HOUSE BILL NO. 1705
(As Sent to Governor)

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

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

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

That portion of Tallahatchie County, Mississippi, South of a line commencing at the point where the Northeast Corner of Section 24, Township 24 North, Range 3 East intersects with the eastern boundary line of Tallahatchie County, Mississippi; run thence due west to the point which is the Northeast Corner of Section 24, Township 24 North, Range 1 East; run thence North to the point where the Tallahatchie County Line intersects with Quitman County Line; run thence West along the Tallahatchie County Line to the Northwest Corner of Section 6, Township 25 North, Range 1 East; run thence South to the center line of present Mississippi Highway 32, run thence Southwesterly along the center line of Mississippi Highway 32 to the point where the center
line of said highway intersects with the East Line of
Section 17, Township 24 North, Range 1 West; run thence
south to the Southeast Corner of North Half of Section
29, Township 24 North, Range 1 West; run thence West to
the Northwest Corner of South Half of Section 26,
Township 24 North, Range 2 West; run thence North to the
Northeast Corner of Section 27, Township 24 North, Range
2 West; run thence West to Northwest Corner of Section
27, Township 24 North, Range 2 West; run thence North to
the Northwest Corner of Section 21, Township 24 North,
Range 2 West; run thence West to center line of
Tallahatchie County public road (running North to South)
in Section 16, Township 24 North, Range 2 West; run
thence Northerly along center line of said public road
to point where center line of said road intersects with
center line of Tallahatchie County public road (running
east to west) in Section 16, Township 24 North, Range 2
West; run thence along center line of said Tallahatchie
County public road westerly to point where said center
line intersects with the Sunflower County Line.

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

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

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

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

SECTION 4. Upon formation of the Tallahatchie County Natural
Gas District, the powers of the district shall be vested in and
exercised by a board of commissioners, referred to in this act as
the "commission." The commission shall be comprised of the five
(5) members of the Board of Supervisors of Tallahatchie County,
Mississippi, or, in the discretion of the board of supervisors, of
five (5) persons who are residents of the district appointed by
the board of supervisors. If the board of supervisors elects to
appoint the commissioners, one (1) commissioner shall be appointed
for an initial term of one (1) year; one (1) commissioner shall be
appointed for an initial term of two (2) years; one (1)
commissioner shall be appointed for an initial term of three (3)
years; one (1) commissioner shall be appointed for an initial term
of four (4) years; and one (1) commissioner shall be appointed for
an initial term of five (5) years. Upon the expiration of the
initial terms, all subsequent terms shall be for a period of five
(5) years.

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

SECTION 6. The commission may issue all bonds of the
district, but before issuing any bonds, the commission must adopt
a resolution declaring its intention to do so, stating the amount
of the bonds proposed to be issued and the date upon which the
commission proposes to direct the issuance of such bonds. The
resolution must be published once a week for at least three (3)
consecutive weeks in at least one (1) newspaper qualified under
the provisions of Section 13-3-31, Mississippi Code of 1972, in
Tallahatchie County and having a general circulation in the
district. The first publication of the resolution may not be made
less than twenty-one (21) days before the date fixed in the
resolution for the issuance of the bonds, and the last publication
may not be made more than seven (7) days before that date. If ten
percent (10%) or more of the users of the district file a written
protest against the issuance of the bonds on or before the date
specified in the resolution, then a referendum on the question of
the issuance of the bonds shall be called and held in the manner
to be provided by the commission by rules and regulations
promulgated before the adoption of the resolution declaring the
commission's intention to issue the bonds.

SECTION 7. For the purposes of Section 77-3-1, Mississippi Code of 1972, the gas transmission and distribution system of the district shall be deemed to be a municipal gas system not subject to the jurisdiction of the Mississippi Public Service Commission, except as otherwise provided by Section 77-3-1, Mississippi Code of 1972, and in this act. Notwithstanding any provision to the contrary, this act shall not be interpreted to extend authority to serve areas outside the service area described in Section 1 of this act.

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

SECTION 9. No member of the Legislature, elected official or appointed official, or any partner or associate of any member of the Legislature, elected official or appointed official shall derive any income from the issuance of any bonds under this act.

SECTION 10. If any provision of this act is held to be invalid by any court of competent jurisdiction, the remainder of this act shall not be affected thereby.

SECTION 11. The Board of Supervisors of Tallahatchie County shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 12. The Mississippi Public Service Commission, notwithstanding any other provision of this act, shall have, with the prior consent of the Tallahatchie County Natural Gas District, power and authority to release any portion of the service area described in Section 1 herein from inclusion in the district should the commission with the consent of the district determine
the district not to be reasonably able to provide gas service to such portion.

SECTION 13. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.