

By: Representative Pierce

To: Public Utilities

HOUSE BILL NO. 793
(As Passed the House)

1 AN ACT TO AMEND SECTION 19-31-51, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE PUBLIC SERVICE COMMISSION'S REQUIREMENT OF NOTIFYING
3 PROPERTY OWNERS WHEN A PUBLIC UTILITY PETITIONS FOR A CERTIFICATE
4 OF PUBLIC CONVENIENCE AND NECESSITY FOR UNCERTIFICATED AREAS; TO
5 PROVIDE THAT IN CERTAIN COUNTIES WHERE A WATER OR SEWER SYSTEM IS
6 PLACED UNDER A RECEIVER, THE RECEIVER SHALL GIVE CERTAIN
7 PREFERENCES IN MAKING ANY TRANSFER OF OWNERSHIP OF THE WATER OR
8 SEWER SYSTEM; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 19-31-51, Mississippi Code of 1972, is
11 amended as follows:

12 19-31-51. (1) No public improvement district established
13 under this chapter shall provide any utility service described in
14 Section 77-3-3(d) to or for the public for compensation without
15 first obtaining a certificate of public convenience and necessity
16 from the Public Service Commission.

17 (2) Nothing contained in this section shall prohibit the
18 Public Service Commission from issuing a certificate of public
19 convenience and necessity to any person for service in
20 uncertificated areas within public improvement district
21 boundaries.

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23 **SECTION 2.** In any county having a population of more than
24 thirty-five thousand (35,000) but less than forty thousand
25 (40,000), according to the most recent federal decennial census,
26 any water or sewer system for which a finding is made under
27 Section 49-17-44.1 or Section 77-3-22 by a court of competent
28 jurisdiction that it is appropriate for a receiver to be
29 appointed, the receiver shall give preference to a municipality
30 within the county or to the governing authorities of the county in



31 making any transfer of ownership of the water or sewer system.
32 The term "preference," as used in this section, means that no sale
33 or transfer of the water or sewer system shall be approved by a
34 court of competent jurisdiction or otherwise until two (2) years
35 after the date of appointment of the receiver have elapsed. This
36 right of preference may be waived by the local governmental entity
37 given the preference under this section.

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

