

By: Furniss

To: Municipalities;
Highways and
Transportation

SENATE BILL NO. 2315
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 21-27-11, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE DEFINITION OF THE TERM "MUNICIPALITY" IN REGARD TO
3 ESTABLISHING A MUNICIPALLY-OWNED RAILROAD TRANSPORTATION SYSTEM;
4 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:[JMR1]

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" is defined to include any county bordering the
27 Mississippi River and in which Highways 49 and 61 intersect, and

28 such county may exercise the powers granted in Sections 21-27-11
29 through 21-27-69;

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

65 also includes any franchise held by the owner thereof and shall
66 also include operations within the capabilities of any component
67 facility within the system which reasonably utilize the public
68 resources;

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

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

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

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

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