

By: Senator(s) Blackwell

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2831

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

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

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

22 17-3-3. Advertising pursuant to Section 17-3-1 shall include
23 newspaper and magazine advertising and literature, publicity,
24 expositions, public entertainment or other form of advertising or
25 publicity, including advertising on a county or municipality
26 website or official social media page, which in the judgment of



such board or boards will be helpful toward advancing the moral, financial and other interests of such municipality or county; however, such advertising shall not include advertisements in publications sponsored by political parties, political committees or affiliated organizations, as such terms are defined in Section 23-15-801.

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

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



the bonds to be issued, and shall fix the date upon which action will be taken to provide for the issuance of such bonds. Said resolution shall be published once a week for at least three (3) consecutive weeks either in a newspaper published 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. The first publication of such notice * * * shall be made not less than twenty-one (21) days prior to the date fixed in such resolution, and the last publication * * * shall be made not more than seven (7) days prior to such date. If twenty percent (20%) or fifteen hundred (1500), whichever is less, of the qualified electors of the county and municipality, respectively, shall file a written protest against the issuance of such bonds on or before the date specified in such resolution, then an election upon the issuance of such bonds shall be called and held, and in such case such bonds or other evidences of indebtedness shall not be issued unless same are authorized by the affirmative vote of a majority of the qualified electors of said county and municipality, respectively, who vote on the proposition at such election. Notice of such election shall be given by publication in like manner as is provided for the publication of the initial resolution, and said election shall be called, held and conducted and the returns thereof made, canvassed and declared in the same manner as provided by Section 19-9-1 et seq., and Section



21-33-301 et seq., respectively. If no such petition be filed protesting against the issuance of said bonds, then the said board of supervisors and the governing authorities of the municipality shall have the authority to issue said bonds without an election.

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

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

17-5-7. Bonds authorized and issued pursuant to the provisions of Sections 17-5-3 through 17-5-11 may be issued in one or more series, may bear such date or dates, shall mature serially, not later than three (3) years from the date thereof, at such time or times, not exceeding forty (40) years from their respective dates, may bear interest at such rate or rates not exceeding five * * * percent (5%) per annum, payable semiannually, may be in such denomination, may be in such form, either coupon or registered, may be payable at such place or places, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment at such place or places, may be subject to such terms of redemption, with or



without premium, and may be declared or become due before the maturity date thereof, as may be provided by the resolution authorizing their issuance. Such bonds and any interest coupons appertaining thereto shall be executed in accordance with the resolution providing for their authorization and issuance. Bonds issued under Sections 17-5-3 through 17-5-11 bearing the signatures of officers in office on the date of the signing thereof, as well as any interest coupons appertaining thereto, shall be valid and binding obligations, notwithstanding that before the delivery thereof any or all of the persons whose signatures or facsimile signatures appearing thereon shall have ceased to be officers of the county issuing the same. Bonds issued pursuant to the provisions of Sections 17-5-3 through 17-5-11 shall be negotiable for all purposes and shall possess all the qualities of a negotiable instrument. Bonds authorized and issued under the provisions of Sections 17-5-3 through 17-5-11 shall be sold and delivered only to the lowest bidder at public sale after notice thereof has been published in accordance with a motion, order, or resolution of the county proposing their issuance and sale, which notice shall be published at least one time, not less than ten (10) days prior to the date fixed for the 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 page. 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 least twenty-one (21) days prior to the date set forth in said resolution as the date upon which further action will be taken by the governing body, and the last publication shall be made not



more than seven (7) days prior to said date. If, prior to the date set forth as aforesaid, there shall be filed with the clerk of such governing body a petition in writing signed by ten percent (10%) of the qualified electors of such regional area, county or city thereof, or fifteen hundred (1 * * *500) qualified electors, whichever shall be the lesser number, requesting an election on the question of the issuance of such bonds, then such bonds shall not be issued unless authorized by a majority of the qualified electors in such regional area, county or city voting thereon at an election to be ordered by the governing body for that purpose. Notice of such election shall be given and such election shall be held and conducted in like manner as provided by law with respect to elections held on the submission of county or city bond issues. If the proposition so submitted shall fail to receive approval at such election, then no further proceedings for the issuance of such bonds shall be taken for a period of six (6) months from and after the date of such election. If, however, no such petition shall be filed, or if such election or subsequent election on such proposition shall be assented to by a majority of the qualified electors voting thereon, then such governing body shall be authorized to proceed with the issuance of such bonds without further election.

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



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

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

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



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



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

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

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

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

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

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

296 (ii) Certification that the proposed facility
297 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.



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

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

(5) (a) Upon completion of its local nonhazardous solid waste management plan, the board of supervisors of the county shall publish a public notice that describes the plan, specifies the location where it is available for review and establishes a period of thirty (30) days for comments concerning the plan and a 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 page. 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



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

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

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

395 (8) The governing body of the county, authority or district
396 shall annually review implementation of the approved plan. The
397 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 within the county shall be eligible for consideration by the board of supervisors for inclusion in the solid waste management plan of the county. Such election shall be held and conducted by the county election commissioners on a date fixed by the order of the board of supervisors, which date shall not be more than sixty (60) days from the date of the filing of said petition. Notice thereof shall be given by publishing such notice either in some newspaper published in said county once each week for at least three (3) consecutive weeks * * * 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 remain available to the public for the duration of at least three (3) consecutive weeks. If no newspaper be published therein or no compliant webpage or official social media page exists, * * * such publication in a newspaper in an adjoining county and having a general circulation in the county involved is permissible. The election shall be held not earlier than fifteen (15) days from the first publication of such notice.

(3) The election shall be held and conducted as far as may be possible in the same manner as is provided by law for the holding of general elections. The ballots used thereat shall contain a brief statement of the proposition submitted and, on separate lines, the words "I vote FOR new municipal solid waste landfill in _____ County ()", "I vote AGAINST new municipal solid waste landfill in _____ County ()" with appropriate



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 the application with the governing body, that governing body shall review the application and shall adopt a resolution either denying the application or authorizing the proposed amendment. Any such resolution shall be published either in a newspaper or newspapers 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 as provided in subsection (4) of Section 17-17-309. The governing body shall cause a copy of the application and all accompanying documents to be spread upon or otherwise made a part of the minutes of the meeting of the governing body at which final action upon the application is taken. The incorporation agreement may be amended only after the adoption of a resolution by two-thirds (2/3) of the governing bodies of the members. Publication of such amendment shall be made as provided in subsection (4) of Section 17-17-309.

(3) Within forty (40) days following the adoption of the last adopted resolution approving the proposed amendment, the chairman of the board and the secretary of the authority shall sign, and file for record in the office of the chancery clerk with which the incorporation agreement of the authority was originally filed and the Secretary of State, a certificate in the name of and in behalf of the authority, under its seal, reciting the adoption of the respective resolutions by the board and by the governing



620 body of each member and setting forth the amendment. The chancery
621 clerk for such county shall record the certificate in an
622 appropriate book in his or her office. When such certificate has
623 been so filed and recorded, the amendment shall become effective.
624 No incorporation agreement of an authority shall be amended except
625 in the manner provided in this section.

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

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



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

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

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



670 the newspaper where legal notices and classified advertisements
671 appear. It is legislative intent that, whenever possible, the
672 advertisement appear in a newspaper that is published at least
673 five (5) days a week, unless the only newspaper in the county or
674 municipality is published less than five (5) days a week. It is
675 further the intent of the Legislature that the newspaper selected
676 be one (1) of general interest and readership in the community,
677 and not one (1) of limited subject matter. The advertisement
678 shall be run once each week for the two (2) weeks preceding the
679 date specified in the resolution by the board of supervisors or
680 the governing authorities of the municipality. The advertisement
681 shall state that the county or municipality proposes to issue
682 general obligation bonds of the county or municipality for a solid
683 waste management facility, the proposed property tax revenue and
684 the procedure that may be taken by qualified electors of the
685 county for calling an election on the question of issuance of the
686 general obligation bonds of the county or municipality.

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

689 "NOTICE OF TAX INCREASE

690 (Name of the County or Municipality) has proposed to increase
691 its property tax revenue (designate one or more classes of
692 property provided for in Section 112, Mississippi Constitution of
693 1890) by (percentage of increase of each class) percent, and to
694 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 13. Section 17-17-337, Mississippi Code of 1972, is 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 14. 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 or municipal fiscal year in operating the garbage or rubbish collection or disposal system. The report shall disclose:

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

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



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

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

(2) If published in a newspaper, the notice required under subsection (1) of this section shall be no less than one-eighth (1/8) page in size and the type used shall be no smaller than ten (10) point and surrounded by a one-fourth (1/4) inch solid black 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.



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

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



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

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



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

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

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

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

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



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



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

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



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

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

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

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

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



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

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



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

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

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



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

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

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



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

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

997 19-3-35. The board of supervisors after each meeting shall
998 have an itemized statement made of allowances, to whom, for what,
999 and the amounts; a list of all contracts providing for the
1000 expenditure of money and the terms of payment thereof; a statement
1001 of all loans from sixteenth section funds, lieu land funds, and
1002 sinking, and other trust funds, setting forth to whom made, the
1003 amount, and the kind of security approved; a statement or list of
1004 all sales of timber, of all leases upon, including all leases for
1005 oil, gas and minerals upon, sixteenth section or lieu lands
1006 situated in the county or belonging to the county, showing to whom
1007 sold or made, description of land involved, the length of the term
1008 of any such lease, and the consideration therefor; and it shall
1009 also publish a recapitulation of all expenditures according to
1010 districts and also the county as a whole, and in such
1011 recapitulation the total expenses for each item shall be listed
1012 for each district, and in the total county recapitulation the
1013 total expended from each item shall be listed and same shall be
1014 published within fifteen (15) days after adjournment. Publication
1015 shall be made either in some newspaper of general circulation
1016 published in the county * * * or by a link to such recapitulation



1017 posted on the county's website or, if the county does not have a
1018 website, its official social media webpage. If no such newspaper
1019 is published in the county, then recapitulation may be published
1020 in a newspaper published elsewhere in the state and having a
1021 general circulation in such county. The cost of publishing the
1022 same shall be paid for out of the general fund of the county. The
1023 cost of such publication shall not exceed one-half (1/2) of the
1024 rate now fixed by law for publishing legal notices, and in no
1025 event shall the cost of such publication exceed One Hundred
1026 Dollars (\$100.00) in any one (1) month, save, however, in counties
1027 of classes 1 and 2 the board of supervisors may expend an amount
1028 not to exceed One Hundred Seventy-five Dollars (\$175.00) per month
1029 for the publication of said cumulative digest of its proceedings
1030 as provided for above. If there be more than one (1) newspaper
1031 published in the county, the board of supervisors shall advertise,
1032 as provided by law, for contracts for publishing such proceedings,
1033 and shall award the contract to the lowest bidder for a period of
1034 two (2) years. If no bid be made for the price above mentioned,
1035 then the proceedings shall be posted at the courthouse door as
1036 hereinafter provided. If there be no newspaper published in such
1037 county, then such proceedings shall be posted at the front
1038 courthouse door and on the county's website or official social
1039 media webpage, if the county does not have a website.

1040 If any member of a board of supervisors or the chancery clerk
1041 shall fail, refuse or neglect to comply with the provisions of



1042 this section, he shall, upon conviction, be guilty of a
1043 misdemeanor and shall be fined not more than Five Hundred Dollars
1044 (\$500.00) for such failure, refusal or neglect for each offense
1045 and, in addition thereto, shall be liable to a penalty of Five
1046 Hundred Dollars (\$500.00), recoverable on his official bond by
1047 suit filed by any county or district attorney or any interested
1048 citizen, upon his official bond.

1049 This shall not be construed to repeal Section 19-3-33, and
1050 where the verbatim proceedings are published as therein provided,
1051 this section shall not apply, it being intended hereby to provide
1052 a method of publishing the proceedings of the board of supervisors
1053 in addition to that now provided for by Section 19-3-33. Where
1054 publication is made under Section 19-3-33, this section shall not
1055 be construed so as to require any other and additional
1056 publication, or notice.

1057 **SECTION 22.** Section 19-3-67, Mississippi Code of 1972, is
1058 amended as follows:

1059 19-3-67. (1) When any member of any board of supervisors
1060 shall be required to travel outside of his or her county but
1061 within the State of Mississippi in the performance of his or her
1062 official duties, such member shall receive as expenses of such
1063 travel the same mileage and actual and necessary expenses for
1064 food, lodging and travel by public carrier or private motor
1065 vehicles as is allowed state officers and employees pursuant to
1066 the provisions of Section 25-3-41, Mississippi Code of 1972.



1067 Provided, however, mileage shall not be authorized when such
1068 travel is done by a motor vehicle owned by the county.

1069 (2) When any member of any board of supervisors shall be
1070 required to travel outside the State of Mississippi in the
1071 performance of his official duties, such member shall receive as
1072 expenses of such travel the same mileage and actual and necessary
1073 expenses for food, lodging and travel by public carrier or private
1074 motor vehicles as is allowed state officers and employees pursuant
1075 to the provisions of Section 25-3-41, Mississippi Code of 1972.
1076 Provided, however, such travel must receive the prior approval of
1077 the board before it is undertaken, and such approval shall be
1078 spread upon the minutes of the board.

1079 (3) Except as hereinafter provided with respect to mileage,
1080 no expenses shall be authorized or approved by any board of
1081 supervisors for travel by the member of such board within the
1082 county of such board. With respect to mileage, when travel within
1083 the county by a member of such board is done by a motor vehicle
1084 owned by the county, mileage shall not be authorized;
1085 however, when any member of such board does not have a
1086 county-owned motor vehicle regularly assigned to him or her for
1087 his or her use or when a county-owned motor vehicle is not
1088 otherwise available for his or her use at the time when travel is
1089 necessary, and he or she is required to travel within the county
1090 in the performance of his or her official duties using his or her
1091 private motor vehicle, then he or she may be reimbursed for



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

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

(5) Expenses authorized in this section shall be published by the board of supervisors either in a newspaper of general circulation published in 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; and, if no such newspaper is published in the county and no such website exists, then in a newspaper published elsewhere in the state which has a general circulation in such county. The publication shall be a detailed accounting of the expenses authorized to each member of the board. The cost of publishing such expense accounts shall be paid by the county pursuant to the provisions of Section 19-3-35.

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

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



1117 aboard a cruise vessel or vessel, as defined in Section 27-109-1,
1118 as prescribed by the Mississippi Gaming Control Act shall, before
1119 applying for such license, provide the Mississippi Gaming
1120 Commission with a written notice of intent to apply for a license.
1121 The "notice of intent to apply for a gaming license" shall be on a
1122 form prescribed by the executive director of the commission and
1123 shall state the county in which the intending licensee desires to
1124 conduct legal gaming aboard a cruise vessel or vessel, as the case
1125 may be. Within ten (10) days after receipt of a notice of intent
1126 to apply for a gaming license, the commission shall require such
1127 person, corporation or legal entity to publish the notice * * *
1128 either in a newspaper having general circulation in the county in
1129 which the intending licensee desires to conduct legal gaming
1130 aboard a cruise vessel or vessel, as the case may be, once each
1131 week for three (3) consecutive weeks or by a link to such notice
1132 posted on the county's website or, if the county does not have a
1133 website, its official social media to remain available to the
1134 public for the duration of three (3) consecutive weeks.

1135 (2) If no petition as prescribed in subsection (3) of this
1136 section is filed with the board of supervisors of the applicable
1137 county within thirty (30) days after the date of the last
1138 publication, the board of supervisors of such county shall adopt a
1139 resolution stating that no petition was timely filed and that
1140 legal gaming may henceforth be conducted aboard cruise vessels or
1141 vessels, as the case may be, in such county.



1142 (3) If a petition signed by twenty percent (20%) or fifteen
1143 hundred (1500), whichever is less, of the registered voters of a
1144 county in which a notice of intent to apply for a gaming license
1145 is published is filed within thirty (30) days of the date of the
1146 last publication with the circuit clerk of the applicable county,
1147 the board of supervisors of such county shall authorize the
1148 circuit clerk to hold an election on the proposition of allowing
1149 legal gaming to be conducted aboard cruise vessels or vessels, as
1150 the case may be, in the county on the date upon which such an
1151 election may be conducted under subsection (7). The referendum
1152 shall be advertised, held, conducted and the result thereof
1153 canvassed in the manner provided by law for advertising, holding
1154 and canvassing county elections.

1155 (4) At such election, all qualified electors of such county
1156 may vote. The ballots used at such election shall have printed
1157 thereon a brief statement of the purpose of the election and the
1158 words "FOR LEGAL GAMING ABOARD CRUISE VESSELS (OR VESSELS) IN THE
1159 COUNTY AS PRESCRIBED BY LAW" and "AGAINST LEGAL GAMING ABOARD
1160 CRUISE VESSELS (OR VESSELS) IN THE COUNTY AS PRESCRIBED BY LAW."
1161 The voter shall vote by placing a cross (x) or check (✓) mark
1162 opposite his choice on the proposition. If a majority of the
1163 qualified electors who vote in such election shall vote in favor
1164 of allowing legal gaming to be conducted aboard cruise vessels or
1165 vessels, as the case may be, then legal gaming may henceforth be
1166 conducted aboard cruise vessels or vessels, as the case may be, in



1167 the county. If less than a majority of the qualified electors who
1168 vote in such election shall vote in favor of allowing legal gaming
1169 to be conducted aboard cruise vessels or vessels, as the case may
1170 be, in the county, then gaming aboard cruise vessels or vessels,
1171 as the case may be, shall be prohibited in the county until such
1172 time as a subsequent election, held according to the restrictions
1173 specified in subsection (7), may authorize such legal gaming.

1174 (5) In any county in which no petition is timely filed after
1175 a notice of intent to apply for a gaming license is published, or
1176 in which an election is held on the proposition of allowing legal
1177 gaming to be conducted aboard cruise vessels or vessels, as the
1178 case may be, in the county and a majority of the qualified
1179 electors who vote in such election vote in favor of allowing legal
1180 gaming to be conducted aboard cruise vessels or vessels, as the
1181 case may be, in the county, no election shall thereafter be held
1182 in that county pursuant to this section on the proposition of
1183 allowing legal gaming to be conducted aboard cruise vessels or
1184 vessels, as the case may be, in that county.

1185 (6) Notwithstanding any provision of this section or
1186 Sections 97-33-1, 97-33-7, 97-33-17, 97-33-25 and 97-33-27 to the
1187 contrary, if an election is held pursuant to this section which
1188 causes the conducting of gaming aboard cruise vessels to be
1189 prohibited in any county in which one or more cruise vessels were
1190 operating out of a port in the county on August 28, 1990, the
1191 prohibition on the conducting of gaming aboard cruise vessels in



1192 that county shall not apply to the conducting of legal gaming
1193 aboard any of those cruise vessels which were still operating out
1194 of a port in that county at the time of the election.

1195 (7) If an election has been held on the issue of allowing
1196 legal gaming to be conducted aboard cruise vessels or vessels, as
1197 the case may be, in a county, and the authority to conduct such
1198 legal gaming has been denied by the electors of such county, then
1199 a subsequent election on such issue may not be held until:

1200 (a) The date of the next succeeding general election in
1201 which the election for President of the United States occurs; or

1202 (b) In the case in which the authority to conduct such
1203 legal gaming has been denied by the electors of such county at
1204 elections on three (3) different occasions, whether those
1205 occasions be successive or not, the date of the next succeeding
1206 general election occurring at least eight (8) years after the last
1207 of the three (3) occasions on which the electors denied the
1208 authority to conduct such legal gaming.

1209 **SECTION 24.** Section 19-5-9, Mississippi Code of 1972, is
1210 amended as follows:

1211 19-5-9. (1) The construction codes published by a
1212 nationally recognized code group which sets minimum standards and
1213 has the proper provisions to maintain up-to-date amendments are
1214 adopted as minimum standard guides for building, plumbing,
1215 electrical, gas, sanitary, and other related codes in Mississippi.
1216 Any county within the State of Mississippi, in the discretion of



1217 the board of supervisors, may adopt building codes, plumbing
1218 codes, electrical codes, sanitary codes, or other related codes
1219 dealing with general public health, safety or welfare, or a
1220 combination of the same, within but not exceeding the provisions
1221 of the construction codes published by nationally recognized code
1222 groups, by order or resolution in the manner prescribed in this
1223 section, but those codes so adopted shall apply only to the
1224 unincorporated areas of the county. However, those codes shall
1225 not apply to the erection, maintenance, repair or extension of
1226 farm buildings or farm structures, except as may be required under
1227 the terms of the "Flood Disaster Protection Act of 1973," and
1228 shall apply to a master planned community as defined in Section
1229 19-5-10 only to the extent allowed in Section 19-5-10. The
1230 provisions of this section shall not be construed to authorize the
1231 adoption of any code which applies to the installation, repair or
1232 maintenance of electric wires, pipelines, apparatus, equipment or
1233 devices by or for a utility rendering public utility services,
1234 required by it to be utilized in the rendition of its duly
1235 authorized service to the public. Before any such code shall be
1236 adopted, it shall be either printed or typewritten and shall be
1237 presented in pamphlet form to the board of supervisors at a
1238 regular meeting. The order or resolution adopting the code shall
1239 not set out the code in full, but shall merely identify the same.
1240 The vote or passage of the order or resolution shall be the same
1241 as on any other order or resolution. After its adoption, the code



1242 or codes shall be certified to by the president and clerk of the
1243 board of supervisors and shall be filed as a permanent record in
1244 the office of the clerk who shall not be required to transcribe
1245 and record the same in the minute book as other orders and
1246 resolutions.

1247 (2) If the board of supervisors of any county adopts or has
1248 adopted construction codes which do not have proper provisions to
1249 maintain up-to-date amendments, specifications in such codes for
1250 cements used in portland cement concrete shall be superseded by
1251 nationally recognized specifications referenced in any code
1252 adopted by the Mississippi Building Code Council.

1253 (3) All provisions of this section shall apply to amendments
1254 and revisions of the codes mentioned in this section. The
1255 provisions of this section shall be in addition and supplemental
1256 to any existing laws authorizing the adoption, amendment or
1257 revision of county orders, resolutions or codes.

1258 (4) Any code adopted under the provisions of this section
1259 shall not be in operation or force until sixty (60) days have
1260 elapsed from the adoption of same; however, any code adopted for
1261 the immediate preservation of the public health, safety and
1262 general welfare may be effective from and after its adoption by a
1263 unanimous vote of the members of the board. Within five (5) days
1264 after the adoption or passage of an order or resolution adopting
1265 that code or codes the clerk of the board of supervisors shall
1266 publish either in a legal newspaper published in the county the



1267 full text of the order or resolution adopting and approving the
1268 code * * * or by a link to such order or resolution posted on the
1269 county's website or, if the county does not have a website, its
1270 official social media webpage. A print publication shall be
1271 inserted at least three (3) times, and shall be completed within
1272 thirty (30) days after the passage of the order or resolution. An
1273 online publication shall remain on the appropriate website or
1274 social media webpage for the duration of thirty (30) days after
1275 the passage of the order or resolution.

