

By: Representatives Byrd, Hale

To: County Affairs

HOUSE BILL NO. 1098

1 AN ACT TO AMEND SECTION 19-5-177, MISSISSIPPI CODE OF 1972,
 2 TO PROHIBIT THE BOARD OF COMMISSIONERS OF ANY FIRE PROTECTION
 3 DISTRICT FROM IMPOSING FEES IF THE BOARD OF SUPERVISORS OF THE
 4 COUNTY HAS LEVIED A SPECIAL TAX FOR A FIRE PROTECTION DISTRICT; TO
 5 AMEND SECTION 19-5-195, MISSISSIPPI CODE OF 1972, TO CONFORM TO
 6 THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 19-5-177, Mississippi Code of 1972, is
 9 amended as follows:

10 19-5-177. (1) Any district created under Sections 19-5-151
 11 through 19-5-207, acting by and through the board of commissioners
 12 of such district as its governing authority, shall have the
 13 following, among other, powers:

14 (a) To sue and be sued;

15 (b) To acquire by purchase, gift, devise and lease or
 16 any other mode of acquisition, other than by eminent domain, hold
 17 and dispose of real and personal property of every kind within or
 18 without the district;



19 (c) To make and enter into contracts, conveyances,
20 mortgages, deeds of trust, bonds, leases or contracts for
21 financial advisory services;

22 (d) To incur debts, to borrow money, to issue
23 negotiable bonds, and to provide for the rights of the holders
24 thereof;

25 (e) To fix, maintain, collect and revise rates and
26 charges for services rendered by or through the facilities of such
27 district, which rates and charges shall not be subject to review
28 or regulation by the Mississippi Public Service Commission except
29 in those instances where a city operating similar services would
30 be subject to regulation and review; however, the district may
31 furnish services, including connection to the facilities of the
32 district, free of charge to the county or any agency or department
33 of the county and to volunteer fire departments located within the
34 service area of the district. The district shall obtain a
35 certificate of convenience and necessity from the Mississippi
36 Public Service Commission for operating of water and/or sewer
37 systems. The authority of a board of commissioners to fix,
38 maintain, collect and revisit rates and charges for services
39 rendered, as set out in this paragraph, shall not apply for a fire
40 protection district if the board of supervisors has levied a
41 special tax for the fire protection as authorized under Section
42 19-5-189 (2);



43 (f) To pledge all or any part of its revenues to the
44 payment of its obligations;

45 (g) To make such covenants in connection with the
46 issuance of bonds or to secure the payment of bonds that a private
47 business corporation can make under the general laws of the state;

48 (h) To use any right-of-way, public right-of-way,
49 easement, or other similar property or property rights necessary
50 or convenient in connection with the acquisition, improvement,
51 operation or maintenance of the facilities of such district held
52 by the state or any political subdivision thereof; however, the
53 governing body of such political subdivision shall consent to such
54 use;

55 (i) To enter into agreements with state and federal
56 agencies for loans, grants, grants-in-aid, and other forms of
57 assistance including, but not limited to, participation in the
58 sale and purchase of bonds;

59 (j) To acquire by purchase any existing works and
60 facilities providing services for which it was created, and any
61 lands, rights, easements, franchises and other property, real and
62 personal necessary to the completion and operation of such system
63 upon such terms and conditions as may be agreed upon, and if
64 necessary as part of the purchase price to assume the payment of
65 outstanding notes, bonds or other obligations upon such system;

66 (k) To extend its services to areas beyond but within
67 one (1) mile of the boundaries of such district; however, no such



68 extension shall be made to areas already occupied by another
69 corporate agency rendering the same service so long as such
70 corporate agency desires to continue to serve such areas. Areas
71 outside of the district desiring to be served which are beyond the
72 one (1) mile limit must be brought into the district by annexation
73 proceedings;

74 (1) To be deemed to have the same status as counties
75 and municipalities with respect to payment of sales taxes on
76 purchases made by such districts;

77 (m) To borrow funds for interim financing subject to
78 receipt of funds as outlined in Section 19-5-181;

79 (n) To provide group life insurance coverage for all or
80 specified groups of employees of the district and group
81 hospitalization benefits for those employees and their dependents,
82 and to pay the total cost of these benefits. For purposes of this
83 paragraph, the term "employees" does not include any person who is
84 a commissioner of a district created under Sections 19-5-151
85 through 19-5-207, and such commissioners are not eligible to
86 receive any insurance coverage or benefits made available to
87 district employees under this paragraph.

88 (2) Any district which is incorporated under Sections
89 19-5-151 through 19-5-207 to provide sewer services may install or
90 provide for the installation of sewage holding tanks at
91 residential properties within the district, if funding for
92 municipal or community sewers has been awarded to the district.



93 The district shall maintain or provide for the maintenance of the
94 sewage holding tank systems. The district may assess and collect
95 from each resident using a sewage holding tank a fee covering the
96 costs of providing the services authorized under this section.
97 When municipal or community sewers are available and ready for
98 use, residences with sewage holding tanks shall be connected to
99 the sewer system.

100 **SECTION 2.** Section 19-5-195, Mississippi Code of 1972, is
101 amended as follows:

102 19-5-195. Except when the board of supervisors has levied a
103 special tax for a fire protection district, as authorized under
104 Section 19-5-189 (2), the board of commissioners of the district
105 issuing bonds pursuant to Sections 19-5-151 through 19-5-207 shall
106 prescribe and collect reasonable rates, fees, tolls or charges for
107 the services, facilities and commodities of its system or systems;
108 shall prescribe penalties for the nonpayment thereof; and shall
109 revise such rates, fees, tolls or charges from time to time
110 whenever necessary to insure the economic operation of such system
111 or systems. The rates, fees, tolls or charges prescribed shall
112 be, as nearly as possible, such as will always produce revenue at
113 least sufficient to: (a) provide for all expenses of operation
114 and maintenance of the system or systems, including reserves
115 therefor, (b) pay when due all bonds and interest thereon for the
116 payment of which such revenues are or shall have been pledged,
117 charged or otherwise encumbered, including reserves therefor, and



118 (c) provide funds for reasonable expansions, extensions and
119 improvements of service.

120 **SECTION 3.** This act shall take effect and be in force from
121 and after July 1, 2022.

