To: County Affairs

MISSISSIPPI LEGISLATURE REGULAR SESSION 2003

By: Senator(s) Minor

SENATE BILL NO. 2790

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

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

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

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

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

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

(c) To borrow money and accept gifts; to apply for and use grants or loans of money or other property from the United States, the state, a unit of local government or any person or any organization for any district purposes and enter into agreements required in connection therewith; and to hold, use and dispose of such monies or property for any district purposes in accordance with the terms of the gift, grant, loan or agreement relating thereto.
(d) To adopt bylaws prescribing the powers, duties and functions of the officers of the district, the conduct of the business of the district and the maintenance of records.

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

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

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

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

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

(j) To raise, by user charges or fees authorized by resolution of the board, amounts of money which are necessary for the conduct of the district activities and services and to enforce their receipt and collection in the manner prescribed by resolution not inconsistent with law.
(k) To cooperate with, contract, or enter into
collection agreements with, other governmental agencies,
including the governing bodies of counties and/or municipalities,
as may be necessary, convenient, incidental or proper in
connection with any of the powers, duties or purposes authorized
by this chapter.

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

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

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

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

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

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

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

(c) Bridges or culverts that may be needed across any
drain, ditch canal, floodway, holding basin, excavation, public
highway, tract, grade, fill or cut and roadways over levees and
embankments.
(d) District roads equal to or exceeding the specifications of the county in which such district roads are located, and street lights.

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

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

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

(h) Waste collection and disposal.

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

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

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

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