

By: Reynolds, Huddleston

To: Local and Private
Legislation; Ways and
MeansHOUSE BILL NO. 1705
(As Sent to Governor)

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 That portion of Tallahatchie County, Mississippi, South
17 of a line commencing at the point where the Northeast
18 Corner of Section 24, Township 24 North, Range 3 East
19 intersects with the eastern boundary line of
20 Tallahatchie County, Mississippi; run thence due west to
21 the point which is the Northeast Corner of Section 24,
22 Township 24 North, Range 1 East; run thence North to the
23 point where the Tallahatchie County Line intersects with
24 Quitman County Line; run thence West along the
25 Tallahatchie County Line to the Northwest Corner of
26 Section 6, Township 25 North, Range 1 East; run thence
27 South to the center line of present Mississippi Highway
28 32, run thence Southwesterly along the center line of
29 Mississippi Highway 32 to the point where the center

30 line of said highway intersects with the East Line of
31 Section 17, Township 24 North, Range 1 West; run thence
32 south to the Southeast Corner of North Half of Section
33 29, Township 24 North, Range 1 West; run thence West to
34 the Northwest Corner of South Half of Section 26,
35 Township 24 North, Range 2 West; run thence North to the
36 Northeast Corner of Section 27, Township 24 North, Range
37 2 West; run thence West to Northwest Corner of Section
38 27, Township 24 North, Range 2 West; run thence North to
39 the Northwest Corner of Section 21, Township 24 North,
40 Range 2 West; run thence West to center line of
41 Tallahatchie County public road (running North to South)
42 in Section 16, Township 24 North, Range 2 West; run
43 thence Northerly along center line of said public road
44 to point where center line of said road intersects with
45 center line of Tallahatchie County public road (running
46 east to west) in Section 16, Township 24 North, Range 2
47 West; run thence along center line of said Tallahatchie
48 County public road westerly to point where said center
49 line intersects with the Sunflower County Line.

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

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

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

65 SECTION 3. The object and purpose of creating the
66 Tallahatchie County Natural Gas District is to provide natural gas

67 service to the residents of the area described in Section 1 of
68 this act and to provide ways and means to carry out and accomplish
69 such purpose, thereby benefiting and making more valuable the
70 lands in the district and preserving and promoting the health,
71 safety and convenience of the residents of the district. In order
72 to carry out and render effective such object and purpose, the
73 courts of this state shall construe this act as an exercise by the
74 Legislature of all the power appertaining to it, necessary for the
75 benefit of the health, safety and convenience of the residents of
76 the district; and the necessity in the public interest of the
77 state at large for the provision of this act is declared as a
78 matter of legislative determination. All the terms and provisions
79 of this act are to be construed liberally to effectuate the
80 purposes set forth in this act, and all powers required to
81 accomplish the purposes of this act are granted and conferred.

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

99 SECTION 5. The commission shall make such rules and

100 regulations as it deems necessary for the operation of the
101 district and the subsequent appointment of commissioners. The
102 commission shall possess all necessary power and authority to
103 construct and acquire a natural gas transmission and distribution
104 system and to issue revenue bonds to finance the construction of
105 the system. The amount of revenue bonds authorized to be issued
106 shall not exceed an aggregate of Six Million Dollars
107 (\$6,000,000.00). Except as otherwise provided in this act, all
108 powers with respect to natural gas transmission and distribution
109 systems granted to municipalities of this state by Sections
110 21-27-11 through 21-27-69, Mississippi Code of 1972, including the
111 issuance of revenue bonds, are conferred upon and may be exercised
112 within the district by the commission as if the system and
113 financing of the system were done pursuant to those sections.

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

133 commission's intention to issue the bonds.

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

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

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

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

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

160 SECTION 12. The Mississippi Public Service Commission,
161 notwithstanding any other provision of this act, shall have, with
162 the prior consent of the Tallahatchie County Natural Gas District,
163 power and authority to release any portion of the service area
164 described in Section 1 herein from inclusion in the district
165 should the commission with the consent of the district determine

166 the district not to be reasonably able to provide gas service to
167 such portion.

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