SENATE BILL NO. 2504

AN ACT TO AMEND SECTION 19-5-173, MISSISSIPPI CODE OF 1972, TO REVISE THE REGULATORY POWER OF THE BOARD OF COMMISSIONERS FOR WATER AND SEWER DISTRICTS; TO AMEND SECTION 19-5-177, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE RATES AND CHARGES OF WATER AND SEWER DISTRICTS SHALL BE SUBJECT TO REVIEW OR REGULATION BY THE PUBLIC SERVICE COMMISSION; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 19-5-173, Mississippi Code of 1972, is amended as follows:

19-5-173. The board of commissioners shall have the power to make reasonable regulations necessary for the provision of services for which they are authorized by law to provide; provided, however, that such regulations, except for regulations of the board relating solely to the provision of fire protection or garbage disposal services, shall be subject to review and approval by the Public Service Commission pursuant to Section 77-3-33.

SECTION 2. Section 19-5-177, Mississippi Code of 1972, is amended as follows:

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

(a) To sue and be sued;

(b) To acquire by purchase, gift, devise and lease or any other mode of acquisition, other than by eminent domain, hold and dispose of real and personal property of every kind within or without the district;
(c) To make and enter into contracts, conveyances, mortgages, deeds of trust, bonds, leases or contracts for financial advisory services;

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

(e) To fix, maintain, collect and revise rates and charges for services rendered by or through the facilities of such district, which rates and charges for water and/or sewer services, notwithstanding any provision of law to the contrary, shall be subject to review or regulation by the Mississippi Public Service Commission; however, the district may furnish services, including connection to the facilities of the district, free of charge to the county or any agency or department of the county and to volunteer fire departments located within the service area of the district. The district shall obtain a certificate of convenience and necessity from the Mississippi Public Service Commission for operating of water and/or sewer systems;

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

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

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

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

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

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

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

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

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

When municipal or community sewers are available and ready for
use, residences with sewage holding tanks shall be connected to
the sewer system.

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