

By: Senator(s) Cuevas

To: Environment Prot,  
Cons and Water Res

## SENATE BILL NO. 2982

1 AN ACT TO AMEND SECTION 19-5-177, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE DISTRICTS CREATED UNDER SECTIONS 19-5-151 THROUGH  
3 19-5-207 FOR THE PURPOSE OF PROVIDING SEWAGE SERVICE TO PROVIDE  
4 FOR THE INSTALLATION OF RESIDENTIAL SEWAGE HOLDING TANKS, TO  
5 REQUIRE THE DISTRICT TO MAINTAIN THOSE TANKS AND TO AUTHORIZE THE  
6 DISTRICT TO CHARGE A FEE FOR ITS SERVICES; TO AMEND SECTION  
7 41-67-11, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF  
8 HEALTH TO APPROVE THE INSTALLATION OF SEWAGE HOLDING TANKS BY A  
9 DISTRICT PENDING THE COMPLETION OF MUNICIPAL OR COMMUNITY SEWAGE  
10 SYSTEMS; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE  
11 LEGISLATURE OF THE STATE OF MISSISSIPPI:  
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13 SECTION 1. Section 19-5-177, Mississippi Code of 1972, is  
14 amended as follows:

15 19-5-177. (1) Any district created under Sections 19-5-151  
16 through 19-5-207, acting by and through the board of commissioners  
17 of such district as its governing authority, shall have the  
18 following among other powers:

19 (a) To sue and be sued;

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

24 (c) To make and enter into contracts, conveyances,  
25 mortgages, deeds of trust, bonds, leases or contracts for  
26 financial advisory services;

27 (d) To incur debts, to borrow money, to issue  
28 negotiable bonds, and to provide for the rights of the holders  
29 thereof;

30 (e) To fix, maintain, collect and revise rates and  
31 charges for services rendered by or through the facilities of such

32 district, which rates and charges shall not be subject to review  
33 or regulation by the Mississippi Public Service Commission except  
34 in those instances where a city operating similar services would  
35 be subject to regulation and review; however, said district shall  
36 obtain a certificate of convenience and necessity from the  
37 Mississippi Public Service Commission for operating of water  
38 and/or sewer systems;

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

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

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

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

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

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

69 proceedings;

70 (1) To be deemed to have the same status as counties  
71 and municipalities with respect to payment of sales taxes on  
72 purchases made by such districts;

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

75 (2) Any district which is incorporated under Sections  
76 19-5-151 through 19-5-207 to provide sewer services may install or  
77 provide for the installation of sewage holding tanks at  
78 residential properties within the district, if funding for  
79 municipal or community sewers has been awarded to the district.  
80 The district shall maintain or provide for the maintenance of the  
81 sewage holding tank systems. The district may assess and collect  
82 from each resident using a sewage holding tank a fee covering the  
83 costs of providing the services authorized under this section.  
84 When municipal or community sewers are available and ready for  
85 use, residences with sewage holding tanks shall be connected to  
86 the sewer system.

87 SECTION 2. Section 41-67-11, Mississippi Code of 1972, is  
88 amended as follows:

89 41-67-11. (1) Temporary individual on-site wastewater  
90 disposal systems may be approved in otherwise unapprovable areas  
91 only after a contract has been awarded for the construction of  
92 municipal or community sewers that upon completion will adequately  
93 serve the property. Temporary individual on-site wastewater  
94 disposal systems shall only be approved under the following  
95 conditions:

96 (a) When the municipal or community sewers shall not be  
97 completed and available for use within six (6) months, a complete  
98 individual on-site wastewater disposal system complying with all  
99 requirements of the board may be installed. Upon completion of  
100 the sewer construction all systems shall be abandoned and all  
101 residences, buildings or facilities connected to the sewer.

102           (b) When the public sewers shall be available and ready  
103 for use within a period not to exceed six (6) months, or where a  
104 minor extension is to be made to a municipal system by the  
105 municipality and no contract is to be awarded, an individual  
106 on-site wastewater disposal system with a minimum capacity of  
107 three hundred (300) gallons and at least sixty percent (60%) of  
108 the required disposal field may be installed. The board shall not  
109 approve a temporary system under this subsection unless the  
110 professional engineer designing the sewer system has certified to  
111 the board in writing that the public sewer or extension shall be  
112 completed within six (6) months, and the owner of the temporary  
113 system has certified in writing that connection to the public  
114 sewer shall be made as soon as it becomes available.

115           (2) The board may approve the installation of sewage holding  
116 tanks in districts created under Sections 19-5-151 through  
117 19-5-207 for the purpose of providing sewage services. The  
118 district shall be required to maintain or provide for the  
119 maintenance of those holding tanks. The board shall require that  
120 residences be connected to a municipal or community sewage system  
121 when that system is available and ready to use.

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