668 authority or regional railroad authority, as the case may be, may
4669 file a petition with the board of supervisors of any county



4670 included in the railroad authority, specifying for each such
4671 county, the rate of the ad valorem tax, not to exceed two (2)
4672 mills, to be levied by such county on the taxable property
4673 therein, for acquisition and maintenance of railroad properties
4674 and facilities, and to defray operating expenses of the railroad
4675 authority and any other expenses authorized to be incurred by the
4676 railroad authority. Prior to levying the tax specified by the
4677 railroad authority, the board of supervisors of each such county
4678 shall publish notice of its intention to levy same. The notice
4679 shall be published once each week for three (3) weeks in some
4680 newspaper having a general circulation in the county, but not less
4681 than twenty-one (21) days, nor more than sixty (60) days,
4682 intervening between the time of the first notice and the meeting
4683 at which said board proposes to levy the tax. If, within the time
4684 of giving notice, twenty percent (20%) or one thousand five
4685 hundred (1,500) of the qualified electors of the county, whichever
4686 is less, shall file a written protest against the levy of the tax,
4687 then the tax shall not be levied unless authorized by three-fifths
4688 (3/5) of the qualified electors of such county, voting at an
4689 election to be called and held for that purpose. If the tax levy
4690 fails to be authorized at an election held in a county included in
4691 the regional authority, then such tax levy shall not be made in
4692 any of the counties included in such regional authority.

4693 (2) The avails of the ad valorem tax levied under authority
4694 of this section shall be paid by the county board of supervisors



4695 to the governing body of the railroad authority to be used as
4696 herein authorized.

4697 (3) For any fiscal year after the initial levy of the tax,
4698 the board of supervisors levying same shall levy such tax at a
4699 millage rate which will produce an amount of revenue which
4700 approximates, but does not exceed, the amount of revenue produced
4701 from the levy for the preceding fiscal year. The county board of
4702 supervisors shall not increase the millage rate for the purposes
4703 authorized herein unless notice thereof is published and an
4704 election held, if required, in the manner set forth in subsection
4705 (1) of this section.

4706 (4) Each railroad authority shall be subject to examination
4707 by the State Auditor.

4708 (5) The tax levy authorized in this section shall not be
4709 included in the ten percent (10%) limitation on increases under
4710 Sections 27-39-320 or 27-39-321.

4711 (6) The tax levy authorized in this section shall not be
4712 reimbursable under the provisions of the Homestead Exemption Law.

4713 (7) A railroad authority created under Section 19-29-7(2)
4714 must receive the approval of the governing authorities of the
4715 municipality and the county creating such authority before levying
4716 any tax under this section.

4717 **SECTION 86.** Section 21-19-2, Mississippi Code of 1972, is
4718 brought forward as follows:



4719 21-19-2. (1) (a) To defray the cost of establishing,
4720 operating and maintaining the system provided for in Section
4721 21-19-1, the governing authority of a municipality may develop a
4722 system for the billing and/or collection of any fees or charges
4723 imposed on each person furnished garbage and/or rubbish collection
4724 and/or disposal service by the municipality or at the expense of
4725 the municipality. The governing authority of the municipality
4726 shall provide for the collection of the fees or charges.

4727 (b) The governing authority of a municipality may enter
4728 into a contract upon mutual agreement with a public or private
4729 corporation, nonprofit corporation, planning and development
4730 district or a public agency, association, utility or utility
4731 district within the area receiving garbage and/or rubbish
4732 collection and/or disposal services from the municipality for the
4733 purpose of developing, maintaining, operating and administering a
4734 system for the billing and/or collection of fees or charges
4735 imposed by the municipality for garbage and/or rubbish collection
4736 and/or disposal services. The entity with whom the governing
4737 authority of a municipality contracts shall notify the governing
4738 authority of the municipality monthly of any unpaid fees or
4739 charges assessed under this section. Any entity that contracts to
4740 provide a service to customers, within the area being served by
4741 the municipality's garbage and/or rubbish collection and/or
4742 disposal system, may provide a list of its customers to the



4743 governing authority of the municipality upon the request of the
4744 governing authority.

