

By: Representative Weathersby

To: Public Utilities

HOUSE BILL NO. 1308

1 AN ACT TO PROVIDE FOR THE REIMBURSEMENT OF THE COSTS OF
2 INSTALLATION OF A WATER LINE TO THE USER OR USERS WHO PAID FOR THE
3 INSTALLATION; TO REQUIRE ANY PERSON SELLING, TRANSFERRING OR
4 OTHERWISE CONVEYING LAND FOR RESIDENTIAL USE TO PROVIDE CERTAIN
5 INFORMATION REGARDING WATER UTILITY SERVICES; TO AMEND SECTIONS
6 19-5-177 AND 21-27-17, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO
7 THIS ACT; TO AMEND SECTION 89-1-509, MISSISSIPPI CODE OF 1972, TO
8 REVISE THE SELLER'S DISCLOSURE STATEMENT TO INCLUDE INFORMATION
9 REGARDING WATER SUPPLY; AND FOR RELATED PURPOSES.

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

11 SECTION 1. A political subdivision, utility district or
12 nonprofit, nonshare corporation providing water service shall
13 remit to the original user or users who paid for the installation
14 of a water line or shall provide a credit for water system
15 services to the original user or users an amount equal to the
16 connection fee of subsequent users of that water line, until the
17 original user or users are reimbursed for the cost of installation
18 of the water line. Each original user paying for the installation
19 shall be reimbursed on a pro rata basis based upon his or her
20 share of the cost of the installation. The Public Utilities Staff
21 created in Section 77-2-1 shall audit the records of the
22 subdivision, district or corporation to insure compliance with
23 this section.

24 SECTION 2. Before the sale, transfer or other conveyance of
25 any land for residential use, the seller shall provide in writing
26 the prospective purchaser information regarding the availability
27 of water service to the land. If water service is not available at
28 the time of sale, transfer or conveyance, the seller shall provide
29 an estimate of the cost of having the service provided.

30 SECTION 3. Section 19-5-177, Mississippi Code of 1972, is
31 amended as follows:

32 19-5-177. (1) Any district created under Sections 19-5-151
33 through 19-5-207, acting by and through the board of commissioners
34 of such district as its governing authority, shall have the
35 following among other powers:

36 (a) To sue and be sued;

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

41 (c) To make and enter into contracts, conveyances,
42 mortgages, deeds of trust, bonds, leases or contracts for
43 financial advisory services;

44 (d) To incur debts, to borrow money, to issue
45 negotiable bonds, and to provide for the rights of the holders
46 thereof;

47 (e) To fix, maintain, collect and revise rates and
48 charges for services rendered by or through the facilities of such
49 district, which rates and charges shall not be subject to review
50 or regulation by the Mississippi Public Service Commission except
51 in those instances where a city operating similar services would
52 be subject to regulation and review; however, said district shall
53 obtain a certificate of convenience and necessity from the
54 Mississippi Public Service Commission for operating of water
55 and/or sewer systems;

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

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

61 (h) To use any right-of-way, public right-of-way,
62 easement, or other similar property or property rights necessary

63 or convenient in connection with the acquisition, improvement,
64 operation or maintenance of the facilities of such district held
65 by the state or any political subdivision thereof; however, the
66 governing body of such political subdivision shall consent to such
67 use;

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

72 (j) To acquire by purchase any existing works and
73 facilities providing services for which it was created, and any
74 lands, rights, easements, franchises and other property, real and
75 personal necessary to the completion and operation of such system
76 upon such terms and conditions as may be agreed upon, and if
77 necessary as part of the purchase price to assume the payment of
78 outstanding notes, bonds or other obligations upon such system;

79 (k) To extend its services to areas beyond but within
80 one (1) mile of the boundaries of such district; however, no such
81 extension shall be made to areas already occupied by another
82 corporate agency rendering the same service so long as such
83 corporate agency desires to continue to serve such areas. Areas
84 outside of the district desiring to be served which are beyond the
85 one-mile limit must be brought into the district by annexation
86 proceedings;

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

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

92 (2) The board of commissioners of a district providing water
93 service shall remit to the original user or users who paid for the
94 installation of a water line or shall provide a credit for water
95 system services to the original user or users an amount equal to

96 the connection fee of subsequent users of that water line, until
97 the original user or users are reimbursed for the cost of
98 installation of the water line. Each original user paying for the
99 installation shall be reimbursed on a pro rata basis based upon
100 his or her share of the cost of the installation. The Public
101 Utilities Staff created in Section 77-2-1 shall audit the records
102 of the district to insure compliance with this section.

