

By: Representative Janus

To: Conservation and Water
Resources

HOUSE BILL NO. 1300

1 AN ACT TO CREATE THE GULF REGION WATER UTILITY AUTHORITY; TO
 2 BRING FORWARD SECTIONS 49-17-301 THROUGH 49-17-353, MISSISSIPPI
 3 CODE OF 1972, WHICH RELATE TO THE MISSISSIPPI GULF COAST REGIONAL
 4 WASTEWATER AUTHORITY ACT; TO BRING FORWARD SECTIONS 51-8-1 THROUGH
 5 51-8-65, MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE JOINT WATER
 6 MANAGEMENT DISTRICTS; TO BRING FORWARD SECTIONS 51-39-1 THROUGH
 7 51-39-43, MISSISSIPPI CODE OF 1972, WHICH PROVIDE THE MISSISSIPPI
 8 STORM WATER MANAGEMENT DISTRICTS ACT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** In accordance with the report of the Governor's
 11 Commission on Recovery, Rebuilding and Renewal, the Legislature
 12 finds that there is a need for consolidation of water, wastewater,
 13 and storm water services in order to reduce costs, promote
 14 resilience in the event of disaster, improve the quality of the
 15 natural environment, and improve the planning and delivery of
 16 quality services to all coastal residents. Thus, there is hereby
 17 created the Gulf Region Water Utility Authority (the "authority")
 18 within the counties of George, Hancock, Harrison, Jackson, Pearl
 19 River and Stone for the planning, acquisition, construction,
 20 maintenance, operation and coordination of user-funded water,
 21 storm water and wastewater systems in order to ensure protection
 22 of the waters of the state and to ensure the delivery of water,
 23 storm water and wastewater services to members within these
 24 counties. This act may be cited as the "Gulf Region Water Utility
 25 Authority Act."

26 **SECTION 2.** (1) In order to ensure the protection of the
 27 environment, in particular the waters of the state, the
 28 Mississippi Department of Environmental Quality (the
 29 "department"), is hereby empowered and authorized, in addition to
 30 any other powers heretofore granted, to develop a master plan,

31 with input from all affected counties and municipalities within
32 the boundaries of the authority, for the delivery of water, storm
33 water and wastewater services for the areas within the counties of
34 George, Hancock, Harrison, Jackson, Pearl River and Stone. The
35 department is authorized to hire a contractor(s) to assist in the
36 development of the master plan. Any proposed water, wastewater
37 and storm water projects developed within the boundaries of the
38 authority shall be approved by the department as being in
39 compliance with the master plan. The authority shall assume
40 control and amendment power of the master plan upon mutual
41 agreement of the department and the authority, however, the
42 department shall approve all water, wastewater and storm water
43 plans funded by Hurricane Katrina Community Development Block
44 Grant funds.

45 (2) The master plan shall include, at a minimum, the
46 following:

47 (a) An inventory of the sources, composition and
48 quantities, and quality of wastewater and storm water annually
49 generated within the boundaries of the authority, and the source,
50 composition and quality of drinking water currently available
51 throughout the authority's territory;

52 (b) An inventory of all existing facilities where
53 wastewater is currently being managed, including the environmental
54 suitability and operational history of each facility, and the
55 remaining available permitted capacity for each facility;

56 (c) An inventory of existing potable water treatment
57 and distribution systems within the boundaries of the authority.
58 The inventory shall identify the entities engaging in treatment
59 and distribution of potable water on a wholesale and retail basis;

60 (d) A strategy for achieving reduction of pollution to
61 waters of the state by wastewater and storm water and to improve
62 the quality and ensure the availability of potable water available
63 to the residents within the boundaries of the authority;

64 (e) A projection of wastewater and storm water generated
65 within the boundaries of the authority over the next twenty (20)
66 years and a projection of the potable water needs of the area
67 within the boundaries of the authority within the next twenty (20)
68 years;

69 (f) An identification of the additional facilities,
70 including an evaluation of alternative treatment and management
71 technologies, and the amount of additional capacity needed to
72 manage the quantities projected in paragraph (e);

73 (g) An estimation of development, construction and
74 operational costs;

75 (h) A plan for meeting any projected capacity
76 shortfall, including a schedule and methodology for attaining the
77 required capacity; and

78 (i) Prioritization of infrastructure.

79 **SECTION 3.** (1) Words and phrases used in this act shall
80 have meanings as follows:

81 (a) "Act" means the Gulf Region Water Utility Authority
82 Act as same is amended from time to time.

83 (b) "Authority" means the Gulf Region Water Utility
84 Authority.

85 (c) "Board of directors" or "board" means the board of
86 directors of the Gulf Region Water Utility Authority.

87 (d) "Bonds" means revenue bonds and interim notes
88 having a maturity of three (3) years or less, and other
89 certificates of indebtedness of the authority issued under the
90 provisions of this act.

91 (e) "Costs of the project" means:

92 (i) All costs of site preparation and other
93 start-up costs;

94 (ii) All costs of construction;

95 (iii) All costs of real and personal property
96 required for the purposes of the project and facilities related

97 thereto, including land and any rights or undivided interest
98 therein, easements, franchises, fees, utility charges, permits,
99 approvals, licenses and certificates and the securing of any
100 permits, approvals, licenses and certificates and all machinery
101 and equipment, including motor vehicles, which are used for
102 project functions;

103 (iv) All costs of engineering, geotechnical,
104 architectural and legal services;

105 (v) All costs of plans and specifications and all
106 expenses necessary or incident to determining the feasibility or
107 practicability of the project;

108 (vi) Administrative expenses; and

109 (vii) Any other expenses as may be necessary or
110 incidental to the project financing.

111 (f) "Department" means the Mississippi Department of
112 Environmental Quality.

113 (g) "Fiscal year" means the period of time beginning on
114 July 1 of each year and ending on June 30 of each year.

115 (h) "Groundwater" means that water occurring beneath
116 the surface of the ground.

117 (i) "Groundwater system" means a system for the
118 drainage, conservation, development, utilization, impoundment,
119 diversion, flowage, distribution and disposal of groundwater.

120 (j) "Master plan" means the plan for the six-county
121 region related to current and future needs and involving the
122 acquisition, construction, development, maintenance and operation
123 of water, wastewater and storm water systems.

124 (k) "Municipality" means any incorporated city, town,
125 or village of the State of Mississippi, whether operating under
126 general law or under special charter, lying wholly or partly
127 within the boundaries of the authority.

128 (l) "Person" means the State of Mississippi, a
129 municipality as defined herein, any public agency as defined

130 herein, or any other city, town, village or political subdivision
131 or governmental agency, governmental instrumentality of the State
132 of Mississippi or of the United States of America, or any private
133 utility, individual, copartnership, association, firm, trust,
134 estate or any other entity whatsoever.

135 (m) "Public agency" means any county, municipality, or
136 person, as defined herein, lying wholly or partially within the
137 boundaries of the authority, any state board or commission owning
138 or operating properties within the boundaries of the authority,
139 any district created pursuant to the general laws of the State of
140 Mississippi or local and private laws of the State of Mississippi,
141 including, but not limited to, the Harrison County Wastewater and
142 Solid Waste Management District, the Mississippi Gulf Coast
143 Regional Wastewater Authority in Jackson County, the Southern
144 Regional Wastewater District in Hancock County, or any other
145 political subdivision of the State of Mississippi lying wholly or
146 partially within the boundaries of the authority and having the
147 power to own and operate waterworks, water supply systems,
148 sewerage systems, treatment facilities, sewage treatment systems,
149 or other facilities or systems for the collection, transportation,
150 and treatment of water, sewerage and wastewater.

151 (n) "Sewage treatment system" means a system for
152 collecting, transferring, treating and disposing of waste,
153 including, but not limited to, sewerage systems and treatment
154 facilities, as these terms are defined in this act.

155 (o) "Sewerage system" means pipelines or conduits,
156 canals, pumping stations and force mains, and all other
157 structures, devices, facilities and appliances appurtenant
158 thereto, used for collecting or conducting waste to an ultimate
159 point for treatment.

160 (p) "Storm water" means rain runoff, snow runoff and
161 surface water runoff.

162 (q) "System" means any plants, structures, facilities
163 and other real and personal property used or useful in the
164 collection of wastewater for ultimate discharge into trunk lines,
165 including, without limiting the generality of the foregoing,
166 sewers, conduits, pipelines, mains, pumping and ventilating
167 stations, plants and works, connections and any other real and
168 personal property and rights therein necessary or useful or
169 convenient for the purposes of the authority in connection
170 therewith.

171 (r) "Treatment facilities" means any plant, treatment
172 field, lagoon, pumping station, constructing drainage ditch or
173 surface water intercepting ditch, canal, incinerator, area devoted
174 to sanitary landfills or other works not specifically mentioned
175 herein, installed for the purpose of treating, neutralizing,
176 stabilizing or disposing of waste or facilities to provide cooling
177 water to collect, control and dispose of waste heat.

178 (s) "Treatment systems" means the collective or
179 individual systems for collecting, transferring, treating and
180 disposing of sewage, water, wastewater, and groundwater, or its
181 particular individual substance, and including all treatment
182 facilities, pipelines, conduits, pumping stations and all other
183 structures, devices and appliances appurtenant thereto, including
184 land and right-of-way thereto.

185 (t) "Trunk lines" means trunk sewers and other
186 structures and facilities used or useful in the conducting of
187 wastewater from collection facilities to treatment plants,
188 including, without limiting the generality of the foregoing,
189 conduits, pipelines, mains, pumping and ventilating stations and
190 any other real and personal property and rights therein necessary
191 or useful or convenient for the purposes of the authority in
192 connection therewith.

193 (u) "Wastewater" means water being disposed of by any
194 person and which is contaminated with waste or sewage, including

195 industrial, municipal, and any other wastewater that may cause
196 impairment of the quality of the waters in the state.

197 (v) "Water supply system" means pipelines, conduits,
198 pumping stations and all other structures, devices and appliances
199 appurtenant thereto, including land and right-of-way thereto, for
200 use for transporting water to a point of ultimate use.

201 (w) "Waterworks" means all works, plants or other
202 facilities necessary for the purpose of collecting, storing,
203 treating and transporting water for domestic, municipal,
204 commercial, industrial, agricultural and manufacturing purposes,
205 including open channels.

206 (2) Words of the masculine gender shall be deemed and
207 construed to include correlative words of the feminine and neuter
208 genders. Unless the context shall otherwise indicate, words and
209 terms herein defined shall be equally applicable to the plural as
210 well as the singular form of any such words and terms.

211 **SECTION 4.** (1) All powers of the authority shall be
212 exercised by a board of directors to be composed of a total of
213 nine (9) directors, all of whom shall be appointed by the Governor
214 of the State of Mississippi, and none of whom shall be an elected
215 official. Immediately upon passage of this act, the Governor
216 shall appoint nine (9) individuals (one (1) residing in each
217 county within the boundaries of the authority and three (3)
218 at-large appointees who must reside in the six-county area) to
219 serve on the board for the authority. Each of the nine (9)
220 directors appointed by the Governor will serve at the will and
221 pleasure of the Governor and may be removed at any time. The
222 terms of the appointed directors shall be staggered. The initial
223 terms of the board of directors shall be as follows: the George
224 County director shall serve for one (1) year; the Hancock County
225 director shall serve for two (2) years; the Harrison County
226 director shall serve for three (3) years; the Jackson County
227 director shall serve for four (4) years; the Pearl River County

228 director shall serve for five (5) years; the Stone County director
229 shall serve for six (6) years. The three (3) at large members
230 shall serve for six (6) years. Thereafter, all terms shall be for
231 a period of six (6) years. At the initial meeting of the board,
232 the board shall elect a president and a vice president, and the
233 board shall have the ability to appoint an executive director,
234 secretary and treasurer. Thereafter, the board will annually at
235 the last meeting of the fiscal year elect a president and vice
236 president who shall serve in their respective offices for the next
237 fiscal year. The directors shall serve without a salary but are
238 entitled to receive a per diem.

239 (2) The president shall be the chief executive officer of
240 the authority and the presiding officer of the board, and shall
241 have the same right to vote as any other director. The vice
242 president shall perform all duties and exercise all powers
243 conferred by this act upon the president when the president is
244 absent or fails or declines to act, except the president's right
245 to vote. The board shall also appoint a secretary and a treasurer
246 who may or may not be members of the board, and it may combine
247 those officers. The treasurer shall give bond in the sum of not
248 less than Fifty Thousand Dollars (\$50,000.00) as set by the board
249 of directors, and each director may be required to give bond in
250 the sum of not less than Ten Thousand Dollars (\$10,000.00), with
251 sureties qualified to do business in this state, and the premiums
252 on said bonds shall be an expense of such authority. Each such
253 bond shall be payable to the State of Mississippi. The condition
254 of each such bond shall be that the treasurer or director will
255 faithfully perform all duties of his office and account for all
256 money or other assets which shall come into his custody as
257 treasurer or director of such authority.

258 (3) Except for the election or appointment of officers, all
259 business of the authority shall be transacted by a majority
260 affirmative vote of the total membership of the board of

261 directors. The quorum for any meeting of the board of directors
262 shall be the majority of the total membership of the board of
263 directors.

264 (4) Notwithstanding the provisions of Section 51-39-1 et
265 seq., the authority shall have full power to adopt rules and
266 regulations and to construct, maintain and operate facilities for
267 the control of storm water quality and quantity. The provisions
268 of Section 51-39-1 et seq., do not apply to the authority. The
269 provisions of Section 51-33-1 et seq., relating to drainage
270 districts and flood control districts do not apply to the
271 authority.

272 **SECTION 5.** Membership in the authority shall be voluntary.
273 Any county, municipality, public agency, or other person within
274 the boundaries of the authority may become a member of the
275 authority by passing a duly adopted resolution joining the
276 authority and expressly stating that it is subject to the
277 authority's jurisdiction and power, with such resolution spread
278 upon its official minutes.

279 **SECTION 6.** (1) The authority shall have the right and
280 powers necessary to carry out the purposes of this act including,
281 but not limited to:

282 (a) To sue and be sued, in its own name, provided that
283 the authority shall not be liable and shall be immune from suit at
284 law or in equity on account of any wrongful or tortious act or
285 omission including libel, slander, or defamation by it, or any
286 such act or omission by an employee of the authority, subject to
287 and in accordance with the provisions of Sections 11-46-1 through
288 11-46-23;

289 (b) To adopt an official seal and alter the same at
290 pleasure;

291 (c) To maintain office space at such place or places
292 within the authority boundaries as it may determine;

293 (d) To plan, develop and construct collection
294 facilities and/or treatment facilities for water, wastewater and
295 storm water;

296 (e) To own/lease real or personal property to make,
297 enforce, amend and repeal bylaws and rules for the management of
298 its business;

299 (f) To charge and collect rates and fees;

300 (g) To accept any grant, gifts or loans;

301 (h) To borrow money and issue bonds;

302 (i) To invest money of the authority;

303 (j) To procure insurance;

304 (k) To employ consultants and/or attorneys;

305 (l) To enter on land and/or water for examination;

306 (m) To enter into contracts; and

307 (n) To exercise the power of eminent domain.

308 (2) (a) The authority shall have the power to acquire water
309 and sewer trunk lines; build interceptor lines to existing
310 infrastructure; maintain its systems for collection,
311 transportation, and treatment of water, wastewater and storm
312 water; and enter into contracts with persons for related purposes;

313 (b) The authority has the duty and responsibility to
314 supervise the planning and acquisition of water, wastewater and
315 storm water treatment systems and to adopt rules regarding same,
316 including rules establishing performance standards;

317 (c) The authority shall have the power to manage and
318 approve individual on-site wastewater treatment systems;

319 (d) The authority shall have the power to construct new
320 and centrally located facilities and build new systems in
321 unincorporated areas that have no service-area entity established;

322 (e) The authority shall have the power to, by agreement
323 with municipalities, take over and administer city water,
324 wastewater and storm water systems in municipalities that request
325 to be relieved of that responsibility; however, the

326 municipalities, rural water associations and independent utilities
327 will maintain authority over connections in their service areas
328 and may charge a premium in addition to the treatment charges of
329 the regional authority, remaining responsible for collecting
330 treatment fees from local residents and/or members;

331 (f) The authority shall have the power to coordinate
332 funding from state, local, and federal sources;

333 (g) The authority shall have the power to provide a
334 six-county contract for operation and maintenance of all plants
335 and water wells;

336 (h) The authority shall have the power to provide
337 service area functions such as bill collection and maintenance of
338 lift stations that municipalities, counties, and public utility
339 districts may voluntarily choose to transfer to the regional
340 authority;

341 (i) The authority shall have the power to pass
342 ordinances in the counties and cities in its six-county area
343 imposing fees and requirements for transport lines;

344 (j) The authority shall have the power to enter into
345 service agreements with municipalities, counties, rural water
346 associations, and independent providers;

347 (k) The authority shall have the power to meter the
348 amount of sewage transported to centralized or acquired
349 facilities;

350 (l) The authority shall have the power to review and
351 approve water and sewer connections in addition to any approvals
352 required by the Department of Environmental Quality and the
353 Department of Health; and

354 (m) The authority shall have the power to charge a
355 monthly fee based upon an estimate of the amount of waste treated
356 annually.

357 (3) The authority shall have the power to create, maintain
358 and regulate reservoirs and to promulgate and enforce rules and
359 regulations for the creation and maintenance of same.

360 (4) The authority shall have the ability to control and/or
361 operate as part of its powers the local retail wastewater and
362 sewerage services and may provide or be responsible for direct
363 servicing of said services to any residences, businesses and/or
364 individuals.

365 (5) The authority shall have the ability to acquire and
366 rebuild existing private systems.

367 **SECTION 7.** Any public agency may enter into contracts with
368 the authority, the terms of which the authority will manage,
369 operate and contract for usage of its treatment systems and
370 treatment facilities, or other services for said agency. The
371 obligations of a public agency arising under the terms of any
372 contract, whether or not payable solely from a pledge of revenues,
373 shall not be included within the indebtedness limitations of the
374 public agency for purposes of any constitutional or statutory
375 limitation or provision. Contracts referred to in this section
376 may also provide for payments in the form of contributions to
377 defray the cost of any purpose set forth in the contract and as
378 advances for the respective systems or any part thereof subject to
379 repayment by the authority. Such payments are not subject to
380 approval by the Public Service Commission.

381 **SECTION 8.** (1) The authority is authorized and empowered to
382 acquire water and sewer trunk lines; to acquire, construct,
383 improve, enlarge, extend, repair, operate and maintain one or more
384 of its systems used for the collection, transportation, and
385 treatment of water, wastewater and storm water; and to make
386 contracts with any person in furtherance thereof; and to make
387 contracts with any person, under the terms of which the authority,
388 within its designated area, to collect, transport, treat or
389 dispose of water, wastewater and storm water for such person. The

390 authority also may enter into contracts with any person to design
391 and construct any water, wastewater or storm water treatment
392 systems, or any other of its treatment facilities or systems and
393 thereafter to purchase, lease or sell, by installments over such
394 terms as may be deemed desirable, reasonable and necessary, or
395 otherwise, any such system or systems. The authority is
396 authorized to enter into operating agreements with any person, for
397 such terms and upon such conditions as may be deemed desirable,
398 for the operation of any water, wastewater or storm water
399 treatment systems, or other of its treatment facilities or
400 systems; and the authority may lease to or from any person, for
401 such term and upon such conditions as may be deemed desirable, any
402 water, wastewater or storm water, collection, transportation,
403 treatment, or its other treatment facilities or systems. Any such
404 contract may contain provisions requiring any public agency or
405 other person to regulate the quality and strength of materials to
406 be handled by the respective treatment system or systems and also
407 may provide that the authority shall have the right to use any
408 streets, alleys and public ways and places within the jurisdiction
409 of a public agency or other person during the term of the
410 contract.

411 (2) The authority shall have the duty and responsibility to
412 exercise general supervision over the design, construction,
413 operation and maintenance of water, wastewater or storm water
414 treatment systems; to adopt rules governing the design,
415 construction or installation, operation and maintenance of water,
416 wastewater or storm water treatment systems; to adopt rules
417 establishing performance standards for water, wastewater or storm
418 water treatment systems and rules concerning the operation and
419 maintenance of the same. All rules and regulations shall be
420 consistent with the master plan developed by the Mississippi
421 Department of Environmental Quality. Such rules and regulations
422 may include the implementation of a standard application form for

423 the installation, operation and maintenance of such treatment
424 systems; application review; approval or denial procedures for any
425 proposed system; inspection, monitoring, and reporting guidelines;
426 and enforcement procedures.

427 (3) No owner, lessee, developer or person shall construct or
428 place a residence, building, facility or development which may
429 require the installation of a water, wastewater or storm water
430 treatment system, nor shall any owner, lessee, developer or person
431 design, construct or install such a system, without having first
432 submitted a notice of intent to the authority. Upon receipt of
433 the notice of intent, the board of directors shall provide the
434 party giving notice with complete information regarding the rules,
435 regulations and guidelines for the design, construction,
436 installation, operation and maintenance of water, wastewater or
437 storm water treatment systems. No water, wastewater or storm
438 water treatment systems shall be installed without proof of the
439 submission of the notice of intent required by this section and
440 the approval of the same by the board of directors.

441 (4) Within ten (10) working days following the receipt of
442 complete information as required by the rules, regulations and
443 guidelines for the design, construction, installation, operation
444 and maintenance of water, sewerage, wastewater and storm water
445 treatment systems, as applicable, by an owner, lessee, developer
446 or person of any lot or tract of land, the board of directors
447 shall make recommendations to the owner, lessor, developer or
448 person as to the type or types of systems suitable for
449 installation and compatible with the existing treatment systems of
450 the authority. Approval by the board of directors of any system
451 is required before the installation, operation or maintenance of
452 any system, and no owner, lessee, developer or person shall
453 design, construct or install a system that does not comply with
454 this act; however, the board of directors may grant variances from
455 the requirements of this act as deemed necessary and appropriate.

456 Any owner, lessee, developer or person responsible for the design,
457 construction or installation of a system shall sign and file with
458 the authority an affidavit that the system complies with this act
459 as a part of the complete information filing required in this
460 subsection (4).

461 (5) Nothing in this act shall preclude a professional
462 engineer from providing services for the design, construction or
463 installation of any water, sewerage, wastewater or storm water
464 treatment systems. However, any such engineer shall notify the
465 authority in writing of those services provided and shall stamp
466 the appropriate documentation with that professional's seal
467 certifying the approval of the board of directors of the design,
468 construction and installation.

469 (6) Any system of any county, municipality, public agency or
470 other persons which becomes connected with, or tied into, the
471 treatment systems of the authority, shall be subject to its
472 jurisdiction and the terms of this act.

473 **SECTION 9.** The authority, through its board of directors, in
474 addition to any and all powers now or hereafter granted to it, is
475 hereby empowered:

476 (a) To develop and maintain long-range planning for
477 collection and treatment systems of water, wastewater, storm water
478 and groundwater from within the areas encompassed by the authority
479 and for pollution abatement.

480 (b) Any county, municipality, public agency or other person
481 being a member agency, or being connected with, or tied into, the
482 treatment systems of the collection, transportation and treatment
483 may agree to use its respective eminent domain powers for the
484 benefit of the authority and at the cost of the authority as set
485 forth hereinafter in this paragraph (b) to acquire such property,
486 easements, rights-of-way and other property interests as may be
487 required and requested by the board of directors.

488 (c) The authority may reimburse or pay all costs,
489 including professional fees, along with damages awarded in
490 connection with the exercise of such eminent domain power to such
491 member agency or other entity which has agreed to exercise its
492 eminent domain powers under the terms of this act.

493 (d) The amount and character of interest in land, other
494 property, and easements thus to be acquired shall be determined by
495 the board of directors, and their determination shall be
496 conclusive and shall not be subject to attack in the absence of
497 manifold abuse of discretion or fraud on the part of such board in
498 making such determination. However:

499 (i) In acquiring lands, either by negotiation or
500 eminent domain through action of a member agency, the authority
501 shall not acquire mineral rights or royalties, provided that sand
502 and gravel shall not be considered as minerals within the meaning
503 of this section;

504 (ii) No person or persons owning the drilling
505 rights or the right to share in production shall be prevented from
506 exploring, developing or producing oil or gas with necessary
507 rights-of-way for ingress and egress, pipelines and other means of
508 transporting such interests on any land or interest thereon of the
509 authority held or used for the purposes of this act, but any such
510 activities shall be subject to and secondary to such reasonable
511 regulations by the board of directors as will adequately protect
512 the systems of the authority contemplated by this act; and

513 (iii) In acquiring lands, either by negotiation or
514 eminent domain through action of a member agency, the authority
515 shall acquire only any interest or rights in such facilities,
516 components and systems which are part of the master plan
517 implemented by the authority.

518 (e) To acquire the necessary relocation or rerouting of
519 roads and highways, railroad, telephone and telegraph lines and
520 properties, electric power lines, gas pipelines and related

521 facilities, or to require the anchoring or other protection of any
522 of these, provided fair compensation is first paid to the owners
523 thereof or agreement is had with such owners regarding the payment
524 of the cost of such relocation, and to acquire easements or
525 rights-of-way for such relocation or rerouting and to convey the
526 same to the owners of the property being relocated or rerouted in
527 connection with the purpose of this act.

528 (f) To enter into contracts with any person or any
529 public agency, including, but not limited to, contracts authorized
530 by Section 12 of this act, in furtherance of any of the purposes
531 authorized by this act upon such consideration as the board of
532 directors and such person may agree. Any such contract may extend
533 over any period of time including a term which extends beyond the
534 term of the then majority of the existing board members,
535 notwithstanding any provision or rule of law to the contrary; may
536 be upon such terms as the parties thereto shall agree; and may
537 provide that it shall continue in effect until bonds specified
538 therein, refunding bonds issued in lieu of such bonds, and all
539 other obligations specified therein are paid or terminated. Any
540 such contract shall be binding upon the parties thereto according
541 to its terms.

542 (g) To make and enforce, and from time to time amend
543 and repeal, bylaws and rules and regulations for the management of
544 its business and affairs and for the construction, use,
545 maintenance and operation of any of the systems under its
546 management and control and any other of its properties.

