

By: Senator(s) Hill

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2836

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

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

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

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



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

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

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



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



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 per centum (5%) per annum, payable semi-annually, 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



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

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

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



177 17-11-45. The governing body or bodies issuing bonds under
178 this chapter shall sell such bonds in such manner and for such
179 price as it or they may determine to be for the best interest of
180 said governing body or bodies. No such sale shall be made at a
181 price less than par plus accrued interest to date of delivery of
182 the bonds of the purchaser. Notice of the sale of any such bonds
183 shall be published at least one (1) time not less than ten (10)
184 days prior to the date of sale * * *. Notice shall be published
185 either in a newspaper published in and having general circulation
186 within such regional area, county or city or by a link to such
187 notice posted on the district's, county's or municipality's
188 website or, if the district, county or municipality does not have
189 a website, its official social media webpage.

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

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



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



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

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

230 17-17-109. Where an election is to be called as provided in
231 Section 17-17-107, notice of such election shall be signed by the
232 clerk of the governing body of any municipality and shall be
233 published either once a week for at least three (3) consecutive
234 weeks * * * in at least one (1) newspaper published in such county
235 or by a link to such notice of election posted on the
236 municipality's website or, if the municipality does not have a
237 website, its official social media webpage to remain available to
238 the public for the duration of three (3) consecutive weeks. The
239 first publication of such notice shall be made not less than
240 twenty-one (21) days prior to the date fixed for such election and
241 the last publication shall be made not more than seven (7) days
242 prior to such date. If no newspaper is published in such county,
243 then such notice shall be given by publishing the same for the
244 required time in some newspaper having a general circulation in
245 such county and, in addition, by posting a copy of such notice for
246 at least twenty-one (21) days next preceding such election at
247 three (3) public places in such county.

248 **SECTION 8.** Section 17-17-227, Mississippi Code of 1972, is
249 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.



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

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

342 (5) (a) Upon completion of its local nonhazardous solid
343 waste management plan, the board of supervisors of the county
344 shall publish a public notice that describes the plan, specifies
345 the location where it is available for review and establishes a
346 period of thirty (30) days for comments concerning the plan and a
347 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



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

489 (3) The election shall be held and conducted as far as may
490 be possible in the same manner as is provided by law for the
491 holding of general elections. The ballots used thereat shall
492 contain a brief statement of the proposition submitted and, on
493 separate lines, the words "I vote FOR new municipal solid waste
494 landfill in _____ County ()", "I vote AGAINST new municipal
495 solid waste landfill in _____ County ()" with appropriate
496 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



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

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



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

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

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

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



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

(2) (a) In addition to compliance with the provisions of Sections 19-9-1 through 19-9-25, Sections 21-33-301 through * * * 37-33-329, for the issuance of general obligations of the county or municipality, the county or municipality shall advertise its intention to issue general obligation bonds of the county or municipality and specify the proposed increased tax rate of the county or municipality in a newspaper of general circulation in the county or municipality or by link to the advertisement 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 print advertisement shall be no less than one-fourth (1/4) page in size and the type used shall be no smaller than eighteen (18) point and surrounded by a one-fourth (1/4) inch



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

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

691 "NOTICE OF TAX INCREASE

692 (Name of the County or Municipality) has proposed to increase
693 its property tax revenue (designate one or more classes of
694 property provided for in Section 112, Mississippi Constitution of
695 1890) by (percentage of increase of each class) percent, and to



increase its total budget by (percentage of increase) percent for the purpose of the issuance of general obligation bonds of the county or municipality for a solid waste management facility."

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

SECTION 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



746 immediately preceding fiscal year for operation of the garbage or
747 rubbish collection or disposal system, including ad valorem taxes,
748 fees and other sources; and

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

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



municipality's website or official social media webpage, a link to the notice must appear conspicuously on the main page.

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

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



newspaper of 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.

If printed, the advertisement shall be no less than
one-fourth (1/4) page in size and the type used shall be no
smaller than eighteen (18) point and surrounded by a one-fourth
(1/4) inch solid black border. The advertisement may not be
placed in that portion of the newspaper where legal notices and
classified advertisements appear. It is legislative intent that,
when the advertisement is printed, whenever possible, the printed
advertisement 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. It is further the
intent of the Legislature that the newspaper selected be one of
general interest and readership in the community, and not one of
limited subject matter. * * * A print advertisement shall be run
once each week for the two (2) weeks preceding the public
hearings, and an online advertisement shall appear for the
duration of the two-week period. The advertisement shall state
that the governing body will meet on a certain day, time and place
fixed in the advertisement, which shall be not less than seven (7)
days after the day the first advertisement is published, for the
purpose of hearing comments regarding the proposed resolution and
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



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



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

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



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

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

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

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

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



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

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



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

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

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



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

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

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



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

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

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



1018 posted on the county's website or, if the county does not have a
1019 website, its official social media webpage. If no such newspaper
1020 is published in the county, then such recapitulation may be
1021 published in a newspaper published elsewhere in the state and
1022 having a general circulation in such county. The cost of
1023 publishing the same shall be paid for out of the general fund of
1024 the county. The cost of such publication shall not exceed
1025 one-half (1/2) of the rate now fixed by law for publishing legal
1026 notices, and in no event shall the cost of such publication exceed
1027 One Hundred Dollars (\$100.00) in any one (1) month, save, however,
1028 in counties of classes 1 and 2 the board of supervisors may expend
1029 an amount not to exceed One Hundred Seventy-five Dollars (\$175.00)
1030 per month for the publication of said cumulative digest of its
1031 proceedings as provided for above. If there be more than one (1)
1032 newspaper published in the county, the board of supervisors shall
1033 advertise, as provided by law, for contracts for publishing such
1034 proceedings, and shall award the contract to the lowest bidder for
1035 a period of two (2) years. If no bid be made for the price above
1036 mentioned, then the proceedings shall be posted at the courthouse
1037 door as hereinafter provided. If there be no newspaper published
1038 in such county, then such proceedings shall be posted at the front
1039 courthouse door and on the county's website or official social
1040 media webpage, if the county does not have a website.

1041 If any member of a board of supervisors or the chancery clerk
1042 shall fail, refuse or neglect to comply with the provisions of



1043 this section, he shall, upon conviction, be guilty of a
1044 misdemeanor and shall be fined not more than Five Hundred Dollars
1045 (\$500.00) for such failure, refusal or neglect for each offense
1046 and, in addition thereto, shall be liable to a penalty of Five
1047 Hundred Dollars (\$500.00), recoverable on his official bond by
1048 suit filed by any county or district attorney or any interested
1049 citizen, upon his official bond.

1050 This shall not be construed to repeal Section 19-3-33, and
1051 where the verbatim proceedings are published as therein provided,
1052 this section shall not apply, it being intended hereby to provide
1053 a method of publishing the proceedings of the board of supervisors
1054 in addition to that now provided for by Section 19-3-33. Where
1055 publication is made under Section 19-3-33, this section shall not
1056 be construed so as to require any other and additional
1057 publication, or notice.

1058 **SECTION 22.** Section 19-3-67, Mississippi Code of 1972, is
1059 amended as follows:

1060 19-3-67. (1) When any member of any board of supervisors
1061 shall be required to travel outside of his county but within the
1062 State of Mississippi in the performance of his official duties,
1063 such member shall receive as expenses of such travel the same
1064 mileage and actual and necessary expenses for food, lodging and
1065 travel by public carrier or private motor vehicles as is allowed
1066 state officers and employees pursuant to the provisions of Section
1067 25-3-41, Mississippi Code of 1972. Provided, however, mileage



1068 shall not be authorized when such travel is done by a motor
1069 vehicle owned by the county.

1070 (2) When any member of any board of supervisors shall be
1071 required to travel outside the State of Mississippi in the
1072 performance of his official duties, such member shall receive as
1073 expenses of such travel the same mileage and actual and necessary
1074 expenses for food, lodging and travel by public carrier or private
1075 motor vehicles as is allowed state officers and employees pursuant
1076 to the provisions of Section 25-3-41, Mississippi Code of 1972.
1077 Provided, however, such travel must receive the prior approval of
1078 the board before it is undertaken, and such approval shall be
1079 spread upon the minutes of the board.

1080 (3) Except as hereinafter provided with respect to mileage,
1081 no expenses shall be authorized or approved by any board of
1082 supervisors for travel by the member of such board within the
1083 county of such board. With respect to mileage, when travel within
1084 the county by a member of such board is done by a motor vehicle
1085 owned by the county, mileage shall not be authorized;
1086 however, when any member of such board does not have a
1087 county-owned motor vehicle regularly assigned to him for his use
1088 or when a county-owned motor vehicle is not otherwise available
1089 for his use at the time when travel is necessary, and he is
1090 required to travel within the county in the performance of his
1091 official duties using his private motor vehicle, then he 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 webpage to remain available to
1134 the 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 elects not to use of his decision not to use such services by
1525 certified mail, return receipt requested. The person shall not be
1526 liable for any fees or charges from the service he elects not to
1527 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 (3) week period prior to the date specified in such
1721 resolution as the date upon which such board intends to create
1722 such district.

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



1739 for the publication of the resolution of intention. The ballots
1740 to be prepared for and used at said election shall be in
1741 substantially the following form:

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

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

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

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

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



1764 for the first year of such additional levy and shall be included
1765 within such limitation in any year thereafter.

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

1778 (b) In respect to fire protection purposes, the board
1779 of supervisors of the county in which any such district is created
1780 after July 1, 1987, may, according to the terms of the resolution
1781 of intent to incorporate the district, levy a special tax not to
1782 exceed two (2) mills annually on all of the taxable real property
1783 in such district, the avails of which shall be paid over to the
1784 board of commissioners of the district to be used either for the
1785 operation, support and maintenance of the fire protection district
1786 or for the retirement of any bonds issued by the district for fire
1787 protection purposes, or for both; however, the board of



1788 supervisors may increase the tax levy under this subsection as
1789 provided for in paragraph (c) of this subsection.

1790 (c) The tax levy under this subsection may be increased
1791 only when the board of supervisors has determined the need for
1792 additional revenues. Prior to levying a tax increase under this
1793 paragraph, the board of supervisors shall adopt a resolution
1794 declaring its intention to levy the tax. The resolution shall
1795 describe the amount of the increase in the tax levy and the
1796 purposes for which the proceeds of the additional tax will be
1797 used. The board of supervisors shall have a copy of the
1798 resolution published once a week for three (3) consecutive weeks
1799 either in at least one (1) newspaper published in the county and
1800 having a general circulation therein or by a link to such
1801 resolution posted on the county's website or, if the county does
1802 not have a website, its official social media webpage, to remain
1803 available to the public for the duration of three (3) consecutive
1804 weeks. If no newspaper is published in the county and no such
1805 website exists, then notice shall be given by publishing the
1806 resolution for the required time in some newspaper having a
1807 general circulation in the county. A copy of the resolution shall
1808 also be posted at three (3) public places in the county for a
1809 period of at least twenty-one (21) days during the time of its
1810 publication in a newspaper. If more than twenty percent (20%) of
1811 the qualified electors of the district shall file with the clerk
1812 of the board of supervisors, within twenty-one (21) days after



1813 adoption of the resolution of intent to increase the tax levy, a
1814 petition requesting an election on the question of the increase in
1815 tax levy, then and in that event such increase shall not be made
1816 unless authorized by a majority of the votes cast at an election
1817 to be called and held for that purpose within the district.
1818 Notice of such election shall be given, the election shall be held
1819 and the result thereof determined, as far as is practicable, in
1820 the same manner as other elections are held in the county. If an
1821 election results in favor of the increase in the tax levy or if no
1822 election is required, the board of supervisors may increase the
1823 tax levy. The board of supervisors, in its discretion, may call
1824 an election on such question, in which event it shall not be
1825 necessary to publish the resolution declaring its intention to
1826 have the tax imposed.

1827 (d) Notwithstanding any provisions of this subsection
1828 to the contrary, in any county bordering on the Gulf of Mexico and
1829 the State of Louisiana, the board of supervisors may levy not to
1830 exceed four (4) mills annually on all the taxable real property
1831 within any fire protection district, the avails of which shall be
1832 paid over to the board of commissioners of the district to be used
1833 either for the operation, support and maintenance of the fire
1834 protection district or for the retirement of any bonds issued by
1835 the district for fire protection purposes, or for both. Prior to
1836 levying the tax under this paragraph, the board of supervisors
1837 shall adopt a resolution declaring its intention to levy the tax.



