

By: Representative McElwain

To: Local and Private
Legislation

HOUSE BILL NO. 1726
(As Passed the House)

1 AN ACT TO AUTHORIZE THE TOWN OF FALKNER, MISSISSIPPI, TO
2 PURCHASE THE WATER SYSTEM OF THE BLACKJACK DEVELOPMENT
3 ASSOCIATION, INCORPORATED; TO AUTHORIZE THE SALE OF THE ASSETS OF
4 THE WATER SYSTEM BY THE ASSOCIATION; TO AUTHORIZE AN ELECTION ON
5 THE TRANSACTION; AND FOR RELATED PURPOSES.

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

7 SECTION 1. (1) The governing authority of the Town of
8 Falkner, Mississippi, in its discretion, may (a) purchase and
9 operate the water distribution center that is now owned and
10 operated by Blackjack Development Association, Inc., and is
11 located in Benton County, Mississippi; and (b) purchase from
12 Blackjack Development Association, Inc., all of the assets of
13 Blackjack Development Association, Inc., including, but not
14 limited to the pipelines, pumps, motors, water treatment
15 equipment, valves, controls, and meters, rights-of-way, easements,
16 leases, land, permits, licenses, franchises, water, water rights,
17 water stock, accounts receivable, cash on hand, and each and every
18 asset of the water system.

19 (2) As consideration for the purchase of the water system,
20 the Town of Falkner may assume and faithfully carry out all of the
21 terms, conditions and obligations of the following Deed of Trust
22 executed by Blackjack Development Association, Inc.:

23 A certain Deed of Trust to Talmadge L. Finch, as trustee
24 for the United States of America, dated October 26,
25 1987, and evidencing an original indebtedness
26 aggregating \$147,000.00 and bearing interest at the rate
27 of 5.875% per annum, the Deed of Trust recorded in Trust

Deed Book 105, page 34 in the office of the Chancery
Clerk of Benton County, Mississippi.

(3) The Town of Falkner may assume and faithfully carry out all of the terms and conditions and obligations of Blackjack Development Association, Inc., to the United States of America, described and enumerated in the deed of trust described in subsection (2) of this section.

(4) The Town of Falkner, in payment of its obligations incurred in the purchase and operation of any such water system, may use only the revenues derived by it from the operation of the water system.

(5) The authority granted by this act for the purchase and operation of a water distribution system and the assumption of certain obligations shall not be exercised until notice of intention to make the purchase and assume those obligations, setting out the amount and other terms and conditions of the proposed transaction, has been given by publication once a week for three (3) consecutive weeks in a local newspaper published in the municipality or, if no such newspaper is published in the municipality, then in some newspaper having a general circulation in the municipality. After ten (10) days from the last publication of the notice, the governing authority may exercise the authority granted by this act unless within ten (10) days after the last publication of the notice, a petition signed by not less than twenty percent (20%) of the qualified voters of the municipality is filed objecting to and protesting against the transaction, in which event the transaction shall not be made unless submitted to a special election order for the purpose of determining whether or not a majority of those voting in such an election vote for or against the transaction. The election shall be ordered held not later than forty (40) days after the date of the last notice of the proposed transaction. Notice of the election that states the purpose of the election shall be published once each week for three (3) consecutive weeks next proceeding the time for holding the election in such a newspaper, as provided in this subsection. The laws governing municipal elections shall govern the order and conduct of the election.

65 Nothing in this subsection shall prevent the governing authority
66 from calling an election, whether required by petition of twenty
67 percent (20%) of the qualified voters or not.

68 (6) Any indebtedness assumed by the Town of Falkner under
69 this act shall not be including the debt liability of the
70 municipality under any present or future law.

71 SECTION 2. The governing authority of the Town of Falkner
72 shall submit this act, immediately upon approval by the Governor,
73 or upon approval by the Legislature subsequent to a veto, to the
74 Attorney General of the United States or to the United States
75 District Court for the District of Columbia in accordance with the
76 provisions of the Voting Rights Act of 1965, as amended and
77 extended.

78 SECTION 3. This act shall take effect and be in force from
79 and after the date it is effectuated under Section 5 of the Voting
80 Rights Act of 1965, as amended and extended.