547 (h) To employ staff and other personnel, including
548 attorneys, engineers and consultants as may be necessary to the
549 functioning of the authority. The board of directors, in its
550 discretion, may employ an executive director having the authority
551 to employ and fire employees and other duties as determined by the
552 authority.

553 (i) To apply for, accept and utilize grants, gifts, and
554 other funds from any source for any purpose necessary in support
555 of the purpose of this act.

556 (j) To establish and maintain rates and charges for the
557 use of the services of such of the systems and facilities within
558 the control of the authority, and within the areas encompassed by
559 the authority, and from time to time to adjust such rates, to the
560 end that the revenues therefrom will be sufficient at all times to
561 pay the expenses of operating and maintaining such of its works,
562 facilities and treatment systems and all of the municipality's
563 obligations under any contract or bond resolution with respect
564 thereto. Such rates shall not be subject to the jurisdiction of
565 the Mississippi Public Service Commission.

566 (k) To adopt rules and regulations necessary to carry
567 out the implementation of the master plan and to assure the
568 payment of each participating person or public agency of its
569 proportionate share of the costs for use of any of the systems and
570 facilities of the authority.

571 (l) To refuse to receive waste from any public agency
572 or subdivision thereof not currently using any system and which
573 may be acquired or within the control of the authority, or any
574 other person that does not comply with the provisions of the
575 master plan applicable to the particular area within which such
576 public agency or subdivision thereof or any other person is
577 located.

578 (m) To accept industrial wastewater from within the
579 boundaries of the authority for treatment and to require the
580 pretreatment of same when, in the opinion of the authority, such
581 pretreatment is necessary.

582 (n) To adopt all necessary and reasonable rules and
583 regulations to carry out and effectuate any waste treatment
584 systems or treatment system control plan of the authority as

585 adopted for the areas encompassed by the authority, as
586 contractually authorized.

587 (o) So long as any indebtedness on the systems of the
588 authority remains outstanding, to require by contract with a
589 public agency, or other person, that all water, wastewater and
590 storm water within the boundaries of the authority be disposed of
591 through the appropriate treatment system which comprise a part of
592 the master plan, to the extent that the same may be available, but
593 no public agency shall be precluded from constructing, operating
594 and maintaining its own such system after the current indebtedness
595 owing on the system as of the effective date of this act is paid
596 in full.

597 (p) Assess and collect impact fees for future
598 development.

599 **SECTION 10.** (1) Any public agency, pursuant to a duly
600 adopted resolution of the governing authority of such public
601 agency, may enter into contracts with the authority under the
602 terms of which the authority, within its designated areas, will
603 manage, operate, and contract for usage of its treatment systems
604 and treatment facilities, or other services, for such person or
605 public agency. Any public agency may also enter into contracts
606 with the authority for the authority to purchase or sell, by
607 installments over such terms as may be deemed desirable, or
608 otherwise, to any person any treatment systems. Any public agency
609 is authorized to enter into operating agreements with the
610 authority, for such terms and upon such conditions as may be
611 deemed desirable, for the operation of any of its treatment
612 systems of any person by the authority or by any person
613 contracting with the authority to operate such treatment systems;
614 and any public agency may lease to or from the authority, for such
615 term and upon such conditions as may be deemed desirable, any of
616 its treatment systems. Any such contract may contain provisions
617 requiring any public agency or other person to regulate the

618 quality and strength of the material to be handled by the water,
619 wastewater or storm water systems and may also provide that the
620 authority shall have the right to use any streets, alleys and
621 public ways and places within the jurisdiction of a public agency
622 or other person during the term of the contract. Such contracts
623 may obligate the public agency to make payments to the authority
624 or to a trustee in amounts which shall be sufficient to enable the
625 authority to defray the expenses of administering, operating and
626 maintaining its respective systems, to pay interest and principal
627 (whether at maturity upon redemption or otherwise) on bonds of the
628 authority, issued under this act and to fund reserves for debt
629 service, for operation and maintenance and for renewals and
630 replacements, and to fulfill the requirements of any rate covenant
631 with respect to debt service coverage contained in any resolution,
632 trust indenture or other security agreement relating to the bonds
633 of the authority issued under this act. Any public agency shall
634 have the power to enter into such contracts with the authority as
635 in the discretion of the governing authorities of the agency would
636 be in the best interest of the agency. Such contracts may include
637 a pledge of the full faith and credit of such public agency and/or
638 the avails of any special assessments made by such public agency
639 against property receiving benefits, as now or hereafter is
640 provided by law. Any such contract may provide for the sale, or
641 lease to, or use of by the authority, of the systems or any part
642 thereof, of the public agency; and may provide that the authority
643 shall operate its systems or any part thereof of the public
644 agency; and may provide that any public agency shall have the
645 right to continued use and/or priority use of the systems or any
646 part thereof during the useful life thereof upon payment of
647 reasonable charges therefor; and may contain provisions to assure
648 equitable treatment of persons or public agencies who contract
649 with the authority under this act; and may contain such other
650 provisions and requirements as the parties thereto may determine

651 to be appropriate or necessary. Such contracts may extend over
652 any period of time, notwithstanding any provisions of law to the
653 contrary, and may extend beyond the life of the respective systems
654 or any part thereof or the term of the bonds sold with respect to
655 such facilities or improvements thereto. Any public agency may
656 donate property to the authority for the purposes herein without
657 the necessity of appraisal, advertising or bid. This section
658 creates an alternative method of disposal of public property. Any
659 public agency may contribute cash or in-kind contributions to
660 assist the purposes of the authority. Any public agency may
661 assist the authority in borrowing by lending its credit worthiness
662 to the authority for any borrowing.

663 (2) The obligations of a public agency arising under the
664 terms of any contract referred to in this act, whether or not
665 payable solely from a pledge of revenues, shall not be included
666 within the indebtedness limitations of the public agency for
667 purposes of any constitutional or statutory limitation or
668 provision. To the extent provided in such contract and to the
669 extent such obligations of the public agency are payable wholly or
670 in part from the revenues and other monies derived by the public
671 agency from the operation of its treatment systems or of its
672 combined treatment systems, waterworks and water supply systems or
673 any part thereof, such obligations shall be treated as expenses of
674 operating such systems.

675 (3) Contracts referred to in this section may also provide
676 for payments in the form of contributions to defray the cost of
677 any purpose set forth in the contracts and as advances for the
678 respective systems or any part thereof subject to repayment by the
679 authority. A public agency may make such contributions or
680 advances from its general fund or surplus fund or from special
681 assessments or from any monies legally available therefor.

682 (4) Payments made, or to be made, to the authority by a
683 public agency or other person under a contract for any of its

684 treatment systems, or any part thereof, shall not be subject to
685 approval or review by the Mississippi Public Service Commission.

686 (5) Subject to the terms of a contract or contracts referred
687 to in this act, the authority is hereby authorized to do and
688 perform any and all acts or things necessary, convenient or
689 desirable to carry out the purposes of such contracts, including
690 the fixing, charging, collecting, maintaining and revising of
691 rates, fees and other charges for the services rendered to any
692 user of any of the systems operated or maintained by the
693 authority, whether or not such systems are owned by the authority.

694 (6) No provision of this act shall be construed to prohibit
695 any public agency, otherwise permitted by law to issue bonds, from
696 issuing bonds in the manner provided by law for the construction,
697 renovation, repair or development of any of the authority's
698 treatment systems, or any part thereof, owned or operated by such
699 public agency.

700 **SECTION 11.** Whenever a public agency shall have executed a
701 contract under this act and the payments thereunder are to be made
702 either wholly or partly from the revenues of the public agency's
703 treatment systems, or any part thereof, or a combination of such
704 systems, the duty is hereby imposed on the public agency to
705 establish and maintain and from time to time to adjust the rates
706 charged by the public agency for the services of such treatment
707 systems, so that the revenues therefrom together with any taxes
708 and special assessments levied in support thereof will be
709 sufficient at all times to pay: (a) the expense of operating and
710 maintaining such treatment systems including all of the public
711 agency's obligations to the authority, its successors or assigns
712 under such contract; and (b) all of the public agency's
713 obligations under and in connection with revenue bonds theretofore
714 issued, or which may be issued thereafter and secured by the
715 revenues of such treatment systems. Any such contract may require

716 the use of consulting engineers and financial experts to advise
717 the public agency whether and when such rates are to be adjusted.

718 **SECTION 12.** (1) The authority shall have the power and is
719 hereby authorized, from time to time, to borrow money and to issue
720 revenue bonds and interim notes in such principal amounts as the
721 authority may determine to be necessary to provide sufficient
722 funds for achieving one or more of the purposes of this act,
723 including, without limiting the generality of the foregoing, to
724 defray all the costs of the project, the cost of the acquisition,
725 construction, improvement, repair or extension of a system, or any
726 part thereof, whether or not such facilities are owned by the
727 authority, the payment of interest on bonds of the authority
728 issued pursuant to this act, establishment of reserves to secure
729 such bonds and payment of the interest thereon, expenses incident
730 to the issuance of such bonds and to the implementation of the
731 authority's system, and all other expenditures of the authority
732 incident to or necessary or convenient to carry out the purposes
733 of this act.

734 (2) Before issuing bonds (other than interim notes or
735 refunding bonds as provided in Section 10 of this act) hereunder,
736 the board of directors of the authority shall adopt a resolution
737 declaring its intention to issue such bonds and stating the
738 maximum principal amount of bonds proposed to be issued, a general
739 generic description of the proposed improvements and the proposed
740 location thereof and the date, time and place at which the board
741 of directors proposes to take further action with respect to the
742 issuance of such bonds. The resolution of the authority shall be
743 published once a week for at least three (3) consecutive weeks in
744 at least one (1) newspaper having a general circulation within the
745 geographical limits of all of the public agencies:

746 (a) Which have contracted with the authority pursuant
747 to this act; and

748 (b) Whose contracts relate to the bonds proposed to be
749 issued, (each member agency which meets all of the criteria set
750 forth in (a) and (b) foregoing is hereinafter in this section
751 referred to as "affected member agency," and, together with other
752 such agencies, collectively referred to as the "affected member
753 agencies"); provided, however, that if no newspaper has a general
754 circulation within the geographical limits of all of the affected
755 member agencies, then such resolution shall be published in as
756 many different newspapers as may be required to provide general
757 circulation of the publication of such resolution within the
758 geographical limits of each affected member agency; and, provided
759 further, that if no newspaper has a general circulation within the
760 geographical limits of any particular affected member agency, then
761 notice in such affected member agency shall be made by posting a
762 copy of such resolution for at least twenty-one (21) days next
763 preceding the date therein at two (2) public places within the
764 geographical limits of such member agency. The first publication
765 of such resolution shall be made not less than twenty-one (21)
766 days prior to the date fixed in such resolution to direct the
767 issuance of the bonds and the last publication shall be made not
768 more than seven (7) days prior to such date. If twenty percent
769 (20%) of the qualified electors residing in the authority or one
770 thousand five hundred (1,500), whichever is lesser, shall file a
771 written protest against the issuance of such bonds on or before
772 the date specified in such resolution, then an election on the
773 question of the issuance of such bonds shall be called and held as
774 herein provided. If no such protest be filed, then such bonds may
775 be issued without an election on the question of the issuance
776 thereof at any time within a period of two (2) years after the
777 date specified in the above-mentioned resolution. Where an
778 election is to be called, notice of such election shall be signed
779 by the president of the board of directors, and shall be published
780 once a week for at least three (3) consecutive weeks in the same

781 manner as publication of the resolution. The first publication of
782 such notice shall be made not less than twenty-one (21) days prior
783 to the date fixed for such election and the last publication shall
784 be made not more than seven (7) days prior to such date. The
785 election shall be conducted by the election commissioners of the
786 county in which the authority is located. Such election shall be
787 held, as far as is practicable, in the same manner as other county
788 special elections are held in the county where the authority is
789 located. At such election, all qualified electors residing in the
790 metropolitan area may vote, and the ballots used at such election
791 shall have printed thereon a brief statement of the amount and
792 purpose of the proposed bond issue and the words "FOR THE BOND
793 ISSUE" and "AGAINST THE BOND ISSUE," and the voter shall vote by
794 placing a cross (X) or check mark (√) opposite his choice on the
795 proposition. When the results of the election on the question of
796 the issuance of such bonds shall have been canvassed by the
797 election commissioners of the county in which the authority is
798 located and certified by them to the board of directors of the
799 authority, it shall be the duty of the board of directors of the
800 authority to determine and adjudicate whether or not a majority of
801 the qualified electors who voted thereon in such election voted in
802 favor of the issuance of such bonds, and unless a majority of the
803 qualified electors who voted thereon in such election shall have
804 voted in favor of the issuance of such bonds, then such bonds
805 shall not be issued. Should a majority of the qualified electors
806 who vote thereon in such election vote in favor of the issuance of
807 such bonds, then the board of directors may issue such bonds,
808 either in whole or in part, within two (2) years after the date of
809 the election or the date of the final favorable termination of any
810 litigation affecting the issuance of such bonds.

811 (3) Bonds of the authority issued pursuant to this act shall
812 be payable from and secured by a pledge of all or any part of the
813 revenues under one or more contracts entered into pursuant to this

814 act between the authority and one or more of its member public
815 agencies and from all or any part of the revenues derived from the
816 operation of any designated system or any part or parts thereof
817 and any other monies legally available and designated therefor, as
818 may be determined by such authority, subject only to any agreement
819 with the purchasers of the bonds. Such bonds may be further
820 secured by a trust indenture between such authority and a
821 corporate trustee, which may be any trust company or bank having
822 powers of a trust company without or within the state.

823 (4) Bonds of the authority issued pursuant to this act shall
824 be authorized by a resolution or resolutions adopted by a majority
825 affirmative vote of the total membership of the board of directors
826 of the authority. Such bonds may be issued in series, and each
827 series of such bonds shall bear such date or dates, mature at such
828 time or times, bear interest at such rate or rates (not exceeding
829 the maximum rate set out in Section 75-17-103, Mississippi Code of
830 1972), be in such denomination or denominations, be in such form,
831 carry such conversion privileges, have such rank or priority, be
832 executed in such manner and by such officers, be payable from such
833 sources in such medium of payment at such place or places within
834 or without the state, provided that one (1) such place shall be
835 within the state, and be subject to such terms of redemption prior
836 to maturity, all as may be provided by resolution or resolutions
837 of the board of directors.

838 (5) Bonds of the authority issued pursuant to this act may
839 be sold at such price or prices, at public or private sale, in
840 such manner and at such times as may be determined by such
841 authority to be in the public interest, and such authority may pay
842 all expenses, premiums, fees and commissions which it may deem
843 necessary and advantageous in connection with the issuance and
844 sale thereof.

845 (6) Any pledge of earnings, revenues or other monies made by
846 the authority shall be valid and binding from the time the pledge

847 is made. The earnings, revenues or other monies so pledged and
848 thereafter received by such authority shall immediately be subject
849 to the lien of such pledge without any physical delivery thereof
850 or further act, and the lien of any such pledge shall be valid and
851 binding as against all parties having claims of any kind in tort,
852 contract or otherwise against such authority irrespective of
853 whether such parties have notice thereof. Neither the resolution
854 nor any other instrument by which a pledge is created need be
855 recorded.

856 (7) Neither the members of the board of directors nor any
857 person executing the bonds shall be personally liable on the bonds
858 or be subject to any personal liability or accountability by
859 reason of the issuance thereof.

860 (8) Proceeds from the sale of bonds of the authority may be
861 invested, pending their use, in such securities as may be
862 specified in the resolution authorizing the issuance of the bonds
863 or the trust indenture securing them, and the earnings on such
864 investments applied as provided in such resolution or trust
865 indenture.

866 (9) Whenever any bonds shall have been signed by the
867 officer(s) designated by the resolution of the board of directors
868 to sign the bonds who were in office at the time of such signing
869 but who may have ceased to be such officer(s) prior to the sale
870 and delivery of such bonds, or who may not have been in office on
871 the date such bonds may bear, the manual or facsimile signatures
872 of such officer(s) upon such bonds shall nevertheless be valid and
873 sufficient for all purposes and have the same effect as if the
874 person so officially executing such bonds had remained in office
875 until the delivery of the same to the purchaser or had been in
876 office on the date such bonds may bear.

877 (10) The authority has the discretion to advance or borrow
878 funds needed to satisfy any short-term cash flow demands or
879 deficiencies or to cover start-up costs until such time as

880 sufficient bonds, assets and revenues have been secured to satisfy
881 the needs of the authority.

882 SECTION 13. (1) The authority may by resolution adopted by
883 its board of directors issue refunding bonds for the purpose of
884 paying any of its bonds at or prior to maturity or upon
885 acceleration or redemption. Refunding bonds may be issued at such
886 time prior to the maturity or redemption of the refunded bonds as
887 the board of directors deems to be in the public interest, without
888 an election on the question of the issuance thereof. The
889 refunding bonds may be issued in sufficient amounts to pay or
890 provide the principal of the bonds being refunded, together with
891 any redemption premium thereon, any interest accrued or to accrue
892 to the date of payment of such bonds, the expenses of issue of the
893 refunding bonds, the expenses of redeeming the bonds being
894 refunded, and such reserves for debt service or other capital or
895 current expenses from the proceeds of such refunding bonds as may
896 be required by the resolution, trust indenture or other security
897 instruments. The issue of refunding bonds, the maturities and
898 other details thereof, the security therefor, the rights of the
899 holders and the rights, duties and obligations of an authority in
900 respect of the same shall be governed by the provisions of this
901 act relating to the issue of bonds other than refunding bonds
902 insofar as the same may be applicable. Any such refunding may be
903 effected, whether the obligations to be refunded shall have then
904 matured or shall thereafter mature, either by the exchange of the
905 refunding bonds for the obligations to be refunded thereby with
906 the consent of the holders of the obligations so to be refunded,
907 or by sale of the refunding bonds and the application of the
908 proceeds thereof to the payment of the obligations proposed to be
909 refunded thereby, and regardless of whether the obligations
910 proposed to be refunded shall be payable on the same date or
911 different dates or shall be due serially or otherwise.

912 (2) Borrowing by the authority may be made by the delivery
913 of interim notes to any person or public agency or financial
914 institution by a simple majority vote of the board of directors.

915 **SECTION 14.** All bonds (other than refunding bonds, interim
916 notes and certificates of indebtedness, which may be validated)
917 issued pursuant to this act shall be validated as now provided by
918 law in Sections 31-13-1 through 31-13-11, Mississippi Code of
919 1972, as amended from time to time; however, notice of such
920 validation proceedings shall be addressed to the citizens of the
921 State of Mississippi and the citizens of the respective member
922 public agencies (a) which have contracted with the authority
923 pursuant to this act, and (b) whose contracts and the payments to
924 be made by the public agencies thereunder constitute security for
925 the bonds of such authority proposed to be issued, and that such
926 notice shall be published at least once in a newspaper or
927 newspapers having a general circulation within the geographical
928 boundaries of each of the member public agencies to whose citizens
929 the notice is addressed and within the State of Mississippi. Such
930 validation proceedings shall be instituted in any chancery courts
931 within the boundaries of the authority. The validity of the bonds
932 so validated and of the contracts and payments to be made by the
933 public agencies thereunder constituting security for the bonds
934 shall be forever conclusive against the authority and the public
935 agencies which are parties to said contracts; and the validity of
936 said bonds and said contracts and the payments to be made
937 thereunder shall never be called in question in any court in this
938 state.

939 **SECTION 15.** Bonds issued under the provisions of this act
940 shall not be deemed to constitute, within the meaning of any
941 constitutional or statutory limitation, an indebtedness of the
942 authority or any member agency thereof. Such bonds shall be
943 payable solely from the revenues or assets of the authority
944 pledged therefor. Each bond issued under this act shall contain

945 on the face thereof a statement to the effect that such authority
946 shall not be obligated to pay the same nor the interest thereon
947 except from the revenues or assets pledged therefor.

948 **SECTION 16.** The authority shall have power in connection
949 with the issuance of its bonds to:

950 (a) Covenant as to the use of any or all of its
951 property, real or personal.

952 (b) Redeem the bonds, to covenant for their redemption
953 and to provide the terms and conditions thereof.

954 (c) Covenant to charge rates, fees and charges
955 sufficient to meet operating and maintenance expenses, renewals
956 and replacements, principal and debt service on bonds, creation
957 and maintenance of any reserves required by a bond resolution,
958 trust indenture or other security instrument and to provide for
959 any margins or coverages over and above debt service on the bonds
960 deemed desirable for the marketability of the bonds.

961 (d) Covenant and prescribe as to events of default and
962 terms and conditions upon which any or all of its bonds shall
963 become or may be declared due before maturity, as to the terms and
964 conditions upon which such declaration and its consequences may be
965 waived and as to the consequences of default and the remedies of
966 the registered owners of the bonds.

967 (e) Covenant as to the mortgage or pledge of or the
968 grant of a security interest in any real or personal property and
969 all or any part of the revenues from any designated system or any
970 part thereof or any revenue-producing contract or contracts made
971 by such authority with any person to secure the payment of bonds,
972 subject to such agreements with the registered owners of bonds as
973 may then exist.

974 (f) Covenant as to the custody, collection, securing,
975 investment and payment of any revenues, assets, monies, funds or
976 property with respect to which such authority may have any rights
977 or interest.

978 (g) Covenant as to the purposes to which the proceeds
979 from the sale of any bonds then or thereafter to be issued may be
980 applied, and the pledge of such proceeds to secure the payment of
981 the bonds.

982 (h) Covenant as to the limitations on the issuance of
983 any additional bonds, the terms upon which additional bonds may be
984 issued and secured, and the refunding of outstanding bonds.

985 (i) Covenant as to the rank or priority of any bonds
986 with respect to any lien or security.

987 (j) Covenant as to the procedure by which the terms of
988 any contract with or for the benefit of the registered owners of
989 bonds may be amended or abrogated, the amount of bonds the
990 registered owners of which must consent thereto, and the manner in
991 which such consent may be given.

992 (k) Covenant as to the custody of any of its properties
993 or investments, the safekeeping thereof, the insurance to be
994 carried thereon, and the use and disposition of insurance
995 proceeds.

996 (l) Covenant as to the vesting in a trustee or
997 trustees, within or outside the state, of such properties, rights,
998 powers and duties in trust as such authority may determine.

999 (m) Covenant as to the appointing and providing for the
1000 duties and obligations of a paying agent or paying agents or other
1001 fiduciaries within or outside the state.

1002 (n) Make all other covenants and to do any and all such
1003 acts and things as may be necessary or convenient or desirable in
1004 order to secure its bonds, or in the absolute discretion of the
1005 authority tend to make the bonds more marketable, notwithstanding
1006 that such covenants, acts or things may not be enumerated herein;
1007 it being the intention hereof to give any authority power to do
1008 all things in the issuance of bonds and in the provisions for
1009 security thereof which are not inconsistent with the Constitution
1010 of the state.

1011 (o) Execute all instruments necessary or convenient in
1012 the exercise of the powers herein granted or in the performance of
1013 covenants or duties, which may contain such covenants and
1014 provisions, as any purchaser of the bonds of such metropolitan
1015 authority may reasonably require.

1016 SECTION 17. The authority may, in any authorizing resolution
1017 of the board of directors, trust indenture or other security
1018 instrument relating to its bonds, provide for the appointment of a
1019 trustee who shall have such powers as are provided therein to
1020 represent the registered owners of any issue of bonds in the
1021 enforcement or protection of their rights under any such
1022 resolution, trust indenture or security instrument. The authority
1023 may also provide in such resolution, trust indenture or other
1024 security instrument that the trustee, or in the event that the
1025 trustee so appointed shall fail or decline to so protect and
1026 enforce such registered owners' rights then such percentage of
1027 registered owners as shall be set forth in, and subject to the
1028 provisions of, such resolution, trust indenture or other security
1029 interest, may petition the court of proper jurisdiction for the
1030 appointment of a receiver of the waterworks, water supply system
1031 or sewage disposal system the revenues of which are pledged to the
1032 payment of the principal of and interest on the bonds of such
1033 registered owners. Such receiver may exercise any power as may be
1034 granted in any such resolution, trust indenture or security
1035 instrument to enter upon and take possession of, acquire,
1036 construct or reconstruct or operate and maintain such system fix
1037 charges for services of the system and enforce collection thereof,
1038 and receive all revenues derived from such system or facilities
1039 and perform the public duties and carry out the contracts and
1040 obligations of such authority in the same manner as such authority
1041 itself might do, all under the direction of such court.

1042 SECTION 18. (1) The exercise of the powers granted by this
1043 act will be in all respects for the benefit of the people of the

1044 state, for their well-being and prosperity and for the improvement
1045 of their social and economic conditions, and the metropolitan
1046 authority shall not be required to pay any tax or assessment on
1047 any property owned by the authority under the provisions of this
1048 act or upon the income therefrom; nor shall any authority be
1049 required to pay any recording fee or transfer tax of any kind on
1050 account of instruments recorded by it or on its behalf.

1051 (2) Any bonds issued by the authority under the provisions
1052 of this act, their transfer and the income therefrom shall at all
1053 times be free from taxation by the state or any local unit or
1054 political subdivision or other instrumentality of the state,
1055 excepting inheritance and gift taxes.

1056 **SECTION 19.** All bonds issued under the provisions of this
1057 act shall be legal investments for trustees, other fiduciaries,
1058 savings banks, trust companies and insurance companies organized
1059 under the laws of the State of Mississippi; and such bonds shall
1060 be legal securities which may be deposited with and shall be
1061 received by all public officers and bodies of the state and all
1062 municipalities and other political subdivisions thereof for the
1063 purpose of securing the deposit of public funds.

1064 **SECTION 20.** The state hereby covenants with the registered
1065 owners of any bonds of any authority that so long as the bonds are
1066 outstanding and unpaid the state will not limit or alter the
1067 rights and powers of any authority under this act to conduct the
1068 activities referred to herein in any way pertinent to the
1069 interests of the bondholders including, without limitation, such
1070 authority's right to charge and collect rates, fees and charges
1071 and to fulfill the terms of any covenants made with the registered
1072 owners of the bonds, or in any other way impair the rights and
1073 remedies of the registered owners of the bonds, unless provision
1074 for full payment of such bonds, by escrow or otherwise, has been
1075 made pursuant to the terms of the bonds or the resolution, trust
1076 indenture or security interest securing the bonds.