4745 (2) (a) To defray the cost of establishing and operating
4746 the system provided for in Section 21-19-1, the governing body of
4747 a municipality may levy an ad valorem tax not to exceed four (4)
4748 mills on all taxable property within the area served by the
4749 municipality's garbage and/or rubbish collection and/or disposal
4750 system. The service area may be comprised of incorporated and/or
4751 unincorporated areas within a county; however, no property shall
4752 be subject to this levy unless that property is within an area
4753 served by a municipality's garbage and/or rubbish collection
4754 and/or disposal system. The rate of the ad valorem tax levied
4755 under this section shall be shown as a line item on the notice of
4756 ad valorem taxes on taxable property owed by the taxpayer.

4757 (b) In addition to or in lieu of any other method
4758 authorized to defray the cost of establishing and operating the
4759 system provided for in Section 21-19-1, the governing body of a
4760 municipality that has established a garbage and/or rubbish
4761 collection and/or disposal system may assess and collect fees or
4762 charges to defray the costs of such services. The governing
4763 authority may assess and collect the fees or charges from each
4764 single family residential generator of garbage and/or rubbish.
4765 The governing authority also may assess and collect such fees or
4766 charges from each industrial, commercial and multi-family
4767 residential generator of garbage and/or rubbish for any time



4768 period that the generator has not otherwise contracted for the
4769 collection of garbage and/or rubbish that is ultimately disposed
4770 of at a permitted or authorized nonhazardous solid waste
4771 management facility.

4772 (c) Before the adoption of any resolution or ordinance
4773 to increase the ad valorem tax assessment or fees or charges
4774 authorized by this section, the governing authority of a
4775 municipality shall have published a notice advertising their
4776 intent to increase the ad valorem tax assessment or fees or
4777 charges authorized by this section. The notice shall specify the
4778 purpose of the proposed increase, the proposed percentage increase
4779 and the proposed percentage increase in total revenues for garbage
4780 and/or rubbish collection and/or disposal services or shall
4781 contain a copy of any resolution by the governing authority
4782 stating their intent to increase the ad valorem tax assessment or
4783 fees or charges authorized by this section. The notice shall be
4784 published in a newspaper having general circulation in the
4785 municipality for no less than three (3) consecutive weeks before
4786 the adoption of the order. The notice shall be in print no less
4787 than the size of eighteen (18) point and shall be surrounded by a
4788 one-fourth (1/4) inch black border. The notice shall not be
4789 placed in the legal section notice of the newspaper. There shall
4790 be no language in the notice inferring a mandate from the
4791 Legislature.



4792 In addition to the requirement for publication of notice, the
4793 governing authority of a municipality shall notify each person
4794 furnished garbage and/or rubbish collection and/or disposal
4795 service of any increase in the ad valorem tax assessment or fees
4796 or charges authorized by this section. In the case of an increase
4797 of the ad valorem tax assessment, a notice shall be conspicuously
4798 placed on or attached to the first ad valorem tax bill on which
4799 the increased assessment is effective. In the case of an increase
4800 in fees or charges, a notice shall be conspicuously placed on or
4801 attached to the first bill for fees or charges on which the
4802 increased fees or charges are assessed. There shall be no
4803 language in any notice inferring a mandate from the Legislature.

4804 (d) The governing authority of a municipality may adopt
4805 an ordinance authorizing the granting of exemptions from the fees
4806 or charges for certain generators of garbage and/or rubbish. The
4807 ordinance shall define clearly those generators that may be
4808 exempted and shall be interpreted consistently by the governing
4809 authority when determining whether to grant or withhold requested
4810 exemptions.

4811 (e) The governing authority may borrow money for the
4812 purpose of defraying the expenses of the system in anticipation
4813 of:

4814 (i) The tax levy authorized under this section;



4815 (ii) Revenues resulting from the assessment of any
4816 fees or charges for garbage and/or rubbish collection and/or
4817 disposal; or

4818 (iii) Any combination thereof.

4819 (3) (a) Fees or charges for garbage and/or rubbish
4820 collection and/or disposal shall be assessed jointly and severally
4821 against the generator of the garbage and/or rubbish and against
4822 the owner of the property furnished the service. However, any
4823 person who pays, as a part of a rental or lease agreement, an
4824 amount for garbage and/or rubbish collection and/or disposal
4825 services shall not be held liable upon the failure of the property
4826 owner to pay such fees.

4827 (b) Every generator assessed the fees or charges
4828 provided for and limited by this section and the owner of the
4829 property occupied by that generator shall be jointly and severally
4830 liable for the fees and/or charges so assessed. The fees or
4831 charges shall be a lien upon the real property offered garbage
4832 and/or rubbish collection and/or disposal service.