1276 (5) Any person or persons objecting to the code or codes may
1277 object in writing to the provisions of the code or codes within
1278 sixty (60) days after the passage of the order or resolution
1279 approving same, and if the board of supervisors adjudicates that
1280 ten percent (10%) or more of the qualified electors residing in
1281 the affected unincorporated areas of the county have objected in
1282 writing to the code or codes, then in such event the code shall be
1283 inoperative and not in effect unless adopted for the immediate
1284 preservation of the public health, safety and general welfare
1285 until approved by a special election called by the board of
1286 supervisors as other special elections are called and conducted by
1287 the election commissioners of the county as other special
1288 elections are conducted, the special election to be participated
1289 in by all the qualified electors of the county residing in the
1290 unincorporated areas of the county. If the voters approve the
1291 code or codes in the special election it shall be in force and in



1292 operation thereafter until amended or modified as provided in this
1293 section. If the majority of the qualified electors voting in the
1294 special election vote against the code or codes, then, in such
1295 event, the code or codes shall be void and of no force and effect,
1296 and no other code or codes dealing with that subject shall be
1297 adopted under the provisions of this section until at least two
1298 (2) years thereafter.

1299 (6) After any such code shall take effect the board of
1300 supervisors is authorized to employ such directors and other
1301 personnel as the board, in its discretion, deems necessary and to
1302 expend general county funds or any other funds available to the
1303 board to fulfill the purposes of this section.

1304 (7) For the purpose of promoting health, safety, morals or
1305 the general welfare of the community, the governing authority of
1306 any municipality, and, with respect to the unincorporated part of
1307 any county, the governing authority of any county, in its
1308 discretion, is empowered to regulate the height, number of stories
1309 and size of building and other structures, the percentage of lot
1310 that may be occupied, the size of the yards, courts and other open
1311 spaces, the density or population, and the location and use of
1312 buildings, structures and land for trade, industry, residence or
1313 other purposes, but no permits shall be required except as may be
1314 required under the terms of the "Flood Disaster Protection Act of
1315 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 furnished by the Department of Revenue pursuant to Section 27-65-21(3) or the contractor's Taxpayer Identification Number as furnished by the Internal Revenue Service, and either a copy of such material purchase certificate furnished by the Department of Revenue pursuant to Section 27-65-21(3), or a copy of the contractor's W-9, as the case may be, shall be required to be provided to the county as part of the prime contractor's application for such permit, prior to the issuance of such permit,



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

SECTION 25. Section 19-5-21, Mississippi Code of 1972, is amended 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.

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

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



1366 is intersected by Mississippi Highway 4, having a population of
1367 eleven thousand eight hundred fifty-four (11,854) according to the
1368 1970 federal census, and having an assessed valuation of Fourteen
1369 Million Eight Hundred Seventy-two Thousand One Hundred Forty-four
1370 Dollars (\$14,872,144.00) in 1970, may levy, in its discretion, for
1371 the purposes of establishing, operating and maintaining a garbage
1372 or rubbish collection or disposal system, an ad valorem tax not to
1373 exceed six (6) mills on all taxable property within the area
1374 served by the system as set out in paragraph (a) of this
1375 subsection.

1376 (d) The board of supervisors of any county having a
1377 population in excess of two hundred fifty thousand (250,000),
1378 according to the latest federal decennial census, and in which
1379 Interstate Highway 55 and Interstate Highway 20 intersect, may
1380 levy, in its discretion, for the purposes of establishing,
1381 operating and maintaining a garbage or rubbish collection or
1382 disposal system, an ad valorem tax not to exceed seven (7) mills
1383 on all taxable property within the area served by the system as
1384 set out in paragraph (a) of this subsection.

1385 (e) The proceeds derived from any additional millage
1386 levied pursuant to paragraphs (a) through (d) of this subsection
1387 in excess of two (2) mills shall be excluded from the ten percent
1388 (10%) increase limitation under Section 27-39-321 for the first
1389 year of such additional levy and shall be included within such
1390 limitation in any year thereafter. The proceeds from any millage



1391 levied pursuant to paragraph (g) shall be excluded from the ten
1392 percent (10%) increase limitation under Section 27-39-321 for the
1393 first year of the levy and shall be included within the limitation
1394 in any year thereafter.

1395 (f) The rate of the ad valorem tax levied under this
1396 section shall be shown as a line item on the notice of ad valorem
1397 taxes on taxable property owed by the taxpayer.

1398 (g) In lieu of the ad valorem tax authorized in
1399 paragraphs (a), (b), (c) and (d) of this subsection, the fees
1400 authorized in subsection (2) of this subsection and in Section
1401 19-5-17 or any combination thereof, the board of supervisors may
1402 levy an ad valorem tax not to exceed six (6) mills to defray the
1403 cost of establishing and operating the system provided for in
1404 Section 19-5-17 on all taxable property within the area served by
1405 the system as provided in paragraph (a) of this subsection.

1406 Any board of supervisors levying the ad valorem tax
1407 authorized in this paragraph (g) is prohibited from assessing or
1408 collecting fees for the services provided under the system.

1409 (2) In addition to the ad valorem taxes authorized in
1410 paragraphs (a), (b) and (c) of subsection (1) or in lieu of any
1411 other method authorized to defray the cost of establishing and
1412 operating the system provided for in Section 19-5-17, the board of
1413 supervisors of any county with a garbage or rubbish collection or
1414 disposal system may assess and collect fees to defray the costs of
1415 the services. The board of supervisors may assess and collect the



1416 fees from each single family residential generator of garbage or
1417 rubbish. The board of supervisors also may assess and collect the
1418 fees from each industrial, commercial and multifamily residential
1419 generator of garbage or rubbish for any time period that the
1420 generator has not contracted for the collection of garbage and
1421 rubbish that is ultimately disposed of at a permitted or
1422 authorized nonhazardous solid waste management facility. The fees
1423 assessed and collected under this subsection may not exceed, when
1424 added to the proceeds derived from any ad valorem tax imposed
1425 under this section and any special funds authorized under
1426 subsection (7), the actual costs estimated to be incurred by the
1427 county in operating the county garbage and rubbish collection and
1428 disposal system. In addition to such fees, an additional amount
1429 not to exceed up to One Dollar (\$1.00) or ten percent (10%) per
1430 month, whichever is greater, on the current monthly bill may be
1431 assessed and collected on the balance of any delinquent monthly
1432 fees.

1433 (3) (a) Before the adoption of any order to increase the ad
1434 valorem tax assessment or fees authorized by this section, the
1435 board of supervisors shall publish a notice advertising their
1436 intent to adopt an order to increase the ad valorem tax assessment
1437 or fees authorized by this section. The notice shall specify the
1438 purpose of the proposed increase, the proposed percentage increase
1439 and the proposed percentage increase in total revenues for garbage
1440 or rubbish collection or disposal services or shall contain a copy



1441 of the resolution by the board stating their intent to increase
1442 the ad valorem tax assessment or fees. The notice shall be
1443 published either in a newspaper published or having general
1444 circulation in the county or by a link to such notice posted on
1445 the county's website or, if the county does not have a website,
1446 its social media webpage to remain available to the public for no
1447 less than three (3) consecutive weeks before the adoption of the
1448 order. Print notice shall be published for no less than three (3)
1449 consecutive weeks before the adoption of the order. If printed in
1450 a newspaper, the notice shall be in print no less than the size of
1451 eighteen (18) point and shall be surrounded by a one-fourth (1/4)
1452 inch black border. The notice shall not be placed in the legal
1453 section notice of the newspaper. There shall be no language in
1454 the notice stating or implying a mandate from the Legislature.

1455 (b) In addition to the requirement for publication of
1456 notice, the board of supervisors shall notify each person
1457 furnished garbage or rubbish collection or disposal service of any
1458 increase in the ad valorem tax assessment or fees. In the case of
1459 an increase of the ad valorem tax assessment, a notice shall be
1460 conspicuously placed on or attached to the first ad valorem tax
1461 bill on which the increased assessment is effective. In the case
1462 of an increase in fees, a notice shall be conspicuously placed on
1463 or attached to the first bill for fees on which the increased fees
1464 or charges are assessed. There shall be no language in any notice
1465 stating or implying a mandate from the Legislature.



1466 (4) The board of supervisors of each county shall adopt an
1467 order determining whether or not to grant exemptions, either full
1468 or partial, from the fees for certain classes of generators of
1469 garbage or rubbish. If a board of supervisors grants any
1470 exemption, it shall do so in accordance with policies and
1471 procedures, duly adopted and entered on its minutes, that clearly
1472 define those classes of generators to whom the exemptions are
1473 applicable. The order granting exemptions shall be interpreted
1474 consistently by the board when determining whether to grant or
1475 withhold requested exemptions.

1476 (5) (a) The board of supervisors in any county with a
1477 garbage or rubbish collection or disposal system only for
1478 residents in unincorporated areas may adopt an order authorizing
1479 any single family generator to elect not to use the county garbage
1480 or rubbish collection or disposal system. If the board of
1481 supervisors adopts an order, the head of any single family
1482 residential generator may elect not to use the county garbage or
1483 rubbish collection or disposal service by filing with the chancery
1484 clerk the form provided for in this subsection before December 1
1485 of each year. The board of supervisors shall develop a form that
1486 shall be available in the office of the chancery clerk for the
1487 head of household to elect not to use the service and to accept
1488 full responsibility for the disposal of his garbage or rubbish in
1489 accordance with state and federal laws and regulations. The board
1490 of supervisors, following consultation with the Department of



1491 Environmental Quality, shall develop and the chancery clerk shall
1492 provide a form to each person electing not to use the service
1493 describing penalties under state and federal law and regulations
1494 for improper or unauthorized management of garbage. Notice that
1495 the election may be made not to use the county service by filing
1496 the form with the chancery clerk's office shall be published
1497 either in a newspaper published or having general circulation in
1498 the county or by a link to such notice posted on the county's
1499 website or, if the county does not have a website, its official
1500 social media webpage to be made available to the public for the
1501 duration of no less than three (3) consecutive weeks. Print
1502 publication shall be made for no less than three (3) consecutive
1503 weeks, with the first publication being made no sooner than five
1504 (5) weeks before the first day of December. The notice shall
1505 state that any single family residential generator may elect not
1506 to use the county garbage or rubbish collection or disposal
1507 service by the completion and filing of the form for that purpose
1508 with the chancery clerk's office before December 1 of that year.
1509 The notice shall also include a statement that any single family
1510 residential generator who does not timely file the form shall be
1511 assessed any fees levied to cover the cost of the county garbage
1512 or rubbish collection or disposal service. The chancery clerk
1513 shall maintain a list showing the name and address of each person
1514 who has filed a notice of intent not to use the county garbage or
1515 rubbish collection or disposal service.



1516 (b) If the homestead property of a person lies
1517 partially within the unincorporated service area of a county and
1518 partially within the incorporated service area of a municipality
1519 and both the municipality and the county provide garbage
1520 collection and disposal service to that person, then the person
1521 may elect to use either garbage collection and disposal service.
1522 The person shall notify the clerk of the governing authority of
1523 the local government whose garbage collection and disposal service
1524 he or she elects not to use of his or her decision not to use such
1525 services by certified mail, return receipt requested. The person
1526 shall not be liable for any fees or charges from the service he or
1527 she elects not to use.

1528 (6) The board may borrow money for the purposes of defraying
1529 the expenses of the system in anticipation of:

1530 (a) The tax levy authorized under this section;

1531 (b) Revenues resulting from the assessment of any fees
1532 for garbage or rubbish collection or disposal; or

1533 (c) Any combination thereof.

1534 (7) In addition to the fees or ad valorem millage authorized
1535 under this section, a board of supervisors may use monies from any
1536 special funds of the county that are not otherwise required by law
1537 to be dedicated for use for a particular purpose in order to
1538 defray the costs of the county garbage or rubbish collection or
1539 disposal system.



1540 **SECTION 26.** Section 19-5-23, Mississippi Code of 1972, is
1541 amended as follows:

1542 19-5-23. The tax levy authorized by Section 19-5-21 shall
1543 not be imposed until the board of supervisors shall have published
1544 notice of its intention to levy same. Said notice shall be
1545 published * * * either in some newspaper having a general
1546 circulation in such county or by a link to such resolution posted
1547 on the county's website or, if the county does not have a website,
1548 its official social media webpage to remain available to the
1549 public for three (3) consecutive weeks. Print publication should
1550 occur once each week for three (3) consecutive weeks, but not less
1551 than twenty-one (21) days, nor more than sixty (60) days,
1552 intervening between the time of the first notice and the meeting
1553 at which said board proposes to levy such tax. If, within the
1554 time of giving notice, twenty percent (20%) or fifteen hundred
1555 (1500), whichever is less, of the qualified electors of the
1556 district affected shall protest or file a petition against the
1557 levy of such tax, then such tax shall not be levied unless
1558 authorized by a majority of the qualified electors of such
1559 district voting at an election to be called and held for that
1560 purpose. The notice provided for herein shall only be required
1561 prior to the initial levy except when the board of supervisors
1562 intends to increase the levy over the amount shown in the initial
1563 notice.



1564 **SECTION 27.** Section 19-5-81, Mississippi Code of 1972, is
1565 amended as follows:

1566 19-5-81. Before issuing the bonds, notes or loan warrants,
1567 authorized by Section 19-5-79 the board of supervisors shall
1568 publish notice of its intention to borrow such funds and to issue
1569 loan warrants, notes or bonds, and the clerk of said board shall
1570 publish a copy of such order either in three (3) weekly issues of
1571 some newspaper having a general circulation in the county * * * or
1572 by a link to such order posted on the county's website or, if the
1573 county does not have a website, its official social media webpage
1574 to remain available to the public for the duration of three (3)
1575 weeks. If, within twenty-one (21) days after the first
1576 publication of a copy of such order, twenty percent (20%) of the
1577 qualified electors of the county petition the board of supervisors
1578 for an election to determine whether or not the adoption of such
1579 order should be annulled, such election shall be ordered by said
1580 board of supervisors in which the qualified electors of the county
1581 shall be eligible to participate. If at such election a majority
1582 of those voting vote in favor of the adoption of such order the
1583 same shall be valid and effective, but if a majority shall vote
1584 against such order, it shall be annulled and shall be ineffective.
1585 Such election shall be held and conducted and the returns thereof
1586 made as provided by law for other county elections. If no such
1587 petition be presented within twenty-one (21) days after the first
1588 publication of a copy of such order, the order shall be valid and



effective and said board may thereupon proceed to issue said loan warrants hereunder without an election on the question of the issuance thereof.

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

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

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

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

(c) Incur costs and pay necessary expenses for:

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

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

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

(2) The work performed and the expenses incurred under subsection (1) of this section may take place on public or private



1614 property. However, if the work is to be performed or the expenses
1615 to be incurred will take place on private property, the board of
1616 supervisors must:

1617 (a) Make a finding, as evidenced by entry upon its
1618 minutes, that such work and/or expenses are necessary in order to
1619 promote the public health, safety and welfare of the citizens of
1620 the county;

1621 (b) Give notice, in writing, to all owners of property
1622 that will be affected by the work for such period of time as is
1623 reasonable to allow such owners to express any objections;

1624 (c) Not receive written objection to the work by any
1625 owners of property that will be affected by the work within the
1626 period of time allowed to express objections; and

1627 (d) Unless otherwise agreed, in writing, by the county
1628 and the landowner, construct or install a culvert or bridge, at
1629 the county's expense, at an appropriate location or locations to
1630 provide the landowner ingress and egress to all of the property to
1631 which the landowner had access immediately before performance of
1632 the work by the county.

1633 (3) The county shall reimburse landowners for all damages or
1634 injury resulting from work performed by the county under this
1635 section.

1636 (4) The provisions of this section do not impose any
1637 obligation or duty upon a county to perform any work or to incur
1638 any expenditures not otherwise required by law to be performed or



1639 incurred by a county, nor do the provisions of this section create
1640 any rights or benefits for the owner of any public or private
1641 property in addition to any rights or benefits as may be otherwise
1642 provided by law.

1643 (5) No additional taxes may be imposed for the work
1644 authorized under subsection (1) of this section until the board of
1645 supervisors adopts a resolution declaring its intention to levy
1646 the taxes and establishing the amount of the tax levies and the
1647 date on which the taxes initially will be levied and collected.
1648 This date shall be the first day of the month, but not earlier
1649 than the first day of the second month, from the date of adoption
1650 of the resolution. Notice of the proposed tax levy must be
1651 published * * * either in a newspaper having a general circulation
1652 in the county once each week for at least three (3) consecutive
1653 weeks or by a link to such notice posted on the county's website
1654 or, if the county does not have a website, its official social
1655 media webpage to remain available to the public for the duration
1656 of at least three (3) consecutive weeks. The first publication of
1657 the notice shall be made not less than twenty-one (21) days before
1658 the date fixed in the resolution on which the board of supervisors
1659 proposes to levy the taxes, and the last publication of the notice
1660 shall be made not more than seven (7) days before that date. If,
1661 within the time of giving notice, fifteen percent (15%) or two
1662 thousand five hundred (2,500), whichever is less, of the qualified
1663 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 29. Section 19-5-155, Mississippi Code of 1972, is amended as follows:

19-5-155. Upon the filing of such petition, or upon the adoption of a resolution declaring the intent of the board of supervisors to incorporate such district, it shall then be the duty of the board of supervisors of such county to fix a time and place for a public hearing upon the question of the public convenience and necessity of the incorporation of the proposed district. The date fixed for such hearing shall be not more than thirty (30) days after the filing of the petition, and the date of 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 shall be published in a newspaper once a week for at least three (3) consecutive weeks prior to the date of such hearing, and an 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



1689 than twenty-one (21) days prior to the date of such hearing and
1690 the last such publication shall be made not more than fourteen
1691 (14) days prior to the date of such hearing.

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

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

1707 19-5-157. A certified copy of the resolution so adopted
1708 shall be published either in a newspaper having a general
1709 circulation within such proposed district or by a link to such
1710 resolution posted on the county's website or, if the county does
1711 not have a website, its official social media page. Print
1712 publication shall be made once a week for at least three (3)
1713 consecutive weeks prior to the date specified in such resolution



1714 as the date upon which such board intends to create such district.
1715 The first such publication shall be made not less than twenty-one
1716 (21) days prior to the date specified, and the last such
1717 publication shall be made not more than fourteen (14) days prior
1718 to such date. Online publication shall remain on the county's
1719 website or official social media page for the duration of the
1720 three-week period prior to the date specified in such resolution
1721 as the date upon which such board intends to create such district.

1722 If twenty percent (20%) or one hundred fifty (150), whichever
1723 is the lesser, of the qualified electors of such proposed district
1724 file written petition with such board of supervisors on or before
1725 the date specified aforesaid, protesting against the creation of
1726 such district, the board of supervisors shall call an election on
1727 the question of the creation of such district. Such election
1728 shall be held and conducted by the election commissioners of the
1729 county as nearly as may be in accordance with the general laws
1730 governing elections, and such election commissioners shall
1731 determine which of the qualified electors of such county reside
1732 within the proposed district, and only such qualified electors as
1733 reside within such proposed district shall be entitled to vote in
1734 such election. Notice of such election setting forth the time,
1735 place or places, and purpose of such election shall be published
1736 by the clerk of the board of supervisors, and such notice shall be
1737 published for the time and the manner provided in Section 19-5-155
1738 for the publication of the resolution of intention. The ballots



1739 to be prepared for and used at said election shall be in
1740 substantially the following form:

1741 "FOR CREATION OF _____ DISTRICT ()
1742 AGAINST CREATION OF _____ DISTRICT ()"

1743 and voters shall vote by placing a cross mark (x) or check mark
1744 (✓) opposite their choice.

1745 **SECTION 31.** Section 19-5-189, Mississippi Code of 1972, is
1746 amended as follows:

1747 19-5-189. (1) (a) Except as otherwise provided in
1748 subsection (2) of this section for levies for fire protection
1749 purposes and subsection (3) of this section for certain districts
1750 providing water service, the board of supervisors of the county in
1751 which any such district exists may, according to the terms of the
1752 resolution, levy a special tax, not to exceed four (4) mills
1753 annually, on all of the taxable real property in such district,
1754 the avails of which shall be paid over to the board of
1755 commissioners of the district to be used either for the operation,
1756 support and maintenance of the district or for the retirement of
1757 any bonds issued by the district, or for both.

1758 (b) The proceeds derived from two (2) mills of the levy
1759 authorized herein shall be included in the ten percent (10%)
1760 increase limitation under Section 27-39-321, and the proceeds
1761 derived from any additional millage levied under this subsection
1762 in excess of two (2) mills shall be excluded from such limitation



1763 for the first year of such additional levy and shall be included
1764 within such limitation in any year thereafter.

1765 (2) (a) In respect to fire protection purposes, the board
1766 of supervisors of the county in which any such district exists on
1767 July 1, 1987, may levy a special tax annually, not to exceed the
1768 tax levied for such purposes for the 1987 fiscal year on all of
1769 the taxable real property in such district, the avails of which
1770 shall be paid over to the board of commissioners of the district
1771 to be used either for the operation, support and maintenance of
1772 the fire protection district or for the retirement of any bonds
1773 issued by the district for fire protection purposes, or for both.
1774 Any such district for which no taxes have been levied for the 1987
1775 fiscal year may be treated as having been created after July 1,
1776 1987, for the purposes of this subsection.

1777 (b) In respect to fire protection purposes, the board
1778 of supervisors of the county in which any such district is created
1779 after July 1, 1987, may, according to the terms of the resolution
1780 of intent to incorporate the district, levy a special tax not to
1781 exceed two (2) mills annually on all of the taxable real property
1782 in such district, the avails of which shall be paid over to the
1783 board of commissioners of the district to be used either for the
1784 operation, support and maintenance of the fire protection district
1785 or for the retirement of any bonds issued by the district for fire
1786 protection purposes, or for both; however, the board of



supervisors may increase the tax levy under this subsection as provided for in paragraph (c) of this subsection.

(c) The tax levy under this subsection may be increased only when the board of supervisors has determined the need for additional revenues. Prior to levying a tax increase under this paragraph, the board of supervisors shall adopt a resolution declaring its intention to levy the tax. The resolution shall describe the amount of the increase in the tax levy and the purposes for which the proceeds of the additional tax will be used. The board of supervisors shall have a copy of the resolution published once a week for three (3) consecutive weeks either in at least one (1) newspaper published in the county and having a general circulation therein 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 three (3) consecutive weeks. If no newspaper is published in the county and no such website or official social media page exists, then notice shall be given by publishing the resolution for the required time in some newspaper having a general circulation in the county. A copy of the resolution shall also be posted at three (3) public places in the county for a period of at least twenty-one (21) days during the time of its publication in a newspaper. If more than twenty percent (20%) of the qualified electors of the district shall file with the clerk of the board of supervisors, within twenty-one (21)



1812 days after adoption of the resolution of intent to increase the
1813 tax levy, a petition requesting an election on the question of the
1814 increase in tax levy, then and in that event such increase shall
1815 not be made unless authorized by a majority of the votes cast at
1816 an election to be called and held for that purpose within the
1817 district. Notice of such election shall be given, the election
1818 shall be held and the result thereof determined, as far as is
1819 practicable, in the same manner as other elections are held in the
1820 county. If an election results in favor of the increase in the
1821 tax levy or if no election is required, the board of supervisors
1822 may increase the tax levy. The board of supervisors, in its
1823 discretion, may call an election on such question, in which event
1824 it shall not be necessary to publish the resolution declaring its
1825 intention to have the tax imposed.