1077 **SECTION 21.** The provisions of this act are cumulative of
1078 other statutes now or hereafter enacted relating to the issuance
1079 of bonds and systems; and to the design, construction, acquisition
1080 or approval of facilities for such purposes, and any public agency
1081 may exercise all presently held powers in the furtherance of this
1082 act.

1083 **SECTION 22.** If any clause, sentence, paragraph, section or
1084 part of the provisions of this act shall be adjudged by any court
1085 of competent jurisdiction to be invalid, such judgment shall not
1086 affect, impair or invalidate the remainder thereof directly
1087 involved in the controversy in which such judgment shall have been
1088 rendered.

1089 **SECTION 23.** Section 49-17-161, Mississippi Code of 1972, is
1090 brought forward as follows:

1091 49-17-161. Sections 49-17-161 through 49-17-209 shall be
1092 known and may be cited as the "Southern Regional Wastewater
1093 Management Act."

1094 **SECTION 24.** Section 49-17-162, Mississippi Code of 1972, is
1095 brought forward as follows:

1096 49-17-162. (1) The Southern Regional Wastewater Management
1097 District shall be the Waveland Regional Wastewater Management
1098 District and shall retain all powers and duties granted by law to
1099 the Waveland Regional Wastewater Management District.

1100 (2) Wherever the term "Waveland Regional Wastewater
1101 Management District" appears in any law, it shall be construed to
1102 mean the Southern Regional Wastewater Management District.

1103 **SECTION 25.** Section 49-17-163, Mississippi Code of 1972, is
1104 brought forward as follows:

1105 49-17-163. (1) It is hereby found and declared that a
1106 critical health hazard to the residents of the State of
1107 Mississippi results from the pollution of the waters in the
1108 Mississippi Sound which is one (1) of the state's basic resources;
1109 that such pollution is adversely affecting the economy and growth

1110 of the state; and that such pollution is caused primarily by the
1111 operation of inadequate wastewater collection and treatment
1112 facilities within the counties bordering the Gulf of Mexico.

1113 (2) It is further found and declared that it is in the
1114 public interest to foster and promote by all reasonable means the
1115 abatement of pollution of water in or bordering the state and thus
1116 to reduce and ultimately abate the menace to the public health and
1117 welfare resulting from such pollution; that the abatement of the
1118 pollution of the waters in the Mississippi Sound can best be
1119 accomplished through the establishment of regional wastewater
1120 management districts to provide for the planning and financing of
1121 adequate wastewater collection and treatment facilities for the
1122 benefit of all public agencies and other persons within those
1123 counties bordering the Gulf of Mexico, who desire by means of and
1124 through such districts to obtain such facilities; and that the
1125 establishment of a regional wastewater management district will
1126 serve to maximize the amount of federal aid and assistance which
1127 can be received for this pollution abatement effort.

1128 (3) It is further found and declared that to aid in
1129 remedying these conditions, and to promote the development and
1130 operation of adequate wastewater collection and treatment
1131 facilities and thereby to abate such pollution, public bodies
1132 corporate and politic of the state may be created with authority
1133 to cause and assist in compliance with the standards of water
1134 quality established by the Mississippi Air and Water Pollution
1135 Control Law, appearing as Section 49-17-1 et seq., Mississippi
1136 Code of 1972, and by the Federal Water Pollution Control Act,
1137 appearing as 33 USCS 1251, as amended, regarding collection and
1138 treatment facilities located in the counties bordering the Gulf of
1139 Mexico; to plan, acquire, construct, finance, develop, own,
1140 operate or maintain wastewater collection and treatment facilities
1141 within said counties; and to apply and contract for and to accept

1142 grants-in-aid and other funds from the federal government and the
1143 state government and their agencies in this regard.

1144 (4) The Legislature further finds that the authority and
1145 powers conferred under Sections 49-17-161 through 49-17-209 and
1146 the expenditure of public monies pursuant thereto constitute a
1147 valid public purpose; that the creation and establishment of the
1148 Southern Regional Wastewater Management District is necessary and
1149 essential to the accomplishment of the aforesaid purposes; that
1150 Sections 49-17-161 through 49-17-209 operate on a subject in which
1151 the state at large is interested; and that each of these matters
1152 are declared as a matter of express legislative determination.

1153 **SECTION 26.** Section 49-17-165, Mississippi Code of 1972, is
1154 brought forward as follows:

1155 49-17-165. Whenever used in Sections 49-17-161 through
1156 49-17-209, the following words and terms shall have the following
1157 respective meanings unless a different meaning clearly appears
1158 from the context:

1159 (a) "Act" means the Southern Regional Wastewater
1160 Management Act, as the same may be amended.

1161 (b) "Bonds" means any bonds, interim certificates,
1162 notes or other evidences of indebtedness of the district issued
1163 under Sections 49-17-161 through 49-17-209.

1164 (c) "Collection facilities" means any plants,
1165 structures, facilities and other real and personal property used
1166 or useful in the collection of wastewater for ultimate discharge
1167 into trunk lines, including, without limiting the generality of
1168 the foregoing, sewers, conduits, pipelines, mains, pumping and
1169 ventilating stations, plants and works, connections and any other
1170 real and personal property and rights therein necessary or useful
1171 or convenient for the purposes of the district in connection
1172 therewith.

1173 (d) "County" means Hancock County.

1174 (e) "District" means the Southern Regional Wastewater
1175 Management District.

1176 (f) "Management area" means all of the area lying
1177 within the territorial boundaries of Hancock County.

1178 (g) "Person" means the state or other agency or
1179 institution thereof, any municipality, political subdivision,
1180 public or private corporation, individual, partnership,
1181 association or other entity, and includes any officer or governing
1182 or managing body of any municipality, political subdivision or
1183 public or private corporation.

1184 (h) "Pollution" means such contamination, or other
1185 alteration of the physical, chemical or biological properties, of
1186 any waters of the state, including change in temperature, taste,
1187 color, turbidity or odor of the waters, or such discharge of any
1188 liquid, gaseous, solid, radioactive, or other substance into any
1189 waters of the state as will or is likely to create a nuisance or
1190 render such waters harmful, detrimental or injurious to public
1191 health, safety or welfare, or to domestic, commercial, industrial,
1192 agricultural, recreational or other legitimate beneficial uses, or
1193 to livestock, wild animals, birds, fish or other aquatic life.

1194 (i) "Public agency" means any incorporated city or
1195 town, county, political subdivision, governmental district or
1196 unit, public corporation or governmental agency created under the
1197 laws of the state, lying wholly or partially within the management
1198 area.

1199 (j) "State" means the State of Mississippi.

1200 (k) "Treatment facilities" means treatment plants and
1201 any related trunk lines.

1202 (l) "Treatment plants" means any plants, structures,
1203 facilities and other real and personal property used or useful in
1204 the treating, neutralizing, stabilizing or disposing of
1205 wastewater, including, without limiting the generality of the
1206 foregoing plants, disposal fields and lagoons and any other real

1207 and personal property and rights therein necessary or useful or
1208 convenient for the purposes of the district in connection
1209 therewith.

1210 (m) "Trunk lines" means trunk sewers and other
1211 structures and facilities used or useful in the conducting of
1212 wastewater from collection facilities to treatment plants,
1213 including, without limiting the generality of the foregoing,
1214 conduits, pipelines, mains, pumping and ventilating stations and
1215 any other real and personal property and rights therein necessary
1216 or useful or convenient for the purposes of the district in
1217 connection therewith.

1218 (n) "Wastewater" means water containing sewage,
1219 industrial wastes, oil field wastes and other liquid, gaseous,
1220 solid, radioactive or other substances which may pollute or tend
1221 to pollute any waters of the state.

1222 **SECTION 27.** Section 49-17-167, Mississippi Code of 1972, is
1223 brought forward as follows:

1224 49-17-167. There is hereby created and established a public
1225 body corporate and politic constituting a political subdivision of
1226 the State of Mississippi to be known as the "Southern Regional
1227 Wastewater Management District." The district shall be deemed to
1228 be acting in all respects for the benefit of the people of the
1229 state in the performance of essential public functions and the
1230 district shall be empowered in accordance with the provisions of
1231 Sections 49-17-161 through 49-17-209 to promote the health,
1232 welfare and prosperity of the general public.

1233 **SECTION 28.** Section 49-17-169, Mississippi Code of 1972, is
1234 brought forward as follows:

1235 49-17-169. (1) All powers of the district shall be vested
1236 in a board of directors which shall consist of the mayor of each
1237 city participating in the Southern Regional Wastewater Management
1238 District and the President of the Board of Supervisors of Hancock

1239 County. Each director may appoint a delegate to represent him at
1240 a meeting of the board.

1241 (2) The board of directors may elect or appoint and
1242 prescribe the duties of such officers as the board of directors
1243 deems necessary or advisable, including an executive director and
1244 a secretary. The executive director, who, at the discretion of
1245 the board of directors, may also serve as secretary, shall be a
1246 person of good moral character and shall be a professional
1247 engineer registered in the State of Mississippi with a minimum of
1248 ten (10) years' recent practical experience in the management and
1249 administration of public works operations which may include, but
1250 is not limited to, supervision, public financing, regulatory codes
1251 and related functions as minimum qualifications to administer the
1252 programs and duties of the district. The executive director shall
1253 administer, manage and direct the affairs and business of the
1254 district, subject to the policies, control and direction of the
1255 board of directors. The executive director shall give bond
1256 executed by a surety company or companies authorized to do
1257 business in this state in the penal sum of Twenty-five Thousand
1258 Dollars (\$25,000.00) payable to the district, conditioned upon the
1259 faithful performance of his duties and the proper accounting for
1260 all funds which may come into his hands as executive director. The
1261 secretary of the district shall keep a record of the proceedings
1262 of the district and shall be custodian of all books, documents and
1263 papers filed with the district, the minute book or journal of the
1264 district and its official seal. The secretary shall have
1265 authority to cause copies to be made of all minutes and other
1266 records and documents of the district and to certify under the
1267 seal of the district that such copies are true and accurate
1268 copies, and all persons dealing with the district may rely upon
1269 such certificates.

1270 (3) Each director may receive as compensation a sum not to
1271 exceed One Hundred Dollars (\$100.00) per month for attending

1272 meetings of the board of directors during that month and may
1273 receive reimbursement for actual and necessary expenses incurred
1274 in the performance of his duties upon express authorization of the
1275 board.

1276 **SECTION 29.** Section 49-17-171, Mississippi Code of 1972, is
1277 brought forward as follows:

1278 49-17-171. The district shall have all the rights and powers
1279 necessary or convenient to carry out and effectuate the purposes
1280 and provisions of Sections 49-17-161 through 49-17-209, including,
1281 but without limiting the generality of the foregoing, the right
1282 and power:

1283 (a) To sue and be sued in its own name;

1284 (b) To adopt an official seal and alter the same at
1285 pleasure;

1286 (c) To maintain an office or offices at such place or
1287 places within the management area as it may determine;

1288 (d) To plan, develop, acquire, construct, reconstruct,
1289 operate, own, manage, lease (as lessor or lessee), dispose of,
1290 participate in, maintain, repair, extend or improve one or more
1291 collection facilities or treatment facilities, whether or not such
1292 facilities are or are to be owned by the district;

1293 (e) To acquire, own, hold, use, lease (as lessor or
1294 lessee), sell or otherwise dispose of, mortgage, pledge or grant a
1295 security interest in any real or personal property, contract
1296 commodity or service or interest therein;

1297 (f) To make and enforce, and from time to time amend
1298 and repeal, bylaws and rules and regulations for the management of
1299 its business and affairs and for the use, maintenance and
1300 operation of any of its collection facilities or treatment
1301 facilities and any other of its properties, including, without
1302 limiting the generality of the foregoing, rules and regulations
1303 requiring the pretreatment of industrial wastes and requiring
1304 industrial users to pay the construction costs of facilities that

1305 are allocable to the treatment of industrial wastes to the extent
1306 attributable to any federal government share of such costs;

1307 (g) To fix, charge, collect, maintain and revise rates,
1308 fees and other charges, including connection charges, for any
1309 services rendered by it to any person;

1310 (h) To apply and contract for and to accept any grants
1311 or gifts or loans or appropriations of funds or property or
1312 financial or other aid in any form from the United States or any
1313 instrumentality thereof, or from the state or any instrumentality
1314 thereof, or from any source, public or private and to comply with
1315 and make agreements with respect to, the terms and conditions
1316 thereof, subject to any agreements with bondholders;

1317 (i) To borrow money and to issue bonds for any of its
1318 purposes, to provide for and secure the payment thereof, and to
1319 provide for the rights of the holders thereof;

1320 (j) To invest any monies of the district, including
1321 proceeds from the sale of any bonds, notwithstanding any law to
1322 the contrary, but subject to any agreements with bondholders, on
1323 such terms and in such manner as the district deems proper;

1324 (k) To procure insurance against any loss in connection
1325 with its property, other assets and business in such amounts and
1326 from such insurers as it may deem necessary or desirable;

1327 (l) To employ architects, engineers, attorneys,
1328 financial advisors and such other consultants as it deems proper
1329 and to fix and pay their compensation, and to appoint and retain
1330 such officers, agents and employees as it deems proper and to fix
1331 and pay their compensation;

1332 (i) The employment of all professionals for
1333 project services shall be in strict accordance with current
1334 guidelines of the appropriate federal, state and local regulatory
1335 agencies and advertising for the procurement of such services in a
1336 local newspaper shall be mandatory. Preference may be given to

1337 the employment of regionally qualified professionals and such is
1338 to be encouraged.

1339 (ii) Management contractor employed by the
1340 district shall not be eligible to compete for design, surveys,
1341 geotechnical and/or construction inspection services of any
1342 facilities to be developed by the district. The management
1343 contractor is to establish development criteria, priorities and
1344 administer quality control practices to insure compliance with the
1345 provisions of Sections 49-17-161 through 49-17-209.

1346 (m) To enter on any lands, waters or premises for the
1347 purpose of making surveys, borings, soundings and examinations for
1348 the purposes of the district;

1349 (n) To do and perform any acts and things authorized by
1350 Sections 49-17-161 through 49-17-209 under, through or by means of
1351 its officers, agents and employees, or by contracts with any
1352 person; and

1353 (o) To enter into any and all contracts, execute any
1354 and all instruments, and do and perform any and all acts or things
1355 necessary, convenient or desirable for the purposes of the
1356 district, or to carry out any power expressly granted in Sections
1357 49-17-161 through 49-17-209.

1358 (p) To be exempted from the Mississippi Agency Review
1359 Law of 1978, as amended.

1360 (q) To exercise the power of eminent domain for the
1361 particular purpose of the acquisition of property designated by
1362 plan to sufficiently accommodate the location of treatment plants
1363 or facilities, trunk lines and such requirements related directly
1364 thereto pursuant to the provisions of Chapter 27, Title 11,
1365 Mississippi Code of 1972.

1366 **SECTION 30.** Section 49-17-173, Mississippi Code of 1972, is
1367 brought forward as follows:

1368 49-17-173. (1) The district shall have the power to adopt
1369 and promulgate all reasonable rules and regulations regarding the

1370 specifications and standards relating to the construction,
1371 operation and maintenance of all collection facilities owned by
1372 any person who contracts with the district for the use or services
1373 of any treatment facilities either owned or operated by the
1374 district so as to cause compliance with the standards of water
1375 quality established by the Mississippi Air and Water Pollution
1376 Control Commission pursuant to the Mississippi Air and Water
1377 Pollution Control Law, and by any similar federal or state agency,
1378 and so as to effect the abatement of the pollution of the waters
1379 in the Mississippi Sound. The district shall also have the power
1380 to adopt and promulgate all reasonable rules and regulations
1381 regarding the specifications and standards relating to the
1382 construction, operation and maintenance of all treatment
1383 facilities either owned or operated by the district so as to cause
1384 compliance with the above-described standards of water quality and
1385 to effect the abatement of pollution of the waters in the
1386 Mississippi Sound. The district shall also have the power to
1387 adopt and promulgate all reasonable rules requiring mandatory
1388 connection to collection facilities by any person residing within
1389 the territorial boundaries of a public agency which contracts for
1390 use or services of treatment facilities or collection facilities
1391 owned or operated by the district, if the same is practicable, as
1392 determined by the district; in the event that the district
1393 determines that any such mandatory connection is not practical,
1394 then the district shall have the power to adopt and promulgate all
1395 reasonable rules and regulations regarding the specifications and
1396 standards relating to the construction, operation and maintenance
1397 of septic tanks by any person not required to so connect to such
1398 collection facilities so as to cause compliance with the
1399 above-described standards of water quality and to effect the
1400 abatement of pollution of the waters in the Mississippi Sound.

1401 (2) All such rules and regulations prescribed by the
1402 district, after publication in a newspaper of general circulation

1403 in Hancock County, shall have the full force and effect of law,
1404 and violation thereof shall be punishable by a fine of not less
1405 than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars
1406 (\$500.00) as may be prescribed in such rules and regulations.

1407 (3) In the event of a violation of any rule or regulation
1408 adopted by the district to cause compliance with the standards of
1409 water quality established by the Mississippi Air and Water
1410 Pollution Control Commission, or by any similar federal or state
1411 agency, or to effect the abatement of pollution of the waters in
1412 the Mississippi Sound, the district shall have authority to sue
1413 for and obtain damages or other appropriate relief, including
1414 injunctive relief.

1415 (4) All such rules and regulations prescribed and the
1416 penalties fixed thereunder, by the authority of Sections 49-17-161
1417 through 49-17-209 shall not conflict with or suspend any rules,
1418 regulations or penalties prescribed by general statute or the
1419 Mississippi Air and Water Pollution Control Commission. All fines
1420 and penalties levied and collected under Sections 49-17-161
1421 through 49-17-209 shall be remitted and accounted for in
1422 accordance with the general statutes relating thereto.

1423 **SECTION 31.** Section 49-17-175, Mississippi Code of 1972, is
1424 brought forward as follows:

1425 49-17-175. (1) Any public agency may, pursuant to a duly
1426 adopted resolution of the governing body of such public agency,
1427 enter into contracts with the district for the district to (a)
1428 acquire, lease, improve, extend, operate or maintain the treatment
1429 facilities of the public agency; or (b) acquire or construct
1430 treatment facilities to be owned by the district for the
1431 furnishing of services to the public agency; including in each
1432 instance such contracts whereby the public agency is obligated to
1433 make payments in amounts which shall be sufficient to enable the
1434 district to meet its expenses, interest and principal payments
1435 (whether at maturity or upon sinking fund redemption) for its

1436 bonds, reserves for debt service, payments into funds for
1437 operation and maintenance and renewals and replacements and the
1438 requirements of any rate covenant with respect to debt service
1439 coverage contained in any resolution, trust indenture or other
1440 security agreement relating to its bonds. Such contracts may also
1441 contain such other terms and conditions as the district and the
1442 public agency may determine, including provisions whereby the
1443 public agency is obligated to make payments under such contract
1444 irrespective of whether or not use or services are rendered or
1445 whether or not the treatment facilities contemplated by such
1446 contracts are completed, operable or operating, and
1447 notwithstanding suspension, interruption, interference, reduction
1448 or curtailment of the use or services of such treatment
1449 facilities. Such contracts may be for a term covering the life of
1450 the treatment facilities or for any other term or for an
1451 indefinite period and may be made with or without consideration.

1452 (2) Contracts referred to in this section may provide that
1453 the obligation of a public agency to make payments to the district
1454 with respect to certain treatment facilities is several, or is
1455 joint and several, with the obligations of other public agencies
1456 or other persons contracting with the district for the use or
1457 services of such treatment facilities; and, where the public
1458 agency's obligation is joint and several, then in the event any
1459 other public agency or other person defaults in his obligation,
1460 the public agency may be required to increase its payments to the
1461 district by a proportional amount, taking into consideration the
1462 remaining persons who are likewise contracting with the district
1463 and who are not in default.

1464 (3) The obligations of a public agency arising under the
1465 terms of any contract referred to in this section, whether or not
1466 payable solely from revenues or solely from a pledge of ad valorem
1467 taxes as provided in Section 49-17-177 or any combination thereof,
1468 shall not be construed as being included within the indebtedness

1469 limitations of the public agency for purposes of any
1470 constitutional or statutory limitation or provision. To the
1471 extent provided in such contract and to the extent such
1472 obligations of the public agency are payable solely from the
1473 revenues and other monies derived by the public agency from the
1474 operation of its treatment facilities or collection facilities or
1475 any combination thereof which are the subject of such contract,
1476 such obligations may be treated as expenses of operating such
1477 facilities.

1478 (4) Contracts referred to in this section may also provide
1479 for payments in the form of contributions to defray the cost of
1480 any purpose set forth in the contracts and as advances for any
1481 treatment facilities subject to repayment by the district. A
1482 public agency may make such contributions or advances from its
1483 general fund or surplus fund or from any monies legally available
1484 therefor.

1485 (5) Contracts referred to in this section may, in order to
1486 provide effective and prompt cooperation and coordination of any
1487 matters among persons contracting with the district and persons
1488 representing the district regarding treatment facilities,
1489 establish a coordinating committee of such persons. Such
1490 committee shall consist of one (1) representative selected by the
1491 district, who shall be the coordinating committee's chairman, and
1492 such other representatives from among the contracting parties as
1493 shall be provided for by the terms of the contract. Such
1494 coordinating committee shall have such rights and powers with
1495 respect to the subject matter of the contract as shall be provided
1496 for therein.

1497 (6) Payments made or to be made to the district by a public
1498 agency or other person pursuant to a contract for the use or
1499 services of treatment facilities shall be determined by the method
1500 specified in such contract and shall not be subject to approval or
1501 review by the Public Service Commission.

1502 **SECTION 32.** Section 49-17-177, Mississippi Code of 1972, is
1503 brought forward as follows:

1504 49-17-177. Any public agency, other than a county, having
1505 taxing powers is hereby authorized to levy a special ad valorem
1506 tax upon all taxable property within its geographical limits in an
1507 amount necessary to pay all or a portion of the payments to be
1508 made by that public agency under contracts referred to in Sections
1509 49-17-175 and 49-17-181 and if such contract of the public agency
1510 so provides, then the contract shall constitute an enforceable
1511 obligation against the taxing power of the public agency to the
1512 extent provided therein. Hancock County is hereby authorized to
1513 levy a special ad valorem tax upon all taxable property lying
1514 within any unincorporated area within its geographical limits in
1515 an amount necessary to pay all or a portion of the payments to be
1516 made by that county under contracts referred to in Sections
1517 49-17-175 and 49-17-181 and if such contract of the county so
1518 provides, then the contract shall constitute an enforceable
1519 obligation against the taxing power of the county to the extent
1520 provided therein. For the purpose of Sections 49-17-161 through
1521 49-17-209 and under the authority of Sections 49-17-161 through
1522 49-17-209, the Southern Regional Wastewater Management District as
1523 an entity specifically is excluded from being an authorized taxing
1524 unit under the definition of a public agency.

1525 The special ad valorem tax authorized by this section shall
1526 not be reimbursable by the state under the provisions otherwise
1527 made for reimbursements under the homestead exemption laws.

1528 **SECTION 33.** Section 49-17-179, Mississippi Code of 1972, is
1529 brought forward as follows:

1530 49-17-179. Whenever a public agency shall enter into a
1531 contract referred to in Section 49-17-175, and the payments
1532 thereunder are to be made either wholly or partly from the
1533 revenues of the public agency's collection facilities or treatment
1534 facilities or any combination thereof, the duty is hereby imposed

1535 on the public agency to fix, establish and maintain, and from time
1536 to time adjust, the rates charged by the public agency for the
1537 services of such facilities to the end that the revenues from such
1538 facilities, together with any ad valorem taxes levied for such
1539 payments, will be sufficient at all times to pay: (a) the expense
1540 of operating and maintaining such facilities; (b) all of the
1541 public agency's obligations to the district under such contract;
1542 and (c) all of the public agency's obligations under and in
1543 connection with any outstanding bonds issued to finance in whole
1544 or in part such facilities.

1545 **SECTION 34.** Section 49-17-181, Mississippi Code of 1972, is
1546 brought forward as follows:

1547 49-17-181. (1) Any public agency may, pursuant to a duly
1548 adopted resolution of the governing body of such public agency,
1549 enter into contracts with the district for the district to (a)
1550 acquire, lease, improve, extend, operate or maintain the
1551 collection facilities of the public agency, or (b) acquire or
1552 construct collection facilities to be owned by the district for
1553 the furnishing of services to users located within the boundaries
1554 of the public agency. Such contracts may provide that the public
1555 agency is obligated to make payments in amounts which shall be
1556 sufficient to enable the district to meet its expenses, interest
1557 and principal payments (whether at maturity or upon sinking fund
1558 redemption) for its bonds, reserves for debt service, payments
1559 into funds for operation and maintenance and renewals and
1560 replacements and the requirements of any rate covenant with
1561 respect to debt service coverage contained in any resolution,
1562 trust indenture or other security agreement relating to its bonds.
1563 Such contracts may also contain such other terms and conditions as
1564 the district and the public agency may determine, including
1565 provisions whereby the public agency is obligated to make payments
1566 under such contract irrespective of whether or not use or services
1567 are rendered or whether or not the collection facilities

1568 contemplated by such contracts are completed, operable or
1569 operating, and notwithstanding suspension, interruption,
1570 interference, reduction or curtailment of the use or services of
1571 such treatment facilities. Such contracts may be for a term
1572 covering the life of the collection facilities or for any other
1573 term or for an indefinite period; and may be made with or without
1574 consideration and may provide that the amounts payable by the
1575 public agency to the district are in lieu of all or any part of
1576 the rates, fees and other charges which would otherwise be charged
1577 to and collected from the users of the collection facilities by
1578 the district.

1579 (2) Subject to the terms of a contract referred to in this
1580 section, the district is hereby authorized to do and perform any
1581 and all acts or things necessary, convenient or desirable to carry
1582 out the purposes of such contracts, including the fixing,
1583 charging, collecting, maintaining and revising of rates, fees and
1584 other charges for the services rendered to any user of collection
1585 facilities operated or maintained by the district, whether or not
1586 such collection facilities are owned by the district.

