

By: Reynolds, Huddleston

To: Local and Private
Legislation; Ways and
Means

HOUSE BILL NO. 1705

1 AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF TALLAHATCHIE
2 COUNTY TO CREATE THE TALLAHATCHIE COUNTY NATURAL GAS DISTRICT; TO
3 ESTABLISH A BOARD OF COMMISSIONERS OF THE DISTRICT; TO ESTABLISH
4 THE TERMS OF OFFICE FOR MEMBERS OF THE COMMISSION; TO AUTHORIZE
5 THE COMMISSION TO CONSTRUCT AND OPERATE A NATURAL GAS TRANSMISSION
6 AND DISTRIBUTION SYSTEM; TO AUTHORIZE THE ISSUANCE OF REVENUE
7 BONDS TO FINANCE THE CONSTRUCTION OF THE SYSTEM; AND FOR RELATED
8 PURPOSES.

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

10 SECTION 1. The Board of Supervisors of Tallahatchie County,
11 Mississippi, may create a natural gas district to be known as the
12 "Tallahatchie County Natural Gas District" to provide natural gas
13 service for the district. The physical limits of the Tallahatchie
14 County Natural Gas District may include any area located within
15 the following described area:

16 The Second Judicial District of Tallahatchie County,
17 Mississippi, less and except those portions of the Second
18 Judicial District of Tallahatchie County, Mississippi,
19 certificated for natural gas service to Entex, Inc., or its
20 successor corporation, Reliant, Inc., and those areas being
21 provided natural gas service by that utility within the
22 Second Judicial District of Tallahatchie County, Mississippi;
23 and

24 Those areas in the First Judicial District of Tallahatchie
25 County, Mississippi, described as follows:

26 Township 23 North, Range 1 East; Township 24 North, Range 1
27 East; Township 25 North, Range 1 East; Township 23 North,
28 Range 2 East; all portions of Township 23 North, Range 3
29 East, lying and being situated in Tallahatchie County,

30 Mississippi; the South half of Township 24 North, Range 3
31 East; and the South half of Township 24 North, Range 2 East,
32 less and except any areas certificated for any other natural
33 gas service utility.

34 It is not the intent of this act to infringe upon the
35 certificated area of any current operating gas utility as the
36 certificated areas exist on the effective date of this act.

37 In order to form the natural gas district, the Board of
38 Supervisors of Tallahatchie County must adopt a resolution that
39 states that the gas district shall be formed on the date that a
40 copy of the resolution is filed with the Secretary of State's
41 office. The resolution must contain a description of the area
42 included within the district and a statement that the district is
43 being created pursuant to this act.

44 SECTION 2. Upon formation of the district pursuant to
45 Section 1 of this act, the Tallahatchie County Natural Gas
46 District shall be a valid political subdivision of the State of
47 Mississippi, with the power to sue and be sued and to contract and
48 be contracted with.

49 SECTION 3. The object and purpose of creating the
50 Tallahatchie County Natural Gas District is to provide natural gas
51 service to the residents of the area described in Section 1 of
52 this act and to provide ways and means to carry out and accomplish
53 such purpose, thereby benefiting and making more valuable the
54 lands in the district and preserving and promoting the health,
55 safety and convenience of the residents of the district. In order
56 to carry out and render effective such object and purpose, the
57 courts of this state shall construe this act as an exercise by the
58 Legislature of all the power appertaining to it, necessary for the
59 benefit of the health, safety and convenience of the residents of
60 the district; and the necessity in the public interest of the
61 state at large for the provision of this act is declared as a
62 matter of legislative determination. All the terms and provisions
63 of this act are to be construed liberally to effectuate the
64 purposes set forth in this act, and all powers required to
65 accomplish the purposes of this act are granted and conferred.

