

By: Senator(s) Dearing

To: Environment Prot,
Cons and Water Res

SENATE BILL NO. 2286

1 AN ACT TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION
2 77-3-21.1, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE MISSISSIPPI
3 PUBLIC WATER SYSTEMS MANAGEMENT REVIEW COUNCIL AND ESTABLISH ITS
4 DUTIES; TO PROVIDE FOR THE MEMBERSHIP OF THE COUNCIL; TO REQUIRE
5 THE PUBLIC SERVICE COMMISSION TO PROVIDE TECHNICAL AND CLERICAL
6 STAFF SUPPORT; TO CREATE A NEW CODE SECTION TO BE CODIFIED AS
7 SECTION 77-3-21.2, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
8 SUBSCRIBERS OF A COMMUNITY PUBLIC WATER SYSTEM TO PETITION THE
9 PUBLIC SERVICE COMMISSION FOR A MANAGEMENT REVIEW, FINANCIAL AUDIT
10 OR OTHER ASSESSMENT OF THAT SYSTEM; TO PROVIDE FOR THE PETITION
11 PROCESS; TO SPECIFY THE PERCENTAGE OF SUBSCRIBERS NECESSARY FOR A
12 VALID PETITION; TO REQUIRE THE PUBLIC SERVICE COMMISSION TO NOTIFY
13 THE OWNER OR PRESIDENT OF THE GOVERNING BOARD OF A COMMUNITY
14 PUBLIC WATER SYSTEM PRIOR TO TAKING CERTAIN ACTIONS; TO AUTHORIZE
15 THE OWNER OR PRESIDENT OF THE GOVERNING BOARD TO REQUEST A
16 HEARING; TO REQUIRE THE PUBLIC SERVICE COMMISSION TO SUBMIT
17 CERTAIN DOCUMENTS TO THE MISSISSIPPI PUBLIC WATER SYSTEMS
18 MANAGEMENT REVIEW COUNCIL FOR REVIEW AND TO REQUIRE THE COUNCIL TO
19 MAKE RECOMMENDATIONS TO THE PUBLIC SERVICE COMMISSION BASED ON ITS
20 REVIEW OF THOSE DOCUMENTS; TO AUTHORIZE THE PUBLIC SERVICE
21 COMMISSION TO ENTER AN ORDER REQUIRING CERTAIN ACTIONS; TO PROVIDE
22 FOR THE APPEAL AND ENFORCEMENT OF THAT ORDER; AND FOR RELATED
23 PURPOSES.

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

25 SECTION 1. The following shall be codified as Section
26 77-3-21.1, Mississippi Code of 1972:

27 77-3-21.1. (1) There is created the Mississippi Public
28 Water Systems Management Review Council, hereinafter referred to
29 as "council," for the purpose of recommending actions to improve
30 the management of public water systems to the commission.

31 (2) (a) The council shall consist of the following members:

32 (i) The Executive Director of the Mississippi
33 Rural Water Association;

34 (ii) The President of the Mississippi Water and
35 Pollution Control Operators Association, Incorporated;

36 (iii) The Executive Director of the Mississippi

37 Municipal Association;

38 (iv) The Executive Director of the Mississippi
39 Association of Supervisors;

40 (v) The Executive Director of the Public Utilities
41 Staff;

42 (vi) The State Health Officer;

43 (vii) The Mississippi Program Director of the
44 United States Department of Agriculture Rural Utilities Service;
45 and

46 (viii) The Governor shall appoint two (2) users of
47 public water systems from each Public Service Commission district.
48 The users shall not be a member of the board of a public water
49 system.

50 (b) Members of the council may designate a substitute
51 or alternate member to act in their stead.

52 (c) The council shall elect from its membership a
53 chairperson to preside over meetings and a vice-chairperson to
54 preside in the absence of the chairperson or when the chairperson
55 is excused. The council shall adopt procedures consistent with
56 those of the commission governing the manner of conducting its
57 business. A majority of members shall constitute a quorum for
58 doing business.

59 (d) Members of the council shall serve without
60 compensation. At the direction of the chairperson of the council
61 and contingent upon the availability of sufficient funds, each
62 member may receive reimbursement for reasonable expenses,
63 including travel expenses, in accordance with the rates
64 established under Section 25-3-41, incurred in attending meetings
65 of the council.

66 (e) The council shall meet at least semiannually.

