

By: Senator(s) Dickerson

To: Fees, Salaries and
Administration;
County Affairs

SENATE BILL NO. 2859
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 25-58-3, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE GOVERNING AUTHORITIES TO ASSESS A FEE FOR DATA OR
3 INFORMATION OBTAINED FROM A GEOGRAPHIC INFORMATION SYSTEM OR
4 MULTIPURPOSE CADASTRE; TO AUTHORIZE GOVERNING AUTHORITIES TO
5 EXEMPT ANY RECORDS DERIVED FROM THE GEOGRAPHIC INFORMATION SYSTEM
6 OR MULTIPURPOSE CADASTRE FROM THE MISSISSIPPI PUBLIC RECORDS ACT;
7 TO AMEND SECTION 25-61-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY
8 THERETO; AND FOR RELATED PURPOSES.

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

10 SECTION 1. Section 25-58-3, Mississippi Code of 1972, is
11 amended as follows:

12 25-58-3. (1) The board of supervisors of any county and the
13 governing authorities of any municipality (both referred to in
14 this section as "governing authority") are hereby authorized and
15 empowered, in their discretion, to borrow money, pursuant to the
16 provisions of this section to create the geographic information
17 system and prepare the multipurpose cadastre authorized in Section
18 25-58-1.

19 (2) Before any money is borrowed under the provisions of
20 this section, the governing authority shall adopt a resolution
21 declaring the necessity for such borrowing and specifying the
22 purpose for which the money borrowed is to be expended, the amount
23 to be borrowed, the date or dates of the maturity thereof, and how
24 such indebtedness is to be evidenced. The resolution shall be
25 certified over the signature of the head of the governing
26 authority.

27 (3) The borrowing shall be evidenced by negotiable notes or
28 certificates of indebtedness of the governing authority which
29 shall be signed by the principal officer and clerk of such

30 governing authority. All such notes or certificates of
31 indebtedness shall be offered at public sale by the governing
32 authority after not less than ten (10) days' advertising in a
33 newspaper having general circulation within the governing
34 authority. Each sale shall be made to the bidder offering the
35 lowest rate of interest or whose bid represents the lowest net
36 cost to the governing authority; however, the rate of interest
37 shall not exceed that now or hereafter authorized in Section
38 75-17-101, Mississippi Code of 1972. No such notes or
39 certificates of indebtedness shall be issued and sold for less
40 than par and accrued interest. All notes or certificates of
41 indebtedness shall mature in approximately equal installments of
42 principal and interest over a period not to exceed ten (10) years
43 from the dates of the issuance thereof. Principal shall be
44 payable annually, and interest shall be payable annually or
45 semiannually; provided, however, that the first payment of
46 principal or interest may be for any period not exceeding one (1)
47 year. Provided, however, if negotiable notes are outstanding from
48 not more than one (1) previous issue authorized under the
49 provisions of this section, then the schedule of payments for a
50 new or supplementary issue may be so adjusted that the schedule of
51 maturities of all notes or series of notes hereunder shall, when
52 combined, mature in approximately equal installments of principal
53 and interest over a period of ten (10) years from the date of the
54 new or supplementary issue, or if a lower interest rate will
55 thereby be secured on notes previously issued and outstanding, a
56 portion of the proceeds of any issue authorized hereunder may be
57 used to refund the balance of the indebtedness previously issued
58 under the authority of this article. Such notes or certificates
59 of indebtedness shall be issued in such form and in such
60 denominations as may be determined by the governing authority and
61 may be made payable at the office of any bank or trust company
62 selected by the governing authority. In such case, funds for the
63 payment of principal and interest due thereon shall be provided in
64 the same manner provided by law for the payment of the principal
65 and interest due on bonds issued by the governing authority.