1587 (3) The obligations of a public agency arising under the
1588 terms of any contract referred to in this section, whether or not
1589 payable solely from revenues or solely from a pledge of special
1590 improvement assessments as provided in Section 49-17-183 or solely
1591 from a pledge of ad valorem taxes as provided in Section 49-17-177
1592 or any combination thereof, shall not be construed as being
1593 included within the indebtedness limitations of the public agency
1594 for purposes of any constitutional or statutory limitation or
1595 provision. To the extent provided in such contract and to the
1596 extent such obligations of the public agency are payable solely
1597 from the revenues and other monies derived by the public agency
1598 from the operation of its treatment facilities or collection
1599 facilities or any combination thereof which are the subject of

1600 such contract, such obligations may be treated as expenses of
1601 operating such facilities.

1602 (4) Contracts referred to in this section may also provide
1603 for payments in the form of contributions to defray the cost of
1604 any purpose set forth in the contracts and as advances for any
1605 treatment facilities subject to repayment by the district. A
1606 public agency may make such contributions or advances from its
1607 general fund or surplus fund or from any monies legally available
1608 therefor.

1609 (5) Payments made or to be made to the district by a public
1610 agency or other person pursuant to a contract for the use or
1611 services of treatment facilities shall be determined by the method
1612 specified in such contract and shall not be subject to approval or
1613 review by the Public Service Commission.

1614 **SECTION 35.** Section 49-17-183, Mississippi Code of 1972, is
1615 brought forward as follows:

1616 49-17-183. (1) Whenever a public agency shall enter into a
1617 contract referred to in Section 49-17-181, and subject to the
1618 terms of such contract, such agency, in its sole discretion, is
1619 authorized, in connection with the acquisition, construction,
1620 improvement or extension of collection facilities, to cause the
1621 cost of such acquisition, construction, improvement or extension
1622 (hereinafter in this section referred to as "the improvement") to
1623 be made wholly or in part at the cost of the property owners
1624 benefitted thereby by levying special improvement assessments as
1625 provided in this section.

1626 (2) Whenever the governing body of the agency shall adopt a
1627 resolution declaring the necessity of the improvement and the need
1628 for special improvement assessments therefor, which resolution
1629 shall describe the entire area to be benefitted and the nature and
1630 extent of the improvement, the public agency shall publish such
1631 resolution once each week for three (3) successive weeks in a
1632 newspaper having general circulation within the county in which

1633 the improvement is to be located, and the public agency shall fix
1634 a date on which the governing body of the agency shall meet to
1635 hear any objections to or remonstrances with respect to the
1636 improvement.

1637 (3) At the meeting scheduled to hear objections, or at a
1638 time and place to which the same may be adjourned, any person
1639 aggrieved may appear in person, by attorney or by petition and may
1640 object to or protest against the improvement or any part thereof.
1641 The governing body of the public agency shall consider the
1642 objections and protests, if any, and may confirm, amend, modify or
1643 rescind its resolution of necessity, and shall determine whether
1644 the improvement shall be made and how the cost thereof shall be
1645 paid. The determination of the governing body of the public
1646 agency shall be final and conclusive; provided, however, that if a
1647 majority of property owners owning more than fifty percent (50%)
1648 of the front footage of the property involved, and actually
1649 residing on or occupying said property, shall file a protest with
1650 the clerk of the chancery court of the county in which the
1651 improvement is to be located not later than thirty (30) days
1652 following such meeting, then the improvement shall not be made.

1653 (4) The resolution of the governing body of the public
1654 agency determining to proceed with the improvement may direct that
1655 the cost of the improvement, or such part as the agency shall
1656 determine, shall be a charge upon the property benefitted. Said
1657 resolution shall define the entire area to be benefitted by the
1658 improvement and shall direct that the cost to be assessed against
1659 each lot or parcel of land shall be determined by dividing the
1660 entire cost thereof by the total number of front feet fronting on
1661 all the streets embraced within the improvement area, and
1662 multiplying the quotient by the number of feet of street frontage
1663 in any particular lot or parcel of land; provided, however, that
1664 with respect to each lot or parcel of land which fronts more than
1665 one (1) street embraced within the improvement area, there shall

1666 be excluded from the total number of feet fronting on all streets,
1667 and from the number of feet of street frontage in such lot or
1668 parcel of land, that number of feet equal to the street frontage
1669 fronting streets to which such lot or parcel of land will not
1670 connect to the improvements; and, provided further, that the
1671 public agency's determination regarding such exclusion shall be
1672 conclusive. The result thereof shall be assessed by the public
1673 agency as the amount of special improvement assessment against
1674 each lot or piece of ground for the owner's part of the cost of
1675 the improvement. The cost of the improvement may include, to the
1676 extent determined by the public agency, the expenses of the
1677 agency, interest on money borrowed for financing the improvement
1678 while the improvement is under construction and for one (1) year
1679 thereafter, all costs relating to the issuance of bonds by the
1680 district to finance the improvement, actual engineering and
1681 inspection costs and all other costs directly related to the
1682 improvement.

1683 (5) At any time, as the public agency may determine, after
1684 the agency directs that the cost of the improvement, or any part
1685 thereof, shall be a charge upon the property benefitted, the
1686 public agency shall prepare, or cause to be prepared, a roll or
1687 list to be called the "assessment roll" showing the names of the
1688 property owners and opposite each name a description of each
1689 parcel of land. Such roll shall be entered in a well-bound book
1690 prepared for that purpose, which shall contain appropriate columns
1691 in which payments may be credited and which shall be known as the
1692 "assessment book." The public agency shall, upon its completion,
1693 deposit the assessment book with the clerk of the chancery court
1694 of the county in which the improvement is to be located, and such
1695 clerk shall keep the assessment book and preserve it as a public
1696 record. The entry in the assessment book of any assessment shall
1697 be and constitute notice to the public of the lien against the
1698 land so assessed and no other record or notice thereof shall be

1699 necessary to any person or corporation for that purpose. No
1700 error, omission or mistake in regard to the name of the owner
1701 shall be held to invalidate any assessment. After the assessment
1702 book has been delivered to such clerk of the chancery court, such
1703 clerk shall thereupon give a notice by publication in a newspaper
1704 of general circulation in the county in which the improvement is
1705 to be located that the assessment roll has been delivered to him
1706 and is open for inspection at his office and that at a time and
1707 place therein mentioned, not less than fifteen (15) days from the
1708 date of the first publication, the governing body of the public
1709 agency will meet to hear and determine any objection or defense.

1710 (6) The owner of any property assessed for the improvement,
1711 or any party having an interest therein, may appear at the time
1712 and place fixed for the hearing and determining of any objection
1713 or defense, and object to the proposed assessment or the amount
1714 thereof. The public agency shall hear and determine all
1715 objections and protests to the proposed assessment, as a result of
1716 which the agency may alter, change or correct any assessment;
1717 provided, however, that no assessment shall be increased without
1718 notice to the owner of the property. The public agency shall, by
1719 resolution, approve and confirm all assessments as finally fixed
1720 and adjusted at said hearing, which assessments shall, from the
1721 date of such confirmation, constitute a lien upon the respective
1722 property upon which they are levied, superior to all other liens
1723 except those for state and county taxes. All persons who fail to
1724 object to the proposed assessment at said hearing shall be deemed
1725 to have consented to and approved the same. Any property owner
1726 aggrieved by the decision of the public agency may appeal to the
1727 chancery court for the county wherein his property is situated.

1728 (7) All assessments levied under the provisions of this
1729 section shall become due and shall be paid to the tax collector of
1730 the county in which the improvement is to be located in full
1731 within ninety (90) days from the date of confirmation thereof.

1732 However, the governing body of the public agency may by resolution
1733 confer upon the property owners who admit the legality of the
1734 assessment the privilege of paying the assessment in not exceeding
1735 ten (10) equal installments with interest from the date of the
1736 confirmation at the same rate as that fixed in the bonds issued to
1737 finance the cost of the improvement. Any property owner who shall
1738 not have taken an appeal from the assessment, shall, upon failure
1739 to pay said assessment in full within ninety (90) days from the
1740 date of confirmation, be deemed to have elected to pay said
1741 assessment in installments as herein provided. Any property owner
1742 who has elected to pay his assessment in installments shall have
1743 the right at any time to pay the balance of the assessment against
1744 his property in full, but in so doing he shall be required to pay
1745 all interest which would have accrued thereon had same not been
1746 paid until its maturity.

1747 (8) The public agency shall annually certify to the tax
1748 collector of the county in which the improvement is to be located,
1749 the annual installment of assessment due from each tract of land
1750 against which an assessment has been levied, together with the
1751 amount of the interest upon all unpaid installments at the same
1752 rate as that fixed in the bonds issued to finance the cost of the
1753 improvement. The collector shall thereupon enter upon the annual
1754 tax roll of the county, in a separate column, the amount of the
1755 installment and interest to be collected from each tract of land
1756 so assessed, and said collector shall collect said installment,
1757 together with the interest upon all unpaid installments, together
1758 with, and at the same time he collects, the annual county tax.
1759 Upon collection, said tax collector shall deposit such special
1760 improvement assessment with such depository as the public agency
1761 shall determine, and shall certify to the clerk of the chancery
1762 court in which the improvement is or is to be located the amount
1763 of such assessment paid by each property owner.

1764 Upon collection, said tax collector shall deposit such
1765 special improvement assessment into a separate account with such
1766 depository as the public agency shall determine, and shall certify
1767 to the clerk of the chancery court in which the improvement is or
1768 is to be located the amount of such assessment paid by each
1769 property owner. The clerk of the chancery court shall then note
1770 such payments on the "assessment book." When an assessment is
1771 paid in full, or upon the payment of the last installment thereof,
1772 the clerk shall note on said "assessment book" opposite the
1773 assessment, "paid in full." Upon the payment of each installment
1774 an appropriate note thereof shall be made opposite such assessment
1775 on said book, so that the amount of the assessment against any
1776 property assessed under the provisions of this section which
1777 remains a lien upon said property may be determined by reference
1778 to the "assessment book."

1779 (9) All assessments levied under the provisions of this
1780 section shall be enforced in the same manner in which the payment
1781 of other taxes in said county is enforced, and all statutes
1782 regulating the collection of other taxes in said county shall
1783 apply to the enforcement and collection of the assessments levied
1784 pursuant to this section.

1785 (10) If the assessment first levied shall prove insufficient
1786 to complete the improvement, the governing body of the public
1787 agency shall thereupon by resolution duly adopted make another
1788 levy on the property previously assessed for a sum sufficient to
1789 complete the improvement, which shall be collected in the same
1790 manner as the first levy. Any property owner aggrieved by the
1791 decision of the public agency may appeal solely as to the amount
1792 of such assessment to the chancery court for the county wherein
1793 his property is situated. When any work has been begun under the
1794 provisions of Sections 49-17-161 through 49-17-209, which shall
1795 not be completed and paid for out of the first or other levy, it
1796 shall be the duty of the governing body of the public agency to

1797 make such levy for its completion, and from year to year until it
1798 is completed, provided that the total levy shall in no case exceed
1799 the value of the benefits assessed on said property. The
1800 performance of such duty may be enforced by mandamus at the
1801 instance of any person or board interested.

1802 **SECTION 36.** Section 49-17-185, Mississippi Code of 1972, is
1803 brought forward as follows:

1804 49-17-185. (1) The district shall have the power and is
1805 hereby authorized, from time to time, to issue bonds in such
1806 principal amounts as, in the opinion of the district, shall be
1807 necessary to provide sufficient funds for achieving any of its
1808 corporate purposes, including, without limiting the generality of
1809 the foregoing, the financing of the acquisition, construction,
1810 improvement or extension of collection facilities or treatment
1811 facilities, or any combination thereof, whether or not such
1812 facilities are owned by the district, the payment of interest on
1813 bonds of the district, establishment of reserves to secure such
1814 bonds, expenses incident to the issuance of such bonds and to the
1815 implementation of the district's programs, and all other
1816 expenditures of the district incident to or necessary or
1817 convenient to carry out its corporate purposes and powers.

1818 (2) The district may issue such types of bonds as it may
1819 determine, subject only to any agreement with the holders of
1820 particular bonds, including bonds as to which the principal and
1821 interest are payable exclusively from all or a portion of the
1822 revenues derived from one or more collection facilities or
1823 treatment facilities pursuant to the contracts entered into by
1824 public agencies, and other persons pursuant to Section 49-17-175
1825 or 49-17-181, or any combination of any of the foregoing, or which
1826 may be secured by a pledge of any grant, subsidy, or contribution
1827 from any public agency or other person, or a pledge of any income
1828 or revenues, funds or monies of the district from any source
1829 whatsoever.

1830 (3) Bonds shall be authorized by a resolution or resolutions
1831 of the district. Such bonds shall bear such date or dates, mature
1832 at such time or times, bear interest at such rate or rates, be in
1833 such denomination or denominations, be in such form, either coupon
1834 or registered, carry such conversion or registration privileges,
1835 have such rank or priority, be executed in such manner and by such
1836 officers, be payable from such sources in such medium of payment
1837 at such place or places within or without the state, provided that
1838 one (1) such place shall be within the state, be subject to such
1839 terms of redemption prior to maturity, all as may be provided by
1840 resolution or resolutions of the district.

1841 (4) Any bonds of the district may be sold at such price or
1842 prices, at public sale, in such manner and at such times as may be
1843 determined by the district to be in the public interest, and the
1844 district may pay all expenses, premiums, fees and commissions
1845 which it may deem necessary and advantageous in connection with
1846 the issuance and sale thereof.

1847 (5) It is the intention of the Legislature that any pledge
1848 of earnings, revenues or other monies made by the district shall
1849 be valid and binding from the time the pledge is made; that the
1850 earnings, revenues, or other monies so pledged and thereafter
1851 received by the district shall immediately be subject to the lien
1852 of such pledge without any physical delivery thereof or further
1853 act, and that the lien of any such pledge shall be valid and
1854 binding as against all parties having claims of any kind in tort,
1855 contract or otherwise against the district irrespective of whether
1856 such parties have notice thereof. Neither the resolution nor any
1857 other instrument by which a pledge is created need be recorded.

1858 (6) Neither the directors of the district nor any person
1859 executing the bonds shall be personally liable on the bonds or be
1860 subject to any personal liability or accountability by reason of
1861 the issuance thereof.

1862 (7) Whenever any bonds shall have been signed by the
1863 officers designated by the resolution of the district to sign the
1864 bonds who were in office at the time of such signing but who may
1865 have ceased to be such officers prior to the sale and delivery of
1866 such bonds, or who may not have been in office on the date such
1867 bonds may bear, the manual or facsimile signatures of such
1868 officers upon such bonds and the coupons appertaining thereto,
1869 shall nevertheless be valid and sufficient for all purposes and
1870 have the same effect as if the person so officially executing such
1871 bonds had remained in the office until the delivery of the same to
1872 the purchaser or had been in office on the date such bonds may
1873 bear.

1874 (8) (a) Before issuing bonds (other than interim
1875 certificates, notes, refunding bonds as provided in Section
1876 49-17-187 or other evidences of indebtedness of the district)
1877 hereunder, the board of directors of the district shall adopt a
1878 resolution declaring its intention to issue such bonds and stating
1879 the principal amount of the bonds proposed to be issued and the
1880 date and time upon which the board of directors proposes to direct
1881 the issuance of such bonds. Such resolution shall be published
1882 once a week for at least three (3) consecutive weeks in at least
1883 one (1) newspaper having a general circulation within the
1884 geographical limits of all the public agencies (i) which have
1885 contracted with the district under the provisions of Sections
1886 49-17-161 through 49-17-209, and (ii) whose contracts relate to
1887 the bonds proposed to be issued, and (iii) which are authorized by
1888 a law other than Sections 49-17-161 through 49-17-209 to hold
1889 elections (each public agency which meets all of the criteria set
1890 forth in (i), (ii) and (iii) foregoing is hereinafter in this
1891 section referred to as an "affected public agency," and, together
1892 with other such agencies, collectively referred to as the
1893 "affected public agencies"); provided, however, that if no
1894 newspaper has a general circulation within the geographical limits

1895 of all of the affected public agencies, then such resolution shall
1896 be published in as many different newspapers as may be required to
1897 provide general circulation of the publication of such resolution
1898 within the geographical limits of each affected public agency;
1899 and, provided further, that if no newspaper has a general
1900 circulation within the geographical limits of any particular
1901 affected public agency, then notice in such affected public agency
1902 shall be made by posting a copy of such resolution for at least
1903 twenty-one (21) days next preceding the date therein at two (2)
1904 public places within the geographical limits of such public
1905 agency. If twenty percent (20%) or fifteen hundred (1500),
1906 whichever is less, of the qualified electors of each affected
1907 public agency shall file a written protest against the issuance of
1908 such bonds with the board of directors of the district on or
1909 before the date and time specified in such resolution, then an
1910 election on the question of the issuance of such bonds shall be
1911 called and held as hereinafter set forth in this section;
1912 provided, however, that in the event Hancock County is an affected
1913 public agency, then the qualified electors of such county shall
1914 mean the qualified electors of such county who reside within the
1915 unincorporated areas within Hancock County's geographical limits.
1916 If no such protest be filed, then such bonds may be issued without
1917 an election on the question of the issuance thereof at any time
1918 within a period of two (2) years after the date specified in the
1919 above-mentioned resolution. Nothing contained herein shall be
1920 construed to require the adoption or publication of a resolution
1921 of the kind described in this subsection, or to grant any right of
1922 protest or election, with respect to the issuance of interim
1923 certificates, notes, refunding bonds as provided in Section
1924 49-17-187 or other evidences of indebtedness of the district.

1925 (b) Where an election is to be called as provided in
1926 subsection (8)(a) of this section, the board of directors of the
1927 district shall give notice of such election to the governing body

1928 of each of the affected public agencies. The governing body of
1929 each affected public agency shall publish a notice of such
1930 election once a week for at least three (3) consecutive weeks in a
1931 newspaper having a general circulation within its respective
1932 geographical limits. The first publication of such notice shall
1933 be made not less than twenty-one (21) days prior to the date fixed
1934 for such election and the last publication shall be made not more
1935 than seven (7) days prior to such date. If no newspaper has a
1936 general circulation within the geographical limits of any
1937 particular affected public agency, then notice in such affected
1938 public agency shall be made by posting a copy of such resolution
1939 for at least twenty-one (21) days next preceding the date therein
1940 at two (2) public places within the geographical limits of such
1941 public agency.

1942 (c) The election provided for in subsection (8)(a) of
1943 this section shall be held in each of the affected public
1944 agencies, as far as practicable, in the same manner as other
1945 elections are held in such affected public agencies; provided,
1946 however, that in the event one or more affected public agencies
1947 have overlapping geographical limits, then such affected public
1948 agencies with overlapping geographical limits may provide for a
1949 consolidated election in such manner as their respective governing
1950 bodies may determine. At such election all qualified electors of
1951 each affected public agency may vote, and the ballots used at such
1952 election shall have printed thereon a brief statement of the
1953 principal amount and purpose of the proposed bond issue and the
1954 words "FOR THE BOND ISSUE" and "AGAINST THE BOND ISSUE," and the
1955 voters shall vote by placing a cross (x) or check mark (√)
1956 opposite his choice on the proposition; provided, however, that in
1957 the event Hancock County is an affected public agency, then the
1958 qualified electors of such county shall mean the qualified
1959 electors of such county who reside within the unincorporated areas
1960 within Hancock County's geographical limits.

1961 (d) When the results of the election on the question of
1962 the issuance of such bonds as provided in this section shall have
1963 been canvassed by the respective election directors of the
1964 affected public agencies and certified by them to the board of
1965 directors of the district, it shall be the duty of the board of
1966 directors of the district to determine and adjudicate whether or
1967 not a majority of the qualified electors who voted thereon in a
1968 majority number of the affected public agencies voted in favor of
1969 the issuance of such bonds, and unless a majority of the qualified
1970 electors who voted thereon in a majority number of the affected
1971 public agencies voted in favor of the issuance of such bonds, then
1972 such bonds shall not be issued. Should a majority of the
1973 qualified electors who vote thereon in a majority number of the
1974 affected public agencies vote in favor of the issuance of such
1975 bonds, then the board of directors of the district may issue such
1976 bonds, either in whole or in part, and if in part from time to
1977 time, within two (2) years from the date of such election or
1978 within two (2) years after the final favorable termination of any
1979 litigation affecting the issuance of such bonds, as shall be
1980 determined by the board of directors of the district.

1981 **SECTION 37.** Section 49-17-187, Mississippi Code of 1972, is
1982 brought forward as follows:

1983 49-17-187. The district may issue refunding bonds for the
1984 purpose of paying any of its bonds at or prior to maturity or upon
1985 acceleration or redemption. Refunding bonds may be issued at such
1986 time prior to the maturity or redemption of the refunded bonds as
1987 the district deems to be in the public interest. The refunding
1988 bonds may be issued in sufficient amounts to pay or provide the
1989 principal of the bonds being refunded, together with any
1990 redemption premium thereon, any interest accrued or to accrue to
1991 the date of payment of such bonds, the expenses of issue of the
1992 refunding bonds, the expenses of redeeming the bonds being
1993 refunded, and such reserves for debt service or other capital or

1994 current expenses from the proceeds of such refunding bonds as may
1995 be required by the resolution, trust indenture or other security
1996 instruments. The issue of refunding bonds, the maturities and
1997 other details thereof, the security therefor, the rights of the
1998 holders and the rights, duties and obligations of the district in
1999 respect of the same shall be governed by the provisions of
2000 Sections 49-17-161 through 49-17-209 relating to the issue of
2001 bonds other than refunding bonds insofar as the same may be
2002 applicable.

2003 **SECTION 38.** Section 49-17-189, Mississippi Code of 1972, is
2004 brought forward as follows:

2005 49-17-189. All bonds issued pursuant to Sections 49-17-161
2006 through 49-17-209 may be validated as now provided by law in
2007 Sections 31-13-1 through 31-13-11, Mississippi Code of 1972. Such
2008 validation proceedings shall be instituted in the chancery court
2009 of the county in which the principal office of the district is
2010 located, but notice of such validation proceedings shall be
2011 published at least two (2) times in a newspaper of general
2012 circulation in Hancock County, the first publication of which in
2013 each case shall be made at least ten (10) days preceding the date
2014 set for validation.

2015 **SECTION 39.** Section 49-17-191, Mississippi Code of 1972, is
2016 brought forward as follows:

2017 49-17-191. Bonds issued under the provisions of Sections
2018 49-17-161 through 49-17-209 shall not be deemed to constitute,
2019 within the meaning of any constitutional or statutory limitation,
2020 a debt, liability or obligation of the state, nor shall such bonds
2021 constitute a pledge of the full faith and credit of the state, but
2022 shall be payable solely from the revenues or assets of the
2023 district pledged therefor. Each bond issued under Sections
2024 49-17-161 through 49-17-209 shall contain on the face thereof a
2025 statement to the effect that the district shall not be obligated
2026 to pay the same nor the interest thereon except from the revenues

2027 or assets pledged therefor and that neither the full faith and
2028 credit and nor the taxing power of the state is pledged to the
2029 payment of the principal of or the interest on such bonds.

2030 **SECTION 40.** Section 49-17-193, Mississippi Code of 1972, is
2031 brought forward as follows:

2032 49-17-193. The district shall have power in connection with
2033 the issuance of its bonds to:

2034 (a) Covenant as to the use of any or all of its
2035 property, real or personal.

2036 (b) Redeem the bonds, to covenant for their redemption
2037 and to provide the terms and conditions thereof.

2038 (c) Covenant to charge rates, fees and charges
2039 sufficient to meet operating and maintenance expenses, renewals
2040 and replacements, principal and debt service on bonds, creation
2041 and maintenance of any reserves required by a bond resolution,
2042 trust indenture or other security instrument and to provide for
2043 any margins or coverages over and above debt service on the bonds
2044 deemed desirable for the marketability of the bonds.

2045 (d) Covenant and prescribe as to events of default and
2046 terms and conditions upon which any or all of its bonds shall
2047 become or may be declared due before maturity, as to the terms and
2048 conditions upon which such declaration and its consequences may be
2049 waived and as to the consequences of default and the remedies of
2050 bondholders.

2051 (e) Covenant as to the mortgage or pledge of or the
2052 grant of a security interest in any real or personal property and
2053 all or any part of the revenues from any collection facilities or
2054 treatment facilities or any revenue-producing contract or
2055 contracts made by the district with any person to secure the
2056 payment of bonds, subject to such agreements with the holders of
2057 bonds as may then exist.

2058 (f) Covenant as to the custody, collection, securing,
2059 investment and payment of any revenues, assets, monies, funds or

2060 property with respect to which the district may have any rights or
2061 interest.

2062 (g) Covenant as to the purposes to which the proceeds
2063 from the sale of any bonds then or thereafter to be issued may be
2064 applied, and the pledge of such proceeds to secure the payment of
2065 the bonds.

2066 (h) Covenant as to the limitations on the issuance of
2067 any additional bonds, the terms upon which additional bonds may be
2068 issued and secured, and the refunding of outstanding bonds.

2069 (i) Covenant as to the rank or priority of any bonds
2070 with respect to any lien or security.

2071 (j) Covenant as to the procedure by which the terms of
2072 any contract with or for the benefit of the holders of bonds may
2073 be amended or abrogated, the amount of bonds the holders of which
2074 must consent thereto, and the manner in which such consent may be
2075 given.

2076 (k) Covenant as to the custody of any of its properties
2077 or investments, the safekeeping thereof, the insurance to be
2078 carried thereon, and the use and disposition of insurance
2079 proceeds.

2080 (l) Covenant as to the vesting in a trustee or trustees,
2081 within or outside the state, of such properties, rights, powers
2082 and duties in trust as the district may determine.

2083 (m) Covenant as to the appointing and providing for the
2084 duties and obligations of a paying agent or paying agents or other
2085 fiduciaries within or outside the state.

2086 (n) Make all other covenants and to do any and all such
2087 acts and things as may be necessary or convenient or desirable in
2088 order to secure its bonds, or in the absolute discretion of the
2089 district tend to make the bonds more marketable, notwithstanding
2090 that such covenants, acts or things may not be enumerated herein;
2091 it being the intention hereof to give the district power to do all
2092 things in the issuance of bonds and in the provisions for security

2093 thereof which are not inconsistent with the Constitution of the
2094 state.

