

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2298: Bonds; raise maximum fee paid to state's bond attorney from \$500.00 to \$750.00 for validation and issuance of.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

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

12 **SECTION 1.** Section 31-13-11, Mississippi Code of 1972, is
13 amended as follows:
14 31-13-11. The court costs in all such cases shall be paid by
15 the county, municipality, or district proposing to issue said
16 bonds or other written obligations, and in addition to such costs
17 it shall also pay to the bond attorney a fee of not more than
18 one-tenth of one percent (1/10 of 1%), provided said fee shall not
19 be less than * * * Five Hundred Dollars (\$500.00) nor more
20 than * * * One Thousand Dollars (\$1,000.00), of the amount of the
21 bonds or other obligations issued or proposed to be issued. The
22 payment of this fee shall be full compensation for all legal
23 services rendered in connection with the issuance of said bonds,
24 except that when the state's bond attorney attends a hearing of
25 objection to the validation of said bonds, his actual and



26 necessary expenses and a reasonable rate of compensation for
27 attending the said hearing, as required by this chapter, shall be
28 taxed as a part of the costs of the validation proceedings, upon
29 approval by the clerk or chancellor of an itemized account of such
30 expenses and time expended. If objection is filed to the
31 validation of said bonds, then in that event the taxation of court
32 costs, including expenses and a reasonable rate of compensation
33 for the bond attorney, shall be discretionary with the chancellor,
34 as in other cases in the chancery court, against the issuing board
35 or district, or the objector or objectors, or apportioned as the
36 chancellor may deem proper.

37 **SECTION 2.** Section 31-13-1, Mississippi Code of 1972, is
38 amended as follows:

39 31-13-1. (1) The Governor, with the advice and consent of
40 the Senate, shall appoint a qualified and practicing attorney at
41 law, to be known as the State Bond Attorney, who shall possess the
42 same qualifications for office as the Attorney General, who shall
43 serve a term of office concurrent with that of the Governor or
44 until his successor is appointed and qualified, and whose duties
45 shall be those hereinafter specified.

46 (2) When the State Bond Attorney has a conflict of interest
47 under the Mississippi Rules of Professional Conduct that is not
48 consentable due to his or her participation in a validation of a
49 bond, the State Bond Attorney shall immediately notify the
50 Governor, Lieutenant Governor and the Attorney General of the



51 conflict of interest in writing. Upon receipt of such
52 notification, the Governor shall appoint a qualified and
53 practicing attorney-at-law as the State Bond Attorney Pro Tempore,
54 who shall possess the same qualifications for office as the
55 Attorney General, who shall serve a term of office, the duration
56 of which shall be for the sole and limited purpose of reviewing
57 the proposed bond issue validation that is the subject of the
58 conflict of interest and acting upon the same. Upon issuance of
59 the Opinion of the State Bond Attorney Pro Tempore and the
60 conclusion of participation in any validation proceeding or
61 contest, the powers vested in the State Bond Attorney Pro Tempore
62 shall be vacated.

63 **SECTION 3.** This act shall take effect and be in force from
64 and after July 1, 2024.

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

1 AN ACT TO AMEND SECTION 31-13-11, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE MINIMUM AND MAXIMUM FEE PAID TO THE STATE'S BOND
3 ATTORNEY FOR THE VALIDATION AND ISSUANCE OF BONDS ISSUED OR
4 PROPOSED TO BE ISSUED BY A COUNTY, MUNICIPALITY, OR OTHER DISTRICT
5 OR SUBDIVISION OF THE STATE; TO AMEND SECTION 31-13-1, MISSISSIPPI
6 CODE OF 1972, TO REQUIRE THE STATE BOND ATTORNEY, WHEN A CONFLICT
7 OF INTEREST ARISES, TO NOTIFY THE GOVERNOR, LIEUTENANT GOVERNOR
8 AND ATTORNEY GENERAL OF THE CONFLICT OF INTEREST; TO AUTHORIZE THE
9 GOVERNOR TO APPOINT A STATE BOND ATTORNEY PRO TEMPORE; AND FOR
10 RELATED PURPOSES.



CONFEREES FOR THE SENATE

X (SIGNED)

Harkins

X (SIGNED)

Johnson

X (SIGNED)

Suber

CONFEREES FOR

X (SIGNED)

Lamar

X (SIGNED)

Steverson

X (SIGNED)

Horan