4833 At the discretion of the governing body of the municipality,
4834 fees or charges assessed for the service may be assessed annually.
4835 If fees or charges are assessed annually, the fees or charges for
4836 each calendar year shall be a lien upon the real property offered
4837 the service beginning on January 1 of the next immediately
4838 succeeding calendar year. The person or entity owing the fees or
4839 charges, upon signing a form provided by the governing authority,
4840 may pay the fees or charges in equal installments.

4841 If fees or charges so assessed are assessed on a basis other
4842 than annually, the fees or charges shall become a lien on the real
4843 property offered the service on the date that the fees or charges
4844 become due and payable.

4845 No real or personal property shall be sold to satisfy any
4846 lien imposed under this section.

4847 The municipality shall mail a notice of the lien, including
4848 the amount of unpaid fees or charges and a description of the
4849 property subject to the lien, to the owner of the property subject
4850 to the lien.

4851 (c) The municipal governing body shall notify the
4852 county tax collector of any unpaid fees or charges assessed under
4853 this section within ninety (90) days after such fees or charges
4854 are due. Upon receipt of a delinquency notice, the tax collector
4855 shall not issue or renew a motor vehicle road and bridge privilege
4856 license for any motor vehicle owned by a person who is delinquent
4857 in the payment of fees or charges, unless such fees or charges, in
4858 addition to any other taxes or fees assessed against the motor
4859 vehicle, are paid.

4860 (d) Liens created under this section may be discharged
4861 as follows:

4862 (i) By filing with the municipal tax collector a
4863 receipt or acknowledgement, signed by the municipality, that the
4864 lien has been paid or discharged; or

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

SECTION 87. Section 21-19-13, Mississippi Code of 1972, is brought forward as follows:

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

(2) The governing authorities of any municipality shall also have the power and authority to incur costs and pay necessary expenses in providing labor, materials and supplies to clean or clear drainage ditches, creeks or channels, whether on public or private property, and to incur costs and pay necessary expenses in providing labor, materials and supplies in order to prevent erosion where such erosion has been caused or will be caused by such drainage ditches, creeks or channels. This paragraph shall not impose any obligation or duty upon the municipality and shall not create any additional rights for the benefit of any owner of public or private property.

(3) No additional taxes shall be imposed for the works authorized under subsections (1) and (2) of this section until the governing authorities shall adopt a resolution declaring its intention to levy the taxes and establishing the amount of the tax levies and the date on which the taxes initially will be levied

and collected. This date shall be the first day of a month but not earlier than the first day of the second month from the date of adoption of the resolution. Notice of the proposed tax levies shall be published once each week for at least three (3) weeks in a newspaper having a general circulation in the municipality. The first publication of the notice shall be made not less than twenty-one (21) days before the date fixed in the resolution on which the governing authorities propose to levy the taxes, and the last publication of the notice shall be made not more than seven (7) days before that date. If, within the time of giving notice, fifteen percent (15%) or two thousand five hundred (2,500), whichever is less, of the qualified electors of the municipality file a written petition against the levy of the taxes, then the taxes shall not be levied unless authorized by three-fifths (3/5) of the qualified electors of the municipality voting at an election to be called and held for that purpose.

SECTION 88. Section 21-33-47, Mississippi Code of 1972, is brought forward as follows:

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

4916 (2) When a resolution levying ad valorem taxes has been
4917 finally adopted by the governing authorities of any municipality
4918 embracing, in whole or in part, any other taxing district of which
4919 such municipality is a part, the clerk of such municipality shall
4920 immediately certify a copy of such resolution to the State Tax
4921 Commission, as the law directs. The clerk shall have the
4922 resolution of the governing authorities making the levy printed
4923 within two (2) weeks after it is entered on the minutes of such
4924 governing authorities, and he shall furnish any taxpayer with a
4925 copy thereof, upon request. If a newspaper is published within
4926 such municipality, then such resolution shall be published in its
4927 entirety, at least one, within ten (10) days after its adoption.
4928 Instead of publishing the resolution in its entirety, the
4929 publication of the resolution may be made as provided in Section
4930 21-17-19. If no newspaper be published within such municipality,
4931 then a copy of such resolution, in its entirety, shall be posted
4932 by such municipal clerk in at least three (3) public places in
4933 such municipality, within ten (10) days after its adoption.