1826 (d) Notwithstanding any provisions of this subsection
1827 to the contrary, in any county bordering on the Gulf of Mexico and
1828 the State of Louisiana, the board of supervisors may levy not to
1829 exceed four (4) mills annually on all the taxable real property
1830 within any fire protection district, the avails of which shall be
1831 paid over to the board of commissioners of the district to be used
1832 either for the operation, support and maintenance of the fire
1833 protection district or for the retirement of any bonds issued by
1834 the district for fire protection purposes, or for both. Prior to
1835 levying the tax under this paragraph, the board of supervisors
1836 shall adopt a resolution declaring its intention to levy the tax.



1837 The resolution shall describe the amount of the tax levy and the
1838 purposes for which the proceeds of the tax will be used. The
1839 board of supervisors shall have a copy of the resolution
1840 published * * * either in at least one (1) newspaper published in
1841 the county and having a general circulation therein once a week
1842 for three (3) consecutive weeks or by a link to such resolution
1843 posted on the county's website or, if the county does not have a
1844 website, its official social media webpage, to remain available to
1845 the public for the duration of three (3) consecutive weeks. If no
1846 newspaper is published in the county and no such website or
1847 official social media page exists, then notice shall be given by
1848 publishing the resolution for the required time in some newspaper
1849 having a general circulation in the county. A copy of the
1850 resolution shall also be posted at three (3) public places in the
1851 county for a period of at least twenty-one (21) days during the
1852 time of its publication in a newspaper. If more than twenty
1853 percent (20%) of the qualified electors of the district shall file
1854 with the clerk of the board of supervisors, within twenty-one (21)
1855 days after adoption of the resolution of intent to levy the tax, a
1856 petition requesting an election on the question of the levy of
1857 such tax, then and in that event such tax levy shall not be made
1858 unless authorized by a majority of the votes cast at an election
1859 to be called and held for that purpose within the district.
1860 Notice of such election shall be given, the election shall be held
1861 and the result thereof determined, as far as is practicable, in



1862 the same manner as other elections are held in the county. If an
1863 election results in favor of the tax levy or if no election is
1864 required, the board of supervisors may levy such tax. The board
1865 of supervisors, in its discretion, may call an election on such
1866 question, in which event it shall not be necessary to publish the
1867 resolution declaring its intention to have the tax imposed.

1868 (e) Notwithstanding any provisions of this subsection
1869 to the contrary, in any county bordering on the Mississippi River
1870 in which legal gaming is conducted and in which U.S. Highway 61
1871 intersects with Highway 4, the board of supervisors may levy a
1872 special tax not to exceed five (5) mills annually on all the
1873 taxable real and personal property within any fire protection
1874 district, except for utilities as defined in Section 77-3-3(d)(i)
1875 and (iii), the avails of which shall be paid over to the board of
1876 commissioners of the district to be used either for the operation,
1877 support and maintenance of the fire protection district or for the
1878 retirement of any bonds issued by the district for fire protection
1879 purposes, or for both. Before levying the tax under this
1880 paragraph, the board of supervisors shall adopt a resolution
1881 declaring its intention to levy the tax. The resolution shall
1882 describe the amount of the tax levy and the purposes for which the
1883 proceeds of the tax will be used. The board of supervisors shall
1884 have a copy of the resolution published * * * either in at least
1885 one (1) newspaper published in the county and having a general
1886 circulation therein once a week for three (3) consecutive weeks or



1887 by a link to such resolution posted on the county's website or, if
1888 the county does not have a website, its official social media
1889 webpage, to remain available to the public for the duration of
1890 three (3) consecutive weeks. If no newspaper is published in the
1891 county and no such website or official social media page exists,
1892 then notice shall be given by publishing the resolution for the
1893 required time in some newspaper having general circulation in the
1894 county. A copy of the resolution shall also be posted at three
1895 (3) public places in the county for a period of at least
1896 twenty-one (21) days during the time of its publication in a
1897 newspaper. If more than twenty percent (20%) of the qualified
1898 electors of the district shall file with the clerk of the board of
1899 supervisors, within twenty-one (21) days after adoption of the
1900 resolution of intent to levy the tax, a petition requesting an
1901 election of the questions of the levy of such tax, then and in
1902 that event such tax levy shall not be made unless authorized by a
1903 majority of the votes cast at an election to be called and held
1904 for that purpose within the district. Notice of such election
1905 shall be given, the election shall be held and the result thereof
1906 determined, as far as is practicable, in the same manner as other
1907 elections are held in the county. If an election results in favor
1908 of the tax levy or if no election is required, the board of
1909 supervisors may levy such tax. The board of supervisors, in its
1910 discretion, may call an election on such question, in which event



it shall not be necessary to publish the resolution declaring its intention to have the tax imposed.

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

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

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

19-5-199. All construction contracts by the district where the amount of the contract shall exceed Ten Thousand Dollars (\$10,000.00) shall, and construction contracts of less than Ten Thousand Dollars (\$10,000.00) may, be made upon at least three (3) weeks' public notice. Such notice shall be either published * * * in at least one (1) newspaper published in such county or having general circulation therein once a week for at least three (3) consecutive weeks 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 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 in such notice for the receipt of bids, and the last publication shall be made not more than seven (7) days prior to such date. The notice shall state the



1936 thing to be done and invite sealed proposals, to be filed with the
1937 secretary of the district, to do the work. In all such cases,
1938 before the notice shall be published, plans and specifications for
1939 the work shall be prepared by a registered professional engineer
1940 and shall be filed with the secretary of the district and there
1941 remain. The board of commissioners of the district shall award
1942 the contract to the lowest responsible bidder who will comply with
1943 the terms imposed by such commissioners and enter into bond with
1944 sufficient sureties to be approved by the commissioners in such
1945 penalty as shall be fixed by the commissioners; however, in no
1946 case shall such bond be less than the contract price, conditioned
1947 for the prompt, proper efficient performance of the contract.
1948 Contracts of less than Ten Thousand Dollars (\$10,000.00) may be
1949 negotiated; however, the board of commissioners shall invite and
1950 receive written proposals for the work from at least three (3)
1951 contractors regularly engaged in the type of work involved.

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

1954 19-5-207. Within ninety (90) days after the close of each
1955 fiscal year, the board of commissioners shall publish * * * a
1956 sworn statement showing the financial condition of the district,
1957 the earnings for the fiscal year just ended, a statement of the
1958 water and sewer rates being charged * * * and a brief statement of
1959 the method used in arriving at such rates. Publication of such
1960 statement shall be made either in a newspaper of general



1961 circulation in the county or by a link to such statement posted on
1962 the county's website or, if the county does not have a website,
1963 its official social media page. Such statement shall also be
1964 filed with the board of supervisors creating the district.

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

1967 19-5-219. Upon the filing of such petition, or upon the
1968 adoption of a resolution declaring the intent of the board of
1969 supervisors to incorporate such district, it shall then be the
1970 duty of the board of supervisors of such county to fix a time and
1971 place for a public hearing upon the question of the public
1972 convenience and necessity of the incorporation of the proposed
1973 district solely for fire protection grading purposes. The date
1974 fixed for such hearing shall be not more than thirty (30) days
1975 after the filing of the petition, and the date of the hearing, the
1976 place at which it shall be held, the proposed boundaries of the
1977 district and the purpose of the hearing shall be set forth in a
1978 notice to be signed by the clerk of the board of supervisors of
1979 such county. Such notice shall be published either in a newspaper
1980 having general circulation within such proposed district once a
1981 week for at least three (3) consecutive weeks before the date of
1982 such hearing or by a link to such notice posted on the county's
1983 website or, if the county does not have a website, its official
1984 social media webpage to remain available to the public for the
1985 duration of at least three (3) consecutive weeks. The first such



1986 publication shall be made not less than twenty-one (21) days
1987 before the date of such hearing and the last such publication
1988 shall be made not more than fourteen (14) days before the date of
1989 such hearing.

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

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

2002 19-5-221. A certified copy of the resolution so adopted
2003 shall be published either in a newspaper having a general
2004 circulation within such proposed district or by a link to such
2005 resolution posted on the county's website or, if the county does
2006 not have a website, its official social media webpage. Print
2007 publication shall be made once a week for at least three (3)
2008 consecutive weeks before the date specified in the resolution as
2009 the date upon which the board intends to create such district.
2010 The first such publication shall be made not less than twenty-one



(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 page 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 36. Section 19-7-3, Mississippi Code of 1972, is amended as follows:

19-7-3. (1) In case any of the real estate belonging to the county shall cease to be used for county purposes, the board of supervisors may sell, convey or lease the same on such terms as the board may elect and may, in addition, exchange the same for real estate belonging to any other political subdivision located within the county. In case of a sale on a credit, the county shall have a lien on the same for the purchase money, as against all persons, until paid and may enforce the lien as in such cases provided by law. The deed of conveyance in such cases shall be



executed in the name of the county by the president of the board of supervisors, pursuant to an order of the board entered on its minutes.

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

(b) The board of supervisors of any county may contract for the professional services of a Mississippi-licensed real



2061 estate broker to assist in the marketing and sale or lease of the
2062 property for a reasonable commission, consistent with or lower
2063 than the market rate, for services rendered to be paid from the
2064 sale or lease proceeds.

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

2079 (b) If the holder of the existing lease elects to
2080 submit a second bid, the board shall hold an auction among those
2081 who submitted bids in response to the advertisement. The opening
2082 bid at the auction shall be the second bid of the holder of the
2083 existing lease. However, no leaseholder may submit a second bid
2084 if: (i) any rent, taxes or other payment required under the lease
2085 are past due; or (ii) the holder of the lease is otherwise in



2086 default of any term or provision of the lease and such default has
2087 not been corrected or cured to the satisfaction of the board after
2088 more than thirty (30) days' notice to the leaseholder of the
2089 default.

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

2095 (4) Whenever the board of supervisors shall find and
2096 determine, by resolution duly and lawfully adopted and spread upon
2097 its minutes (a) that any county-owned property is no longer needed
2098 for county or related purposes and is not to be used in the
2099 operation of the county, (b) that the sale of the property in the
2100 manner otherwise provided by law is not necessary or desirable for
2101 the financial welfare of the county, and (c) that the use of the
2102 county property for the purpose for which it is to be sold,
2103 conveyed or leased will promote and foster the development and
2104 improvement of the community in which it is located and the civic,
2105 social, educational, cultural, moral, economic or industrial
2106 welfare thereof, the board of supervisors of such county shall be
2107 authorized and empowered, in its discretion, to sell, convey,
2108 lease, or otherwise dispose of same for any of the purposes set
2109 forth herein.



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

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

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

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

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

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



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

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

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

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

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

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



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

2163 Such lease or leases may be made only after legal
2164 advertisement for bids therefor have been published either once a
2165 week for three (3) consecutive weeks in some newspaper having a
2166 general circulation in the county or by a link to such
2167 advertisement posted on the county's website or, if the county
2168 does not have a website, its official social media page, to remain
2169 available to the public for the duration of three (3) consecutive
2170 weeks. It shall be necessary to describe the property in the
2171 advertisement by its popular name and by giving a definite legal
2172 description by metes and bounds. Said lease, with the legal
2173 description of the property set out therein, shall be executed to
2174 the highest and best bidder therefore on all the tract involved
2175 and shall contain a provision therein that no part of the property
2176 involved in said lease shall be dropped during the lifetime of
2177 said lease, which shall not be for a longer period than ten (10)
2178 years, unless production in commercial quantities results, and
2179 that if the delay rentals are not paid on all the property then
2180 said lease in its entirety shall become null and void. No lease
2181 shall become effective after its acceptance by the board of
2182 supervisors until the same shall have the written approval of the



2183 State Mineral Lease Commission and the Mississippi Board of Park
2184 Examiners affixed thereto.

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

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

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

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



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

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

19-9-11. Before issuing any bonds for any of the purposes enumerated in Sections 19-9-1 * * * and 19-9-3, the board of supervisors shall adopt a resolution declaring its intention so to do, stating the amount of bonds proposed to be issued and the purpose for which the bonds are to be issued, and the date upon which the board proposes to direct the issuance of such bonds. Such resolution shall be published * * * either in at least one (1) newspaper published in such county once a week for at least three (3) consecutive weeks 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 at least three (3) consecutive weeks. The first publication of such resolution shall be made not less than twenty-one (21) days prior to the date fixed in such resolution for the issuance of the bonds, and the last publication shall be made not more than seven (7) days prior to such date. If no newspaper be published in such county and no such website or official social media page exists, then such notice shall be given by publishing the resolution for the required time in some newspaper having a general circulation in such county and, in



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

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

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



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

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

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



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

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



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

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

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

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



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

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

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

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

2349 19-9-114. The board of supervisors of any county bordering
2350 on the Gulf of Mexico having a population according to the 1970
2351 census of one hundred thirty-four thousand five hundred eighty-two
2352 (134,582) persons, and having two (2) cities located therein each
2353 having a population of over thirty thousand (30,000) persons
2354 according to the 1970 census, and in which is located a deep water
2355 port of entry and two (2) military establishments located therein,



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

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



2381 **SECTION 43.** Section 19-11-7, Mississippi Code of 1972, is
2382 amended as follows:

2383 **[With regard to any county which is exempt from the**
2384 **provisions of Section 19-2-3, this section shall read as follows:]**

2385 19-11-7. (1) The board of supervisors of each county of the
2386 State of Mississippi shall, at its August meeting of each year,
2387 prepare a complete budget of revenues, expenses and a working cash
2388 balance estimated for the next fiscal year, which shall be based
2389 on the aggregate funds estimated to be available for the ensuing
2390 fiscal year for each fund, from which such estimated expenses will
2391 be paid, exclusive of school maintenance funds, which shall be
2392 shown separately. Such statement of revenues shall show every
2393 source of revenue along with the amount derived from each source.
2394 The budget containing such statement of revenues and expenses
2395 shall be published * * * either in a newspaper published in the
2396 county * * * at least one (1) time during August or September, but
2397 not later than September 30 of the year, or by a link to such
2398 budget containing statement of revenues and expenses posted on the
2399 county's website or, if the county does not have a website, its
2400 official social media webpage to remain available to the public
2401 for the duration of either August or September, according to the
2402 month it is initially posted. If no newspaper is published
2403 therein and no such website exists, then publication is proper in
2404 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 supervisors at its August meeting of each year 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 and exclusive of the budget of the sheriff's department which shall be prepared by the sheriff. Such statement of revenues shall show every source of revenue along with the amount derived from each source. The budget, including the sheriff's 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 on the county's website or, if the county does not have a website, its official social media webpage to



2430 remain available to the public for the duration of either August
2431 or September, according to the month it is initially posted. If
2432 no such newspaper is published therein and no such website or
2433 official social media page exists, then publication is proper in a
2434 newspaper having a general circulation therein.

2435 (2) The county administrator shall not prepare a budget that
2436 reduces the county budget by more than twenty percent (20%) in the
2437 last year of the members' term of office if a majority of the
2438 members of the board are not reelected.

2439 **SECTION 44.** Section 19-13-53, Mississippi Code of 1972, is
2440 amended as follows:

2441 19-13-53. A claim under Section 19-13-51 for accidents
2442 occurring shall be made in writing, itemized and sworn to, and
2443 shall be filed within three (3) months after such accident occurs,
2444 and shall remain on file with the clerk of the board of
2445 supervisors for sixty (60) days before the first day of the term
2446 at which it comes up for hearing. Notice of its pendency shall be
2447 published in a newspaper published either in the county at least
2448 one (1) time before such claim comes up for hearing * * * or by a
2449 link to such notice posted on the county's website or, if the
2450 county does not have a website, its official social media webpage.
2451 If there be no paper in such county and no such website or
2452 official social medial page, publication is proper by posting
2453 notices at the courthouse and other public places.



2454 **SECTION 45.** Section 19-15-3, Mississippi Code of 1972, is
2455 amended as follows:

2456 19-15-3. Whenever any county records, documents, files or
2457 papers whatsoever are required by law to be preserved and
2458 retained, or which are necessary or desirable to be preserved or
2459 retained, the board of supervisors of the county shall have the
2460 power and authority, in its discretion, to destroy or dispose of
2461 any records, documents, files or papers after having reproductions
2462 made thereof as hereinafter provided and in accordance with a
2463 records control schedule approved by the Local Government Records
2464 Committee as provided in Section 25-60-1.

2465 Whenever the board of supervisors of any county shall desire
2466 to destroy or dispose of any records, documents, files or papers,
2467 the board shall first cause the same to be reproduced under
2468 standards established by the Department of Archives and History
2469 using microfilm, microfiche, data processing, computers, magnetic
2470 tape, optical discs or other medium. If the county where records
2471 and the like are to be destroyed or disposed of does not have or
2472 own the necessary equipment to reproduce same, the board of
2473 supervisors shall be authorized and empowered to enter into a
2474 contract for the reproduction thereof, which contract may be for a
2475 period of not more than twelve (12) months from the date thereof.
2476 The contract shall be awarded to the lowest and best bidder after
2477 the board of supervisors shall have advertised its intentions of
2478 awarding such contract by publication of a notice thereof * * *



2479 either in some newspaper published or having a general circulation
2480 in such county once each week for at least three (3) consecutive
2481 weeks or by a link to such notice posted on the county's website
2482 or, if the county does not have a website, its official social
2483 media webpage to remain available to the public for the duration
2484 of the three-week period.

2485 After reproduction of the records and the like shall have
2486 been made, the board of supervisors shall have the power and
2487 authority to destroy and dispose of the originals thereof after
2488 spreading upon its minutes certification that the reproductions
2489 are true and correct copies and disposal is in accordance with a
2490 records control schedule approved by the Local Government Records
2491 Committee as provided in Section 25-60-1; the reproductions shall
2492 thereafter be preserved, retained and stored by the board of
2493 supervisors as a record of the county, and provision shall be made
2494 for preserving, examining and using them. Any reproductions or
2495 copy of any original record or other documents shall be deemed to
2496 be the original record for all purposes and shall be admissible as
2497 evidence in all courts or administrative agencies. A facsimile,
2498 exemplification or certified copy thereof shall, for all purposes
2499 set forth herein, be deemed to be a transcript, exemplification or
2500 certified copy of the original record.

2501 The board of supervisors of any county is hereby authorized
2502 to pay all expenses incurred in reproducing records and the like



2503 and in making provision for the preservation, retention and
2504 storage of the reproductions from the general fund of the county.

2505 When any of the records and the like of which reproductions
2506 are made under the provisions of this section are declared by law
2507 or are by their nature confidential and privileged records, then
2508 the reproduction thereof shall likewise be deemed to be
2509 confidential and privileged to the same extent as the original
2510 records and the like.

2511 Nothing herein shall be construed to require the keeping and
2512 preservation of any records and documents which are not required
2513 by law or a records control schedule to be kept and preserved, or
2514 which it is not desirable or necessary to keep and preserve, and
2515 in all cases where records and the like are authorized by law to
2516 be destroyed or disposed of, they may be disposed of as authorized
2517 by a records control schedule approved by the Local Government
2518 Records Committee as provided in Section 25-60-1.

2519 **SECTION 46.** Section 19-23-5, Mississippi Code of 1972, is
2520 amended as follows:

2521 19-23-5. The board of supervisors of any county where the
2522 county prosecuting attorney's office has been abolished may by its
2523 own motion entered upon the minutes, make an order to reestablish
2524 the said office of county prosecuting attorney in said county.
2525 Said order shall be published either in a newspaper published in
2526 said county and having a general circulation therein * * * or by a
2527 link to such order posted on the county's website or, if the



2528 county does not have a website, its official social media webpage.
2529 If there is no such newspaper, website or official social media
2530 page in said county, the said order shall be posted in three (3)
2531 public places of said county, and one (1) of the said places shall
2532 be the courthouse, for three (3) consecutive weeks next preceding,
2533 and if within that time twenty percent (20%) of the qualified
2534 electors of the county shall petition against re-creation of said
2535 office, then the said office shall not be re-created, unless an
2536 election shall have been ordered in the manner provided for in
2537 Section 19-23-3, and a majority of the qualified voters in said
2538 election vote to re-create said office. The said board shall not
2539 re-create said office unless two (2) years after the same has been
2540 abolished shall have passed. Should there be no petition against
2541 the re-creation of said office, the board of supervisors shall
2542 re-create said office of county prosecuting attorney.

2543 **SECTION 47.** Section 19-27-31, Mississippi Code of 1972, is
2544 amended as follows:

2545 19-27-31. If the owner of any land which shall have been
2546 laid off, mapped, or platted as a city, town or village, or
2547 addition thereto, or subdivision thereof, or other platted area,
2548 whether inside or outside a municipality, shall be desirous of
2549 altering or vacating such map or plat, or any part thereof, he
2550 may, under oath, petition the chancery court for relief in the
2551 premises, setting forth the particular circumstances of the case
2552 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 (1) 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 48. 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



2578 and facilities previously existed, but were abandoned after
2579 February 5, 1976, may, by resolution, create a public body
2580 corporate and politic, to be known as a county railroad authority,
2581 which shall be authorized to exercise its functions upon the
2582 appointment and qualifications of the first commissioners thereof.
2583 Upon the adoption of a resolution creating a county railroad
2584 authority, the board of supervisors of the county shall, pursuant
2585 to the resolution, appoint five (5) persons as commissioners of
2586 the authority. The commissioners who are first appointed shall be
2587 designated to serve the terms of one (1), two (2), three (3), four
2588 (4) and five (5) years respectively. Thereafter, each
2589 commissioner shall be appointed for a term of five (5) years,
2590 except that vacancies occurring otherwise than by the expiration
2591 of term shall be filled for the unexpired term in the same manner
2592 as the original appointments. A county shall not adopt a
2593 resolution authorized by this section without a public hearing
2594 thereon. Notice thereof shall be given * * * either in a
2595 newspaper published in the county * * * at least ten (10) days
2596 prior thereto or by a link to such notice posted on the county's
2597 website or, if the county does not have a website, its official
2598 social media webpage to remain available to the public for the
2599 duration of at least ten (10) days prior to the public hearing.
2600 If there is no newspaper published therein and no such website,
2601 then publication is proper in a newspaper having general
2602 circulation in the county.



2603 (2) Any county and a municipality within a county may create
2604 a railroad authority under this section by resolution adopted by
2605 the respective governing authorities. The authority shall be
2606 governed by five (5) commissioners. The board of supervisors
2607 shall appoint two (2) persons as commissioners of the authority.
2608 The governing authorities of the municipality shall appoint two
2609 (2) persons as commissioners of the authority. One (1)
2610 commissioner shall be appointed by the municipality and the county
2611 on a rotating basis with the municipality making the first
2612 appointment. The terms of the commissioners shall be the same as
2613 those provided in subsection (1) with the term designation to be
2614 determined by the majority vote of the governing authorities of
2615 the municipality and of the county. The municipality and the
2616 county may dissolve the authority by a majority vote of both
2617 governing authorities.

