

By: Representatives Byrd, Hale

To: County Affairs

HOUSE BILL NO. 1098  
(As Passed the House)

1 AN ACT TO AMEND SECTION 19-5-177, MISSISSIPPI CODE OF 1972,  
2 TO PROHIBIT THE BOARD OF COMMISSIONERS OF CERTAIN FIRE PROTECTION  
3 DISTRICTS FROM IMPOSING FEES IF THE BOARD OF SUPERVISORS OF A  
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. Except in a fire protection district where paid fire  
38 protection service is provided by the fire department and where  
39 there are no volunteer firefighters in such district, the  
40 authority of a board of commissioners to fix, maintain, collect  
41 and revisit rates and charges for services rendered, as set out in  
42 this paragraph, shall not apply for a fire protection district if



43 the board of supervisors has levied a special tax for the fire  
44 protection as authorized under Section 19-5-189 (2);

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

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

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

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

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



68           (k) To extend its services to areas beyond but within  
69 one (1) mile of the boundaries of such district; however, no such  
70 extension shall be made to areas already occupied by another  
71 corporate agency rendering the same service so long as such  
72 corporate agency desires to continue to serve such areas. Areas  
73 outside of the district desiring to be served which are beyond the  
74 one (1) mile limit must be brought into the district by annexation  
75 proceedings;

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

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

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

90           (2) Any district which is incorporated under Sections  
91 19-5-151 through 19-5-207 to provide sewer services may install or  
92 provide for the installation of sewage holding tanks at



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

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

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



118 payment of which such revenues are or shall have been pledged,  
119 charged or otherwise encumbered, including reserves therefor, and  
120 (c) provide funds for reasonable expansions, extensions and  
121 improvements of service.

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