1838 The resolution shall describe the amount of the tax levy and the
1839 purposes for which the proceeds of the tax will be used. The
1840 board of supervisors shall have a copy of the resolution
1841 published * * * either in at least one (1) newspaper published in
1842 the county and having a general circulation therein once a week
1843 for three (3) consecutive weeks or by a link to such resolution
1844 posted on the county's website or, if the county does not have a
1845 website, its official social media webpage, to remain available to
1846 the public for the duration of three (3) consecutive weeks. If no
1847 newspaper is published in the county and no such website exists,
1848 then notice shall be given by publishing the resolution for the
1849 required time in some newspaper having a general circulation in
1850 the county. A copy of the resolution shall also be posted at
1851 three (3) public places in the county for a period of at least
1852 twenty-one (21) days during the time of its publication in a
1853 newspaper. If more than twenty percent (20%) of the qualified
1854 electors of the district shall file with the clerk of the board of
1855 supervisors, within twenty-one (21) days after adoption of the
1856 resolution of intent to levy the tax, a petition requesting an
1857 election on the question of the levy of such tax, then and in that
1858 event such tax levy shall not be made unless authorized by a
1859 majority of the votes cast at an election to be called and held
1860 for that purpose within the district. Notice of such election
1861 shall be given, the election shall be held and the result thereof
1862 determined, as far as is practicable, in the same manner as other



1863 elections are held in the county. If an election results in favor
1864 of the tax levy or if no election is required, the board of
1865 supervisors may levy such tax. The board of supervisors, in its
1866 discretion, may call an election on such question, in which event
1867 it shall not be necessary to publish the resolution declaring its
1868 intention to have the tax imposed.

1869 (e) Notwithstanding any provisions of this subsection
1870 to the contrary, in any county bordering on the Mississippi River
1871 in which legal gaming is conducted and in which U.S. Highway 61
1872 intersects with Highway 4, the board of supervisors may levy a
1873 special tax not to exceed five (5) mills annually on all the
1874 taxable real and personal property within any fire protection
1875 district, except for utilities as defined in Section 77-3-3(d)(i)
1876 and (iii), the avails of which shall be paid over to the board of
1877 commissioners of the district to be used either for the operation,
1878 support and maintenance of the fire protection district or for the
1879 retirement of any bonds issued by the district for fire protection
1880 purposes, or for both. Before levying the tax under this
1881 paragraph, the board of supervisors shall adopt a resolution
1882 declaring its intention to levy the tax. The resolution shall
1883 describe the amount of the tax levy and the purposes for which the
1884 proceeds of the tax will be used. The board of supervisors shall
1885 have a copy of the resolution published * * * either in at least
1886 one (1) newspaper published in the county and having a general
1887 circulation therein once a week for three (3) consecutive weeks or



1888 by a link to such resolution posted on the county's website or, if
1889 the county does not have a website, its official social media
1890 webpage, to remain available to the public for the duration of
1891 three (3) consecutive weeks. If no newspaper is published in the
1892 county and no such website exists, then notice shall be given by
1893 publishing the resolution for the required time in some newspaper
1894 having general circulation in the county. A copy of the
1895 resolution shall also be posted at three (3) public places in the
1896 county for a period of at least twenty-one (21) days during the
1897 time of its publication in a newspaper. If more than twenty
1898 percent (20%) of the qualified electors of the district shall file
1899 with the clerk of the board of supervisors, within twenty-one (21)
1900 days after adoption of the resolution of intent to levy the tax, a
1901 petition requesting an election of the questions of the levy of
1902 such tax, then and in that event such tax levy shall not be made
1903 unless authorized by a majority of the votes cast at an election
1904 to be called and held for that purpose within the district.
1905 Notice of such election shall be given, the election shall be held
1906 and the result thereof determined, as far as is practicable, in
1907 the same manner as other elections are held in the county. If an
1908 election results in favor of the tax levy or if no election is
1909 required, the board of supervisors may levy such tax. The board
1910 of supervisors, in its discretion, may call an election on such
1911 question, in which event it shall not be necessary to publish the
1912 resolution declaring its intention to have the tax imposed.



(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 published * * * either 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 print 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 thing to be done and invite sealed proposals, to be filed with the secretary of the district, to do the work. In all such cases,



before the notice shall be published, plans and specifications for the work shall be prepared by a registered professional engineer and shall be filed with the secretary of the district and there remain. The board of commissioners of the district shall award the contract to the lowest responsible bidder who will comply with the terms imposed by such commissioners and enter into bond with sufficient sureties to be approved by the commissioners in such penalty as shall be fixed by the commissioners; however, in no case shall such bond be less than the contract price, conditioned for the prompt, proper efficient performance of the contract. Contracts of less than Ten Thousand Dollars (\$10,000.00) may be negotiated; however, the board of commissioners shall invite and receive written proposals for the work from at least three (3) contractors regularly engaged in the type of work involved.

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

19-5-207. Within ninety (90) days after the close of each fiscal year, the board of commissioners shall publish * * * a sworn statement showing the financial condition of the district, the earnings for the fiscal year just ended, a statement of the water and sewer rates being charged * * * and a brief statement of the method used in arriving at such rates. Publication of such statement shall be made either in a newspaper of general circulation in the county or by a link to such statement posted on 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 print publication shall be made not less than twenty-one (21) days
1987 before the date of such hearing and the last such publication



shall be made not more than fourteen (14) days before the date of such hearing.

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

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

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



Online publication shall remain on the county's website or
official social media 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 to such intention 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 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.

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



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

2211 19-9-11. Before issuing any bonds for any of the purposes
2212 enumerated in Sections 19-9-1 * * * and 19-9-3, the board of
2213 supervisors shall adopt a resolution declaring its intention so to
2214 do, stating the amount of bonds proposed to be issued and the
2215 purpose for which the bonds are to be issued, and the date upon
2216 which the board proposes to direct the issuance of such bonds.
2217 Such resolution shall be published * * * either in at least one
2218 (1) newspaper published in such county once a week for at least
2219 three (3) consecutive weeks or by a link to such resolution posted
2220 on the county's website or, if the county does not have a website,
2221 its official social media webpage, to remain available to the
2222 public for the duration of at least three (3) consecutive weeks.
2223 The first print publication of such resolution shall be made not
2224 less than twenty-one (21) days prior to the date fixed in such
2225 resolution for the issuance of the bonds, and the last publication
2226 shall be made not more than seven (7) days prior to such date. If
2227 no newspaper be published in such county and no such website
2228 exists, then such notice shall be given by publishing the
2229 resolution for the required time in some newspaper having a
2230 general circulation in such county and, in addition, by posting a
2231 copy of such resolution for at least twenty-one (21) days next
2232 preceding the date fixed therein at three (3) public places in
2233 such county. If twenty percent (20%), or fifteen hundred (1500),



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

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

2250 19-9-13. Where an election is to be called, as provided in
2251 Section 19-9-11, notice of such election shall be signed by the
2252 clerk of the board of supervisors and shall be published either
2253 once a week for at least three (3) consecutive weeks * * * in at
2254 least one newspaper published in such county or by a link to such
2255 notice posted on the county's website or, if the county does not
2256 have a website, its official social media webpage. The first
2257 print publication of such notice shall be made not less than
2258 twenty-one (21) days prior to the date fixed for such election,



2259 and the last publication shall be made not more than seven (7)
2260 days prior to such date. If no newspaper is published in such
2261 county, then such notice shall be given by publishing the same for
2262 the required time in some newspaper having a general circulation
2263 in such county and, in addition, by posting a copy of such notice
2264 for at least twenty-one (21) days next preceding such election at
2265 three (3) public places in such county. Online publication should
2266 remain available to the public for the duration of the three-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) weeks, but not less than
2306 twenty-one (21) days, nor more than sixty (60) days, intervening
2307 between the time of the first notice and the meeting at which said
2308 board proposes to issue such notes. Online publication should



2309 remain available to the public for the duration of three (3)
2310 weeks. If, within the time of giving notice, twenty percent
2311 (20%), or fifteen hundred (1500), whichever is less, of the
2312 qualified electors of the county shall protest or file a petition
2313 against the issuance of such notes, then such notes shall not be
2314 issued unless authorized by a three-fifths (3/5) majority of the
2315 qualified electors of such county, voting at an election to be
2316 called and held for that purpose.

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

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

2327 Before any such levy is made, the board of supervisors shall
2328 signify its intention to make such a levy and publish same either
2329 in a newspaper published in said county for thirty (30) days prior
2330 to making said levy or by a link to such intention posted on the
2331 county's website or, if the county does not have a website, its
2332 official social media webpage to remain available to the public
2333 for the duration of thirty (30) days prior to making said levy.



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

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

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

2349 19-9-114. The board of supervisors of any county bordering
2350 on the Gulf of Mexico having a population according to the 1970
2351 census of 134,582 persons, and having two (2) cities located
2352 therein each having a population of over 30,000 persons according
2353 to the 1970 census, and in which is located a deep water port of
2354 entry and two (2) military establishments located therein, is
2355 hereby authorized and empowered, in its discretion, to levy an
2356 additional ad valorem tax not to exceed one (1) mill to provide
2357 funds for the construction of a facility to house a county-wide
2358 vocational and technical educational center. Such additional levy



2359 may be in excess of and in addition to the rate of taxation
2360 otherwise limited by law.

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

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

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



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

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



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

2411 19-11-7. (1) The county administrator of each county of the
2412 State of Mississippi shall prepare and submit to the board of
2413 supervisors at its August meeting of each year a complete budget
2414 of revenues, expenses and a working cash balance estimated for the
2415 next fiscal year, which shall be based on the aggregate funds
2416 estimated to be available for the ensuing fiscal year for each
2417 fund, from which such estimated expenses will be paid, exclusive
2418 of school maintenance funds, which shall be shown separately and
2419 exclusive of the budget of the sheriff's department which shall be
2420 prepared by the sheriff. Such statement of revenues shall show
2421 every source of revenue along with the amount derived from each
2422 source. The budget, including the sheriff's budget, containing
2423 such statement of revenues and expenses shall be published * * *
2424 either in a newspaper published in the county * * * at least one
2425 (1) time during August or September, but not later than September
2426 30 of the year, or by a link to such budget containing statement
2427 of revenues and expenses on the county's website or, if the county
2428 does not have a website, its official social media webpage to
2429 remain available to the public for the duration of either August
2430 or September, according to the month it is initially posted. If
2431 no such newspaper is published therein and no such website exists,



2432 then publication is proper in a newspaper having a general
2433 circulation therein.

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

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

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

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

2455 19-15-3. Whenever any county records, documents, files or
2456 papers whatsoever are required by law to be preserved and



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

2464 Whenever the board of supervisors of any county shall desire
2465 to destroy or dispose of any records, documents, files or papers,
2466 the board shall first cause the same to be reproduced under
2467 standards established by the Department of Archives and History
2468 using microfilm, microfiche, data processing, computers, magnetic
2469 tape, optical discs or other medium. If the county where records
2470 and the like are to be destroyed or disposed of does not have or
2471 own the necessary equipment to reproduce same, the board of
2472 supervisors shall be authorized and empowered to enter into a
2473 contract for the reproduction thereof, which contract may be for a
2474 period of not more than twelve (12) months from the date thereof.
2475 The contract shall be awarded to the lowest and best bidder after
2476 the board of supervisors shall have advertised its intentions of
2477 awarding such contract by publication of a notice thereof * * *
2478 either in some newspaper published or having a general circulation
2479 in such county once each week for at least three (3) consecutive
2480 weeks or by a link to such notice posted on the county's website
2481 or, if the county does not have a website, its official social



2482 media webpage to remain available to the public for the duration
2483 of the three-week period.

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

2500 The board of supervisors of any county is hereby authorized
2501 to pay all expenses incurred in reproducing records and the like
2502 and in making provision for the preservation, retention and
2503 storage of the reproductions from the general fund of the county.

2504 When any of the records and the like of which reproductions
2505 are made under the provisions of this section are declared by law
2506 or are by their nature confidential and privileged records, then



2507 the reproduction thereof shall likewise be deemed to be
2508 confidential and privileged to the same extent as the original
2509 records and the like.

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

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

2520 19-23-5. The board of supervisors of any county where the
2521 county prosecuting attorney's office has been abolished may by its
2522 own motion entered upon the minutes, make an order to reestablish
2523 the said office of county prosecuting attorney in said county.
2524 Said order shall be published either in a newspaper published in
2525 said county and having a general circulation therein * * * or by a
2526 link to such order posted on the county's website or, if the
2527 county does not have a website, its official social media webpage.
2528 If there is no such newspaper or website in said county, the said
2529 order shall be posted in three (3) public places of said county,
2530 and one (1) of the said places shall be the courthouse, for three
2531 (3) consecutive weeks next preceding, and if within that time



twenty percent (20%) of the qualified electors of the county shall petition against re-creation of said office, then the said office shall not be re-created, unless an election shall have been ordered in the manner provided for in Section 19-23-3, and a majority of the qualified voters in said election vote to re-create said office. The said board shall not re-create said office unless two (2) years after the same has been abolished shall have passed. Should there be no petition against the re-creation of said office, the board of supervisors shall re-create said office of county prosecuting attorney.