2618 **SECTION 49.** Section 19-29-9, Mississippi Code of 1972, is
2619 amended as follows:

2620 19-29-9. (1) Two (2) or more counties in which there are
2621 located railroad properties and facilities of a railroad, or in
2622 which such properties and facilities previously existed, but were
2623 abandoned after February 5, 1976, may, by resolution of each,
2624 create a public body, corporate and politic, to be known as a
2625 regional railroad authority which shall be authorized to exercise
2626 its functions upon the issuance by the Secretary of State of a
2627 certificate of incorporation. The board of supervisors of each



2628 county joining in such regional authority shall, pursuant to the
2629 resolution organizing such authority, appoint five (5) residents
2630 of the county as commissioners of the authority and, as soon
2631 thereafter as practicable, the governing authorities of any
2632 municipality in such county, through which such railroads run,
2633 shall appoint a commissioner of the authority.

2634 If the regional authority consists of an even number of
2635 commissioners, an additional commissioner shall be appointed by
2636 the Governor from within the geographic boundaries of the regional
2637 authority.

2638 (2) A regional railroad authority may be increased from time
2639 to time to serve one or more additional counties if each
2640 additional county and each of the counties then included in the
2641 regional authority and the commissioners of the regional
2642 authority, respectively, adopt a resolution consenting thereto.
2643 If a county railroad authority for any county seeking to be
2644 included in the regional authority is then in existence, the
2645 commissioners of the county authority shall consent to the
2646 inclusion of the county in the regional authority, and if the
2647 county authority has any bonds outstanding, unless fifty-one
2648 percent (51%) or more of the holders of the bonds consent, in
2649 writing, to the inclusion of the county in the regional authority,
2650 no such inclusion shall be effected. Upon the inclusion of any
2651 county in the regional authority, all rights, contracts,
2652 obligations and property, real and personal, of the county



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

(3) A regional railroad authority may be decreased if each of the counties then included in the regional authority and the commissioners of the regional authority consent to the decrease and make provision for the retention or disposition of its assets and liabilities; however, if the regional authority has any bonds outstanding, no decrease shall be effected unless seventy-five percent (75%) or more of the holders of the bonds consent thereto 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 or official social media page, 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



2678 (1), two (2), three (3), four (4) and five (5) years,
2679 respectively; thereafter, each such term shall be five (5) years.
2680 A vacancy occurring otherwise than by expiration of term shall be
2681 filled for the unexpired term in the same manner as the original
2682 appointments.

2683 (6) A regional railroad authority, in its discretion, by
2684 resolution duly adopted and entered upon its minutes, may appoint
2685 an executive committee from among its membership. The executive
2686 committee shall consist of such number and shall be appointed in
2687 such manner so as to fairly represent the counties and
2688 municipalities served by the regional authority. The members of
2689 the executive committee shall serve for such terms as designated
2690 by the regional authority and may be removed from the committee
2691 before expiration of their terms in accordance with such procedure
2692 as the regional authority may adopt. The executive committee,
2693 when so appointed, may be authorized by the regional authority to
2694 exercise such powers and perform such duties, with or without the
2695 prior approval of the regional authority, as the regional
2696 authority deems appropriate; however, the executive committee may
2697 not exercise any power or perform any duty that is inconsistent
2698 with or in excess of the powers and duties authorized to be
2699 performed under the provisions of this chapter by the
2700 commissioners of the regional authority.

2701 (7) A regional railroad authority may accept counties,
2702 municipalities and other political subdivisions of the state



2703 outside the jurisdiction of the regional authority to become
2704 associate members.

2705 **SECTION 50.** Section 19-29-18, Mississippi Code of 1972, is
2706 amended as follows:

2707 19-29-18. (1) The governing body of a county railroad
2708 authority or regional railroad authority, as the case may be, may
2709 file a petition with the board of supervisors of any county
2710 included in the railroad authority, specifying for each such
2711 county, the rate of the ad valorem tax, not to exceed two (2)
2712 mills, to be levied by such county on the taxable property
2713 therein, for acquisition and maintenance of railroad properties
2714 and facilities, and to defray operating expenses of the railroad
2715 authority and any other expenses authorized to be incurred by the
2716 railroad authority. Prior to levying the tax specified by the
2717 railroad authority, the board of supervisors of each such county
2718 shall publish notice of its intention to levy same. The notice
2719 shall be published * * * either in some newspaper having a general
2720 circulation in the county once each week for three (3) consecutive
2721 weeks or by a link to such notice posted on the county's website
2722 or, if the county does not have a website, its official social
2723 media webpage to remain available to the public for the duration
2724 of three (3) consecutive weeks. Said print notice shall be
2725 published once each week for three (3) consecutive weeks, but not
2726 less than twenty-one (21) days, nor more than sixty (60) days,
2727 intervening between the time of the first notice and the meeting



2728 at which said board proposes to levy the tax. If, within the time
2729 of giving notice, twenty percent (20%) or one thousand five
2730 hundred (1,500) of the qualified electors of the county, whichever
2731 is less, shall file a written protest against the levy of the tax,
2732 then the tax shall not be levied unless authorized by three-fifths
2733 (3/5) of the qualified electors of such county, voting at an
2734 election to be called and held for that purpose. If the tax levy
2735 fails to be authorized at an election held in a county included in
2736 the regional authority, then such tax levy shall not be made in
2737 any of the counties included in such regional authority.

2738 (2) The avails of the ad valorem tax levied under authority
2739 of this section shall be paid by the county board of supervisors
2740 to the governing body of the railroad authority to be used as
2741 herein authorized.

2742 (3) For any fiscal year after the initial levy of the tax,
2743 the board of supervisors levying same shall levy such tax at a
2744 millage rate which will produce an amount of revenue which
2745 approximates, but does not exceed, the amount of revenue produced
2746 from the levy for the preceding fiscal year. The county board of
2747 supervisors shall not increase the millage rate for the purposes
2748 authorized herein unless notice thereof is published and an
2749 election held, if required, in the manner set forth in subsection
2750 (1) of this section.

2751 (4) Each railroad authority shall be subject to examination
2752 by the State Auditor.



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

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

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

SECTION 51. 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 such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide. No bond shall bear more than one (1) rate of interest; each bond shall bear interest from its date to its stated maturity date at the interest rate specified in



2778 the bid; all bonds of the same maturity shall bear the same rate
2779 of interest from date to maturity; all interest accruing on such
2780 bonds so issued shall be payable semiannually or annually, except
2781 that the first interest coupon attached to any such bond may be
2782 for any period not exceeding one (1) year.

2783 No interest payment shall be evidenced by more than one (1)
2784 coupon and neither cancelled nor supplemental coupons shall be
2785 permitted; the lowest interest rate specified for any bonds issued
2786 shall not be less than seventy percent (70%) of the highest
2787 interest rate specified for the same bond issue.

2788 Each interest rate specified in any bid must be in multiples
2789 of one-eighth of one percent ($1/8$ of 1%) or in multiples of
2790 one-tenth of one percent ($1/10$ of 1%). The denomination, form and
2791 place or places of payment of such bonds shall be fixed in the
2792 resolution or ordinance of the governing authorities issuing such
2793 bonds. Such bonds shall be executed by the manual or facsimile
2794 signature of the chairman and secretary of such authority, with
2795 the seal of the authority affixed thereto. At least one (1)
2796 signature on each bond shall be a manual signature, as specified
2797 in the resolution. The coupons may bear only the facsimile
2798 signatures of such chairman and secretary. No bonds shall be
2799 issued and sold under the provisions of this chapter for less than
2800 par and accrued interest.

2801 The bonds may be sold at not less than par at public sale
2802 held after notice published * * * either in a newspaper having a



2803 general circulation in the area of operation once at least five
2804 (5) days prior to such sale or by a link to such notice posted on
2805 such area of operation's website or, if the area of operation does
2806 not have a website, its official social media page, to remain
2807 available to the public for the duration of at least five (5) days
2808 prior to such sale and in a financial newspaper published in the
2809 City of Jackson, Mississippi, or in the City of New York, New
2810 York. Such bonds may be sold at not less than par to the federal
2811 government at private sale without any public advertisement.

2812 In case any of the commissioners or officers of the authority
2813 whose signatures appear on any bonds or coupons shall cease to be
2814 such commissioners or officers before the delivery of such bonds,
2815 such signatures shall, nevertheless, be valid and sufficient for
2816 all purposes, the same as if such commissioners or officers had
2817 remained in office until such delivery. Any provision of any law
2818 to the contrary notwithstanding, any bonds issued pursuant to this
2819 chapter shall be fully negotiable.

2820 The determination of the authority, in the resolution
2821 authorizing the bonds, as to the classification of the railroad
2822 properties and facilities for which such bonds are authorized and
2823 as to the maximum period of usefulness shall be conclusive in any
2824 action or proceeding involving the validity of such bonds.

2825 **SECTION 52.** Section 19-31-7, Mississippi Code of 1972, is
2826 amended as follows:



2827 19-31-7. (1) The method for the establishment of a public
2828 improvement district shall be pursuant to an ordinance adopted by
2829 the governing body of each county in which the land is located
2830 granting a petition for the establishment of a public improvement
2831 district. The petition for the establishment of a public
2832 improvement district shall be filed by the petitioner with the
2833 governing body of the county or counties. The petition shall
2834 contain:

2835 (a) A description of the boundaries of the district;

2836 (b) The written consent to the establishment of the
2837 district by all landowners in the district;

2838 (c) A designation of five (5) persons to be the initial
2839 members of the board of directors, who shall serve in that office
2840 until replaced by elected members as provided in Section 19-31-9;

2841 (d) The proposed name of the district;

2842 (e) A map of the proposed district showing existing
2843 infrastructure, if any; and

2844 (f) Based upon available data, the proposed timetable
2845 for construction of the district services and the estimated cost
2846 of constructing the proposed services.

2847 (2) A public hearing on the petition shall be conducted by
2848 the governing body of each county of the proposed district within
2849 sixty (60) days after the petition is filed unless an extension of
2850 time is requested by the petitioners and granted by the governing
2851 body of each county. The hearing shall be held at an accessible



2852 location in each county in which the public improvement district
2853 is to be located. The petitioner shall cause a notice of the
2854 hearing to be published either in a newspaper having general
2855 circulation in each county at least once a week for the four (4)
2856 successive weeks immediately prior to the hearing or by a link to
2857 such notice posted on the county's website or, if the county does
2858 not have a website, its official social media page, for the
2859 duration of four (4) successive weeks immediately prior to the
2860 hearing. Such notice shall give the time and place for the
2861 hearing, a description of the area to be included in the district,
2862 and any other relevant information which the establishing
2863 governing bodies may require. The advertisement shall be
2864 published in the official minutes of the local governing body.

2865 (3) The governing body of each county shall consider the
2866 record of the public hearing and any other relevant factors in
2867 making its determination to grant or deny a petition for the
2868 establishment of a public improvement district.

2869 (4) An ordinance establishing a public improvement district
2870 shall include the boundaries of the district, the names of the
2871 five (5) persons designated to be the initial members of the board
2872 of directors of the district and the name of the district.

2873 (5) If all of the land in the area for the proposed district
2874 is within the territorial jurisdiction of a municipality, then the
2875 petition requesting establishment of a public improvement district
2876 under this chapter shall be filed by the petitioner with that



2877 particular municipality. In such event, the duties of the county
2878 with regard to the petition shall be the duties of the
2879 municipality. If any of the land area of a proposed district is
2880 within the land area of a municipality, the governing body of the
2881 county may not create the district without the approval of the
2882 municipality.

2883 (6) The governing body of any governmental agency, county
2884 and/or municipality may enter into contribution agreements with
2885 the district.

2886 **SECTION 53.** Section 19-31-9, Mississippi Code of 1972, is
2887 amended as follows:

2888 19-31-9. (1) The board of the district, or if necessary,
2889 the governing authorities of the municipality in which the
2890 district is contained, shall exercise the powers granted to the
2891 district pursuant to this chapter. The board shall consist of
2892 five (5) members as otherwise provided in this section. Each
2893 member shall hold office for an initial term of six (6) years and
2894 until a successor is chosen and qualifies. The initial members of
2895 the board shall be residents of the state, and at least one (1) of
2896 the initial members shall be either a qualified voter within the
2897 district or an individual resident of the area immediately
2898 adjacent to the district. Upon appointment or election, the board
2899 members shall elect a chair who shall conduct board meetings.

2900 (2) (a) Beginning six (6) years after the initial
2901 appointment of members, the position of each member whose term has



2902 expired shall be filled by a qualified voter of the district,
2903 elected by the qualified voters of the district. There shall be
2904 an election of members every six (6) years from the date of the
2905 ordinance establishing the district. The district manager shall
2906 determine the date and time of the election, which election must
2907 be held at least twenty (20) days before the anniversary date of
2908 the ordinance establishing the district. If a contribution
2909 agreement exists, then the governing body of the public entity
2910 that is a party to the contribution agreement may appoint one (1)
2911 of the five (5) members to the board of the district at the time
2912 of the election in lieu of electing that member.

2913 (b) Candidates must qualify in writing by submitting a
2914 "Statement of Intent," as prescribed in this paragraph, to the
2915 district manager thirty (30) days before the election. The
2916 district manager shall prepare a ballot of all candidates
2917 qualified to run for office twenty-eight (28) days before the
2918 election.

2919 **Statement of Intent**

2920 Candidate for (insert name of district) Public Improvement
2921 District

2922 I, (name of candidate as it will appear on the ballot),
2923 (mailing address, street address, city, state, zip code, telephone
2924 number of the candidate), certify that I am a qualified voter, as
2925 defined in Section 19-31-5, Mississippi Code of 1972, of the
2926 (insert name of public improvement district) Public Improvement



2927 District in the State of Mississippi; and I do hereby declare my
2928 candidacy for Board of the (insert name of public improvement
2929 district) Public Improvement District at the election to be held
2930 on (insert date of election).

2931 _____

2932 (Signature of candidate) (Date)

2933 Received by _____

2934 (Signature) (Title) (Date)

2935 (c) Notice of the election shall be announced at a
2936 public meeting of the board at least ninety (90) days before the
2937 date of the election and shall be published either once a week for
2938 two (2) consecutive weeks in a newspaper which is in general
2939 circulation in the area of the district, the last day of such
2940 publication to be not fewer than fourteen (14) days nor more than
2941 twenty-eight (28) days before the election or by a link to such
2942 notice on the county's website or, if the county does not have a
2943 website, its official social media webpage for the duration of two
2944 (2) consecutive weeks. In addition, notice of the election shall
2945 be sent by United States first-class mail, not fewer than fourteen
2946 (14) days before the election, to all qualified voters at their
2947 last-known address as shown on the tax rolls. Instructions on how
2948 all qualified voters may participate in the election, along with
2949 sample proxies, shall be provided as part of the notice required
2950 by this paragraph, and the location, date and time of the election
2951 shall be included on all instructions and notices.



2976 [NOTE: To be considered, this proxy must contain at least one (1)
2977 of either: the street address; legal description; or tax parcel
2978 identification number.]

2979 1. Do constitute and appoint _____
2980 _____ (name), attorney and agent for me, and in my
2981 name, place and stead, to vote as my proxy for the election of
2982 members of the Board of Directors of the (name of district) Public
2983 Improvement District on (insert date), at the (insert voting
2984 location/facility name with street address); **OR (only choose one)**

2985 2. Do hereby cast my vote for:
2986 _____ [print or type name of
2987 person being voted for - PLEASE NOTE THAT YOUR VOTE MUST BE FOR A
2988 QUALIFIED VOTER (AS DEFINED IN MISSISSIPPI CODE SECTION 19-31-5)
2989 OF THE DISTRICT. A QUALIFIED VOTER MEANS ANY LANDOWNER OF THE
2990 DISTRICT WHO IS AT LEAST EIGHTEEN (18) YEARS OF AGE OR AN
2991 AUTHORIZED REPRESENTATIVE OF THE LANDOWNER WHO IS ALSO AT LEAST
2992 EIGHTEEN (18) YEARS OF AGE.] to be elected as a member of the
2993 Board of Directors of the (name of district) Public Improvement
2994 District for a term beginning (date of term) and ending six (6)
2995 years from that date or until a successor is chosen.

2996 I understand that I have the right to revoke this proxy at
2997 any time before the election. I understand that I have the right
2998 to be present in person at the election.

2999 I have executed this proxy on (insert date).
3000 _____



(Printed Name of Qualified Voter)

(Signature of Qualified Voter)

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

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

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



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

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

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

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

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



3051 **SECTION 54.** Section 19-31-23, Mississippi Code of 1972, is
3052 amended as follows:

3053 19-31-23. (1) The district may issue and sell from time to
3054 time bonds, notes, negotiable notes, tax anticipation notes, bond
3055 anticipation notes, other fund anticipation notes, renewal notes,
3056 refunding bonds, interim certificates, certificates of
3057 indebtedness, certificates of participation, debentures, warrants,
3058 commercial paper or other obligations or evidences of indebtedness
3059 to provide funds for and to fulfill and achieve its public purpose
3060 or corporate purposes, as set forth in this chapter, including,
3061 but not limited to, the payment of all or a portion of the costs
3062 of a project, to provide amounts necessary for any corporate
3063 purposes, including incidental expenses in connection with the
3064 issuance of the obligations, the payment of principal and interest
3065 on the obligations of the district, the establishment of reserves
3066 to secure such obligations, and all other purposes and
3067 expenditures of the district incident to and necessary or
3068 convenient to carry out its public functions or corporate
3069 purposes, and any credit enhancement for such obligations.

3070 (2) Before the issuance of any bonds as authorized under
3071 this chapter, the district shall hold a public hearing on the
3072 advisability of the indebtedness. Notice of the hearing must be
3073 published either twice in a newspaper having general circulation
3074 in each county where the district is located or by a link to such
3075 resolution posted on the county's website or, if the county does



3076 not have a website, its official social media webpage to remain
3077 available to the public for the duration of two (2) weeks. The
3078 final print publication of notice must be at least ten (10) days
3079 before the public hearing. The district shall give, by United
3080 States first-class mail, written notice of the public hearing to
3081 all qualified voters in the district. The notice must be
3082 addressed to "Property Owner" and mailed by United States
3083 first-class mail to the current address of the owner, as reflected
3084 on tax rolls of property located in the district.

3085 (3) (a) If a district proposes to enter into a contribution
3086 agreement with a public entity for any bond issue, the public
3087 entity shall hold a public hearing on the advisability of the
3088 contribution agreement for any bonds the district proposes to
3089 enter.

3090 (b) Notice of the hearing must be published twice in a
3091 newspaper having general circulation in each county where the
3092 public entity is located. The final publication of notice must be
3093 at least ten (10) days before the public hearing.

3094 (c) The notice must state the following:

3095 (i) Time and place of the hearing;
3096 (ii) General nature of the proposed improvement;
3097 (iii) Estimated cost of the improvement;
3098 (iv) Boundaries of the public improvement
3099 district;

3100 (v) Proposed method of assessment;



3101 (vi) Proposed amount and term of indebtedness;
3102 (vii) Name of the public entity entering into the
3103 contribution agreement; and
3104 (viii) Proposed amount of contribution by the
3105 public entity.
3106 (d) The hearing may be adjourned from time to time
3107 until the governing body of the public entity makes findings by
3108 resolution as to the following:
3109 (i) Advisability of the improvement;
3110 (ii) Nature of the improvement;
3111 (iii) Estimated cost of the improvement;
3112 (iv) Boundaries of the public improvement
3113 district;
3114 (v) Method of assessment;
3115 (vi) Market value of real property within the
3116 district determined in accordance with paragraph (c) of this
3117 subsection; and
3118 (vii) Terms of the contribution agreement.
3119 (e) As provided in subsection (3)(d)(vi) of this
3120 section, the governing body of the public entity shall obtain an
3121 appraisal in accordance with the Uniform Standards of Professional
3122 Appraisal Practice, with special consideration given to the Income
3123 Approach to Value using a discounted cash flow analysis of the
3124 entire commercial, residential or industrial subdivision. The
3125 appraisal must satisfy all parties to the contribution agreement



3126 that the value of the property in the district will be sufficient
3127 to ensure payment of any obligation to which a public entity is
3128 subject.

3129 (4) Except as may otherwise be provided by the district, all
3130 obligations issued by the district shall be negotiable instruments
3131 and payable solely from the levy of any special assessment by the
3132 district or from any other sources whatsoever that may be
3133 available to the district but shall not be secured by the full
3134 faith and credit of the state or the county or municipality that
3135 created the district.

3136 (5) Obligations shall be authorized, issued and sold by a
3137 resolution or resolutions of the district adopted as provided in
3138 this chapter. Such bonds or obligations may be of such series,
3139 bear such date or dates, mature at such time or times, bear
3140 interest at such rate or rates, including variable, adjustable, or
3141 zero interest rates, be payable at such time or times, be in such
3142 denominations, be sold at such price or prices, at public or
3143 private negotiated sale, after advertisement as is provided for in
3144 Section 17-21-53(2) for and in connection with any public sale, be
3145 in such form, carry such registration and exchangeability
3146 privileges, be payable at such place or places, be subject to such
3147 terms of redemption and be entitled to such priorities on the
3148 income, revenue and receipts of, or available to, the district as
3149 may be provided by the district in the resolution or resolutions



3150 providing for the issuance and sale of the bonds or obligations of
3151 the district.

3152 (6) The obligations of the district shall be signed by such
3153 directors or officers of the district by either manual or
3154 facsimile signatures as shall be determined by resolution or
3155 resolutions of the district, and shall have impressed or imprinted
3156 thereon the seal of the district or a facsimile thereof.

3157 (7) Any obligations of the district may be validly issued,
3158 sold and delivered notwithstanding that one or more of the
3159 directors or officers of the district signing such obligations or
3160 whose facsimile signature or signatures may be on the obligations
3161 shall have ceased to be such director or officer of the district
3162 at the time such obligations shall actually have been delivered.

3163 (8) Obligations of the district may be sold in such manner
3164 and from time to time as may be determined by the district to be
3165 most beneficial, and the district may pay all expenses, premiums,
3166 fees or commissions that it deems necessary or advantageous in
3167 connection with the issuance and sale thereof, subject to the
3168 provisions of this chapter.

3169 (9) The district may authorize the establishment of a fund
3170 or funds for the creation of a debt service reserve, a renewal and
3171 replacement reserve or such other funds or reserves as the
3172 district may approve with respect to the financing and operation
3173 of any project and as may be authorized by any bond resolution,
3174 trust agreement, indenture of trust or similar instrument or



3175 agreement pursuant to the provisions of which the issuance of
3176 bonds or other obligations of the district may be authorized.

