

By: Mayo, Espy, Henderson, Robertson

To: Municipalities

HOUSE BILL NO. 394  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 21-27-11, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE DEFINITION OF THE TERM "MUNICIPALITY" AS USED IN THE  
3 SECTIONS OF LAW THAT AUTHORIZE THE ESTABLISHMENT OF A MUNICIPALLY  
4 OWNED RAILROAD TRANSPORTATION SYSTEM; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 21-27-11, Mississippi Code of 1972, is  
7 amended as follows:[JWB1]

8 21-27-11. Whenever used in Sections 21-27-11 through  
9 21-27-69:

10 (a) The term "municipality" includes any incorporated  
11 city, town or village of the State of Mississippi, whether  
12 incorporated under a special charter or under the general laws of  
13 the State of Mississippi governing municipalities, and operating  
14 under any form of municipal government. However, for the purpose  
15 of establishing a motor vehicle transportation system for the  
16 transportation of passengers within the boundaries of the  
17 governmental unit or units concerned, and within three (3) miles  
18 thereof, the word "municipality" is defined to include counties  
19 and groups of municipalities and shall allow those governmental  
20 units to establish a commission as provided in Section 21-27-13  
21 and exercise the powers granted in Sections 21-27-11 through  
22 21-27-69. Each county or municipality joining together shall be  
23 allowed at least one (1) commissioner representing that governing  
24 authority. For the purpose of establishing a railroad  
25 transportation system for passengers and freight, the term  
26 "municipality" includes any county bordering the Mississippi River  
27 and in which Highways 49 and 61 intersect, and such county may

28 exercise the powers granted in Sections 21-27-11 through 21-27-69;

29           (b) The term "system" includes waterworks system, water  
30 supply system, sewage system, sewage disposal system, or any  
31 combination thereof, including any combined waterworks and sewage  
32 system, consisting of an existing waterworks system or water  
33 supply system or both, combined with an existing sewage system or  
34 sewage disposal system or both, or consisting of an existing  
35 waterworks system or water supply system or both, combined with a  
36 sewage system or sewage disposal system or both, to be acquired,  
37 (as defined herein), or consisting of an existing sewage system or  
38 sewage disposal system or both, combined with a waterworks system  
39 or water supply system or both, to be acquired, (as defined  
40 herein), gas producing system, gas generating system, gas  
41 transmission system or gas distribution system, or any one (1) or  
42 all thereof, electric generating, transmission, or distribution  
43 system, garbage disposal system, rubbish disposal system, and  
44 incinerators, and all parts and appurtenances thereof. The term  
45 "system" also includes a motor vehicle transportation system for  
46 the transportation of passengers within the city limits and within  
47 three (3) miles thereof. The term "system" also includes a  
48 railroad transportation system of any municipality located within  
49 a county bordering the Mississippi River and in which Highways 49  
50 and 61 intersect for the transportation of passengers and freight  
51 regardless of the amount of area outside the jurisdictional limits  
52 of such municipality for which the system provides service; the  
53 railroad transportation system may be located partially outside  
54 the boundaries of the county. The term "system" also includes a  
55 motor vehicle transportation system for the transportation of  
56 passengers of any municipality with a population of more than  
57 forty-five thousand (45,000) but less than forty-five thousand one  
58 hundred (45,100) according to the 1970 federal decennial census  
59 regardless of the amount of area outside the city limits of such  
60 municipality for which the system provides service. Wherever in  
61 Sections 21-27-11 through 21-27-69 any one or more of the systems  
62 authorized under this section are referred to, the same shall  
63 include motor vehicle transportation systems. The term "system"  
64 also includes any franchise held by the owner thereof and shall

65 also include operations within the capabilities of any component  
66 facility within the system which reasonably utilize the public  
67 resources;

68 (c) The term "improvement" includes repair, betterment,  
69 enlargement, extension and other improvements to a system;

70 (d) The term "acquire" includes construct, purchase,  
71 gift, exercise of power of eminent domain and other methods by  
72 which a municipality may acquire a system;

73 (e) The term "improve" includes repair, better,  
74 enlarge, extend and other methods of improving a system;

75 (f) The term "ordinance" includes ordinance, resolution  
76 or other appropriate legislative enactment of the governing  
77 authorities of any municipality.

78 SECTION 2. This act shall take effect and be in force from  
79 and after its passage.