

By: Representative Haney

To: Ways and Means

HOUSE BILL NO. 1579

1 AN ACT TO AMEND THE BUSINESS IMPROVEMENT DISTRICT ACT; TO
 2 AMEND SECTION 21-43-117, MISSISSIPPI CODE OF 1972, TO ALLOW
 3 MODIFICATION OF THE PROCESS FOR PLAN AMENDMENTS DURING THE TEN
 4 YEAR PLAN PERIOD AND TO PROVIDE FOR DISBURSEMENT OF THE COLLECTED
 5 DISTRICT FUNDS; TO CREATE SECTION 21-43-118, MISSISSIPPI CODE OF
 6 1972, TO REQUIRE ANNUAL MEETINGS OF THE DISTRICT AND PRESCRIBE
 7 METHODS TO AMEND THE DISTRICT PLAN; TO AMEND SECTION 21-43-119,
 8 MISSISSIPPI CODE OF 1972, TO CONFORM WITH PLAN AMENDMENT
 9 PROCEDURES; TO AMEND SECTION 21-43-129, MISSISSIPPI CODE OF 1972,
 10 TO ALLOW THE DISTRICT TO DETERMINE ITS FISCAL YEAR AND TO RECEIVE
 11 DISBURSEMENT OF FUNDS FROM THE TAX COLLECTOR; AND FOR RELATED
 12 PURPOSES.

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

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

16 21-43-117. (1) For initial creation of the district,
 17 reauthorization of the district at the end of each ten-year
 18 period, * * * or modification of the boundaries of the district at
 19 the end of a ten-year period, the clerk of the municipality shall
 20 notify all property owners to be included in the proposed district
 21 of a public hearing to review the plan and receive comment about
 22 the process for accepting or rejecting the plan. Following a
 23 public hearing, the governing authority of the municipality shall



24 set an election date not more than sixty (60) days from the date
25 of the public hearing. The ballot shall clearly state the issue
26 to be decided. Only property owners of record as of the date of
27 initial notice given as provided in Section 21-43-111 shall be
28 eligible to participate in any such election.

29 (2) Notice of an election to create, continue * * * or
30 extend a district shall be:

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

33 (b) Published at least twice in a newspaper of general
34 circulation in the municipality, the first publication shall be
35 not less than ten (10), nor more than thirty (30) days before the
36 date for the election. The notice shall include a copy of the
37 plan, a ballot for the election and a notice about the time and
38 date for the election.

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

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

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



48 (6) If the plan is approved by sixty percent (60%) of the
49 participating eligible property owners, the mayor of the
50 municipality shall review the initial district plan to ensure its
51 compliance with the provisions of Sections 21-43-101 through
52 21-43-133.

53 (7) The * * * tax collector shall disburse the proceeds
54 collected from the assessment to the designated district
55 management group within thirty (30) days after the assessment is
56 due. At such time of any disbursement, the tax collector shall
57 provide a listing of the property owners and payment amounts
58 including the date paid. The tax collector shall provide
59 information upon request by the district related to any unpaid or
60 sold parcels.

61 **SECTION 2.** The following shall be codified as Section
62 21-43-118, Mississippi Code of 1972:

63 21-43-118. (1) Once the ten-year-period has commenced, the
64 district shall hold an annual meeting for the purpose of reporting
65 its plan activities to the district property owners.

66 (2) The district plan improvements may be amended during any
67 of the annual meetings. Notice of intent to amend the plan shall
68 be provided to the property owners as an addendum to a notice of
69 the annual meeting which shall be provided not less than twenty
70 (20) days prior to the meeting.

71 (3) Approval of the plan will be validated by a vote of
72 fifty percent (50%) of the annual meeting participating property



73 owners. Ballots shall be provided by the district prior to the
74 commencement of the meeting.

75 (4) All district property owners shall be notified of the
76 voting results of a proposed amended plan.

77 **SECTION 3.** Section 21-43-119, Mississippi Code of 1972, is
78 amended as follows:

79 21-43-119. A district plan shall be deemed adopted and ready
80 for implementation upon written ballot approval by sixty percent
81 (60%) of the participating eligible property owners in the
82 district. Reauthorization * * * of the district plan or
83 modification of boundaries shall also be subject to written ballot
84 approval by sixty percent (60%) of the participating eligible
85 property owners.

86 **SECTION 4.** Section 21-43-129, Mississippi Code of 1972, is
87 amended as follows:

88 21-43-129. The proceeds of any assessment imposed pursuant
89 to an approved district plan shall be * * * disbursed by the tax
90 collector to the designated district management group on an agreed
91 to scheduled basis. A business improvement district * * * may
92 operate on the calendar year or on the same fiscal year as that of
93 the municipality. None of the proceeds collected pursuant to
94 Sections 21-43-101 through 21-43-133 shall be used for any
95 purposes other than those set forth in the initially approved or
96 amended district plan. Improvements provided by a district using
97 district funds may be undertaken only when the service, events,



98 project or activity undertaken is not for the sole benefit of any
99 particular property owner or other private party.

100 **SECTION 5.** This act shall take effect and be in force from
101 and after July 1, 2024.

