

By: Cummings, Franks

To: Local and Private
Legislation

HOUSE BILL NO. 1671
(As Passed the House)

1 AN ACT TO AUTHORIZE THE CITY OF IUKA, MISSISSIPPI, TO OPERATE
2 ITS WATER DISTRIBUTION SYSTEM OUTSIDE THE CORPORATE LIMITS OF THE
3 CITY OF IUKA WITHIN TISHOMINGO COUNTY; TO AUTHORIZE THE CITY OF
4 IUKA TO ACQUIRE AND ASSUME THE OPERATION AND MAINTENANCE OF THE
5 HARMONY CENTRAL WATER ASSOCIATION AND TO ASSUME ALL THE
6 LIABILITIES, OBLIGATIONS, ASSETS, DUTIES AND RESPONSIBILITIES OF
7 SUCH ASSOCIATION; AND FOR RELATED PURPOSES.

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

9 SECTION 1. (1) Notwithstanding any provisions of Section
10 21-27-39, Mississippi Code of 1972, to the contrary, the governing
11 authorities of the City of Iuka, Mississippi, in their discretion,
12 may construct, expand, operate and maintain the water distribution
13 system of the City of Iuka within any area in Tishomingo County
14 greater than one (1) mile outside the corporate limits of the City
15 of Iuka not certificated to another water utility for such service
16 or if certificated, upon obtaining a release of the Certificate of
17 Public Convenience and Necessity from that utility and obtaining
18 the appropriate Certificate of Public Convenience and Necessity
19 from the Public Service Commission. Whenever such water service
20 is furnished to any consumer residing outside the corporate limits
21 of the City of Iuka, the consumer may not be charged at a rate
22 greater than twice the rate charged for the same service within
23 the corporate limits of the City of Iuka.

24 (2) In connection with the construction, expansion,
25 operation and maintenance of its water distribution system within
26 the area authorized under subsection (1) of this section, the
27 governing authorities of the City of Iuka may acquire the Harmony
28 Central Water Association and assume the operation and maintenance

29 of the Harmony Central Water Association; and, in connection
30 therewith, such governing authorities may assume all liabilities,
31 obligations, assets, duties and responsibilities of such
32 association. The city shall have such powers and authority
33 concerning the association and its facilities as is now or
34 hereafter granted by law to municipalities concerning water
35 distribution systems.

36 (3) The authority conferred by this act shall not be
37 construed as an exemption from the provisions of Chapter 3, Title
38 77, Mississippi Code of 1972, as to the requirements of obtaining
39 a Certificate of Public Convenience and Necessity, the
40 jurisdiction of the Public Service Commission to regulate rates or
41 any other provision of that law.

42 (4) The governing authorities of the City of Iuka shall make
43 a reasonable effort to provide service to everyone within the
44 water distribution system existing on the effective date of this
45 act who requests such service. For the purpose of this
46 subsection, the term "system" means all areas that are being
47 served by the Harmony Central Water Association on the effective
48 date of this act.

49 (5) The governing authorities of the City of Iuka shall have
50 a financial report on the water distribution system filed annually
51 with the State Auditor for his review. The audited financial
52 statements shall be maintained in the office of the system for
53 public inspection and shall be made available to the public during
54 normal business hours.

55 SECTION 2. This act shall take effect and be in force from
56 and after its passage.