

By: Senator(s) Blount

To: Municipalities

SENATE BILL NO. 2707
(As Passed the Senate)

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

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

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

15 21-43-117. (1) For initial creation of the district,
16 reauthorization of the district at the end of each ten-year
17 period, *** or modification of the boundaries of the district at
18 the end of a ten-year period, the clerk of the municipality shall
19 notify all property owners to be included in the proposed district
20 of a public hearing to review the plan and receive comment about
21 the process for accepting or rejecting the plan. Following a
22 public hearing, the governing authority of the municipality shall



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

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

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

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

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

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

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



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

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

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

62 21-43-118. (1) Once the ten-year period has commenced, the
63 district shall hold an annual meeting for the purpose of reporting
64 its plan activities to the district property owners.

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

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



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

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

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

78 21-43-119. A district plan shall be deemed adopted and ready
79 for implementation upon written ballot approval by sixty percent
80 (60%) of the participating eligible property owners in the
81 district. Reauthorization * * * of the district plan or
82 modification of boundaries shall also be subject to written ballot
83 approval by sixty percent (60%) of the participating eligible
84 property owners.

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

87 21-43-129. The proceeds of any assessment imposed pursuant
88 to an approved district plan shall be * * * disbursed by the tax
89 collector to the designated district management group on an agreed
90 to scheduled basis. A business improvement district * * * may
91 operate on the calendar year or on the same fiscal year as that of
92 the municipality. None of the proceeds collected pursuant to
93 Sections 21-43-101 through 21-43-133 shall be used for any
94 purposes other than those set forth in the initially approved or
95 amended district plan. Improvements provided by a district using
96 district funds may be undertaken only when the service, events,



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

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