103 SECTION 4. Section 21-27-17, Mississippi Code of 1972, is
104 amended as follows:

105 21-27-17. The commission provided for by Section 21-27-13 is
106 authorized to make such bylaws for the holding and conduct of its
107 meetings and such other regulations as it may deem necessary for
108 the safe, economic and efficient management and protection of the
109 system or systems, and such bylaws and regulations shall have the
110 same validity as an ordinance duly passed by the governing
111 authorities of any municipality.

112 It is authorized to elect such officers and appoint such
113 employees as may be necessary to operate the system or systems
114 efficiently, and it shall have the entire control and management
115 of such system or systems, together with all property connected or
116 appertaining in any manner to such system or systems. The
117 commission shall have the authority to employ a superintendent or
118 manager of the systems, who shall have actual charge of the
119 management and operation thereof and of the enforcement and
120 execution of all the rules, regulations, programs, plans and
121 decisions made and adopted by the commission in making purchases
122 for materials and supplies to be used in the operation of the
123 systems. In addition to any other purchasing authority granted by
124 law, the commission may purchase electric transmission line
125 materials, electric distribution system substation equipment,
126 transformer equipment, and all other appliances, apparatus,
127 machinery, equipment and appurtenances necessary for the sale of
128 electricity, such as utility vehicles and fencing, from the

129 surplus inventory of the Tennessee Valley Authority or any other
130 similar agency of the federal government and electric power
131 associations. These purchases shall be exempt from the public bid
132 requirements prescribed in Sections 31-7-12 and 31-7-13. However,
133 for all other purchases, the commission shall advertise for
134 competitive bids in the manner and form as is required in
135 accordance with Section 31-7-13. The superintendent or manager
136 shall make and keep full and proper books and records of all
137 purchases and shall submit them to the commission for its approval
138 and ratification before payment thereof is authorized to be made.

139 It shall have the right to fix the salaries and term of office of
140 all employees and to direct them in the discharge of their duties.

141 It shall have the right to require good and sufficient bonds from
142 all officers and employees in such amounts as it may deem proper.

143 It shall have the right to discharge employees when found
144 inefficient or for other good cause. It shall have the power to
145 make and collect rates for services and facilities, and
146 appropriate funds for the maintenance and improvements of such
147 systems. It is authorized to borrow from the Mississippi
148 Development Bank in order to fund advance purchases of energy for
149 gas producing, generating, transmission or distribution system or
150 its electric generating, transmission or distribution system. It
151 is authorized to insure all property used in the operation of such
152 systems, including buildings, furniture, books and records,
153 against loss by fire and tornado, and to carry sufficient amount
154 of employers liability, steam boiler, plate glass and other
155 miscellaneous casualty insurance, as in the discretion of
156 the commission may be deemed proper, and to pay premiums therefor
157 out of the funds derived from the operation of the systems. It
158 shall report quarterly to the governing authorities of the
159 municipality of all its doings and transactions of every kind
160 whatsoever and shall make a complete statement of the financial
161 condition of the systems at the end of each quarter, and shall

162 annually make a detailed statement covering the entire management
163 and operation of the systems, with any recommendations which it
164 may have for the further development of the systems. At any time,
165 the commission, by order or resolution, may authorize the
166 expansion of activities of any component facility to include
167 processing of materials on a custom basis or the processing and
168 marketing of materials acquired to fully and efficiently utilize
169 existing plant capacity. It shall also provide copies of all such
170 quarterly and annual reports and statements to the Public Service
171 Commission when so directed under Section 77-3-6.

172 The commission provided for by Section 21-27-13 is also
173 authorized to allow a municipally owned utility to prepay the
174 utility's bills to those electricity suppliers which offer early
175 payment discounts to the municipally owned utility.

176 The commission of a system providing water service shall
177 remit to the original user or users who paid for the installation
178 of a water line or shall provide a credit for water system
179 services to the original user or users an amount equal to the
180 connection fee of subsequent users of that water line, until the
181 original user or users are reimbursed for the cost of installation
182 of the water line. Each original user paying for the installation
183 shall be reimbursed on a pro rata basis based upon his or her
184 share of the cost of the installation. The Public Utilities Staff
185 created in Section 77-2-1 shall audit the records of the system to
186 insure compliance with this section.

187 SECTION 5. Section 89-1-509, Mississippi Code of 1972, is
188 amended as follows:

189 89-1-509. The disclosures required by this act pertaining to
190 the property proposed to be transferred are set forth in, and
191 shall be made on a copy of, the following disclosure form:

192 **"SELLER'S DISCLOSURE STATEMENT**

193 The following is a Disclosure Statement, made by the Seller,
194 concerning the condition of the property located at: _____

195 _____ . This Disclosure is not a
 196 warranty of any kind by the Seller or any Agent of the Seller in
 197 this transaction and is not a substitute for any inspections or
 198 warranties the Purchaser may wish to obtain. This statement may
 199 be made available to other parties and is to be attached to the
 200 Listing Agreements (signed by Owner).

