

**Pending
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2832

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

15 **SECTION 1.** Section 17-3-3, Mississippi Code of 1972, is
16 amended as follows:
17 17-3-3. Advertising pursuant to Section 17-3-1 shall include
18 newspaper and magazine advertising and literature, publicity,
19 expositions, public entertainment or other form of advertising or
20 publicity, including advertising on a free, online database
21 maintained by the Mississippi Press Association, which in the
22 judgment of such board or boards will be helpful toward advancing
23 the moral, financial and other interests of such municipality or
24 county; however, such advertising shall not include advertisements



in publications sponsored by political parties, political committees or affiliated organizations, as such terms are defined in Section 23-15-801.

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

17-5-1. (1) The board of supervisors of any county of the state and the governing authorities of any municipality within such county may enter into a contract for the joint construction, expansion, remodeling and/or maintenance and equipping of a jail in such municipality, or within one (1) mile of the corporate limits thereof, and may issue bonds of both the county and such municipality in the manner provided by general statutes for the issuance of county and municipal bonds for such purposes, provided that in no event shall the municipality bear over fifty percent (50%) of the cost of constructing, expanding, remodeling and/or maintaining and equipping such jail. Such contract or future contracts may provide for the continued joint use of equipping, repairing, reconstructing and remodeling of such jail. Before issuing any bonds for the purposes herein set forth, the board of supervisors and the governing authorities of such municipality shall adopt a joint resolution declaring their intention to issue the same, which resolution shall state the amount and purposes of the bonds to be issued, and shall fix the date upon which action will be taken to provide for the issuance of such bonds. Said resolution shall be published once a week for at least three (3)



50 consecutive weeks in a newspaper published in the county, the
51 first publication of such notice to be made not less than
52 twenty-one (21) days prior to the date fixed in such resolution
53 and the last publication to be made not more than seven (7) days
54 prior to such date. In any county where there is no newspaper
55 published or located within the county, the board of supervisors
56 shall be authorized to publish such resolution on a free, online
57 database maintained by the Mississippi Press Association for the
58 duration of twenty-one (21) days immediately preceding the date
59 fixed in such resolution. The board of supervisors shall take
60 appropriate measures to ensure that online content is secure,
61 verifiable and accessible to the public. If twenty percent (20%)
62 or fifteen hundred (1500), whichever is less, of the qualified
63 electors of the county and municipality, respectively, shall file
64 a written protest against the issuance of such bonds on or before
65 the date specified in such resolution, then an election upon the
66 issuance of such bonds shall be called and held, and in such case
67 such bonds or other evidences of indebtedness shall not be issued
68 unless same are authorized by the affirmative vote of a majority
69 of the qualified electors of said county and municipality,
70 respectively, who vote on the proposition at such election.
71 Notice of such election shall be given by publication in like
72 manner as is provided for the publication of the initial
73 resolution, and said election shall be called, held and conducted
74 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 17-11-37, Mississippi Code of 1972, is amended as follows:

17-11-37. The governing body of the district, county or city shall adopt a resolution declaring its intention to issue bonds for the purposes authorized by this chapter, stating the amount of the bonds proposed to be issued, whether such bonds are revenue bonds or general obligation bonds, and the date upon which further action will be taken by the governing body looking forward to the issuance of such bonds. Such resolution shall be published once a week for at least three successive weeks in a newspaper published and of general circulation within such county or city. The first of such publications shall be made at least twenty one (21) days prior to the date set forth in said resolution as the date upon



100 which further action will be taken by the governing body, and the
101 last publication shall be made not more than seven (7) days prior
102 to said date. In any county where there is no newspaper published
103 or located within the county, the board of supervisors shall be
104 authorized to publish all such resolutions on a free, online
105 database maintained by the Mississippi Press Association for the
106 duration of at least twenty-one (21) days immediately preceding
107 the date set forth in said resolution as the date upon which
108 further action will be taken by the governing body of the county.
109 The board of supervisors shall take appropriate measures to ensure
110 that online content is secure, verifiable and accessible to the
111 public. If, prior to the date set forth as aforesaid, there shall
112 be filed with the clerk of such governing body a petition in
113 writing signed by ten percent (10%) of the qualified electors of
114 such regional area, county or city thereof, or fifteen hundred
115 (1,500) qualified electors, whichever shall be the lesser number,
116 requesting an election on the question of the issuance of such
117 bonds, then such bonds shall not be issued unless authorized by a
118 majority of the qualified electors in such regional area, county
119 or city voting thereon at an election to be ordered by the
120 governing body for that purpose. Notice of such election shall be
121 given and such election shall be held and conducted in like manner
122 as provided by law with respect to elections held on the
123 submission of county or city bond issues. If the proposition so
124 submitted shall fail to receive approval at such election, then no



125 further proceedings for the issuance of such bonds shall be taken
126 for a period of six (6) months from and after the date of such
127 election. If, however, no such petition shall be filed, or if
128 such election or subsequent election on such proposition shall be
129 assented to by a majority of the qualified electors voting
130 thereon, then such governing body shall be authorized to proceed
131 with the issuance of such bonds without further election.

132 **SECTION 4.** Section 17-11-45, Mississippi Code of 1972, is
133 amended as follows:

134 17-11-45. The governing body or bodies issuing bonds under
135 this chapter shall sell such bonds in such manner and for such
136 price as it or they may determine to be for the best interest of
137 said governing body or bodies. No such sale shall be made at a
138 price less than par plus accrued interest to date of delivery of
139 the bonds of the purchaser. Notice of the sale of any such bonds
140 shall be published at least one (1) time not less than ten (10)
141 days prior to the date of sale, and shall be published in a
142 newspaper published in and having general circulation within such
143 regional area, county or city. In any county where there is no
144 newspaper published or located within the county, the board of
145 supervisors shall be authorized to publish such notice on a free,
146 online database maintained by the Mississippi Press Association
147 for the duration of at least ten (10) days prior to the sale of
148 such bonds. The board of supervisors shall take appropriate



149 measures to ensure that online content is secure, verifiable and
150 accessible to the public.

151 **SECTION 5.** Section 17-17-107, Mississippi Code of 1972, is
152 amended as follows:

153 17-17-107. Before issuing any revenue bonds hereunder, the
154 governing body of any municipality shall adopt a resolution
155 declaring its intention to so issue, stating the amount of bonds
156 proposed to be issued, the purpose for which the bonds are to be
157 issued, and the date upon which the governing body proposes to
158 direct the issuance of such bonds. Such resolution shall be
159 published once a week for at least three (3) consecutive weeks in
160 at least one (1) newspaper published in the county in which such
161 municipality is located. The first publication of such resolution
162 shall be made not less than twenty-one (21) days prior to the date
163 fixed in such resolution for the issuance of the bonds and the
164 last publication shall be made not more than seven (7) days prior
165 to such date. * * * In any county where there is no newspaper
166 published or located within the county, the board of supervisors
167 shall be authorized to post such resolution a free, online
168 database maintained by the Mississippi Press Association for not
169 less than twenty-one (21) days immediately preceding the date
170 fixed in such resolution for the issuance of the bonds. The board
171 of supervisors shall take appropriate measures to ensure that
172 online content is secure, verifiable and accessible to the public.
173 If twenty percent (20%) or fifteen hundred (1500), whichever is



less, of the qualified electors of the municipality shall file a written protest against the issuance of such bonds on or before the date specified in such resolution, then an election on the question of the issuance of such bonds shall be called and held as herein provided. If no such protest be filed, then such bonds may be issued without an election at any time within a period of two (2) years after the date specified in the above-mentioned resolution. However, the governing body of such municipality, in its discretion, may nevertheless call an election on the question of the issuance of the bonds, in which event it shall not be necessary to publish the resolution declaring its intention to issue bonds as herein provided.

SECTION 6. Section 17-17-109, Mississippi Code of 1972, is amended as follows:

17-17-109. Where an election is to be called as provided in Section 17-17-107, notice of such election shall be signed by the clerk of the governing body of any municipality and shall be published once a week for at least three (3) consecutive weeks, in at least one (1) newspaper published in such county. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date fixed for such election and the last publication shall be made not more than seven (7) days prior to such date. * * * In any county where there is no newspaper published or located within the county, the board of supervisors shall be authorized to publish notice of such election on a free,



online database maintained by the Mississippi Press Association
for the duration of not less than twenty-one (21) days immediately
preceding the date fixed for such election. The board of
supervisors shall take appropriate measures to ensure that online
content is secure, verifiable and accessible to the public.

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

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

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

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

(c) An inventory of existing solid waste collection systems and transfer stations within the county. The inventory



shall identify the entities engaging in municipal solid waste collection within the county;

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

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

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

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

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

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

(i) Verification that the proposed facility meets needs identified in the approved local nonhazardous solid waste



management plan which shall take into account the quantities of municipal solid waste generated and the design capacities of existing facilities;

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

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

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

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

(j) Any other information the commission may require.

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

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

(b) The method of implementation of the plan with regard to the person who will apply for and acquire the permit for



any planned additional facilities and the person who will own or operate any of the facilities.

(3) Each municipality shall cooperate with the county in planning for the management of municipal solid waste generated within its boundaries or the area served by that municipality. The governing authority of any municipality which does not desire to be included in the local nonhazardous solid waste management plan shall adopt a resolution stating its intent not to be included in the county plan. The resolution shall be provided to the board of supervisors and the commission. Any municipality resolving not to be included in a county waste plan shall prepare a local nonhazardous solid waste management plan in accordance with this section.

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



(5) (a) Upon completion of its local nonhazardous solid waste management plan, the board of supervisors of the county shall publish in at least one (1) newspaper * * * having general circulation within the county a public notice that describes the plan, specifies the location where it is available for review, and establishes a period of thirty (30) days for comments concerning the plan and a mechanism for submitting those comments. In any county where there is no newspaper published or located within the county, the board of supervisors shall be authorized to publish such public notice on a free, online database maintained by the Mississippi Press Association, taking care to ensure that the content is secure, verifiable and accessible to the public. 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 twice in at least one (1) newspaper * * * having general circulation within the county, a notice conspicuously displayed containing the time and place of the hearing and the location where the plan is available for review. In any county where there is no newspaper published or located within the county, the board of supervisors shall be authorized to publish notice of such hearing a free, online database maintained by the Mississippi Press Association



323 for the duration of two (2) weeks prior to the hearing. The board
324 of supervisors shall take appropriate measures to ensure that
325 online content is secure, verifiable and accessible to the public.

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

331 (c) A regional solid waste management authority or
332 other district shall declare the plan to be approved as the
333 authority's or district's solid waste management plan upon written
334 notification, including a copy of the resolution, that the board
335 of supervisors of each county forming the authority or district
336 has approved the plan.

337 (6) Upon ratification of the plan, the governing body of the
338 county, authority or district shall submit it to the commission
339 for review and approval in accordance with Section 17-17-225. The
340 commission shall, by order, approve or disapprove the plan within
341 one hundred eighty (180) days after its submission. The
342 commission shall include with an order disapproving a plan a
343 statement outlining the deficiencies in the plan and directing the
344 governing body of the county, authority or district to submit,
345 within one hundred twenty (120) days after issuance of the order,
346 a revised plan that remedies those deficiencies. If the governing
347 body of the county, authority or district, by resolution, requests



an extension of the time for submission of a revised plan, the commission may, for good cause shown, grant one (1) extension for a period of not more than sixty (60) additional days.

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

(8) The governing body of the county, authority or district shall annually review implementation of the approved plan. The 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 8. Section 17-17-237, Mississippi Code of 1972, is amended as follows:

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



proponent of or applicant for the new municipal solid waste landfill to pay the costs of the election.

(2) Upon presentation and filing of a proper petition requesting same signed by at least twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the qualified electors of the county, it shall be the duty of the board of supervisors to call an election at which there shall be submitted to the qualified electors of the county the question of whether or not the new municipal solid waste landfill proposed to be sited within the county shall be eligible for consideration by the board of supervisors for inclusion in the solid waste management plan of the county. Such election shall be held and conducted by the county election commissioners on a date fixed by the order of the board of supervisors, which date shall not be more than sixty (60) days from the date of the filing of said petition. Notice thereof shall be given by publishing such notice once each week for at least three (3) consecutive weeks in some newspaper published in said county * * *. In any county where there is no newspaper published or located within the county, the board of supervisors shall be authorized to publish such notice on a free, online database maintained by the Mississippi Press Association for the duration of at least three (3) consecutive weeks. The board of supervisors shall take appropriate measures to ensure that online content is secure, verifiable and accessible to the public. The



election shall be held not earlier than fifteen (15) days from the first publication of such notice.

(3) The election shall be held and conducted as far as may be possible in the same manner as is provided by law for the holding of general elections. The ballots used thereat shall contain a brief statement of the proposition submitted and, on separate lines, the words "I vote FOR new municipal solid waste landfill in _____ County ()", "I vote AGAINST new municipal solid waste landfill in _____ County ()" with appropriate boxes in which the voters may express their choice. All qualified electors may vote by marking the ballot with a cross (x) or check mark(ü) opposite the words of their choice.

(4) The election commissioners shall canvass and determine the results of the election, and shall certify same to the board of supervisors which shall adopt and spread upon its minutes an order declaring such results. If, in such election, sixty percent (60%) of the qualified electors participating therein shall vote in favor of the proposition, inclusion of the proposed new municipal solid waste landfill in a solid waste management plan and permitting of such landfill may be approved provided that all other requirements of law are satisfied as to the landfill. If, on the other hand, sixty percent (60%) of the qualified electors participating therein shall not vote in favor of the proposition, the new landfill may not be included in any solid waste management plan and shall not be permitted. In either case, no further



election shall be held in a county under the provisions of this section for a period of two (2) years from the date of the prior election and then only upon the filing of a petition requesting same signed by at least twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the qualified electors of the county as is otherwise provided herein.

SECTION 9. 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.



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

527 (4) The incorporators shall publish a notice of
528 incorporation once a week for two (2) successive weeks in a daily
529 newspaper or newspapers having general circulation throughout the
530 region to be served. In any county where there is no newspaper
531 published or located within the county, the board of supervisors
532 shall be authorized to publish such notice of incorporation on a
533 free, online database maintained by the Mississippi Press
534 Association for the duration of two (2) weeks. The board of
535 supervisors shall take appropriate measures to ensure that online
536 content is secure, verifiable and accessible to the public.

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

542 **SECTION 10.** Section 17-17-311, Mississippi Code of 1972, is
543 amended as follows:

544 17-17-311. (1) The incorporation agreement of any authority
545 may be amended in the manner provided in this section. The board



of the authority shall first adopt a resolution proposing an amendment to the incorporation agreement. The amendment shall be set forth in full in the resolution and may include any matters which might have been included in the original incorporation agreement.

(2) After the adoption of the resolution by the board, the chairman of the board and the secretary of the authority shall file a certified copy of the resolution and a signed written application in the name of and on behalf of the authority, under its seal, with the governing body of each member, requesting the governing body to adopt a resolution approving the proposed amendment. As promptly as may be practicable after the filing of the application with the governing body, that governing body shall review the application and shall adopt a resolution either denying the application or authorizing the proposed amendment. Any such resolution shall be published in a newspaper or newspapers as provided in subsection (4) of Section 17-17-309. In any county where there is no newspaper published or located within the county, the board of supervisors shall be authorized to publish such resolution on a free, online database maintained by the Mississippi Press Association. The board of supervisors shall take appropriate measures to ensure that online content is secure, verifiable and accessible to the public. The governing body shall cause a copy of the application and all accompanying documents to be spread upon or otherwise made a part of the minutes of the



meeting of the governing body at which final action upon the application is taken. The incorporation agreement may be amended only after the adoption of a resolution by two-thirds (2/3) of the governing bodies of the members. Publication of such amendment shall be made as provided in subsection (4) of Section 17-17-309.

(3) Within forty (40) days following the adoption of the last adopted resolution approving the proposed amendment, the chairman of the board and the secretary of the authority shall sign, and file for record in the office of the chancery clerk with which the incorporation agreement of the authority was originally filed and the Secretary of State, a certificate in the name of and in behalf of the authority, under its seal, reciting the adoption of the respective resolutions by the board and by the governing body of each member and setting forth the amendment. The chancery 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 11. 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 21-37-329, 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. 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, whenever possible, the advertisement appear in a newspaper that is published at least five (5) days a week, unless the only newspaper in the county or municipality is published less than five (5) days a week. It is further the intent of the Legislature that the newspaper selected be one of general interest and readership in the community, and not one of limited subject matter. The advertisement shall be run once each week for the two (2) weeks preceding the date specified in the resolution by the board of supervisors or the governing authorities of the municipality. In any county where there is no newspaper published or located within



the county, the board of supervisors shall be authorized to publish such advertisement on a free, online database maintained by the Mississippi Press Association for the duration of the two (2) weeks immediately preceding the date specified in the resolution by the board of supervisors. The board of supervisors shall take appropriate measures to ensure that online content is secure, verifiable and accessible to the public. The advertisement shall state that the county or municipality proposes to issue general obligation bonds of the county or municipality for a solid waste management facility, the proposed property tax revenue and the procedure that may be taken by qualified electors of the county for calling an election on the question of issuance of the general obligation bonds of the county or municipality.

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

"NOTICE OF TAX INCREASE

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

If twenty percent (20%) or fifteen hundred (1500), whichever is less, of the qualified voters of the county or municipality



671 file a written protest against the issuance of such bonds on or
672 before the date specified in the resolution of the board of
673 supervisors or governing authorities of the municipality, then an
674 election on the question of the issuance of the bonds shall be
675 called pursuant to Sections 19-9-13 and 19-9-15, or 21-33-307
676 through 21-33-311. If no protest is filed, then the bonds may be
677 issued without an election, at any time, within two (2) years
678 after the date specified in the resolution of the board of
679 supervisors or governing authorities of the municipality.

