

By: Senator(s) Ross

To: Environment Prot, Cons
and Water Res

SENATE BILL NO. 2230

1 AN ACT TO AMEND SECTIONS 19-5-173 AND 19-5-177, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT WASTEWATER DISPOSAL DISTRICTS SHALL
3 PAY FOR THE EXPENSE OF CONNECTING TO A CENTRALIZED SYSTEM IF THE
4 DISTRICT REQUIRES AN OWNER OF AN INDIVIDUAL ON-SITE WASTEWATER
5 DISPOSAL SYSTEM TO CONNECT TO THE CENTRALIZED SYSTEM; TO PROHIBIT
6 THE DISTRICT FROM CHARGING A FEE FOR THE MAINTENANCE OR INSPECTION
7 OF AN INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM; TO AMEND
8 SECTION 41-67-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A
9 BOARD OF SUPERVISORS MAY NOT RESTRICT OR PROHIBIT THE USE OF ANY
10 TYPE OF INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM THAT THE
11 DEPARTMENT OF HEALTH RECOMMENDS AS SUITABLE FOR A TRACT OF LAND;
12 AND FOR RELATED PURPOSES.

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

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

16 19-5-173. The board of commissioners shall have the power to
17 make regulations to secure the general health of those residing in
18 the district; to prevent, remove and abate nuisances; to regulate
19 or prohibit the construction of privy-vaults and cesspools, and to
20 regulate or suppress those already constructed; and to compel and
21 regulate the connection of all property with sewers. If the board
22 of commissioners requires an owner of an individual on-site
23 wastewater disposal system to connect to a sewer system, the board
24 shall pay for the connection to the sewer system. The board shall
25 not charge a fee for the maintenance or inspection of an
26 individual on-site wastewater disposal system.

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

29 19-5-177. (1) Any district created under Sections 19-5-151
30 through 19-5-207, acting by and through the board of commissioners
31 of such district as its governing authority, shall have the
32 following, among other, powers:

- 33 (a) To sue and be sued;
- 34 (b) To acquire by purchase, gift, devise and lease or
35 any other mode of acquisition, other than by eminent domain, hold
36 and dispose of real and personal property of every kind within or
37 without the district;
- 38 (c) To make and enter into contracts, conveyances,
39 mortgages, deeds of trust, bonds, leases or contracts for
40 financial advisory services;
- 41 (d) To incur debts, to borrow money, to issue
42 negotiable bonds, and to provide for the rights of the holders
43 thereof;
- 44 (e) To fix, maintain, collect and revise rates and
45 charges for services rendered by or through the facilities of such
46 district, which rates and charges shall not be subject to review
47 or regulation by the Mississippi Public Service Commission except
48 in those instances where a city operating similar services would
49 be subject to regulation and review; however, the district may
50 furnish services, including connection to the facilities of the
51 district, free of charge to the county or any agency or department
52 of the county and to volunteer fire departments located within the
53 service area of the district. The district shall obtain a
54 certificate of convenience and necessity from the Mississippi
55 Public Service Commission for operating of water and/or sewer
56 systems;
- 57 (f) To pledge all or any part of its revenues to the
58 payment of its obligations;
- 59 (g) To make such covenants in connection with the
60 issuance of bonds or to secure the payment of bonds that a private
61 business corporation can make under the general laws of the state;
- 62 (h) To use any right-of-way, public right-of-way,
63 easement, or other similar property or property rights necessary
64 or convenient in connection with the acquisition, improvement,
65 operation or maintenance of the facilities of such district held

66 by the state or any political subdivision thereof; however, the
67 governing body of such political subdivision shall consent to such
68 use;

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

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

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

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

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

93 (n) To provide group life insurance coverage for all or
94 specified groups of employees of the district and group
95 hospitalization benefits for those employees and their dependents,
96 and to pay the total cost of these benefits. For purposes of this
97 paragraph, the term "employees" does not include any person who is
98 a commissioner of a district created under Sections 19-5-151

99 through 19-5-207, and such commissioners are not eligible to
100 receive any insurance coverage or benefits made available to
101 district employees under this paragraph.

102 (2) Any district which is incorporated under Sections
103 19-5-151 through 19-5-207 to provide sewer services may install or
104 provide for the installation of sewage holding tanks at
105 residential properties within the district, if funding for
106 municipal or community sewers has been awarded to the district.
107 The district shall maintain or provide for the maintenance of the
108 sewage holding tank systems. * * * When municipal or community
109 sewers are available and ready for use, residences with sewage
110 holding tanks shall be connected to the sewer system at the
111 expense of the district.

112 **SECTION 3.** Section 41-67-15, Mississippi Code of 1972, is
113 amended as follows:

114 41-67-15. (1) Nothing in this chapter shall limit the
115 authority of a municipality or board of supervisors to adopt
116 similar ordinances which may be, in whole or in part, more
117 restrictive than this chapter, and in those cases the more
118 restrictive ordinances will govern, except as provided in
119 subsection (2).

120 (2) (a) If a centralized sewerage system is not available,
121 a board of supervisors shall not prohibit or restrict the use of
122 any type of individual on-site wastewater disposal systems
123 recommended by the board as suitable for that tract of land.

124 (b) The board of supervisors shall not charge a fee for
125 the maintenance or inspection of an individual on-site wastewater
126 disposal system.

127 (c) If the board of supervisors requires an owner of an
128 individual on-site wastewater disposal system to connect to a
129 centralized sewerage system, the board shall pay for the
130 connection to the centralized system.

131 **SECTION 4.** This act shall take effect and be in force from
132 and after its passage.