201 **TO THE SELLER:** Please complete the following form, including
 202 any past history of problems if known. If the condition or
 203 question does not apply to your property, mark **"N/A."** **DO NOT**
 204 **LEAVE ANY BLANK SPACES.** Attach additional pages if necessary.

205 APPLIANCES/SYSTEMS

206 ITEM	YES	NO	GAS/ELEC	APPROX AGE	REPAIRS LAST 2 YRS
207 Single Oven	___	___	_____	_____	_____
208 Double Oven	___	___	_____	_____	_____
209 Cook Top	___	___	_____	_____	_____
210 Microwave	___	___	_____	_____	_____
211 Dishwasher	___	___	_____	_____	_____
212 Disposal	___	___	_____	_____	_____
213 Trash Compactor	___	___	_____	_____	_____
214 Ice Maker	___	___	_____	_____	_____
215 Hot Water Htrs	___	___	_____	_____	_____
216 Refrigerator	___	___	_____	_____	_____
217 Washer/Dryer	___	___	_____	_____	_____
218 Central Air	___	___	_____	_____	_____
219 Central Heat	___	___	_____	_____	_____
220 Fireplace	___	___	_____	_____	_____
221 Chimney	___	___	_____	_____	_____
222 Septic/Treat-					
223 ment plant	___	___	_____	_____	_____
224 Other	___	___	_____	_____	_____

225 POOL AND POOL EQUIPMENT (Gunite or Vinyl Liner) _____

226 BURGLAR ALARM YES ___ NO ___ FEE \$ _____

227 APPROXIMATE AGE OF HOUSE: _____ HOMEOWNER'S ASSOCIATION FEE \$ _____

228 IF CONDO, MAINTENANCE FEE: \$_____ PER _____

229 TOTAL TAXES: \$_____ HOMESTEAD FILED FOR 19____

230 AVERAGE ELECTRIC BILL (12 Months) \$_____

231 AVERAGE GAS BILL (12 Months) \$_____

232 WATER SUPPLY: _____

233 (Write "well" or name of public supply system)

234 Is there anything normally considered a part of the real estate

235 that you **do not plan** to leave with the property? (i.e.,

236 chandeliers, ceiling fans, bathroom mirrors, etc.) _____

237 Are there any **needed repairs** of which you are aware? _____

238 _____

239 Are you aware of any problems which may exist on the property by

240 virtue of prior uses such as, but not limited to, **hazardous or**

241 **toxic waste**, asbestos components, lead-based paint,

242 urea-formaldehyde insulation, radon gas, underground tanks,

243 naturally occurring radiation or any past industrial uses of the

244 premises? YES _____ NO _____

245 What is the approximate **Square Footage** of the Heated and Cooled

246 Living Area in House? _____

247 Where did you get this figure? _____

248 Are there any **finished wood floors** under any carpets? YES _____

249 NO _____

250 Has property previously flooded? YES _____ NO _____ Is **Flood**

251 **Insurance** required? YES _____ NO _____

252 Are you aware of any **foundation** repairs made in the past?

253 YES _____ NO _____ If yes, when were they made and who was the

254 contractor? _____

255 ROOF: AGE: _____ Are there any leaks? YES _____ NO _____

256 Repairs? _____

257 History of **infestation**, if any: (termites, carpenter ants, etc.):

258 _____

259 Is structure under termite contract? YES _____ NO _____ If yes,

260 who is contractor? _____

261 Any treatments for infestation? YES _____ NO _____ Any repaired
262 damage? YES _____ NO _____

263 Are there any **rights of way, easements,** or similar matters that
264 may affect your interest in the property? YES _____ NO _____
265 UNKNOWN _____

266 Has there been major **damage** to the property or any of the
267 structures from fire, wind, floods or any other disaster?
268 YES _____ NO _____ Please describe: _____

269 _____
270 Please state any other facts, information or problems (i.e.,
271 heating, cooling, electrical, plumbing, mechanical) relating to
272 this property that would be of concern to a buyer: _____
273 _____

274 To the extent of the Seller's knowledge as a property owner,
275 the Seller acknowledges that the information contained above is
276 true and accurate for those areas of the property listed. Owner
277 agrees to save and hold Broker harmless from all claims, disputes,
278 litigations, and/or judgments arising from any incorrect
279 information supplied by Owner, or from any material fact known by
280 Owner which Owner fails to disclose, except that Broker is not
281 held harmless to Owner in claims, disputes, litigations or
282 judgments, arising from conditions of which Broker had actual
283 knowledge. It is acknowledged and understood by the Owner that
284 this information may be made available to other parties.

285 _____
286 SELLER DATE SELLER DATE"

287 SECTION 6. This act shall take effect and be in force from
288 and after July 1, 1999.