

By: Compretta

To: Public Utilities

HOUSE BILL NO. 988

1 AN ACT TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION
2 19-5-178, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF
3 COMMISSIONERS OF A DISTRICT CREATED UNDER SECTIONS 19-5-151
4 THROUGH 19-5-207, MISSISSIPPI CODE OF 1972, TO EXPAND THE SERVICES
5 PROVIDED BY THE DISTRICT; TO REQUIRE THE BOARD OF COMMISSIONERS TO
6 ADOPT AND SUBMIT A RESOLUTION TO THE BOARD OF SUPERVISORS
7 REQUESTING THE EXPANSION; TO PROVIDE FOR NOTICE AND HEARING
8 REGARDING THE RESOLUTION; TO PROVIDE FOR AN ELECTION ON THE
9 QUESTION ON WHETHER TO EXPAND THE SERVICES OF THE DISTRICT, IF
10 REQUESTED; TO PROVIDE FOR AN APPEAL OF THE DECISION OF THE BOARD
11 OF SUPERVISORS; AND FOR RELATED PURPOSES.

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

13 SECTION 1. The following shall be codified as Section
14 19-5-178, Mississippi Code of 1972:

15 19-5-178. (1) Any district created under Sections 19-5-151
16 through 19-5-207 may expand the type of services within the scope
17 of the authority given to any district under Sections 19-5-151
18 through 19-5-207 in the following manner:

19 (a) The board of commissioners shall adopt a resolution
20 for the expansion of the services of the district and shall submit
21 that resolution to the board of supervisors of the county. The
22 resolution shall include: (i) a statement of the necessity for
23 the expanded service or services to be supplied by the district;
24 (ii) the proposed new corporate name for the district; (iii) an
25 estimate of the cost of the acquisition or construction of any
26 additional facilities to be operated by the district, which
27 estimate, however, shall not serve as a limitation upon the
28 financing of improvements or extensions to the facilities; (iv) a
29 statement of whether or not the board of supervisors of the county
30 shall exercise the authority to levy the tax outlined in Section

31 19-5-189, to defray the costs of additional services; and (v) a
32 statement of whether or not the board of supervisors of the county
33 shall exercise the authority to make assessments as outlined in
34 Section 19-5-191 to defray the costs of additional services. The
35 board of commissioners shall not propose to extend the boundaries
36 of the district in a resolution for expansion of the types of
37 services.

38 (b) Upon the filing of the resolution with the board of
39 supervisors, the board of supervisors shall publish a notice of
40 receipt of the resolution and shall include the information
41 contained in the resolution of the board of commissioners. The
42 notice shall be published in a newspaper having a general
43 circulation within the district once a week for at least three (3)
44 consecutive weeks. The board of supervisors may hold a public
45 hearing on the matter of whether to authorize the expansion of
46 services of the district. If the board of supervisors holds a
47 public hearing on that matter, the clerk of the board of
48 supervisors shall publish notice of the hearing in the manner
49 provided in Section 19-5-155.

50 (c) If within fifteen (15) days following the last date
51 of publication in the newspaper, twenty percent (20%), or one
52 hundred fifty (150), whichever is the lesser, of the qualified
53 electors of the district, file a written petition with the board
54 of supervisors protesting against the expansion of services of the
55 district, the board of supervisors shall call an election on the
56 question of the expansion of services of the district. The
57 election shall be held and conducted by the election commissioners
58 of the county as nearly as may be practicable in accordance with
59 the laws governing general elections, and the election
60 commissioners shall determine which of the qualified electors of
61 the county reside within the district, and only those qualified
62 electors shall be entitled to vote in the election. Notice of the
63 election setting forth the time, place or places and the purpose
64 of the election, shall be published by the clerk of the board of
65 supervisors for the time and in the manner provided in Section
66 19-5-155 for the publication of the resolution of intention. The
67 ballots to be prepared for and used at the election shall be in

68 substantially the following form:

69 "FOR EXPANSION OF SERVICES OF _____ DISTRICT ()
70 AGAINST EXPANSION OF SERVICES OF _____ DISTRICT ()"

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

73 (d) If no petition requiring an election is filed or if
74 three-fifths (3/5) of those voting in the election provided in
75 this section vote in favor of the expansion of services of the
76 district, the board of supervisors shall adopt a resolution
77 authorizing the expansion of services of the district.

78 (e) If the board of supervisors adopts a resolution
79 authorizing the expansion of services of the district, the board
80 of commissioners of the original district shall continue to serve
81 as the board of commissioners of the newly authorized district,
82 unless otherwise specified in the resolution of the board of
83 commissioners adopted under subsection (1)(a) of this section and
84 authorized by the board of supervisors under subsection (1)(d) of
85 this section.

86 (2) All costs incident to compliance with this section shall
87 be borne by the board of commissioners of the district.

88 (3) Any party having an interest in the subject matter and
89 aggrieved or prejudiced by the findings and adjudication of the
90 board of supervisors may appeal as provided in Section 19-5-163.

91 SECTION 2. The Attorney General of the State of Mississippi
92 shall submit this act, immediately upon approval by the Governor,
93 or upon the approval by the Legislature subsequent to a veto, to
94 the Attorney General of the United States or to the United States
95 District Court for the District of Columbia in accordance with the
96 provisions of the Voting Rights Act of 1965, as amended and
97 extended.

98 SECTION 3. This act shall take effect and be in force from
99 and after the date it is effectuated under Section 5 of the Voting
100 Rights Act of 1965, as amended and extended.