2095 (o) Execute all instruments necessary or convenient in
2096 the exercise of the powers herein granted or in the performance of
2097 covenants or duties, which may contain such covenants and
2098 provisions, as any purchaser of the bonds of the district may
2099 reasonably require.

2100 **SECTION 41.** Section 49-17-195, Mississippi Code of 1972, is
2101 brought forward as follows:

2102 49-17-195. The district may, in any authorizing resolution
2103 of the board of directors, trust indenture or other security
2104 instrument relating to its bonds, provide for the appointment of a
2105 trustee who shall have such powers as are provided therein to
2106 represent the bondholders of any issue of bonds in the enforcement
2107 or protection of their rights under any such resolution, trust
2108 indenture or security instrument. The district may also provide
2109 in such resolution, trust indenture or other security instrument
2110 that the trustee, or in the event that the trustee so appointed
2111 shall fail or decline to so protect and enforce such bondholders
2112 rights then such percentage of bondholders as shall be set forth
2113 in, and subject to the provisions of, such resolution, trust
2114 indenture or other security instrument, may petition the chancery
2115 court of proper jurisdiction for the appointment of a receiver of
2116 the collection facilities or treatment facilities the revenues of
2117 which are pledged to the payment of the principal of and interest
2118 on the bonds held by such bondholders. Such receiver may exercise
2119 any power as may be granted in any such resolution, trust
2120 indenture or security instrument to enter upon and take possession
2121 of, acquire, construct or reconstruct, or operate and maintain
2122 such collection facilities or treatment facilities, fix, charge,
2123 collect, enforce and receive all revenues derived from such
2124 collection facilities or treatment facilities and perform the
2125 public duties and carry out the contracts and obligations of the

2126 district in the same manner as the district itself might do, all
2127 under the direction of such chancery court.

2128 **SECTION 42.** Section 49-17-197, Mississippi Code of 1972, is
2129 brought forward as follows:

2130 49-17-197. (1) The exercise of the powers granted by
2131 Sections 49-17-161 through 49-17-209 will be in all respects for
2132 the benefit of the people of the state, for their well-being and
2133 prosperity and for the improvement of their social and economic
2134 conditions, and the district shall not be required to pay any tax
2135 or assessment on any property owned by the district under the
2136 provisions of Sections 49-17-161 through 49-17-209 or upon the
2137 income therefrom; nor shall the district be required to pay any
2138 recording fee or transfer tax of any kind on account of
2139 instruments recorded by it or on its behalf.

2140 (2) Any bonds issued by the district under the provisions of
2141 Sections 49-17-161 through 49-17-209, their transfer and the
2142 income therefrom shall at all times be free from taxation by the
2143 state or any local unit or political subdivision or other
2144 instrumentality of the state, excepting inheritance and gift
2145 taxes.

2146 **SECTION 43.** Section 49-17-199, Mississippi Code of 1972, is
2147 brought forward as follows:

2148 49-17-199. All bonds issued under the provisions of Sections
2149 49-17-161 through 49-17-209 shall be legal investments for
2150 trustees, other fiduciaries, savings banks, trust companies, and
2151 insurance companies organized under the laws of the State of
2152 Mississippi; and such bonds shall be legal securities which may be
2153 deposited with and shall be received by all public officers and
2154 bodies of the state and all municipalities and political
2155 subdivisions for the purpose of securing the deposit of public
2156 funds.

2157 **SECTION 44.** Section 49-17-201, Mississippi Code of 1972, is
2158 brought forward as follows:

2159 49-17-201. Whether or not any bonds of the district and
2160 interest coupons, if any, appertaining thereto would otherwise so
2161 qualify, such bonds and coupons are hereby made investment
2162 securities within the meaning and for all purposes of Article 8 of
2163 the Uniform Commercial Code as enacted in this state.

2164 **SECTION 45.** Section 49-17-203, Mississippi Code of 1972, is
2165 brought forward as follows:

2166 49-17-203. The state hereby covenants with the holders of
2167 any bonds of the district that so long as the bonds are
2168 outstanding and unpaid the state will not limit or alter the
2169 rights and powers of the district under Sections 49-17-161 through
2170 49-17-209 to conduct the activities referred to herein in any way
2171 pertinent to the interests of the bondholders including, without
2172 limitation, the district's right to charge and collect rates, fees
2173 and charges and to fulfill the terms of any covenants made with
2174 bondholders, or in any other way impair the rights and remedies of
2175 the bondholders, unless provision for full payment of such bonds,
2176 by escrow or otherwise, has been made pursuant to the terms of the
2177 bonds or the resolution, trust indenture or security instrument
2178 securing the bonds.

2179 **SECTION 46.** Section 49-17-205, Mississippi Code of 1972, is
2180 brought forward as follows:

2181 49-17-205. If the district finds and records on its minutes
2182 that the acquisition or construction of any collection facilities
2183 or treatment facilities, or any interest therein, or any portion
2184 thereof, or any property or any interest therein or any portion
2185 thereof, which is authorized by Sections 49-17-161 through
2186 49-17-209 is available or can be acquired or contracted for, from
2187 or with only a single source, person, firm or corporation, then
2188 such acquisition or contract may be made or entered into without
2189 meeting the requirements of any law relating to acquisitions,
2190 purchases or contracts by competitive bids. If, after advertising
2191 for competitive bids as to other proposed purchases, acquisitions

2192 or contracts, only one (1) bid is received, the district may
2193 reject the bid and negotiate privately any purchase, contract or
2194 acquisition for a consideration not exceeding that proposed in the
2195 bid.

2196 **SECTION 47.** Section 49-17-207, Mississippi Code of 1972, is
2197 brought forward as follows:

2198 49-17-207. The district shall cause an audit of its books
2199 and accounts to be made at least once in each year by an
2200 independent certified public accountant and the cost thereof may
2201 be paid from any available monies of the district.

2202 **SECTION 48.** Section 49-17-209, Mississippi Code of 1972, is
2203 brought forward as follows:

2204 49-17-209. Sections 49-17-161 through 49-17-209 shall be
2205 deemed to provide an additional, alternative and complete method
2206 for the doing of the things authorized hereby and shall be deemed
2207 and construed to be supplemental and additional to any powers
2208 conferred by other laws on public agencies and not in derogation
2209 of any such powers now existing, provided, that insofar as the
2210 provisions of Sections 49-17-161 through 49-17-209 are
2211 inconsistent with the provisions of any other law, general,
2212 special or local, now in existence or hereafter (unless with
2213 specific reference to Sections 49-17-161 through 49-17-209),
2214 adopted, the provisions of Sections 49-17-161 through 49-17-209
2215 shall be controlling.

2216 Except as expressly provided in Sections 49-17-161 through
2217 49-17-209, the actions contemplated hereby, other than the
2218 issuance and sale of bonds by the district but otherwise including
2219 without limitation the entering into of the contracts referred to
2220 in Section 49-17-175 and Section 49-17-181 by the district, the
2221 contracting public agencies and any other persons thereto, and the
2222 setting of rates, fees and charges by the district, may be taken
2223 without the obtaining of any authorization, approval or consent of
2224 the state or any political subdivision or any department,

2225 division, commission, board, bureau, agency or instrumentality of
2226 either thereof and without any other proceeding or the fulfilling
2227 of any other condition or the happening of any other thing, except
2228 as expressly provided in Sections 49-17-161 through 49-17-209.

2229 **SECTION 49.** Section 49-17-301, Mississippi Code of 1972, is
2230 brought forward as follows:

2231 49-17-301. Sections 49-17-301 through 49-17-353 shall be
2232 known and may be cited as the "Mississippi Gulf Coast Regional
2233 Wastewater Authority Act."

2234 **SECTION 50.** Section 49-17-303, Mississippi Code of 1972, is
2235 brought forward as follows:

2236 49-17-303. (1) It is found and declared that to promote the
2237 development and operation of adequate wastewater collection and
2238 treatment facilities, a public body corporate and politic of the
2239 state shall be created with authority to cause and assist in
2240 compliance with the standards of water quality established by the
2241 Mississippi Air and Water Pollution Control Law, appearing as
2242 Section 49-17-1 et seq., Mississippi Code of 1972, and by the
2243 Federal Water Pollution Control Act, appearing as 33 USCS 1251, as
2244 amended, regarding collection and treatment facilities located in
2245 the counties bordering the Gulf of Mexico; to plan, acquire,
2246 construct, finance, develop, own, operate or maintain wastewater
2247 collection and treatment facilities within said counties; and to
2248 apply and contract for and to accept grants-in-aid and other funds
2249 from the federal government and the state government and their
2250 agencies in this regard.

2251 (2) The Legislature finds it to be necessary, in order to
2252 accomplish the objectives and purposes of the Gulf Coast Regional
2253 Wastewater Authority and the public agencies with which it
2254 contracts, for the Gulf Coast Regional Wastewater Authority and
2255 such public agencies, in the implementation of powers granted
2256 pursuant to Sections 49-17-301 through 49-17-353, to be authorized
2257 to engage in conduct which may be anticompetitive or contrary to

2258 prohibition of federal or state antitrust laws; and, accordingly,
2259 it is the intent and policy of Sections 49-17-301 through
2260 49-17-353 to displace competition with respect to those powers
2261 authorized herein to be exercised by the Gulf Coast Regional
2262 Wastewater Authority and such public agencies.

2263 (3) The Legislature further finds that the authority and
2264 powers conferred under Sections 49-17-301 through 49-17-353 and
2265 the expenditure of public monies pursuant thereto constitute a
2266 valid public purpose; that the creation and establishment of the
2267 Gulf Coast Regional Wastewater Authority is necessary and
2268 essential to the accomplishment of the aforesaid purposes; that
2269 Sections 49-17-301 through 49-17-353 operate on a subject in which
2270 the state at large is interested; and that each of these matters
2271 is declared as a matter of express legislative determination.

2272 **SECTION 51.** Section 49-17-305, Mississippi Code of 1972, is
2273 brought forward as follows:

2274 49-17-305. Whenever used in Sections 49-17-301 through
2275 49-17-353, the following words and terms shall have the following
2276 respective meanings unless a different meaning clearly appears
2277 from the context:

2278 (a) "Act" means this Mississippi Gulf Coast Regional
2279 Wastewater Authority Act, as the same may be amended.

2280 (b) "Authority" means the Mississippi Gulf Coast
2281 Regional Wastewater Authority.

2282 (c) "Bonds" means any bonds, interim certificates,
2283 notes or other evidences of indebtedness of the authority issued
2284 under Sections 49-17-301 through 49-17-353.

2285 (d) "Collection facilities" means any plants,
2286 structures, facilities and other real and personal property used
2287 or useful in the collection of wastewater for ultimate discharge
2288 into trunk lines, including, without limiting the generality of
2289 the foregoing, sewers, conduits, pipelines, mains, pumping and
2290 ventilating stations, plants and works, connections and any other

2291 real and personal property and rights therein necessary or useful
2292 or convenient for the purposes of the authority in connection
2293 therewith.

2294 (e) "County" or "counties bordering on the Gulf of
2295 Mexico" means Hancock, Harrison or Jackson County.

2296 (f) "Persons" means a natural person, public agency,
2297 state or other agency or institution thereof, any municipality,
2298 political subdivision, cooperative or public or private
2299 corporation, partnership, association or other entity of any
2300 nature whatsoever organized and existing under the laws of any
2301 state or of the United States or any instrumentality thereof, and
2302 includes any officer or governing or managing body of any
2303 municipality, political subdivision, or public or private
2304 corporation.

2305 (g) "Pollution" means such contamination, or other
2306 alteration of the physical, chemical or biological properties, of
2307 any waters of the state, including change in temperature, taste,
2308 color, turbidity or odor of the waters, or such discharge of any
2309 liquid, gaseous, solid, radioactive, or other substance into any
2310 waters of the state as will or is likely to create a nuisance or
2311 render such waters harmful, detrimental or injurious to public
2312 health, safety or welfare, or to domestic, commercial, industrial,
2313 agricultural, recreational or other legitimate beneficial uses, or
2314 to livestock, wild animals, birds, fish or other aquatic life.

2315 (h) "Public agency" means any incorporated city or
2316 town, county, political subdivision, governmental district or
2317 unit, public corporation or governmental agency created under the
2318 laws of the state, lying wholly or partially within the
2319 territorial boundaries of the counties bordering on the Gulf of
2320 Mexico.

2321 (i) "State" means the State of Mississippi.

2322 (j) "Treatment facilities" means treatment plants and
2323 any related trunk lines.

2324 (k) "Treatment plants" means any plants, structures,
2325 facilities and other real and personal property used or useful in
2326 the treating, neutralizing, stabilizing or disposing of
2327 wastewater, including, without limiting the generality of the
2328 foregoing plants, disposal fields and lagoons and any other real
2329 and personal property and rights therein necessary or useful or
2330 convenient for the purposes of the authority in connection
2331 therewith.

2332 (l) "Trunk lines" means trunk sewers and other
2333 structures and facilities used or useful in the conducting of
2334 wastewater from collection facilities to treatment plants,
2335 including, without limiting the generality of the foregoing,
2336 conduits, pipelines, mains, pumping and ventilating stations and
2337 any other real and personal property and rights therein necessary
2338 or useful or convenient for the purposes of the authority in
2339 connection therewith.

2340 (m) "Wastewater" means water containing sewage,
2341 industrial wastes, oil field wastes and all other liquid, gaseous,
2342 solid, radioactive or other substances which may pollute or tend
2343 to pollute any waters of the state.

2344 **SECTION 52.** Section 49-17-307, Mississippi Code of 1972, is
2345 brought forward as follows:

2346 49-17-307. There is hereby created and established a public
2347 body corporate and politic constituting a political subdivision of
2348 the State of Mississippi to be known as the "Mississippi Gulf
2349 Coast Regional Wastewater Authority." The authority shall be
2350 deemed to be acting in all respects for the benefit of the people
2351 of the state in the performance of essential public functions and
2352 the authority shall be empowered in accordance with the provisions
2353 of Sections 49-17-301 through 49-17-353 to promote the health,
2354 welfare and prosperity of the general public.

2355 **SECTION 53.** Section 49-17-309, Mississippi Code of 1972, is
2356 brought forward as follows:

2357 49-17-309. (1) All powers of the authority shall be vested
2358 in a board of commissioners which shall be composed, and whose
2359 members shall be selected, as follows:

2360 (a) Initially, the board of commissioners shall be
2361 composed as follows:

2362 (i) Within thirty (30) days of the effective date
2363 of Sections 49-17-301 through 49-17-353, the board of supervisors
2364 of each county and the governing body of each incorporated city or
2365 town lying within such county shall nominate one (1) person for
2366 appointment by the Governor to the board of commissioners.

2367 (ii) Within thirty (30) days following such
2368 nomination, each such board of supervisors and such governing body
2369 of an incorporated city or town lying within said county shall
2370 certify in writing to the Governor the nominations of the
2371 individuals for appointment to the board of commissioners;
2372 provided, that each such board of supervisors or such governing
2373 body shall nominate only individuals who are residents of its
2374 respective county and who do not hold any elected public office or
2375 any position as a paid employee of any public agency.

2376 (iii) Within fifteen (15) days of receiving such
2377 nominations, the Governor shall appoint to the board of
2378 commissioners of the authority each individual so nominated. Each
2379 member of the board of commissioners appointed as provided in
2380 subsection (1)(a) of this section shall remain in office until the
2381 time of reorganization of the board of commissioners as provided
2382 in subsection (1)(b) of this section.

2383 (b) At such time as determined by the board of
2384 commissioners, but in no event later than one (1) year following
2385 the effective date of Sections 49-17-301 through 49-17-353, the
2386 board of commissioners shall adopt a resolution declaring the
2387 commencement of the reorganization of said board, which
2388 reorganization shall be as follows:

2389 (i) Each member of the board of commissioners
2390 appointed by a board of supervisors of a county or by a governing
2391 body of an incorporated city or town which has not prior to the
2392 declaration of commencement of the reorganization of the board
2393 contracted with the authority under the provisions of Sections
2394 49-17-301 through 49-17-353, shall have his or her term of office
2395 automatically terminated by operation of Sections 49-17-301
2396 through 49-17-353 and no appointment of a successor shall
2397 thereafter be permitted, except as provided in subsection
2398 (1)(b)(iv) of this section.

2399 (ii) Within thirty (30) days of the declaration of
2400 commencement of the reorganization of the board, the chairman of
2401 the board as reconstituted under the provision of subsection
2402 (1)(b)(i) of this section, shall certify the nomination in writing
2403 to the Governor of the individual members of the board of
2404 commissioners who were originally nominated by such board of
2405 supervisors or the governing body of an incorporated city or town
2406 lying within said county prior to its reconstitution and who are
2407 selected for removal from the board of commissioners.

2408 (iii) Within fifteen (15) days of receiving the
2409 nominations for removal made in accordance with subsection
2410 (1)(b)(ii) of this section, the Governor shall dismiss from office
2411 each individual member of the board of commissioners of the
2412 authority so nominated. The Governor shall thereupon establish
2413 staggered terms of office for the remaining members of the board
2414 of commissioners; provided, however, that each term of office
2415 shall be not less than two (2) years, nor more than six (6) years
2416 and the terms of all offices with respect to each such county
2417 shall be staggered over time as evenly as practicable, as shall be
2418 determined by the Governor. Each member shall remain in office
2419 for the period of such member's term and until a successor shall
2420 be duly appointed and qualified.

2421 (iv) The number of members of the board of
2422 commissioners shall be increased by one (1) each time a county, or
2423 an incorporated city or town, which has not theretofore contracted
2424 with the authority enters into such a contract. Within fifteen
2425 (15) days following the entering into of said contract, the board
2426 of supervisors of the county, or the governing body of the
2427 incorporated city or town, entering into such contract shall
2428 nominate for appointment one (1) person to the board of
2429 commissioners for the county entering into such contract or in
2430 which such incorporated city or town is located. Within fifteen
2431 (15) days following the execution of such contract, the board of
2432 commissioners shall certify in writing to the Governor the
2433 individual nominated for appointment to the board of
2434 commissioners. The Governor shall appoint such individual so
2435 nominated to the board of commissioners of the authority within
2436 fifteen (15) days of receiving such certification. The Governor
2437 shall establish the term of office of such member of the board of
2438 commissioners in compliance with the provisions of subsection
2439 (1)(b)(iii) of this section regarding staggered terms.

2440 (v) The successor of each member of the board of
2441 commissioners shall be nominated and appointed in the same manner
2442 provided in subsection (1)(b)(iv) of this section for the
2443 nomination and appointment of additional members, and shall serve
2444 a term of six (6) years, and for such period thereafter until a
2445 successor shall be duly appointed and qualified.

2446 (c) Each member of the board of commissioners shall be
2447 eligible for reappointment. All vacancies shall be filled by
2448 nomination and appointment in the same manner provided in
2449 subsection (1)(b)(v) of this section for the appointment of
2450 successors, provided that any person appointed to fill a vacancy
2451 shall serve only for the unexpired term. Any member may be
2452 removed at any time prior to the expiration of said member's term
2453 of office for misfeasance, malfeasance or willful neglect of duty,

2454 as determined by the Governor with the concurrence of the
2455 nominating public agency. Before assuming office, each member
2456 shall take and subscribe to the constitutional oath of office
2457 before a chancery clerk, and a record of such oath shall be filed
2458 with the Secretary of State. The board of commissioners shall
2459 annually select a chairman and a vice chairman from among its
2460 members.

2461 (2) The board of commissioners shall elect or appoint and
2462 prescribe the duties of such officers as the board of
2463 commissioners deems necessary or advisable, including a general
2464 manager and a secretary. The general manager, who, at the
2465 discretion of the board of commissioners, may also serve as
2466 secretary, shall be a person of good moral character and shall be
2467 a person of proven ability as an administrator with a minimum of
2468 five (5) years' experience in the management and administration of
2469 a public works operation or comparable experience which may
2470 include, but is not limited to, supervision, public financing,
2471 regulatory codes and related functions as minimum qualifications
2472 to administer the programs and duties of the authority. The
2473 general manager shall administer, manage and direct the affairs
2474 and business of the authority, subject to the policies, control
2475 and direction of the board of commissioners. The general manager
2476 shall give bond executed by a surety company or companies
2477 authorized to do business in this state in the penal sum of Fifty
2478 Thousand Dollars (\$50,000.00) payable to the authority conditioned
2479 upon the faithful performance of his duties and the proper
2480 accounting for all funds which may come into his hands as general
2481 manager. The secretary of the authority shall keep a record of
2482 the proceedings of the authority and shall be custodian of all
2483 books, documents and papers filed with the authority, the minute
2484 book or journal of the authority and its official seal. The
2485 secretary shall have authority to cause copies to be made of all
2486 minutes and other records and documents of the authority and to

2487 certify under the seal of the authority that such copies are true
2488 and accurate copies, and all persons dealing with the authority
2489 may rely upon such certificates.

2490 (3) Upon express, prior authorization of the authority, each
2491 commissioner may receive a per diem of not to exceed Fifty Dollars
2492 (\$50.00) per day for attending each day's meeting of the board of
2493 commissioners and for each day spent in attending to the business
2494 of the authority and, in addition, may receive reimbursement for
2495 actual and necessary expenses incurred.

2496 **SECTION 54.** Section 49-17-311, Mississippi Code of 1972, is
2497 brought forward as follows:

2498 49-17-311. The authority shall have all the rights and
2499 powers necessary or convenient to carry out and effectuate the
2500 purposes and provisions of Sections 49-17-301 through 49-17-353,
2501 including, but without limiting the generality of the foregoing,
2502 the right and power:

2503 (a) To sue and be sued in its own name;

2504 (b) To adopt an official seal and alter the same at
2505 pleasure;

2506 (c) To maintain an office or offices at such place or
2507 places within any county of the management area as it may
2508 determine;

2509 (d) To plan, develop, acquire, construct, reconstruct,
2510 operate, own, manage, lease (as lessor or lessee), dispose of,
2511 participate in, maintain, repair, extend or improve one or more
2512 collection facilities or treatment facilities, whether or not such
2513 facilities are or are to be owned by the authority;

2514 (e) To acquire, own, hold, use, lease (as lessor or
2515 lessee), sell or otherwise dispose of, mortgage, pledge or grant a
2516 security interest in any real or personal property, contract
2517 commodity or service or interest therein;

2518 (f) To make and enforce, and from time to time amend
2519 and repeal, bylaws and rules and regulations for the management of

2520 its business and affairs and for the use, maintenance and
2521 operation of any of its collection facilities or treatment
2522 facilities and any other of its properties, including, without
2523 limiting the generality of the foregoing, rules and regulations
2524 requiring the pretreatment of industrial wastes and requiring
2525 industrial users to pay the construction costs of facilities that
2526 are allocable to the treatment of industrial wastes to the extent
2527 attributable to any federal government share of such costs;

2528 (g) To fix, charge, collect, maintain and revise rates,
2529 fees and other charges, including connection charges, for any
2530 services rendered by it to any person;

2531 (h) To apply and contract for and to accept any grants
2532 or gifts or loans or appropriations of funds or property or
2533 financial or other aid in any form from the United States or any
2534 instrumentality thereof, or from the state or any instrumentality
2535 thereof, or from any source, public or private and to comply with
2536 and make agreements with respect to, the terms and conditions
2537 thereof, subject to any agreements with bondholders;

2538 (i) To borrow money and to issue bonds for any of its
2539 purposes, to provide for and secure the payment thereof, and to
2540 provide for the rights of the holders thereof;

2541 (j) To invest any monies of the authority, including
2542 proceeds from the sale of any bonds, notwithstanding any law to
2543 the contrary, but subject to any agreements with bondholders, on
2544 such terms and in such manner as the authority deems proper;

2545 (k) To procure insurance against any loss in connection
2546 with its property, other assets and business in such amounts and
2547 from such insurers as it may deem necessary or desirable;

2548 (l) To employ architects, engineers, attorneys,
2549 financial advisors and such other consultants as it deems proper
2550 and to fix and pay their compensation, and to appoint and retain
2551 such officers, agents and employees as it deems proper and to fix
2552 and pay their compensation;

2553 (i) The employment of all professionals for
2554 project services shall be in strict accordance with current
2555 guidelines of the appropriate federal, state and local regulatory
2556 agencies and advertising for the procurement of such services in a
2557 local newspaper shall be mandatory. Preference may be given to
2558 the employment of regionally qualified professionals.

2559 (ii) The management contractor employed by the
2560 authority shall not be eligible to compete for design, surveys,
2561 geotechnical, and/or construction inspection services of any
2562 facilities to be developed by the authority. The management
2563 contractor is to establish development criteria, priorities and
2564 administer quality control practices to insure compliance with the
2565 provisions of Sections 49-17-301 through 49-17-353.

2566 (m) To assume or continue any contractual or other
2567 business relationships entered into by the commission created
2568 pursuant to Chapter 437, Laws of 1979;

2569 (n) To enter on any lands, waters or premises for the
2570 purpose of making surveys, borings, soundings and examinations for
2571 the purposes of the authority;

2572 (o) To do and perform any acts and things authorized by
2573 Sections 49-17-301 through 49-17-353 under, through or by means of
2574 its officers, agents and employees, or by contracts with any
2575 person; and

2576 (p) To enter into any and all contracts, execute any
2577 and all instruments, and do and perform any and all acts or things
2578 necessary, convenient or desirable for the purposes of the
2579 authority, or to carry out any power expressly granted in Sections
2580 49-17-301 through 49-17-353, including, without limiting the
2581 generality of the foregoing, contracts with public agencies (and
2582 such public agencies are hereby also empowered to enter into such
2583 contracts with the authority) which may include provisions for
2584 exclusive dealing, fee payment requirements, territorial division,

2585 and other conduct or arrangements which may have an
2586 anticompetitive effect.

2587 (q) To be exempted from the Mississippi Agency Review
2588 Law of 1978, as amended.

2589 . (r) To exercise the power of eminent domain for the
2590 particular purpose of the acquisition of property designated by
2591 plan to sufficiently accommodate the location of treatment plants
2592 or facilities, trunk lines and such requirements related directly
2593 thereto pursuant to the provisions of Chapter 27, Title 11,
2594 Mississippi Code of 1972.

