

By: Representative Mitchell

To: Public Utilities

HOUSE BILL NO. 1317

1 AN ACT TO AMEND SECTION 19-5-177, MISSISSIPPI CODE OF 1972,
 2 TO REVISE THE DEFINITION OF EMPLOYEES TO INCLUDE COMMISSIONERS OF
 3 PUBLIC UTILITY DISTRICTS WHO ARE TO BE PROVIDED WITH GROUP LIFE
 4 INSURANCE COVERAGE AND HOSPITALIZATION BENEFITS; TO AMEND SECTION
 5 19-5-171, MISSISSIPPI CODE OF 1972, TO REQUIRE RESIDENTS OF PUBLIC
 6 UTILITY DISTRICTS TO RESIDE WITHIN THE DISTRICTS IN ORDER TO BE
 7 ELIGIBLE TO HOLD THE OFFICE OF PUBLIC UTILITY DISTRICT
 8 COMMISSIONER; AND FOR RELATED PURPOSES.

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

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

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

16 (a) To sue and be sued;

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

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

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

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



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

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

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

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

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

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



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

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

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

76 (n) To provide group life insurance coverage for all or
77 specified groups of employees of the district and group
78 hospitalization benefits for those employees and their dependents,
79 and to pay the total cost of these benefits. For purposes of this
80 paragraph, the term "employees" * * * includes any person who is a
81 commissioner of a district created under Sections 19-5-151 through
82 19-5-207, and such commissioners are * * * eligible to receive any
83 insurance coverage or benefits made available to district
84 employees under this paragraph; however, all the costs for any
85 insurance coverage or benefits shall be paid by the commissioners.

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



96 use, residences with sewage holding tanks shall be connected to
97 the sewer system.

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

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

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

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

119 (4) The commissioners so appointed or elected and qualified
120 shall be compensated for their services for each meeting of the
121 board of commissioners attended, either regular or special, at a
122 rate to be fixed by the board of supervisors, not to exceed the
123 rate established in Section 25-3-69 for officers of state boards,
124 commissions and agencies, and shall be reimbursed for all expenses
125 necessarily incurred in the discharge of their official duties in
126 accordance with Section 25-3-41. However, in no one (1) calendar
127 year shall any commissioner be compensated for more than
128 thirty-six (36) meetings.



129 **SECTION 3.** The Attorney General of the State of Mississippi
130 shall submit this act, immediately upon approval by the Governor,
131 or upon approval by the Legislature subsequent to a veto, to the
132 Attorney General of the United States or to the United States
133 District Court for the District of Columbia in accordance with the
134 provisions of the Voting Rights Act of 1965, as amended and
135 extended.

136 **SECTION 4.** This act shall take effect and be in force from
137 and after October 1, 2003, if it is effectuated on or before that
138 date under Section 5 of the Voting Rights Act of 1965, as amended
139 and extended. If it is effectuated under Section 5 of the Voting
140 Rights Act of 1965, as amended and extended, after October 1,
141 2003, this act shall take effect and be in force from and after
142 the date it is effectuated under Section 5 of the Voting Rights
143 Act of 1965, as amended and extended.

