

By: Senator(s) Browning

To: Local and Private

SENATE BILL NO. 2367
(As Passed the Senate)

1 AN ACT TO AUTHORIZE THE CITY OF PONTOTOC, MISSISSIPPI, TO
2 ACQUIRE AND ASSUME THE OPERATION AND MAINTENANCE OF THE PRIMROSE
3 WATER ASSOCIATION AND TO ASSUME ALL THE LIABILITIES, OBLIGATIONS,
4 ASSETS, DUTIES AND RESPONSIBILITIES OF SUCH ASSOCIATION; TO
5 AUTHORIZE THE CITY OF PONTOTOC TO OPERATE ITS WATER DISTRIBUTION
6 SYSTEM FOR A DISTANCE OF MORE THAN FIVE MILES FROM THE CORPORATE
7 LIMITS OF THE CITY OF PONTOTOC IN ORDER TO OPERATE THE WATER
8 SYSTEM WITHIN THE AREA PRESENTLY SERVED BY THE PRIMROSE WATER
9 SYSTEM; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE
10 LEGISLATURE OF THE STATE OF MISSISSIPPI:

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12 SECTION 1. (1) The City of Pontotoc, Mississippi, acting by
13 and through its governing authorities, is hereby authorized and
14 empowered to acquire the Primrose Water System and to assume the
15 operation and maintenance of the Primrose Water Association; and,
16 in connection therewith, such governing authorities are vested
17 with the power to assume all liabilities, obligations, assets,
18 duties and responsibilities of such association. The city shall
19 have such powers and authority concerning the association and its
20 facilities as is now or hereafter granted by law to municipalities
21 concerning water systems.

22 (2) Any indebtedness incurred by the City of Pontotoc as a
23 result of the exercise of the authority granted to it in
24 subsection (1) of this section shall not constitute a debt within
25 the meaning of any statutory limitation as to the amount of debt
26 which may be incurred by the municipality.

27 SECTION 2. (1) (a) Notwithstanding any provisions of
28 Section 21-27-39, Mississippi Code of 1972, to the contrary, the
29 governing authorities of the City of Pontotoc, Mississippi, may,
30 in their discretion, construct, expand, operate and maintain the

31 water distribution system of the City of Pontotoc for a distance
32 of more than five (5) miles from the corporate limits of the City
33 of Pontotoc in order to operate the water system within the area
34 presently served by the Primrose Water Association. The rate
35 charged to consumers of water service furnished by the water
36 system who reside outside the corporate limits of the City of
37 Pontotoc shall be no greater than twice the rate charged to
38 consumers who reside within the corporate limits of the city,
39 until the provisions of paragraph (b) are applicable.

40 (b) Upon the completion of any construction, expansion
41 or improvement of the water system under authority of this act and
42 the retirement of any indebtedness incurred in connection
43 therewith, the consumers of water service furnished by the water
44 system who reside outside the corporate limits of the City of
45 Pontotoc shall be charged the same rate as that charged to
46 consumers who reside within the corporate limits of the city.

47 (2) The authority conferred by this section shall not be
48 construed as an exemption of Section 77-3-1 et seq., Mississippi
49 Code of 1972, as to the requirements of obtaining a Certificate of
50 Public Convenience and Necessity, the jurisdiction of the Public
51 Service Commission to regulate rates or any other provision of
52 law.

53 SECTION 3. This act shall take effect and be in force from
54 and after its passage.