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

19-27-31. If the owner of any land which shall have been laid off, mapped, or platted as a city, town or village, or addition thereto, or subdivision thereof, or other platted area, whether inside or outside a municipality, shall be desirous of altering or vacating such map or plat, or any part thereof, he may, under oath, petition the chancery court for relief in the premises, setting forth the particular circumstances of the case and giving an accurate description of the property, the map or plat of which is to be vacated, or altered, and the names of the persons to be adversely affected thereby, or directly interested therein. The parties so named shall be made defendants thereto, and publication of summons shall be made one (1) time either in a newspaper published, or having a general circulation, in the



2557 county where the land is situated, * * * or by a link to such
2558 summons posted on the county's website or, if the county does not
2559 have a website, its official social media webpage. Such
2560 publication shall clearly state the objects and purposes of the
2561 petition.

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

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

2575 19-29-7. (1) Any county in which there is located existing
2576 railroad properties and facilities or in which railroad properties
2577 and facilities previously existed, but were abandoned after
2578 February 5, 1976, may, by resolution, create a public body
2579 corporate and politic, to be known as a county railroad authority,
2580 which shall be authorized to exercise its functions upon the
2581 appointment and qualifications of the first commissioners thereof.



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

2602 (2) Any county and a municipality within a county may create
2603 a railroad authority under this section by resolution adopted by
2604 the respective governing authorities. The authority shall be
2605 governed by five (5) commissioners. The board of supervisors
2606 shall appoint two (2) persons as commissioners of the authority.



2607 The governing authorities of the municipality shall appoint two
2608 (2) persons as commissioners of the authority. One (1)
2609 commissioner shall be appointed by the municipality and the county
2610 on a rotating basis with the municipality making the first
2611 appointment. The terms of the commissioners shall be the same as
2612 those provided in subsection (1) with the term designation to be
2613 determined by the majority vote of the governing authorities of
2614 the municipality and of the county. The municipality and the
2615 county may dissolve the authority by a majority vote of both
2616 governing authorities.

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

2619 19-29-9. (1) Two (2) or more counties in which there are
2620 located railroad properties and facilities of a railroad, or in
2621 which such properties and facilities previously existed, but were
2622 abandoned after February 5, 1976, may, by resolution of each,
2623 create a public body, corporate and politic, to be known as a
2624 regional railroad authority which shall be authorized to exercise
2625 its functions upon the issuance by the Secretary of State of a
2626 certificate of incorporation. The board of supervisors of each
2627 county joining in such regional authority shall, pursuant to the
2628 resolution organizing such authority, appoint five (5) residents
2629 of the county as commissioners of the authority and, as soon
2630 thereafter as practicable, the governing authorities of any



2631 municipality in such county, through which such railroads run,
2632 shall appoint a commissioner of the authority.

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

2637 (2) A regional railroad authority may be increased from time
2638 to time to serve one or more additional counties if each
2639 additional county and each of the counties then included in the
2640 regional authority and the commissioners of the regional
2641 authority, respectively, adopt a resolution consenting thereto.
2642 If a county railroad authority for any county seeking to be
2643 included in the regional authority is then in existence, the
2644 commissioners of the county authority shall consent to the
2645 inclusion of the county in the regional authority, and if the
2646 county authority has any bonds outstanding, unless fifty-one
2647 percent (51%) or more of the holders of the bonds consent, in
2648 writing, to the inclusion of the county in the regional authority,
2649 no such inclusion shall be effected. Upon the inclusion of any
2650 county in the regional authority, all rights, contracts,
2651 obligations and property, real and personal, of the county
2652 authority shall be in the name of and vest in the regional
2653 authority.

2654 (3) A regional railroad authority may be decreased if each
2655 of the counties then included in the regional authority and the



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

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

2672 (5) All commissioners of a regional railroad authority
2673 appointed by municipalities shall be appointed for terms of five
2674 (5) years each. Commissioners who are initially appointed by a
2675 board of supervisors shall be designated to serve terms of one
2676 (1), two (2), three (3), four (4) and five (5) years,
2677 respectively; thereafter, each such term shall be five (5) years.
2678 A vacancy occurring otherwise than by expiration of term shall be
2679 filled for the unexpired term in the same manner as the original
2680 appointments.



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

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

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



2705 19-29-18. (1) The governing body of a county railroad
2706 authority or regional railroad authority, as the case may be, may
2707 file a petition with the board of supervisors of any county
2708 included in the railroad authority, specifying for each such
2709 county, the rate of the ad valorem tax, not to exceed two (2)
2710 mills, to be levied by such county on the taxable property
2711 therein, for acquisition and maintenance of railroad properties
2712 and facilities, and to defray operating expenses of the railroad
2713 authority and any other expenses authorized to be incurred by the
2714 railroad authority. Prior to levying the tax specified by the
2715 railroad authority, the board of supervisors of each such county
2716 shall publish notice of its intention to levy same. The notice
2717 shall be published * * * either in some newspaper having a general
2718 circulation in the county once each week for three (3) weeks or by
2719 a link to such notice posted on the county's website or, if the
2720 county does not have a website, its official social media webpage
2721 to remain available to the public for the duration of three (3)
2722 weeks. Said print notice shall be published once each week for
2723 three (3) weeks, but not less than twenty-one (21) days, nor more
2724 than sixty (60) days, intervening between the time of the first
2725 notice and the meeting at which said board proposes to levy the
2726 tax. If, within the time of giving notice, twenty percent (20%)
2727 or one thousand five hundred (1,500) of the qualified electors of
2728 the county, whichever is less, shall file a written protest
2729 against the levy of the tax, then the tax shall not be levied



2730 unless authorized by three-fifths (3/5) of the qualified electors
2731 of such county, voting at an election to be called and held for
2732 that purpose. If the tax levy fails to be authorized at an
2733 election held in a county included in the regional authority, then
2734 such tax levy shall not be made in any of the counties included in
2735 such regional authority.

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

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

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

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



(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 the bid; all bonds of the same maturity shall bear the same rate of interest from date to maturity; all interest accruing on such bonds so issued shall be payable semiannually or annually, except



2779 that the first interest coupon attached to any such bond may be
2780 for any period not exceeding one (1) year.

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

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

2799 The bonds may be sold at not less than par at public sale
2800 held after notice published * * * either in a newspaper having a
2801 general circulation in the area of operation once at least five
2802 (5) days prior to such sale or by a link to such notice posted on
2803 such area of operation's website or, if the area of operation does



not have a website, its official social media page, to remain available to the public for the duration of at least five (5) days prior to such sale and in a financial newspaper published in the City of Jackson, Mississippi, or in the City of New York, New York. Such bonds may be sold at not less than par to the federal government at private sale without any public advertisement.

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

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

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

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



2829 district. The petition for the establishment of a public
2830 improvement district shall be filed by the petitioner with the
2831 governing body of the county or counties. The petition shall
2832 contain:

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

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

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

2839 (d) The proposed name of the district;

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

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

2845 (2) A public hearing on the petition shall be conducted by
2846 the governing body of each county of the proposed district within
2847 sixty (60) days after the petition is filed unless an extension of
2848 time is requested by the petitioners and granted by the governing
2849 body of each county. The hearing shall be held at an accessible
2850 location in each county in which the public improvement district
2851 is to be located. The petitioner shall cause a notice of the
2852 hearing to be published either in a newspaper having general
2853 circulation in each county at least once a week for the four (4)



2854 successive weeks immediately prior to the hearing or by a link to
2855 such notice posted on the county's website or, if the county does
2856 not have a website, its official social media page, for the
2857 duration of four (4) successive weeks immediately prior to the
2858 hearing. Such notice shall give the time and place for the
2859 hearing, a description of the area to be included in the district,
2860 and any other relevant information which the establishing
2861 governing bodies may require. The advertisement shall be
2862 published in the official minutes of the local governing body.

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

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

2871 (5) If all of the land in the area for the proposed district
2872 is within the territorial jurisdiction of a municipality, then the
2873 petition requesting establishment of a public improvement district
2874 under this chapter shall be filed by the petitioner with that
2875 particular municipality. In such event, the duties of the county
2876 with regard to the petition shall be the duties of the
2877 municipality. If any of the land area of a proposed district is
2878 within the land area of a municipality, the governing body of the



2879 county may not create the district without the approval of the
2880 municipality.

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

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

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

2898 (2) (a) Beginning six (6) years after the initial
2899 appointment of members, the position of each member whose term has
2900 expired shall be filled by a qualified voter of the district,
2901 elected by the qualified voters of the district. There shall be
2902 an election of members every six (6) years from the date of the
2903 ordinance establishing the district. The district manager shall



2904 determine the date and time of the election, which election must
2905 be held at least twenty (20) days before the anniversary date of
2906 the ordinance establishing the district. If a contribution
2907 agreement exists, then the governing body of the public entity
2908 that is a party to the contribution agreement may appoint one (1)
2909 of the five (5) members to the board of the district at the time
2910 of the election in lieu of electing that member.

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

2917 **Statement of Intent**

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

2920 I, (name of candidate as it will appear on the ballot),
2921 (mailing address, street address, city, state, zip code, telephone
2922 number of the candidate), certify that I am a qualified voter, as
2923 defined in Section 19-31-5, Mississippi Code of 1972, of the
2924 (insert name of public improvement district) Public Improvement
2925 District in the State of Mississippi; and I do hereby declare my
2926 candidacy for Board of the (insert name of public improvement
2927 district) Public Improvement District at the election to be held
2928 on (insert date of election).



2929 _____

2930 (Signature of candidate) (Date)

2931 Received by _____

2932 (Signature) (Title) (Date)

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

2950 (d) Each qualified voter shall be entitled to cast only
2951 one (1) ballot to elect each of the board members, regardless of
2952 the number of parcels owned by that voter within the district.
2953 Parcels may not be aggregated for determining the number of



2954 ballots allowed to be cast by a qualified voter. A list of
2955 qualified voters in the form of a voter roll must be kept current
2956 by the district manager and deemed final thirty (30) days before
2957 the election.

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

2968 **Proxy for Election**

2969 (Insert name of district) Public Improvement District

2970 I, _____, (name of qualified voter);

2971 _____ (street address);

2972 _____ (legal description);

2973 _____ (tax parcel identification number).

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

2977 1. Do constitute and appoint _____

2978 _____ (name), attorney and agent for me, and in my



2979 name, place and stead, to vote as my proxy for the election of
2980 members of the Board of Directors of the (name of district) Public
2981 Improvement District on (insert date), at the (insert voting
2982 location/facility name with street address); **OR (only choose one)**

2983 2. Do hereby cast my vote for:

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

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

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

2998

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

3000

3001 **(Signature of Qualified Voter)**

3002 (f) A qualified voter may cast only one (1) vote for
3003 each of the five (5) board member positions. When a qualified



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

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

3019 (3) Members of the board shall be known as directors and,
3020 upon entering into office, shall take an oath of office. They
3021 shall hold office for the terms for which they were elected or
3022 appointed and until their successors are chosen and qualified. If
3023 during the term of office, a vacancy occurs, the remaining members
3024 of the board shall fill the vacancy by an appointment for the
3025 remainder of the unexpired term.

3026 (4) A majority of the members of the board constitutes a
3027 quorum for the purposes of conducting its business and exercising
3028 its powers and for all other purposes. Action taken by the



3029 district shall be upon a vote of a majority of the members present
3030 unless general law or a rule of the district requires a greater
3031 number. If a quorum cannot be obtained in a board meeting, the
3032 governing body that established the district shall appoint members
3033 as necessary to replace any board member missing three (3)
3034 consecutive meetings.

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

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

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

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

3051 19-31-23. (1) The district may issue and sell from time to
3052 time bonds, notes, negotiable notes, tax anticipation notes, bond
3053 anticipation notes, other fund anticipation notes, renewal notes,



3054 refunding bonds, interim certificates, certificates of
3055 indebtedness, certificates of participation, debentures, warrants,
3056 commercial paper or other obligations or evidences of indebtedness
3057 to provide funds for and to fulfill and achieve its public purpose
3058 or corporate purposes, as set forth in this chapter, including,
3059 but not limited to, the payment of all or a portion of the costs
3060 of a project, to provide amounts necessary for any corporate
3061 purposes, including incidental expenses in connection with the
3062 issuance of the obligations, the payment of principal and interest
3063 on the obligations of the district, the establishment of reserves
3064 to secure such obligations, and all other purposes and
3065 expenditures of the district incident to and necessary or
3066 convenient to carry out its public functions or corporate
3067 purposes, and any credit enhancement for such obligations.

3068 (2) Before the issuance of any bonds as authorized under
3069 this chapter, the district shall hold a public hearing on the
3070 advisability of the indebtedness. Notice of the hearing must be
3071 published either twice in a newspaper having general circulation
3072 in each county where the district is located or by a link to such
3073 resolution posted on the county's website or, if the county does
3074 not have a website, its official social media webpage to remain
3075 available to the public for the duration of two (2) weeks. The
3076 final print publication of notice must be at least ten (10) days
3077 before the public hearing. The district shall give, by United
3078 States first-class mail, written notice of the public hearing to



all qualified voters in the district. The notice must be addressed to "Property Owner" and mailed by United States first-class mail to the current address of the owner, as reflected on tax rolls of property located in the district.