3177 (10) Notwithstanding any other law to the contrary, but
3178 subject to any agreement with bondholders or noteholders, monies
3179 of the district not required for immediate use, including proceeds
3180 from the sale of any bonds, notes or other obligations, may be
3181 invested in the following:

3182 (a) Obligations of any municipality, the State of
3183 Mississippi or the United States of America;

3184 (b) Obligations of which the principal and interest are
3185 guaranteed by the State of Mississippi or the United States of
3186 America;

3187 (c) Obligations of any corporation wholly owned by the
3188 United States of America;

3189 (d) Obligations of any corporation sponsored by the
3190 United States of America which are, or may become, eligible as
3191 collateral for advances to member banks as determined by the Board
3192 of Governors of the Federal Reserve System;

3193 (e) Obligations of insurance firms or other
3194 corporations whose investments are rated "A" or better by
3195 recognized rating companies;

3196 (f) Certificates of deposit or time deposits of
3197 qualified depositories of the State of Mississippi as approved by
3198 the State Depository Commission, secured in such manner, if any,
3199 as the commission determines appropriate;



3200 (g) Contracts for the purchase and sale of obligations
3201 of the type described in paragraphs (a) through (e) of this
3202 subsection;

3203 (h) Repurchase agreements secured by obligations
3204 described in paragraphs (a) through (e) of this subsection; and

3205 (i) Money market funds, the assets of which are
3206 required to be invested in obligations described in paragraphs (a)
3207 through (f) of this subsection.

3208 (11) Any cost, obligation or expense incurred for any of the
3209 purposes specified in this chapter shall be a part of the project
3210 costs and may be paid or reimbursed as such out of the proceeds of
3211 bonds or other obligations issued by the district.

3212 (12) Neither the directors of the board nor any person
3213 executing the bonds shall be personally liable for the bonds or be
3214 subject to any personal liability by reason of the issuance
3215 thereof. No earnings or assets of the district shall accrue to
3216 the benefit of any private persons. However, the limitation of
3217 liability provided for in this subsection shall not apply to any
3218 gross negligence or criminal negligence on the part of any
3219 director or person executing the bonds.

3220 (13) The district may avail itself of the provisions of
3221 Sections 31-13-1 through 31-13-11.

3222 (14) This chapter constitutes full and complete authority
3223 for the issuance of bonds and the exercise of the powers of the
3224 district provided herein. No procedures or proceedings,



3225 publications, notices, consents, approvals, orders, acts or things
3226 by the board or any board, officers, commission, department,
3227 agency or instrumentality of the district, other than those
3228 required by this chapter, shall be required to perform anything
3229 under this chapter, except that the issuance or sale of bonds
3230 pursuant to the provisions of this chapter shall comply with the
3231 general law requirements applicable to the issuance or sale of
3232 bonds by the district. Nothing in this chapter shall be construed
3233 to authorize the district to utilize bond proceeds to fund the
3234 ongoing operations of the district.

3235 (15) Before incurring any debt as provided in subsection (1)
3236 of this section, the district may, but shall not be required to,
3237 secure an agreement from one or more developers obligating such
3238 developer or developers:

3239 (a) To effect the completion of all or any portion of a
3240 project at no cost to the district;

3241 (b) To pay all or any portion of the real property
3242 taxes due on the project in a timely manner; and

3243 (c) To maintain and operate all or any portion of the
3244 buildings or other facilities or improvements of the project in
3245 such a manner as to preserve property values.

3246 No breach of any such agreement shall impose any pecuniary
3247 liability upon a district or any charge upon its general credit or
3248 against its taxing powers.



3249 Additionally, the district may enter into an agreement with
3250 the developer under which the developer may construct all or any
3251 part of the project with private funds in advance of issuance of
3252 bonds and may be reimbursed by the district for actual costs
3253 incurred by the developer upon issuance and delivery of bonds and
3254 receipt of the proceeds, conditioned upon dedication of the
3255 project by the developer to the district, a governmental agency, a
3256 county or a municipality to assure public use and access. This
3257 condition shall not apply to the privately owned portion of a
3258 project for which the Mississippi Development Authority has issued
3259 a certificate of convenience and necessity pursuant to the
3260 Regional Economic Development Act.

3261 As used in this section, the term "developer" means any
3262 entity or natural person which enters into an agreement with a
3263 district whereby the developer agrees to construct, operate and
3264 maintain or procure the construction, operation and maintenance of
3265 a project or projects, or portions thereof, upon land within the
3266 district.

3267 **SECTION 55.** Section 19-31-39, Mississippi Code of 1972, is
3268 amended as follows:

3269 19-31-39. (1) The district, or if necessary, the governing
3270 authorities of the municipality in which the district is
3271 contained, may prescribe, fix, establish and collect rates, fees,
3272 rentals or other charges for the facilities and services furnished
3273 by the district, within the limits of the district, including, but



3274 not limited to, recreational facilities, water management and
3275 control facilities and water and sewer systems. The district may
3276 also recover the costs of making connection with any district
3277 facility or system and provide for reasonable penalties against
3278 any user or property for any such rates, fees, rentals or other
3279 charges that are delinquent.

3280 (2) No such rates, fees, rentals or other charges for any of
3281 the facilities or services of the district may be fixed until
3282 after a public hearing at which all the users of the proposed
3283 facility or services shall have an opportunity to be heard
3284 concerning the proposed rates, fees, rentals or other charges.
3285 Notice of such public hearing setting forth the proposed schedule
3286 of rates, fees, rentals and other charges shall be published
3287 either in a newspaper having general circulation in each county
3288 where the district is located once at least ten (10) days before
3289 such public hearing or by a link to such notice posted on the
3290 county's website or, if the county does not have a website, its
3291 official social media webpage, to remain available to the public
3292 for the duration of at least ten (10) days before such public
3293 hearing.

3294 **SECTION 56.** Section 21-1-7, Mississippi Code of 1972, is
3295 amended as follows:

3296 21-1-7. The mayor and board of aldermen or municipal
3297 authorities may change the name of any municipality by preparing
3298 in writing the proposed change and having same * * * either in a



3299 newspaper published in such municipality, if there be one
3300 (1), * * * for three (3) consecutive weeks, or by a link to such
3301 proposed change posted on the municipality's website or, if the
3302 municipality does not have a website, its official social media
3303 webpage to remain available to the public for the duration of
3304 three (3) consecutive weeks. If the municipality has none of
3305 these, then by posting for said time in at least three (3) public
3306 places therein, after which the proposed change shall be submitted
3307 to the Governor for his or her approval. If, after publication is
3308 made, one-tenth (1/10) of the qualified electors of the
3309 municipality shall within ten (10) days after the completion of
3310 such publication protest against the proposed change, the Governor
3311 shall not approve same until it shall be submitted to and ratified
3312 by a majority of the qualified electors of the municipality. When
3313 approved by the Governor, the same shall be recorded in the Office
3314 of the Secretary of State and upon the record of the municipal
3315 governing authorities.

3316 **SECTION 57.** Section 21-1-15, Mississippi Code of 1972, is
3317 amended as follows:

3318 21-1-15. After the filing of said petition, and upon request
3319 therefor by the petitioners, the chancellor shall set a day
3320 certain, either in termtime or in vacation, for the hearing of
3321 such petition and notice shall be given to all persons interested
3322 in, affected by, or having objections to the proposed
3323 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 incorporated is located within three (3) miles of the boundaries of an existing municipality, then such existing municipality shall be made a party defendant to such petition and shall be served with process in the manner provided by law, which process shall be served at least thirty (30) days prior to the date set for the hearing.

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

21-3-7. (1) Except as provided in subsection (3) of this section, in all municipalities having a population of less than



3349 ten thousand (10,000) according to the latest * * * federal
3350 decennial census, there shall be five (5) aldermen, which aldermen
3351 may be elected from the municipality at large, or, in the
3352 discretion of the municipal authority, the municipality may be
3353 divided into four (4) wards, with one (1) alderman to be selected
3354 from each ward and one (1) from the municipality at large. On a
3355 petition of twenty percent (20%) of the qualified electors of any
3356 such municipality, the provisions of this section as to whether or
3357 not the aldermen shall be elected from wards or from the
3358 municipality at large shall be determined by the vote of the
3359 majority of the qualified electors of the municipality voting in a
3360 special election called for that purpose. All aldermen shall be
3361 selected by vote of the entire electorate of the municipality.
3362 Those municipalities which determine to select one (1) alderman
3363 from each of the four (4) wards shall select one (1) from the
3364 candidates for alderman from each particular ward who shall be a
3365 resident of said ward by majority vote of the entire electorate of
3366 the municipality.

3367 (2) Except as provided in subsection (4) of this section, in
3368 all municipalities having a population of ten thousand (10,000) or
3369 more, according to the latest * * * federal decennial census,
3370 there shall be seven (7) aldermen, which aldermen may be elected
3371 from the municipality at large, or, in the discretion of the
3372 municipal authority, the municipality may be divided into six (6)
3373 wards, with one (1) alderman to be selected from each ward and one



3374 (1) from the municipality at large. On a petition of twenty
3375 percent (20%) of the qualified electors of any such municipality,
3376 the provisions of this section as to whether or not the aldermen
3377 shall be elected from wards or from the municipality at large
3378 shall be determined by the vote of the majority of the qualified
3379 electors of the municipality voting in a special election called
3380 for that purpose. This section in no way affects the number of
3381 aldermen, councilmen, or commissioners of any city operating under
3382 a special charter. All aldermen shall be selected by vote of the
3383 entire electorate of the municipality. Those municipalities which
3384 determine to select one (1) alderman from each of the six (6)
3385 wards shall select one (1) of the candidates for alderman from
3386 each particular ward by majority vote of the entire electorate of
3387 the municipality.

3388 (3) In any municipality having a population of five hundred
3389 (500) or less according to the latest * * * federal decennial
3390 census, there may be three (3) aldermen. The change from five (5)
3391 aldermen to three (3) aldermen shall be approved by a majority of
3392 the qualified electors of the municipality voting in a special
3393 election held for this purpose.

3394 (4) If a municipality has a population according to the 2010
3395 federal decennial census that is less than ten thousand (10,000)
3396 and whose population according to the 2020 federal decennial
3397 census is ten thousand (10,000) or more, the municipality may
3398 elect to continue with five (5) aldermen and not increase to seven



3399 (7) aldermen by the adoption of a resolution by a majority of the
3400 board of aldermen expressing the intent to continue with five (5)
3401 aldermen and not increase to seven (7) aldermen. Before the
3402 adoption of such resolution, the proposed resolution shall be
3403 published * * * either in at least one (1) newspaper published in
3404 the municipality for three (3) consecutive weeks or by a link to
3405 such proposed resolution posted on the municipality's website or,
3406 if the municipality does not have a website, its official social
3407 media webpage, to remain available to the public for the duration
3408 of three (3) consecutive weeks. The first print publication of
3409 such resolution shall be made not less than twenty-one (21) days
3410 prior to the date fixed in such resolution for the adoption of the
3411 same and the last publication shall be made not more than seven
3412 (7) days prior to such date. If no newspaper be published in the
3413 municipality and no such website exists, then such notice shall be
3414 given by publishing the resolution for the required time in some
3415 newspaper having a general circulation in such municipality and,
3416 in addition, by posting a copy of such resolution for at least
3417 twenty-one (21) days next preceding the date fixed to adopt the
3418 resolution at three (3) public places in such municipality. If
3419 ten percent (10%) of the qualified electors of the municipality or
3420 fifteen hundred (1,500) whichever is lesser, shall file a written
3421 protest against the resolution on or before the date specified in
3422 the resolution, then an election on the question shall be called.
3423 Notice of such election shall be signed by the clerk of the



3424 municipality and shall be published * * * either in at least one
3425 (1) newspaper published in the municipality once a week for at
3426 least three (3) consecutive weeks or by a link to such notice
3427 posted on the municipality's website or, if the municipality does
3428 not have a website, its official social media webpage, for the
3429 duration of three (3) consecutive weeks. The first print
3430 publication of such notice shall be made not less than twenty-one
3431 (21) days prior to the date fixed for such election and the last
3432 publication shall be made not more than seven (7) days prior to
3433 such date. If no newspaper be published in the municipality and
3434 no such website or official social medial page exists, then such
3435 notice shall be given by publishing the same for the required time
3436 in some newspaper having a general circulation in such
3437 municipality and, in addition, by posting a copy of such notice
3438 for at least twenty-one (21) days next preceding the date fixed to
3439 adopt the resolution at three (3) public places in such
3440 municipality. At the election, all qualified electors of such
3441 municipality may vote, and the ballots used in the election shall
3442 have printed thereon a brief statement of the purpose of the
3443 increase in the number of aldermen and the words "FOR THE INCREASE
3444 IN THE NUMBER OF ALDERMEN FROM FIVE (5) TO SEVEN (7)" and on a
3445 separate line, "AGAINST THE INCREASE IN NUMBER OF ALDERMEN FROM
3446 FIVE (5) TO SEVEN (7)" and the voters shall vote by placing a
3447 cross (X) or check (✓) opposite their choice on the proposition.
3448 The results of the election shall be certified by the municipal



election commissions and spread on the minutes of the municipality. If a majority of electors who voted in the election vote in favor of maintaining five (5) aldermen and not increasing the number to seven (7) aldermen, the number of aldermen shall remain at five (5) and shall not be increased except by special election called for such purpose. If a majority of electors who voted in the election vote against maintaining five (5) aldermen and in favor of increasing the number to seven (7) aldermen, the number of aldermen for such municipality shall be increased to seven (7) aldermen and the number shall not be decreased except by act of the Legislature.

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

21-5-15. At the first regular meeting of the council that is first elected, or as soon thereafter as practicable, the council shall, by ordinance, fix the salary of the mayor and each of the councilmen (or commissioners), which ordinance shall not become operative until the same shall have been approved by a majority of the qualified electors voting at an election to be held for that purpose, as provided by this section. Said ordinance shall be published either in a newspaper published in said city, and having a general circulation therein, for at least ten (10) days before such election, * * * 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 to remain available to



3474 the public for the duration of at least ten (10) days before such
3475 election. Notice of the date of such election shall be given by
3476 the council for ten (10) days by publication in a newspaper
3477 published in such city, and having general circulation therein, or
3478 by a link to such ordinance posted on the municipality's website
3479 or, if the municipality does not have a website, its official
3480 social media webpage to remain available to the public for the
3481 duration of ten (10) days. In case such ordinance shall be
3482 rejected by the electors at such election, then a new ordinance,
3483 or ordinances, may be passed by the council and submitted to the
3484 electors in like manner, until the same shall have been ratified
3485 by the electors. When an ordinance so fixing the salaries shall
3486 have been finally adopted and approved, the salaries so fixed
3487 shall remain in effect until altered or changed in the manner
3488 hereinafter provided.

3489 To reduce the salary so fixed it shall be sufficient that the
3490 council adopt an ordinance to that effect, which ordinance shall
3491 become effective upon adoption without the necessity of
3492 publication or of an election. To increase the salary so fixed,
3493 an ordinance shall be duly adopted, by the council, which
3494 ordinance shall be published for ten (10) days in a newspaper
3495 published or having a general circulation in such city * * * or by
3496 a link to such ordinance posted on the municipality's website or,
3497 if the municipality does not have a website, its official social
3498 media webpage to remain available to the public for ten (10) days.



The ordinance shall not become effective until it shall have been approved by a majority of the qualified electors of such city voting at an election to be held for that purpose after notice of such election shall have been given by the council for ten (10) days by publication in a newspaper published in such city or having a general circulation therein, the last notice to appear not more than one (1) week next prior to the date of the election.

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

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

21-13-11. Every ordinance passed by the governing body of a municipality, except as is otherwise provided by law, shall be certified by a municipal clerk, signed by the mayor or a majority of all the members of the governing body, recorded in the ordinance book, and published at least one (1) time either in some newspaper published in such municipality * * * 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. If there be no such newspaper or website, then the ordinance shall be published in a newspaper within the county having general circulation in said municipality, or, if there be



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

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

21-17-1. (1) Every municipality of this state shall be a
municipal corporation and shall have power to sue and be sued; to
purchase and hold real estate, either within or without the



3549 corporate limits, for all proper municipal purposes, including
3550 parks, cemeteries, hospitals, schoolhouses, houses of correction,
3551 waterworks, electric lights, sewers and other proper municipal
3552 purposes; to purchase and hold personal property for all proper
3553 municipal purposes; to sell or dispose of personal property or
3554 real property owned by it consistent with Section 17-25-25; to
3555 acquire equipment and machinery by lease-purchase agreement and to
3556 pay interest thereon, if contracted, when needed for proper
3557 municipal purposes; and to sell and convey any real property owned
3558 by it, and make such order respecting the same as may be deemed
3559 conducive to the best interest of the municipality, and exercise
3560 jurisdiction over the same.

3561 (2) (a) In case any of the real property belonging to a
3562 municipality shall cease to be used for municipal purposes, the
3563 governing authority of the municipality may sell, convey or lease
3564 the same on such terms as the municipal authority may elect. In
3565 case of a sale on a credit, the municipality shall charge
3566 appropriate interest as contracted and shall have a lien on the
3567 same for the purchase money, as against all persons, until paid
3568 and may enforce the lien as in such cases provided by law. The
3569 deed of conveyance in such cases shall be executed in the name of
3570 the municipality by the governing authority of the municipality
3571 pursuant to an order entered on the minutes. In any sale or
3572 conveyance of real property, the municipality shall retain all
3573 mineral rights that it owns, together with the right of ingress



3574 and egress to remove same. Except as otherwise provided in this
3575 section, before any such lease, deed or conveyance is executed,
3576 the governing authority of the municipality shall publish * * *
3577 the intention to lease or sell, as the case may be, the
3578 municipally owned real property and to accept sealed competitive
3579 bids for the leasing or sale either in a public newspaper of the
3580 municipality in which the real property is located at least once
3581 each week for three (3) consecutive weeks or by a link to such
3582 intention posted on the municipality's website or, if the
3583 municipality does not have a website, its official social media
3584 webpage, for the duration of three (3) consecutive weeks. If no
3585 such newspaper is published and no such website exists, then
3586 publication is proper in a newspaper having general circulation
3587 therein. The governing authority of the municipality shall
3588 thereafter accept bids for the lease or sale and shall award the
3589 lease or sale to the highest bidder in the manner provided by law.
3590 However, whenever the governing authority of the municipality
3591 shall find and determine, by resolution duly and lawfully adopted
3592 and spread upon its minutes (i) that any municipally owned real
3593 property is no longer needed for municipal or related purposes and
3594 is not to be used in the operation of the municipality, (ii) that
3595 the sale of such property in the manner otherwise provided by law
3596 is not necessary or desirable for the financial welfare of the
3597 municipality, and (iii) that the use of such property for the
3598 purpose for which it is to be sold, conveyed or leased will



3599 promote and foster the development and improvement of the
3600 community in which it is located and the civic, social,
3601 educational, cultural, moral, economic or industrial welfare
3602 thereof, the governing authority of the municipality shall be
3603 authorized and empowered, in its discretion, to sell, convey or
3604 lease same for any of the purposes set forth herein without having
3605 to advertise for and accept competitive bids.

3606 (b) In any case in which a municipality proposes to
3607 sell, convey or lease real property under the provisions of this
3608 subsection (2) without advertising for and accepting competitive
3609 bids, the governing authority may sell, convey or lease the
3610 property as follows:

3611 (i) Consideration for the purchase, conveyance or
3612 lease of the property shall be not less than the average of the
3613 fair market price for such property as determined by at least two
3614 (2) professional property appraisers selected by the municipality
3615 and approved by the purchaser or lessee. Appraisal fees shall be
3616 shared equally by the municipality and the purchaser or lessee;

3617 (ii) The governing authority of a municipality may
3618 contract for the professional services of a Mississippi licensed
3619 real estate broker to assist the municipality in the marketing and
3620 sale or lease of the property, and may provide the broker
3621 reasonable compensation for services rendered to be paid from the
3622 sale or lease proceeds. The reasonable compensation shall not



exceed the usual and customary compensation for similar services within the municipality; or

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

(3) Whenever the governing authority of the municipality shall find and determine by resolution duly and lawfully adopted 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,



3648 educational, cultural, moral, economic or industrial welfare of
3649 the community, and that title shall revert to the municipality in
3650 the event of the cessation of such use for a period of two (2)
3651 years. In any such deed or conveyance, the municipality shall
3652 retain all mineral rights that it owns, together with the right of
3653 ingress and egress to remove same;

3654 (ii) If the governing authority of a municipality
3655 with a total population of greater than forty thousand (40,000),
3656 but not more than forty-two thousand five hundred (42,500)
3657 according to the 2010 federal decennial census, donates real
3658 property to a bona fide not-for-profit civic or eleemosynary
3659 corporation and such civic or eleemosynary corporation commits Two
3660 Million Dollars (\$2,000,000.00) to renovate or make capital
3661 improvements to the property by an agreement between a certain
3662 state institution of higher learning and the civic or eleemosynary
3663 corporation, then the clause of reverter required by this
3664 paragraph shall provide that title of such real property shall
3665 revert 1. to the bona fide not-for-profit civic or eleemosynary
3666 corporation, if a certain state institution of higher learning
3667 ceases to use the property for the purposes required by this
3668 paragraph (a) for donated lands, or 2. to the municipality, if a
3669 certain state institution of higher learning ceases to use the
3670 property for the purposes required by this paragraph (a) and the
3671 not-for-profit civic or eleemosynary corporation or its successor
3672 ceases to exist;



3673 (b) (i) The governing authority may donate such lands
3674 to a bona fide not-for-profit corporation (such as Habitat for
3675 Humanity) which is primarily engaged in the construction of
3676 housing for persons who otherwise can afford to live only in
3677 substandard housing. In any such deed or conveyance, the
3678 municipality shall retain all mineral rights that it owns,
3679 together with the right of ingress and egress to remove same;

3680 (ii) In the event the governing authority does not
3681 wish to donate title to such lands to the bona fide not-for-profit
3682 civic or eleemosynary corporation, but wishes to retain title to
3683 the lands, the governing authority may lease the lands to a bona
3684 fide not-for-profit corporation described in paragraph (a) or this
3685 paragraph (b) for less than fair market value;

3686 (c) The governing authority may donate any municipally
3687 owned lot measuring twenty-five (25) feet or less along the
3688 frontage line as follows: the governing authority may cause the
3689 lot to be divided in half along a line running generally
3690 perpendicular to the frontage line and may convey each one-half
3691 (1/2) of that lot to the owners of the parcels laterally adjoining
3692 the municipally owned lot. All costs associated with a conveyance
3693 under this paragraph (c) shall be paid by the person or entity to
3694 whom the conveyance is made. In any such deed or instrument of
3695 conveyance, the municipality shall retain all mineral rights that
3696 it owns, together with the right of ingress and egress to remove
3697 same;



3698 (d) Nothing contained in this subsection (3) shall be
3699 construed to prohibit, restrict or to prescribe conditions with
3700 regard to the authority granted under Section 17-25-3.