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

682 17-17-337. All bonds issued pursuant to Sections 17-17-329,
683 17-17-333 and 17-17-335 may be validated as now provided by law in
684 Sections 31-13-1 through 31-13-11, Mississippi Code of 1972. Such
685 validation proceedings shall be instituted in the chancery court
686 of the county in which the principal office of the authority is
687 located, but notice of such validation proceedings shall be
688 published at least two (2) times in a newspaper of general
689 circulation in each of the counties, the first publication of
690 which in each case shall be made at least ten (10) days preceding
691 the date set for validation. In any county where there is no
692 newspaper published or located within the county, the board of
693 supervisors shall be authorized to publish such notice of
694 validation on a free, online database maintained by the
695 Mississippi Press Association for the duration of at least ten



(10) days immediately preceding the date set for validation. The board of supervisors shall take appropriate measures to ensure that online content is secure, verifiable and accessible to the public.

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

17-17-348. (1) In addition to any notice requirements otherwise provided by law, the board of supervisors of each county and the governing authorities of each municipality, before the first day of the fiscal year, shall publish in a newspaper having a general circulation in the county, 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. In any county where there is no newspaper published or located within the county, the board of supervisors shall be authorized to publish such report on a free, online database maintained by the Mississippi Press Association. The board of supervisors shall take appropriate measures to ensure that online content is secure, verifiable and accessible to the public. 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;



721 (b) The identity of each source of funding and the
722 dollar amount received from each source of funding during the
723 immediately preceding fiscal year for operation of the garbage or
724 rubbish collection or disposal system, including ad valorem taxes,
725 fees and other sources; and

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

735 (2) The notice required under subsection (1) of this section
736 shall be no less than one-eighth (1/8) page in size and the type
737 used shall be no smaller than ten (10) point and surrounded by a
738 one-fourth-inch (1/4) solid black border. The notice may not be
739 placed in that portion of the newspaper where legal notices and
740 classified advertisements appear. The notice must appear in a
741 newspaper that is published at least five (5) days a week, unless
742 the only newspaper in the county is published less than five (5)
743 days a week. The newspaper selected must be one of general
744 interest and readership in the community, and not one of limited
745 subject matter. The notice must be published at least once. In



any county where there is no newspaper published or located within
the county, publication on a free, online database maintained by
the Mississippi Press Association must remain available for the
duration of at least one (1) week.

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

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



771 local governmental unit shall advertise its intent to hold the
772 public hearings. The advertisement shall be in a newspaper of
773 general circulation in the county. In any county where there is
774 no newspaper published or located within the county, the board of
775 supervisors shall be authorized to publish such advertisement on a
776 free, online database maintained by the Mississippi Press
777 Association. The board of supervisors shall take appropriate
778 measures to ensure that online content is secure, verifiable and
779 accessible to the public. The advertisement shall be no less than
780 one-fourth (1/4) page in size and the type used shall be no
781 smaller than eighteen (18) point and surrounded by a one-fourth
782 (1/4) inch solid black border. The advertisement may not be
783 placed in that portion of the newspaper where legal notices and
784 classified advertisements appear. It is legislative intent that,
785 whenever possible, the advertisement appear in a newspaper that is
786 published at least five (5) days a week, unless the only newspaper
787 in the county is published less than five (5) days a week. It is
788 further the intent of the Legislature that the newspaper selected
789 be one of general interest and readership in the community, and
790 not one of limited subject matter. The advertisement shall be run
791 once each week for the two (2) weeks preceding the public
792 hearings. The advertisement shall state that the governing body
793 will meet on a certain day, time and place fixed in the
794 advertisement, which shall be not less than seven (7) days after
795 the day the first advertisement is published, for the purpose of



796 hearing comments regarding the proposed resolution and to explain
797 the reasons for the proposed resolution. If the advertisement is
798 posted on a free, online database maintained by the Mississippi
799 Press Association, it must be available to the public for a
800 duration not less than seven (7) days immediately preceding the
801 day of the meeting established for the purpose of hearing
802 comments.

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

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

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

814 17-21-53. (1) Before any money is borrowed under the
815 provisions of this article, the governing authority shall adopt a
816 resolution declaring the necessity for such borrowing and
817 specifying the purpose for which the money borrowed is to be
818 expended, the amount to be borrowed, the date or dates of the
819 maturity thereof, and how such indebtedness is to be evidenced.



820 The resolution shall be certified over the signature of the head
821 of the governing authority.

822 (2) The borrowing shall be evidenced by negotiable notes or
823 certificates of indebtedness of the governing authority which
824 shall be signed by the head and clerk of such governing authority.
825 All such notes or certificates of indebtedness shall be offered at
826 public sale by the governing authority after not less than ten
827 (10) days' advertising in a newspaper having general circulation
828 within the governing authority. In any county where there is no
829 newspaper published or located within the county, the board of
830 supervisors shall be authorized to publish such advertisements on
831 a free, online database maintained by the Mississippi Press
832 Association for the duration of not less than ten (10) days prior
833 to the date set for sale. The board of supervisors shall take
834 appropriate measures to ensure that online content is secure,
835 verifiable and accessible to the public. Each sale shall be made
836 to the bidder offering the lowest rate of interest or whose bid
837 represents the lowest net cost to the governing authority;
838 however, the rate of interest shall not exceed that now or
839 hereafter authorized in Section 75-17-101, Mississippi Code of
840 1972. No such notes or certificates of indebtedness shall be
841 issued and sold for less than par and accrued interest. All notes
842 or certificates of indebtedness shall mature in approximately
843 equal installments of principal and interest over a period not to
844 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 authorized hereunder may be used to refund the balance of the indebtedness previously issued under the authority of this article. Such notes or certificates of indebtedness shall be issued in such form and in such denominations as may be determined by the governing authority and may be made payable at the office of any bank or trust company selected by the governing authority. In such case, funds for the payment of principal and interest due thereon shall be provided in the same manner provided by law for the payment of the principal and interest due on bonds issued by the governing authority.

(3) For the prompt payment of notes or certificates of indebtedness at maturity, both principal and interest, the full



870 faith, credit and resources of the issuing entity are pledged. If
871 the issuing entity does not have available funds in an amount
872 sufficient to provide for the payment of principal and interest
873 according to the terms of such notes or certificates of
874 indebtedness, then the governing authority shall annually levy a
875 special tax upon all of its taxable property at a rate the avails
876 of which will be sufficient to provide such payment. Funds
877 derived from any such tax shall be paid into a sinking fund and
878 used exclusively for the payment of principal of and interest on
879 the notes or certificates of indebtedness. Until needed for
880 expenditure, monies in the sinking fund may be invested in the
881 same manner as the governing authority is elsewhere authorized by
882 law to invest surplus funds.

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

885 19-3-1. Each county shall be divided into five (5)
886 districts, with due regard to equality of population and
887 convenience of situation for the election of members of the boards
888 of supervisors, but the districts as now existing shall continue
889 until changed. The qualified electors of each district shall
890 elect, at the next general election, and every four (4) years
891 thereafter, in their districts one (1) member of the board of
892 supervisors. Subject to the provisions of Sections 23-15-283 and
893 23-15-285, the board, by a three-fifths (3/5) vote of all members



894 elected, may change the districts, the boundaries to be entered at
895 large in the minutes of the proceedings of the board.

896 If the boundaries of the districts are changed by order of
897 the board of supervisors as provided in this section, the order
898 shall be published in a newspaper having general circulation in
899 the county once each week for three (3) consecutive weeks. In any
900 county where there is no newspaper published or located within the
901 county, the board of supervisors shall be authorized to publish
902 such order on a free, online database maintained by the
903 Mississippi Press Association for the duration of three (3)
904 consecutive weeks. The board of supervisors shall take
905 appropriate measures to ensure that online content is secure,
906 verifiable and accessible to the public.

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

909 19-3-11. In counties having only one (1) court district, the
910 board of supervisors shall hold regular meetings at the courthouse
911 or in the chancery clerk's office in those counties where the
912 chancery clerk's office is in a building separate from the
913 courthouse. However, the board of supervisors may meet in any
914 other county-owned building if such building is located within one
915 (1) mile of the courthouse and if, more than thirty (30) days
916 prior to changing the meeting place, the board posts a
917 conspicuous, permanent notice to that effect in the chancery
918 clerk's office and in one (1) other place in the courthouse,



publishes notice thereof in a newspaper published 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. In any county where there is no newspaper published or located within the county, the board of supervisors shall be authorized to publish such notice on a free, online database maintained by the Mississippi Press Association for the duration of at least three (3) consecutive weeks. The board of supervisors shall take appropriate measures to ensure that online content is secure, verifiable and accessible to the public. 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 18. 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 * * * or



published in a newspaper of the county * * *. In any county where there is no newspaper published or located within the county, the board of supervisors shall be authorized to publish such notice on a free, online database maintained by the Mississippi Press Association for the duration of at least five (5) days. The board of supervisors shall take appropriate measures to ensure that online content is secure, verifiable and accessible to the public. 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 upon and be signed before a notary by the officer or officers calling the meeting. At least three (3) hours before the time fixed for the meeting, notice shall be personally delivered to the members of the board who have not signed it and who can be found.



The notice shall also be posted at the courthouse door at least three (3) hours before the time fixed for the meeting. If a member of the board cannot be found to complete the personal delivery of the notice, the president, vice president or any one of the two (2) members of the board calling an emergency meeting shall make every attempt, within the applicable notice period, to contact the board member that was not personally found by other available means, including, but not limited to, telephone or e-mail. The method of notice used to call the meeting shall be entered on the minutes of the emergency meeting, and business not specified in the notice shall not be transacted at the meeting.

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

19-3-33. The board of supervisors may have its proceedings published in some newspaper published in the county, and cause the same to be paid for out of the county treasury, but the costs of such publication shall not exceed the sum fixed by law for publishing legal notices. If there be more than one (1) newspaper published in the county, the contract for publishing the proceedings, if made, shall be let to the lowest bidder among them. In any county where there is no newspaper published or located within the county, the board of supervisors may publish its proceedings on a free, online database maintained by the Mississippi Press Association. The board of supervisors shall



1993 take appropriate measures to ensure that online content is secure,
1994 verifiable and accessible to the public.

1995 **SECTION 20.** Section 19-3-35, Mississippi Code of 1972, is
1996 amended as follows:

1997 19-3-35. The board of supervisors after each meeting shall
1998 have an itemized statement made of allowances, to whom, for what,
1999 and the amounts; a list of all contracts providing for the
2000 expenditure of money and the terms of payment thereof; a statement
2001 of all loans from sixteenth section funds, lieu land funds, and
2002 sinking, and other trust funds, setting forth to whom made, the
2003 amount, and the kind of security approved; a statement or list of
2004 all sales of timber, of all leases upon, including all leases for
2005 oil, gas and minerals upon, sixteenth section or lieu lands
2006 situated in the county or belonging to the county, showing to whom
2007 sold or made, description of land involved, the length of the term
2008 of any such lease, and the consideration therefor; and it shall
2009 also publish a recapitulation of all expenditures according to
2010 districts and also the county as a whole, and in such
2011 recapitulation the total expenses for each item shall be listed
2012 for each district, and in the total county recapitulation the
2013 total expended from each item shall be listed and same shall be
2014 published within fifteen (15) days after adjournment in some
2015 newspaper of general circulation published in the county * * *.
2016 In any county where there is no newspaper published or located
2017 within the county, the board of supervisors shall be authorized to



1018 publish such total on a free, online database maintained by the
1019 Mississippi Press Association within fifteen (15) days after
1020 adjournment. The board of supervisors shall take appropriate
1021 measures to ensure that online content is secure, verifiable and
1022 accessible to the public. The cost of publishing the same shall
1023 be paid for out of the general fund of the county. The cost of
1024 such publication shall not exceed one-half (1/2) of the rate now
1025 fixed by law for publishing legal notices, and in no event shall
1026 the cost of such publication exceed One Hundred Dollars (\$100.00)
1027 in any one (1) month, save, however, in counties of classes 1 and
1028 2 the board of supervisors may expend an amount not to exceed One
1029 Hundred Seventy-five Dollars (\$175.00) per month for the
1030 publication of said cumulative digest of its proceedings as
1031 provided for above. If there be more than one newspaper published
1032 in the county, the board of supervisors shall advertise, as
1033 provided by law, for contracts for publishing such proceedings,
1034 and shall award the contract to the lowest bidder for a period of
1035 two (2) years. If no bid be made for the price above mentioned,
1036 then the proceedings shall be posted at the courthouse door as
1037 hereinafter provided. If there be no newspaper published in such
1038 county, then such proceedings shall be posted at the front
1039 courthouse door or on a free, online database maintained by the
1040 Mississippi Press Association as described above.

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 21.** 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 in a newspaper of general circulation published in the county * * *. In any county where there is no newspaper published or located within the county, the board of supervisors shall be authorized to publish such expenses on a free, online database maintained by the Mississippi Press Association. The board of supervisors shall take appropriate measures to ensure that online content is secure, verifiable and accessible to the public. 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 22. 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 once
1128 each week for three (3) consecutive weeks in a newspaper having
1129 general circulation in the county in which the intending licensee
1130 desires to conduct legal gaming aboard a cruise vessel or vessel,
1131 as the case may be. In any county where there is no newspaper
1132 published or located within the county, the board of supervisors
1133 shall be authorized to publish such notice on a free, online
1134 database maintained by the Mississippi Press Association for the
1135 duration of three (3) consecutive weeks. The board of supervisors
1136 shall take appropriate measures to ensure that online content is
1137 secure, verifiable and accessible to the public.

1138 (2) If no petition as prescribed in subsection (3) of this
1139 section is filed with the board of supervisors of the applicable
1140 county within thirty (30) days after the date of the last
1141 publication, the board of supervisors of such county shall adopt a



1142 resolution stating that no petition was timely filed and that
1143 legal gaming may henceforth be conducted aboard cruise vessels or
1144 vessels, as the case may be, in such county.

1145 (3) If a petition signed by twenty percent (20%) or fifteen
1146 hundred (1500), whichever is less, of the registered voters of a
1147 county in which a notice of intent to apply for a gaming license
1148 is published is filed within thirty (30) days of the date of the
1149 last publication with the circuit clerk of the applicable county,
1150 the board of supervisors of such county shall authorize the
1151 circuit clerk to hold an election on the proposition of allowing
1152 legal gaming to be conducted aboard cruise vessels or vessels, as
1153 the case may be, in the county on the date upon which such an
1154 election may be conducted under subsection (7). The referendum
1155 shall be advertised, held, conducted and the result thereof
1156 canvassed in the manner provided by law for advertising, holding
1157 and canvassing county elections.

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



1167 of allowing legal gaming to be conducted aboard cruise vessels or
1168 vessels, as the case may be, then legal gaming may henceforth be
1169 conducted aboard cruise vessels or vessels, as the case may be, in
1170 the county. If less than a majority of the qualified electors who
1171 vote in such election shall vote in favor of allowing legal gaming
1172 to be conducted aboard cruise vessels or vessels, as the case may
1173 be, in the county, then gaming aboard cruise vessels or vessels,
1174 as the case may be, shall be prohibited in the county until such
1175 time as a subsequent election, held according to the restrictions
1176 specified in subsection (7), may authorize such legal gaming.

1177 (5) In any county in which no petition is timely filed after
1178 a notice of intent to apply for a gaming license is published, or
1179 in which an election is held on the proposition of allowing legal
1180 gaming to be conducted aboard cruise vessels or vessels, as the
1181 case may be, in the county and a majority of the qualified
1182 electors who vote in such election vote in favor of allowing legal
1183 gaming to be conducted aboard cruise vessels or vessels, as the
1184 case may be, in the county, no election shall thereafter be held
1185 in that county pursuant to this section on the proposition of
1186 allowing legal gaming to be conducted aboard cruise vessels or
1187 vessels, as the case may be, in that county.

1188 (6) Notwithstanding any provision of this section or
1189 Sections 97-33-1, 97-33-7, 97-33-17, 97-33-25 and 97-33-27 to the
1190 contrary, if an election is held pursuant to this section which
1191 causes the conducting of gaming aboard cruise vessels to be



1192 prohibited in any county in which one or more cruise vessels were
1193 operating out of a port in the county on August 28, 1990, the
1194 prohibition on the conducting of gaming aboard cruise vessels in
1195 that county shall not apply to the conducting of legal gaming
1196 aboard any of those cruise vessels which were still operating out
1197 of a port in that county at the time of the election.

1198 (7) If an election has been held on the issue of allowing
1199 legal gaming to be conducted aboard cruise vessels or vessels, as
1200 the case may be, in a county, and the authority to conduct such
1201 legal gaming has been denied by the electors of such county, then
1202 a subsequent election on such issue may not be held until:

1203 (a) The date of the next succeeding general election in
1204 which the election for President of the United States occurs; or

1205 (b) In the case in which the authority to conduct such
1206 legal gaming has been denied by the electors of such county at
1207 elections on three (3) different occasions, whether those
1208 occasions be successive or not, the date of the next succeeding
1209 general election occurring at least eight (8) years after the last
1210 of the three (3) occasions on which the electors denied the
1211 authority to conduct such legal gaming.