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

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

(c) The notice must state the following:

- (i) Time and place of the hearing;
- (ii) General nature of the proposed improvement;
- (iii) Estimated cost of the improvement;
- (iv) Boundaries of the public improvement district;
- (v) Proposed method of assessment;
- (vi) Proposed amount and term of indebtedness;
- (vii) Name of the public entity entering into the contribution agreement; and
- (viii) Proposed amount of contribution by the public entity.



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

3107 (i) Advisability of the improvement;

3108 (ii) Nature of the improvement;

3109 (iii) Estimated cost of the improvement;

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

3112 (v) Method of assessment;

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

3116 (vii) Terms of the contribution agreement.

3117 (e) As provided in subsection (3)(d)(vi) of this
3118 section, the governing body of the public entity shall obtain an
3119 appraisal in accordance with the Uniform Standards of Professional
3120 Appraisal Practice, with special consideration given to the Income
3121 Approach to Value using a discounted cash flow analysis of the
3122 entire commercial, residential or industrial subdivision. The
3123 appraisal must satisfy all parties to the contribution agreement
3124 that the value of the property in the district will be sufficient
3125 to ensure payment of any obligation to which a public entity is
3126 subject.

3127 (4) Except as may otherwise be provided by the district, all
3128 obligations issued by the district shall be negotiable instruments



3129 and payable solely from the levy of any special assessment by the
3130 district or from any other sources whatsoever that may be
3131 available to the district but shall not be secured by the full
3132 faith and credit of the state or the county or municipality that
3133 created the district.

3134 (5) Obligations shall be authorized, issued and sold by a
3135 resolution or resolutions of the district adopted as provided in
3136 this chapter. Such bonds or obligations may be of such series,
3137 bear such date or dates, mature at such time or times, bear
3138 interest at such rate or rates, including variable, adjustable, or
3139 zero interest rates, be payable at such time or times, be in such
3140 denominations, be sold at such price or prices, at public or
3141 private negotiated sale, after advertisement as is provided for in
3142 Section 17-21-53(2) for and in connection with any public sale, be
3143 in such form, carry such registration and exchangeability
3144 privileges, be payable at such place or places, be subject to such
3145 terms of redemption and be entitled to such priorities on the
3146 income, revenue and receipts of, or available to, the district as
3147 may be provided by the district in the resolution or resolutions
3148 providing for the issuance and sale of the bonds or obligations of
3149 the district.

3150 (6) The obligations of the district shall be signed by such
3151 directors or officers of the district by either manual or
3152 facsimile signatures as shall be determined by resolution or



3153 resolutions of the district, and shall have impressed or imprinted
3154 thereon the seal of the district or a facsimile thereof.

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

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

3167 (9) The district may authorize the establishment of a fund
3168 or funds for the creation of a debt service reserve, a renewal and
3169 replacement reserve or such other funds or reserves as the
3170 district may approve with respect to the financing and operation
3171 of any project and as may be authorized by any bond resolution,
3172 trust agreement, indenture of trust or similar instrument or
3173 agreement pursuant to the provisions of which the issuance of
3174 bonds or other obligations of the district may be authorized.

3175 (10) Notwithstanding any other law to the contrary, but
3176 subject to any agreement with bondholders or noteholders, monies
3177 of the district not required for immediate use, including proceeds



3178 from the sale of any bonds, notes or other obligations, may be
3179 invested in the following:

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

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

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

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

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

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

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

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



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

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

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

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

3220 (14) This chapter constitutes full and complete authority
3221 for the issuance of bonds and the exercise of the powers of the
3222 district provided herein. No procedures or proceedings,
3223 publications, notices, consents, approvals, orders, acts or things
3224 by the board or any board, officers, commission, department,
3225 agency or instrumentality of the district, other than those
3226 required by this chapter, shall be required to perform anything
3227 under this chapter, except that the issuance or sale of bonds



3228 pursuant to the provisions of this chapter shall comply with the
3229 general law requirements applicable to the issuance or sale of
3230 bonds by the district. Nothing in this chapter shall be construed
3231 to authorize the district to utilize bond proceeds to fund the
3232 ongoing operations of the district.

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

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

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

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

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

3247 Additionally, the district may enter into an agreement with
3248 the developer under which the developer may construct all or any
3249 part of the project with private funds in advance of issuance of
3250 bonds and may be reimbursed by the district for actual costs
3251 incurred by the developer upon issuance and delivery of bonds and
3252 receipt of the proceeds, conditioned upon dedication of the



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

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

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

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



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

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

21-1-7. The mayor and board of aldermen or municipal authorities may change the name of any municipality by preparing in writing the proposed change and having same published * * * either in a newspaper published in such municipality, if there be one (1), * * * for three (3) weeks, or by a link to such proposed change posted on the municipality's website or, if the municipality does not have a website, its official social media webpage to remain available to the public for the duration of three (3) weeks. If the municipality has none of these, then by



3303 posting for said time in at least three (3) public places therein,
3304 after which the proposed change shall be submitted to the Governor
3305 for his approval. If, after publication is made, one-tenth (1/10)
3306 of the qualified electors of the municipality shall within ten
3307 (10) days after the completion of such publication protest against
3308 the proposed change, the Governor shall not approve same until it
3309 shall be submitted to and ratified by a majority of the qualified
3310 electors of the municipality. When approved by the Governor, the
3311 same shall be recorded in the Office of the Secretary of State and
3312 upon the record of the municipal governing authorities.

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

3315 21-1-15. After the filing of said petition, and upon request
3316 therefor by the petitioners, the chancellor shall set a day
3317 certain, either in termtime or in vacation, for the hearing of
3318 such petition and notice shall be given to all persons interested
3319 in, affected by, or having objections to the proposed
3320 incorporation, that the hearing on the petition will be held on
3321 the day fixed by the chancellor and that all such persons will
3322 have the right to appear and enter their objections, if any, to
3323 the proposed incorporation. The said notice shall be given by
3324 publication thereof either in some newspaper published or having a
3325 general circulation in the territory proposed to be incorporated
3326 once each week for three (3) consecutive weeks * * * or by a link
3327 to such notice posted on the municipality's website or, if the



3328 municipality does not have a website, its official social media
3329 webpage, for the duration of three (3) consecutive weeks and by
3330 posting a copy of such notice in three (3) or more public places
3331 in such territory. The first publication of such notice and the
3332 posted notice shall be made at least thirty (30) days prior to the
3333 day fixed for the hearing of said petition, and such notice shall
3334 contain a full description of the territory proposed to be
3335 incorporated. However, if any of the territory proposed to be
3336 incorporated is located within three (3) miles of the boundaries
3337 of an existing municipality, then such existing municipality shall
3338 be made a party defendant to such petition and shall be served
3339 with process in the manner provided by law, which process shall be
3340 served at least thirty (30) days prior to the date set for the
3341 hearing.

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

3344 21-3-7. (1) Except as provided in subsection (3) of this
3345 section, in all municipalities having a population of less than
3346 ten thousand (10,000) according to the latest * * * federal
3347 decennial census, there shall be five (5) aldermen, which aldermen
3348 may be elected from the municipality at large, or, in the
3349 discretion of the municipal authority, the municipality may be
3350 divided into four (4) wards, with one (1) alderman to be selected
3351 from each ward and one (1) from the municipality at large. On a
3352 petition of twenty percent (20%) of the qualified electors of any



3353 such municipality, the provisions of this section as to whether or
3354 not the aldermen shall be elected from wards or from the
3355 municipality at large shall be determined by the vote of the
3356 majority of the qualified electors of the municipality voting in a
3357 special election called for that purpose. All aldermen shall be
3358 selected by vote of the entire electorate of the municipality.
3359 Those municipalities which determine to select one (1) alderman
3360 from each of the four (4) wards shall select one (1) from the
3361 candidates for alderman from each particular ward who shall be a
3362 resident of said ward by majority vote of the entire electorate of
3363 the municipality.

3364 (2) Except as provided in subsection (4) of this section, in
3365 all municipalities having a population of ten thousand (10,000) or
3366 more, according to the latest * * * federal decennial census,
3367 there shall be seven (7) aldermen, which aldermen may be elected
3368 from the municipality at large, or, in the discretion of the
3369 municipal authority, the municipality may be divided into six (6)
3370 wards, with one (1) alderman to be selected from each ward and one
3371 (1) from the municipality at large. On a petition of twenty
3372 percent (20%) of the qualified electors of any such municipality,
3373 the provisions of this section as to whether or not the aldermen
3374 shall be elected from wards or from the municipality at large
3375 shall be determined by the vote of the majority of the qualified
3376 electors of the municipality voting in a special election called
3377 for that purpose. This section in no way affects the number of



3378 aldermen, councilmen, or commissioners of any city operating under
3379 a special charter. All aldermen shall be selected by vote of the
3380 entire electorate of the municipality. Those municipalities which
3381 determine to select one (1) alderman from each of the six (6)
3382 wards shall select one (1) of the candidates for alderman from
3383 each particular ward by majority vote of the entire electorate of
3384 the municipality.

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

3391 (4) If a municipality has a population according to the 2010
3392 federal decennial census that is less than ten thousand (10,000)
3393 and whose population according to the 2020 federal decennial
3394 census is ten thousand (10,000) or more, the municipality may
3395 elect to continue with five (5) aldermen and not increase to seven
3396 (7) aldermen by the adoption of a resolution by a majority of the
3397 board of aldermen expressing the intent to continue with five (5)
3398 aldermen and not increase to seven (7) aldermen. Before the
3399 adoption of such resolution, the proposed resolution shall be
3400 published * * * either in at least one (1) newspaper published in
3401 the municipality for three (3) consecutive weeks or by a link to
3402 such proposed resolution posted on the municipality's website or,



3403 if the municipality does not have a website, its official social
3404 media webpage, to remain available to the public for the duration
3405 of three (3) consecutive weeks. The first print publication of
3406 such resolution shall be made not less than twenty-one (21) days
3407 prior to the date fixed in such resolution for the adoption of the
3408 same and the last publication shall be made not more than seven
3409 (7) days prior to such date. If no newspaper be published in the
3410 municipality and no such website exists, then such notice shall be
3411 given by publishing the resolution for the required time in some
3412 newspaper having a general circulation in such municipality and,
3413 in addition, by posting a copy of such resolution for at least
3414 twenty-one (21) days next preceding the date fixed to adopt the
3415 resolution at three (3) public places in such municipality. If
3416 ten percent (10%) of the qualified electors of the municipality or
3417 fifteen hundred (1,500) whichever is lesser, shall file a written
3418 protest against the resolution on or before the date specified in
3419 the resolution, then an election on the question shall be called.
3420 Notice of such election shall be signed by the clerk of the
3421 municipality and shall be published * * * either in at least one
3422 (1) newspaper published in the municipality once a week for at
3423 least three (3) consecutive weeks or by a link to such notice
3424 posted on the municipality's website or, if the municipality does
3425 not have a website, its official social media webpage, for the
3426 duration of three (3) consecutive weeks. The first print
3427 publication of such notice shall be made not less than twenty-one



3428 (21) days prior to the date fixed for such election and the last
3429 publication shall be made not more than seven (7) days prior to
3430 such date. If no newspaper be published in the municipality and
3431 no such website exists, then such notice shall be given by
3432 publishing the same for the required time in some newspaper having
3433 a general circulation in such municipality and, in addition, by
3434 posting a copy of such notice for at least twenty-one (21) days
3435 next preceding the date fixed to adopt the resolution at three (3)
3436 public places in such municipality. At the election, all
3437 qualified electors of such municipality may vote, and the ballots
3438 used in the election shall have printed thereon a brief statement
3439 of the purpose of the increase in the number of aldermen and the
3440 words "FOR THE INCREASE IN THE NUMBER OF ALDERMEN FROM 5 TO 7" and
3441 on a separate line, "AGAINST THE INCREASE IN NUMBER OF ALDERMEN
3442 FROM 5 TO 7" and the voters shall vote by placing a cross (X) or
3443 check (✓) opposite their choice on the proposition. The results
3444 of the election shall be certified by the municipal election
3445 commissions and spread on the minutes of the municipality. If a
3446 majority of electors who voted in the election vote in favor of
3447 maintaining five (5) aldermen and not increasing the number to
3448 seven (7) aldermen, the number of aldermen shall remain at five
3449 (5) and shall not be increased except by special election called
3450 for such purpose. If a majority of electors who voted in the
3451 election vote against maintaining five (5) aldermen and in favor
3452 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
the public for the duration of at least ten (10) days before such
election. Notice of the date of such election shall be given by
the council for ten (10) days by publication in a newspaper
published in such city, and having general circulation therein, 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 ten (10) days. In case such ordinance shall be



3478 rejected by the electors at such election, then a new ordinance,
3479 or ordinances, may be passed by the council and submitted to the
3480 electors in like manner, until the same shall have been ratified
3481 by the electors. When an ordinance so fixing the salaries shall
3482 have been finally adopted and approved, the salaries so fixed
3483 shall remain in effect until altered or changed in the manner
3484 hereinafter provided.