3701 (4) Every municipality shall also be authorized and
3702 empowered to loan to private persons or entities, whether
3703 organized for profit or nonprofit, funds received from the United
3704 States Department of Housing and Urban Development (HUD) under an
3705 urban development action grant or a community development block
3706 grant under the Housing and Community Development Act of 1974
3707 (Public Law 93-383), as amended, and to charge interest thereon if
3708 contracted, provided that no such loan shall include any funds
3709 from any revenues other than the funds from the United States
3710 Department of Housing and Urban Development; to make all contracts
3711 and do all other acts in relation to the property and affairs of
3712 the municipality necessary to the exercise of its governmental,
3713 corporate and administrative powers; and to exercise such other or
3714 further powers as are otherwise conferred by law.

3715 (5) (a) The governing authority of any municipality may
3716 establish an employer-assisted housing program to provide funds to
3717 eligible employees to be used toward the purchase of a home. This
3718 assistance may be applied toward the down payment, closing costs
3719 or any other fees or costs associated with the purchase of a home.
3720 The housing assistance may be in the form of a grant, forgivable
3721 loan or repayable loan. The governing authority of a municipality
3722 may contract with one or more public or private entities to



3723 provide assistance in implementing and administering the program
3724 and shall adopt rules and regulations regarding the eligibility of
3725 a municipality for the program and for the implementation and
3726 administration of the program. However, no general funds of a
3727 municipality may be used for a grant or loan under the program.

3728 (b) Participation in the program established under this
3729 subsection (5) shall be available to any eligible municipal
3730 employee as determined by the governing authority of the
3731 municipality. Any person who receives financial assistance under
3732 the program must purchase a house and reside within certain
3733 geographic boundaries as determined by the governing authority of
3734 the municipality.

3735 (c) If the assistance authorized under this subsection
3736 (5) is structured as a forgivable loan, the participating employee
3737 must remain as an employee of the municipality for an agreed upon
3738 period of time, as determined by the rules and regulations adopted
3739 by the governing authority of the municipality, in order to have
3740 the loan forgiven. The forgiveness structure, amount of
3741 assistance and repayment terms shall be determined by the
3742 governing authority of the municipality.

3743 (6) The governing authority of any municipality may contract
3744 with a private attorney or private collection agent or agency to
3745 collect any type of delinquent payment owed to the municipality,
3746 including, but not limited to, past-due fees, fines and other
3747 assessments, or with the district attorney of the circuit court



3748 district in which the municipality is located to collect any
3749 delinquent fees, fines and other assessments. Any such contract
3750 debt may provide for payment contingent upon successful collection
3751 efforts or payment based upon a percentage of the delinquent
3752 amount collected; however, the entire amount of all delinquent
3753 payments collected shall be remitted to the municipality and shall
3754 not be reduced by any collection costs or fees. Any private
3755 attorney or private collection agent or agency contracting with
3756 the municipality under the provisions of this subsection shall
3757 give bond or other surety payable to the municipality in such
3758 amount as the governing authority of the municipality deems
3759 sufficient. Any private attorney with whom the municipality
3760 contracts under the provisions of this subsection must be a member
3761 in good standing of The Mississippi Bar. Any private collection
3762 agent or agency with whom the municipality contracts under the
3763 provisions of this subsection must meet all licensing requirements
3764 for doing business in the State of Mississippi. Neither the
3765 municipality nor any officer or employee of the municipality shall
3766 be liable, civilly or criminally, for any wrongful or unlawful act
3767 or omission of any person or business with whom the municipality
3768 has contracted under the provisions of this subsection. The
3769 Mississippi Department of Audit shall establish rules and
3770 regulations for use by municipalities in contracting with persons
3771 or businesses under the provisions of this subsection. If a
3772 municipality uses its own employees to collect any type of



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

3792 (7) In addition to such authority as is otherwise granted
3793 under this section, the governing authority of any municipality
3794 may expend funds necessary to maintain and repair, and to purchase
3795 liability insurance, tags and decals for, any personal property
3796 acquired under the Federal Excess Personal Property Program that
3797 is used by the local volunteer fire department.



3798 (8) In addition to the authority to expend matching funds
3799 under Section 21-19-65, the governing authority of any
3800 municipality, in its discretion, may expend municipal funds to
3801 match any state, federal or private funding for any program
3802 administered by the State of Mississippi, the United States
3803 government or any nonprofit organization that is exempt under 26
3804 USCS Section 501(c)(3) from paying federal income tax.

3805 (9) The governing authority of any municipality that owns
3806 and operates a gas distribution system, as defined in Section
3807 21-27-11(b), and the governing authority of any public natural gas
3808 district are authorized to contract for the purchase of the supply
3809 of natural gas for a term of up to ten (10) years with any public
3810 nonprofit corporation which is organized under the laws of this
3811 state or any other state.

3812 (10) The governing authority of any municipality may perform
3813 and exercise any duty, responsibility or function, may enter into
3814 agreements and contracts, may provide and deliver any services or
3815 assistance, and may receive, expend and administer any grants,
3816 gifts, matching funds, loans or other monies, in accordance with
3817 and as may be authorized by any federal law, rule or regulation
3818 creating, establishing or providing for any program, activity or
3819 service. The provisions of this subsection shall not be construed
3820 as authorizing any municipality or the governing authority of such
3821 municipality to perform any function or activity that is
3822 specifically prohibited under the laws of this state or as



3823 granting any authority in addition to or in conflict with the
3824 provisions of any federal law, rule or regulation.

3825 (11) (a) In addition to such authority as is otherwise
3826 granted under this section, the governing authority of a
3827 municipality, in its discretion, may sell, lease, donate or
3828 otherwise convey property to any person or legal entity without
3829 public notice, without having to advertise for and accept
3830 competitive bids and without appraisal, with or without
3831 consideration, and on such terms and conditions as the parties may
3832 agree if the governing authority finds and determines, by
3833 resolution duly and lawfully adopted and spread upon its official
3834 minutes:

3835 (i) The subject property is real property acquired
3836 by the municipality:

- 3837 1. By reason of a tax sale;
3838 2. Because the property was abandoned or
3839 blighted; or
3840 3. In a proceeding to satisfy a municipal
3841 lien against the property;

3842 (ii) The subject property is blighted and is
3843 located in a blighted area;

3844 (iii) The subject property is not needed for
3845 governmental or related purposes and is not to be used in the
3846 operation of the municipality;



3847 (iv) That the sale of the property in the manner
3848 otherwise provided by law is not necessary or desirable for the
3849 financial welfare of the municipality; and

3850 (v) That the use of the property for the purpose
3851 for which it is to be conveyed will promote and foster the
3852 development and improvement of the community in which it is
3853 located or the civic, social, educational, cultural, moral,
3854 economic or industrial welfare thereof; the purpose for which the
3855 property is conveyed shall be stated.

3856 (b) Any deed or instrument of conveyance executed
3857 pursuant to the authority granted under this subsection shall
3858 contain a clause of reverter providing that title to the property
3859 will revert to the municipality if the person or entity to whom
3860 the property is conveyed does not fulfill the purpose for which
3861 the property was conveyed and satisfy all conditions imposed on
3862 the conveyance within two (2) years of the date of the conveyance.

3863 (c) In any such deed or instrument of conveyance, the
3864 municipality shall retain all mineral rights that it owns,
3865 together with the right of ingress and egress to remove same.

3866 (12) The governing authority of any municipality may enter
3867 into agreements and contracts with any housing authority, as
3868 defined in Section 43-33-1, to provide extra police protection in
3869 exchange for the payment of compensation or a fee to the
3870 municipality.



3871 (13) The governing authority of any municipality may
3872 reimburse the cost of an insured's deductible for an automobile
3873 insurance coverage claim if the claim has been paid for damages to
3874 the insured's property arising from the negligence of a duly
3875 authorized officer, agent, servant, attorney or employee of the
3876 municipality in the performance of his or her official duties, and
3877 the officer, agent, servant, attorney or employee owning or
3878 operating the motor vehicle is protected by immunity under the
3879 Mississippi Tort Claims Act, Section 11-46-1 et seq.

3880 (14) The powers conferred by this section shall be in
3881 addition and supplemental to the powers conferred by any other
3882 law, and nothing contained in this section shall be construed to
3883 prohibit, or to prescribe conditions concerning, any practice or
3884 practices authorized under any other law.

3885 **SECTION 62.** Section 21-17-9, Mississippi Code of 1972, is
3886 amended as follows:

3887 21-17-9. When a municipality now existing, which has not
3888 adopted the code charter or commission form of government, but is
3889 governed by another charter, shall desire to amend its charter,
3890 the same may be done in this way: the mayor and board of
3891 aldermen, city council, or municipal authority, by whatever name
3892 known, may prepare, in writing, the desired amendment or
3893 amendments and have the same published * * * either in a legal
3894 newspaper published in the municipality, if there be one
3895 (1), * * * for three (3) consecutive weeks or by a link to such



3896 amendment posted on the municipality's website or, if the
3897 municipality does not have a website, its official social media
3898 webpage for the duration of the three-week period. If * * * no
3899 such newspaper or website or official social media page exists,
3900 then by posting for said time in at least three (3) public places
3901 therein, after which the proposed amendment or amendments shall be
3902 submitted to the Governor, who shall submit the same to the
3903 Attorney General for his or her opinion. The publication of the
3904 amendment or amendments may be made as provided in Section
3905 21-17-19. If the Attorney General is of the opinion that the
3906 proposed amendment or amendments are consistent with the
3907 Constitution and laws of the United States and the Constitution of
3908 this state, the Governor shall approve the proposed amendment or
3909 amendments. If, after publication is made, one-tenth (1/10) of
3910 the qualified electors of the municipality shall protest against
3911 the proposed amendments, or any of them, the Governor shall not
3912 approve the ones protested against until they shall be submitted
3913 to and ratified by a majority of the electors of the municipality
3914 voting in a special election. Amendments, when approved by the
3915 Governor, shall be recorded, at the expense of the municipality,
3916 in the office of the Secretary of State and upon the records of
3917 the mayor and board of aldermen, or other governing authorities of
3918 the municipality, and when so recorded shall have the force and
3919 effect of law. No amendment to the private or special charter of
3920 any municipality shall be adopted or approved when such amendment



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

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

21-17-11. It shall be lawful for any number, not less than twenty percent (20%) of the qualified electors of any municipality, by petition, to propose an amendment or amendments to the charter of such municipality not in conflict with the Constitution and laws of the United States, or the Constitution of this state. The said amendment or amendments shall be published * * * either in a newspaper published in the municipality, if there be one (1), * * * for three (3) consecutive 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 page to remain available to the public for the duration of three (3) consecutive weeks prior to a special election. If * * * there is no such newspaper, website or official social media page, 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 64. 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 65. Section 21-17-19, Mississippi Code of 1972, is amended as follows:



3970 21-17-19. (1) Whenever a municipality is required by law to
3971 publish in a newspaper, municipality website or if a municipality
3972 does not have a website, then the municipality's official social
3973 media page any public measure or amendment thereto, the substance
3974 of the public measure or amendment thereto may be printed in lieu
3975 of the full text of the public measure or amendment thereto, as
3976 provided in this section. Such a public measure shall include,
3977 but shall not be limited to, an ordinance, resolution, amendment
3978 to a municipal charter or annual audit. The provisions of this
3979 section shall not apply to publication of the annual budget or
3980 amendments thereto; such publication shall be made as provided in
3981 Chapter 35, Title 21, Mississippi Code of 1972.

3982 (2) The substance of the public measure or amendment thereto
3983 shall be an explanatory statement summarizing the full text of the
3984 public measure or amendment thereto, in which the chief purpose of
3985 the measure is explained in clear and unambiguous language. Such
3986 statement shall be prepared by the governing authorities of the
3987 municipality, and shall not exceed three hundred (300) words in
3988 length to the extent practicable.

3989 (3) During the entire time of the publication of the
3990 explanatory statement either in a newspaper or by a link to such
3991 statement posted on the municipality's website or, if the
3992 municipality does not have a website, its official social media
3993 webpage, a copy of the full text of the public measure or
3994 amendment thereto shall be posted by the clerk of the municipality



3995 (a) at the city hall, (b) at the main public library in the
3996 municipality, or at the courthouse in the judicial district or
3997 county in which the municipality is located; and in addition, the
3998 clerk shall post such copy at least at one (1) other public place
3999 in the municipality. The clerk shall furnish any resident of the
4000 municipality a copy of the full text of the public measure or
4001 amendment thereto upon request, and this shall be stated in the
4002 publication of the explanatory statement.

4003 **SECTION 66.** Section 21-19-2, Mississippi Code of 1972, is
4004 amended as follows:

4005 21-19-2. (1) (a) To defray the cost of establishing,
4006 operating and maintaining the system provided for in Section
4007 21-19-1, the governing authority of a municipality may develop a
4008 system for the billing and/or collection of any fees or charges
4009 imposed on each person furnished garbage and/or rubbish collection
4010 and/or disposal service by the municipality or at the expense of
4011 the municipality. The governing authority of the municipality
4012 shall provide for the collection of the fees or charges.

4013 (b) The governing authority of a municipality may enter
4014 into a contract upon mutual agreement with a public or private
4015 corporation, nonprofit corporation, planning and development
4016 district or a public agency, association, utility or utility
4017 district within the area receiving garbage and/or rubbish
4018 collection and/or disposal services from the municipality for the
4019 purpose of developing, maintaining, operating and administering a



4020 system for the billing and/or collection of fees or charges
4021 imposed by the municipality for garbage and/or rubbish collection
4022 and/or disposal services. The entity with whom the governing
4023 authority of a municipality contracts shall notify the governing
4024 authority of the municipality monthly of any unpaid fees or
4025 charges assessed under this section. Any entity that contracts to
4026 provide a service to customers, within the area being served by
4027 the municipality's garbage and/or rubbish collection and/or
4028 disposal system, may provide a list of its customers to the
4029 governing authority of the municipality upon the request of the
4030 governing authority.

4031 (2) (a) To defray the cost of establishing and operating
4032 the system provided for in Section 21-19-1, the governing body of
4033 a municipality may levy an ad valorem tax not to exceed four (4)
4034 mills on all taxable property within the area served by the
4035 municipality's garbage and/or rubbish collection and/or disposal
4036 system. The service area may be comprised of incorporated and/or
4037 unincorporated areas within a county; however, no property shall
4038 be subject to this levy unless that property is within an area
4039 served by a municipality's garbage and/or rubbish collection
4040 and/or disposal system. The rate of the ad valorem tax levied
4041 under this section shall be shown as a line item on the notice of
4042 ad valorem taxes on taxable property owed by the taxpayer.

4043 (b) In addition to or in lieu of any other method
4044 authorized to defray the cost of establishing and operating the



4045 system provided for in Section 21-19-1, the governing body of a
4046 municipality that has established a garbage and/or rubbish
4047 collection and/or disposal system may assess and collect fees or
4048 charges to defray the costs of such services. The governing
4049 authority may assess and collect the fees or charges from each
4050 single-family residential generator of garbage and/or rubbish.
4051 The governing authority also may assess and collect such fees or
4052 charges from each industrial, commercial and multifamily
4053 residential generator of garbage and/or rubbish for any time
4054 period that the generator has not otherwise contracted for the
4055 collection of garbage and/or rubbish that is ultimately disposed
4056 of at a permitted or authorized nonhazardous solid waste
4057 management facility.

4058 (c) Before the adoption of any resolution or ordinance
4059 to increase the ad valorem tax assessment or fees or charges
4060 authorized by this section, the governing authority of a
4061 municipality shall have published a notice advertising their
4062 intent to increase the ad valorem tax assessment or fees or
4063 charges authorized by this section. The notice shall specify the
4064 purpose of the proposed increase, the proposed percentage increase
4065 and the proposed percentage increase in total revenues for garbage
4066 and/or rubbish collection and/or disposal services or shall
4067 contain a copy of any resolution by the governing authority
4068 stating their intent to increase the ad valorem tax assessment or
4069 fees or charges authorized by this section. The notice shall be



4070 published either in a newspaper having general circulation in the
4071 municipality for no less than three (3) consecutive weeks before
4072 the adoption of the order or by a link to such notice posted on
4073 the municipality's website or, if the municipality does not have a
4074 website, its official social media webpage to remain available to
4075 the public for the duration of three (3) consecutive weeks before
4076 the adoption of the order. The print notice shall be in print no
4077 less than the size of eighteen (18) point and shall be surrounded
4078 by a one-fourth (1/4) inch black border. The print notice shall
4079 not be placed in the legal section notice of the newspaper. There
4080 shall be no language in the notice inferring a mandate from the
4081 Legislature.

4082 In addition to the requirement for publication of notice, the
4083 governing authority of a municipality shall notify each person
4084 furnished garbage and/or rubbish collection and/or disposal
4085 service of any increase in the ad valorem tax assessment or fees
4086 or charges authorized by this section. In the case of an increase
4087 of the ad valorem tax assessment, a notice shall be conspicuously
4088 placed on or attached to the first ad valorem tax bill on which
4089 the increased assessment is effective. In the case of an increase
4090 in fees or charges, a notice shall be conspicuously placed on or
4091 attached to the first bill for fees or charges on which the
4092 increased fees or charges are assessed. There shall be no
4093 language in any notice inferring a mandate from the Legislature.



4094 (d) The governing authority of a municipality may adopt
4095 an ordinance authorizing the granting of exemptions from the fees
4096 or charges for certain generators of garbage and/or rubbish. The
4097 ordinance shall define clearly those generators that may be
4098 exempted and shall be interpreted consistently by the governing
4099 authority when determining whether to grant or withhold requested
4100 exemptions.

4101 (e) The governing authority may borrow money for the
4102 purpose of defraying the expenses of the system in anticipation
4103 of:

4104 (i) The tax levy authorized under this section;

4105 (ii) Revenues resulting from the assessment of any
4106 fees or charges for garbage and/or rubbish collection and/or
4107 disposal; or

4108 (iii) Any combination thereof.

4109 (3) (a) Fees or charges for garbage and/or rubbish
4110 collection and/or disposal shall be assessed jointly and severally
4111 against the generator of the garbage and/or rubbish and against
4112 the owner of the property furnished the service. However, any
4113 person who pays, as a part of a rental or lease agreement, an
4114 amount for garbage and/or rubbish collection and/or disposal
4115 services shall not be held liable upon the failure of the property
4116 owner to pay such fees.

4117 (b) Every generator assessed the fees or charges
4118 provided for and limited by this section and the owner of the



4119 property occupied by that generator shall be jointly and severally
4120 liable for the fees and/or charges so assessed. The fees or
4121 charges shall be a lien upon the real property offered garbage
4122 and/or rubbish collection and/or disposal service.

4123 At the discretion of the governing body of the municipality,
4124 fees or charges assessed for the service may be assessed annually.
4125 If fees or charges are assessed annually, the fees or charges for
4126 each calendar year shall be a lien upon the real property offered
4127 the service beginning on January 1 of the next immediately
4128 succeeding calendar year. The person or entity owing the fees or
4129 charges, upon signing a form provided by the governing authority,
4130 may pay the fees or charges in equal installments.

4131 If fees or charges so assessed are assessed on a basis other
4132 than annually, the fees or charges shall become a lien on the real
4133 property offered the service on the date that the fees or charges
4134 become due and payable.

4135 No real or personal property shall be sold to satisfy any
4136 lien imposed under this section.

4137 The municipality shall mail a notice of the lien, including
4138 the amount of unpaid fees or charges and a description of the
4139 property subject to the lien, to the owner of the property subject
4140 to the lien.

4141 (c) The municipal governing body shall notify the
4142 county tax collector of any unpaid fees or charges assessed under
4143 this section within ninety (90) days after such fees or charges



are due. Upon receipt of a delinquency notice, the tax collector shall not issue or renew a motor vehicle road and bridge privilege license for any motor vehicle owned by a person who is delinquent in the payment of fees or charges, unless such fees or charges, in addition to any other taxes or fees assessed against the motor vehicle, are paid.

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

(i) By filing with the municipal tax collector a receipt or acknowledgement, signed by the municipality, that the 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 67. Section 21-19-13, Mississippi Code of 1972, is amended 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 * * * either in a newspaper having a general circulation in the municipality once each week for at least 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. The first print 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,



4194 within the time of giving notice, fifteen percent (15%) or two
4195 thousand five hundred (2,500), whichever is less, of the qualified
4196 electors of the municipality file a written petition against the
4197 levy of the taxes, then the taxes shall not be levied unless
4198 authorized by three-fifths (3/5) of the qualified electors of the
4199 municipality voting at an election to be called and held for that
4200 purpose.

4201 **SECTION 68.** Section 21-19-20, Mississippi Code of 1972, is
4202 amended as follows:

4203 21-19-20. (1) (a) A municipality shall institute
4204 proceedings to have demolished or seized an abandoned house or
4205 building that is used for the sale or use of drugs. In addition,
4206 the governing authorities of a municipality may sell, transfer or
4207 otherwise convey or use an abandoned house or building for
4208 suitable municipal purposes. The local law enforcement authority
4209 of the municipality shall have documented proof of drug sales or
4210 use in the abandoned property before a municipality may initiate
4211 proceedings to have the property demolished or seized.

4212 (b) (i) A municipality shall institute proceedings
4213 under this section to have an abandoned house or building
4214 demolished or seized if the governing authority of the
4215 municipality determines that the house or building is a menace to
4216 the public health and safety of the community and that it
4217 constitutes a public hazard and nuisance.



4218 (ii) Upon the receipt of a petition requesting the
4219 municipality to demolish or seize an abandoned house or building
4220 that constitutes a public hazard and nuisance signed by a majority
4221 of the residents residing within four hundred (400) feet of the
4222 property, the governing authority of the municipality shall notify
4223 the property owner that the petition has been filed and that a
4224 date for a hearing on the petition has been set. Notice to the
4225 property owner shall be by United States mail, or if the property
4226 owner or the owner's address is unknown, publication of the notice
4227 shall be made * * * either in a public newspaper of the county in
4228 which the municipality is located twice each week during two (2)
4229 successive weeks or by a link to such notice posted on the
4230 municipality's website or, if the municipality does not have a
4231 website, its official social media webpage to remain available to
4232 the public for the duration of two (2) successive weeks; where
4233 there is no such newspaper, website or official social media page
4234 in the county, the notice shall be published in a newspaper having
4235 a general circulation in the state. The hearing shall be held not
4236 less than thirty (30) nor more than sixty (60) days after service
4237 or completion of publication of the notice. At the hearing, the
4238 governing authority shall determine whether the property is a
4239 menace to the public health and safety of the community which
4240 constitutes a public hazard and nuisance. If the governing
4241 authority determines that the property is a public hazard and
4242 nuisance, the municipality shall institute proceedings under



subsection (2) of this section to demolish or seize the abandoned house or building.