2595 **SECTION 55.** Section 49-17-313, Mississippi Code of 1972, is
2596 brought forward as follows:

2597 49-17-313. (1) The authority shall have the power to adopt
2598 and promulgate all reasonable rules and regulations regarding the
2599 specifications and standards relating to the construction,
2600 operation and maintenance of all collection facilities owned by
2601 any person who contracts with the authority for the use or
2602 services of any treatment facilities either owned or operated by
2603 the authority so as to cause compliance with the standards of
2604 water quality established by the Mississippi Air and Water
2605 Pollution Control Commission pursuant to the Mississippi Air and
2606 Water Pollution Control Law, and by any similar federal or state
2607 agency, and so as to effect the abatement of the pollution of the
2608 waters in the Mississippi Sound. The authority shall also have
2609 the power to adopt and promulgate all reasonable rules and
2610 regulations regarding the specifications and standards relating to
2611 the construction, operation and maintenance of all treatment
2612 facilities either owned or operated by the authority so as to
2613 cause compliance with the above-described standards of water
2614 quality and to effect the abatement of pollution of the waters in
2615 the Mississippi Sound. The authority shall also have the power to
2616 adopt and promulgate all reasonable rules requiring mandatory
2617 connection to collection facilities by any person residing within

2618 the territorial boundaries of a public agency which contracts for
2619 use or services of treatment facilities or collection facilities
2620 owned or operated by the authority, if the same is practicable, as
2621 determined by the authority; in the event that the authority
2622 determines that any such mandatory connection is not practical,
2623 then the authority shall have the power to adopt and promulgate
2624 all reasonable rules and regulations regarding the specifications
2625 and standards relating to the construction, operation and
2626 maintenance of septic tanks by any person not required to so
2627 connect to such collection facilities so as to cause compliance
2628 with the above-described standards of water quality and to effect
2629 the abatement of pollution of the waters in the Mississippi Sound.

2630 (2) All such rules and regulations prescribed by the
2631 authority, after publication in a newspaper of general circulation
2632 in each county, shall have the full force and effect of law, and
2633 violation thereof shall be punishable by a fine of not less than
2634 Fifty Dollars (\$50.00) and not more than Five Hundred Dollars
2635 (\$500.00) as may be prescribed in such rules and regulations.

2636 (3) In the event of a violation of any rule or regulation
2637 adopted by the authority to cause compliance with the standards of
2638 water quality established by the Mississippi Air and Water
2639 Pollution Control Commission, or by any similar federal or state
2640 agency, or to effect the abatement of pollution of the waters in
2641 the Mississippi Sound, the authority shall have authority to sue
2642 for and obtain damages or other appropriate relief, including
2643 injunctive relief.

2644 (4) All such rules and regulations prescribed and the
2645 penalties fixed thereunder, by the authority of Sections 49-17-301
2646 through 49-17-353 shall not conflict with or suspend any rules,
2647 regulations or penalties prescribed by general statute or the
2648 Mississippi Air and Water Pollution Control Commission. All fines
2649 and penalties levied and collected under Sections 49-17-301

2650 through 49-17-353 shall be remitted and accounted for in
2651 accordance with the general statutes relating thereto.

2652 **SECTION 56.** Section 49-17-315, Mississippi Code of 1972, is
2653 brought forward as follows:

2654 49-17-315. (1) Any public agency may, pursuant to a duly
2655 adopted resolution of the governing body of such public agency,
2656 enter into contracts with the authority for the authority to (a)
2657 acquire, lease, improve, extend, operate or maintain the treatment
2658 facilities of the public agency; or (b) acquire or construct
2659 treatment facilities to be owned by the authority for the
2660 furnishing of services to the public agency; including in each
2661 instance such contracts whereby the public agency is obligated to
2662 make payments in amounts which shall be sufficient to enable the
2663 authority to meet its expenses, interest and principal payments
2664 (whether at maturity or upon sinking fund redemption) for its
2665 bonds, reserves for debt service, payments into funds for
2666 operation and maintenance and renewals and replacements and the
2667 requirements of any rate covenant with respect to debt service
2668 coverage contained in any resolution, trust indenture or other
2669 security agreement relating to its bonds. If ten percent (10%) or
2670 fifteen hundred (1500), whichever is greater, of the qualified
2671 electors of any affected public agency shall file a written
2672 protest against entering into such contract with the authority on
2673 or before the date and time specified in such resolution, then an
2674 election on the question of entering into such contract shall be
2675 called and held as set forth in Section 49-17-325; provided,
2676 however, that in the event a county is an affected public agency,
2677 then the qualified electors of such county shall mean the
2678 qualified electors of such county who reside within the
2679 unincorporated areas within such county's geographical limits. If
2680 no such protest is filed, then such contracts may be issued
2681 without an election. Such contracts may also contain such other
2682 terms and conditions as the authority and the public agency may

2683 determine, including provisions whereby the public agency is
2684 obligated to make payments under such contract irrespective of
2685 whether or not use or services are rendered or whether or not the
2686 treatment facilities contemplated by such contracts are completed,
2687 operable or operating, and notwithstanding suspension,
2688 interruption, interference, reduction or curtailment of the use or
2689 services of such treatment facilities. Such contracts may be for
2690 a term covering the life of the treatment facilities or for any
2691 other term or for an indefinite period and may be made with or
2692 without consideration.

2693 (2) Contracts referred to in this section may provide that
2694 the obligation of a public agency to make payments to the
2695 authority with respect to certain treatment facilities is several,
2696 or is joint and several, with the obligations of other public
2697 agencies or other persons contracting with the authority for the
2698 use or services of such treatment facilities; and, where the
2699 public agency's obligation is joint and several, then in the event
2700 any other public agency or other person defaults in his
2701 obligation, the public agency may be required to increase its
2702 payments to the authority by a proportional amount, taking into
2703 consideration the remaining persons who are likewise contracting
2704 with the authority and who are not in default.

2705 (3) The obligations of a public agency arising under the
2706 terms of any contract referred to in this section, whether or not
2707 payable solely from revenues or solely from a pledge of ad valorem
2708 taxes as provided in Section 49-17-317 or any combination thereof,
2709 shall not be construed as being included within the indebtedness
2710 limitations of the public agency for purposes of any
2711 constitutional or statutory limitation or provision. To the
2712 extent provided in such contract and to the extent such
2713 obligations of the public agency are payable solely from the
2714 revenues and other monies derived by the public agency from the
2715 operation of its treatment facilities or collection facilities or

2716 any combination thereof which are the subject of such contract,
2717 such obligations may be treated as expenses of operating such
2718 facilities.

2719 (4) Contracts referred to in this section may also provide
2720 for payments in the form of contributions to defray the cost of
2721 any purpose set forth in the contracts and as advances for any
2722 treatment facilities subject to repayment by the authority. A
2723 public agency may make such contributions or advances from its
2724 general fund or surplus fund or from any monies legally available
2725 therefor.

2726 (5) Contracts referred to in this section may, in order to
2727 provide effective and prompt cooperation and coordination of any
2728 matters among persons contracting with the authority and persons
2729 representing the authority regarding treatment facilities,
2730 establish a coordinating committee of such persons. Such
2731 committee shall consist of one (1) representative selected by the
2732 authority, who shall be the coordinating committee's chairman, and
2733 such other representatives from among the contracting parties as
2734 shall be provided for by the terms of the contract. Such
2735 coordinating committee shall have such rights and powers with
2736 respect to the subject matter of the contract as shall be provided
2737 for therein.

2738 (6) Payments made or to be made to the authority by a public
2739 agency or other person pursuant to a contract for the use or
2740 services of treatment facilities shall be determined by the method
2741 specified in such contract and shall not be subject to approval or
2742 review by the Public Service Commission.

2743 **SECTION 57.** Section 49-17-317, Mississippi Code of 1972, is
2744 brought forward as follows:

2745 49-17-317. Any public agency, other than a county, having
2746 taxing powers is hereby authorized to levy a special ad valorem
2747 tax upon all taxable property within its geographical limits in an
2748 amount necessary to pay all or a portion of the payments to be

2749 made by that public agency under contracts referred to in Sections
2750 49-17-315 and 49-17-321, and if such contract of the public agency
2751 so provides, then the contract shall constitute an enforceable
2752 obligation against the taxing power of the public agency to the
2753 extent provided therein. Any county is hereby authorized to levy
2754 a special ad valorem tax upon all taxable property lying within
2755 any unincorporated area within its geographical limits in an
2756 amount necessary to pay all or a portion of the payments to be
2757 made by that county under contracts referred to in Sections
2758 49-17-315 and 49-17-321 and if such contract of the county so
2759 provides, then the contract shall constitute an enforceable
2760 obligation against the taxing power of the county to the extent
2761 provided therein. For the purpose of Sections 49-17-301 through
2762 49-17-353 and under the authority of Sections 49-17-301 through
2763 49-17-353, the Mississippi Gulf Coast Regional Wastewater
2764 authority as an entity specifically is excluded from being an
2765 authorized taxing unit under the definition of a public agency.

2766 The special ad valorem tax authorized by this section shall
2767 not be reimbursable by the state under the provisions otherwise
2768 made for reimbursements under the homestead exemption laws.

2769 **SECTION 58.** Section 49-17-319, Mississippi Code of 1972, is
2770 brought forward as follows:

2771 49-17-319. Whenever a public agency shall enter into a
2772 contract referred to in Section 49-17-315, and the payments
2773 thereunder are to be made either wholly or partly from the
2774 revenues of the public agency's collection facilities or treatment
2775 facilities or any combination thereof, the duty is hereby imposed
2776 on the public agency to fix, establish and maintain, and from time
2777 to time adjust, the rates charged by the public agency for the
2778 service of such facilities to the end that the revenues from such
2779 facilities, together with any ad valorem taxes levied for such
2780 payments, will be sufficient at all times to pay: (a) the expense
2781 of operating and maintaining such facilities; (b) all of the

2782 public agency's obligations to the authority under such contract;
2783 and (c) all of the public agency's obligations under and in
2784 connection with any outstanding bonds issued to finance in whole
2785 or in part such facilities.

2786 **SECTION 59.** Section 49-17-321, Mississippi Code of 1972, is
2787 brought forward as follows:

2788 49-17-321. (1) Any public agency may, pursuant to a duly
2789 adopted resolution of the governing body of such public agency,
2790 enter into contracts with the authority for the authority to (a)
2791 acquire, lease, improve, extend, operate or maintain the
2792 collection facilities of the public agency, or (b) acquire or
2793 construct collection facilities to be owned by the authority for
2794 the furnishing of services to users located within the boundaries
2795 of the public agency. Such contracts may provide that the public
2796 agency is obligated to make payments in amounts which shall be
2797 sufficient to enable the authority to meet its expenses, interest
2798 and principal payments (whether at maturity or upon sinking fund
2799 redemption) for its bonds, reserves for debt service, payments
2800 into funds for operation and maintenance and renewals and
2801 replacements and the requirements of any rate covenant with
2802 respect to debt service coverage contained in any resolution,
2803 trust indenture or other security agreement relating to its bonds.
2804 Such contracts may also contain such other terms and conditions as
2805 the authority and the public agency may determine, including
2806 provisions whereby the public agency is obligated to make payments
2807 under such contract irrespective of whether or not use or services
2808 are rendered or whether or not the collection facilities
2809 contemplated by such contracts are completed, operable or
2810 operating, and notwithstanding suspension, interruption,
2811 interference, reduction or curtailment of the use or services of
2812 such treatment facilities. Such contracts may be for a term
2813 covering the life of the collection facilities or for any other
2814 term or for an indefinite period and may be made with or without

2815 consideration; and may provide that the amounts payable by the
2816 public agency to the authority are in lieu of all or any part of
2817 the rates, fees and other charges which would otherwise be charged
2818 to and collected from the users of the collection facilities by
2819 the authority.

2820 (2) Subject to the terms of a contract referred to in this
2821 section, the authority is hereby authorized to do and perform any
2822 and all acts or things necessary, convenient or desirable to carry
2823 out the purposes of such contract, including the fixing, charging,
2824 collecting, maintaining and revising of rates, fees and other
2825 charges for the services rendered to any user of collection
2826 facilities operated or maintained by the authority, whether or not
2827 such collection facilities are owned by the authority.

2828 (3) The obligations of a public agency arising under the
2829 terms of any contract referred to in this section, whether or not
2830 payable solely from revenues or solely from a pledge of special
2831 improvement assessments as provided in Section 49-17-323 or solely
2832 from a pledge of ad valorem taxes as provided in Section 49-17-317
2833 or any combination thereof, shall not be construed as being
2834 included within the indebtedness limitations of the public agency
2835 for the purposes of any constitutional or statutory limitation or
2836 provision. To the extent provided in such contract and to the
2837 extent such obligations of the public agency are payable solely
2838 from the revenues and other monies derived by the public agency
2839 from the operation of its treatment facilities or collection
2840 facilities or any combination thereof which are the subject of
2841 such contract, such obligations may be treated as expenses of
2842 operating such facilities.

2843 (4) Contracts referred to in this section may also provide
2844 for payments in the form of contributions to defray the cost of
2845 any purpose set forth in the contracts and as advances for any
2846 treatment facilities subject to repayment by the authority. A
2847 public agency may make such contributions or advances from its

2848 general fund or surplus fund or from any monies legally available
2849 therefor.

2850 (5) Payments made or to be made to the authority by a public
2851 agency or other person pursuant to a contract for the use or
2852 services of treatment facilities shall be determined by the method
2853 specified in such contract and shall not be subject to approval or
2854 review by the Public Service Commission.

2855 **SECTION 60.** Section 49-17-323, Mississippi Code of 1972, is
2856 brought forward as follows:

2857 49-17-323. (1) Whenever a public agency shall enter into a
2858 contract referred to in Section 49-17-321, and subject to the
2859 terms of such contract, such agency, in its sole discretion, is
2860 authorized, in connection with the acquisition, construction,
2861 improvement or extension of collection facilities, to cause the
2862 cost of such acquisition, construction, improvement or extension
2863 (hereinafter in this section referred to as "the improvement") to
2864 be made wholly or in part at the cost of the property owners
2865 benefitted thereby by levying special improvement assessments as
2866 provided in this section. Special improvement assessments as
2867 provided in this section shall not be levied to pay the cost in
2868 whole or in part of trunk lines, treatment plants or treatment
2869 facilities.

2870 (2) Whenever the governing body of the agency shall adopt a
2871 resolution declaring the necessity of the improvement and the need
2872 for special improvement assessments therefor, which resolution
2873 shall describe the entire area to be benefitted and the nature and
2874 extent of the improvement, the public agency shall publish such
2875 resolution once each week for three (3) successive weeks in a
2876 newspaper having general circulation within the county in which
2877 the improvement is to be located, and the public agency shall fix
2878 a date on which the governing body of the agency shall meet to
2879 hear any objections to or remonstrances with respect to the
2880 improvement.

2881 (3) At the meeting scheduled to hear objections, or at a
2882 time and place to which the same may be adjourned, any person
2883 aggrieved may appear in person, by attorney or by petition and may
2884 object to or protest against the improvement or any part thereof.
2885 The governing body of the public agency shall consider the
2886 objections and protests, if any, and may confirm, amend, modify or
2887 rescind its resolution of necessity, and shall determine whether
2888 the improvement shall be made and how the cost thereof shall be
2889 paid. The determination of the governing body of the public
2890 agency shall be final and conclusive; provided, however, that if a
2891 majority of property owners owning more than fifty percent (50%)
2892 of the front footage of the property involved, and actually
2893 residing on or occupying said property, shall file a protest with
2894 the clerk of the chancery court of the county in which the
2895 improvement is to be located not later than thirty (30) days
2896 following such meeting, then the improvement shall not be made.

2897 (4) The resolution of the governing body of the public
2898 agency determining to proceed with the improvement may direct that
2899 the cost of the improvement, or such part as the agency shall
2900 determine, shall be a charge upon the property benefitted.
2901 "Property benefitted" as used in this section shall mean any real
2902 property which adjoins any portion of the collection facilities
2903 for which the special improvement assessment is to be made and
2904 which may, either in the present or the future, be serviced by
2905 such collection facilities in the collection of wastewater. Said
2906 resolution shall define the entire area to be benefitted by the
2907 improvement and shall direct that the cost to be assessed against
2908 each lot or parcel of land shall be determined by dividing the
2909 entire cost thereof by the total number of front feet fronting on
2910 all the streets embraced within the improvement area, and
2911 multiplying the quotient by the number of feet of street frontage
2912 in any particular lot or parcel of land; provided, however, that
2913 with respect to each lot or parcel of land which fronts more than

2914 one (1) street embraced within the improvement area, there shall
2915 be excluded from the total number of feet fronting on all streets,
2916 and from the number of feet of street frontage in such lot or
2917 parcel of land, that number of feet equal to the street frontage
2918 fronting streets to which such lot or parcel of land will not
2919 connect to the improvement; and, provided further, that the public
2920 agency's determination regarding such exclusion shall be
2921 conclusive. The result thereof shall be assessed by the public
2922 agency as the amount of special improvement assessment against
2923 each lot or piece of ground for the owner's part of the cost of
2924 the improvement. The cost of the improvement may include, to the
2925 extent determined by the public agency, the expense of the agency,
2926 interest on money borrowed for financing the improvement while the
2927 improvement is under construction and for one (1) year thereafter,
2928 all costs relating to the issuance of bonds by the authority to
2929 finance the improvement, actual engineering and inspection costs
2930 and all other costs directly related to the improvement.

2931 (5) At any time, as the public agency may determine, after
2932 the agency directs that the cost of the improvement, or any part
2933 thereof, shall be a charge upon the property benefitted, the
2934 public agency shall prepare, or cause to be prepared, a roll or
2935 list to be called the "assessment roll" showing the names of the
2936 property owners and opposite each name a description of each
2937 parcel of land. Such roll shall be entered in a well-bound book
2938 prepared for that purpose, which shall contain appropriate columns
2939 in which payments may be credited and which shall be known as the
2940 "assessment book." The public agency shall, upon its completion,
2941 deposit the assessment book with the clerk of the chancery court
2942 of the county in which the improvement is to be located, and such
2943 clerk shall keep the assessment book and preserve it as a public
2944 record. The entry in the assessment book of any assessment shall
2945 be and constitute notice to the public of the lien against the
2946 land so assessed and no other record or notice thereof shall be

2947 necessary to any person or corporation for that purpose. No
2948 error, omission or mistake in regard to the name of the owner
2949 shall be held to invalidate any assessment. After the assessment
2950 book has been delivered to such clerk of the chancery court, such
2951 clerk shall thereupon give a notice by publication in a newspaper
2952 of general circulation in the county in which the improvement is
2953 to be located that the assessment roll has been delivered to him
2954 and is open for inspection at his office and that at a time and
2955 place therein mentioned, not less than fifteen (15) days from the
2956 date of the first publication, the governing body of the public
2957 agency will meet to hear and determine any objection or defense.

2958 (6) The owner of any property assessed for the improvement,
2959 or any party having an interest therein, may appear at the time
2960 and place fixed for the hearing and determining of any objection
2961 or defense, and object to the proposed assessment or the amount
2962 thereof. The public agency shall hear and determine all
2963 objections and protests to the proposed assessment, as a result of
2964 which the agency may alter, change or correct any assessment;
2965 provided, however, that no assessment shall be increased without
2966 notice to the owner of the property. The public agency shall, by
2967 resolution, approve and confirm all assessments as finally fixed
2968 and adjusted at said hearing, which assessments shall, from the
2969 date of such confirmation, constitute a lien upon the respective
2970 property upon which they are levied, superior to all other liens
2971 except those for state and county taxes. All persons who fail to
2972 object to the proposed assessment at said hearing shall be deemed
2973 to have consented to and approved the same. Any property owner
2974 aggrieved by the decision of the public agency may appeal to the
2975 chancery court for the county wherein his property is situated.

2976 (7) All assessments levied under the provisions of this
2977 section shall become due and shall be paid to the tax collector of
2978 the county in which the improvement is to be located in full
2979 within ninety (90) days from the date of confirmation thereof.

2980 However, the governing body of the public agency may by resolution
2981 confer upon the property owners who admit the legality of the
2982 assessment the privilege of paying the assessment in not exceeding
2983 ten (10) equal installments with interest from the date of the
2984 confirmation at the same rate as that fixed in the bonds issued to
2985 finance the cost of the improvement. Any property owner who shall
2986 not have taken an appeal from the assessment, shall, upon failure
2987 to pay said assessment in full within ninety (90) days from the
2988 date of confirmation, be deemed to have elected to pay said
2989 assessment in installments as herein provided. Any property owner
2990 who has elected to pay his assessment in installments shall have
2991 the right at any time to pay the balance of the assessment against
2992 his property in full, but in so doing he shall be required to pay
2993 all interest which would have accrued thereon had same not been
2994 paid until its maturity.

2995 (8) The public agency shall annually certify to the tax
2996 collector of the county in which the improvement is to be located,
2997 the annual installment of assessment due from each tract of land
2998 against which an assessment has been levied, together with the
2999 amount of the interest upon all unpaid installments at the same
3000 rate as that fixed in the bonds issued to finance the cost of the
3001 improvement. The collector shall thereupon enter upon the annual
3002 tax roll of the county, in a separate column, the amount of the
3003 installment and interest to be collected from each tract of land
3004 so assessed, and said collector shall collect said installment,
3005 together with the interest upon all unpaid installments, together
3006 with, and at the same time he collects, the annual county tax.
3007 Upon collection, said tax collector shall deposit such special
3008 improvement assessment with such depository as the public agency
3009 shall determine, and shall certify to the clerk of the chancery
3010 court in which the improvement is or is to be located the amount
3011 of such assessment paid by each property owner.

3012 Upon collection, said tax collector shall deposit such
3013 special improvement assessment into a separate account with such
3014 depository as the public agency shall determine, and shall certify
3015 to the clerk of the chancery court in which the improvement is or
3016 is to be located the amount of such assessment paid by each
3017 property owner. The clerk of the chancery court shall then note
3018 such payments on the "assessment book." When an assessment is
3019 paid in full, or upon the payment of the last installment thereof,
3020 the clerk shall note on said "assessment book" opposite the
3021 assessment, "paid in full." Upon the payment of each installment
3022 an appropriate note thereof shall be made opposite such assessment
3023 on said book, so that the amount of the assessment against any
3024 property assessed under the provisions of this section which
3025 remains a lien upon said property may be determined by reference
3026 to the "assessment book."

3027 (9) All assessments levied under the provisions of this
3028 section shall be enforced in the same manner in which the payment
3029 of other taxes in said county is enforced, and all statutes
3030 regulating the collection of other taxes in said county shall
3031 apply to the enforcement and collection of the assessments levied
3032 pursuant to this section.

3033 (10) If the assessment first levied shall prove insufficient
3034 to complete the improvement, the governing body of the public
3035 agency shall thereupon by resolution duly adopted make another
3036 levy on the property previously assessed for a sum sufficient to
3037 complete the improvement, which shall be collected in the same
3038 manner as the first levy. Any property owner aggrieved by the
3039 decision of the public agency may appeal solely as to the amount
3040 of such assessment to the chancery court for the county wherein
3041 his property is situated. When any work has been begun under the
3042 provisions of Sections 49-17-301 through 49-17-353, which shall
3043 not be completed and paid for out of the first or other levy, it
3044 shall be the duty of the governing body of the public agency to

3045 make such levy for its completion, and from year to year until it
3046 is completed, provided that the total levy shall in no case exceed
3047 the value of the benefits assessed on said property. The
3048 performance of such duty may be enforced by mandamus at the
3049 instance of any person or board interested.

3050 **SECTION 61.** Section 49-17-325, Mississippi Code of 1972, is
3051 brought forward as follows:

3052 49-17-325. (1) The authority shall have the power and is
3053 hereby authorized, from time to time, to issue bonds in such
3054 principal amounts as, in the opinion of the authority, shall be
3055 necessary to provide sufficient funds for achieving any of its
3056 corporate purposes, including, without limiting the generality of
3057 the foregoing, the financing of the acquisition, construction,
3058 improvement or extension of collection facilities or treatment
3059 facilities, or any combination thereof, whether or not such
3060 facilities are owned by the authority, the payment of interest on
3061 bonds of the authority, establishment of reserves to secure such
3062 bonds, expenses incident to the issuance of such bonds and to the
3063 implementation of the authority's programs, and all other
3064 expenditures of the authority incident to or necessary or
3065 convenient to carry out its corporate purposes and powers.

3066 (2) The authority may issue such types of bonds as it may
3067 determine, subject only to any agreement with the holders of
3068 particular bonds, including bonds as to which the principal and
3069 interest are payable exclusively from all or a portion of the
3070 revenues derived from one or more collection facilities or
3071 treatment facilities pursuant to the contracts entered into by
3072 public agencies, and other persons pursuant to Section 49-17-315
3073 or 49-17-321, or any combination of any of the foregoing, or which
3074 may be secured by a pledge of any grant, subsidy, or contribution
3075 from any public agency or other person, or a pledge of any income
3076 or revenues, funds or monies of the authority from any source
3077 whatsoever.

3078 (3) Bonds shall be authorized by a resolution or resolutions
3079 of the authority. Such bonds shall bear such date or dates,
3080 mature at such time or times, (either serially, term or a
3081 combination thereof), bear interest at such rate or rates, be in
3082 such denomination or denominations, be in such form, either coupon
3083 or registered, carry such conversion or registration privileges,
3084 have such rank or priority, be executed in such manner and by such
3085 officers, be payable from such sources in such medium of payment
3086 at such place or places within or without the state, provided that
3087 one (1) such place shall be within the state, be subject to such
3088 terms of redemption prior to maturity, all as may be provided by
3089 resolution or resolutions of the authority.

3090 (4) Any bonds of the authority may be sold at such price or
3091 prices, at public sale, in such manner and at such times as may be
3092 determined by the authority to be in the public interest, and the
3093 authority may pay all expenses, premiums, fees and commissions
3094 which it may deem necessary and advantageous in connection with
3095 the issuance and sale thereof.

