SENATE BILL NO. 2592
(As Passed the Senate)

AN ACT TO AMEND SECTION 19-31-51, MISSISSIPPI CODE OF 1972, TO REVISE THE NOTICE REQUIREMENTS GIVEN WHEN A PUBLIC UTILITY PETITIONS THE PUBLIC SERVICE COMMISSION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR ANY UNCERTIFICATED AREA; TO PROVIDE THAT IN CERTAIN COUNTIES WHERE A WATER OR SEWER SYSTEM IS PLACED UNDER A RECEIVER, THE RECEIVER SHALL GIVE CERTAIN PREFERENCES IN MAKING ANY TRANSFER OF OWNERSHIP OF THE WATER OR SEWER SYSTEM; AND FOR RELATED PURPOSES.

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

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

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

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

(3) Notwithstanding any law to the contrary, water and/or sewer districts that petition the Public Service Commission for a certificate of public convenience and necessity for any uncertificated area shall give written notice by regular mail to all property owners located in such area, as reflected on the tax rolls of the county or counties at the time of filing the petition, at the address listed on the tax rolls of the county or counties within such area, and to public improvement districts and other public entities located in such area. Such notice shall...
give the property owners and the governmental entities instructions on how they may appear before the Public Service Commission and make any objections or otherwise participate as an interested party.

SECTION 2. In any county having a population of more than thirty-five thousand (35,000) but less than forty thousand (40,000), according to the most recent federal decennial census, any water or sewer system for which a finding is made under Section 49-17-44.1 or Section 77-3-22 by a court of competent jurisdiction that it is appropriate for a receiver to be appointed, the receiver shall give preference to a municipality within the county or to the governing authorities of the county in making any transfer of ownership of the water or sewer system. The term "preference," as used in this section, means that no sale or transfer of the water or sewer system shall be approved by a court of competent jurisdiction or otherwise until two (2) years after the date of appointment of the receiver have elapsed. This right of preference may be waived by the local governmental entity given the preference under this section.

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