(2) The municipality shall file a petition to declare the abandoned property a public hazard and nuisance and to have the property demolished or seized with the circuit clerk of the county in which the property or some part of the property is located. All of the owners of the property involved, and any mortgagee, trustee, or other person having any interest in or lien on the property shall be made defendants to the proceedings. The circuit clerk shall present the petition to the circuit judge who, by written order directed to the circuit clerk, shall fix the time and place for the hearing of the matter in termtime or vacation. The time of the hearing shall be fixed on a date to allow sufficient time for each defendant named to be served with process, as otherwise provided by law, not less than thirty (30) days before the hearing. If a defendant or other party in 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 69. Section 21-19-25, Mississippi Code of 1972, is amended as follows:



4267 21-19-25. (1) Any municipality within the State of
4268 Mississippi may, in the discretion of its governing authority,
4269 adopt building codes, plumbing codes, electrical codes, gas codes,
4270 sanitary codes, or any other codes dealing with general public
4271 health, safety or welfare, or a combination of the same, by
4272 ordinance, in the manner prescribed in this section. Before any
4273 such code shall be adopted, it shall be either printed or
4274 typewritten, and it shall be presented in pamphlet form to the
4275 governing authority of the municipality at a regular meeting. The
4276 ordinance adopting the code shall not set out the code in full,
4277 but shall merely identify the same. The vote on passage of the
4278 ordinance shall be the same as on any other ordinances. After its
4279 adoption, the code shall be certified to by the mayor and clerk of
4280 the municipality, and shall be filed as a permanent record in the
4281 office of the clerk, who shall not be required to transcribe and
4282 record the same in the ordinance book as other ordinances. It
4283 shall not be necessary that the ordinance adopting the code or the
4284 code itself be published in full, but notice of the adoption of
4285 the code shall be given by publication either in some newspaper of
4286 the municipality for one (1) time * * * or by a link to such
4287 notice posted on the municipality's website or, if the
4288 municipality does not have a website, its official social media
4289 webpage. If there be no such newspaper, website or official
4290 social media page, publication is proper by posting at three (3)



4291 or more public places within the corporate limits, a notice in
4292 substantially the following form:

4293 Notice is given that the city (or town or village) of
4294 _____, on the (give date of ordinance adopting code), adopted
4295 (state type of code and other information serving to identify the
4296 same) code.

4297 (2) If the governing authority of any municipality adopts or
4298 has adopted construction codes which do not have proper provisions
4299 to maintain up-to-date amendments, specifications in such codes
4300 for cements used in portland cement concrete shall be superseded
4301 by nationally recognized specifications referenced in any code
4302 adopted by the Mississippi Building Code Council.

4303 (3) All the provisions of this section shall apply to
4304 amendments and revisions of the code mentioned in this section.
4305 Any code adopted in accordance with this section shall not be in
4306 force for one (1) month after its passage, unless the municipal
4307 authorities in the ordinance authorize to the contrary. The
4308 provisions of this section shall be in addition and supplemental
4309 to any existing laws authorizing the adoption, amendment or
4310 revision of municipal ordinances or codes.

4311 (4) Notwithstanding any provision of this section to the
4312 contrary, any code adopted by a municipality before or after April
4313 12, 2001, is subject to the provisions of Section 41-26-14(10).

4314 (5) Notwithstanding any provision of this section to the
4315 contrary, the governing authorities of each municipality in



4316 Jackson, Harrison, Hancock, Stone and Pearl River Counties shall
4317 enforce the requirements imposed under Section 17-2-1 as provided
4318 in such section.

4319 (6) Regardless of whether the governing authority of any
4320 municipality adopts or has adopted construction codes, as set
4321 forth in this section, each and every governing authority of any
4322 municipality shall require permitting as a condition to
4323 construction within the municipality's jurisdiction, and any and
4324 all such permits shall contain on their faces, in conspicuous
4325 print, (a) the contractor's material purchase certificate number
4326 to the extent one (1) is furnished by the Department of Revenue
4327 pursuant to Section 27-65-21(3) or the contractor's Taxpayer
4328 Identification Number as furnished by the Internal Revenue
4329 Service, and either a copy of such material purchase certificate
4330 furnished by the Department of Revenue pursuant to Section
4331 27-65-21(3), or a copy of the contractor's W-9, as the case may
4332 be, shall be required to be provided to the governing authority of
4333 such municipality as part of the contractor's application for such
4334 permit, prior to the issuance of such permit, and (b) the
4335 contractor's license or certificate of responsibility number as
4336 required by either Section 31-3-14 et seq., 51-5-1 et seq. or
4337 73-59-1 et seq.

4338 (7) The provisions of this section shall apply to all
4339 municipalities of this state, whether operating under the code



charter, a special charter, commission form, or other form of government.

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

21-19-51. The governing authorities of municipalities shall have the power and authority, in their discretion, to contribute, appropriate or donate to fair associations, domiciled in their respective county, a sum of money not to exceed Ten Thousand Dollars (\$10,000.00) per annum for the purpose of advertising, displaying, exhibiting or promoting the agricultural or industrial resources of such municipality or its respective county. The expenditure of such money, when contributed, appropriated or donated, shall be under the control of the municipality, and such governing authorities are hereby authorized and empowered to appoint one (1) or as many as three (3) individuals, in their discretion, to represent the municipal authorities in the proper expenditure of such money for said purpose in conjunction with the fair association. Before contributing, appropriating or donating any money to any fair association, such governing authorities shall publish notice of their intention to contribute, appropriate 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) consecutive 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) consecutive 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 71. 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
municipality the reasons for and status of any municipal activity,
litigation, franchise, proposed bond issue, and any other
municipal matter about which it is for the best interest of the
people that they be fully informed.



4390 Such advertising and publicizing may be done by newspaper,
4391 magazine, radio, television, municipality website, official
4392 municipality social media webpage, or by any combination of same,
4393 which in the judgment of the governing body of such municipality
4394 will be helpful toward advancing the moral, financial and other
4395 interests of such municipality.

4396 **SECTION 72.** Section 21-25-21, Mississippi Code of 1972, is
4397 amended as follows:

4398 21-25-21. The governing authorities of any municipality are
4399 hereby authorized to create, by ordinance, a fire district within
4400 or adjoining such municipality when petitioned so to do by a
4401 majority of the owners of property, either real or personal,
4402 located within such proposed fire district. After the creation of
4403 the fire district such governing authorities shall cause the
4404 ordinance creating such fire district to be published * * * either
4405 in some newspaper in such municipality, or the county in which the
4406 municipality is located, * * * for three (3) consecutive weeks or
4407 by a link to such ordinance posted on the municipality's website
4408 or, if the municipality does not have a website, its official
4409 social media webpage to remain available to the public for the
4410 duration of three (3) consecutive weeks. At the next regular
4411 meeting of the governing authorities after such three (3) weeks'
4412 publication, they shall declare such territory to be a fire
4413 district as provided by this section. Such governing authorities
4414 shall have full power to contract for laying water mains and any



4415 other pipes or connections to the water mains to be used in said
4416 fire district, and for the establishment and maintenance of fire
4417 service therein.

4418 **SECTION 73.** Section 21-27-33, Mississippi Code of 1972, is
4419 amended as follows:

4420 21-27-33. All municipalities of the state are hereby
4421 empowered and authorized, if they so desire, to sell, lease, or
4422 otherwise dispose of any or all electric, water, gas or other
4423 municipally owned public utility systems or properties on such
4424 terms and conditions, and with such safeguards as will best
4425 promote and protect the public interest. Said municipal
4426 corporations are empowered and authorized to transfer title to
4427 said public utility properties by warranty deed, bill of sale,
4428 contract, or lease, in the manner provided by law. However,
4429 notice of intention to make such sale, lease, or disposition of
4430 any such system, setting out the price and other general terms and
4431 conditions of such proposed sale, lease, or disposition shall be
4432 given by publication * * * in a legal newspaper published in such
4433 municipality * * * once a week for three (3) consecutive weeks, or
4434 by a link to such notice posted on the municipality's website or,
4435 if the municipality does not have a website, its official social
4436 media webpage for the duration of three (3) consecutive weeks. If
4437 no such newspaper be published in said municipality, nor do either
4438 a website or official social media page exist, then publication is
4439 proper in some newspaper having a general circulation in such



4440 municipality. After ten (10) days from the last publication of
4441 such notice, the system may be disposed of, unless within ten (10)
4442 days after the last publication of such notice a petition signed
4443 by not less than twenty * * * percent (20%) of the qualified
4444 voters of such municipality be filed, objecting to and protesting
4445 against such sale, lease, or disposition, in which event the same
4446 shall not be made unless submitted to a special election ordered
4447 for the purpose of determining whether a majority of those voting
4448 in such election shall vote for or against such sale, lease, or
4449 other disposition. Such election shall be ordered to be held not
4450 less than forty (40) days after the date of the last notice of the
4451 proposed sale, lease or disposition. Notice of such election,
4452 stating the purpose of election, shall be published once each week
4453 for three (3) consecutive weeks next preceding the time set for
4454 holding said election in such newspaper as herein provided. The
4455 laws governing special municipal elections shall govern the
4456 ordering and conduct of said election.

4457 The ballots provided shall have plainly written or printed
4458 thereon the words "shall the waterworks, electric, or gas (as the
4459 case may be) system be sold, leased, or disposed of (as the case
4460 may be)" and below said words shall be suitably placed on separate
4461 lines, the words "yes" and "no," so that the voter may indicate
4462 the way he desires to vote on the question submitted.

4463 If a majority of those voting in said election shall vote in
4464 favor of such sale, lease, or disposition, then the proper officer



4465 of the municipality may proceed to sell, lease or dispose of such
4466 system in accordance with the terms and conditions set out in the
4467 notice of proposed intention to sell, lease or dispose of such
4468 system, as herein provided. If such election is determined
4469 against such sale, lease or disposition of such system, then such
4470 system shall not be sold, leased or disposed of, but shall remain
4471 the property of the municipality.

4472 **SECTION 74.** Section 21-27-43, Mississippi Code of 1972, is
4473 amended as follows:

4474 21-27-43. Except as hereinafter provided, no bonds shall be
4475 issued pursuant to the authority granted in Section 21-27-23 until
4476 and unless a majority of those qualified electors of the
4477 municipality, voting on a proposition stating in general terms the
4478 maximum amount and purposes of the bonds, have approved the
4479 issuance at a special election called thereon according to law.

4480 However, the requirement for an election to be held before
4481 the issuance of the bonds shall not apply to the issuance of the
4482 revenue bonds for the purpose of improving, repairing or extending
4483 any waterworks system, water supply system, sewage system, sewage
4484 disposal system (or the addition of a sewage disposal system to a
4485 sewage system), gas producing system, gas generating,
4486 transmission, or distribution system, electric generating,
4487 transmission, or distribution system, garbage disposal system,
4488 rubbish disposal or incinerator system, or motor vehicle
4489 transportation system, which is now, or hereafter, owned or



4490 operated by any municipality, or railroad transportation system
4491 owned or operated by any municipality located in a county
4492 bordering the Mississippi River and in which Highways 49 and 61
4493 intersect. The revenue bonds may be issued for such purposes in
4494 the following manner: notice of intention to issue the revenue
4495 bonds, setting out the amount and other terms or conditions of the
4496 proposed issue, shall be given by publication either once a week
4497 for three (3) consecutive weeks in a local newspaper published in
4498 the municipality * * * or by a link to such notice posted on the
4499 municipality's website or, if the municipality does not have a
4500 website, its official social media webpage for the duration of
4501 three (3) consecutive weeks. If such a newspaper is not published
4502 in the municipality and no such website or official social media
4503 page exists, then publication is proper in some newspaper having a
4504 general circulation in the municipality. After ten (10) days from
4505 the last publication of the notice, the bonds may be sold under
4506 the regular procedure for selling the bonds unless, within ten
4507 (10) days after the last publication of the notice, a petition
4508 signed by not less than twenty percent (20%) of the qualified
4509 voters of such municipality be filed objecting to and protesting
4510 against such revenue bond issue, in which event the same shall not
4511 be made unless submitted to a special election ordered for the
4512 purpose of determining whether or not a majority of those voting
4513 in the election shall vote for or against the revenue bond issue.
4514 The election shall be ordered to be held not later than forty (40)



4515 days after the date of the last notice of the proposed revenue
4516 bond issue. Notice of the election, stating the purpose of the
4517 election, shall be published either once each week for three (3)
4518 consecutive weeks next preceding the time set for holding the
4519 election in the newspaper or by a link to such notice posted on
4520 the municipality's website or, if the municipality does not have a
4521 website, its official social media webpage for the duration of
4522 three (3) consecutive weeks next preceding the time set for
4523 holding the election in the newspaper, provided in this section.
4524 The laws governing municipal elections shall govern the order and
4525 conduct of the election. However, nothing in this section shall
4526 prevent the governing authorities from calling an election,
4527 whether required by petition of twenty percent (20%) of the
4528 qualified voters or not. This section shall not have application
4529 to and it shall not affect the authority granted public utilities
4530 commissions under Section 21-27-25.

4531 **SECTION 75.** Section 21-29-203, Mississippi Code of 1972, is
4532 amended as follows:

4533 21-29-203. Said fund and system of relief to the fire
4534 department and/or police department shall be inaugurated in each
4535 municipality only in the following manner: each municipality
4536 desiring to create said fund and inaugurate this system of
4537 disability and relief for its firemen and/or policemen, shall call
4538 an election after giving either three (3) weeks consecutive notice
4539 in a newspaper published in said city, * * * or by a link to such



4540 notice posted on the municipality's website or, if the
4541 municipality does not have a website, its official social media
4542 webpage for the duration of three (3) consecutive weeks. Notice
4543 shall state the date, purpose and time of holding said election
4544 for the electors to determine whether or not said municipality
4545 shall adopt the "disability and relief fund for firemen and
4546 policemen." At said election the ballots used by the qualified
4547 electors shall read: "For the Disability and Relief Fund for
4548 Firemen and Policemen," "Against the Disability and Relief Fund
4549 for Firemen and Policemen." Said election shall be held as such
4550 other elections of like nature, and if at said election the
4551 majority of qualified electors voting thereat, shall vote against
4552 the creation of said fund and system, then the said fund and
4553 system shall not be created and said fund and system shall not be
4554 inaugurated in said municipality. Should a majority of said
4555 qualified electors voting at said election vote in favor of the
4556 creation of said fund and the operation of said system, the said
4557 fund and system shall be inaugurated by said municipality.

4558 **SECTION 76.** Section 21-33-29, Mississippi Code of 1972, is
4559 amended as follows:

4560 21-33-29. Except as otherwise provided in Section 21-33-10,
4561 the governing authorities of every municipality shall, at a
4562 regular or special meeting to be held in September or October in
4563 each year (unless a different time be fixed by order), receive the
4564 assessment rolls of real and personal property from the assessor



4565 and shall proceed to change, correct, revise, and equalize said
4566 assessments in the same manner and with the same powers as is
4567 provided for the equalization of assessments by county boards of
4568 supervisors. When the equalization has been completed, the
4569 governing authorities shall give ten (10) days' notice of the
4570 regular or special meeting at which objections to such assessments
4571 will be heard. The notice shall be given by publication at least
4572 one * * * time either in a legal newspaper, if there be one (1)
4573 published in the municipality, * * * or by a link to such notice
4574 posted on the municipality's website or, if the municipality does
4575 not have a website, its official social media webpage. If no such
4576 newspaper be published in the municipality and no such website or
4577 official social media page exists, the notice shall be given by
4578 posting written notices thereof in five (5) or more public places
4579 in the municipality.

4580 **SECTION 77.** Section 21-33-47, Mississippi Code of 1972, is
4581 amended as follows:

4582 21-33-47. (1) When the governing authorities of any
4583 municipality shall have made the levy of municipal taxes by
4584 resolution, or for any other taxing district of which the
4585 municipality is a part by resolution, the clerk of the
4586 municipality shall thereupon immediately certify the same to the
4587 tax collector of the municipality, or such other taxing district
4588 of which the municipality may be a part.



4589 (2) When a resolution levying ad valorem taxes has been
4590 finally adopted by the governing authorities of any municipality
4591 embracing, in whole or in part, any other taxing district of which
4592 such municipality is a part, the clerk of such municipality shall
4593 immediately certify a copy of such resolution to the * * *
4594 Department of Revenue, as the law directs. The clerk shall have
4595 the resolution of the governing authorities making the levy
4596 printed within two (2) weeks after it is entered on the minutes of
4597 such governing authorities, and he or she shall furnish any
4598 taxpayer with a copy thereof, upon request. If a newspaper is
4599 published within such municipality, then such resolution shall be
4600 published in its entirety, at least one time, within ten (10) days
4601 after its adoption. Publication shall also be proper by a link to
4602 such resolution posted on the municipality's website or, if the
4603 municipality does not have a website, its official social media
4604 webpage to become available to the public in its entirety within
4605 ten (10) days after its adoption. Instead of publishing the
4606 resolution in its entirety, the publication of the resolution may
4607 be made as provided in Section 21-17-19. If no newspaper be
4608 published within such municipality and no such website or official
4609 social media page exists, then a copy of such resolution, in its
4610 entirety, shall be posted by such municipal clerk in at least
4611 three (3) public places in such municipality, within ten (10) days
4612 after its adoption.



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

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

21-33-89. The governing authorities of any municipality having a population of less than one thousand (1,000), according to the last federal census, shall have the power and authority, in their discretion, to assess, levy and collect an additional ad valorem tax on all of the taxable property in such municipality of not exceeding two (2) mills on the dollar for street maintenance, upkeep and construction purposes, and/or an additional ad valorem tax on all of the taxable property in such municipality of not exceeding two (2) mills on the dollar for cemetery improvement, upkeep and maintenance purposes, which said taxes shall be in addition to all other taxes now authorized by law. However, such taxes shall not be levied unless and until the levy thereof has been approved by a majority of the qualified voters of such municipality voting in an election to be held for such purpose, notice of which election shall be given either in some newspaper having a general circulation in such municipality not less than twenty (20) nor more than thirty (30) days prior to such election or by a link to such notice posted on the municipality's website or, if the municipality does not have a website, its official



4638 social media webpage; one (1) publication of such notice shall be
4639 sufficient. No consideration for homestead exemption refunds
4640 shall be considered in connection with the assessment and levy
4641 provided herein.

4642 **SECTION 79.** Section 21-33-207, Mississippi Code of 1972, is
4643 amended as follows:

4644 21-33-207. (a) The mayor and board of aldermen or other
4645 governing authority of any municipality desiring to avail itself
4646 of the provisions of the City Utility Tax Law shall adopt an
4647 ordinance declaring its intention to have the utility tax imposed
4648 at the specified rate for the benefit of such municipality
4649 effective on and after a date fixed in the ordinance which must be
4650 at least thirty (30) days later and on the first day of a month.
4651 A certified copy of this ordinance shall be immediately forwarded
4652 to the * * * Commissioner of Revenue. The municipal authorities
4653 shall have a copy of the ordinance published either once a week
4654 for three (3) consecutive weeks in at least one (1) newspaper
4655 published in the municipality and having a general circulation
4656 therein or by a link to such ordinance posted on the
4657 municipality's website or, if the municipality does not have a
4658 website, its official social media webpage to remain available to
4659 the public for the duration of three (3) consecutive weeks. The
4660 first publication shall be not less than twenty-eight (28) days
4661 prior to the levying date fixed in such ordinance, and the last
4662 publication shall be made not less than seven (7) days prior to



4663 such date. If no newspaper is published in the municipality and
4664 no such website or official social media page exists, then notice
4665 shall be given by publishing the ordinance for the required time
4666 in some newspaper published in the same or an adjoining county
4667 having a general circulation in the municipality. A copy of the
4668 ordinance shall also be posted at three (3) public places in the
4669 municipality for a period of at least twenty-one (21) days during
4670 the time of its publication in a newspaper. The publication of
4671 the ordinance may be made as provided in Section 21-17-19. Proof
4672 of publication must also be furnished to the * * * Commissioner of
4673 Revenue.

4674 (b) If more than twenty percent (20%) of the qualified
4675 electors of the municipality having no city utility tax shall file
4676 with the clerk of the municipality within twenty-one (21) days
4677 after adoption of the ordinance of intent to qualify for the
4678 collection of the tax, a petition requesting an election on the
4679 question of the levy of such tax, then and in that event such tax
4680 levy shall not be made unless authorized by a majority of the
4681 votes cast at an election to be called and held for that purpose.
4682 Notice of such election shall be given, the election shall be held
4683 and the result thereof determined in the manner provided in Title
4684 21, Chapter 11, * * * Mississippi Code of 1972. In the event of
4685 an election resulting in favor of the levy or where no election is
4686 required, the governing authorities shall adopt another ordinance
4687 qualifying for the collection of the tax provided in the City



4688 Utility Tax Law, and shall set the first of a month following the
4689 date of such adoption as the effective date of the tax levy. A
4690 certified copy of this ordinance together with the result of the
4691 election, if any, shall be immediately furnished the * * *
4692 Commissioner of Revenue. Upon receipt of the certified ordinance
4693 and other official notice from the municipality, the chairman
4694 shall notify the utilities in such municipality which are affected
4695 by the City Utility Tax Law, and take the necessary action to
4696 collect the tax. The first payment of the tax after its adoption
4697 shall be on all receipts of the utility derived from all billings
4698 made fifteen (15) days after the effective date of said adoption.

4699 **SECTION 80.** Section 21-33-307, Mississippi Code of 1972, is
4700 amended as follows:

4701 21-33-307. Before issuing any bonds for any of the purposes
4702 enumerated in Section 21-33-301, the governing authority of the
4703 issuing municipality shall adopt a resolution declaring its
4704 intention so to do, stating the amount of bonds proposed to be
4705 issued and the purpose for which the bonds are to be issued, and
4706 the date upon which the aforesaid authority proposes to direct the
4707 issuance of such bonds. Such resolution shall be published either
4708 once a week for at least three (3) consecutive weeks in at least
4709 one (1) newspaper published in such municipality or by a link to
4710 such resolution posted on the municipality's website or, if the
4711 municipality does not have a website, its official social media
4712 page to remain available to the public for the duration of three



4713 (3) consecutive weeks. The first publication of such resolution
4714 shall be made not less than twenty-one (21) days prior to the date
4715 fixed in such resolution for the issuance of the bonds, and the
4716 last publication shall be made not more than seven (7) days prior
4717 to such date. If no newspaper be published in such municipality
4718 and no such website or official social media page exists, then
4719 such notice shall be given by publishing the resolution for the
4720 required time in some newspaper having a general circulation in
4721 such municipality and, in addition, by posting a copy of such
4722 resolution for at least twenty-one (21) days next preceding the
4723 date fixed therein at three (3) public places in such
4724 municipality. The publication of the resolution may be made as
4725 provided in Section 21-17-19. If ten percent (10%) of the
4726 qualified electors of the municipality, or fifteen hundred (1500),
4727 whichever is the lesser, shall file a written protest against the
4728 issuance of such bonds on or before the date specified in such
4729 resolution, then an election on the question of the bonds shall be
4730 called and held as is provided in Section 21-33-309. Notice of
4731 such election shall be signed by the clerk of the municipality and
4732 shall be published either once a week for at least three (3)
4733 consecutive weeks in at least one (1) newspaper published in such
4734 municipality or by a link to such notice of election posted on the
4735 municipality's website or, if the municipality does not have a
4736 website, its official social media webpage to remain available to
4737 the public for the duration of three (3) consecutive weeks. 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 municipality and no such website or official social media page exists, then such notice shall be given by publishing the same for the required time in some newspaper having a general circulation in such municipality and published in the same or an adjoining 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 municipality. If no protest be filed, then such bonds may be issued without an election on the question of the issuance thereof, at any time within a period of two (2) years after the date specified in the above-mentioned resolution. However, the governing authority of any municipality in its discretion may nevertheless call an election on such question, in which event it shall not be necessary to publish the resolution declaring its intention to issue such bonds as herein provided.