3096 (5) It is the intention of the Legislature that any pledge
3097 of earnings, revenues or other monies made by the authority shall
3098 be valid and binding from the time the pledge is made; that the
3099 earnings, revenues, or other monies so pledged and thereafter
3100 received by the authority shall immediately be subject to the lien
3101 of such pledge without any physical delivery thereof or further
3102 act, and that the lien of any such pledge shall be valid and
3103 binding as against all parties having claims of any kind in tort,
3104 contract or otherwise against the authority irrespective of
3105 whether such parties have notice thereof. Neither the resolution
3106 nor any other instrument by which a pledge is created need be
3107 recorded.

3108 (6) Neither the commissioners of the authority nor any
3109 person executing the bonds shall be personally liable on the bonds

3110 or be subject to any personal liability or accountability by
3111 reason of the issuance thereof.

3112 (7) Whenever any bonds shall have been signed by the
3113 officers designated by resolution of the authority to sign the
3114 bonds who were in office at the time of such signing but who may
3115 have ceased to be such officers prior to the sale and delivery of
3116 such bonds, or who may not have been in office on the date such
3117 bonds may bear, the manual or facsimile signatures of such
3118 officers upon such bonds and the coupons appertaining thereto,
3119 shall nevertheless be valid and sufficient for all purposes and
3120 have the same effect as if the person so officially executing such
3121 bonds had remained in office until the delivery of the same to the
3122 purchaser or had been in office on the date such bonds may bear.

3123 (8) (a) Before issuing bonds (other than interim
3124 certificates, notes, refunding bonds as provided in Section
3125 49-17-327 or other evidences of indebtedness of the authority)
3126 hereunder, the board of commissioners of the authority shall adopt
3127 a resolution declaring its intention to issue such bonds and
3128 stating the principal amount of the bonds proposed to be issued
3129 and the date and time upon which the board of commissioners
3130 proposes to direct the issuance of such bonds. Such resolution
3131 shall be published once a week for at least three (3) consecutive
3132 weeks in at least one (1) newspaper having a general circulation
3133 within the geographical limits of all of the public agencies (i)
3134 which have contracted with the authority under the provisions of
3135 Sections 49-17-301 through 49-17-353, and (ii) whose contracts
3136 relate to the bonds proposed to be issued, and (iii) which are
3137 authorized by a law other than Sections 49-17-301 through
3138 49-17-353 to hold elections (each public agency which meets all of
3139 the criteria set forth in (i), (ii) and (iii) foregoing is
3140 hereinafter in this section referred to as an "affected public
3141 agency," and, together with other such agencies, collectively
3142 referred to as the "affected public agencies"); provided, however,

3143 that if no newspaper has a general circulation within the
3144 geographical limits of all of the affected public agencies, then
3145 such resolution shall be published in as many different newspapers
3146 as may be required to provide general circulation of the
3147 publication of such resolution within the geographical limits of
3148 each affected public agency; and, provided further, that if no
3149 newspaper has a general circulation within the geographical limits
3150 of any particular affected public agency, then notice in such
3151 affected public agency shall be made by posting a copy of such
3152 resolution for at least twenty-one (21) days next preceding the
3153 date therein at two (2) public places within the geographical
3154 limits of such public agency. If ten percent (10%) or fifteen
3155 hundred (1500), whichever is greater, of the qualified electors of
3156 a majority number of the qualified electors of the affected public
3157 agencies shall file a written protest against the issuance of such
3158 bonds with the board of commissioners of the authority on or
3159 before the date and time specified in such resolution, then an
3160 election on the question of the issuance of such bonds shall be
3161 called and held as hereinafter set forth in this section;
3162 notwithstanding subsection (d) of this section, such election
3163 shall be determined by a majority vote of the qualified electors
3164 participating in such election; provided, however, that in the
3165 event a county is an affected public agency, then the qualified
3166 electors of such county shall mean the qualified electors of such
3167 county who reside within the unincorporated areas within such
3168 county's geographical limits. If no such protest be filed, then
3169 such bonds may be issued without an election on the question of
3170 the issuance thereof at any time within a period of two (2) years
3171 after the date specified in the above-mentioned resolution.
3172 Nothing contained herein shall be construed to require the
3173 adoption or publication of a resolution of the kind described in
3174 this subsection, or to grant any right of protest or election,
3175 with respect to the issuance of interim certificates, notes,

3176 refunding bonds as provided in Section 49-17-327 or other
3177 evidences of indebtedness of the authority.

3178 (b) Where an election is to be called as provided in
3179 subsection (8)(a) of this section, the board of commissioners of
3180 the authority shall give notice of such election to the governing
3181 body of each of the affected public agencies. The governing body
3182 of each affected public agency shall publish a notice of such
3183 election once a week for at least three (3) consecutive weeks in a
3184 newspaper having a general circulation within its respective
3185 geographical limits. The first publication of such notice shall
3186 be made not less than twenty-one (21) days prior to the date fixed
3187 for such election and the last publication shall be made not more
3188 than seven (7) days prior to such date. If no newspaper has a
3189 general circulation within the geographical limits of any
3190 particular affected public agency, then notice in such affected
3191 public agency shall be made by posting a copy of such resolution
3192 for at least twenty-one (21) days next preceding the date therein
3193 at two (2) public places within the geographical limits of such
3194 public agency.

3195 (c) The election provided for in subsection (8)(a) of
3196 this section shall be held in each of the affected public
3197 agencies, as far as practicable, in the same manner as other
3198 elections are held in such affected public agencies; provided,
3199 however, that in the event one or more affected public agencies
3200 have overlapping geographical limits, then such affected public
3201 agencies with overlapping geographical limits may provide for a
3202 consolidated election in such manner as their respective governing
3203 bodies may determine. At such election all qualified electors of
3204 each affected public agency may vote, and the ballots used at such
3205 election shall have printed thereon a brief statement of the
3206 principal amount and purpose of the proposed bond issue and the
3207 words "FOR THE BOND ISSUE" and "AGAINST THE BOND ISSUE," and the
3208 voters shall vote by placing a cross (X) or check mark (√)

3209 opposite his choice on the proposition; provided, however, that in
3210 the event a county is an affected public agency, then the
3211 qualified electors of such county shall mean the qualified
3212 electors of such county who reside within the unincorporated areas
3213 within such county's geographical limits.

3214 (d) When the results of the election on the question of
3215 the issuance of such bonds as provided in this section shall have
3216 been canvassed by the respective election commissioners of the
3217 affected public agencies and certified by them to the board of
3218 commissioners of the authority, it shall be the duty of the board
3219 of commissioners of the authority to determine and adjudicate
3220 whether or not a majority of the qualified electors who voted
3221 thereon in a majority number of the affected public agencies voted
3222 in favor of the issuance of such bonds, and unless a majority of
3223 the qualified electors who voted thereon in a majority number of
3224 the affected public agencies voted in favor of the issuance of
3225 such bonds, then such bonds shall not be issued. Should a
3226 majority of the qualified electors who vote thereon in a majority
3227 number of the affected public agencies vote in favor of the
3228 issuance of such bonds, then the board of commissioners of the
3229 authority may issue such bonds, either in whole or in part, and if
3230 in part from time to time, within two (2) years from the date of
3231 such election or within two (2) years after the final favorable
3232 termination of any litigation affecting the issuance of such
3233 bonds, as shall be determined by the board of commissioners of the
3234 authority.

3235 **SECTION 62.** Section 49-17-327, Mississippi Code of 1972, is
3236 brought forward as follows:

3237 49-17-327. The authority may issue refunding bonds for the
3238 purpose of paying any of its bonds at or prior to maturity or upon
3239 acceleration or redemption. Refunding bonds may be issued at such
3240 time prior to the maturity or redemption of the refunded bonds as
3241 the authority deems to be in the public interest. The refunding

3242 bonds may be issued in sufficient amounts to pay or provide the
3243 principal of the bonds being refunded, together with any
3244 redemption premium thereon, any interest accrued or to accrue to
3245 the date of payment of such bonds, the expenses of issue of the
3246 refunding bonds, the expenses of redeeming the bonds being
3247 refunded, and such reserves for debt service or other capital or
3248 current expenses from the proceeds of such refunding bonds as may
3249 be required by the resolution, trust indenture or other security
3250 instruments. The issue of refunding bonds, the maturities and
3251 other details thereof, the security therefor, the rights of the
3252 holders and the rights, duties and obligations of the authority in
3253 respect of the same shall be governed by the provisions of
3254 Sections 49-17-301 through 49-17-353 relating to the issue of
3255 bonds other than refunding bonds insofar as the same may be
3256 applicable.

3257 **SECTION 63.** Section 49-17-329, Mississippi Code of 1972, is
3258 brought forward as follows:

3259 49-17-329. All bonds issued pursuant to Sections 49-17-301
3260 through 49-17-353 may be validated as now provided by law in
3261 Sections 31-13-1 through 31-13-11, Mississippi Code of 1972. Such
3262 validation proceedings shall be instituted in the chancery court
3263 of the county in which the principal office of the authority is
3264 located, but notice of such validation proceedings shall be
3265 published at least two (2) times in a newspaper of general
3266 circulation in each of the counties, the first publication of
3267 which in each case shall be made at least ten (10) days preceding
3268 the date set for validation.

3269 **SECTION 64.** Section 49-17-331, Mississippi Code of 1972, is
3270 brought forward as follows:

3271 49-17-331. Bonds issued under the provisions of Sections
3272 49-17-301 through 49-17-353 shall not be deemed to constitute,
3273 within the meaning of any constitutional or statutory limitation,
3274 a debt, liability or obligation of the state, nor shall such bonds

3275 constitute a pledge of the full faith and credit of the state, but
3276 shall be payable solely from the revenues or assets of the
3277 authority pledged therefor. Each bond issued under Sections
3278 49-17-301 through 49-17-353 shall contain on the face thereof a
3279 statement to the effect that the authority shall not be obligated
3280 to pay the same nor the interest thereon except from the revenues
3281 or assets pledged therefor and that neither the full faith and
3282 credit nor the taxing power of the state is pledged to the payment
3283 of the principal of or the interest on such bonds.

3284 **SECTION 65.** Section 49-17-333, Mississippi Code of 1972, is
3285 brought forward as follows:

3286 49-17-333. The authority shall have power in connection with
3287 the issuance of its bonds to:

3288 (a) Covenant as to the use of any or all of its
3289 property, real or personal.

3290 (b) Redeem the bonds, to covenant for their redemption
3291 and to provide the terms and conditions thereof.

3292 (c) Covenant to charge rates, fees and charges
3293 sufficient to meet operating and maintenance expenses, renewals
3294 and replacements, principal and debt service on bonds, creation
3295 and maintenance of any reserves required by a bond resolution,
3296 trust indenture or other security instrument and to provide for
3297 any margins or coverages over and above debt service on the bonds
3298 deemed desirable for the marketability of the bonds.

3299 (d) Covenant and prescribe as to events of default and
3300 terms and conditions upon which any or all of its bonds shall
3301 become or may be declared due before maturity, as to the terms and
3302 conditions upon which such declaration and its consequences may be
3303 waived and as to the consequences of default and the remedies of
3304 bondholders.

3305 (e) Covenant as to the mortgage or pledge of or the
3306 grant of a security interest in any real or personal property and
3307 all or any part of the revenues from any collection facilities or

3308 treatment facilities or any revenue-producing contract or
3309 contracts made by the authority with any person to secure the
3310 payment of bonds, subject to such agreements with the holders of
3311 bonds as may then exist.

3312 (f) Covenant as to the custody, collection, securing,
3313 investment and payment of any revenues, assets, monies, funds or
3314 property with respect to which the authority may have any rights
3315 or interest.

3316 (g) Covenant as to the purposes to which the proceeds
3317 from the sale of any bonds then or thereafter to be issued may be
3318 applied, and the pledge of such proceeds to secure the payment of
3319 the bonds.

3320 (h) Covenant as to the limitations on the issuance of
3321 any additional bonds, the terms upon which additional bonds may be
3322 issued and secured, and the refunding of outstanding bonds.

3323 (i) Covenant as to the rank or priority of any bonds
3324 with respect to any lien or security.

3325 (j) Covenant as to the procedure by which the terms of
3326 any contract with or for the benefit of the holders of bonds may
3327 be amended or abrogated, the amount of bonds the holders of which
3328 must consent thereto, and the manner in which such consent may be
3329 given.

3330 (k) Covenant as to the custody of any of its properties
3331 or investments, the safekeeping thereof, the insurance to be
3332 carried thereon, and the use and disposition of insurance
3333 proceeds.

3334 (l) Covenant as to the vesting in a trustee or
3335 trustees, within or outside the state, of such properties, rights,
3336 powers and duties in trust as the authority may determine.

3337 (m) Covenant as to the appointing and providing for the
3338 duties and obligations of a paying agent or paying agents or other
3339 fiduciaries within or outside the state.

3340 (n) Make all other covenants and to do any and all such
3341 acts and things as may be necessary or convenient or desirable in
3342 order to secure its bonds, or in the absolute discretion of the
3343 authority tend to make the bonds more marketable, notwithstanding
3344 that such covenants, acts or things may not be enumerated herein;
3345 it being the intention hereof to give the authority power to do
3346 all things in the issuance of bonds and in the provisions for
3347 security thereof which are not inconsistent with the Constitution
3348 of the state.

3349 (o) Execute all instruments necessary or convenient in
3350 the exercise of the powers herein granted or in the performance of
3351 covenants or duties, which may contain such covenants and
3352 provisions, as any purchaser of the bonds of the authority may
3353 reasonably require.

3354 **SECTION 66.** Section 49-17-335, Mississippi Code of 1972, is
3355 brought forward as follows:

3356 49-17-335. The authority may, in any authorizing resolution
3357 of the board of commissioners, trust indenture or other security
3358 instrument relating to its bonds, provide for the appointment of a
3359 trustee who shall have such powers as are provided therein to
3360 represent the bondholders of any issue of bonds in the enforcement
3361 or protection of their rights under any such resolution, trust
3362 indenture or security instrument. The authority may also provide
3363 in such resolution, trust indenture or other security instrument
3364 that the trustee, or in the event that the trustee so appointed
3365 shall fail or decline to so protect and enforce such bondholders
3366 rights then such percentage of bondholders as shall be set forth
3367 in, and subject to the provisions of, such resolution, trust
3368 indenture or other security instrument, may petition the chancery
3369 court of proper jurisdiction for the appointment of a receiver of
3370 the collection facilities or treatment facilities the revenues of
3371 which are pledged to the payment of the principal of and interest
3372 on the bonds held by such bondholders. Such receiver may exercise

3373 any power as may be granted in any such resolution, trust
3374 indenture or security instrument to enter upon and take possession
3375 of, acquire, construct or reconstruct, or operate and maintain
3376 such collection facilities or treatment facilities, fix, charge,
3377 collect, enforce and receive all revenues derived from such
3378 collection facilities or treatment facilities and perform the
3379 public duties and carry out the contracts and obligations of the
3380 authority in the same manner as the authority itself might do, all
3381 under the direction of such chancery court.

3382 **SECTION 67.** Section 49-17-337, Mississippi Code of 1972, is
3383 brought forward as follows:

3384 49-17-337. (1) The exercise of the powers granted by
3385 Sections 49-17-301 through 49-17-353 will be in all respects for
3386 the benefit of the people of the state, for their well-being and
3387 prosperity and for the improvement of their social and economic
3388 conditions, and the authority shall not be required to pay any tax
3389 or assessment on any property owned by the authority under the
3390 provisions of Sections 49-17-301 through 49-17-353 or upon the
3391 income therefrom.

3392 (2) Any bonds issued by the authority under the provisions
3393 of Sections 49-17-301 through 49-17-353, their transfer and the
3394 income therefrom shall at all times be free from taxation by the
3395 state or any local unit or political subdivision or other
3396 instrumentality of the state, excepting inheritance and gift
3397 taxes.

3398 **SECTION 68.** Section 49-17-339, Mississippi Code of 1972, is
3399 brought forward as follows:

3400 49-17-339. All bonds issued under the provisions of Sections
3401 49-17-301 through 49-17-353 shall be legal investments for
3402 trustees, other fiduciaries, savings banks, trust companies, and
3403 insurance companies organized under the laws of the State of
3404 Mississippi; and such bonds shall be legal securities which may be
3405 deposited with and shall be received by all public officers and

3406 bodies of the state and all municipalities and political
3407 subdivisions for the purpose of securing the deposit of public
3408 funds.

3409 **SECTION 69.** Section 49-17-341, Mississippi Code of 1972, is
3410 brought forward as follows:

3411 49-17-341. Whether or not any bonds of the authority and
3412 interest coupons, if any, appertaining thereto would otherwise so
3413 qualify, such bonds and coupons are hereby made investment
3414 securities within the meaning and for all purposes of Article 8 of
3415 the Uniform Commercial Code as enacted in this state.

3416 **SECTION 70.** Section 49-17-343, Mississippi Code of 1972, is
3417 brought forward as follows:

3418 49-17-343. The state hereby covenants with the holders of
3419 any bonds of the authority that so long as the bonds are
3420 outstanding and unpaid the state will not limit or alter the
3421 rights and powers of the authority under Sections 49-17-301
3422 through 49-17-353 to conduct the activities referred to herein in
3423 any way pertinent to the interests of the bondholders including
3424 without limitation the authority's right to charge and collect
3425 rates, fees and charges and to fulfill the terms of any covenants
3426 made with bondholders, or in any other way impair the rights and
3427 remedies of the bondholders, unless provision for full payment of
3428 such bonds, by escrow or otherwise, has been made pursuant to the
3429 terms of the bonds or the resolution, trust indenture or security
3430 instrument securing the bonds.

3431 **SECTION 71.** Section 49-17-345, Mississippi Code of 1972, is
3432 brought forward as follows:

3433 49-17-345. If the authority finds and records on its minutes
3434 that the acquisition or construction of any collection facilities
3435 or treatment facilities, or any interest therein, or any portion
3436 thereof, or any property or any interest therein or any portion
3437 thereof, which is authorized by Sections 49-17-301 through
3438 49-17-353 is available or can be acquired or contracted for, from

3439 or with only a single source, person, firm or corporation, then
3440 such acquisition or contract may be made or entered into without
3441 meeting the requirements of any law relating to acquisitions,
3442 purchases or contracts by competitive bids. If, after advertising
3443 for competitive bids as to other proposed purchases, acquisitions
3444 or contracts, only one (1) bid is received, the authority may
3445 reject the bid and negotiate privately any purchase, contract or
3446 acquisition for a consideration not exceeding that proposed in the
3447 bid.

3448 **SECTION 72.** Section 49-17-347, Mississippi Code of 1972, is
3449 brought forward as follows:

3450 49-17-347. The authority shall cause an audit of its books
3451 and accounts to be made at least once in each year by an
3452 independent certified public accountant and the cost thereof may
3453 be paid from any available monies of the authority.

3454 **SECTION 73.** Section 49-17-349, Mississippi Code of 1972, is
3455 brought forward as follows:

3456 49-17-349. Sections 49-17-301 through 49-17-353 shall be
3457 deemed to provide an additional, alternative and complete method
3458 for the doing of the things authorized hereby and shall be deemed
3459 and construed to be supplemental and additional to any powers
3460 conferred by other laws on public agencies and not in derogation
3461 of any such powers now existing, provided, that insofar as the
3462 provisions of Sections 49-17-301 through 49-17-353 are
3463 inconsistent with the provisions of any other law, general,
3464 special or local, now in existence or hereafter (unless with
3465 specific reference to Sections 49-17-301 through 49-17-353)
3466 adopted, the provisions of Sections 49-17-301 through 49-17-353
3467 shall be controlling.

3468 Except as expressly provided in Sections 49-17-301 through
3469 49-17-353, the actions contemplated hereby, other than the
3470 issuance and sale of bonds by the authority but otherwise
3471 including without limitation the entering into of the contracts

3472 referred to in Sections 49-17-315 and 49-17-321 by the authority,
3473 the contracting public agencies and any other persons thereto, and
3474 the setting of rates, fees and charges by the authority, may be
3475 taken without the obtaining of any authorization, approval or
3476 consent of the state or any political subdivision or any
3477 department, division, commission, board, bureau, agency or
3478 instrumentality of either thereof and without any other proceeding
3479 or the fulfilling of any other condition or the happening of any
3480 other thing, except as expressly provided in Sections 49-17-301
3481 through 49-17-353.

3482 **SECTION 74.** Section 49-17-351, Mississippi Code of 1972, is
3483 brought forward as follows:

3484 49-17-351. If any clause, sentence, paragraph, section, or
3485 part of Sections 49-17-301 through 49-17-353 shall be adjudged by
3486 any court of competent jurisdiction to be invalid, such judgment
3487 shall not affect, impair, or invalidate the remainder thereof
3488 directly involved in the controversy in which such judgment shall
3489 have been rendered.

3490 **SECTION 75.** Section 49-17-353, Mississippi Code of 1972, is
3491 brought forward as follows:

3492 49-17-353. Sections 49-17-301 through 49-17-353 shall be
3493 interpreted liberally to effect the purposes set forth herein.

3494 **SECTION 76.** Section 51-8-1, Mississippi Code of 1972, is
3495 brought forward as follows:

3496 51-8-1. (1) Any two (2) or more local governmental units,
3497 being defined herein to mean a county or municipality, may create
3498 a joint water management district in the manner set forth in this
3499 chapter.

3500 (2) If any local governmental unit is located within an
3501 existing water management district, then the local governmental
3502 unit shall petition the district to provide a service or function
3503 needed by the petitioning unit, provided the service or function
3504 is one which the district has the power and authority to perform.

3505 Upon receipt of the petition, the existing district shall have
3506 ninety (90) days within which to respond affirmatively to the
3507 petition, setting forth its intent to meet the need or perform the
3508 service or function and its proposal or plan for meeting the need
3509 or performing the service or function. If the existing water
3510 district does not affirmatively respond in a timely fashion, then
3511 any two (2) or more local governmental units may create a joint
3512 water management district in the manner set forth in this chapter.

3513 (3) The joint water management district may include any
3514 geographic area within the boundaries of the interested
3515 governmental units.

3516 (4) A joint water management district may be created
3517 although adequate water supply, flood control, drainage or other
3518 water or wastewater management activities are being undertaken by
3519 one or more of the local governmental units interested in creating
3520 a joint water management district or by another corporate agency
3521 existing and operating within the geographical area of the joint
3522 water management district. The term "corporate agency," as used
3523 herein, means any agency or subdivision of the state or federal
3524 government, any body politic and corporate created under the laws
3525 of this state, any utility, or any public or private profit or
3526 nonprofit corporation.

3527 **SECTION 77.** Section 51-8-3, Mississippi Code of 1972, is
3528 brought forward as follows:

3529 51-8-3. A joint water management district may be created for
3530 the purpose of establishing a water supply system, conserving
3531 water resources, developing additional water resources or any
3532 other water or wastewater management function not being performed
3533 by an existing water management district, except that such a
3534 district as described in Section 51-8-1 may not be created for the
3535 purpose of constructing, contracting for the construction of, or
3536 serving as a local sponsor for the construction of, any dam or
3537 other flood control facility or project, the primary purpose of

3538 which is to control flooding on any part of the Pearl River,
3539 Mississippi River, Yazoo River, Tombigbee River, Big Black River,
3540 Pearl River, Pascagoula River, Tallahatchie River, Yalobusha
3541 River, Homochitto River, Buffalo River, Leaf River, Coldwater
3542 River, Sunflower River, Little Sunflower River, Wolf River,
3543 Yockanookany River, Ofahoma River, Strong River, Bogue Chitto
3544 River, Amite River, Bayou Pierre River, Tangipahoa River, Noxubee
3545 River, Buttahatchee River, Chunky River, Biloxi River, Tippah
3546 River, Hatchie River, Jourdan River, Bowie River, Chickasawhay
3547 River and Escatawpa River.

3548 **SECTION 78.** Section 51-8-5, Mississippi Code of 1972, is
3549 brought forward as follows:

3550 51-8-5. Creation of a joint water management district shall
3551 be initiated by identical resolutions passed by each interested
3552 local governmental unit. Such resolution shall set forth in
3553 detail the geographic boundaries of the district, the function or
3554 functions to be performed by the district, a statement of the
3555 necessity for the creation of the district, the proposed corporate
3556 name of the district and any other information reasonably
3557 necessary to inform the constituency of the governmental unit of
3558 the purpose and obligations of the respective units proposing to
3559 form the district.

3560 **SECTION 79.** Section 51-8-7, Mississippi Code of 1972, is
3561 brought forward as follows:

3562 51-8-7. Each governmental unit proposing to form a joint
3563 water management district shall hold a public hearing in the same
3564 manner as set out in Section 19-5-155.

3565 **SECTION 80.** Section 51-8-11, Mississippi Code of 1972, is
3566 brought forward as follows:

3567 51-8-11. Upon the making of such finding, the governing body
3568 of each interested local governmental unit shall publish the
3569 finding accompanied by the initial resolution specified in Section
3570 51-8-5 in the manner provided in Section 19-5-157.

3571 If twenty percent (20%) or fifteen hundred (1500), whichever
3572 is lesser, of the qualified electors of a local governmental unit
3573 file a written petition with the governing body of such unit on or
3574 before the date specified for creation of the district, an
3575 election shall be held in the same manner prescribed by Section
3576 19-5-157.

3577 **SECTION 81.** Section 51-8-13, Mississippi Code of 1972, is
3578 brought forward as follows:

3579 51-8-13. If no petition requiring an election be filed or if
3580 three-fifths (3/5) of those voting in said election vote in favor
3581 of the creation of such district, the governing body of such local
3582 governmental unit shall adopt a resolution creating the district
3583 as described in the initial resolution specified in Section
3584 51-8-5.

3585 **SECTION 82.** Section 51-8-15, Mississippi Code of 1972, is
3586 brought forward as follows:

3587 51-8-15. All costs incident to the publication of the
3588 notices and all other costs incident to the public hearing and
3589 election provided in Sections 51-8-7 through 51-8-11 may be paid
3590 by the applicable governing body.

3591 **SECTION 83.** Section 51-8-17, Mississippi Code of 1972, is
3592 brought forward as follows:

3593 51-8-17. Any party having an interest in the subject matter
3594 and aggrieved or prejudiced by the findings and adjudication of
3595 the applicable governing body may appeal to the circuit court of
3596 the county in the manner provided by law for appeals from orders
3597 of such bodies. However, if no such appeal be taken within a
3598 period of thirty (30) days from and after the date of the adoption
3599 of the resolution creating any such district, the creation of such
3600 district shall be final and conclusive and shall not thereafter be
3601 subject to attack in any court.