3485 To reduce the salary so fixed it shall be sufficient that the
3486 council adopt an ordinance to that effect, which ordinance shall
3487 become effective upon adoption without the necessity of
3488 publication or of an election. To increase the salary so fixed,
3489 an ordinance shall be duly adopted, by the council, which
3490 ordinance shall be published for ten (10) days in a newspaper
3491 published or having a general circulation in such city * * * or by
3492 a link to such ordinance posted on the municipality's website or,
3493 if the municipality does not have a website, its official social
3494 media webpage to remain available to the public for ten (10) days.
3495 The ordinance shall not become effective until it shall have been
3496 approved by a majority of the qualified electors of such city
3497 voting at an election to be held for that purpose after notice of
3498 such election shall have been given by the council for ten (10)
3499 days by publication in a newspaper published in such city or
3500 having a general circulation therein, the last notice to appear
3501 not more than one (1) week next prior to the date of the election,
3502 or by a link to such ordinance posted on the municipality's



3503 website or, if the municipality does not have a website, its
3504 official social media webpage to remain available to the public
3505 for ten (10) days.

3506 Every officer or assistant, other than the mayor and
3507 councilmen, shall receive such salary or compensation as the
3508 council shall by ordinance provide. The salary or compensation of
3509 all other employees of such city shall be fixed by the council
3510 from time to time, as occasion may demand.

3511 **SECTION 60.** Section 21-13-11, Mississippi Code of 1972, is
3512 amended as follows:

3513 21-13-11. Every ordinance passed by the governing body of a
3514 municipality, except as is otherwise provided by law, shall be
3515 certified by a municipal clerk, signed by the mayor or a majority
3516 of all the members of the governing body, recorded in the
3517 ordinance book, and published at least one (1) time either in some
3518 newspaper published in such municipality * * * or by a link to
3519 such ordinance posted on the municipality's website or, if the
3520 municipality does not have a website, its official social media
3521 webpage. If there be no such newspaper or website, then the
3522 ordinance shall be published in a newspaper within the county
3523 having general circulation in said municipality, or, if there be
3524 no newspaper published in or having general circulation in same,
3525 then in any newspaper published in the State of Mississippi having
3526 general circulation in said county; and all of same shall be done
3527 before such ordinance shall be effective. The publication of the



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

3544 **SECTION 61.** Section 21-17-1, Mississippi Code of 1972, is
3545 amended as follows:

3546 21-17-1. (1) Every municipality of this state shall be a
3547 municipal corporation and shall have power to sue and be sued; to
3548 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) weeks or by a link to such intention
3582 posted on the municipality's website or, if the municipality does
3583 not have a website, its official social media webpage, for the
3584 duration of three (3) consecutive weeks. If no such newspaper is
3585 published and no such website exists, then publication is proper
3586 in a newspaper having general circulation therein. The governing
3587 authority of the municipality shall thereafter accept bids for the
3588 lease or sale and shall award the lease or sale to the highest
3589 bidder in the manner provided by law. However, whenever the
3590 governing authority of the municipality shall find and determine,
3591 by resolution duly and lawfully adopted and spread upon its
3592 minutes (i) that any municipally owned real property is no longer
3593 needed for municipal or related purposes and is not to be used in
3594 the operation of the municipality, (ii) that the sale of such
3595 property in the manner otherwise provided by law is not necessary
3596 or desirable for the financial welfare of the municipality, and
3597 (iii) that the use of such property for the purpose for which it
3598 is to be sold, conveyed or leased will promote and foster the
3599 development and improvement of the community in which it is
3600 located and the civic, social, educational, cultural, moral,
3601 economic or industrial welfare thereof, the governing authority of
3602 the municipality shall be authorized and empowered, in its



discretion, to sell, convey or lease same for any of the purposes set forth herein without having to advertise for and accept competitive bids.

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

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

(ii) The governing authority of a municipality may contract for the professional services of a Mississippi licensed real estate broker to assist the municipality in the marketing and sale or lease of the property, and may provide the broker reasonable compensation for services rendered to be paid from the 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, educational, cultural, moral, economic or industrial welfare of the community, and that title shall revert to the municipality in the event of the cessation of such use for a period of two (2) years. In any such deed or conveyance, the municipality shall



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) weeks or by a link to such amendment
3896 posted on the municipality's website or, if the municipality does
3897 not have a website, its official social media webpage for the
3898 duration of the three-week period. If * * * no such newspaper or
3899 website exists, then by posting for said time in at least three



3900 (3) public places therein, after which the proposed amendment or
3901 amendments shall be submitted to the Governor, who shall submit
3902 the same to the Attorney General for his opinion. The publication
3903 of the amendment or amendments may be made as provided in Section
3904 21-17-19. If the Attorney General is of the opinion that the
3905 proposed amendment or amendments are consistent with the
3906 Constitution and laws of the United States and the Constitution of
3907 this state, the Governor shall approve the proposed amendment or
3908 amendments. If, after publication is made, one-tenth (1/10) of
3909 the qualified electors of the municipality shall protest against
3910 the proposed amendments, or any of them, the Governor shall not
3911 approve the ones protested against until they shall be submitted
3912 to and ratified by a majority of the electors of the municipality
3913 voting in a special election. Amendments, when approved by the
3914 Governor, shall be recorded, at the expense of the municipality,
3915 in the office of the Secretary of State and upon the records of
3916 the mayor and board of aldermen, or other governing authorities of
3917 the municipality, and when so recorded shall have the force and
3918 effect of law. No amendment to the private or special charter of
3919 any municipality shall be adopted or approved when such amendment
3920 is in conflict with any of the provisions of this title expressly
3921 made applicable to municipalities operating under a private or
3922 special charter, or is in conflict with the provisions of any
3923 other legislation expressly made applicable to any such
3924 municipality.



3925 **SECTION 63.** Section 21-17-11, Mississippi Code of 1972, is
3926 amended as follows:

3927 21-17-11. It shall be lawful for any number, not less than
3928 twenty percent (20%) of the qualified electors of any
3929 municipality, by petition, to propose an amendment or amendments
3930 to the charter of such municipality not in conflict with the
3931 Constitution and laws of the United States, or the Constitution of
3932 this state. The said amendment or amendments shall be
3933 published * * * either in a newspaper published in the
3934 municipality, if there be one (1), * * * for three (3) weeks prior
3935 to a special election or by a link to such amendment or amendments
3936 on the municipality's website or, if the municipality does not
3937 have a website, its official social media page to remain available
3938 to the public for the duration of three (3) weeks prior to a
3939 special election. If * * * there is no such newspaper or website,
3940 publication is proper by posting for said time in at least three
3941 (3) public places therein. The publication of the amendment or
3942 amendments may be made as provided in Section 21-17-19. If such
3943 election results in favor of any such amendment or amendments,
3944 then the amendment or amendments shall be submitted to the
3945 Governor, as is provided in Section 21-17-9, and the procedure
3946 therein outlined shall be followed, except that it shall not be
3947 necessary to republish such amendment or amendments, or resubmit
3948 such amendment or amendments for approval of the qualified
3949 electors.



3950 **SECTION 64.** Section 21-17-17, Mississippi Code of 1972, is
3951 amended as follows:

3952 21-17-17. Notwithstanding the provisions of Sections
3953 21-3-19, 21-5-13, 21-7-9 and 21-9-39, Mississippi Code of 1972,
3954 the governing authorities of any municipality may by ordinance
3955 duly adopted change the day of the week set by the appropriate
3956 section hereinabove as their regular monthly or bimonthly meeting
3957 date. Before the adoption of any such ordinance, the ordinance
3958 shall first be published * * * in a newspaper published in or
3959 having general circulation within the municipality once a week for
3960 at least three (3) consecutive weeks or by a link to such
3961 ordinance posted on the municipality's website or, if the
3962 municipality does not have a website, its official social media
3963 webpage, for the duration of three (3) consecutive weeks. Once
3964 such regular meeting day has been changed, meetings shall be held
3965 as otherwise provided by law.

3966 **SECTION 65.** Section 21-17-19, Mississippi Code of 1972, is
3967 amended as follows:

3968 21-17-19. (1) Whenever a municipality is required by law to
3969 publish in a newspaper or municipality website any public measure
3970 or amendment thereto, the substance of the public measure or
3971 amendment thereto may be printed in lieu of the full text of the
3972 public measure or amendment thereto, as provided in this section.
3973 Such a public measure shall include, but shall not be limited to,
3974 an ordinance, resolution, amendment to a municipal charter or



3975 annual audit. The provisions of this section shall not apply to
3976 publication of the annual budget or amendments thereto; such
3977 publication shall be made as provided in Chapter 35, Title 21,
3978 Mississippi Code of 1972.

3979 (2) The substance of the public measure or amendment thereto
3980 shall be an explanatory statement summarizing the full text of the
3981 public measure or amendment thereto, in which the chief purpose of
3982 the measure is explained in clear and unambiguous language. Such
3983 statement shall be prepared by the governing authorities of the
3984 municipality, and shall not exceed three hundred (300) words in
3985 length to the extent practicable.

3986 (3) During the entire time of the publication of the
3987 explanatory statement either in a newspaper or by a link to such
3988 statement posted on the municipality's website or, if the
3989 municipality does not have a website, its official social media
3990 webpage, a copy of the full text of the public measure or
3991 amendment thereto shall be posted by the clerk of the municipality
3992 (a) at the city hall, (b) at the main public library in the
3993 municipality, or at the courthouse in the judicial district or
3994 county in which the municipality is located; and in addition, the
3995 clerk shall post such copy at least at one (1) other public place
3996 in the municipality. The clerk shall furnish any resident of the
3997 municipality a copy of the full text of the public measure or
3998 amendment thereto upon request, and this shall be stated in the
3999 publication of the explanatory statement.



4000 **SECTION 66.** Section 21-19-2, Mississippi Code of 1972, is
4001 amended as follows:

4002 21-19-2. (1) (a) To defray the cost of establishing,
4003 operating and maintaining the system provided for in Section
4004 21-19-1, the governing authority of a municipality may develop a
4005 system for the billing and/or collection of any fees or charges
4006 imposed on each person furnished garbage and/or rubbish collection
4007 and/or disposal service by the municipality or at the expense of
4008 the municipality. The governing authority of the municipality
4009 shall provide for the collection of the fees or charges.

4010 (b) The governing authority of a municipality may enter
4011 into a contract upon mutual agreement with a public or private
4012 corporation, nonprofit corporation, planning and development
4013 district or a public agency, association, utility or utility
4014 district within the area receiving garbage and/or rubbish
4015 collection and/or disposal services from the municipality for the
4016 purpose of developing, maintaining, operating and administering a
4017 system for the billing and/or collection of fees or charges
4018 imposed by the municipality for garbage and/or rubbish collection
4019 and/or disposal services. The entity with whom the governing
4020 authority of a municipality contracts shall notify the governing
4021 authority of the municipality monthly of any unpaid fees or
4022 charges assessed under this section. Any entity that contracts to
4023 provide a service to customers, within the area being served by
4024 the municipality's garbage and/or rubbish collection and/or



disposal system, may provide a list of its customers to the governing authority of the municipality upon the request of the governing authority.

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

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



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

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



4075 by a one-fourth (1/4) inch black border. The print notice shall
4076 not be placed in the legal section notice of the newspaper. There
4077 shall be no language in the notice inferring a mandate from the
4078 Legislature.

4079 In addition to the requirement for publication of notice, the
4080 governing authority of a municipality shall notify each person
4081 furnished garbage and/or rubbish collection and/or disposal
4082 service of any increase in the ad valorem tax assessment or fees
4083 or charges authorized by this section. In the case of an increase
4084 of the ad valorem tax assessment, a notice shall be conspicuously
4085 placed on or attached to the first ad valorem tax bill on which
4086 the increased assessment is effective. In the case of an increase
4087 in fees or charges, a notice shall be conspicuously placed on or
4088 attached to the first bill for fees or charges on which the
4089 increased fees or charges are assessed. There shall be no
4090 language in any notice inferring a mandate from the Legislature.

4091 (d) The governing authority of a municipality may adopt
4092 an ordinance authorizing the granting of exemptions from the fees
4093 or charges for certain generators of garbage and/or rubbish. The
4094 ordinance shall define clearly those generators that may be
4095 exempted and shall be interpreted consistently by the governing
4096 authority when determining whether to grant or withhold requested
4097 exemptions.



4098 (e) The governing authority may borrow money for the
4099 purpose of defraying the expenses of the system in anticipation
4100 of:

4101 (i) The tax levy authorized under this section;

4102 (ii) Revenues resulting from the assessment of any
4103 fees or charges for garbage and/or rubbish collection and/or
4104 disposal; or

4105 (iii) Any combination thereof.

4106 (3) (a) Fees or charges for garbage and/or rubbish
4107 collection and/or disposal shall be assessed jointly and severally
4108 against the generator of the garbage and/or rubbish and against
4109 the owner of the property furnished the service. However, any
4110 person who pays, as a part of a rental or lease agreement, an
4111 amount for garbage and/or rubbish collection and/or disposal
4112 services shall not be held liable upon the failure of the property
4113 owner to pay such fees.