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

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

21-33-553. (1) A special local improvement assessment district may be created under this section if the boundaries of the proposed special local improvement assessment district are



4763 within the boundaries of the homeowners' association representing
4764 that area. Upon delivery of a petition to the clerk of the
4765 municipality in which the proposed district is located, signed by
4766 the owners of at least sixty percent (60%) of the taxable real
4767 property in the homeowners' association representing the area in
4768 the proposed district, the municipality shall begin efforts to
4769 establish the district; however, if the boundaries of the proposed
4770 special local improvement assessment district are located, in
4771 whole or in part, within the boundaries of the Capitol Complex
4772 Improvement District, or a portion of the proposed district
4773 adjoins the boundaries of the Capitol Complex Improvement
4774 District, the petition may be delivered to the Capitol Complex
4775 Improvement District Project Advisory Committee, and the committee
4776 shall deliver the petition to the clerk of the municipality.

4777 (2) The homeowners' association representing the property
4778 owners in the proposed special local improvement assessment
4779 district shall submit a strategic plan to the municipality
4780 specifying the local improvements proposed for the district during
4781 the municipality's upcoming fiscal year and the total amount
4782 proposed to be expended for the improvements. Based on the
4783 strategic plan, the governing authorities of the municipality
4784 shall determine the additional millage to be levied upon all
4785 taxable real property in the district, not to exceed six (6)
4786 mills, needed in order to provide funds for the local improvements
4787 as proposed in the strategic plan.



4788 (3) Within ninety (90) days of receipt of the strategic
4789 plan, the municipality shall prepare a notice calling for an
4790 election to be held in the proposed district on the question of
4791 whether to establish the special local improvement assessment
4792 district. The date and time of the election and the voting
4793 location shall be fixed in the notice. The municipality shall
4794 publish the notice of the election either once each week for at
4795 least three (3) consecutive weeks in a newspaper published or
4796 having a general circulation in the town * * * or by a link to
4797 such notice posted on the municipality's website or, if the
4798 municipality does not have a website, its official social media
4799 webpage to remain available to the public for the duration of at
4800 least three (3) consecutive weeks. The first publication of the
4801 notice * * * shall be made not less than twenty-one (21) days
4802 before the date fixed in the notice of the election and the last
4803 publication to be made not more than seven (7) days before the
4804 election. At the election, all qualified electors of the proposed
4805 special local improvement assessment district may vote, which
4806 qualified electors shall be determined by use of the voter rolls
4807 of all municipal voting precincts containing any property in the
4808 proposed special local improvement assessment district.

4809 The ballots prepared by the municipality and used in the
4810 election shall have printed thereon the additional millage to be
4811 assessed, a brief statement of the purposes of the proposed
4812 special local improvement assessment district and the words "FOR



4813 THE SPECIAL IMPROVEMENT ASSESSMENT DISTRICT" and, on a separate
4814 line, "AGAINST THE SPECIAL IMPROVEMENT ASSESSMENT DISTRICT," and
4815 the voters shall vote by placing a cross (X) or check (✓) opposite
4816 their choice on the proposition.

4817 (4) When the results of the election shall have been
4818 canvassed and certified by the municipality, the governing
4819 authorities of the municipality shall adopt a resolution creating
4820 the special local improvement assessment district if at least
4821 sixty percent (60%) of the qualified electors in the proposed
4822 special local improvement assessment district who vote in the
4823 election vote in favor of creating the district. The resolution
4824 shall contain a description of the boundaries of the district and
4825 shall specify the millage rate to be levied upon taxable real
4826 property in the district for the municipality's fiscal year. At
4827 least thirty (30) days before the effective date of the tax, the
4828 governing authorities shall furnish to the Department of Revenue a
4829 certified copy of the resolution evidencing the tax.

4830 (5) The procedures required in this section for the
4831 establishment of a district shall be used for the modification of
4832 the boundaries of a district.

4833 **SECTION 82.** Section 21-35-5, Mississippi Code of 1972, is
4834 amended as follows:

4835 21-35-5. The governing authorities of each municipality of
4836 the State of Mississippi shall, not later than September 15 each
4837 year, prepare a complete budget of the municipal revenues,



4838 expenses and working cash balances estimated for the next fiscal
4839 year, and shall prepare a statement showing the aggregate revenues
4840 collected during the current year in said municipality for
4841 municipal purposes. Such statement shall show every source of
4842 revenue along with the amount derived from each source. Said
4843 budget of any municipality of one thousand five hundred (1,500)
4844 inhabitants or more, according to the last preceding federal
4845 census, with said statement of revenue and expenses, shall be
4846 published at least one * * * time during September of said year
4847 either in a newspaper published in such municipality or * * * by a
4848 link to such budget posted on the municipality's website or, if
4849 the municipality does not have a website, its official social
4850 media webpage. If no such newspaper be published in such
4851 municipality and no such website or official social media page
4852 exists, publication is proper in any newspaper published in the
4853 county wherein the municipality is located. In municipalities of
4854 less than one thousand five hundred (1,500) inhabitants, according
4855 to the last preceding federal census, as many as three (3)
4856 prepared statements of said budget shall be posted in three (3)
4857 public places in said municipalities.

4858 Prior to the adoption of a budget pursuant to this section,
4859 the governing authority of each municipality shall hold at least
4860 one (1) public hearing to provide the general public with an
4861 opportunity to comment on the taxing and spending plan
4862 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 83. 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 any one or more items provided for in the budget of the preceding board. This section shall not, however, validate or invalidate any contracts made, executed or entered into by the governing authorities of the preceding term.

If it appears at any time during the current fiscal year, but not later than the regular July meeting of the board of governing authorities, that collections of anticipated revenues from taxes



4888 or other sources will be less than the amount estimated, and a
4889 deficit is thereby indicated for any fund, or funds, the governing
4890 authorities shall, at a regular meeting, revise and reduce the
4891 budget appropriations for such funds as is anticipated will have a
4892 deficit, so as to conform to the lowered indicated revenue,
4893 including revenue from taxes and all other sources.

4894 If it affirmatively appears at any time during the current
4895 fiscal year that actual collections and anticipated revenues from
4896 taxes or other sources, including grants or donations, will exceed
4897 the estimates, then the governing authorities may revise and
4898 increase the budget appropriation of such fund, or funds, affected
4899 by such increase in revenue, but no such transfer shall be made
4900 from fund to fund, or from item to item, which will result in the
4901 expenditure of any money for a purpose different from that for
4902 which the tax was levied. The budget, as so revised, shall be
4903 spread in detail upon the minutes of said board of governing
4904 authorities. However, no such increase shall in any event be
4905 construed to authorize expenditures or to incur obligations which
4906 will result in a deficit in any fund, or funds.

4907 If the increase in revenue over the estimates is from other
4908 than regular sources, including grants and donations, such excess
4909 over the estimate may be expended for improvements and new
4910 construction, including buildings, additions to buildings,
4911 streets, and street improvements.



4912 If it affirmatively appears at any time during the current
4913 fiscal year that there is in any fund or account any sum remaining
4914 unexpended and not needed or expected to be needed for the purpose
4915 or purposes for which appropriated in said budget, then the
4916 governing authorities may, in their discretion, transfer such sum
4917 or any part thereof to any other fund or funds or account or
4918 accounts where needed, by order to such effect entered upon their
4919 minutes. This shall not, however, authorize the expenditure of
4920 any funds for any purpose other than that for which the levy
4921 producing such funds was made.

4922 Any amendments made pursuant to this section to an originally
4923 adopted budget which exceed ten percent (10%) of the total amount
4924 appropriated or authorized to be expended in a particular
4925 department fund shall be published or posted within two (2) weeks
4926 of the action either in a newspaper in the same manner as the
4927 final adopted budget or by a link to such amendments posted on the
4928 municipality's website or, if the municipality does not have a
4929 website, its official social media webpage. Separate amendments
4930 to an originally adopted budget during one fiscal year which
4931 affect a particular department fund shall be considered as one (1)
4932 amendment in determining whether the ten percent (10%) threshold
4933 requiring publication or posting has been reached. This
4934 publication or posted notice shall contain a description of the
4935 amendment, the amount of money and funds affected, and a detailed
4936 statement explaining the need and purpose of the amendment. The



4937 vote of each member of the municipality's governing authority on
4938 each amendment shall be included in the publication or posted
4939 notice.

4940 **SECTION 84.** Section 21-35-31, Mississippi Code of 1972, is
4941 amended as follows:

4942 **[For municipal fiscal years commencing before October 1,**
4943 **2009, this section shall read as follows:]**

4944 21-35-31. The governing authorities of every municipality in
4945 the state shall have their books audited annually, prior to the
4946 close of the next succeeding fiscal year, either by a competent
4947 accountant approved by the State Auditor or by a certified public
4948 accountant, who has paid a privilege tax as such in this state,
4949 and shall pay for same out of the General Fund. No advertisement
4950 shall be necessary before entering into such contract, but same
4951 shall be entered into as a private contract. Said audit shall be
4952 made upon a uniform formula set up and promulgated by the State
4953 Auditor, as the head of the State Department of Audit, or the
4954 director thereof, appointed by him or her, as designated and
4955 defined in Title 7, Chapter 7, * * * Mississippi Code of 1972, or
4956 any office or officers hereafter designated to replace or perform
4957 the duties imposed by said chapter. Provided, however, any
4958 municipality with a population of three thousand (3,000) or less
4959 may employ a competent accountant or auditor, approved by the
4960 State Auditor, to prepare annually a compilation report and a
4961 compliance letter, in a format prescribed by the State Auditor, in



4962 lieu of an annual audit when such audit will be a financial
4963 hardship on the municipality. Two (2) copies of said audit or
4964 compilation shall be mailed to the said State Auditor within
4965 thirty (30) days after completion of said audit. Said State
4966 Auditor shall, at the end of each fiscal year, submit to the
4967 Legislature a composite report showing any information concerning
4968 municipalities in this state that he or she might deem pertinent
4969 and necessary to the Legislature for use in its deliberations. A
4970 synopsis of said audit, in a format prescribed by the State
4971 Auditor, shall be published within thirty (30) days by the
4972 governing authorities of such municipalities in a newspaper
4973 published in such municipalities or * * * by a link to such
4974 synopsis posted on the municipality's website or, if the
4975 municipality does not have a website, its official social media
4976 webpage. If no newspaper be published in any such municipality
4977 and no such website or official social media page exists, in any
4978 newspaper having a general circulation published in the county
4979 wherein such municipality is located. The publication of the
4980 audit may be made as provided in Section 21-17-19, Mississippi
4981 Code of 1972. Such publication shall be made one (1) time, and
4982 the governing authorities of such municipalities shall be
4983 authorized to pay only one-half (1/2) of the legal rate prescribed
4984 by law for such legal publication.

4985 **[For municipal fiscal years commencing on or after October 1,**
4986 **2009, this section shall read as follows:]**



4987 21-35-31. (1) The governing authority of every municipality
4988 in the state shall have the municipal books audited annually,
4989 before the close of the next succeeding fiscal year, in accordance
4990 with procedures and reporting requirements prescribed by the State
4991 Auditor. The municipality shall pay for the audit or report out
4992 of its general fund. No advertisement shall be necessary before
4993 entering into the contract, and it shall be entered into as a
4994 private contract. The audit or report shall be made upon a
4995 uniform formula set up and promulgated by the State Auditor, as
4996 the head of the State Department of Audit, or the director
4997 thereof, appointed by him or her, as designated and defined in
4998 Title 7, Chapter 7, Mississippi Code of 1972, or any office or
4999 officers hereafter designated to replace or perform the duties
5000 imposed by said chapter. Two (2) copies of the audit or report
5001 shall be mailed to the said State Auditor within thirty (30) days
5002 after completion. The State Auditor, at the end of each fiscal
5003 year, shall submit to the Legislature a composite report showing
5004 any information concerning municipalities in this state that the
5005 Auditor deems pertinent and necessary to the Legislature for use
5006 in its deliberations. A synopsis of the audit or report, in a
5007 format prescribed by the State Auditor, shall be published within
5008 thirty (30) days by the governing authority of each municipality
5009 in a newspaper published in the municipality or * * * by a link to
5010 such synopsis posted on the municipality's website or, if the
5011 municipality does not have a website, its official social media



5012 webpage. If no newspaper is published in a municipality and no
5013 such website or official social media page exists, in any
5014 newspaper having a general circulation published in the county
5015 wherein the municipality is located. The publication of the audit
5016 or report may be made as provided in Section 21-17-19.

5017 Publication shall be made one (1) time, and the governing
5018 authority of each municipality shall be authorized to pay only
5019 one-half (1/2) of the legal rate prescribed by law for such legal
5020 publication.

5021 (2) It shall be the duty of the State Auditor to determine
5022 whether each municipality has complied with the requirements of
5023 subsection (1) of this section. If upon examination the State
5024 Auditor determines that a municipality has not initiated efforts
5025 to comply with the requirements of subsection (1), the State
5026 Auditor shall file a certified written notice with the clerk of
5027 the municipality notifying the governing authority of the
5028 municipality that a certificate of noncompliance will be issued to
5029 the * * * Department of Revenue and to the Attorney General thirty
5030 (30) days immediately following the date of the filing of the
5031 notice unless within that period the municipality substantially
5032 complies with the requirements of subsection (1). If, after
5033 thirty (30) days from the giving of the notice, the municipality,
5034 in the opinion of the State Auditor, has not substantially
5035 initiated efforts to comply with the requirements of subsection
5036 (1), the State Auditor shall issue a certificate of noncompliance



5037 to the clerk of the municipality, * * * Department of Revenue and
5038 the Attorney General. Thereafter, the * * * Department of Revenue
5039 shall withhold from all allocations and payments to the
5040 municipality that would otherwise be payable the amount necessary
5041 to pay one hundred fifty percent (150%) of the cost of preparing
5042 the required audit or report as contracted for by the State
5043 Auditor. The cost shall be determined by the State Auditor after
5044 receiving proposals for the audit or report required in subsection
5045 (1) of this section. The State Auditor shall notify the * * *
5046 Department of Revenue of the amount in writing, and the * * *
5047 Department of Revenue shall transfer that amount to the State
5048 Auditor. The State Auditor is authorized to escalate, budget and
5049 expend these funds in accordance with rules and regulations of the
5050 Department of Finance and Administration consistent with the
5051 escalation of federal funds. All remaining funds shall be
5052 retained by the State Auditor to offset the costs of administering
5053 these contracts. The State Auditor shall not unreasonably delay
5054 the issuance of a written notice of cancellation of a certificate
5055 of noncompliance but shall promptly issue a written notice of
5056 cancellation of certificate of noncompliance upon an affirmative
5057 showing by the municipality that it has come into substantial
5058 compliance.

5059 **SECTION 85.** Section 21-38-9, Mississippi Code of 1972, is
5060 amended as follows:



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

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

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

(c) The ordinance shall provide that it will not become effective until publication thereof shall have been made either once each week for three (3) consecutive weeks in a newspaper, or newspapers, published or having a general circulation in the county in which the municipality and the real property to be incorporated are located 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 to remain available to 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.



5085 **SECTION 86.** Section 21-41-5, Mississippi Code of 1972, is
5086 amended as follows:

5087 21-41-5. When the governing authorities of any municipality
5088 shall determine to make any local or special improvement, the cost
5089 of which or any part thereof is to be assessed against the
5090 property benefited, they shall adopt a resolution declaring
5091 necessary the proposed improvement describing the nature and
5092 extent of the work, the general character of the material to be
5093 used, and the location and terminal points of the streets,
5094 highways, boulevards, avenues, squares, alleys or parks, or parts
5095 thereof, or clearly define the boundary of areas in which said
5096 improvements are to be made. In publishing said resolution
5097 declaring the work necessary, the plans and specifications of said
5098 work need not be published but may be referred to as being on file
5099 in the office of the city clerk or city engineer. The publication
5100 of the resolution may be made as provided in Section 21-17-19.
5101 Said resolution shall fix a date when the governing authorities of
5102 said municipality shall meet, which shall be not less than fifteen
5103 (15) days after the date of the first publication of the notice
5104 herein provided for, to hear any objections or remonstrances that
5105 may be made to said improvements. The notice herein provided for
5106 shall be published either once each week for three (3) successive
5107 publications in a public newspaper having a general circulation in
5108 the municipality * * * or by a link to such notice posted on the
5109 municipality's website or, if the municipality does not have a



5110 website, its official social media webpage to remain available to
5111 the public for the duration of not less than fifteen (15) days
5112 before said meeting. If no newspaper is published therein and no
5113 such website or official social media page exists it shall be
5114 sufficient to post said notice in three (3) public places of the
5115 municipality for not less than fifteen (15) days before said
5116 meeting, one (1) which shall be posted at the town or city hall of
5117 said municipality. Moreover, the clerk of the municipality shall
5118 send a copy of the notice, by certified mail, postage prepaid,
5119 within five (5) days after the first publication of the notice
5120 herein provided for, to the last-known address of owners of
5121 property affected by the resolution. However, failure of the
5122 clerk to mail such notice or failure of the owner to receive such
5123 notice shall not invalidate any proceeding in this chapter, where
5124 such notice has been published as provided herein. Notice
5125 declaring the work necessary shall be notice to the property
5126 owners that the work has been declared necessary.

5127 If the governing authorities of a municipality desire to make
5128 any special or local improvement under the Regional Economic
5129 Development Act, the governing authorities also shall comply with
5130 any requirements provided therein.

5131 **SECTION 87.** Section 21-41-13, Mississippi Code of 1972, is
5132 amended as follows:

5133 21-41-13. Upon the completion of any improvement authorized
5134 by this chapter, the governing authorities shall ascertain and



5135 determine the cost of the improvement and declare the same by
5136 resolution. Upon said completion the governing authorities shall
5137 cause to be prepared a roll or list to be called the "assessment
5138 roll" showing the names of the property owners, and, opposite each
5139 name a description of each parcel of land. Such roll shall be
5140 entered in a well-bound book prepared for that purpose, which
5141 shall contain appropriate columns in which payments may be
5142 credited. Said book shall be known as "assessment book for local
5143 improvements." It shall be a public record and the entry therein
5144 of any assessment shall be and constitute notice to the public of
5145 the lien against the land so assessed, and no other record or
5146 notice thereof shall be necessary to any person or corporation for
5147 that purpose. No error, omission or mistake in regard to the name
5148 of the owner shall be held to invalidate any assessment. After
5149 the completion of the said assessment roll it shall be delivered
5150 to the clerk of the municipality, or to the officer performing the
5151 duties of such clerk, who shall thereupon give a notice by
5152 publication in either some newspaper published in said
5153 municipality or by a link to such notice posted on the
5154 municipality's website or, if the municipality does not have a
5155 website, its official social media webpage that the assessment
5156 roll (for that piece of local improvement made) has been delivered
5157 to him or her and is open for inspection at his or her office, and
5158 that at a time and place therein mentioned, not less than fifteen
5159 (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 88. 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 (1), 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 or official social media page exists, then such notice shall be posted for the prescribed period of time in at least five (5) public places in the municipality, one (1) 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 89. 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 link to such resolution posted on the municipality's website or, if the municipality does not have a website, its official social media webpage, which may be made as provided in Section 21-17-19;



5184 (b) Mailing a complete copy of the resolution of
5185 intention to each business in the proposed or established area.
5186 Publication and mailing shall be completed at least ten (10) days
5187 prior to the time of the hearing.

5188 **SECTION 90.** Section 21-43-117, Mississippi Code of 1972, is
5189 amended as follows:

5190 21-43-117. (1) For initial creation of the district,
5191 reauthorization of the district at the end of each ten-year
5192 period, or modification of the boundaries of the district at the
5193 end of a ten-year period, the clerk of the municipality shall
5194 notify all property owners to be included in the proposed district
5195 of a public hearing to review the plan and receive comment about
5196 the process for accepting or rejecting the plan. Following a
5197 public hearing, the governing authority of the municipality shall
5198 set an election date not more than sixty (60) days from the date
5199 of the public hearing. The ballot shall clearly state the issue
5200 to be decided. Only property owners of record as of the date of
5201 initial notice given as provided in Section 21-43-111 shall be
5202 eligible to participate in any such election.

5203 (2) Notice of an election to create, continue or extend a
5204 district shall be:

5205 (a) Mailed to each of the district property owners of
5206 record thirty (30) days prior to the election, and

5207 (b) Published either at least twice in a newspaper of
5208 general circulation in the municipality, the first publication



5209 shall be not less than ten (10), nor more than thirty (30) days
5210 before the date for the election or by a link to such notice
5211 posted on the municipality's website or, if the municipality does
5212 not have a website, its official social media webpage for the
5213 duration of fifteen (15) days prior to the date for the election.

5214 The notice shall include a copy of the plan, a ballot for the
5215 election and a notice about the time and date for the election.

5216 (3) Not less than ten (10) nor more than thirty (30) days
5217 before the date set for the election, the governing authority of
5218 the municipality shall cause a copy of the plan and the ballot to
5219 be posted in the lobby of its city hall.

5220 (4) Ballots shall be marked, signed and submitted by the
5221 eligible property owner to the clerk of the municipality by the
5222 date designated on the ballot.

5223 (5) The clerk of the municipality shall notify the property
5224 owners in the district of the result.

5225 (6) If the plan is approved by sixty percent (60%) of the
5226 participating eligible property owners, the mayor of the
5227 municipality shall review the initial district plan to ensure its
5228 compliance with the provisions of Sections 21-43-101 through
5229 21-43-133.

5230 (7) The tax collector shall disburse the proceeds collected
5231 from the assessment to the designated district management group
5232 within thirty (30) days after the assessment is due. At such time
5233 of any disbursement, the tax collector shall provide a listing of



the property owners and payment amounts, including the date paid.
The tax collector shall provide information upon request by the
district related to any unpaid or sold parcels.

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

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

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

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

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

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

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

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



5259 (g) A statement requiring that a separate fund be
5260 established to receive ad valorem taxes and the proceeds of any
5261 other financial assistance.

5262 Before approving any tax increment financing plan, the
5263 governing body shall hold a public hearing thereon after published
5264 notice either in a newspaper in which the municipality is
5265 authorized to publish legal notices at least once and not less
5266 than ten (10) days and not more than twenty (20) days prior to the
5267 hearing or by a link to such notice posted on the municipality's
5268 website or, if the municipality does not have a website, its
5269 official social media webpage to remain available to the public
5270 for the duration of fifteen (15) days prior to the hearing.

5271 **SECTION 92.** This act shall take effect and be in force from
5272 and after July 1, 2025.