1212 **SECTION 23.** Section 19-5-9, Mississippi Code of 1972, is
1213 amended as follows:

1214 19-5-9. (1) The construction codes published by a
1215 nationally recognized code group which sets minimum standards and
1216 has the proper provisions to maintain up-to-date amendments are



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



1242 not set out the code in full, but shall merely identify the same.
1243 The vote or passage of the order or resolution shall be the same
1244 as on any other order or resolution. After its adoption, the code
1245 or codes shall be certified to by the president and clerk of the
1246 board of supervisors and shall be filed as a permanent record in
1247 the office of the clerk who shall not be required to transcribe
1248 and record the same in the minute book as other orders and
1249 resolutions.

1250 (2) If the board of supervisors of any county adopts or has
1251 adopted construction codes which do not have proper provisions to
1252 maintain up-to-date amendments, specifications in such codes for
1253 cements used in portland cement concrete shall be superseded by
1254 nationally recognized specifications referenced in any code
1255 adopted by the Mississippi Building Code Council.

1256 (3) All provisions of this section shall apply to amendments
1257 and revisions of the codes mentioned in this section. The
1258 provisions of this section shall be in addition and supplemental
1259 to any existing laws authorizing the adoption, amendment or
1260 revision of county orders, resolutions or codes.

1261 (4) Any code adopted under the provisions of this section
1262 shall not be in operation or force until sixty (60) days have
1263 elapsed from the adoption of same; however, any code adopted for
1264 the immediate preservation of the public health, safety and
1265 general welfare may be effective from and after its adoption by a
1266 unanimous vote of the members of the board. Within five (5) days



1267 after the adoption or passage of an order or resolution adopting
1268 that code or codes the clerk of the board of supervisors shall
1269 publish in a legal newspaper published in the county the full text
1270 of the order or resolution adopting and approving the code, and
1271 the publication shall be inserted at least three (3) times, and
1272 shall be completed within thirty (30) days after the passage of
1273 the order or resolution. In any county where there is no legal
1274 newspaper published or located within the county, the board of
1275 supervisors shall be authorized to publish the full text of the
1276 order or resolution adopting and approving the code on a free,
1277 online database maintained by the Mississippi Press Association
1278 for the duration of three (3) weeks, to be completed within thirty
1279 (30) days after the passage of the order or resolution. The board
1280 of supervisors shall take appropriate measures to ensure that
1281 online content is secure, verifiable and accessible to the public.

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



1292 supervisors as other special elections are called and conducted by
1293 the election commissioners of the county as other special
1294 elections are conducted, the special election to be participated
1295 in by all the qualified electors of the county residing in the
1296 unincorporated areas of the county. If the voters approve the
1297 code or codes in the special election it shall be in force and in
1298 operation thereafter until amended or modified as provided in this
1299 section. If the majority of the qualified electors voting in the
1300 special election vote against the code or codes, then, in such
1301 event, the code or codes shall be void and of no force and effect,
1302 and no other code or codes dealing with that subject shall be
1303 adopted under the provisions of this section until at least two
1304 (2) years thereafter.

1305 (6) After any such code shall take effect the board of
1306 supervisors is authorized to employ such directors and other
1307 personnel as the board, in its discretion, deems necessary and to
1308 expend general county funds or any other funds available to the
1309 board to fulfill the purposes of this section.

1310 (7) For the purpose of promoting health, safety, morals or
1311 the general welfare of the community, the governing authority of
1312 any municipality, and, with respect to the unincorporated part of
1313 any county, the governing authority of any county, in its
1314 discretion, is empowered to regulate the height, number of stories
1315 and size of building and other structures, the percentage of lot
1316 that may be occupied, the size of the yards, courts and other open



spaces, the density or population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, but no permits shall be required except as may be required under the terms of the "Flood Disaster Protection Act of 1973" for the erection, maintenance, repair or extension of farm buildings or farm structures outside the corporate limits of municipalities.

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

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

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

(11) Regardless of whether a county adopts or has adopted codes, as set forth in this section, each and every county in this state shall require permitting as a condition to construction within the unincorporated areas of the county, and such permits shall contain, on their face, in conspicuous print, (a) the contractor's material purchase certificate number to the extent 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 24. 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



1367 ad valorem tax not to exceed six (6) mills on all taxable property
1368 within the area served by the system as set out in paragraph (a)
1369 of this subsection.

1370 (c) The board of supervisors of any county bordering on
1371 the Mississippi River and traversed by U.S. Highway 61, and which
1372 is intersected by Mississippi Highway 4, having a population of
1373 eleven thousand eight hundred fifty-four (11,854) according to the
1374 1970 federal census, and having an assessed valuation of Fourteen
1375 Million Eight Hundred Seventy-two Thousand One Hundred Forty-four
1376 Dollars (\$14,872,144.00) in 1970, may levy, in its discretion, for
1377 the purposes of establishing, operating and maintaining a garbage
1378 or rubbish collection or disposal system, an ad valorem tax not to
1379 exceed six (6) mills on all taxable property within the area
1380 served by the system as set out in paragraph (a) of this
1381 subsection.

1382 (d) The board of supervisors of any county having a
1383 population in excess of two hundred fifty thousand (250,000),
1384 according to the latest federal decennial census, and in which
1385 Interstate Highway 55 and Interstate Highway 20 intersect, may
1386 levy, in its discretion, for the purposes of establishing,
1387 operating and maintaining a garbage or rubbish collection or
1388 disposal system, an ad valorem tax not to exceed seven (7) mills
1389 on all taxable property within the area served by the system as
1390 set out in paragraph (a) of this subsection.



1391 (e) The proceeds derived from any additional millage
1392 levied pursuant to paragraphs (a) through (d) of this subsection
1393 in excess of two (2) mills shall be excluded from the ten percent
1394 (10%) increase limitation under Section 27-39-321 for the first
1395 year of such additional levy and shall be included within such
1396 limitation in any year thereafter. The proceeds from any millage
1397 levied pursuant to paragraph (g) shall be excluded from the ten
1398 percent (10%) increase limitation under Section 27-39-321 for the
1399 first year of the levy and shall be included within the limitation
1400 in any year thereafter.

1401 (f) The rate of the ad valorem tax levied under this
1402 section shall be shown as a line item on the notice of ad valorem
1403 taxes on taxable property owed by the taxpayer.

1404 (g) In lieu of the ad valorem tax authorized in
1405 paragraphs (a), (b), (c) and (d) of this subsection, the fees
1406 authorized in subsection (2) of this subsection and in Section
1407 19-5-17 or any combination thereof, the board of supervisors may
1408 levy an ad valorem tax not to exceed six (6) mills to defray the
1409 cost of establishing and operating the system provided for in
1410 Section 19-5-17 on all taxable property within the area served by
1411 the system as provided in paragraph (a) of this subsection.

1412 Any board of supervisors levying the ad valorem tax
1413 authorized in this paragraph (g) is prohibited from assessing or
1414 collecting fees for the services provided under the system.



1415 (2) In addition to the ad valorem taxes authorized in
1416 paragraphs (a), (b) and (c) of subsection (1) or in lieu of any
1417 other method authorized to defray the cost of establishing and
1418 operating the system provided for in Section 19-5-17, the board of
1419 supervisors of any county with a garbage or rubbish collection or
1420 disposal system may assess and collect fees to defray the costs of
1421 the services. The board of supervisors may assess and collect the
1422 fees from each single family residential generator of garbage or
1423 rubbish. The board of supervisors also may assess and collect the
1424 fees from each industrial, commercial and multifamily residential
1425 generator of garbage or rubbish for any time period that the
1426 generator has not contracted for the collection of garbage and
1427 rubbish that is ultimately disposed of at a permitted or
1428 authorized nonhazardous solid waste management facility. The fees
1429 assessed and collected under this subsection may not exceed, when
1430 added to the proceeds derived from any ad valorem tax imposed
1431 under this section and any special funds authorized under
1432 subsection (7), the actual costs estimated to be incurred by the
1433 county in operating the county garbage and rubbish collection and
1434 disposal system. In addition to such fees, an additional amount
1435 not to exceed up to One Dollar (\$1.00) or ten percent (10%) per
1436 month, whichever is greater, on the current monthly bill may be
1437 assessed and collected on the balance of any delinquent monthly
1438 fees.



1439 (3) (a) Before the adoption of any order to increase the ad
1440 valorem tax assessment or fees authorized by this section, the
1441 board of supervisors shall publish a notice advertising their
1442 intent to adopt an order to increase the ad valorem tax assessment
1443 or fees authorized by this section. The notice shall specify the
1444 purpose of the proposed increase, the proposed percentage increase
1445 and the proposed percentage increase in total revenues for garbage
1446 or rubbish collection or disposal services or shall contain a copy
1447 of the resolution by the board stating their intent to increase
1448 the ad valorem tax assessment or fees. The notice shall be
1449 published in a newspaper published or having general circulation
1450 in the county for no less than three (3) consecutive weeks before
1451 the adoption of the order. * * * A print notice shall be in print
1452 no less than the size of eighteen (18) point and shall be
1453 surrounded by a one-fourth (1/4) inch black border. The notice
1454 shall not be placed in the legal section notice of the newspaper.
1455 In any county where there is no newspaper published or located
1456 within the county, the board of supervisors shall be authorized to
1457 publish such notice on a free, online database maintained by the
1458 Mississippi Press Association for the duration of no less than
1459 three (3) consecutive weeks prior to the adoption of the order.
1460 The board of supervisors shall take appropriate measures to ensure
1461 that content published online is secure, verifiable and accessible
1462 to the public. There shall be no language in the notice stating
1463 or implying a mandate from the Legislature.



1464 (b) In addition to the requirement for publication of
1465 notice, the board of supervisors shall notify each person
1466 furnished garbage or rubbish collection or disposal service of any
1467 increase in the ad valorem tax assessment or fees. In the case of
1468 an increase of the ad valorem tax assessment, a notice shall be
1469 conspicuously placed on or attached to the first ad valorem tax
1470 bill on which the increased assessment is effective. In the case
1471 of an increase in fees, a notice shall be conspicuously placed on
1472 or attached to the first bill for fees on which the increased fees
1473 or charges are assessed. There shall be no language in any notice
1474 stating or implying a mandate from the Legislature.

1475 (4) The board of supervisors of each county shall adopt an
1476 order determining whether or not to grant exemptions, either full
1477 or partial, from the fees for certain classes of generators of
1478 garbage or rubbish. If a board of supervisors grants any
1479 exemption, it shall do so in accordance with policies and
1480 procedures, duly adopted and entered on its minutes, that clearly
1481 define those classes of generators to whom the exemptions are
1482 applicable. The order granting exemptions shall be interpreted
1483 consistently by the board when determining whether to grant or
1484 withhold requested exemptions.

1485 (5) (a) The board of supervisors in any county with a
1486 garbage or rubbish collection or disposal system only for
1487 residents in unincorporated areas may adopt an order authorizing
1488 any single family generator to elect not to use the county garbage



1489 or rubbish collection or disposal system. If the board of
1490 supervisors adopts an order, the head of any single family
1491 residential generator may elect not to use the county garbage or
1492 rubbish collection or disposal service by filing with the chancery
1493 clerk the form provided for in this subsection before December 1
1494 of each year. The board of supervisors shall develop a form that
1495 shall be available in the office of the chancery clerk for the
1496 head of household to elect not to use the service and to accept
1497 full responsibility for the disposal of his garbage or rubbish in
1498 accordance with state and federal laws and regulations. The board
1499 of supervisors, following consultation with the Department of
1500 Environmental Quality, shall develop and the chancery clerk shall
1501 provide a form to each person electing not to use the service
1502 describing penalties under state and federal law and regulations
1503 for improper or unauthorized management of garbage. Notice that
1504 the election may be made not to use the county service by filing
1505 the form with the chancery clerk's office shall be published in a
1506 newspaper published or having general circulation in the county
1507 for no less than three (3) consecutive weeks, with the first
1508 publication being made no sooner than five (5) weeks before the
1509 first day of December. In any county where there is no newspaper
1510 published or located within the county, the board of supervisors
1511 shall be authorized to publish such notice on a free, online
1512 database maintained by the Mississippi Press Association for the
1513 duration of no less than three (3) consecutive weeks, with the



1514 first day of publication no sooner than five (5) weeks before the
1515 first day of December. The board of supervisors shall take
1516 appropriate measures to ensure that online content is secure,
1517 verifiable and accessible to the public. The notice shall state
1518 that any single family residential generator may elect not to use
1519 the county garbage or rubbish collection or disposal service by
1520 the completion and filing of the form for that purpose with the
1521 chancery clerk's office before December 1 of that year. The
1522 notice shall also include a statement that any single family
1523 residential generator who does not timely file the form shall be
1524 assessed any fees levied to cover the cost of the county garbage
1525 or rubbish collection or disposal service. The chancery clerk
1526 shall maintain a list showing the name and address of each person
1527 who has filed a notice of intent not to use the county garbage or
1528 rubbish collection or disposal service.

1529 (b) If the homestead property of a person lies
1530 partially within the unincorporated service area of a county and
1531 partially within the incorporated service area of a municipality
1532 and both the municipality and the county provide garbage
1533 collection and disposal service to that person, then the person
1534 may elect to use either garbage collection and disposal service.
1535 The person shall notify the clerk of the governing authority of
1536 the local government whose garbage collection and disposal service
1537 he elects not to use of his decision not to use such services by
1538 certified mail, return receipt requested. The person shall not be



1539 liable for any fees or charges from the service he elects not to
1540 use.

1541 (6) The board may borrow money for the purposes of defraying
1542 the expenses of the system in anticipation of:

1543 (a) The tax levy authorized under this section;

1544 (b) Revenues resulting from the assessment of any fees
1545 for garbage or rubbish collection or disposal; or

1546 (c) Any combination thereof.

1547 (7) In addition to the fees or ad valorem millage authorized
1548 under this section, a board of supervisors may use monies from any
1549 special funds of the county that are not otherwise required by law
1550 to be dedicated for use for a particular purpose in order to
1551 defray the costs of the county garbage or rubbish collection or
1552 disposal system.

1553 **SECTION 25.** Section 19-5-23, Mississippi Code of 1972, is
1554 amended as follows:

1555 19-5-23. The tax levy authorized by Section 19-5-21 shall
1556 not be imposed until the board of supervisors shall have published
1557 notice of its intention to levy same. Said notice shall be
1558 published once each week for three (3) consecutive weeks in some
1559 newspaper having a general circulation in such county, but not
1560 less than twenty-one (21) days, nor more than sixty (60) days,
1561 intervening between the time of the first notice and the meeting
1562 at which said board proposes to levy such tax. In any county
1563 where there is no newspaper published or located within the



1564 county, the board of supervisors shall be authorized to publish
1565 such notice on a free, online database maintained by the
1566 Mississippi Press Association for the duration of three (3)
1567 consecutive weeks, not less than twenty-one (21) days, nor more
1568 than sixty (60) days, intervening between the time of initial
1569 publication and the meeting at which said board proposes to levy
1570 such tax. The board of supervisors shall take appropriate
1571 measures to ensure that content published online is secure,
1572 verifiable and accessible to the public. If, within the time of
1573 giving notice, twenty percent (20%) or fifteen hundred (1500),
1574 whichever is less, of the qualified electors of the district
1575 affected shall protest or file a petition against the levy of such
1576 tax, then such tax shall not be levied unless authorized by a
1577 majority of the qualified electors of such district voting at an
1578 election to be called and held for that purpose. The notice
1579 provided for herein shall only be required prior to the initial
1580 levy except when the board of supervisors intends to increase the
1581 levy over the amount shown in the initial notice.

1582 **SECTION 26.** Section 19-5-81, Mississippi Code of 1972, is
1583 amended as follows:

1584 19-5-81. Before issuing the bonds, notes or loan warrants,
1585 authorized by Section 19-5-79 the board of supervisors shall
1586 publish notice of its intention to borrow such funds and to issue
1587 loan warrants, notes or bonds, and the clerk of said board shall
1588 publish in three (3) weekly issues of some newspaper having a



1589 general circulation in the county, a copy of such order. In any
1590 county where there is no newspaper published or located within the
1591 county, the board of supervisors shall be authorized to publish
1592 such notice on a free, online database maintained by the
1593 Mississippi Press Association for the duration of three (3) weeks.
1594 The board of supervisors shall take appropriate measures to ensure
1595 that content published online is secure, verifiable and accessible
1596 to the public. If, within twenty-one (21) days after the first
1597 publication of a copy of such order, twenty percent (20%) of the
1598 qualified electors of the county petition the board of supervisors
1599 for an election to determine whether or not the adoption of such
1600 order should be annulled, such election shall be ordered by said
1601 board of supervisors in which the qualified electors of the county
1602 shall be eligible to participate. If at such election a majority
1603 of those voting vote in favor of the adoption of such order the
1604 same shall be valid and effective, but if a majority shall vote
1605 against such order it shall be annulled and shall be ineffective.
1606 Such election shall be held and conducted and the returns thereof
1607 made as provided by law for other county elections. If no such
1608 petition be presented within twenty-one (21) days after the first
1609 publication of a copy of such order, the order shall be valid and
1610 effective and said board may thereupon proceed to issue said loan
1611 warrants hereunder without an election on the question of the
1612 issuance thereof.