4114 (b) Every generator assessed the fees or charges
4115 provided for and limited by this section and the owner of the
4116 property occupied by that generator shall be jointly and severally
4117 liable for the fees and/or charges so assessed. The fees or
4118 charges shall be a lien upon the real property offered garbage
4119 and/or rubbish collection and/or disposal service.

4120 At the discretion of the governing body of the municipality,
4121 fees or charges assessed for the service may be assessed annually.
4122 If fees or charges are assessed annually, the fees or charges for



4123 each calendar year shall be a lien upon the real property offered
4124 the service beginning on January 1 of the next immediately
4125 succeeding calendar year. The person or entity owing the fees or
4126 charges, upon signing a form provided by the governing authority,
4127 may pay the fees or charges in equal installments.

4128 If fees or charges so assessed are assessed on a basis other
4129 than annually, the fees or charges shall become a lien on the real
4130 property offered the service on the date that the fees or charges
4131 become due and payable.

4132 No real or personal property shall be sold to satisfy any
4133 lien imposed under this section.

4134 The municipality shall mail a notice of the lien, including
4135 the amount of unpaid fees or charges and a description of the
4136 property subject to the lien, to the owner of the property subject
4137 to the lien.

4138 (c) The municipal governing body shall notify the
4139 county tax collector of any unpaid fees or charges assessed under
4140 this section within ninety (90) days after such fees or charges
4141 are due. Upon receipt of a delinquency notice, the tax collector
4142 shall not issue or renew a motor vehicle road and bridge privilege
4143 license for any motor vehicle owned by a person who is delinquent
4144 in the payment of fees or charges, unless such fees or charges, in
4145 addition to any other taxes or fees assessed against the motor
4146 vehicle, are paid.



4147 (d) Liens created under this section may be discharged
4148 as follows:

4149 (i) By filing with the municipal tax collector a
4150 receipt or acknowledgement, signed by the municipality, that the
4151 lien has been paid or discharged; or

4152 (ii) By depositing with the municipal tax
4153 collector money equal to the amount of the claim, which money
4154 shall be held for the benefit of the municipality.

4155 **SECTION 67.** Section 21-19-13, Mississippi Code of 1972, is
4156 amended as follows:

4157 21-19-13. (1) The governing authorities of municipalities
4158 shall have the power to establish, alter and change the channels
4159 of streams or other water courses, and to bridge the same,
4160 whenever so to do will promote the health, comfort and convenience
4161 of the inhabitants of such municipality.

4162 (2) The governing authorities of any municipality shall also
4163 have the power and authority to incur costs and pay necessary
4164 expenses in providing labor, materials and supplies to clean or
4165 clear drainage ditches, creeks or channels, whether on public or
4166 private property, and to incur costs and pay necessary expenses in
4167 providing labor, materials and supplies in order to prevent
4168 erosion where such erosion has been caused or will be caused by
4169 such drainage ditches, creeks or channels. This paragraph shall
4170 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) 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) 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, within the time of giving notice, fifteen percent (15%) or two thousand five hundred (2,500), whichever is less, of the qualified electors of the municipality file a written petition against the levy of the taxes, then the taxes shall not be levied unless authorized by



three-fifths (3/5) of the qualified electors of the municipality voting at an election to be called and held for that purpose.

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

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

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

(ii) Upon the receipt of a petition requesting the municipality to demolish or seize an abandoned house or building that constitutes a public hazard and nuisance signed by a majority of the residents residing within four hundred (400) feet of the property, the governing authority of the municipality shall notify the property owner that the petition has been filed and that a



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

4240 (2) The municipality shall file a petition to declare the
4241 abandoned property a public hazard and nuisance and to have the
4242 property demolished or seized with the circuit clerk of the county
4243 in which the property or some part of the property is located.
4244 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:

21-19-25. (1) Any municipality within the State of Mississippi may, in the discretion of its governing authority, adopt building codes, plumbing codes, electrical codes, gas codes, sanitary codes, or any other codes dealing with general public health, safety or welfare, or a combination of the same, by ordinance, in the manner prescribed in this section. Before any such code shall be adopted, it shall be either printed or typewritten, and it shall be presented in pamphlet form to the



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

4287 Notice is given that the city (or town or village) of
4288 _____, on the (give date of ordinance adopting code), adopted
4289 (state type of code and other information serving to identify the
4290 same) code.

4291 (2) If the governing authority of any municipality adopts or
4292 has adopted construction codes which do not have proper provisions
4293 to maintain up-to-date amendments, specifications in such codes
4294 for cements used in portland cement concrete shall be superseded



4295 by nationally recognized specifications referenced in any code
4296 adopted by the Mississippi Building Code Council.

4297 (3) All the provisions of this section shall apply to
4298 amendments and revisions of the code mentioned in this section.
4299 Any code adopted in accordance with this section shall not be in
4300 force for one (1) month after its passage, unless the municipal
4301 authorities in the ordinance authorize to the contrary. The
4302 provisions of this section shall be in addition and supplemental
4303 to any existing laws authorizing the adoption, amendment or
4304 revision of municipal ordinances or codes.

4305 (4) Notwithstanding any provision of this section to the
4306 contrary, any code adopted by a municipality before or after April
4307 12, 2001, is subject to the provisions of Section 41-26-14(10).

4308 (5) Notwithstanding any provision of this section to the
4309 contrary, the governing authorities of each municipality in
4310 Jackson, Harrison, Hancock, Stone and Pearl River Counties shall
4311 enforce the requirements imposed under Section 17-2-1 as provided
4312 in such section.

4313 (6) Regardless of whether the governing authority of any
4314 municipality adopts or has adopted construction codes, as set
4315 forth in this section, each and every governing authority of any
4316 municipality shall require permitting as a condition to
4317 construction within the municipality's jurisdiction, and any and
4318 all such permits shall contain on their faces, in conspicuous
4319 print, (a) the contractor's material purchase certificate number



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

4332 (7) The provisions of this section shall apply to all
4333 municipalities of this state, whether operating under the code
4334 charter, a special charter, commission form, or other form of
4335 government.

4336 **SECTION 70.** Section 21-19-51, Mississippi Code of 1972, is
4337 amended as follows:

4338 21-19-51. The governing authorities of municipalities shall
4339 have the power and authority, in their discretion, to contribute,
4340 appropriate or donate to fair associations, domiciled in their
4341 respective county, a sum of money not to exceed Ten Thousand
4342 Dollars (\$10,000.00) per annum for the purpose of advertising,
4343 displaying, exhibiting or promoting the agricultural or industrial
4344 resources of such municipality or its respective county. The



4345 expenditure of such money, when contributed, appropriated or
4346 donated, shall be under the control of the municipality, and such
4347 governing authorities are hereby authorized and empowered to
4348 appoint one (1) or as many as three (3) individuals, in their
4349 discretion, to represent the municipal authorities in the proper
4350 expenditure of such money for said purpose in conjunction with the
4351 fair association. Before contributing, appropriating or donating
4352 any money to any fair association, such governing authorities
4353 shall publish notice of their intention to contribute, appropriate
4354 or donate money to said fair association, giving the amount of,
4355 and the date of making said contribution, appropriation or
4356 donation, either in some newspaper published in the municipality,
4357 or having a general circulation therein if none be there
4358 published, for three (3) weeks ending not less than ten (10) days
4359 prior to the making of any contribution, appropriation or donation
4360 or by a link to such notice posted on the municipality's website
4361 or, if the municipality does not have a website, its official
4362 social media webpage to remain available to the public for the
4363 duration of three (3) weeks ending not less than ten (10) days
4364 prior to the making of any contribution, appropriation or
4365 donation. If, before the making of said contribution,
4366 appropriation or donation, twenty per centum (20%) of the adult
4367 taxpayers of the municipality shall petition against such
4368 contribution, appropriation or donation, then the said
4369 contribution, appropriation or donation shall not be made, unless



4370 authorized by a majority of the electors voting in an election to
4371 be ordered for that purpose. All of the expenses of publishing
4372 the notice herein provided for and of holding any election
4373 hereunder shall be paid out of the municipal treasury.

4374 **SECTION 71.** Section 21-19-61, Mississippi Code of 1972, is
4375 amended as follows:

4376 21-19-61. Any municipality in this state which has a
4377 population in excess of one hundred thousand (100,000) people may
4378 set aside, appropriate and expend * * * monies for the purpose of
4379 advertising and bringing to the attention of the citizens of such
4380 municipality the reasons for and status of any municipal activity,
4381 litigation, franchise, proposed bond issue, and any other
4382 municipal matter about which it is for the best interest of the
4383 people that they be fully informed.

4384 Such advertising and publicizing may be done by newspaper,
4385 magazine, radio, television, municipality website, official
4386 municipality social media webpage, or by any combination of same,
4387 which in the judgment of the governing body of such municipality
4388 will be helpful toward advancing the moral, financial and other
4389 interests of such municipality.

4390 **SECTION 72.** Section 21-25-21, Mississippi Code of 1972, is
4391 amended as follows:

4392 21-25-21. The governing authorities of any municipality are
4393 hereby authorized to create, by ordinance, a fire district within
4394 or adjoining such municipality when petitioned so to do by a



majority of the owners of property, either real or personal,
located within such proposed fire district. After the creation of
the fire district such governing authorities shall cause the
ordinance creating such fire district to be published * * * either
in some newspaper in such municipality, or the county in which the
municipality is located, * * * for three (3) 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 to remain available to the public for the duration of
three (3) weeks. At the next regular meeting of the governing
authorities after such three (3) weeks' publication, they shall
declare such territory to be a fire district as provided by this
section. Such governing authorities shall have full power to
contract for laying water mains and any other pipes or connections
to the water mains to be used in said fire district, and for the
establishment and maintenance of fire service therein.

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

21-27-33. All municipalities of the state are hereby
empowered and authorized, if they so desire, to sell, lease, or
otherwise dispose of any or all electric, water, gas or other
municipally-owned public utility systems or properties on such
terms and conditions, and with such safeguards as will best
promote and protect the public interest. Said municipal
corporations are empowered and authorized to transfer title to



4420 said public utility properties by warranty deed, bill of sale,
4421 contract, or lease, in the manner provided by law. However,
4422 notice of intention to make such sale, lease, or disposition of
4423 any such system, setting out the price and other general terms and
4424 conditions of such proposed sale, lease, or disposition shall be
4425 given by publication * * * either in a legal newspaper published
4426 in such municipality once a week for three (3) consecutive
4427 weeks, * * * or by a link to such notice posted on the
4428 municipality's website or, if the municipality does not have a
4429 website, its official social media webpage for the duration of
4430 three (3) consecutive weeks. If no such newspaper be published in
4431 said municipality and no such website exists, then publication is
4432 proper in some newspaper having a general circulation in such
4433 municipality. After ten (10) days from the last publication of
4434 such notice, the system may be disposed of, unless within ten (10)
4435 days after the last publication of such notice a petition signed
4436 by not less than twenty per centum (20%) of the qualified voters
4437 of such municipality be filed, objecting to and protesting against
4438 such sale, lease, or disposition, in which event the same shall
4439 not be made unless submitted to a special election ordered for the
4440 purpose of determining whether a majority of those voting in such
4441 election shall vote for or against such sale, lease, or other
4442 disposition. Such election shall be ordered to be held not less
4443 than forty (40) days after the date of the last notice of the
4444 proposed sale, lease or disposition. Notice of such election,



4445 stating the purpose of election, shall be published once each week
4446 for three (3) consecutive weeks next preceding the time set for
4447 holding said election in such newspaper as herein provided. The
4448 laws governing special municipal elections shall govern the
4449 ordering and conduct of said election.

4450 The ballots provided shall have plainly written or printed
4451 thereon the words "shall the waterworks, electric, or gas (as the
4452 case may be) system be sold, leased, or disposed of (as the case
4453 may be)" and below said words shall be suitably placed on separate
4454 lines, the words "yes" and "no," so that the voter may indicate
4455 the way he desires to vote on the question submitted.

4456 If a majority of those voting in said election shall vote in
4457 favor of such sale, lease, or disposition, then the proper officer
4458 of the municipality may proceed to sell, lease or dispose of such
4459 system in accordance with the terms and conditions set out in the
4460 notice of proposed intention to sell, lease or dispose of such
4461 system, as herein provided. If such election is determined
4462 against such sale, lease or disposition of such system, then such
4463 system shall not be sold, leased or disposed of, but shall remain
4464 the property of the municipality.

4465 **SECTION 74.** Section 21-27-43, Mississippi Code of 1972, is
4466 amended as follows:

4467 21-27-43. Except as hereinafter provided, no bonds shall be
4468 issued pursuant to the authority granted in Section 21-27-23 until
4469 and unless a majority of those qualified electors of the



4470 municipality, voting on a proposition stating in general terms the
4471 maximum amount and purposes of the bonds, have approved the
4472 issuance at a special election called thereon according to law.

