

By: Representatives Compretta, Mitchell,
Stringer, Warren

To: Public Utilities

HOUSE BILL NO. 825
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 19-5-177, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE PUBLIC UTILITY DISTRICTS TO PROVIDE FREE SERVICES TO
3 COUNTY AGENCIES AND VOLUNTEER FIRE DEPARTMENTS; AND FOR RELATED
4 PURPOSES.

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

6 SECTION 1. Section 19-5-177, Mississippi Code of 1972, is
7 amended as follows:

8 19-5-177. Any district created pursuant to the provisions of
9 Sections 19-5-151 through 19-5-207, acting by and through the
10 board of commissioners of such district as its governing
11 authority, shall have the following among other powers:

12 (a) To sue and be sued;

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

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

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

23 (e) To fix, maintain, collect and revise rates and
24 charges for services rendered by or through the facilities of such
25 district, which rates and charges shall not be subject to review
26 or regulation by the Mississippi Public Service Commission except
27 in those instances where a city operating similar services would

28 be subject to regulation and review; however, the district may
29 furnish services, including connection to the facilities of the
30 district, free of charge to the county or any agency or department
31 of the county and to volunteer fire departments located within the
32 service area of the district. The district shall obtain a
33 certificate of convenience and necessity from the Mississippi
34 Public Service Commission for operating of water and/or sewer
35 systems;

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

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

41 (h) To use any right-of-way, public right-of-way,
42 easement, or other similar property or property rights necessary
43 or convenient in connection with the acquisition, improvement,
44 operation or maintenance of the facilities of such district held
45 by the state or any political subdivision thereof; however, the
46 governing body of such political subdivision shall consent to such
47 use;

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

52 (j) To acquire by purchase any existing works and
53 facilities providing services for which it was created, and any
54 lands, rights, easements, franchises and other property, real and
55 personal necessary to the completion and operation of such system
56 upon such terms and conditions as may be agreed upon, and if
57 necessary as part of the purchase price to assume the payment of
58 outstanding notes, bonds or other obligations upon such system;

59 (k) To extend its services to areas beyond but within
60 one (1) mile of the boundaries of such district; however, no such
61 extension shall be made to areas already occupied by another
62 corporate agency rendering the same service so long as such
63 corporate agency desires to continue to serve such areas. Areas
64 outside of the district desiring to be served which are beyond the

65 one (1) mile limit must be brought into the district by annexation
66 proceedings;

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

70 (m) To borrow funds for interim financing subject to
71 receipt of funds as outlined in Section 19-5-181.

72 SECTION 2. This act shall take effect and be in force from
73 and after its passage.