1613 **SECTION 27.** Section 19-5-92.1, Mississippi Code of 1972, is
1614 amended as follows:

1615 19-5-92.1. (1) The board of supervisors of any county,
1616 whenever the board determines that the health, comfort and
1617 convenience of the inhabitants of the county will be promoted,
1618 may:

1619 (a) Alter and change the channels of streams or other
1620 water courses;

1621 (b) Construct, reconstruct and repair bridges over
1622 streams and water courses; and

1623 (c) Incur costs and pay necessary expenses for:

1624 (i) Providing labor, materials and supplies to
1625 clean or clear drainage ditches, creeks or channels or conduits,
1626 both natural and man-made and to prevent erosion of such ditches,
1627 creeks or channels;

1628 (ii) Acquiring property and obtaining easements
1629 necessary to perform work under this section; and

1630 (iii) Reimbursing landowners for damages and
1631 injury resulting from work performed by the county under this
1632 section.

1633 (2) The work performed and the expenses incurred under
1634 subsection (1) of this section may take place on public or private
1635 property. However, if the work is to be performed or the expenses
1636 to be incurred will take place on private property, the board of
1637 supervisors must:



1638 (a) Make a finding, as evidenced by entry upon its
1639 minutes, that such work and/or expenses are necessary in order to
1640 promote the public health, safety and welfare of the citizens of
1641 the county;

1642 (b) Give notice, in writing, to all owners of property
1643 that will be affected by the work for such period of time as is
1644 reasonable to allow such owners to express any objections;

1645 (c) Not receive written objection to the work by any
1646 owners of property that will be affected by the work within the
1647 period of time allowed to express objections; and

1648 (d) Unless otherwise agreed, in writing, by the county
1649 and the landowner, construct or install a culvert or bridge, at
1650 the county's expense, at an appropriate location or locations to
1651 provide the landowner ingress and egress to all of the property to
1652 which the landowner had access immediately before performance of
1653 the work by the county.

1654 (3) The county shall reimburse landowners for all damages or
1655 injury resulting from work performed by the county under this
1656 section.

1657 (4) The provisions of this section do not impose any
1658 obligation or duty upon a county to perform any work or to incur
1659 any expenditures not otherwise required by law to be performed or
1660 incurred by a county, nor do the provisions of this section create
1661 any rights or benefits for the owner of any public or private



property in addition to any rights or benefits as may be otherwise provided by law.

(5) No additional taxes may be imposed for the work authorized under subsection (1) of this section until the board of supervisors adopts a resolution declaring its intention to levy the taxes and establishing the amount of the tax levies and the date on which the taxes initially will be levied and collected. This date shall be the first day of the month, but not earlier than the first day of the second month, from the date of adoption of the resolution. Notice of the proposed tax levy must be published once each week for at least three (3) consecutive weeks in a newspaper having a general circulation in the county. The first publication of the notice shall be made not less than twenty-one (21) days before the date fixed in the resolution on which the board of supervisors proposes to levy the taxes, and the last publication of the notice shall be made not more than seven (7) days before that date. In any county where there is no newspaper published or located within the county, the board of supervisors shall be authorized to publish such proposed tax levy on a free, online database maintained by the Mississippi Press Association for the duration of at least three (3) consecutive weeks immediately preceding the date fixed in the resolution. The board of supervisors shall take appropriate measures to ensure that content published online is secure, verifiable and accessible to the public. If, within the time of giving notice, fifteen



1687 percent (15%) or two thousand five hundred (2,500), whichever is
1688 less, of the qualified electors of the county file a written
1689 petition against the levy of the taxes, then the taxes shall not
1690 be levied unless authorized by three-fifths (3/5) of the qualified
1691 electors of the county voting at an election to be called and held
1692 for that purpose.

1693 **SECTION 28.** Section 19-5-155, Mississippi Code of 1972, is
1694 amended as follows:

1695 19-5-155. Upon the filing of such petition, or upon the
1696 adoption of a resolution declaring the intent of the board of
1697 supervisors to incorporate such district, it shall then be the
1698 duty of the board of supervisors of such county to fix a time and
1699 place for a public hearing upon the question of the public
1700 convenience and necessity of the incorporation of the proposed
1701 district. The date fixed for such hearing shall be not more than
1702 thirty (30) days after the filing of the petition, and the date of
1703 the hearing, the place at which it shall be held, the proposed
1704 boundaries of said district, and the purpose of the hearing, shall
1705 be set forth in a notice to be signed by the clerk of the board of
1706 supervisors of such county. Such notice shall be published in a
1707 newspaper having general circulation within such proposed district
1708 once a week for at least three (3) consecutive weeks prior to the
1709 date of such hearing. The first such publication shall be made
1710 not less than twenty-one (21) days prior to the date of such
1711 hearing and the last such publication shall be made not more than



1712 fourteen (14) days prior to the date of such hearing. In any
1713 county where there is no newspaper published or located within the
1714 county, the board of supervisors shall be authorized to publish
1715 such notice on a free, online database maintained by the
1716 Mississippi Press Association for the duration of at least three
1717 (3) consecutive weeks. Initial online publication shall be made
1718 not less than twenty-one (21) days prior to the date of such
1719 hearing and shall remain available to the public until not more
1720 than fourteen (14) days prior to the date of such hearing. The
1721 board of supervisors shall take appropriate measures to ensure
1722 that content published online is secure, verifiable and accessible
1723 to the public.

1724 If, at such public hearing, the board of supervisors finds
1725 (1) that the public convenience and necessity require the creation
1726 of the district, and (2) that the creation of the district is
1727 economically sound and desirable, the board of supervisors shall
1728 adopt a resolution making the aforesaid findings and declaring its
1729 intention to create the district on a date to be specified in such
1730 resolution. Such resolution shall also designate the name of the
1731 proposed district, define its territorial limits which shall be
1732 fixed by said board pursuant to such hearing, and state whether or
1733 not the board of supervisors shall levy the tax authorized in
1734 Section 19-5-189, Mississippi Code of 1972, and whether or not the
1735 board of supervisors proposes to assess benefited properties as
1736 outlined in Section 19-5-191, Mississippi Code of 1972.



1737 **SECTION 29.** Section 19-5-157, Mississippi Code of 1972, is
1738 amended as follows:

1739 19-5-157. A certified copy of the resolution so adopted
1740 shall be published in a newspaper having a general circulation
1741 within such proposed district once a week for at least three (3)
1742 consecutive weeks prior to the date specified in such resolution
1743 as the date upon which such board intends to create such district.
1744 The first such publication shall be made not less than twenty-one
1745 (21) days prior to the date specified, and the last such
1746 publication shall be made not more than fourteen (14) days prior
1747 to such date. In any county where there is no newspaper published
1748 or located within the county, the board of supervisors shall be
1749 authorized to publish such certified copy on a free, online
1750 database maintained by the Mississippi Press Association for the
1751 duration of at least three (3) consecutive weeks prior to the date
1752 specified in such resolution as the date upon which such board
1753 intends to create such district. Initial publication shall be
1754 made not less than twenty-one (21) days prior to the date
1755 specified and shall remain available to the public until not more
1756 than fourteen (14) days prior to such date. The board of
1757 supervisors shall take appropriate measures to ensure that content
1758 published online is secure, verifiable and accessible to the
1759 public.

1760 If twenty percent (20%) or one hundred fifty (150), whichever
1761 is the lesser, of the qualified electors of such proposed district



file written petition with such board of supervisors on or before the date specified aforesaid, protesting against the creation of such district, the board of supervisors shall call an election on the question of the creation of such district. Such election shall be held and conducted by the election commissioners of the county as nearly as may be in accordance with the general laws governing elections, and such election commissioners shall determine which of the qualified electors of such county reside within the proposed district, and only such qualified electors as reside within such proposed district shall be entitled to vote in such election. Notice of such election setting forth the time, place or places, and purpose of such election shall be published by the clerk of the board of supervisors, and such notice shall be published for the time and the manner provided in Section 19-5-155 for the publication of the resolution of intention. The ballots to be prepared for and used at said election shall be in substantially the following form:

"FOR CREATION OF _____ DISTRICT ()

AGAINST CREATION OF _____ DISTRICT ()"

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

SECTION 30. Section 19-5-189, Mississippi Code of 1972, is amended as follows:

19-5-189. (1) (a) Except as otherwise provided in subsection (2) of this section for levies for fire protection



1787 purposes and subsection (3) of this section for certain districts
1788 providing water service, the board of supervisors of the county in
1789 which any such district exists may, according to the terms of the
1790 resolution, levy a special tax, not to exceed four (4) mills
1791 annually, on all of the taxable real property in such district,
1792 the avails of which shall be paid over to the board of
1793 commissioners of the district to be used either for the operation,
1794 support and maintenance of the district or for the retirement of
1795 any bonds issued by the district, or for both.

1796 (b) The proceeds derived from two (2) mills of the levy
1797 authorized herein shall be included in the ten percent (10%)
1798 increase limitation under Section 27-39-321, and the proceeds
1799 derived from any additional millage levied under this subsection
1800 in excess of two (2) mills shall be excluded from such limitation
1801 for the first year of such additional levy and shall be included
1802 within such limitation in any year thereafter.

1803 (2) (a) In respect to fire protection purposes, the board
1804 of supervisors of the county in which any such district exists on
1805 July 1, 1987, may levy a special tax annually, not to exceed the
1806 tax levied for such purposes for the 1987 fiscal year on all of
1807 the taxable real property in such district, the avails of which
1808 shall be paid over to the board of commissioners of the district
1809 to be used either for the operation, support and maintenance of
1810 the fire protection district or for the retirement of any bonds
1811 issued by the district for fire protection purposes, or for both.



1812 Any such district for which no taxes have been levied for the 1987
1813 fiscal year may be treated as having been created after July 1,
1814 1987, for the purposes of this subsection.

1815 (b) In respect to fire protection purposes, the board
1816 of supervisors of the county in which any such district is created
1817 after July 1, 1987, may, according to the terms of the resolution
1818 of intent to incorporate the district, levy a special tax not to
1819 exceed two (2) mills annually on all of the taxable real property
1820 in such district, the avails of which shall be paid over to the
1821 board of commissioners of the district to be used either for the
1822 operation, support and maintenance of the fire protection district
1823 or for the retirement of any bonds issued by the district for fire
1824 protection purposes, or for both; however, the board of
1825 supervisors may increase the tax levy under this subsection as
1826 provided for in paragraph (c) of this subsection.

1827 (c) The tax levy under this subsection may be increased
1828 only when the board of supervisors has determined the need for
1829 additional revenues. Prior to levying a tax increase under this
1830 paragraph, the board of supervisors shall adopt a resolution
1831 declaring its intention to levy the tax. The resolution shall
1832 describe the amount of the increase in the tax levy and the
1833 purposes for which the proceeds of the additional tax will be
1834 used. The board of supervisors shall have a copy of the
1835 resolution published once a week for three (3) consecutive weeks
1836 in at least one (1) newspaper published in the county and having a



1837 general circulation therein. * * * In any county where there is
1838 no newspaper published or located within the county, the board of
1839 supervisors shall be authorized to publish a copy of the
1840 resolution on a free, online database maintained by the
1841 Mississippi Press Association for the duration of three (3)
1842 consecutive weeks. The board of supervisors shall take
1843 appropriate measures to ensure that content published online is
1844 secure, verifiable and accessible to the public. A copy of the
1845 resolution shall also be posted at three (3) public places in the
1846 county for a period of at least twenty-one (21) days during the
1847 time of its publication either in a newspaper or online. If more
1848 than twenty percent (20%) of the qualified electors of the
1849 district shall file with the clerk of the board of supervisors,
1850 within twenty-one (21) days after adoption of the resolution of
1851 intent to increase the tax levy, a petition requesting an election
1852 on the question of the increase in tax levy, then and in that
1853 event such increase shall not be made unless authorized by a
1854 majority of the votes cast at an election to be called and held
1855 for that purpose within the district. Notice of such election
1856 shall be given, the election shall be held and the result thereof
1857 determined, as far as is practicable, in the same manner as other
1858 elections are held in the county. If an election results in favor
1859 of the increase in the tax levy or if no election is required, the
1860 board of supervisors may increase the tax levy. The board of
1861 supervisors, in its discretion, may call an election on such



question, in which event it shall not be necessary to publish the resolution declaring its intention to have the tax imposed.

(d) Notwithstanding any provisions of this subsection to the contrary, in any county bordering on the Gulf of Mexico and the State of Louisiana, the board of supervisors may levy not to exceed four (4) mills annually on all the taxable real property within any fire protection district, the avails of which shall be paid over to the board of commissioners of the district to be used either for the operation, support and maintenance of the fire protection district or for the retirement of any bonds issued by the district for fire protection purposes, or for both. Prior to levying the tax under this paragraph, the board of supervisors shall adopt a resolution declaring its intention to levy the tax. The resolution shall describe the amount of the tax levy and the purposes for which the proceeds of the tax will be used. The board of supervisors shall have a copy of the resolution published once a week for three (3) consecutive weeks in at least one (1) newspaper published in the county and having a general circulation therein. * * * In any county where there is no newspaper published or located within the county, the board of supervisors shall be authorized to publish a copy of such resolution on a free, online database maintained by the Mississippi Press Association for the duration of three (3) consecutive weeks. The board of supervisors shall take appropriate measures to ensure that content published online is secure, verifiable and accessible



1887 to the public. A copy of the resolution shall also be posted at
1888 three (3) public places in the county for a period of at least
1889 twenty-one (21) days during the time of its publication in either
1890 a newspaper or online. If more than twenty percent (20%) of the
1891 qualified electors of the district shall file with the clerk of
1892 the board of supervisors, within twenty-one (21) days after
1893 adoption of the resolution of intent to levy the tax, a petition
1894 requesting an election on the question of the levy of such tax,
1895 then and in that event such tax levy shall not be made unless
1896 authorized by a majority of the votes cast at an election to be
1897 called and held for that purpose within the district. Notice of
1898 such election shall be given, the election shall be held and the
1899 result thereof determined, as far as is practicable, in the same
1900 manner as other elections are held in the county. If an election
1901 results in favor of the tax levy or if no election is required,
1902 the board of supervisors may levy such tax. The board of
1903 supervisors, in its discretion, may call an election on such
1904 question, in which event it shall not be necessary to publish the
1905 resolution declaring its intention to have the tax imposed.

1906 (e) Notwithstanding any provisions of this subsection
1907 to the contrary, in any county bordering on the Mississippi River
1908 in which legal gaming is conducted and in which U.S. Highway 61
1909 intersects with Highway 4, the board of supervisors may levy a
1910 special tax not to exceed five (5) mills annually on all the
1911 taxable real and personal property within any fire protection



1912 district, except for utilities as defined in Section 77-3-3(d)(i)
1913 and (iii), the avails of which shall be paid over to the board of
1914 commissioners of the district to be used either for the operation,
1915 support and maintenance of the fire protection district or for the
1916 retirement of any bonds issued by the district for fire protection
1917 purposes, or for both. Before levying the tax under this
1918 paragraph, the board of supervisors shall adopt a resolution
1919 declaring its intention to levy the tax. The resolution shall
1920 describe the amount of the tax levy and the purposes for which the
1921 proceeds of the tax will be used. The board of supervisors shall
1922 have a copy of the resolution published once a week for three (3)
1923 consecutive weeks in at least one (1) newspaper published in the
1924 county and having a general circulation therein. * * * In any
1925 county where there is no newspaper published or located within the
1926 county, the board of supervisors shall be authorized to publish a
1927 copy of the resolution on a free, online database maintained by
1928 the Mississippi Press Association for the duration of three (3)
1929 consecutive weeks. The board of supervisors shall take
1930 appropriate measures to ensure that content published online is
1931 secure, verifiable and accessible to the public. A copy of the
1932 resolution shall also be posted at three (3) public places in the
1933 county for a period of at least twenty-one (21) days during the
1934 time of its publication in either a newspaper or online. If more
1935 than twenty percent (20%) of the qualified electors of the
1936 district shall file with the clerk of the board of supervisors,



1937 within twenty-one (21) days after adoption of the resolution of
1938 intent to levy the tax, a petition requesting an election of the
1939 questions of the levy of such tax, then and in that event such tax
1940 levy shall not be made unless authorized by a majority of the
1941 votes cast at an election to be called and held for that purpose
1942 within the district. Notice of such election shall be given, the
1943 election shall be held and the result thereof determined, as far
1944 as is practicable, in the same manner as other elections are held
1945 in the county. If an election results in favor of the tax levy or
1946 if no election is required, the board of supervisors may levy such
1947 tax. The board of supervisors, in its discretion, may call an
1948 election on such question, in which event it shall not be
1949 necessary to publish the resolution declaring its intention to
1950 have the tax imposed.

1951 (f) Any taxes levied under this subsection shall be
1952 excluded from the ten percent (10%) increase limitation under
1953 Section 27-39-321.

1954 (3) For any district authorized under Section 19-5-151(2),
1955 the board of supervisors shall not levy the special tax authorized
1956 in this section.