4473 However, the requirement for an election to be held before
4474 the issuance of the bonds shall not apply to the issuance of the
4475 revenue bonds for the purpose of improving, repairing or extending
4476 any waterworks system, water supply system, sewage system, sewage
4477 disposal system (or the addition of a sewage disposal system to a
4478 sewage system), gas producing system, gas generating,
4479 transmission, or distribution system, electric generating,
4480 transmission, or distribution system, garbage disposal system,
4481 rubbish disposal or incinerator system, or motor vehicle
4482 transportation system, which is now, or hereafter, owned or
4483 operated by any municipality, or railroad transportation system
4484 owned or operated by any municipality located in a county
4485 bordering the Mississippi River and in which Highways 49 and 61
4486 intersect. The revenue bonds may be issued for such purposes in
4487 the following manner: notice of intention to issue the revenue
4488 bonds, setting out the amount and other terms or conditions of the
4489 proposed issue, shall be given by publication either once a week
4490 for three (3) consecutive weeks in a local newspaper published in
4491 the municipality * * * or by a link to such notice posted on the
4492 municipality's website or, if the municipality does not have a
4493 website, its official social media webpage for the duration of
4494 three (3) consecutive weeks. If such a newspaper is not published



4495 in the municipality and no such website exists, then publication
4496 is proper in some newspaper having a general circulation in the
4497 municipality. After ten (10) days from the last publication of
4498 the notice, the bonds may be sold under the regular procedure for
4499 selling the bonds unless, within ten (10) days after the last
4500 publication of the notice, a petition signed by not less than
4501 twenty percent (20%) of the qualified voters of such municipality
4502 be filed objecting to and protesting against such revenue bond
4503 issue, in which event the same shall not be made unless submitted
4504 to a special election ordered for the purpose of determining
4505 whether or not a majority of those voting in the election shall
4506 vote for or against the revenue bond issue. The election shall be
4507 ordered to be held not later than forty (40) days after the date
4508 of the last notice of the proposed revenue bond issue. Notice of
4509 the election, stating the purpose of the election, shall be
4510 published either once each week for three (3) consecutive weeks
4511 next preceding the time set for holding the election in the
4512 newspaper or by a link to such notice posted on the municipality's
4513 website or, if the municipality does not have a website, its
4514 official social media webpage for the duration of three (3)
4515 consecutive weeks next preceding the time set for holding the
4516 election in the newspaper, provided in this section. The laws
4517 governing municipal elections shall govern the order and conduct
4518 of the election. However, nothing in this section shall prevent
4519 the governing authorities from calling an election, whether



required by petition of twenty percent (20%) of the qualified voters or not. This section shall not have application to and it shall not affect the authority granted public utilities commissions under Section 21-27-25.

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

21-29-203. Said fund and system of relief to the fire department and/or police department shall be inaugurated in each municipality only in the following manner: each municipality desiring to create said fund and inaugurate this system of disability and relief for its firemen and/or policemen, shall call an election after giving either three (3) weeks consecutive notice in a newspaper published in said city * * * or by a link to such notice posted on the municipality's website or, if the municipality does not have a website, its official social media webpage for the duration of three (3) weeks. Notice shall state the date, purpose and time of holding said election for the electors to determine whether or not said municipality shall adopt the "disability and relief fund for firemen and policemen." At said election the ballots used by the qualified electors shall read: "For the Disability and Relief Fund for Firemen and Policemen," "Against the Disability and Relief Fund for Firemen and Policemen." Said election shall be held as such other elections of like nature, and if at said election the majority of qualified electors voting thereat, shall vote against the creation



of said fund and system, then the said fund and system shall not be created and said fund and system shall not be inaugurated in said municipality. Should a majority of said qualified electors voting at said election vote in favor of the creation of said fund and the operation of said system, the said fund and system shall be inaugurated by said municipality.

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

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



exists, the notice shall be given by posting written notices thereof in five (5) or more public places in the municipality.

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

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

(2) When a resolution levying ad valorem taxes has been finally adopted by the governing authorities of any municipality embracing, in whole or in part, any other taxing district of which such municipality is a part, the clerk of such municipality shall immediately certify a copy of such resolution to the State Tax Commission, as the law directs. The clerk shall have the resolution of the governing authorities making the levy printed within two (2) weeks after it is entered on the minutes of such governing authorities, and he shall furnish any taxpayer with a copy thereof, upon request. If a newspaper is published within such municipality, then such resolution shall be published in its entirety, at least one, within ten (10) days after its adoption. Publication shall also be proper 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 to become available to the public in its entirety within ten (10) days after its adoption. Instead of publishing the resolution in its entirety, the publication of the resolution may be made as provided in Section 21-17-19. If no newspaper be published within such municipality and no such website exists, then a copy of such resolution, in its entirety, shall be posted by such municipal clerk in at least three (3) public places in such municipality, within ten (10) days after its adoption.

(3) The clerk shall be liable on his bond for any damages sustained by his 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 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 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 social media webpage; one (1) publication of such notice shall be sufficient. No consideration for homestead exemption refunds shall be considered in connection with the assessment and levy provided herein.

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

21-33-207. (a) The mayor and board of aldermen or other governing authority of any municipality desiring to avail itself of the provisions of the City Utility Tax Law shall adopt an ordinance declaring its intention to have the utility tax imposed at the specified rate for the benefit of such municipality effective on and after a date fixed in the ordinance which must be at least thirty (30) days later and on the first day of a month. A certified copy of this ordinance shall be immediately forwarded to the Chairman of the State Tax Commission. The municipal authorities shall have a copy of the ordinance published either



once a week for three (3) consecutive weeks in at least one (1) newspaper published in the municipality and having a general circulation therein 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. The first publication shall be not less than twenty-eight (28) days prior to the levying date fixed in such ordinance, and the last publication shall be made not less than seven (7) days prior to such date. If no newspaper is published in the municipality and no such website exists, then notice shall be given by publishing the ordinance for the required time in some newspaper published in the same or an adjoining county having a general circulation in the municipality. A copy of the ordinance shall also be posted at three (3) public places in the municipality for a period of at least twenty-one (21) days during the time of its publication in a newspaper. The publication of the ordinance may be made as provided in Section 21-17-19. Proof of publication must also be furnished to the Chairman of the State Tax Commission.

(b) If more than twenty percent (20%) of the qualified electors of the municipality having no city utility tax shall file with the clerk of the municipality within twenty-one (21) days after adoption of the ordinance of intent to qualify for the collection of the tax, a petition requesting an election on the question of the levy of such tax, then and in that event such tax



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

4689 **SECTION 80.** Section 21-33-307, Mississippi Code of 1972, is
4690 amended as follows:

4691 21-33-307. Before issuing any bonds for any of the purposes
4692 enumerated in Section 21-33-301, the governing authority of the
4693 issuing municipality shall adopt a resolution declaring its
4694 intention so to do, stating the amount of bonds proposed to be



4695 issued and the purpose for which the bonds are to be issued, and
4696 the date upon which the aforesaid authority proposes to direct the
4697 issuance of such bonds. Such resolution shall be published either
4698 once a week for at least three (3) consecutive weeks in at least
4699 one (1) newspaper published in such municipality or by a link to
4700 such resolution posted on the municipality's website or, if the
4701 municipality does not have a website, its official social media
4702 page to remain available to the public for the duration of three
4703 (3) consecutive weeks. The first publication of such resolution
4704 shall be made not less than twenty-one (21) days prior to the date
4705 fixed in such resolution for the issuance of the bonds, and the
4706 last publication shall be made not more than seven (7) days prior
4707 to such date. If no newspaper be published in such municipality
4708 and no such website exists, then such notice shall be given by
4709 publishing the resolution for the required time in some newspaper
4710 having a general circulation in such municipality and, in
4711 addition, by posting a copy of such resolution for at least
4712 twenty-one (21) days next preceding the date fixed therein at
4713 three (3) public places in such municipality. The publication of
4714 the resolution may be made as provided in Section 21-17-19. If
4715 ten percent (10%) of the qualified electors of the municipality,
4716 or fifteen hundred (1500), whichever is the lesser, shall file a
4717 written protest against the issuance of such bonds on or before
4718 the date specified in such resolution, then an election on the
4719 question of the bonds shall be called and held as is provided in



4720 Section 21-33-309. Notice of such election shall be signed by the
4721 clerk of the municipality and shall be published either once a
4722 week for at least three (3) consecutive weeks in at least one (1)
4723 newspaper published in such municipality or by a link to such
4724 notice of election posted on the municipality's website or, if the
4725 municipality does not have a website, its official social media
4726 webpage to remain available to the public for the duration of
4727 three (3) weeks. The first publication of such notice shall be
4728 made not less than twenty-one (21) days prior to the date fixed
4729 for such election, and the last publication shall be made not more
4730 than seven (7) days prior to such date. If no newspaper is
4731 published in such municipality and no such website exists, then
4732 such notice shall be given by publishing the same for the required
4733 time in some newspaper having a general circulation in such
4734 municipality and published in the same or an adjoining county and,
4735 in addition, by posting a copy of such notice for at least
4736 twenty-one (21) days next preceding such election at three (3)
4737 public places in such municipality. If no protest be filed, then
4738 such bonds may be issued without an election on the question of
4739 the issuance thereof, at any time within a period of two (2) years
4740 after the date specified in the above-mentioned resolution.
4741 However, the governing authority of any municipality in its
4742 discretion may nevertheless call an election on such question, in
4743 which event it shall not be necessary to publish the resolution
4744 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 within the boundaries of the homeowners' association representing that area. Upon delivery of a petition to the clerk of the municipality in which the proposed district is located, signed by the owners of at least sixty percent (60%) of the taxable real property in the homeowners' association representing the area in the proposed district, the municipality shall begin efforts to establish the district; however, if the boundaries of the proposed special local improvement assessment district are located, in whole or in part, within the boundaries of the Capitol Complex Improvement District, or a portion of the proposed district adjoins the boundaries of the Capitol Complex Improvement District, the petition may be delivered to the Capitol Complex Improvement District Project Advisory Committee, and the committee shall deliver the petition to the clerk of the municipality.

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



4770 the municipality's upcoming fiscal year and the total amount
4771 proposed to be expended for the improvements. Based on the
4772 strategic plan, the governing authorities of the municipality
4773 shall determine the additional millage to be levied upon all
4774 taxable real property in the district, not to exceed six (6)
4775 mills, needed in order to provide funds for the local improvements
4776 as proposed in the strategic plan.

4777 (3) Within ninety (90) days of receipt of the strategic
4778 plan, the municipality shall prepare a notice calling for an
4779 election to be held in the proposed district on the question of
4780 whether to establish the special local improvement assessment
4781 district. The date and time of the election and the voting
4782 location shall be fixed in the notice. The municipality shall
4783 publish the notice of the election either once each week for at
4784 least three (3) consecutive weeks in a newspaper published or
4785 having a general circulation in the town * * * or by a link to
4786 such notice posted on the municipality's website or, if the
4787 municipality does not have a website, its official social media
4788 webpage to remain available to the public for the duration of at
4789 least three (3) consecutive weeks. The first publication of the
4790 notice * * * shall be made not less than twenty-one (21) days
4791 before the date fixed in the notice of the election and the last
4792 publication to be made not more than seven (7) days before the
4793 election. At the election, all qualified electors of the proposed
4794 special local improvement assessment district may vote, which



4795 qualified electors shall be determined by use of the voter rolls
4796 of all municipal voting precincts containing any property in the
4797 proposed special local improvement assessment district.

4798 The ballots prepared by the municipality and used in the
4799 election shall have printed thereon the additional millage to be
4800 assessed, a brief statement of the purposes of the proposed
4801 special local improvement assessment district and the words "FOR
4802 THE SPECIAL IMPROVEMENT ASSESSMENT DISTRICT" and, on a separate
4803 line, "AGAINST THE SPECIAL IMPROVEMENT ASSESSMENT DISTRICT," and
4804 the voters shall vote by placing a cross (X) or check (✓) opposite
4805 their choice on the proposition.

4806 (4) When the results of the election shall have been
4807 canvassed and certified by the municipality, the governing
4808 authorities of the municipality shall adopt a resolution creating
4809 the special local improvement assessment district if at least
4810 sixty percent (60%) of the qualified electors in the proposed
4811 special local improvement assessment district who vote in the
4812 election vote in favor of creating the district. The resolution
4813 shall contain a description of the boundaries of the district and
4814 shall specify the millage rate to be levied upon taxable real
4815 property in the district for the municipality's fiscal year. At
4816 least thirty (30) days before the effective date of the tax, the
4817 governing authorities shall furnish to the Department of Revenue a
4818 certified copy of the resolution evidencing the tax.



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

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

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



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

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

SECTION 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



4869 any one or more items provided for in the budget of the preceding
4870 board. This section shall not, however, validate or invalidate
4871 any contracts made, executed or entered into by the governing
4872 authorities of the preceding term.

4873 If it appears at any time during the current fiscal year, but
4874 not later than the regular July meeting of the board of governing
4875 authorities, that collections of anticipated revenues from taxes
4876 or other sources will be less than the amount estimated, and a
4877 deficit is thereby indicated for any fund, or funds, the governing
4878 authorities shall, at a regular meeting, revise and reduce the
4879 budget appropriations for such funds as is anticipated will have a
4880 deficit, so as to conform to the lowered indicated revenue,
4881 including revenue from taxes and all other sources.

