AN ACT TO CREATE SECTION 49-17-44.1, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSION ON ENVIRONMENTAL QUALITY TO PETITION THE CHANCERY COURT TO APPOINT A RECEIVER FOR THE OPERATION AND MANAGEMENT OF ABANDONED SEWER SYSTEMS OR SEWER SYSTEMS OPERATED IN A GROSSLY INEFFECTIVE MANNER; TO PROVIDE THAT PERSONS SERVED BY SUCH SEWER SYSTEMS SHALL HAVE STANDING TO INTERVENE; AND FOR RELATED PURPOSES.

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

SECTION 1. The following shall be codified as Section 49-17-44.1, Mississippi Code of 1972:

49-17-44.1. If the commission determines that any privately owned sewer system that is certificated by the Public Service Commission and within its jurisdiction has been actually or effectively abandoned by its owner, or that its management is grossly inefficient or irresponsible, and the abandonment or management has created an environmental problem that endangers public health, the commission may petition the chancery court of any county wherein the privately-owned sewer system is located for an order attaching the assets of the privately-owned sewer system and placing such sewer system under the sole control and responsibility of a receiver. Any person served by the sewer system shall have standing to intervene in the chancery proceeding as an interested party. If the court determines that the petition is proper in all respects and finds, after a hearing thereon, the allegations contained in the petition are true, it shall order that the sewer system be placed in receivership. The court, in its discretion and in consideration of the recommendation of the commission, may appoint a receiver who shall be a responsible individual, partnership, corporation or political subdivision.
knowledgeable in sewer service affairs and who shall maintain
control and responsibility for the operation and management of the
affairs of such sewer system. The receiver shall operate the
sewer system so as to preserve the assets of the sewer system and
to serve the best interests of its customers while protecting
public health and welfare and the environment. The receiver shall
be compensated from the assets of the sewer system in an amount to
be determined by the court. Control of and responsibility for the
sewer system shall remain in the receiver until the court
determines that it is in the best interests of the customers and
the public interest that the sewer system be returned to the
owner, transferred to another owner, or assumed by another sewer
system or public service corporation. If the court, after
hearing, determines that control of and responsibility for the
affairs of the sewer system should not be returned to the legal
owner thereof, the receiver may proceed to liquidate the assets of
the sewer system in the manner provided by law. Mississippi laws
and Mississippi Rules of Civil Procedure generally applicable to
receivership shall govern receiverships created under this
section. Any new owner or operator of a sewer system transferred
or liquidated by the receiver or the chancery court under this
subsection shall obtain all necessary permits and approvals from
the Permit Board, the Public Service Commission and any other
applicable state or local agencies.

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