

Senate Amendments to House Bill No. 1098

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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. Notwithstanding the provisions of this paragraph, if the
38 board of supervisors of a county has levied a special tax for a
39 fire protection district as authorized under Section 19-5-189(2)
40 and such district has volunteer firefighters, then the fire
41 protection district shall not fix, maintain or collect rates and
42 charges for services rendered;

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 (l) 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 as provided in Section 19-5-177(1)(e), the
103 board of commissioners of the district issuing bonds pursuant to
104 Sections 19-5-151 through 19-5-207 shall prescribe and collect
105 reasonable rates, fees, tolls or charges for the services,
106 facilities and commodities of its system or systems; shall
107 prescribe penalties for the nonpayment thereof; and shall revise
108 such rates, fees, tolls or charges from time to time whenever
109 necessary to insure the economic operation of such system or
110 systems. The rates, fees, tolls or charges prescribed shall be,
111 as nearly as possible, such as will always produce revenue at
112 least sufficient to: (a) provide for all expenses of operation
113 and maintenance of the system or systems, including reserves
114 therefor, (b) pay when due all bonds and interest thereon for the
115 payment of which such revenues are or shall have been pledged,
116 charged or otherwise encumbered, including reserves therefor, and
117 (c) provide funds for reasonable expansions, extensions and
118 improvements of service.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

SS26\HB1098A.J

Eugene S. Clarke
Secretary of the Senate