1957 **SECTION 31.** Section 19-5-199, Mississippi Code of 1972, is
1958 amended as follows:

1959 19-5-199. All construction contracts by the district where
1960 the amount of the contract shall exceed Ten Thousand Dollars
1961 (\$10,000.00) shall, and construction contracts of less than Ten



1962 Thousand Dollars (\$10,000.00) may, be made upon at least three (3)
1963 weeks' public notice. Such notice shall be published once a week
1964 for at least three (3) consecutive weeks in at least one (1)
1965 newspaper published in such county or having general circulation
1966 therein. The first publication of such notice shall be made not
1967 less than twenty-one (21) days prior to the date fixed in such
1968 notice for the receipt of bids, and the last publication shall be
1969 made not more than seven (7) days prior to such date. In any
1970 county where there is no newspaper published or located within the
1971 county, the board of supervisors shall be authorized to publish
1972 such notice on a free, online database maintained by the
1973 Mississippi Press Association for the duration of at least three
1974 (3) consecutive weeks. The online publication shall be made
1975 available to the public not less than twenty-one (21) days prior
1976 to the date fixed in such notice and shall remain until there are
1977 not more than seven (7) days remaining prior to such date. The
1978 board of supervisors shall take appropriate measures to ensure
1979 that content published online is secure, verifiable and accessible
1980 to the public. The notice shall state the thing to be done and
1981 invite sealed proposals, to be filed with the secretary of the
1982 district, to do the work. In all such cases, before the notice
1983 shall be published, plans and specifications for the work shall be
1984 prepared by a registered professional engineer and shall be filed
1985 with the secretary of the district and there remain. The board of
1986 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 32. 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 in a newspaper of general circulation in the county 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. In any county where there is no newspaper published or located within the county, the board of supervisors shall be authorized to publish such statement on a free, online database maintained by the Mississippi Press Association. The board of supervisors shall take appropriate measures to ensure that content published online is secure, verifiable and accessible



2011 to the public. Such statement shall also be filed with the board
2012 of supervisors creating the district.

2013 **SECTION 33.** Section 19-5-219, Mississippi Code of 1972, is
2014 amended as follows:

2015 19-5-219. Upon the filing of such petition, or upon the
2016 adoption of a resolution declaring the intent of the board of
2017 supervisors to incorporate such district, it shall then be the
2018 duty of the board of supervisors of such county to fix a time and
2019 place for a public hearing upon the question of the public
2020 convenience and necessity of the incorporation of the proposed
2021 district solely for fire protection grading purposes. The date
2022 fixed for such hearing shall be not more than thirty (30) days
2023 after the filing of the petition, and the date of the hearing, the
2024 place at which it shall be held, the proposed boundaries of the
2025 district and the purpose of the hearing shall be set forth in a
2026 notice to be signed by the clerk of the board of supervisors of
2027 such county. Such notice shall be published in a newspaper having
2028 general circulation within such proposed district once a week for
2029 at least three (3) consecutive weeks before the date of such
2030 hearing. The first such publication shall be made not less than
2031 twenty-one (21) days before the date of such hearing and the last
2032 such publication shall be made not more than fourteen (14) days
2033 before the date of such hearing. In any county where there is no
2034 newspaper published or located within the county, the board of
2035 supervisors shall be authorized to publish such notice on a free,



online database maintained by the Mississippi Press Association
for the duration of at least three (3) consecutive weeks before
the date of such hearing. The online publication shall be made
available to the public not less than twenty-one (21) days prior
to the date fixed in such notice and shall remain until there are
not more than seven (7) days remaining prior to such date. The
board of supervisors shall take appropriate measures to ensure
that content published online is secure, verifiable and accessible
to the public.

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 34. 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 in a newspaper having a general circulation within such proposed district once a week for at least three (3) consecutive weeks before the date specified in the resolution as



2061 the date upon which the board intends to create such district.
2062 The first such publication shall be made not less than twenty-one
2063 (21) days before the date specified, and the last such publication
2064 shall be made not more than fourteen (14) days before such date.
2065 In any county where there is no newspaper published or located
2066 within the county, the board of supervisors shall be authorized to
2067 publish such resolution on a free, online database maintained by
2068 the Mississippi Press Association for the duration of at least
2069 three (3) consecutive weeks before the date specified in the
2070 resolution as the date upon which the board intends to create such
2071 district. The online publication shall be made available to the
2072 public not less than twenty-one (21) days prior to the date fixed
2073 in such notice and shall remain until there are not more than
2074 fourteen (14) days remaining prior to such date. The board of
2075 supervisors shall take appropriate measures to ensure that content
2076 published online is secure, verifiable and accessible to the
2077 public. If twenty percent (20%) or one hundred fifty (150),
2078 whichever is the lesser, of the qualified electors of such
2079 proposed district file a written petition with such board of
2080 supervisors on or before the date specified as the date of
2081 creation of the district protesting against creation of such
2082 district, the board of supervisors shall call an election on the
2083 question of creation of such district. Procedure for the election
2084 should conform to the guidelines set forth in Section 19-5-157.



2085 **SECTION 35.** Section 19-7-3, Mississippi Code of 1972, is
2086 amended as follows:

2087 19-7-3. (1) In case any of the real estate belonging to the
2088 county shall cease to be used for county purposes, the board of
2089 supervisors may sell, convey or lease the same on such terms as
2090 the board may elect and may, in addition, exchange the same for
2091 real estate belonging to any other political subdivision located
2092 within the county. In case of a sale on a credit, the county
2093 shall have a lien on the same for the purchase money, as against
2094 all persons, until paid and may enforce the lien as in such cases
2095 provided by law. The deed of conveyance in such cases shall be
2096 executed in the name of the county by the president of the board
2097 of supervisors, pursuant to an order of the board entered on its
2098 minutes.

2099 (2) (a) Before any lease, deed or conveyance is executed,
2100 the board shall publish at least once each week for three (3)
2101 consecutive weeks, in a public newspaper of the county in which
2102 the land is located * * *. In any county where there is no
2103 newspaper published or located within the county, the board of
2104 supervisors shall be authorized to publish such intention to sell
2105 on a free, online database maintained by the Mississippi Press
2106 Association for the duration of three (3) consecutive weeks. The
2107 board of supervisors shall take appropriate measures to ensure
2108 that content published online is secure, verifiable and accessible
2109 to the public. The board shall thereafter accept bids for the



2110 lease or sale. The board, at its option, may reject all bids or
2111 accept the highest and best bid received in response to the
2112 advertisement, or the board may hold an auction among those who
2113 submitted bids in response to the advertisement. If the board
2114 elects to hold an auction, no bidder shall be granted any
2115 preference. The opening bid at the auction shall be the highest
2116 bid received in response to the advertisement.

2117 (b) The board of supervisors of any county may contract
2118 for the professional services of a Mississippi-licensed real
2119 estate broker to assist in the marketing and sale or lease of the
2120 property for a reasonable commission, consistent with or lower
2121 than the market rate, for services rendered to be paid from the
2122 sale or lease proceeds.

2123 (3) (a) During the final year of an existing lease of any
2124 real estate belonging to the county, the board shall notify the
2125 holder of the existing lease if the board intends to re-lease the
2126 property after advertising for bids or holding an auction in the
2127 same manner as provided in subsection (2) of this section. If the
2128 board receives an acceptable bid in response to the advertisement
2129 and elects not to hold an auction among those submitting bids,
2130 then the holder of the existing lease may submit a second bid in
2131 an amount not less than five percent (5%) of the highest
2132 acceptable bid received if the holder of the existing lease: (i)
2133 submitted a bid in response to the advertisement; and (ii)
2134 constructed or made improvements on the leasehold premises after



2135 receiving approval of the board during the term of the existing
2136 lease.

2137 (b) If the holder of the existing lease elects to
2138 submit a second bid, the board shall hold an auction among those
2139 who submitted bids in response to the advertisement. The opening
2140 bid at the auction shall be the second bid of the holder of the
2141 existing lease. However, no leaseholder may submit a second bid
2142 if: (i) any rent, taxes or other payment required under the lease
2143 are past due; or (ii) the holder of the lease is otherwise in
2144 default of any term or provision of the lease and such default has
2145 not been corrected or cured to the satisfaction of the board after
2146 more than thirty (30) days' notice to the leaseholder of the
2147 default.

2148 (c) If an auction is held, the auction may be conducted
2149 at the meeting at which bids are opened or at a subsequent regular
2150 or special meeting. The board shall announce the time and place
2151 of the auction at the meeting at which bids are opened, and no
2152 further notice of the auction is required.

2153 (4) Whenever the board of supervisors shall find and
2154 determine, by resolution duly and lawfully adopted and spread upon
2155 its minutes (a) that any county-owned property is no longer needed
2156 for county or related purposes and is not to be used in the
2157 operation of the county, (b) that the sale of the property in the
2158 manner otherwise provided by law is not necessary or desirable for
2159 the financial welfare of the county, and (c) that the use of the



2160 county property for the purpose for which it is to be sold,
2161 conveyed or leased will promote and foster the development and
2162 improvement of the community in which it is located and the civic,
2163 social, educational, cultural, moral, economic or industrial
2164 welfare thereof, the board of supervisors of such county shall be
2165 authorized and empowered, in its discretion, to sell, convey,
2166 lease, or otherwise dispose of same for any of the purposes set
2167 forth herein.

2168 (5) (a) In addition to such authority as is otherwise
2169 granted under this section, the board of supervisors, in its
2170 discretion, may sell, lease, or otherwise convey property to any
2171 person or legal entity without public notice, without having to
2172 advertise for and accept competitive bids and without appraisal,
2173 with or without consideration, and on such terms and conditions as
2174 the parties may agree if the board of supervisors finds and
2175 determines, by resolution duly and lawfully adopted and spread
2176 upon its official minutes:

2177 (i) That the subject property is real property
2178 acquired by the county:

- 2179 1. By reason of a tax sale;
- 2180 2. Because the property was abandoned or
2181 blighted; or
- 2182 3. In a proceeding to satisfy a county lien
2183 against the property;



2184 (ii) That the subject property is blighted and is
2185 located in a blighted area;

2186 (iii) That the subject property is not needed for
2187 governmental or related purposes and is not to be used in the
2188 operation of the county;

2189 (iv) That the sale of the property in the manner
2190 otherwise provided by law is not necessary or desirable for the
2191 financial welfare of the county; and

2192 (v) That the use of the property for the purpose
2193 for which it is to be conveyed will promote and foster the
2194 development and improvement of the community in which it is
2195 located or the civic, social, educational, cultural, moral,
2196 economic or industrial welfare thereof; the purpose for which the
2197 property is conveyed shall be stated.

2198 (b) All costs associated with a conveyance under this
2199 subsection shall be paid by the person or entity to whom the
2200 conveyance is made.

2201 (c) Any deed or instrument of conveyance executed
2202 pursuant to the authority granted under this subsection shall
2203 contain a clause of reverter providing that title to the property
2204 will revert to the county if the person or entity to whom the
2205 property is conveyed does not fulfill the purpose for which the
2206 property was conveyed and satisfy all conditions imposed on the
2207 conveyance within two (2) years of the date of the conveyance.



2208 (d) In any such deed or instrument of conveyance, the
2209 county shall retain all mineral rights that it owns, together with
2210 the right of ingress and egress to remove same.

2211 (6) Nothing contained in this section shall be construed to
2212 prohibit, restrict or to prescribe conditions with regard to the
2213 authority granted under Section 17-25-3 or Section 57-75-37.

2214 **SECTION 36.** Section 19-7-21, Mississippi Code of 1972, is
2215 amended as follows:

2216 19-7-21. Any county which has acquired and conveyed or may
2217 hereafter acquire and convey any land for state park purposes and
2218 has retained or does retain the mineral rights thereunder may
2219 lease the same for oil, gas and other minerals either jointly or
2220 severally.

2221 Such lease or leases may be made only after legal
2222 advertisement for bids therefor have been published once a week
2223 for three (3) consecutive weeks in some newspaper having a general
2224 circulation in the county. In any county where there is no
2225 newspaper published or located within the county, the board of
2226 supervisors shall be authorized to publish such advertisement on a
2227 free, online database maintained by the Mississippi Press
2228 Association for the duration of three (3) consecutive weeks. The
2229 board of supervisors shall take appropriate measures to ensure
2230 that content published online is secure, verifiable and accessible
2231 to the public. It shall be necessary to describe the property in
2232 the advertisement by its popular name and by giving a definite



2233 legal description by metes and bounds. Said lease, with the legal
2234 description of the property set out therein, shall be executed to
2235 the highest and best bidder therefore on all the tract involved
2236 and shall contain a provision therein that no part of the property
2237 involved in said lease shall be dropped during the lifetime of
2238 said lease, which shall not be for a longer period than ten (10)
2239 years, unless production in commercial quantities results, and
2240 that if the delay rentals are not paid on all the property then
2241 said lease in its entirety shall become null and void. No lease
2242 shall become effective after its acceptance by the board of
2243 supervisors until the same shall have the written approval of the
2244 state mineral lease commission and the Mississippi Board of Park
2245 Examiners affixed thereto.

2246 From the proceeds arising from the execution of the original
2247 lease there shall be paid all cost of advertising herein required
2248 and other expenses necessary and incident to the execution
2249 thereof, and any balance then remaining on hand and accruing
2250 thereafter as a result of the rents, profits and income accruing
2251 from the lease shall be used, first, to build necessary bridges in
2252 the particular park property affected and, second, any balance
2253 then remaining on hand shall be used to call or pay any
2254 county-wide bonds now or hereafter outstanding and, third, if
2255 there be no outstanding county-wide bonds, then such balance shall
2256 be paid into the general funds of the county.



2257 Whenever production in commercial quantities is made on any
2258 property involved in such lease, the lessee shall not be required
2259 to pay delay rentals thereafter so long as such production
2260 continues.

2261 The proceeds to be paid to the county from the production of
2262 the oil, gas or other minerals shall be subject to all severance
2263 taxes imposed by law, just the same as if the county was an
2264 individual or corporation.

2265 The lessee shall be liable for all damages to property
2266 incurred by any operation in carrying out the terms of said lease.

2267 Nothing in this section shall in any way be construed to
2268 limit, abrogate, or otherwise restrict any right, title, or
2269 interest in the State of Mississippi.

2270 **SECTION 37.** Section 19-9-11, Mississippi Code of 1972, is
2271 amended as follows:

2272 19-9-11. Before issuing any bonds for any of the purposes
2273 enumerated in Sections 19-9-1 and 19-9-3, the board of supervisors
2274 shall adopt a resolution declaring its intention so to do, stating
2275 the amount of bonds proposed to be issued and the purpose for
2276 which the bonds are to be issued, and the date upon which the
2277 board proposes to direct the issuance of such bonds. Such
2278 resolution shall be published once a week for at least three (3)
2279 consecutive weeks in at least one (1) newspaper published in such
2280 county. The first publication of such resolution shall be made
2281 not less than twenty-one (21) days prior to the date fixed in such



2282 resolution for the issuance of the bonds, and the last publication
2283 shall be made not more than seven (7) days prior to such
2284 date. * * * In any county where there is no newspaper published
2285 or located within the county, the board of supervisors shall be
2286 authorized to publish such resolution on a free, online database
2287 maintained by the Mississippi Press Association for the duration
2288 of at least three (3) consecutive weeks. The online publication
2289 shall be made available to the public not less than twenty-one
2290 (21) days prior to the date fixed in such resolution and shall
2291 remain until there are not more than seven (7) days remaining
2292 prior to such date. The board of supervisors shall take
2293 appropriate measures to ensure that content published online is
2294 secure, verifiable and accessible to the public. If twenty
2295 percent (20%), or fifteen hundred (1500), whichever is less, of
2296 the qualified electors of the county, supervisors district, or
2297 road district, as the case may be, shall file a written protest
2298 against the issuance of such bonds on or before the date specified
2299 in such resolution, then an election on the question of the
2300 issuance of such bonds shall be called and held as is provided in
2301 Sections 19-9-13 and 19-9-15. If no such protest be filed, then
2302 such bonds may be issued without an election on the question of
2303 the issuance thereof, at any time within a period of two (2) years
2304 after the date specified in the above-mentioned resolution.
2305 However, the board of supervisors, in its discretion, may
2306 nevertheless call an election on such question, in which event it



shall not be necessary to publish the resolution declaring its intention to issue such bonds as herein provided.

SECTION 38. Section 19-9-13, Mississippi Code of 1972, is amended as follows:

19-9-13. Where an election is to be called, as provided in Section 19-9-11, notice of such election shall be signed by the clerk of the board of supervisors and shall be published once a week for at least three (3) consecutive weeks, in at least one newspaper published in such county. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date fixed for such election, and the last publication shall be made not more than seven (7) days prior to such date. * * * In any county where there is no newspaper published or located within the county, the board of supervisors shall be authorized to publish such notice on a free, online database maintained by the Mississippi Press Association for the duration of at least three (3) consecutive weeks. The online publication shall be made available to the public not less than twenty-one (21) days prior to the date fixed in such notice and shall remain until there are not more than seven (7) days remaining prior to such date. The board of supervisors shall take appropriate measures to ensure that content published online is secure, verifiable and accessible to the public.

SECTION 39. Section 19-9-27, Mississippi Code of 1972, is amended as follows:



2332 19-9-27. The board of supervisors of any county may borrow
2333 money in anticipation of taxes for the purpose of defraying the
2334 expenses of such county, and may issue negotiable notes of the
2335 county therefor, to mature not later than April 1 of the year
2336 succeeding the year in which they are issued. The amount of money
2337 herein authorized to be borrowed shall not be in excess of
2338 twenty-five percent (25%) of the estimated amount of taxes
2339 collected and to be collected under the last preceding annual tax
2340 levies for the particular fund for which said money is borrowed.
2341 The board of supervisors may borrow said money, as hereinbefore
2342 provided, from any available fund in the county treasury, or from
2343 any other source, and such loan shall be repaid in the manner
2344 herein provided. The notes herein authorized shall bear interest
2345 at a rate to be fixed by the board, not to exceed that allowed in
2346 Section 75-17-105, Mississippi Code of 1972, and such notes shall
2347 be payable at any place to be named by the board of supervisors.
2348 Any notes or obligations issued in excess of the amount authorized
2349 to be issued under the provisions of this section shall be void.
2350 Money may be borrowed in anticipation of ad valorem taxes under
2351 the provisions of this section, regardless of whether or not such
2352 borrowing shall create an indebtedness in excess of statutory
2353 limitations.

