

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled **BILL**:

S.B. No. 2982: Wastewater; allow wastewater districts to provide residential sewage holding tanks.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate concur in House Amendment No. 1.

2. That the Senate and House adopt the following amendment:

1 **AMEND by striking Section 1 in its entirety and inserting the**
2 **following:**

3 SECTION 1. Section 19-5-177, Mississippi Code of 1972, as
4 amended by House Bill No. 825, 1999 Regular Session, is amended as
5 follows:

6 19-5-177. (1) Any district created under Sections 19-5-151
7 through 19-5-207, acting by and through the board of commissioners
8 of such district as its governing authority, shall have the
9 following among other powers:

10 (a) To sue and be sued;

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

15 (c) To make and enter into contracts, conveyances,
16 mortgages, deeds of trust, bonds, leases or contracts for
17 financial advisory services;

18 (d) To incur debts, to borrow money, to issue
19 negotiable bonds, and to provide for the rights of the holders
20 thereof;

21 (e) To fix, maintain, collect and revise rates and
22 charges for services rendered by or through the facilities of such
23 district, which rates and charges shall not be subject to review
24 or regulation by the Mississippi Public Service Commission except
25 in those instances where a city operating similar services would

26 be subject to regulation and review; however, the district may
27 furnish services, including connection to the facilities of the
28 district, free of charge to the county or any agency or department
29 of the county and to volunteer fire departments located within the
30 service area of the district. The district shall obtain a
31 certificate of convenience and necessity from the Mississippi
32 Public Service Commission for operating of water and/or sewer
33 systems;

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

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

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

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

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

57 (k) To extend its services to areas beyond but within
58 one (1) mile of the boundaries of such district; however, no such
59 extension shall be made to areas already occupied by another
60 corporate agency rendering the same service so long as such

61 corporate agency desires to continue to serve such areas. Areas
62 outside of the district desiring to be served which are beyond the
63 one (1) mile limit must be brought into the district by annexation
64 proceedings;

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

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

70 (2) Any district which is incorporated under Sections
71 19-5-151 through 19-5-207 to provide sewer services may install or
72 provide for the installation of sewage holding tanks at
73 residential properties within the district, if funding for
74 municipal or community sewers has been awarded to the district.
75 The district shall maintain or provide for the maintenance of the
76 sewage holding tank systems. The district may assess and collect
77 from each resident using a sewage holding tank a fee covering the
78 costs of providing the services authorized under this section.
79 When municipal or community sewers are available and ready for
80 use, residences with sewage holding tanks shall be connected to
81 the sewer system.

CONFEREES FOR THE SENATE:

X _____
Bob M. Dearing

X _____
Neely C. Carlton

X _____
William W. Canon

CONFEREES FOR THE HOUSE:

X _____
Bobby Moody

X _____
Joe S. Ellzey

X _____
Jim Ellington