66 (4) For the prompt payment of notes or certificates of

67 indebtedness at maturity, both principal and interest, the full
68 faith, credit and resources of the issuing entity are pledged.
69 Furthermore, the governing authority may annually levy a special
70 tax in an amount not to exceed three (3) mills upon all of its
71 taxable property, the avails of which shall be paid into a sinking
72 fund and used exclusively for the payment of principal of and
73 interest on the notes or certificates of indebtedness. Until
74 needed for expenditure, monies in the sinking fund may be invested
75 in the same manner as the governing authority is elsewhere
76 authorized by law to invest surplus funds.

77 (5) The proceeds of any notes or certificates of
78 indebtedness issued under the provisions of this section shall be
79 placed in a special fund and shall be expended only for the
80 purpose or purposes for which they were issued as shown by the
81 resolution authorizing the issuance thereof. If a balance shall
82 remain of the proceeds of such notes or certificates of
83 indebtedness after the purpose or purposes for which they were
84 issued shall have been accomplished, such balance shall be used to
85 pay such obligations at or before maturity and may be transferred
86 to any sinking fund previously established for the payment
87 thereof.

88 (6) Proceeds from the sale of notes or certificates of
89 indebtedness not immediately necessary for expenditure shall be
90 invested in the same manner as surplus funds of the governing
91 authority may be invested.

92 (7) Regardless of the method of paying for the creation of a
93 geographic information system or for the preparation of a
94 multipurpose cadastre, a county or municipality which has created
95 or acquired a geographic information system or prepared a
96 multipurpose cadastre may assess a fee or charge in excess of that
97 which would otherwise be allowed by Section 25-61-7. The fee must
98 be reasonably related to the cost of creating, acquiring and
99 maintaining the geographic information system or multipurpose

100 cadastre, for data or information therein or therefrom and for any
101 records, papers, accounts, maps, photographs, films, cards, tapes,
102 recordings or other materials, data or information relating
103 thereto, regardless whether in printed, digital or other format.
104 In determining the fees or charges under this subsection, the
105 governing authority may consider the type of information
106 requested, the purpose or purposes for which the information has
107 been requested and the commercial value of the information.
108 However, all fees shall be subject to a standard scale adopted by
109 the governing authority. If the governing authority has issued
110 notes or certificates of indebtedness, any fees shall be deposited
111 into the sinking fund and used exclusively for payment of
112 principal and interest on the notes or certificates of
113 indebtedness until paid in full. Thereafter, the fees shall be
114 deposited into the county's or municipality's general fund.

115 SECTION 2. The governing authority of any municipality or
116 county that has created a geographic information system or
117 prepared a multipurpose cadastre may declare the geographic
118 information system or multipurpose cadastre, or both, and all
119 portions thereof and any records, papers, accounts, maps,
120 photographs, films, cards, tapes, recordings or other materials,
121 data or information therein or therefrom, to be exempt from the
122 Mississippi Public Records Act, Section 25-61-1 et seq., by duly
123 adopted order. The governing authority may specify in the order
124 the terms and conditions under which the geographic information
125 system and multipurpose cadastre, or parts thereof or records,
126 papers, accounts, maps, photographs, films, cards, tapes,
127 recordings or other materials, data or information therein or
128 therefrom, will be made available to the public, including any
129 fees or charges therefor. The fees or charges may exceed those
130 provided by Section 25-61-7 of the Mississippi Public Records Act.
131 In determining the fees or charges therefor, the governing
132 authority of the municipality or the county may consider the type

133 of information requested, the purpose or purposes for which the
134 information has been requested and the commercial value of the
135 information. However, all fees shall be subject to a standard
136 scale adopted by the governing authority.

137 SECTION 3. Section 25-61-7, Mississippi Code of 1972, is
138 amended as follows:

139 25-61-7. (1) Except as provided in subsection (2), each
140 public body may establish and collect fees reasonably calculated
141 to reimburse it for, and in no case to exceed, the actual cost of
142 searching, reviewing and/or duplicating and, if applicable,
143 mailing copies of public records. Such fees shall be collected by
144 the public body in advance of complying with the request.

145 (2) A county or municipality may establish a fee scale for
146 information from a geographic information system or multipurpose
147 cadastre as authorized by law.

148 SECTION 4. This act shall take effect and be in force from
149 and after July 1, 1999.