

By: Representatives Compretta, Weathersby,  
Dedeaux

To: Public Utilities

HOUSE BILL NO. 1580  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 19-5-177, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE PUBLIC UTILITY DISTRICTS TO PROVIDE GROUP LIFE  
3 INSURANCE COVERAGE AND HOSPITALIZATION BENEFITS FOR THEIR  
4 EMPLOYEES; TO AMEND SECTION 19-5-171, MISSISSIPPI CODE OF 1972, TO  
5 INCREASE THE MAXIMUM NUMBER OF MEETINGS FOR WHICH PUBLIC UTILITY  
6 DISTRICT COMMISSIONERS MAY BE COMPENSATED; AND FOR RELATED  
7 PURPOSES.

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

9 **SECTION 1.** Section 19-5-177, Mississippi Code of 1972, is  
10 amended as follows:

11 19-5-177. (1) Any district created under Sections 19-5-151  
12 through 19-5-207, acting by and through the board of commissioners  
13 of such district as its governing authority, shall have the  
14 following, among other, powers:

15 (a) To sue and be sued;

16 (b) To acquire by purchase, gift, devise and lease or  
17 any other mode of acquisition, other than by eminent domain, hold  
18 and dispose of real and personal property of every kind within or  
19 without the district;

20 (c) To make and enter into contracts, conveyances,  
21 mortgages, deeds of trust, bonds, leases or contracts for  
22 financial advisory services;

23 (d) To incur debts, to borrow money, to issue  
24 negotiable bonds, and to provide for the rights of the holders  
25 thereof;

26 (e) To fix, maintain, collect and revise rates and  
27 charges for services rendered by or through the facilities of such  
28 district, which rates and charges shall not be subject to review  
29 or regulation by the Mississippi Public Service Commission except



30 in those instances where a city operating similar services would  
31 be subject to regulation and review; however, the district may  
32 furnish services, including connection to the facilities of the  
33 district, free of charge to the county or any agency or department  
34 of the county and to volunteer fire departments located within the  
35 service area of the district. The district shall obtain a  
36 certificate of convenience and necessity from the Mississippi  
37 Public Service Commission for operating of water and/or sewer  
38 systems;

39 (f) To pledge all or any part of its revenues to the  
40 payment of its obligations;

41 (g) To make such covenants in connection with the  
42 issuance of bonds or to secure the payment of bonds that a private  
43 business corporation can make under the general laws of the state;

44 (h) To use any right-of-way, public right-of-way,  
45 easement, or other similar property or property rights necessary  
46 or convenient in connection with the acquisition, improvement,  
47 operation or maintenance of the facilities of such district held  
48 by the state or any political subdivision thereof; however, the  
49 governing body of such political subdivision shall consent to such  
50 use;

51 (i) To enter into agreements with state and federal  
52 agencies for loans, grants, grants-in-aid, and other forms of  
53 assistance including, but not limited to, participation in the  
54 sale and purchase of bonds;

55 (j) To acquire by purchase any existing works and  
56 facilities providing services for which it was created, and any  
57 lands, rights, easements, franchises and other property, real and  
58 personal necessary to the completion and operation of such system  
59 upon such terms and conditions as may be agreed upon, and if  
60 necessary as part of the purchase price to assume the payment of  
61 outstanding notes, bonds or other obligations upon such system;



62           (k) To extend its services to areas beyond but within  
63 one (1) mile of the boundaries of such district; however, no such  
64 extension shall be made to areas already occupied by another  
65 corporate agency rendering the same service so long as such  
66 corporate agency desires to continue to serve such areas. Areas  
67 outside of the district desiring to be served which are beyond the  
68 one (1) mile limit must be brought into the district by annexation  
69 proceedings;

70           (l) To be deemed to have the same status as counties  
71 and municipalities with respect to payment of sales taxes on  
72 purchases made by such districts;

73           (m) To borrow funds for interim financing subject to  
74 receipt of funds as outlined in Section 19-5-181;

75           (n) To provide group life insurance coverage for all or  
76 specified groups of employees of the district and group  
77 hospitalization benefits for those employees and their dependents,  
78 and to pay the total cost of these benefits. For purposes of this  
79 paragraph, the term "employees" does not include any person who is  
80 a commissioner of a district created under Sections 19-5-151  
81 through 19-5-207, and such commissioners are not eligible to  
82 receive any insurance coverage or benefits made available to  
83 district employees under this paragraph.

84           (2) Any district which is incorporated under Sections  
85 19-5-151 through 19-5-207 to provide sewer services may install or  
86 provide for the installation of sewage holding tanks at  
87 residential properties within the district, if funding for  
88 municipal or community sewers has been awarded to the district.  
89 The district shall maintain or provide for the maintenance of the  
90 sewage holding tank systems. The district may assess and collect  
91 from each resident using a sewage holding tank a fee covering the  
92 costs of providing the services authorized under this section.  
93 When municipal or community sewers are available and ready for



94 use, residences with sewage holding tanks shall be connected to  
95 the sewer system.

96 **SECTION 2.** Section 19-5-171, Mississippi Code of 1972, is  
97 amended as follows:

98 19-5-171. (1) Every resident citizen of the county in which  
99 is located any district created under Sections 19-5-151 through  
100 19-5-207, of good reputation, being the owner of land or the  
101 conductor of a business situated within the district and being  
102 over twenty-five (25) years of age and of sound mind and judgment,  
103 shall be eligible to hold the office of commissioner.

104 (2) Except as provided in Section 19-5-164(3), each person  
105 appointed or elected as a commissioner, before entering upon the  
106 discharge of the duties of the person's office, shall be required  
107 to execute a bond payable to the State of Mississippi in the penal  
108 sum of Ten Thousand Dollars (\$10,000.00) conditioned that the  
109 person will faithfully discharge the duties of the office. Each  
110 bond shall be approved by the clerk of the board of supervisors  
111 and filed with the clerk.

112 (3) Each commissioner shall take and subscribe to an oath of  
113 office prescribed in Section 268, Mississippi Constitution of  
114 1890, before the clerk of the board of supervisors that the person  
115 will faithfully discharge the duties of the office of  
116 commissioner, which oath shall also be filed with the clerk and  
117 preserved with the official bond.

118 (4) The commissioners so appointed or elected and qualified  
119 shall be compensated for their services for each meeting of the  
120 board of commissioners attended, either regular or special, at a  
121 rate to be fixed by the board of supervisors, not to exceed the  
122 rate established in Section 25-3-69 for officers of state boards,  
123 commissions and agencies, and shall be reimbursed for all expenses  
124 necessarily incurred in the discharge of their official duties in  
125 accordance with Section 25-3-41. However, in no one (1) calendar



126 year shall any commissioner be compensated for more than  
127 twenty-four (24) meetings.

128           **SECTION 3.** This act shall take effect and be in force from  
129 and after its passage.