2354 For the payment of such loan, the board of supervisors shall
2355 either pledge the levy of a special tax each year sufficient to
2356 pay the amount borrowed for use that year, with interest, or shall



2357 pledge that such notes shall be paid out of the first money
2358 collected from taxes for the year in which they are issued. The
2359 aforesaid special tax, if necessary, may be in excess of the rate
2360 of taxation otherwise limited by law. The notes herein authorized
2361 shall not be issued until the board of supervisors shall have
2362 published notice of its intention to issue same; said notice to be
2363 published once each week for three (3) weeks in some newspaper
2364 having a general circulation in such county, but not less than
2365 twenty-one (21) days, nor more than sixty (60) days, intervening
2366 between the time of the first notice and the meeting at which said
2367 board proposes to issue such notes. In any county where there is
2368 no newspaper published or located within the county, the board of
2369 supervisors shall be authorized to publish such resolution on a
2370 free, online database maintained by the Mississippi Press
2371 Association for the duration of three (3) consecutive weeks. The
2372 online publication shall be made available to the public not less
2373 than twenty-one (21) days, nor more than sixty (60) days, prior to
2374 the date fixed in such notice. The board of supervisors shall
2375 take appropriate measures to ensure that content published online
2376 is secure, verifiable and accessible to the public. If, within
2377 the time of giving notice, twenty percent (20%), or fifteen
2378 hundred (1500), whichever is less, of the qualified electors of
2379 the county shall protest or file a petition against the issuance
2380 of such notes, then such notes shall not be issued unless
2381 authorized by a three-fifths (3/5) majority of the qualified



electors of such county, voting at an election to be called and held for that purpose.

SECTION 40. Section 19-9-111, Mississippi Code of 1972, is amended as follows:

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

Before any such levy is made, the board of supervisors shall signify its intention to make such a levy and publish same in a newspaper published in said county for thirty (30) days prior to making said levy. In any county where there is no newspaper published or located within the county, the board of supervisors shall be authorized to publish its intention to make such a levy on a free, online database maintained by the Mississippi Press Association for the duration of thirty (30) days prior to making said levy. The board of supervisors shall take appropriate measures to ensure that content published online is secure, verifiable and accessible to the public. In the event more than twenty percent (20%) or fifteen hundred (1500), whichever is less, of the qualified electors of said economic development district



2407 protest in writing to the board of supervisors against the
2408 imposition of such tax levy within thirty (30) days from the date
2409 such notice is published, then such proposed tax levy shall not be
2410 made unless same is approved by a special election called for said
2411 purpose. Said special election shall be conducted and had as
2412 provided by law.

2413 The governing authorities of any municipality in a county,
2414 which has established an economic development district or which is
2415 included in an economic development district, may contribute to
2416 the support of such economic development district from its general
2417 fund.

2418 **SECTION 41.** Section 19-9-114, Mississippi Code of 1972, is
2419 amended as follows:

2420 19-9-114. The board of supervisors of any county bordering
2421 on the Gulf of Mexico having a population according to the 1970
2422 census of one hundred thirty-four thousand five hundred eighty-two
2423 (134,582) persons, and having two cities located therein each
2424 having a population of over thirty thousand (30,000) persons
2425 according to the 1970 census, and in which is located a deep water
2426 port of entry and two (2) military establishments located therein,
2427 is hereby authorized and empowered, in its discretion, to levy an
2428 additional ad valorem tax not to exceed one (1) mill to provide
2429 funds for the construction of a facility to house a county-wide
2430 vocational and technical educational center. Such additional levy



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

The tax herein authorized shall not be levied until the board of supervisors shall have published notice of its intention to levy same. Said notice shall be published once each week for three (3) weeks in some newspaper having a general circulation in such county, but not less than twenty-one (21) days, nor more than sixty (60) days, intervening between the time of the first notice and the meeting at which said board proposes to levy such tax. In any county where there is no newspaper published or located within the county, the board of supervisors shall be authorized to publish such notice on a free, online database maintained by the Mississippi Press Association for the duration of three (3) weeks. The online publication shall be made available to the public not less than twenty-one (21) days, nor more than sixty (60) days, prior to the date fixed in such notice. The board of supervisors shall take appropriate measures to ensure that content published online is secure, verifiable and accessible to the public. If, within the time of giving notice, twenty percent (20%) or fifteen hundred (1500), whichever is less, of the qualified electors of the county shall protest or file a petition against the levy of such tax, then such tax shall not be levied unless authorized by a three-fifths ($\frac{3}{5}$) majority of the qualified electors of such county voting at an election to be called and held for that purpose.



2456 **SECTION 42.** Section 19-11-7, Mississippi Code of 1972, is
2457 amended as follows:

2458 **[With regard to any county which is exempt from the**
2459 **provisions of Section 19-2-3, this section shall read as follows:]**

2460 19-11-7. (1) The board of supervisors of each county of the
2461 State of Mississippi shall, at its August meeting of each year,
2462 prepare a complete budget of revenues, expenses and a working cash
2463 balance estimated for the next fiscal year, which shall be based
2464 on the aggregate funds estimated to be available for the ensuing
2465 fiscal year for each fund, from which such estimated expenses will
2466 be paid, exclusive of school maintenance funds, which shall be
2467 shown separately. Such statement of revenues shall show every
2468 source of revenue along with the amount derived from each source.
2469 The budget containing such statement of revenues and expenses
2470 shall be published at least one (1) time during August or
2471 September but not later than September 30 of the year in a
2472 newspaper published in the county * * *. In any county where
2473 there is no newspaper published or located within the county, the
2474 board of supervisors shall be authorized to publish such budget on
2475 a free, online database maintained by the Mississippi Press
2476 Association for the duration of August and September. The board
2477 of supervisors shall take appropriate measures to ensure that
2478 content published online is secure, verifiable and accessible to
2479 the public.



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

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

19-11-7. (1) The county administrator of each county of the State of Mississippi shall prepare and submit to the board of supervisors at its August meeting of each year a complete budget of revenues, expenses and a working cash balance estimated for the .next fiscal year, which shall be based on the aggregate funds estimated to be available for the ensuing fiscal year for each fund, from which such estimated expenses will be paid, exclusive of school maintenance funds, which shall be shown separately and exclusive of the budget of the sheriff's department which shall be prepared by the sheriff. Such statement of revenues shall show every source of revenue along with the amount derived from each source. The budget, including the sheriff's budget, containing such statement of revenues and expenses shall be published at least one (1) time during August or September but not later than September 30 of the year in a newspaper published in the county * * *. In any county where there is no newspaper published or located within the county, the board of supervisors shall be authorized to publish such budget on a free, online database



2505 maintained by the Mississippi Press Association for the duration
2506 of August and September. The board of supervisors shall take
2507 appropriate measures to ensure that content published online is
2508 secure, verifiable and accessible to the public.

2509 (2) The county administrator shall not prepare a budget that
2510 reduces the county budget by more than twenty percent (20%) in the
2511 last year of the members' term of office if a majority of the
2512 members of the board are not reelected.

2513 **SECTION 43.** Section 19-13-53, Mississippi Code of 1972, is
2514 amended as follows:

2515 19-13-53. A claim under Section 19-13-51 for accidents
2516 occurring shall be made in writing, itemized and sworn to, and
2517 shall be filed within three (3) months after such accident occurs,
2518 and shall remain on file with the clerk of the board of
2519 supervisors for sixty (60) days before the first day of the term
2520 at which it comes up for hearing. Notice of its pendency shall be
2521 published in a newspaper published in the county at least one (1)
2522 time before such claim comes up for hearing * * *. In any county
2523 where there is no newspaper published or located within the
2524 county, the board of supervisors shall be authorized to publish
2525 notice on a free, online database maintained by the Mississippi
2526 Press Association for the duration of one (1) week before such
2527 claim comes up for hearing. The board of supervisors shall take
2528 appropriate measures to ensure that online content is secure,
2529 verifiable and accessible to the public.



2530 **SECTION 44.** Section 19-15-3, Mississippi Code of 1972, is
2531 amended as follows:

2532 19-15-3. Whenever any county records, documents, files or
2533 papers whatsoever are required by law to be preserved and
2534 retained, or which are necessary or desirable to be preserved or
2535 retained, the board of supervisors of the county shall have the
2536 power and authority, in its discretion, to destroy or dispose of
2537 any records, documents, files or papers after having reproductions
2538 made thereof as hereinafter provided and in accordance with a
2539 records control schedule approved by the Local Government Records
2540 Committee as provided in Section 25-60-1.

2541 Whenever the board of supervisors of any county shall desire
2542 to destroy or dispose of any records, documents, files or papers,
2543 the board shall first cause the same to be reproduced under
2544 standards established by the Department of Archives and History
2545 using microfilm, microfiche, data processing, computers, magnetic
2546 tape, optical discs or other medium. If the county where records
2547 and the like are to be destroyed or disposed of does not have or
2548 own the necessary equipment to reproduce same, the board of
2549 supervisors shall be authorized and empowered to enter into a
2550 contract for the reproduction thereof, which contract may be for a
2551 period of not more than twelve (12) months from the date thereof.
2552 The contract shall be awarded to the lowest and best bidder after
2553 the board of supervisors shall have advertised its intentions of
2554 awarding such contract by publication of a notice thereof once



2555 each week for at least three (3) consecutive weeks in some
2556 newspaper published or having a general circulation in such
2557 county. In any county where there is no newspaper published or
2558 located within the county, the board of supervisors shall be
2559 authorized to publish such notice on a free, online database
2560 maintained by the Mississippi Press Association for the duration
2561 of at least three (3) consecutive weeks. The board of supervisors
2562 shall take appropriate measures to ensure that content published
2563 online is secure, verifiable and accessible to the public.

2564 After reproduction of the records and the like shall have
2565 been made, the board of supervisors shall have the power and
2566 authority to destroy and dispose of the originals thereof after
2567 spreading upon its minutes certification that the reproductions
2568 are true and correct copies and disposal is in accordance with a
2569 records control schedule approved by the Local Government Records
2570 Committee as provided in Section 25-60-1; the reproductions shall
2571 thereafter be preserved, retained and stored by the board of
2572 supervisors as a record of the county, and provision shall be made
2573 for preserving, examining and using them. Any reproductions or
2574 copy of any original record or other documents shall be deemed to
2575 be the original record for all purposes and shall be admissible as
2576 evidence in all courts or administrative agencies. A facsimile,
2577 exemplification or certified copy thereof shall, for all purposes
2578 set forth herein, be deemed to be a transcript, exemplification or
2579 certified copy of the original record.



2580 The board of supervisors of any county is hereby authorized
2581 to pay all expenses incurred in reproducing records and the like
2582 and in making provision for the preservation, retention and
2583 storage of the reproductions from the general fund of the county.

2584 When any of the records and the like of which reproductions
2585 are made under the provisions of this section are declared by law
2586 or are by their nature confidential and privileged records, then
2587 the reproduction thereof shall likewise be deemed to be
2588 confidential and privileged to the same extent as the original
2589 records and the like.

2590 Nothing herein shall be construed to require the keeping and
2591 preservation of any records and documents which are not required
2592 by law or a records control schedule to be kept and preserved, or
2593 which it is not desirable or necessary to keep and preserve, and
2594 in all cases where records and the like are authorized by law to
2595 be destroyed or disposed of, they may be disposed of as authorized
2596 by a records control schedule approved by the Local Government
2597 Records Committee as provided in Section 25-60-1.

2598 **SECTION 45.** Section 19-23-5, Mississippi Code of 1972, is
2599 amended as follows:

2600 19-23-5. The board of supervisors of any county where the
2601 county prosecuting attorney's office has been abolished may by its
2602 own motion entered upon the minutes, make an order to reestablish
2603 the said office of county prosecuting attorney in said county.
2604 Said order shall be published in a newspaper published in said



2605 county and having a general circulation therein * * * for three
2606 (3) consecutive weeks next preceding * * *. In any county where
2607 there is no newspaper published or located within the county, the
2608 board of supervisors shall be authorized to publish such order on
2609 a free, online database maintained by the Mississippi Press
2610 Association for the duration of three (3) consecutive weeks next
2611 preceding. The board of supervisors shall take appropriate
2612 measures to ensure that content published online is secure,
2613 verifiable and accessible to the public. If within that time
2614 twenty percent (20%) of the qualified electors of the county shall
2615 petition against re-creation of said office, then the said office
2616 shall not be re-created, unless an election shall have been
2617 ordered in the manner provided for in Section 19-23-3, and a
2618 majority of the qualified voters in said election vote to
2619 re-create said office. The said board shall not re-create said
2620 office unless two (2) years after the same has been abolished
2621 shall have passed. Should there be no petition against the
2622 re-creation of said office, the board of supervisors shall
2623 re-create said office of county prosecuting attorney.

2624 **SECTION 46.** Section 19-27-31, Mississippi Code of 1972, is
2625 amended as follows:

2626 19-27-31. If the owner of any land which shall have been
2627 laid off, mapped, or platted as a city, town or village, or
2628 addition thereto, or subdivision thereof, or other platted area,
2629 whether inside or outside a municipality, shall be desirous of



2630 altering or vacating such map or plat, or any part thereof, he
2631 may, under oath, petition the chancery court for relief in the
2632 premises, setting forth the particular circumstances of the case
2633 and giving an accurate description of the property, the map or
2634 plat of which is to be vacated, or altered, and the names of the
2635 persons to be adversely affected thereby, or directly interested
2636 therein. The parties so named shall be made defendants thereto,
2637 and publication of summons shall be made one (1) time in a
2638 newspaper published, or having a general circulation, in the
2639 county where the land is situated, and which publication shall
2640 clearly state the objects and purposes of the petition. In any
2641 county where there is no newspaper published or located within the
2642 county, the board of supervisors shall be authorized to publish
2643 such summons on a free, online database maintained by the
2644 Mississippi Press Association for the duration of one (1) week.
2645 The board of supervisors shall take appropriate measures to ensure
2646 that content published online is secure, verifiable and accessible
2647 to the public.

2648 At any time after the expiration of five (5) days from said
2649 publication and the service of process upon the named defendants,
2650 the cause or proceeding shall be triable, and the court in term
2651 time or the chancellor in vacation may hear the petition and all
2652 objections from any person thereto, and may decree according to
2653 the merits of the case. However, where all adversely affected or
2654 directly interested persons join in said petition, the same may be



2655 finally heard and determined by the court or chancellor at any
2656 time. If the decree vacate, in whole or in part, or alter the map
2657 or plat, it shall be recorded as a deed, and a memorandum thereof
2658 noted on the record of the map or plat.

2659 **SECTION 47.** Section 19-29-7, Mississippi Code of 1972, is
2660 amended as follows:

2661 19-29-7. (1) Any county in which there is located existing
2662 railroad properties and facilities or in which railroad properties
2663 and facilities previously existed, but were abandoned after
2664 February 5, 1976, may, by resolution, create a public body
2665 corporate and politic, to be known as a county railroad authority,
2666 which shall be authorized to exercise its functions upon the
2667 appointment and qualifications of the first commissioners thereof.
2668 Upon the adoption of a resolution creating a county railroad
2669 authority, the board of supervisors of the county shall, pursuant
2670 to the resolution, appoint five (5) persons as commissioners of
2671 the authority. The commissioners who are first appointed shall be
2672 designated to serve the terms of one (1), two (2), three (3), four
2673 (4) and five (5) years respectively. Thereafter, each
2674 commissioner shall be appointed for a term of five (5) years,
2675 except that vacancies occurring otherwise than by the expiration
2676 of term shall be filled for the unexpired term in the same manner
2677 as the original appointments. A county shall not adopt a
2678 resolution authorized by this section without a public hearing
2679 thereon. Notice thereof shall be given at least ten (10) days



2680 prior thereto in a newspaper published in the county * * *. In
2681 any county where there is no newspaper published or located within
2682 the county, the board of supervisors shall be authorized to
2683 publish such notice on a free, online database maintained by the
2684 Mississippi Press Association for the duration of at least ten
2685 (10) days prior to the aforementioned public hearing. The board
2686 of supervisors shall take appropriate measures to ensure that
2687 content published online is secure, verifiable and accessible to
2688 the public.

2689 (2) Any county and a municipality within a county may create
2690 a railroad authority under this section by resolution adopted by
2691 the respective governing authorities. The authority shall be
2692 governed by five (5) commissioners. The board of supervisors
2693 shall appoint two (2) persons as commissioners of the authority.
2694 The governing authorities of the municipality shall appoint two
2695 (2) persons as commissioners of the authority. One (1)
2696 commissioner shall be appointed by the municipality and the county
2697 on a rotating basis with the municipality making the first
2698 appointment. The terms of the commissioners shall be the same as
2699 those provided in subsection (1) with the term designation to be
2700 determined by the majority vote of the governing authorities of
2701 the municipality and of the county. The municipality and the
2702 county may dissolve the authority by a majority vote of both
2703 governing authorities.



2704 **SECTION 48.** Section 19-29-9, Mississippi Code of 1972, is
2705 amended as follows:

2706 19-29-9. (1) Two (2) or more counties in which there are
2707 located railroad properties and facilities of a railroad, or in
2708 which such properties and facilities previously existed, but were
2709 abandoned after February 5, 1976, may, by resolution of each,
2710 create a public body, corporate and politic, to be known as a
2711 regional railroad authority which shall be authorized to exercise
2712 its functions upon the issuance by the Secretary of State of a
2713 certificate of incorporation. The board of supervisors of each
2714 county joining in such regional authority shall, pursuant to the
2715 resolution organizing such authority, appoint five (5) residents
2716 of the county as commissioners of the authority and, as soon
2717 thereafter as practicable, the governing authorities of any
2718 municipality in such county, through which such railroads run,
2719 shall appoint a commissioner of the authority.

