

By: Senator(s) Horhn

To: Municipalities

SENATE BILL NO. 2813

1 AN ACT TO AMEND SECTIONS 21-43-117, 21-43-119 AND 21-43-133,
2 MISSISSIPPI CODE OF 1972, TO REDUCE TO 60% THE PERCENTAGE OF VOTES
3 OF PROPERTY OWNERS NECESSARY FOR THE CREATION, REAUTHORIZATION AND
4 DISSOLUTION OF BUSINESS IMPROVEMENT DISTRICTS; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 21-43-117, Mississippi Code of 1972, is
8 amended as follows:

9 21-43-117. (1) For initial creation of the district,
10 reauthorization of the district at the end of each five-year
11 period, amendment to the district plan within the five-year plan
12 period or modification of the boundaries of the district at the
13 end of a five-year period, the clerk of the municipality shall
14 notify all property owners to be included in the proposed district
15 of a public hearing to review the plan and receive comment about
16 the process for accepting or rejecting the plan. Following a
17 public hearing, the governing authority of the municipality shall
18 set an election date not more than sixty (60) days from the date
19 of the public hearing. The ballot shall clearly state the issue
20 to be decided. Only property owners of record as of the date of
21 initial notice given as provided in Section 21-43-111 shall be
22 eligible to participate in any such election.

23 (2) Notice of an election to create, continue, amend or
24 extend a district shall be:

25 (a) Mailed to each of the district property owners of
26 record thirty (30) days prior to the election, and

27 (b) Published at least twice in a newspaper of general
28 circulation in the municipality, the first publication shall be

29 not less than ten (10), nor more than thirty (30) days before the
30 date for the election. The notice shall include a copy of the
31 plan, a ballot for the election and a notice about the time and
32 date for the election.

33 (3) Not less than ten (10) nor more than thirty (30) days
34 before the date set for the election, the governing authority of
35 the municipality shall cause a copy of the plan and the ballot to
36 be posted in the lobby of its city hall.

37 (4) Ballots shall be marked, signed and submitted by the
38 eligible property owner to the clerk of the municipality by the
39 date designated on the ballot.

40 (5) The clerk of the municipality shall notify the property
41 owners in the district of the result.

42 (6) If the plan is approved by sixty percent (60%) of the
43 property owners, the mayor of the municipality shall review the
44 district plan to ensure its compliance with the provisions of
45 Sections 21-43-101 through 21-43-133.

46 (7) The municipality shall disburse the proceeds collected
47 from the assessment to the designated district management group
48 within thirty (30) days after the assessment is due.

49 **SECTION 2.** Section 21-43-119, Mississippi Code of 1972, is
50 amended as follows:

51 21-43-119. A district plan shall be deemed adopted and ready
52 for implementation upon written ballot approval by sixty percent
53 (60%) of the property owners in the district. Reauthorization,
54 amendments or the district plan or modification of boundaries
55 shall also be subject to written ballot approval by sixty percent
56 (60%) of the eligible property owners.

57 **SECTION 3.** Section 21-43-133, Mississippi Code of 1972, is
58 amended as follows:

59 21-43-133. (1) Any district established or extended
60 pursuant to the provisions in Sections 21-43-101 through
61 21-43-133, which has satisfied all indebtedness incurred to

62 accomplish any of the purposes of the district, may be dissolved
63 by the governing authority of the municipality upon:

64 (a) Written and certified petition from the property
65 owners within the district who collectively represent more than
66 sixty percent (60%) of the total assessed valuation of all
67 benefited real property in the boundaries of the district, or

68 (b) The district plan terminates when no
69 reauthorization has occurred as set forth in Sections 21-43-101
70 through 21-43-133.

71 (2) Upon dissolution of a business improvement district, any
72 assets of the district remaining shall be transferred to the
73 municipality.

74 **SECTION 4.** This act shall take effect and be in force from
75 and after July 1, 2007.