

By: Representative Morris

To: Ways and Means

HOUSE BILL NO. 1338  
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 19-31-17 AND 19-31-21, MISSISSIPPI  
2 CODE OF 1972, TO AUTHORIZE PUBLIC IMPROVEMENT DISTRICTS TO  
3 DEDICATE, DONATE OR CONVEY IN ANY MANNER REAL OR PERSONAL PROPERTY  
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.

11 (b) To adopt and use a seal and authorize the use of a  
12 facsimile thereof.

13 (c) To acquire, by purchase, gift, devise or otherwise,  
14 and to dispose of, real and personal property.

15 (d) To dedicate, donate or convey in any manner, real  
16 and personal property under such terms and conditions as may be  
17 agreed upon, to:

18 (i) Nonprofit entities that have been issued a  
19 certificate of public convenience and necessity by the Public  
20 Service Commission; or

21 (ii) Governmental entities.

22 (e) To make and execute contracts and other instruments  
23 necessary or convenient to the exercise of its powers.

24 (f) To contract for the services of consultants to  
25 perform planning, engineering, financial, legal, or other  
26 appropriate services of a professional nature.

27 (g) To borrow money and accept gifts; to apply for and  
28 use grants or loans of money or other property from the United



29 States, the state, a unit of local government or any person or any  
30 organization for any district purposes and enter into agreements  
31 required in connection therewith; and to hold, use and dispose of  
32 such monies or property for any district purposes in accordance  
33 with the terms of the gift, grant, loan or agreement relating  
34 thereto.

35         (h) To adopt bylaws prescribing the powers, duties and  
36 functions of the officers of the district, the conduct of the  
37 business of the district and the maintenance of records.

38         (i) To maintain an office at such place or places as it  
39 may designate within a county in which the district is located,  
40 which office must be reasonably accessible to the landowners.  
41 Meetings shall be held at such office or such other location as  
42 may be designated by the board.

43         (j) To hold, control and acquire by donation, or  
44 purchase or dispose of, any public servitudes or dedications to  
45 public use and to make use of such servitudes or dedications for  
46 any of the purposes authorized by this chapter.

47         (k) To lease as lessor or lessee to or from any person,  
48 firm, corporation, association, or body public or private, any  
49 projects of the type that the district is authorized to undertake  
50 and facilities or property of any nature for the use of the  
51 district to carry out any of the purposes authorized by this  
52 chapter.

53         (l) To borrow money and issue bonds, certificates,  
54 warrants, notes or other evidence of indebtedness as provided in  
55 this chapter; to levy such special assessments as may be  
56 authorized; and to charge, collect and enforce fees and other user  
57 charges.

58         (m) To acquire property within the boundaries of the  
59 district for public use through condemnation, exercised pursuant  
60 to Sections 11-27-1 through 11-27-51, subject to the approval of



61 the governing body of the county and/or the municipality that  
62 enacted the ordinance establishing the district.

63           (n) To raise, by user charges or fees authorized by  
64 resolution of the board, amounts of money which are necessary for  
65 the conduct of the district activities and services and to enforce  
66 their receipt and collection in the manner prescribed by  
67 resolution not inconsistent with law.

68           (o) To cooperate with, contract, or enter into  
69 contribution agreements with, other governmental agencies,  
70 including the governing bodies of counties and/or municipalities,  
71 as may be necessary, convenient, incidental or proper in  
72 connection with any of the powers, duties or purposes authorized  
73 by this chapter.

74           (p) To determine, order, levy, impose, collect and  
75 enforce special assessments pursuant to this chapter.

76           (q) To enter into interlocal cooperative agreements  
77 pursuant to Section 17-13-1 et seq.

78           (r) To exercise all of the powers necessary and proper  
79 in connection with any of the powers, duties or purposes  
80 authorized by this chapter.

81           **SECTION 2.** Section 19-31-21, Mississippi Code of 1972, is  
82 amended as follows:

83           19-31-21. No public improvement district may purchase, sell,  
84 dedicate, donate or convey in any manner a water or wastewater  
85 utility that provides service to the public, or enter into a  
86 management contract for such facilities, until the board has held  
87 a public hearing on the purchase, sale, dedication, donation,  
88 conveyance or management contract and has made a determination  
89 that the purchase, sale or management contract is in the public  
90 interest.

91           **SECTION 3.** This act shall take effect and be in force from  
92 and after its passage.