66 SECTION 4. Upon formation of the Tallahatchie County Natural

67 Gas District, the powers of the district shall be vested in and
68 exercised by a board of commissioners, referred to in this act as
69 the "commission." The commission shall be comprised of the five
70 (5) members of the Board of Supervisors of Tallahatchie County,
71 Mississippi, or, in the discretion of the board of supervisors, of
72 five (5) persons who are residents of the district appointed by
73 the board of supervisors. If the board of supervisors elects to
74 appoint the commissioners, one (1) commissioner shall be appointed
75 for an initial term of one (1) year; one (1) commissioner shall be
76 appointed for an initial term of two (2) years; one (1)
77 commissioner shall be appointed for an initial term of three (3)
78 years; one (1) commissioner shall be appointed for an initial term
79 of four (4) years; and one (1) commissioner shall be appointed for
80 an initial term of five (5) years. Upon the expiration of the
81 initial terms, all subsequent terms shall be for a period of five
82 (5) years.

83 SECTION 5. The commission shall make such rules and
84 regulations as it deems necessary for the operation of the
85 district and the subsequent appointment of commissioners. The
86 commission shall possess all necessary power and authority to
87 construct and acquire a natural gas transmission and distribution
88 system and to issue revenue bonds to finance the construction of
89 the system. The amount of revenue bonds authorized to be issued
90 shall not exceed an aggregate of Six Million Dollars
91 (\$6,000,000.00). Except as otherwise provided in this act, all
92 powers with respect to natural gas transmission and distribution
93 systems granted to municipalities of this state by Sections
94 21-27-11 through 21-27-69, Mississippi Code of 1972, including the
95 issuance of revenue bonds, are conferred upon and may be exercised
96 within the district by the commission as if the system and
97 financing of the system were done pursuant to those sections.

98 SECTION 6. The commission may issue all bonds of the
99 district, but before issuing any bonds, the commission must adopt

100 a resolution declaring its intention to do so, stating the amount
101 of the bonds proposed to be issued and the date upon which the
102 commission proposes to direct the issuance of such bonds. The
103 resolution must be published once a week for at least three (3)
104 consecutive weeks in at least one (1) newspaper qualified under
105 the provisions of Section 13-3-31, Mississippi Code of 1972, in
106 Tallahatchie County and having a general circulation in the
107 district. The first publication of the resolution may not be made
108 less than twenty-one (21) days before the date fixed in the
109 resolution for the issuance of the bonds, and the last publication
110 may not be made more than seven (7) days before that date. If ten
111 percent (10%) or more of the users of the district file a written
112 protest against the issuance of the bonds on or before the date
113 specified in the resolution, then a referendum on the question of
114 the issuance of the bonds shall be called and held in the manner
115 to be provided by the commission by rules and regulations
116 promulgated before the adoption of the resolution declaring the
117 commission's intention to issue the bonds.

118 SECTION 7. For the purposes of Section 77-3-1, Mississippi
119 Code of 1972, the gas transmission and distribution system of the
120 district shall be deemed to be a municipal gas system not subject
121 to the jurisdiction of the Mississippi Public Service Commission,
122 except as otherwise provided by Section 77-3-1, Mississippi Code
123 of 1972, and in this act.

124 SECTION 8. Any revenue bonds issued under this act may be
125 submitted to validation under the provisions of Sections 31-13-1
126 through 31-13-11, Mississippi Code of 1972.

127 SECTION 9. If any provision of this act is held to be
128 invalid by any court of competent jurisdiction, the remainder of
129 this act shall not be affected thereby.

130 SECTION 10. The Board of Supervisors of Tallahatchie County
131 shall submit this act, immediately upon approval by the Governor,
132 or upon approval by the Legislature subsequent to a veto, to the

133 Attorney General of the United States or to the United States
134 District Court for the District of Columbia in accordance with the
135 provisions of the Voting Rights Act of 1965, as amended and
136 extended.

137 SECTION 11. This act shall take effect and be in force from
138 and after the date it is effectuated under Section 5 of the Voting
139 Rights Act of 1965, as amended and extended.