67 (f) The commission shall provide any technical,
68 clerical and other support services and personnel as the council
69 may require in the performance of its functions. The commission

70 shall administer any funds made available to the council for its
71 use and may at the request and on behalf of the council, contract
72 for services using any funds available to the council. The
73 commission may provide supplies and office space as required for
74 the council's routine operations. The council shall not employ
75 any permanent staff or rent or occupy independent office space.

76 SECTION 2. The following shall be codified as Section
77 77-3-21.2, Mississippi Code of 1972:

78 77-3-21.2. (1) (a) The subscribers of any community public
79 water system may request the commission to conduct or have
80 conducted a management review, financial audit or other assessment
81 of that system, or any combination thereof, by filing a valid
82 petition with the commission. The petition shall be in a form and
83 filed in the manner specified by the commission. The person or
84 persons initiating the petition shall print blank petitions upon
85 single sheets of paper of good writing quality in a paper size
86 required by the commission. Each sheet shall contain a full, true
87 and correct copy of the request. A petition shall be valid when
88 it contains a number of signatures equal to or exceeding the
89 following percentages of subscribers on that system: for systems
90 with fewer than two hundred (200) subscribers, thirty-five percent
91 (35%), and for systems with two hundred (200) or more subscribers,
92 twenty-five percent (25%). The petition may contain only one (1)
93 signature per subscriber.

94 (b) Before filing any petition under this section, the
95 subscribers shall notify the owner or president of the governing
96 board of the system in writing of any matters which are the
97 subject of the proposed petition and shall specify a desired
98 corrective action. The owner or governing board shall meet with
99 the subscribers to seek corrective actions. If the matters which
100 were stated in the notification are not addressed within one
101 hundred twenty (120) days or the owner or governing board is not
102 diligently pursuing corrective actions as specified in the notice

103 or subsequent agreement, the subscribers may file the petition as
104 provided under this section.

105 (c) Upon receipt of a valid petition, the commission
106 shall notify in writing the owner or president of the governing
107 board of the water system and shall request a current listing of
108 subscribers showing names and addresses and the total number of
109 subscribers on that system. The owner or president of the
110 governing board shall provide the requested information to the
111 commission. Using the list provided, the commission shall verify
112 that the petition contains the requisite number of signatures.
113 When the commission has verified that the petition contains the
114 requisite number of signatures, the commission shall provide a
115 copy of the petition to the chairperson of the Mississippi Public
116 Water Systems Management Review Council.

117 (d) Upon receipt of a valid petition from the
118 commission, the council shall review the petition and conduct an
119 investigation into the basis for the petition. The council shall
120 notify the petitioners that they may request a hearing before the
121 council and if a hearing is requested the council shall conduct a
122 hearing within sixty (60) days of the request. If the council
123 finds a basis for the petition or complaint, it shall recommend
124 appropriate actions, including, but not limited to, the need for a
125 management review, financial audit or other assessment of that
126 system, or any combination thereof. The council shall notify in
127 writing the owner or president of the governing board of the water
128 system of the council's recommendations and that if no corrective
129 action is taken within one hundred twenty (120) days, the Public
130 Service Commission may initiate any actions authorized under this
131 section. As provided in this chapter, the owner or president of
132 the governing board may request a hearing. Following a hearing,
133 if requested, the commission, in coordination with the council,
134 may initiate a management review, financial audit or other
135 assessment it deems necessary. The commission, after consultation

136 with the council, may contract for services required by this
137 section. The cost of any review, audit or assessment shall be
138 borne by the water system. If the review, audit or assessment
139 does not reveal any deficiencies on the part of the board of the
140 community public water system related to the specific complaint,
141 the cost of the review, audit or assessment shall be borne by the
142 petitioners. The water system shall provide the commission with
143 any books, records, documents or other information required by the
144 commission.

145 (e) Following receipt of a report of any review, audit
146 or assessment, the commission shall provide the chairman of the
147 council with the report. The council shall review the report and
148 shall recommend to the commission appropriate actions to address
149 any findings, recommendations or deficiencies noted in the report.
150 The commission shall notify in writing the owner or president of
151 the governing board of the water system of the council's
152 recommendations. As provided in this chapter, the owner or
153 president of the governing board may request a hearing. Following
154 a hearing, if requested, the commission may enter an order to
155 require the performance of those actions it deems necessary to
156 address any findings, recommendations or deficiencies noted in the
157 report or in the council's recommendation. Appeals to any
158 decision of the commission may be had as provided in this chapter.

159 Orders shall be enforced as provided in Section 77-3-75.

160 (2) Nothing in this act shall be construed to authorize the
161 commission to regulate the rates of any public water system.

162 SECTION 3. This act shall take effect and be in force from
163 and after July 1, 1999.