4934 (3) The clerk shall be liable on his bond for any damages
4935 sustained by his failure to comply with the requirements of this
4936 section. However, failure to thus publish or post the same shall
4937 not affect the validity of the levy.

4938 **SECTION 89.** Section 21-33-89, Mississippi Code of 1972, is
4939 brought forward as follows:

4940 21-33-89. The governing authorities of any municipality
4941 having a population of less than one thousand, according to the

4942 last federal census, shall have the power and authority, in their
4943 discretion, to assess, levy and collect an additional ad valorem
4944 tax on all of the taxable property in such municipality of not
4945 exceeding two mills on the dollar for street maintenance, upkeep
4946 and construction purposes, and/or an additional ad valorem tax on
4947 all of the taxable property in such municipality of not exceeding
4948 two mills on the dollar for cemetery improvement, upkeep and
4949 maintenance purposes, which said taxes shall be in addition to all
4950 other taxes now authorized by law. However, such taxes shall not
4951 be levied unless and until the levy thereof has been approved by a
4952 majority of the qualified voters of such municipality voting in an
4953 election to be held for such purpose, notice of which election
4954 shall be given in some newspaper having a general circulation in
4955 such municipality not less than twenty nor more than thirty days
4956 prior to such election; one publication of such notice shall be
4957 sufficient. No consideration for homestead exemption refunds
4958 shall be considered in connection with the assessment and levy
4959 provided herein.

4960 **SECTION 90.** Section 21-33-207, Mississippi Code of 1972, is
4961 brought forward as follows:

4962 21-33-207. (a) The mayor and board of aldermen or other
4963 governing authority of any municipality desiring to avail itself
4964 of the provisions of the City Utility Tax Law shall adopt an
4965 ordinance declaring its intention to have the utility tax imposed
4966 at the specified rate for the benefit of such municipality
4967 effective on and after a date fixed in the ordinance which must be

4968 at least thirty (30) days later and on the first day of a month.
4969 A certified copy of this ordinance shall be immediately forwarded
4970 to the Chairman of the State Tax Commission. The municipal
4971 authorities shall have a copy of the ordinance published once a
4972 week for three (3) consecutive weeks in at least one (1) newspaper
4973 published in the municipality and having a general circulation
4974 therein. The first publication shall be not less than
4975 twenty-eight (28) days prior to the levying date fixed in such
4976 ordinance, and the last publication shall be made not less than
4977 seven (7) days prior to such date. If no newspaper is published
4978 in the municipality, then notice shall be given by publishing the
4979 ordinance for the required time in some newspaper published in the
4980 same or an adjoining county having a general circulation in the
4981 municipality. A copy of the ordinance shall also be posted at
4982 three (3) public places in the municipality for a period of at
4983 least twenty-one (21) days during the time of its publication in a
4984 newspaper. The publication of the ordinance may be made as
4985 provided in Section 21-17-19. Proof of publication must also be
4986 furnished to the Chairman of the State Tax Commission.

4987 (b) If more than twenty percent (20%) of the qualified
4988 electors of the municipality having no city utility tax shall file
4989 with the clerk of the municipality within twenty-one (21) days
4990 after adoption of the ordinance of intent to qualify for the
4991 collection of the tax, a petition requesting an election on the
4992 question of the levy of such tax, then and in that event such tax
4993 levy shall not be made unless authorized by a majority of the

4994 votes cast at an election to be called and held for that purpose.
4995 Notice of such election shall be given, the election shall be held
4996 and the result thereof determined in the manner provided in Title
4997 21, Chapter 11, of the Mississippi Code of 1972. In the event of
4998 an election resulting in favor of the levy or where no election is
4999 required, the governing authorities shall adopt another ordinance
5000 qualifying for the collection of the tax provided in the City
5001 Utility Tax Law, and shall set the first of a month following the
5002 date of such adoption as the effective date of the tax levy. A
5003 certified copy of this ordinance together with the result of the
5004 election, if any, shall be immediately furnished the Chairman of
5005 the State Tax Commission. Upon receipt of the certified ordinance
5006 and other official notice from the municipality, the chairman
5007 shall notify the utilities in such municipality which are affected
5008 by the City Utility Tax Law, and take the necessary action to
5009 collect the tax. The first payment of the tax after its adoption
5010 shall be on all receipts of the utility derived from all billings
5011 made fifteen (15) days after the effective date of said adoption.

5012 **SECTION 91.** This act shall take effect and be in force from
5013 and after July 1, 2025.