

By: Representative Morris

To: Ways and Means

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1338

1 AN ACT TO AMEND SECTIONS 19-31-17, 19-31-19 AND 19-31-21,
2 MISSISSIPPI CODE OF 1972, TO AUTHORIZE PUBLIC IMPROVEMENT
3 DISTRICTS TO DEDICATE, DONATE OR CONVEY IN ANY MANNER IMPROVEMENTS
4 TO CERTAIN ENTITIES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 19-31-17, Mississippi Code of 1972, is
7 amended as follows:

8 19-31-17. The district shall have, and the board may
9 exercise, the power:

10 (a) To sue and be sued in the name of the district; to
11 adopt and use a seal and authorize the use of a facsimile thereof;
12 to acquire, by purchase, gift, devise or otherwise, and to dispose
13 of, including by dedication, donation or conveyance in any manner
14 to governmental entities or nonprofit governmental entities under
15 such terms and conditions as may be agreed upon, real and personal
16 property; and to make and execute contracts and other instruments
17 necessary or convenient to the exercise of its powers.

18 (b) To contract for the services of consultants to
19 perform planning, engineering, financial, legal, or other
20 appropriate services of a professional nature.

21 (c) To borrow money and accept gifts; to apply for and
22 use grants or loans of money or other property from the United
23 States, the state, a unit of local government or any person or any
24 organization for any district purposes and enter into agreements
25 required in connection therewith; and to hold, use and dispose of
26 such monies or property for any district purposes in accordance
27 with the terms of the gift, grant, loan or agreement relating
28 thereto.



29 (d) To adopt bylaws prescribing the powers, duties and
30 functions of the officers of the district, the conduct of the
31 business of the district and the maintenance of records.

32 (e) To maintain an office at such place or places as it
33 may designate within a county in which the district is located,
34 which office must be reasonably accessible to the landowners.
35 Meetings shall be held at such office or such other location as
36 may be designated by the board.

37 (f) To hold, control and acquire by donation, or
38 purchase or dispose of, any public servitudes or dedications to
39 public use and to make use of such servitudes or dedications for
40 any of the purposes authorized by this chapter.

41 (g) To lease as lessor or lessee to or from any person,
42 firm, corporation, association, or body public or private, any
43 projects of the type that the district is authorized to undertake
44 and facilities or property of any nature for the use of the
45 district to carry out any of the purposes authorized by this
46 chapter.

47 (h) To borrow money and issue bonds, certificates,
48 warrants, notes or other evidence of indebtedness as provided in
49 this chapter; to levy such special assessments as may be
50 authorized; and to charge, collect and enforce fees and other user
51 charges.

52 (i) To acquire property within the boundaries of the
53 district for public use through condemnation, exercised pursuant
54 to Sections 11-27-1 through 11-27-51, subject to the approval of
55 the governing body of the county and/or the municipality that
56 enacted the ordinance establishing the district.

57 (j) To raise, by user charges or fees authorized by
58 resolution of the board, amounts of money which are necessary for
59 the conduct of the district activities and services and to enforce
60 their receipt and collection in the manner prescribed by
61 resolution not inconsistent with law.



62 (k) To cooperate with, contract, or enter into
63 contribution agreements with, other governmental agencies,
64 including the governing bodies of counties and/or municipalities,
65 as may be necessary, convenient, incidental or proper in
66 connection with any of the powers, duties or purposes authorized
67 by this chapter.

68 (l) To determine, order, levy, impose, collect and
69 enforce special assessments pursuant to this chapter.

70 (m) To enter into interlocal cooperative agreements
71 pursuant to Section 17-13-1 et seq.

72 (n) To exercise all of the powers necessary and proper
73 in connection with any of the powers, duties or purposes
74 authorized by this chapter.

75 **SECTION 2.** Section 19-31-19, Mississippi Code of 1972, is
76 amended as follows:

77 19-31-19. The district shall have, and the board may
78 exercise, any or all of the special powers relating to public
79 improvements and community facilities authorized by this chapter.
80 The district shall have the power to finance, fund, establish,
81 acquire, construct or reconstruct, enlarge or extend, equip,
82 dedicate, donate or convey in any manner to governmental entities
83 and nonprofit governmental entities under such terms and
84 conditions as may be agreed upon, operate and maintain systems,
85 facilities and basic infrastructures for the following:

86 (a) Water management and control for the lands within
87 the district and connection of some or any of such facilities with
88 roads and bridges.

89 (b) Water supply, sewer and wastewater management,
90 reclamation and reuse, or any combination thereof.

91 (c) Bridges or culverts that may be needed across any
92 drain, ditch canal, floodway, holding basin, excavation, public
93 highway, tract, grade, fill or cut and roadways over levees and
94 embankments.



95 (d) District roads equal to or exceeding the
96 specifications of the county in which such district roads are
97 located, and street lights.

98 (e) Parks and facilities for indoor and outdoor
99 recreational, cultural and educational uses, and other tourism
100 related infrastructure and facilities.

101 (f) Fire prevention and control, including fire
102 stations, water mains and plugs, fire trucks, and other vehicles
103 and equipment.

104 (g) Security, except that the district may not exercise
105 any police power, but may contract with the appropriate local
106 governmental agencies for an increased level of such services
107 within the district boundaries.

108 (h) Waste collection and disposal.

109 (i) Systems as defined in Section 21-27-11(b).

110 **SECTION 3.** Section 19-31-21, Mississippi Code of 1972, is
111 amended as follows:

112 19-31-21. No public improvement district may purchase, sell,
113 dedicate, donate or convey in any manner a water or wastewater
114 utility that provides service to the public, or enter into a
115 management contract for such facilities, until the board has held
116 a public hearing on the purchase, sale, dedication, donation,
117 conveyance or management contract and has made a determination
118 that the purchase, sale or management contract is in the public
119 interest.

120 **SECTION 4.** This act shall take effect and be in force from
121 and after its passage.