2720 If the regional authority consists of an even number of
2721 commissioners, an additional commissioner shall be appointed by
2722 the Governor from within the geographic boundaries of the regional
2723 authority.

2724 (2) A regional railroad authority may be increased from time
2725 to time to serve one or more additional counties if each
2726 additional county and each of the counties then included in the
2727 regional authority and the commissioners of the regional
2728 authority, respectively, adopt a resolution consenting thereto.



2729 If a county railroad authority for any county seeking to be
2730 included in the regional authority is then in existence, the
2731 commissioners of the county authority shall consent to the
2732 inclusion of the county in the regional authority, and if the
2733 county authority has any bonds outstanding, unless fifty-one
2734 percent (51%) or more of the holders of the bonds consent, in
2735 writing, to the inclusion of the county in the regional authority,
2736 no such inclusion shall be effected. Upon the inclusion of any
2737 county in the regional authority, all rights, contracts,
2738 obligations and property, real and personal, of the county
2739 authority shall be in the name of and vest in the regional
2740 authority.

2741 (3) A regional railroad authority may be decreased if each
2742 of the counties then included in the regional authority and the
2743 commissioners of the regional authority consent to the decrease
2744 and make provision for the retention or disposition of its assets
2745 and liabilities; however, if the regional authority has any bonds
2746 outstanding, no decrease shall be effected unless seventy-five
2747 percent (75%) or more of the holders of the bonds consent thereto
2748 in writing.

2749 (4) A county shall not adopt any resolution authorized by
2750 this section without a public hearing thereon. Notice thereof
2751 shall be given at least ten (10) days prior thereto in a newspaper
2752 published in the county * * *. In any county where there is no
2753 newspaper published or located within the county, the board of



2754 supervisors shall be authorized to publish such notice on a free,
2755 online database maintained by the Mississippi Press Association
2756 for the duration of at least ten (10) days prior to the date of
2757 the aforementioned public hearing. The board of supervisors shall
2758 take appropriate measures to ensure that content published online
2759 is secure, verifiable and accessible to the public.

2760 (5) All commissioners of a regional railroad authority
2761 appointed by municipalities shall be appointed for terms of five
2762 (5) years each. Commissioners who are initially appointed by a
2763 board of supervisors shall be designated to serve terms of one
2764 (1), two (2), three (3), four (4) and five (5) years,
2765 respectively; thereafter, each such term shall be five (5) years.
2766 A vacancy occurring otherwise than by expiration of term shall be
2767 filled for the unexpired term in the same manner as the original
2768 appointments.

2769 (6) A regional railroad authority, in its discretion, by
2770 resolution duly adopted and entered upon its minutes, may appoint
2771 an executive committee from among its membership. The executive
2772 committee shall consist of such number and shall be appointed in
2773 such manner so as to fairly represent the counties and
2774 municipalities served by the regional authority. The members of
2775 the executive committee shall serve for such terms as designated
2776 by the regional authority and may be removed from the committee
2777 before expiration of their terms in accordance with such procedure
2778 as the regional authority may adopt. The executive committee,



2779 when so appointed, may be authorized by the regional authority to
2780 exercise such powers and perform such duties, with or without the
2781 prior approval of the regional authority, as the regional
2782 authority deems appropriate; however, the executive committee may
2783 not exercise any power or perform any duty that is inconsistent
2784 with or in excess of the powers and duties authorized to be
2785 performed under the provisions of this chapter by the
2786 commissioners of the regional authority.

2787 (7) A regional railroad authority may accept counties,
2788 municipalities and other political subdivisions of the state
2789 outside the jurisdiction of the regional authority to become
2790 associate members.

2791 **SECTION 49.** Section 19-29-18, Mississippi Code of 1972, is
2792 amended as follows:

2793 19-29-18. (1) The governing body of a county railroad
2794 authority or regional railroad authority, as the case may be, may
2795 file a petition with the board of supervisors of any county
2796 included in the railroad authority, specifying for each such
2797 county, the rate of the ad valorem tax, not to exceed two (2)
2798 mills, to be levied by such county on the taxable property
2799 therein, for acquisition and maintenance of railroad properties
2800 and facilities, and to defray operating expenses of the railroad
2801 authority and any other expenses authorized to be incurred by the
2802 railroad authority. Prior to levying the tax specified by the
2803 railroad authority, the board of supervisors of each such county



2804 shall publish notice of its intention to levy same. The notice
2805 shall be published once each week for three (3) weeks in some
2806 newspaper having a general circulation in the county, but not less
2807 than twenty-one (21) days, nor more than sixty (60) days,
2808 intervening between the time of the first notice and the meeting
2809 at which said board proposes to levy the tax. In any county where
2810 there is no newspaper published or located within the county, the
2811 board of supervisors shall be authorized to publish such notice of
2812 intention to levy on a free, online database maintained by the
2813 Mississippi Press Association for the duration of three (3) weeks.
2814 The online publication shall be made available to the public not
2815 less than twenty-one (21) days, nor more than sixty (60) days,
2816 prior to the date fixed in such notice. The board of supervisors
2817 shall take appropriate measures to ensure that content published
2818 online is secure, verifiable and accessible to the public. If,
2819 within the time of giving notice, twenty percent (20%) or one
2820 thousand five hundred (1,500) of the qualified electors of the
2821 county, whichever is less, shall file a written protest against
2822 the levy of the tax, then the tax shall not be levied unless
2823 authorized by three-fifths (3/5) of the qualified electors of such
2824 county, voting at an election to be called and held for that
2825 purpose. If the tax levy fails to be authorized at an election
2826 held in a county included in the regional authority, then such tax
2827 levy shall not be made in any of the counties included in such
2828 regional authority.



2829 (2) The avails of the ad valorem tax levied under authority
2830 of this section shall be paid by the county board of supervisors
2831 to the governing body of the railroad authority to be used as
2832 herein authorized.

2833 (3) For any fiscal year after the initial levy of the tax,
2834 the board of supervisors levying same shall levy such tax at a
2835 millage rate which will produce an amount of revenue which
2836 approximates, but does not exceed, the amount of revenue produced
2837 from the levy for the preceding fiscal year. The county board of
2838 supervisors shall not increase the millage rate for the purposes
2839 authorized herein unless notice thereof is published and an
2840 election held, if required, in the manner set forth in subsection
2841 (1) of this section.

2842 (4) Each railroad authority shall be subject to examination
2843 by the State Auditor.

2844 (5) The tax levy authorized in this section shall not be
2845 included in the ten percent (10%) limitation on increases under
2846 Sections 27-39-320 or 27-39-321.

2847 (6) The tax levy authorized in this section shall not be
2848 reimbursable under the provisions of the Homestead Exemption Law.

2849 (7) A railroad authority created under Section 19-29-7(2)
2850 must receive the approval of the governing authorities of the
2851 municipality and the county creating such authority before levying
2852 any tax under this section.



2853 **SECTION 50.** Section 19-29-33, Mississippi Code of 1972, is
2854 amended as follows:

2855 19-29-33. Bonds authorized by resolution of the authority
2856 may be issued in one or more series and shall bear such date or
2857 dates, mature at such time or times, bear interest at such rate or
2858 rates, provided that the bonds of any issue shall not bear a
2859 greater overall maximum interest rate to maturity than that
2860 allowed in Section 75-17-103, be in such denomination or
2861 denominations, be in such form, either coupon or registered, carry
2862 such conversion or registration privileges, have such rank or
2863 priority, be executed in such manner, be payable in such medium of
2864 payment, at such place or places, and be subject to such terms of
2865 redemption (with or without premium) as such resolution, its trust
2866 indenture or mortgage may provide. No bond shall bear more than
2867 one (1) rate of interest; each bond shall bear interest from its
2868 date to its stated maturity date at the interest rate specified in
2869 the bid; all bonds of the same maturity shall bear the same rate
2870 of interest from date to maturity; all interest accruing on such
2871 bonds so issued shall be payable semiannually or annually, except
2872 that the first interest coupon attached to any such bond may be
2873 for any period not exceeding one (1) year.

2874 No interest payment shall be evidenced by more than one (1)
2875 coupon and neither cancelled nor supplemental coupons shall be
2876 permitted; the lowest interest rate specified for any bonds issued



shall not be less than seventy percent (70%) of the highest interest rate specified for the same bond issue.

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

The bonds may be sold at not less than par at public sale held after notice published once at least five (5) days prior to such sale in a newspaper having a general circulation in the area of operation and in a financial newspaper published in the City of Jackson, Mississippi, or in the City of New York, New York. In any county where there is no newspaper published or located within the county, the board of supervisors shall be authorized to publish notice of such sale on a free, online database maintained by the Mississippi Press Association for the duration of at least five (5) days prior to such sale. The board of supervisors shall



2902 take appropriate measures to ensure that content published online
2903 is secure, verifiable and accessible to the public. Such bonds
2904 may be sold at not less than par to the federal government at
2905 private sale without any public advertisement.

2906 In case any of the commissioners or officers of the authority
2907 whose signatures appear on any bonds or coupons shall cease to be
2908 such commissioners or officers before the delivery of such bonds,
2909 such signatures shall, nevertheless, be valid and sufficient for
2910 all purposes, the same as if such commissioners or officers had
2911 remained in office until such delivery. Any provision of any law
2912 to the contrary notwithstanding, any bonds issued pursuant to this
2913 chapter shall be fully negotiable.

2914 The determination of the authority, in the resolution
2915 authorizing the bonds, as to the classification of the railroad
2916 properties and facilities for which such bonds are authorized and
2917 as to the maximum period of usefulness shall be conclusive in any
2918 action or proceeding involving the validity of such bonds.

2919 **SECTION 51.** Section 19-31-7, Mississippi Code of 1972, is
2920 amended as follows:

2921 19-31-7. (1) The method for the establishment of a public
2922 improvement district shall be pursuant to an ordinance adopted by
2923 the governing body of each county in which the land is located
2924 granting a petition for the establishment of a public improvement
2925 district. The petition for the establishment of a public
2926 improvement district shall be filed by the petitioner with the



2927 governing body of the county or counties. The petition shall
2928 contain:

2929 (a) A description of the boundaries of the district;

2930 (b) The written consent to the establishment of the
2931 district by all landowners in the district;

2932 (c) A designation of five (5) persons to be the initial
2933 members of the board of directors, who shall serve in that office
2934 until replaced by elected members as provided in Section 19-31-9;

2935 (d) The proposed name of the district;

2936 (e) A map of the proposed district showing existing
2937 infrastructure, if any; and

2938 (f) Based upon available data, the proposed timetable
2939 for construction of the district services and the estimated cost
2940 of constructing the proposed services.

2941 (2) A public hearing on the petition shall be conducted by
2942 the governing body of each county of the proposed district within
2943 sixty (60) days after the petition is filed unless an extension of
2944 time is requested by the petitioners and granted by the governing
2945 body of each county. The hearing shall be held at an accessible
2946 location in each county in which the public improvement district
2947 is to be located. The petitioner shall cause a notice of the
2948 hearing to be published in a newspaper having general circulation
2949 in each county at least once a week for the four (4) successive
2950 weeks immediately prior to the hearing. In any county where there
2951 is no newspaper published or located within the county, the board



2952 of supervisors shall be authorized to publish such notice on a
2953 free, online database maintained by the Mississippi Press
2954 Association or the duration of four (4) successive weeks
2955 immediately prior to the hearing. The board of supervisors shall
2956 take appropriate measures to ensure that content published online
2957 is secure, verifiable and accessible to the public. Such notice
2958 shall give the time and place for the hearing, a description of
2959 the area to be included in the district, and any other relevant
2960 information which the establishing governing bodies may require.
2961 The advertisement shall be published in the official minutes of
2962 the local governing body.

2963 (3) The governing body of each county shall consider the
2964 record of the public hearing and any other relevant factors in
2965 making its determination to grant or deny a petition for the
2966 establishment of a public improvement district.

2967 (4) An ordinance establishing a public improvement district
2968 shall include the boundaries of the district, the names of the
2969 five (5) persons designated to be the initial members of the board
2970 of directors of the district and the name of the district.

2971 (5) If all of the land in the area for the proposed district
2972 is within the territorial jurisdiction of a municipality, then the
2973 petition requesting establishment of a public improvement district
2974 under this chapter shall be filed by the petitioner with that
2975 particular municipality. In such event, the duties of the county
2976 with regard to the petition shall be the duties of the



2977 municipality. If any of the land area of a proposed district is
2978 within the land area of a municipality, the governing body of the
2979 county may not create the district without the approval of the
2980 municipality.

2981 (6) The governing body of any governmental agency, county
2982 and/or municipality may enter into contribution agreements with
2983 the district.

2984 **SECTION 52.** Section 19-31-9, Mississippi Code of 1972, is
2985 amended as follows:

2986 19-31-9. (1) The board of the district, or if necessary,
2987 the governing authorities of the municipality in which the
2988 district is contained, shall exercise the powers granted to the
2989 district pursuant to this chapter. The board shall consist of
2990 five (5) members as otherwise provided in this section. Each
2991 member shall hold office for an initial term of six (6) years and
2992 until a successor is chosen and qualifies. The initial members of
2993 the board shall be residents of the state, and at least one (1) of
2994 the initial members shall be either a qualified voter within the
2995 district or an individual resident of the area immediately
2996 adjacent to the district. Upon appointment or election, the board
2997 members shall elect a chair who shall conduct board meetings.

2998 (2) (a) Beginning six (6) years after the initial
2999 appointment of members, the position of each member whose term has
3000 expired shall be filled by a qualified voter of the district,
3001 elected by the qualified voters of the district. There shall be



3002 an election of members every six (6) years from the date of the
3003 ordinance establishing the district. The district manager shall
3004 determine the date and time of the election, which election must
3005 be held at least twenty (20) days before the anniversary date of
3006 the ordinance establishing the district. If a contribution
3007 agreement exists, then the governing body of the public entity
3008 that is a party to the contribution agreement may appoint one (1)
3009 of the five (5) members to the board of the district at the time
3010 of the election in lieu of electing that member.

3011 (b) Candidates must qualify in writing by submitting a
3012 "Statement of Intent," as prescribed in this paragraph, to the
3013 district manager thirty (30) days before the election. The
3014 district manager shall prepare a ballot of all candidates
3015 qualified to run for office twenty-eight (28) days before the
3016 election.

3017 **Statement of Intent**

3018 Candidate for (insert name of district) Public Improvement
3019 District

3020 I, (name of candidate as it will appear on the ballot),
3021 (mailing address, street address, city, state, zip code, telephone
3022 number of the candidate), certify that I am a qualified voter, as
3023 defined in Section 19-31-5, Mississippi Code of 1972, of the
3024 (insert name of public improvement district) Public Improvement
3025 District in the State of Mississippi; and I do hereby declare my
3026 candidacy for Board of the (insert name of public improvement



3027 district) Public Improvement District at the election to be held
3028 on (insert date of election).

3029 _____

3030 (Signature of candidate) (Date)

3031 Received by _____

3032 (Signature) (Title) (Date)

3033 (c) Notice of the election shall be announced at a
3034 public meeting of the board at least ninety (90) days before the
3035 date of the election and shall be published once a week for two
3036 (2) consecutive weeks in a newspaper which is in general
3037 circulation in the area of the district, the last day of such
3038 publication to be not fewer than fourteen (14) days nor more than
3039 twenty-eight (28) days before the election. In any county where
3040 there is no newspaper published or located within the county, the
3041 board of supervisors shall be authorized to publish such notice on
3042 a free, online database maintained by the Mississippi Press
3043 Association for the duration of two (2) consecutive weeks. The
3044 online publication shall be made available to the public until not
3045 fewer than fourteen (14) days nor more than twenty-eight (28) days
3046 prior to the date of the election. The board of supervisors shall
3047 take appropriate measures to ensure that content published online
3048 is secure, verifiable and accessible to the public. In addition,
3049 notice of the election shall be sent by United States first-class
3050 mail, not fewer than fourteen (14) days before the election, to
3051 all qualified voters at their last-known address as shown on the



3052 tax rolls. Instructions on how all qualified voters may
3053 participate in the election, along with sample proxies, shall be
3054 provided as part of the notice required by this paragraph, and the
3055 location, date and time of the election shall be included on all
3056 instructions and notices.

3057 (d) Each qualified voter shall be entitled to cast only
3058 one (1) ballot to elect each of the board members, regardless of
3059 the number of parcels owned by that voter within the district.
3060 Parcels may not be aggregated for determining the number of
3061 ballots allowed to be cast by a qualified voter. A list of
3062 qualified voters in the form of a voter roll must be kept current
3063 by the district manager and deemed final thirty (30) days before
3064 the election.

3065 (e) A qualified voter may vote in person or by proxy in
3066 writing. A vote cast by proxy must be submitted at or within
3067 fourteen (14) days before the election and must be submitted in
3068 the form prescribed in this section. Each proxy must be signed
3069 by the qualified voter for which the vote is cast and must contain
3070 the typed or printed name of the individual who signed the proxy
3071 and the street address, legal description of the property or the
3072 property's tax parcel identification number. The signature on a
3073 proxy need not be notarized. All votes cast by proxy must be
3074 reflected in the voter roll.