4882 If it affirmatively appears at any time during the current
4883 fiscal year that actual collections and anticipated revenues from
4884 taxes or other sources, including grants or donations, will exceed
4885 the estimates, then the governing authorities may revise and
4886 increase the budget appropriation of such fund, or funds, affected
4887 by such increase in revenue, but no such transfer shall be made
4888 from fund to fund, or from item to item, which will result in the
4889 expenditure of any money for a purpose different from that for
4890 which the tax was levied. The budget, as so revised, shall be
4891 spread in detail upon the minutes of said board of governing
4892 authorities. However, no such increase shall in any event be



4893 construed to authorize expenditures or to incur obligations which
4894 will result in a deficit in any fund, or funds.

4895 If the increase in revenue over the estimates is from other
4896 than regular sources, including grants and donations, such excess
4897 over the estimate may be expended for improvements and new
4898 construction, including buildings, additions to buildings,
4899 streets, and street improvements.

4900 If it affirmatively appears at any time during the current
4901 fiscal year that there is in any fund or account any sum remaining
4902 unexpended and not needed or expected to be needed for the purpose
4903 or purposes for which appropriated in said budget, then the
4904 governing authorities may, in their discretion, transfer such sum
4905 or any part thereof to any other fund or funds or account or
4906 accounts where needed, by order to such effect entered upon their
4907 minutes. This shall not, however, authorize the expenditure of
4908 any funds for any purpose other than that for which the levy
4909 producing such funds was made.

4910 Any amendments made pursuant to this section to an originally
4911 adopted budget which exceed ten percent (10%) of the total amount
4912 appropriated or authorized to be expended in a particular
4913 department fund shall be published or posted within two (2) weeks
4914 of the action either in a newspaper in the same manner as the
4915 final adopted budget or by a link to such amendments posted on the
4916 municipality's website or, if the municipality does not have a
4917 website, its official social media webpage. Separate amendments



4918 to an originally adopted budget during one fiscal year which
4919 affect a particular department fund shall be considered as one (1)
4920 amendment in determining whether the ten percent (10%) threshold
4921 requiring publication or posting has been reached. This
4922 publication or posted notice shall contain a description of the
4923 amendment, the amount of money and funds affected, and a detailed
4924 statement explaining the need and purpose of the amendment. The
4925 vote of each member of the municipality's governing authority on
4926 each amendment shall be included in the publication or posted
4927 notice.

4928 **SECTION 84.** Section 21-35-31, Mississippi Code of 1972, is
4929 amended as follows:

4930 **[For municipal fiscal years commencing before October 1,**
4931 **2009, this section shall read as follows:]**

4932 21-35-31. The governing authorities of every municipality in
4933 the state shall have their books audited annually, prior to the
4934 close of the next succeeding fiscal year, either by a competent
4935 accountant approved by the State Auditor or by a certified public
4936 accountant, who has paid a privilege tax as such in this state,
4937 and shall pay for same out of the General Fund. No advertisement
4938 shall be necessary before entering into such contract, but same
4939 shall be entered into as a private contract. Said audit shall be
4940 made upon a uniform formula set up and promulgated by the State
4941 Auditor, as the head of the State Department of Audit, or the
4942 director thereof, appointed by him, as designated and defined in



4943 Title 7, Chapter 7, of the Mississippi Code of 1972, or any office
4944 or officers hereafter designated to replace or perform the duties
4945 imposed by said chapter. Provided, however, any municipality with
4946 a population of three thousand (3,000) or less may employ a
4947 competent accountant or auditor, approved by the State Auditor, to
4948 prepare annually a compilation report and a compliance letter, in
4949 a format prescribed by the State Auditor, in lieu of an annual
4950 audit when such audit will be a financial hardship on the
4951 municipality. Two (2) copies of said audit or compilation shall
4952 be mailed to the said State Auditor within thirty (30) days after
4953 completion of said audit. Said State Auditor shall, at the end of
4954 each fiscal year, submit to the Legislature a composite report
4955 showing any information concerning municipalities in this state
4956 that he might deem pertinent and necessary to the Legislature for
4957 use in its deliberations. A synopsis of said audit, in a format
4958 prescribed by the State Auditor, shall be published within thirty
4959 (30) days by the governing authorities of such municipalities in a
4960 newspaper published in such municipalities or * * * by a link to
4961 such synopsis posted on the municipality's website or, if the
4962 municipality does not have a website, its official social media
4963 webpage. If no newspaper be published in any such municipality
4964 and no such website exists, in any newspaper having a general
4965 circulation published in the county wherein such municipality is
4966 located. The publication of the audit may be made as provided in
4967 Section 21-17-19, Mississippi Code of 1972. Such publication



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

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

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



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

5006 (2) It shall be the duty of the State Auditor to determine
5007 whether each municipality has complied with the requirements of
5008 subsection (1) of this section. If upon examination the State
5009 Auditor determines that a municipality has not initiated efforts
5010 to comply with the requirements of subsection (1), the State
5011 Auditor shall file a certified written notice with the clerk of
5012 the municipality notifying the governing authority of the
5013 municipality that a certificate of noncompliance will be issued to
5014 the State Tax Commission and to the Attorney General thirty (30)
5015 days immediately following the date of the filing of the notice
5016 unless within that period the municipality substantially complies
5017 with the requirements of subsection (1). If, after thirty (30)



5018 days from the giving of the notice, the municipality, in the
5019 opinion of the State Auditor, has not substantially initiated
5020 efforts to comply with the requirements of subsection (1), the
5021 State Auditor shall issue a certificate of noncompliance to the
5022 clerk of the municipality, State Tax Commission and the Attorney
5023 General. Thereafter, the State Tax Commission shall withhold from
5024 all allocations and payments to the municipality that would
5025 otherwise be payable the amount necessary to pay one hundred fifty
5026 percent (150%) of the cost of preparing the required audit or
5027 report as contracted for by the State Auditor. The cost shall be
5028 determined by the State Auditor after receiving proposals for the
5029 audit or report required in subsection (1) of this section. The
5030 State Auditor shall notify the State Tax Commission of the amount
5031 in writing, and the State Tax Commission shall transfer that
5032 amount to the State Auditor. The State Auditor is authorized to
5033 escalate, budget and expend these funds in accordance with rules
5034 and regulations of the Department of Finance and Administration
5035 consistent with the escalation of federal funds. All remaining
5036 funds shall be retained by the State Auditor to offset the costs
5037 of administering these contracts. The State Auditor shall not
5038 unreasonably delay the issuance of a written notice of
5039 cancellation of a certificate of noncompliance but shall promptly
5040 issue a written notice of cancellation of certificate of
5041 noncompliance upon an affirmative showing by the municipality that
5042 it has come into substantial compliance.



SECTION 85. Section 21-38-9, Mississippi Code of 1972, is 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.

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

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



5091 publications in a public newspaper having a general circulation in
5092 the municipality * * * or by a link to such notice posted on the
5093 municipality's website or, if the municipality does not have a
5094 website, its official social media webpage to remain available to
5095 the public for the duration of not less than fifteen (15) days
5096 before said meeting. If no newspaper is published therein and no
5097 such website exists it shall be sufficient to post said notice in
5098 three (3) public places of the municipality for not less than
5099 fifteen (15) days before said meeting, one which shall be posted
5100 at the town or city hall of said municipality. Moreover, the
5101 clerk of the municipality shall send a copy of the notice, by
5102 certified mail, postage prepaid, within five (5) days after the
5103 first publication of the notice herein provided for, to the
5104 last-known address of owners of property affected by the
5105 resolution. However, failure of the clerk to mail such notice or
5106 failure of the owner to receive such notice shall not invalidate
5107 any proceeding in this chapter, where such notice has been
5108 published as provided herein. Notice declaring the work necessary
5109 shall be notice to the property owners that the work has been
5110 declared necessary.

5111 If the governing authorities of a municipality desire to make
5112 any special or local improvement under the Regional Economic
5113 Development Act, the governing authorities also shall comply with
5114 any requirements provided therein.



5115 **SECTION 87.** Section 21-41-13, Mississippi Code of 1972, is
5116 amended as follows:

5117 21-41-13. Upon the completion of any improvement authorized
5118 by this chapter, the governing authorities shall ascertain and
5119 determine the cost of the improvement and declare the same by
5120 resolution. Upon said completion the governing authorities shall
5121 cause to be prepared a roll or list to be called the "assessment
5122 roll" showing the names of the property owners, and, opposite each
5123 name a description of each parcel of land. Such roll shall be
5124 entered in a well-bound book prepared for that purpose, which
5125 shall contain appropriate columns in which payments may be
5126 credited. Said book shall be known as "assessment book for local
5127 improvements." It shall be a public record and the entry therein
5128 of any assessment shall be and constitute notice to the public of
5129 the lien against the land so assessed, and no other record or
5130 notice thereof shall be necessary to any person or corporation for
5131 that purpose. No error, omission or mistake in regard to the name
5132 of the owner shall be held to invalidate any assessment. After
5133 the completion of the said assessment roll it shall be delivered
5134 to the clerk of the municipality, or to the officer performing the
5135 duties of such clerk, who shall thereupon give a notice by
5136 publication in either some newspaper published in said
5137 municipality or by a link to such notice posted on the
5138 municipality's website or, if the municipality does not have a
5139 website, its official social media webpage that the assessment



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

SECTION 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 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;

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

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

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

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



5189 (a) Mailed to each of the district property owners of
5190 record thirty (30) days prior to the election, and

5191 (b) Published either at least twice in a newspaper of
5192 general circulation in the municipality, the first publication
5193 shall be not less than ten (10), nor more than thirty (30) days
5194 before the date for the election or by a link to such notice
5195 posted on the municipality's website or, if the municipality does
5196 not have a website, its official social media webpage for the
5197 duration of fifteen (15) days prior to the date for the election.

5198 The notice shall include a copy of the plan, a ballot for the
5199 election and a notice about the time and date for the election.

5200 (3) Not less than ten (10) nor more than thirty (30) days
5201 before the date set for the election, the governing authority of
5202 the municipality shall cause a copy of the plan and the ballot to
5203 be posted in the lobby of its city hall.

5204 (4) Ballots shall be marked, signed and submitted by the
5205 eligible property owner to the clerk of the municipality by the
5206 date designated on the ballot.

5207 (5) The clerk of the municipality shall notify the property
5208 owners in the district of the result.

5209 (6) If the plan is approved by sixty percent (60%) of the
5210 participating eligible property owners, the mayor of the
5211 municipality shall review the initial district plan to ensure its
5212 compliance with the provisions of Sections 21-43-101 through
5213 21-43-133.



5214 (7) The tax collector shall disburse the proceeds collected
5215 from the assessment to the designated district management group
5216 within thirty (30) days after the assessment is due. At such time
5217 of any disbursement, the tax collector shall provide a listing of
5218 the property owners and payment amounts, including the date paid.
5219 The tax collector shall provide information upon request by the
5220 district related to any unpaid or sold parcels.

5221 **SECTION 91.** Section 21-45-11, Mississippi Code of 1972, is
5222 amended as follows:

5223 21-45-11. Any tax increment financing plan, at a minimum,
5224 shall contain:

5225 (a) A statement of the objectives of a municipality
5226 with regard to the plan;

5227 (b) A statement indicating the need and proposed use of
5228 the tax increment financing plan in relationship to the
5229 redevelopment plan;

5230 (c) A statement containing the cost estimates of the
5231 redevelopment project and the projected sources of revenue (ad
5232 valorem taxes, sales taxes, and the proceeds of any other
5233 financial assistance) to be used to meet the costs including
5234 estimates of tax increments and the total amount of indebtedness
5235 to be incurred;

5236 (d) A list of all real property to be included in the
5237 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

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

Before approving any tax increment financing plan, the governing body shall hold a public hearing thereon after published notice either in a newspaper in which the municipality is authorized to publish legal notices at least once and not less than ten (10) days and not more than twenty (20) days prior to the hearing 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 fifteen (15) days prior to the hearing.

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

21-39-3. In municipalities in which there is more than one (1) newspaper qualified to publish legal notices, the governing authorities of such municipality shall enter into a contract for the publication of its proceedings, ordinances, resolutions, and other notices required to be published only after inviting competitive bids from such newspapers. Such contracts shall be



5263 let to the lowest bidder among them for a period of not more than
5264 twelve (12) months from the date of such contract. It shall not
5265 be necessary, however, that the governing authorities of such
5266 municipality advertise its intention to accept such competitive
5267 bids but it shall be sufficient if notice thereof in writing be
5268 given to all of such newspapers by mail or delivery at least five
5269 (5) days prior to the date on which said bids will be received,
5270 which said notice shall specify the date on which such bids will
5271 be received.

5272 **SECTION 93.** This act shall take effect and be in force from
5273 and after July 1, 2025.

