

By: Representative Williams

To: Ways and Means

HOUSE BILL NO. 580
(As Passed the House)

1 AN ACT TO AMEND SECTIONS 21-43-117 AND 21-43-119, MISSISSIPPI
2 CODE OF 1972, TO REDUCE THE AMOUNT OF THE VOTE NECESSARY TO
3 IMPLEMENT, REAUTHORIZE, AMEND OR MODIFY A BUSINESS IMPROVEMENT
4 DISTRICT PLAN TO WRITTEN BALLOT APPROVAL BY A MAJORITY OF THE
5 ELIGIBLE PROPERTY OWNERS; TO PROVIDE THAT ANY ASSESSMENT OR TAX
6 PROPOSED IN A BUSINESS IMPROVEMENT DISTRICT PLAN OR IN A PROPOSED
7 AMENDMENT TO SUCH A PLAN MUST BE APPROVED BY SIXTY PERCENT OF THE
8 PROPERTY OWNERS IN THE DISTRICT BEFORE ANY SUCH ASSESSMENT OR TAX
9 WILL BE MADE PART OF THE BUSINESS IMPROVEMENT DISTRICT PLAN; TO
10 AMEND SECTION 21-43-123, MISSISSIPPI CODE OF 1972, TO CONFORM TO
11 THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

13 SECTION 1. Section 21-43-117, Mississippi Code of 1972, is
14 amended as follows:

15 21-43-117. (1) For initial creation of the district,
16 reauthorization of the district at the end of each five-year
17 period, amendment to the district plan within the five-year plan
18 period or modification of the boundaries of the district at the
19 end of a five-year period, the clerk of the municipality shall
20 notify all property owners to be included in the proposed district
21 of a public hearing to review the plan and receive comment about
22 the process for accepting or rejecting the plan. Following a
23 public hearing, the governing authority of the municipality shall
24 set an election date not more than sixty (60) days from the date
25 of the public hearing. The ballot shall clearly state the issue
26 to be decided. Only property owners of record as of the date of
27 initial notice given as provided in Section 21-43-111 shall be
28 eligible to participate in any such election.

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

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

33 (b) Published at least twice in a newspaper of general
34 circulation in the municipality, the first publication shall be
35 not less than ten (10), nor more than thirty (30) days before the
36 date for the election. The notice shall include a copy of the
37 plan, a ballot for the election and a notice about the time and
38 date for the election.

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

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

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

48 (6) If the plan is approved by a majority of the property
49 owners, the mayor of the municipality shall review the district
50 plan to ensure its compliance with the provisions of Sections
51 21-43-101 through 21-43-133. However, any assessment or tax
52 proposed in the plan must be approved by sixty percent (60%) of
53 the property owners in the district before any such assessment or
54 tax will be made part of the plan.

55 (7) The municipality shall disburse the proceeds collected
56 from the assessment to the designated district management group
57 within thirty (30) days after the assessment is due.

58 SECTION 2. Section 21-43-119, Mississippi Code of 1972, is
59 amended as follows:

60 21-43-119. A district plan shall be deemed adopted and ready
61 for implementation upon written ballot approval by a majority of
62 the property owners in the district. However, any assessment or
63 tax proposed in a plan must be approved by sixty percent (60%) of

64 the property owners in the district before any such assessment or
65 tax will be made part of the plan. Reauthorization, amendments or
66 the district plan or modification of boundaries shall also be
67 subject to written ballot approval by a majority of the eligible
68 property owners. Any proposed amendment to a district plan which
69 would implement or increase an assessment or tax must be approved
70 by sixty percent (60%) of the property owners in the district
71 before any such amendment becomes effective.

72 SECTION 3. Section 21-43-123, Mississippi Code of 1972, is
73 amended as follows:

74 21-43-123. (1) Subject to the provisions of Sections
75 21-43-117 and 21-43-119, a business improvement district may be
76 funded in whole or in part by an assessment authorized pursuant to
77 this section. Such assessment shall be in addition to any taxes
78 or assessments that may be imposed on property that is included in
79 the district.

80 (2) The assessment shall be levied on the property in the
81 district based upon the gross square footage of the property. The
82 district plan shall set the amount that shall be assessed on each
83 square foot of property. A district plan may authorize that the
84 assessment per square foot for buildings may be at a different
85 rate than that for land; provided, however, that the square foot
86 rate for each type of property shall be uniform.

87 (3) Upon presentation of a district plan by a district
88 created pursuant to Sections 21-43-101 through 21-43-133, the
89 governing authorities of a municipality shall, at the same time
90 and in the same manner as ad valorem taxes are levied, levy the
91 assessment provided for in this section on the property in the
92 district in the amount specified in the district plan.

93 (4) Assessments shall constitute a lien upon the respective
94 lots or parcels of land and other real property upon which they
95 are levied, superior to all other liens except those for state and
96 county taxes.

97 (5) In addition to the assessment authorized under this
98 section, a business improvement district shall also be authorized
99 and empowered to apply for and receive public and private grants
100 and to accept any monetary contribution or donation of real or
101 personal property.

102 SECTION 4. This act shall take effect and be in force from
103 and after its passage.