3075 **Proxy for Election**

3076 (Insert name of district) Public Improvement District



3077 I, _____, (name of qualified voter);
3078 _____ (street address);
3079 _____ (legal description);
3080 _____ (tax parcel identification number).

3081 [NOTE: To be considered, this proxy must contain at least one (1)
3082 of either: the street address; legal description; or tax parcel
3083 identification number.]

3084 1. Do constitute and appoint _____
3085 _____ (name), attorney and agent for me, and in my
3086 name, place and stead, to vote as my proxy for the election of
3087 members of the Board of Directors of the (name of district) Public
3088 Improvement District on (insert date), at the (insert voting
3089 location/facility name with street address); **OR (only choose one)**

3090 2. Do hereby cast my vote for:
3091 _____ [print or type name of
3092 person being voted for - PLEASE NOTE THAT YOUR VOTE MUST BE FOR A
3093 QUALIFIED VOTER (AS DEFINED IN MISSISSIPPI CODE SECTION 19-31-5)
3094 OF THE DISTRICT. A QUALIFIED VOTER MEANS ANY LANDOWNER OF THE
3095 DISTRICT WHO IS AT LEAST EIGHTEEN (18) YEARS OF AGE OR AN
3096 AUTHORIZED REPRESENTATIVE OF THE LANDOWNER WHO IS ALSO AT LEAST
3097 EIGHTEEN (18) YEARS OF AGE.] to be elected as a member of the
3098 Board of Directors of the (name of district) Public Improvement
3099 District for a term beginning (date of term) and ending six (6)
3100 years from that date or until a successor is chosen.



3101 I understand that I have the right to revoke this proxy at
3102 any time before the election. I understand that I have the right
3103 to be present in person at the election.

3104 I have executed this proxy on (insert date).

3105 _____

3106 **(Printed Name of Qualified Voter)**

3107 _____

3108 **(Signature of Qualified Voter)**

3109 (f) A qualified voter may cast only one (1) vote for
3110 each of the five (5) board member positions. When a qualified
3111 voter casts a vote for the same person more than once, only one
3112 (1) of the votes cast for that person will be counted. When a
3113 qualified voter casts more votes to elect board members than he or
3114 she is entitled to cast, all votes are invalid, and the qualified
3115 voter is deemed to have voted for none of them. When a qualified
3116 voter casts fewer votes to elect board members than he or she is
3117 entitled to cast, all votes cast by the qualified voter must be
3118 counted, but no votes shall be counted more than once.

3119 (g) If a board member dies, resigns or otherwise is
3120 prevented from serving as a board member, the board of the
3121 district shall appoint a member to fill the remainder of the board
3122 member's term. If no qualified voter is willing to serve on the
3123 board of the district, the governing body that established the
3124 district shall appoint members as necessary to fill any vacancy
3125 for the remainder of the term.



3126 (3) Members of the board shall be known as directors and,
3127 upon entering into office, shall take an oath of office. They
3128 shall hold office for the terms for which they were elected or
3129 appointed and until their successors are chosen and qualified. If
3130 during the term of office, a vacancy occurs, the remaining members
3131 of the board shall fill the vacancy by an appointment for the
3132 remainder of the unexpired term.

3133 (4) A majority of the members of the board constitutes a
3134 quorum for the purposes of conducting its business and exercising
3135 its powers and for all other purposes. Action taken by the
3136 district shall be upon a vote of a majority of the members present
3137 unless general law or a rule of the district requires a greater
3138 number. If a quorum cannot be obtained in a board meeting, the
3139 governing body that established the district shall appoint members
3140 as necessary to replace any board member missing three (3)
3141 consecutive meetings.

3142 (5) As soon as practicable after each election or
3143 appointment, the board shall organize by electing one (1) of its
3144 members as chair and by electing a secretary, who need not be a
3145 member of the board, and such other officers as the board may deem
3146 necessary.

3147 (6) The board shall keep a permanent minute book in which
3148 shall be recorded minutes of all meetings, resolutions,
3149 ordinances, proceedings and all corporate acts.



3150 (7) Members of the board may receive per diem compensation
3151 for services in an amount as provided under Section 25-3-69, and
3152 shall be entitled to expenses necessarily incurred in the
3153 discharge of their duties in accordance with Section 25-3-41. Any
3154 payments for compensation and expenses shall be paid from funds of
3155 the district.

3156 **SECTION 53.** Section 19-31-23, Mississippi Code of 1972, is
3157 amended as follows:

3158 19-31-23. (1) The district may issue and sell from time to
3159 time bonds, notes, negotiable notes, tax anticipation notes, bond
3160 anticipation notes, other fund anticipation notes, renewal notes,
3161 refunding bonds, interim certificates, certificates of
3162 indebtedness, certificates of participation, debentures, warrants,
3163 commercial paper or other obligations or evidences of indebtedness
3164 to provide funds for and to fulfill and achieve its public purpose
3165 or corporate purposes, as set forth in this chapter, including,
3166 but not limited to, the payment of all or a portion of the costs
3167 of a project, to provide amounts necessary for any corporate
3168 purposes, including incidental expenses in connection with the
3169 issuance of the obligations, the payment of principal and interest
3170 on the obligations of the district, the establishment of reserves
3171 to secure such obligations, and all other purposes and
3172 expenditures of the district incident to and necessary or
3173 convenient to carry out its public functions or corporate
3174 purposes, and any credit enhancement for such obligations.



3175 (2) Before the issuance of any bonds as authorized under
3176 this chapter, the district shall hold a public hearing on the
3177 advisability of the indebtedness. Notice of the hearing must be
3178 published twice in a newspaper having general circulation in each
3179 county where the district is located. The final publication of
3180 notice must be at least ten (10) days before the public hearing.
3181 In any county where there is no newspaper published or located
3182 within the county, the board of supervisors shall be authorized to
3183 publish such notice on a free, online database maintained by the
3184 Mississippi Press Association for the duration of at least two (2)
3185 weeks prior to the date of the public hearing. The board of
3186 supervisors shall take appropriate measures to ensure that content
3187 published online is secure, verifiable and accessible to the
3188 public. The district shall give, by United States first-class
3189 mail, written notice of the public hearing to all qualified voters
3190 in the district. The notice must be addressed to "Property Owner"
3191 and mailed by United States first-class mail to the current
3192 address of the owner, as reflected on tax rolls of property
3193 located in the district.

3194 (3) (a) If a district proposes to enter into a contribution
3195 agreement with a public entity for any bond issue, the public
3196 entity shall hold a public hearing on the advisability of the
3197 contribution agreement for any bonds the district proposes to
3198 enter.



3199 (b) Notice of the hearing must be published twice in a
3200 newspaper having general circulation in each county where the
3201 public entity is located. The final publication of notice must be
3202 at least ten (10) days before the public hearing.

3203 (c) The notice must state the following:

3204 (i) Time and place of the hearing;

3205 (ii) General nature of the proposed improvement;

3206 (iii) Estimated cost of the improvement;

3207 (iv) Boundaries of the public improvement

3208 district;

3209 (v) Proposed method of assessment;

3210 (vi) Proposed amount and term of indebtedness;

3211 (vii) Name of the public entity entering into the

3212 contribution agreement; and

3213 (viii) Proposed amount of contribution by the

3214 public entity.

3215 (d) The hearing may be adjourned from time to time
3216 until the governing body of the public entity makes findings by
3217 resolution as to the following:

3218 (i) Advisability of the improvement;

3219 (ii) Nature of the improvement;

3220 (iii) Estimated cost of the improvement;

3221 (iv) Boundaries of the public improvement

3222 district;

3223 (v) Method of assessment;



3224 (vi) Market value of real property within the
3225 district determined in accordance with paragraph (c) of this
3226 subsection; and

3227 (vii) Terms of the contribution agreement.

3228 (e) As provided in subsection (3)(d)(vi) of this
3229 section, the governing body of the public entity shall obtain an
3230 appraisal in accordance with the Uniform Standards of Professional
3231 Appraisal Practice, with special consideration given to the Income
3232 Approach to Value using a discounted cash flow analysis of the
3233 entire commercial, residential or industrial subdivision. The
3234 appraisal must satisfy all parties to the contribution agreement
3235 that the value of the property in the district will be sufficient
3236 to ensure payment of any obligation to which a public entity is
3237 subject.

3238 (4) Except as may otherwise be provided by the district, all
3239 obligations issued by the district shall be negotiable instruments
3240 and payable solely from the levy of any special assessment by the
3241 district or from any other sources whatsoever that may be
3242 available to the district but shall not be secured by the full
3243 faith and credit of the state or the county or municipality that
3244 created the district.

3245 (5) Obligations shall be authorized, issued and sold by a
3246 resolution or resolutions of the district adopted as provided in
3247 this chapter. Such bonds or obligations may be of such series,
3248 bear such date or dates, mature at such time or times, bear



3249 interest at such rate or rates, including variable, adjustable, or
3250 zero interest rates, be payable at such time or times, be in such
3251 denominations, be sold at such price or prices, at public or
3252 private negotiated sale, after advertisement as is provided for in
3253 Section 17-21-53(2) for and in connection with any public sale, be
3254 in such form, carry such registration and exchangeability
3255 privileges, be payable at such place or places, be subject to such
3256 terms of redemption and be entitled to such priorities on the
3257 income, revenue and receipts of, or available to, the district as
3258 may be provided by the district in the resolution or resolutions
3259 providing for the issuance and sale of the bonds or obligations of
3260 the district.

3261 (6) The obligations of the district shall be signed by such
3262 directors or officers of the district by either manual or
3263 facsimile signatures as shall be determined by resolution or
3264 resolutions of the district, and shall have impressed or imprinted
3265 thereon the seal of the district or a facsimile thereof.

3266 (7) Any obligations of the district may be validly issued,
3267 sold and delivered notwithstanding that one or more of the
3268 directors or officers of the district signing such obligations or
3269 whose facsimile signature or signatures may be on the obligations
3270 shall have ceased to be such director or officer of the district
3271 at the time such obligations shall actually have been delivered.

3272 (8) Obligations of the district may be sold in such manner
3273 and from time to time as may be determined by the district to be



3274 most beneficial, and the district may pay all expenses, premiums,
3275 fees or commissions that it deems necessary or advantageous in
3276 connection with the issuance and sale thereof, subject to the
3277 provisions of this chapter.

3278 (9) The district may authorize the establishment of a fund
3279 or funds for the creation of a debt service reserve, a renewal and
3280 replacement reserve or such other funds or reserves as the
3281 district may approve with respect to the financing and operation
3282 of any project and as may be authorized by any bond resolution,
3283 trust agreement, indenture of trust or similar instrument or
3284 agreement pursuant to the provisions of which the issuance of
3285 bonds or other obligations of the district may be authorized.

3286 (10) Notwithstanding any other law to the contrary, but
3287 subject to any agreement with bondholders or noteholders, monies
3288 of the district not required for immediate use, including proceeds
3289 from the sale of any bonds, notes or other obligations, may be
3290 invested in the following:

3291 (a) Obligations of any municipality, the State of
3292 Mississippi or the United States of America;

3293 (b) Obligations of which the principal and interest are
3294 guaranteed by the State of Mississippi or the United States of
3295 America;

3296 (c) Obligations of any corporation wholly owned by the
3297 United States of America;



3298 (d) Obligations of any corporation sponsored by the
3299 United States of America which are, or may become, eligible as
3300 collateral for advances to member banks as determined by the Board
3301 of Governors of the Federal Reserve System;

3302 (e) Obligations of insurance firms or other
3303 corporations whose investments are rated "A" or better by
3304 recognized rating companies;

3305 (f) Certificates of deposit or time deposits of
3306 qualified depositories of the State of Mississippi as approved by
3307 the State Depository Commission, secured in such manner, if any,
3308 as the commission determines appropriate;

3309 (g) Contracts for the purchase and sale of obligations
3310 of the type described in paragraphs (a) through (e) of this
3311 subsection;

3312 (h) Repurchase agreements secured by obligations
3313 described in paragraphs (a) through (e) of this subsection; and

3314 (i) Money market funds, the assets of which are
3315 required to be invested in obligations described in paragraphs (a)
3316 through (f) of this subsection.

3317 (11) Any cost, obligation or expense incurred for any of the
3318 purposes specified in this chapter shall be a part of the project
3319 costs and may be paid or reimbursed as such out of the proceeds of
3320 bonds or other obligations issued by the district.

3321 (12) Neither the directors of the board nor any person
3322 executing the bonds shall be personally liable for the bonds or be



3323 subject to any personal liability by reason of the issuance
3324 thereof. No earnings or assets of the district shall accrue to
3325 the benefit of any private persons. However, the limitation of
3326 liability provided for in this subsection shall not apply to any
3327 gross negligence or criminal negligence on the part of any
3328 director or person executing the bonds.

3329 (13) The district may avail itself of the provisions of
3330 Sections 31-13-1 through 31-13-11.

3331 (14) This chapter constitutes full and complete authority
3332 for the issuance of bonds and the exercise of the powers of the
3333 district provided herein. No procedures or proceedings,
3334 publications, notices, consents, approvals, orders, acts or things
3335 by the board or any board, officers, commission, department,
3336 agency or instrumentality of the district, other than those
3337 required by this chapter, shall be required to perform anything
3338 under this chapter, except that the issuance or sale of bonds
3339 pursuant to the provisions of this chapter shall comply with the
3340 general law requirements applicable to the issuance or sale of
3341 bonds by the district. Nothing in this chapter shall be construed
3342 to authorize the district to utilize bond proceeds to fund the
3343 ongoing operations of the district.

3344 (15) Before incurring any debt as provided in subsection (1)
3345 of this section, the district may, but shall not be required to,
3346 secure an agreement from one or more developers obligating such
3347 developer or developers:



3348 (a) To effect the completion of all or any portion of a
3349 project at no cost to the district;

3350 (b) To pay all or any portion of the real property
3351 taxes due on the project in a timely manner; and

3352 (c) To maintain and operate all or any portion of the
3353 buildings or other facilities or improvements of the project in
3354 such a manner as to preserve property values.

3355 No breach of any such agreement shall impose any pecuniary
3356 liability upon a district or any charge upon its general credit or
3357 against its taxing powers.

3358 Additionally, the district may enter into an agreement with
3359 the developer under which the developer may construct all or any
3360 part of the project with private funds in advance of issuance of
3361 bonds and may be reimbursed by the district for actual costs
3362 incurred by the developer upon issuance and delivery of bonds and
3363 receipt of the proceeds, conditioned upon dedication of the
3364 project by the developer to the district, a governmental agency, a
3365 county or a municipality to assure public use and access. This
3366 condition shall not apply to the privately owned portion of a
3367 project for which the Mississippi Development Authority has issued
3368 a certificate of convenience and necessity pursuant to the
3369 Regional Economic Development Act.

3370 As used in this section, the term "developer" means any
3371 entity or natural person which enters into an agreement with a
3372 district whereby the developer agrees to construct, operate and



3373 maintain or procure the construction, operation and maintenance of
3374 a project or projects, or portions thereof, upon land within the
3375 district.

3376 **SECTION 54.** Section 19-31-39, Mississippi Code of 1972, is
3377 amended as follows:

3378 19-31-39. (1) The district, or if necessary, the governing
3379 authorities of the municipality in which the district is
3380 contained, may prescribe, fix, establish and collect rates, fees,
3381 rentals or other charges for the facilities and services furnished
3382 by the district, within the limits of the district, including, but
3383 not limited to, recreational facilities, water management and
3384 control facilities and water and sewer systems. The district may
3385 also recover the costs of making connection with any district
3386 facility or system and provide for reasonable penalties against
3387 any user or property for any such rates, fees, rentals or other
3388 charges that are delinquent.

3389 (2) No such rates, fees, rentals or other charges for any of
3390 the facilities or services of the district may be fixed until
3391 after a public hearing at which all the users of the proposed
3392 facility or services shall have an opportunity to be heard
3393 concerning the proposed rates, fees, rentals or other charges.
3394 Notice of such public hearing setting forth the proposed schedule
3395 of rates, fees, rentals and other charges shall be published in a
3396 newspaper having general circulation in each county where the
3397 district is located once at least ten (10) days before such public



3398 hearing. In any county where there is no newspaper published or
3399 located within the county, the board of supervisors shall be
3400 authorized to publish such notice on a free, online database
3401 maintained by the Mississippi Press Association for the duration
3402 at least ten (10) days before such public hearing. The board of
3403 supervisors shall take appropriate measures to ensure that content
3404 published online is secure, verifiable and accessible to the
3405 public.

3406 **SECTION 55.** This act shall take effect and be in force from
3407 and after July 1, 2025, and shall stand repealed on June 30, 2025.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 17-3-3, 17-5-1, 17-11-37, 17-11-45,
2 17-17-107, 17-17-109, 17-17-227, 17-17-237, 17-17-309, 17-17-311,
3 17-17-329, 17-17-337, 17-17-348, 17-18-17, 17-21-53, 19-3-1,
4 19-3-11, 19-3-19, 19-3-33, 19-3-35, 19-3-67, 19-3-79, 19-5-9,
5 19-5-21, 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 AND 19-31-39, MISSISSIPPI CODE OF 1972,
10 TO MODERNIZE AND SIMPLIFY THE NOTICE PUBLICATION PROCESS FOR
11 COUNTIES BY ALLOWING ONLINE PUBLICATION AS AN ALTERNATIVE TO
12 NEWSPAPER PUBLICATION IN COUNTIES WHERE THERE IS NO NEWSPAPER
13 PUBLISHED OR LOCATED WITHIN THE COUNTY; AND FOR RELATED PURPOSES.