3602 **SECTION 84.** Section 51-8-19, Mississippi Code of 1972, is
3603 brought forward as follows:

3604 51-8-19. From and after the date of adoption of the
3605 resolution creating a joint water management district, such
3606 district shall be a public corporation in perpetuity in its
3607 corporate name and shall, in that name, be a body politic and
3608 corporate with power of perpetual succession.

3609 **SECTION 85.** Section 51-8-21, Mississippi Code of 1972, is
3610 brought forward as follows:

3611 51-8-21. (1) The powers of each such district shall be
3612 vested in and exercised by a board of commissioners consisting of
3613 a minimum of five (5) members, to be selected in the manner
3614 provided in the initial resolution prescribed by Section 51-8-5.
3615 Provided, however, there shall be at least one (1) member from
3616 each county within the district.

3617 The resolution may provide that commissioners will be elected
3618 by the electors of the local governmental unit or units which they
3619 represent or that commissioners will be appointed by the governing
3620 body or bodies of the local governmental units which are members
3621 of the district. The resolution shall also prescribe the term of
3622 office, which shall not exceed five (5) years, and shall establish
3623 the length of initial terms, if staggered terms are to be used.
3624 Vacancies and unexpired terms shall be filled by the governing
3625 body of each local governmental unit.

3626 (2) Notwithstanding the appointive authority herein granted
3627 to the said governing body, its legal and actual responsibilities,
3628 authority and function, subsequent to the creation of any such
3629 district, shall be specifically limited to said appointive
3630 function and the responsibilities outlined in Sections 51-8-1,
3631 51-8-5, 51-8-7, 51-8-9, 51-8-11, 51-8-13, 51-8-15, 51-8-31,
3632 51-8-33, 51-8-35, 51-8-43, 51-8-45 and 51-8-57. The operation,
3633 management, abolition or dissolution of such district, and all
3634 other matters in connection therewith, shall be vested solely and
3635 only in said board of commissioners to the specific exclusion of
3636 said governing body, and the abolition, dissolution or termination

3637 of any such district shall be accomplished only by unanimous
3638 resolution of the board of commissioners. However, such board of
3639 commissioners shall have no power, jurisdiction or authority to
3640 abolish, dissolve or terminate any such district while such
3641 district has any outstanding indebtedness of any kind or
3642 character.

3643 (3) After a district is created, a local governmental unit
3644 may withdraw as a member thereof only if:

3645 (a) The district has no outstanding indebtedness of any
3646 kind or character;

3647 (b) Withdrawal would not impair the district's water
3648 management plan or objectives;

3649 (c) The withdrawing entity is not receiving benefits
3650 from the water management operations and activities of the
3651 district; and

3652 (d) Withdrawal is approved by a three-fifths (3/5) vote
3653 of the board of commissioners.

3654 **SECTION 86.** Section 51-8-23, Mississippi Code of 1972, is
3655 brought forward as follows:

3656 51-8-23. The board of commissioners shall organize by
3657 electing one (1) of its members as chairman and another as vice
3658 chairman. It shall be the duty of the chairman to preside at all
3659 meetings of the board and to act as the chief executive officer of
3660 the board and of the district. The vice chairman shall act in the
3661 absence or disability of the chairman. Such board also shall
3662 elect and fix the compensation of secretary-treasurer who may or
3663 may not be a member of the board. It shall be the duty of the
3664 secretary-treasurer to keep all minutes and records of the board
3665 and to safely keep all funds of the district. The
3666 secretary-treasurer shall be required to execute a bond, payable
3667 to the district, in a sum and with such security as shall be fixed
3668 and approved by the board of commissioners. The terms of all
3669 officers of the board shall be for one (1) year from and after the

3670 date of election, and shall run until their respective successors
3671 are appointed and qualified.

3672 Each board of commissioners shall adopt an official seal with
3673 which to attest the official acts and records of the board and
3674 district.

3675 **SECTION 87.** Section 51-8-25, Mississippi Code of 1972, is
3676 brought forward as follows:

3677 51-8-25. Every resident citizen of a local governmental unit
3678 in any district created pursuant to this chapter, of good
3679 reputation, being the owner of land or the conductor of a business
3680 situated within such district and being over twenty-one (21) years
3681 of age and of sound mind and judgment, shall be eligible to hold
3682 the office of commissioner.

3683 Each person appointed as a commissioner, before entering upon
3684 the discharge of the duties of his office, shall be required to
3685 execute a bond payable to the State of Mississippi in the penal
3686 sum of Ten Thousand Dollars (\$10,000.00) conditioned that he will
3687 faithfully discharge the duties of his office; each such bond
3688 shall be approved by the clerk of the governing body of such unit
3689 and filed with said clerk.

3690 Any commissioner who shall remove his residence from the
3691 local governmental unit from which he was appointed or elected
3692 shall be deemed to have automatically vacated his office.

3693 Each commissioner shall take and subscribe to an oath of
3694 office prescribed in Section 268, Mississippi Constitution of
3695 1890, before the clerk of said governing body that he will
3696 faithfully discharge the duties of the office of commissioner,
3697 which oath shall also be filed with said clerk and by him
3698 preserved with such official bond.

3699 The commissioners so appointed and qualified shall be
3700 compensated on a per diem basis for their services for each
3701 meeting of the board of commissioners attended, either regular or
3702 special, at the rates established by law for state boards and

3703 commissions. Commissioners shall also be reimbursed for all
3704 expenses necessarily incurred in the discharge of their official
3705 duties in such amounts as are allowed for members of state boards
3706 and commissions.

3707 The board of commissioners shall hold regular monthly
3708 meetings and such other special meetings as may be called by the
3709 chairman or a majority of the commissioners.

3710 **SECTION 88.** Section 51-8-27, Mississippi Code of 1972, is
3711 brought forward as follows:

3712 51-8-27. The board of commissioners shall have the power to
3713 adopt, promulgate, modify and repeal, and to make exceptions to
3714 and grant exemptions and variances from, and to enforce, rules and
3715 regulations to effectuate the purposes of the creation of the
3716 district, provided that such regulations shall conform to and not
3717 conflict with regulations promulgated by state regulatory agencies
3718 responsible for regulating the activities which the district was
3719 created to perform.

3720 **SECTION 89.** Section 51-8-29, Mississippi Code of 1972, is
3721 brought forward as follows:

3722 51-8-29. Districts created under this chapter shall have the
3723 powers set out in the creating resolution not inconsistent with
3724 the powers set forth in this chapter, and in addition, the power
3725 and authority to acquire, construct, reconstruct, improve, better,
3726 extend, consolidate, maintain and operate facilities and to
3727 contract with any municipality, person, firm or corporation for
3728 services and for a supply and distribution of water, for
3729 collection, transportation, treatment and/or disposal of sewage
3730 and for services required incident to the operation and
3731 maintenance of such systems. Except as provided elsewhere in this
3732 chapter, as long as any such district continues to furnish any of
3733 the services which it was authorized to furnish in and by the
3734 resolution by which it was created, it shall be the sole public

3735 corporation empowered to furnish such services within such
3736 district.

3737 Any district created pursuant to the provisions of this
3738 chapter shall be vested with all the powers necessary and
3739 requisite for the accomplishment of the purpose for which such
3740 district is created. No enumeration of powers herein shall be
3741 construed to impair or limit any general grant of power herein
3742 contained nor to limit any such grant to a power or powers of the
3743 same class or classes as those enumerated. Such districts are
3744 empowered to do all acts necessary, proper or convenient in the
3745 exercise of the powers granted under such sections.

3746 **SECTION 90.** Section 51-8-31, Mississippi Code of 1972, is
3747 brought forward as follows:

3748 51-8-31. Any district created pursuant to the provisions of
3749 this chapter, acting by and through the board of commissioners of
3750 such district as its governing authority, shall have, among
3751 others, the following powers:

3752 (a) To sue and be sued;

3753 (b) To acquire by purchase, gift, devise, lease or any
3754 other mode of acquisition, and to hold or dispose of, real and
3755 personal property of every kind within or without the district;

3756 (c) To make and enter into contracts, conveyances,
3757 mortgages, deeds of trust, bonds, leases or contracts for
3758 financial advisory services;

3759 (d) To incur debts, to borrow money, to issue
3760 negotiable bonds, and to provide for the rights of the holders
3761 thereof;

3762 (e) To fix, maintain, collect and revise rates and
3763 charges for services rendered by or through the facilities of such
3764 district, which rates and charges shall not be subject to review
3765 or regulation by the Mississippi Public Service Commission except
3766 in those instances where a city operating similar services would
3767 be subject to regulation and review; however, said district shall

3768 obtain a certificate of convenience and necessity from the
3769 Mississippi Public Service Commission for operating water and/or
3770 sewer systems;

3771 (f) To pledge all or any part of its revenues to the
3772 payment of its obligations;

3773 (g) To make such covenants in connection with the
3774 issuance of bonds or to secure the payment of bonds that a private
3775 business corporation can make under the general laws of the state;

3776 (h) To use any right-of-way, public right-of-way,
3777 easement, or other similar property or property rights necessary
3778 or convenient in connection with the acquisition, improvement,
3779 operation or maintenance of the facilities of such district held
3780 by the state or any political subdivision thereof; however, the
3781 governing body of such political subdivision shall consent to such
3782 use;

3783 (i) To enter into agreements with state and federal
3784 agencies for loans, grants, grants-in-aid, and other forms of
3785 assistance, including, but not limited to, participation in the
3786 sale and purchase of bonds;

3787 (j) To acquire by purchase, lease, gift, or otherwise,
3788 any existing works and facilities providing services for which it
3789 was created, and any lands, rights, easements, franchises and
3790 other property, real and personal, necessary to the completion and
3791 operation of such system upon such terms and conditions as may be
3792 agreed upon, and, if necessary as part of the acquisition price,
3793 to assume the payment of outstanding notes, bonds or other
3794 obligations upon such system; however, if any corporate agency
3795 owning such facilities desires to continue providing such
3796 services, the corporate agency shall so notify the district not
3797 later than ninety (90) days after the effective date of the
3798 creation of the district, and the district shall thereupon
3799 relinquish its right to provide such services until and unless the

3800 corporate agency elects otherwise or fails to adequately provide
3801 such services;

3802 (k) To extend its services to areas beyond but within
3803 one (1) mile of the boundaries of such district; however, no such
3804 extension shall be made to areas already occupied by another
3805 corporate agency rendering the same service so long as such
3806 corporate agency desires to continue to serve such areas. Areas
3807 outside of the district desiring to be served which are beyond the
3808 one-mile limit must be brought into the district by annexation
3809 proceedings;

3810 (l) To be deemed to have the same status as counties
3811 and municipalities with respect to payment of sales taxes on
3812 purchases made by such districts;

3813 (m) To borrow funds for interim financing subject to
3814 receipt of funds as outlined in Section 51-8-35;

3815 (n) To choose a location within the district as the
3816 central office of the district;

3817 (o) To adopt a plan for management of the water
3818 resources of the district, provided that such plan first be
3819 submitted to and approved by the Commission on Natural Resources
3820 as consistent with the state water management plan or objectives;

3821 (p) To hire such personnel and contract for such legal,
3822 technical, or other services as the board of commissioners deems
3823 necessary for the operation of the district and fulfillment of its
3824 water management objectives; and

3825 (q) To secure connection to or participation in the
3826 services provided by the district, including the power to obtain
3827 mandatory or prohibitory injunctive relief; provided, however,
3828 that the authority of the board of commissioners shall not be
3829 exercised in conflict with the regulatory and enforcement
3830 authority of the Commission on Natural Resources.

3831 **SECTION 91.** Section 51-8-33, Mississippi Code of 1972, is
3832 brought forward as follows:

3833 51-8-33. The board of commissioners may exercise, on behalf
3834 of the district, such powers of eminent domain as are specified in
3835 the creating resolution wherever and whenever public necessity and
3836 convenience so requires.

3837 **SECTION 92.** Section 51-8-35, Mississippi Code of 1972, is
3838 brought forward as follows:

3839 51-8-35. (1) Any such district shall have the power to
3840 provide funds for the purpose of constructing, acquiring,
3841 reconstructing, improving, bettering or extending the facilities
3842 of such district or for the purpose of buying, leasing or
3843 otherwise acquiring the assets and facilities of any nonprofit,
3844 nonshare corporation chartered under Title 79, Chapter 11, or any
3845 other utility district by the issuance of revenue bonds. Such
3846 bonds shall be payable solely and only from the revenues of such
3847 facilities, and such revenues may be pledged from a portion of the
3848 service area of the district to the support of debt service for a
3849 specific series or issue of bonds if such apportionment is
3850 economically feasible.

3851 (2) Any such district shall have the power to provide funds,
3852 in addition to or in conjunction with the funds authorized in
3853 subsection (1) of this section, for water supply or pollution
3854 abatement projects by issuing special improvement pollution
3855 abatement bonds, special improvement water bonds, or combinations
3856 of special improvement water and sewer bonds, if the resolution
3857 creating the district authorized the governing bodies of the local
3858 governmental bodies to make assessments against benefitted
3859 properties as outlined in Section 51-8-45. Such bonds shall be
3860 payable solely and only from charges assessed to benefitted
3861 properties as outlined in said Section 51-8-45.

3862 **SECTION 93.** Section 51-8-37, Mississippi Code of 1972, is
3863 brought forward as follows:

3864 51-8-37. (1) The board of commissioners of any district
3865 created pursuant to this chapter may issue revenue or special

3866 improvement bonds of such district by resolution spread upon the
3867 minutes of such board. Bonds may be issued from time to time
3868 without an election being held upon the question of their issuance
3869 unless the board of commissioners of the district is presented
3870 with a petition for an election upon the question of issuance
3871 signed by twenty percent (20%) or fifteen hundred (1500),
3872 whichever is lesser, of the qualified electors residing within the
3873 district. The resolution authorizing any issue of bonds other
3874 than the initial issue shall be published in a manner similar to
3875 the publication of the resolution, as outlined in Section 51-8-11.
3876 If an election is required, it shall be held in substantial accord
3877 with the election outlined in Section 51-8-11. The cost of this
3878 election shall be borne by the district.

3879 (2) All bonds shall be lithographed or engraved and printed
3880 in two (2) or more colors to prevent counterfeiting. They shall
3881 be in denominations of not less than One Thousand Dollars
3882 (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), and
3883 may be registered as issued, and shall be numbered in a regular
3884 series from one (1) upward. Each such bond shall specify on its
3885 face the purpose for which it was issued, the total amount
3886 authorized to be issued, the interest on the bond, and that such
3887 bonds shall never constitute nor give rise to a pecuniary
3888 liability of the district or local governmental unit or a charge
3889 against the general credit or taxing powers of the local
3890 governmental unit.

3891 (3) Such bonds shall contain such covenants and provisions;
3892 shall be executed; shall be in such form, format, type,
3893 denomination or denominations; shall be payable as to principal
3894 and interest, at such place or places; and shall mature at such
3895 time or times, all as shall be determined by such board of
3896 commissioners and set forth in the resolution pursuant to which
3897 such bonds shall be issued. The date of maturity of such bonds
3898 shall not exceed forty (40) years from the date of the bonds,

3899 except that on special improvement pollution abatement bonds,
3900 special improvement water bonds, or special improvement water and
3901 sewer bonds, the date of maturity shall not exceed twenty-five
3902 (25) years from their date.

3903 (4) No bonds shall bear a greater overall maximum interest
3904 rate to maturity than that allowed in Section 75-17-103; no bond
3905 shall bear more than one (1) rate of interest; each bond shall
3906 bear interest from its date to its stated maturity date at the
3907 interest rate specified on the bonds; all bonds of the same
3908 maturity shall bear the same rate of interest from date to
3909 maturity. All interest accruing on such bonds so issued shall be
3910 payable semiannually, or annually, except that the first interest
3911 payment may be for any period not exceeding one (1) year. No
3912 interest payment on bearer bonds shall be evidenced by more than
3913 one (1) coupon and neither cancelled nor supplemental coupons
3914 shall be permitted. The lowest interest rate specified for any
3915 bonds issued shall not be less than sixty percent (60%) of the
3916 highest interest rate specified for the same bond issue.

3917 (5) Such bonds shall be signed by the chairman and
3918 secretary-treasurer of the commission with the seal of the
3919 commission affixed thereto; however, the coupons may bear only the
3920 facsimile signatures of such chairman and secretary-treasurer.

3921 (6) Any provisions of the general laws to the contrary
3922 notwithstanding, any bonds and interest coupons issued pursuant to
3923 the authority of this chapter shall be securities within the
3924 meaning of Article 8 of the Uniform Commercial Code, being Section
3925 75-8-101 et seq.

3926 (7) Notwithstanding the foregoing provisions of this
3927 section, bonds referred to hereinabove may be issued pursuant to
3928 the supplemental powers and authorizations conferred by the
3929 provisions of the Registered Bond Act, being Sections 31-21-1
3930 through 31-21-7.

3931 **SECTION 94.** Section 51-8-39, Mississippi Code of 1972, is
3932 brought forward as follows:

3933 51-8-39. The bonds issued under this chapter shall be sold
3934 for not less than par value plus accrued interest at public sale
3935 in the manner provided for in Section 31-19-25, Mississippi Code
3936 of 1972; however, bonds may be sold to the United States of
3937 America or an agency or instrumentality thereof at private sale.

3938 Each interest rate specified in any bid must be in multiples
3939 of either one-tenth of one percent (1/10 of 1%) or one-eighth of
3940 one percent (1/8 of 1%), and a zero rate of interest cannot be
3941 named.

3942 Any revenue bonds issued under the provisions of this chapter
3943 may be refunded in like manner as revenue bonds of municipalities
3944 shall be refunded.

3945 Any bonds issued under the provisions of this chapter shall
3946 be submitted to validation under the provisions of Sections
3947 31-13-1 through 31-13-11.

3948 **SECTION 95.** Section 51-8-41, Mississippi Code of 1972, is
3949 brought forward as follows:

3950 51-8-41. There is hereby created a statutory lien in the
3951 nature of a mortgage lien upon any system or systems acquired or
3952 constructed in accordance with this chapter, including all
3953 extensions and improvements thereof or combinations thereof
3954 subsequently made, which lien shall be in favor of the holder or
3955 holders of any bonds issued pursuant to said sections, and all
3956 such property shall remain subject to such statutory lien until
3957 the payment in full of the principal of and interest on said
3958 bonds. Any holder of said bonds or any of the coupons
3959 representing interest thereon may, either at law or in equity, by
3960 suit, action, mandamus or other proceedings, in any court of
3961 competent jurisdiction, protect and enforce such statutory lien
3962 and compel the performance of all duties required by said
3963 sections, including the making and collection of sufficient rates

3964 for the service or services, the proper accounting thereof, and
3965 the performance of any duties required by covenants with the
3966 holders of any bonds issued in accordance herewith.

3967 If any default is made in the payment of the principal of or
3968 interest on such bonds, any court having jurisdiction of the
3969 action may appoint a receiver to administer said district and said
3970 system or systems, with power to charge and collect rates
3971 sufficient to provide for the payment of all bonds and obligations
3972 outstanding against said system or systems, and for payment of
3973 operating expenses, and to apply the income and revenues thereof
3974 in conformity with the provisions of this chapter and any
3975 covenants with bondholders.

3976 **SECTION 96.** Section 51-8-43, Mississippi Code of 1972, is
3977 brought forward as follows:

3978 51-8-43. (1) Except as otherwise provided in subsection
3979 (2), the governing body of any local governmental unit which is a
3980 member of any such district may, according to the terms of the
3981 resolution, levy a special tax, not to exceed two (2) mills, on
3982 all of the taxable property in such district, the avails of which
3983 shall be paid over to the board of commissioners of the district
3984 to be used for preparation and implementation of the district's
3985 water management plan, exclusive of capital expenditures, and
3986 operation of the administrative office of the district. Provided,
3987 however, that such special tax shall not be levied against any
3988 property in any portion of such district where the district has
3989 relinquished and surrendered its prior right to provide a
3990 particular service, as provided elsewhere in this chapter.

3991 (2) The Board of Commissioners of the Yazoo-Mississippi
3992 Joint Water Management District is authorized to expend funds
3993 generated from the special tax levy under subsection (1) in
3994 connection with projects under the USDA, NRCS Mississippi Delta
3995 Comprehensive, Multipurpose Water Resource Plan hereinafter
3996 referred to as the "Mississippi Delta Study." Such projects

3997 include low flows, interbasin transfers of new water supplies,
3998 on-farm storage reservoirs or conservation, and implementation
3999 activities such as the Sunflower River Low Flow Project and Well
4000 Field Project in Coahoma County, Mississippi. Expenditures under
4001 this subsection may include in-kind expenditures as well as direct
4002 expenditures, the cost and expenses of construction, operation and
4003 maintenance of the projects, and the cost and expenses of an
4004 indirect nature, such as technological assistance, engineering and
4005 scientific evaluation and analysis by technical personnel, labor,
4006 transportation and any expenditure that is intended to satisfy the
4007 districts' in-kind obligations in connection with the projects.
4008 However, the expenditures authorized by this subsection shall not
4009 extend to any project that relates to, encompasses or includes
4010 effluent treatment facilities or any water supply system to which
4011 the Safe Drinking Water Act applies, and any other projects that
4012 are determined by the district to be beyond the scope of the
4013 Mississippi Delta Study Projects.

4014 **SECTION 97.** Section 51-8-45, Mississippi Code of 1972, is
4015 brought forward as follows:

4016 51-8-45. (1) Funds for debt service for special improvement
4017 pollution abatement bonds, special improvement water bonds, or
4018 special improvement water and sewer bonds issued in lieu of or in
4019 conjunction with revenue bonds shall be provided by charges upon
4020 the properties benefitted according to procedures set forth in
4021 this section.

4022 (2) So long as any special improvement bond authorized by
4023 this chapter shall remain outstanding, it shall be the duty of the
4024 governing bodies at the time its annual tax levies are made, to
4025 levy such assessments as are certified to them by the district as
4026 being due and payable at a stated time. It shall be the duty of
4027 the tax collector of each such governing body to collect such
4028 charges and pay the funds collected to the board of commissioners
4029 of the district for payment to interest and principal and to the

4030 retirement of bonds issued by the district in accord with the
4031 maturities schedule pertaining thereto.

4032 (3) One (1) of the following procedures may be utilized in
4033 providing funds as authorized by this section:

4034 (a) Funds for debt service may be provided by charges
4035 assessed against the property abutting upon the sewer, or abutting
4036 upon the railroad and/or utility right-of-way, street, road,
4037 highway, easement or alley in which such sewer mains or water
4038 mains are installed according to the frontage thereof.

4039 The board of commissioners of the district, after giving
4040 notice and hearing protests in the manner prescribed by Sections
4041 21-41-5 and 21-41-7, shall, by resolution spread upon its minutes,
4042 define the services to be offered and the entire area to be
4043 benefitted by each improvement; each such improvement may be
4044 designated as a project, or all such improvements may be
4045 designated as one (1) project. However, if forty percent (40%) of
4046 the property owners or the owners of more than forty percent (40%)
4047 of the front footage of the property involved and actually
4048 residing on property owned by them and included within that part
4049 of any street, avenue, etc., ordered to be specially improved, or
4050 otherwise actually occupying property owned by them and included
4051 within that area designated as a project, shall file a protest,
4052 then the improvement shall not be made and the assessment shall
4053 not be made.

4054 The resolution shall direct that the cost to be assessed
4055 against each lot or parcel of land shall be determined by dividing
4056 the entire assessable cost of the project by the total number of
4057 front feet fronting on the street, easement or other right-of-way
4058 in which all of the mains embraced within the project are
4059 installed and multiplying the quotient by the total number of
4060 front feet in any particular lot or parcel of land fronting on the
4061 street, easement or other right-of-way in which sewer mains or
4062 water mains are installed. The result thereof shall be delivered

4063 by the board of commissioners of the district to the applicable
4064 governing body as the amount of special tax to be assessed against
4065 each lot or piece of ground for the owner's part of the total cost
4066 of the improvements.

4067 The resolution, at the discretion of the governing
4068 authorities of the district, may provide for the district to pay
4069 the assessment against any property abutting a sewer or water
4070 improvement, if the property whose assessment is being paid by the
4071 district is occupied by a contributor or consumer connected to the
4072 sewer or water system who is, or will be, paying service charges
4073 at the time the assessment roll maintained by the district is
4074 confirmed; provided, however, such payment shall not exceed an
4075 amount equal to that assessed against any one hundred twenty-five
4076 (125) feet of frontage of abutting property in a project.

4077 The resolution may, at the discretion of the governing
4078 authorities of the district, provide for the district to pay the
4079 assessment against any property abutting a section of sewer main
4080 or water main designated as necessary and essential to the overall
4081 operation of such system or systems; provided, however, no service
4082 shall be provided to any such abutting property until and unless
4083 all such payments made by the district are repaid to the district
4084 by the owners of such benefitted property.

4085 (b) Funds for debt service may be provided by charges
4086 assessed against a lot or block in a recorded subdivision of land
4087 or by other appropriately designated parcel or tract of land in
4088 accord with the following procedure:

4089 The board of commissioners of the district, after giving
4090 notice and hearing protests in the manner prescribed by Sections
4091 21-41-5 and 21-41-7, shall by resolution spread upon its minutes
4092 define the services to be offered and the entire area to be
4093 benefitted by each improvement; each such improvement may be
4094 designated as a project, or all such improvements may be
4095 designated as one (1) project. However, if forty percent (40%) of

4096 the property owners or the owners of more than forty percent (40%)
4097 of the front footage of the property involved and actually
4098 residing on property owned by them and included within that part
4099 of any street, avenue, etc., ordered to be specifically improved,
4100 or otherwise actually occupying property owned by them and
4101 included within that area designated as a project, shall file a
4102 protest, then the improvement shall not be made and the assessment
4103 shall not be made.

4104 Charges shall be assessed in accord with the provisions of
4105 Sections 21-41-9 through 21-41-21 and 21-41-25 through 21-41-39.

4106 The resolution providing for assessments under the provisions
4107 of this subsection, at the discretion of the governing authorities
4108 of the district, may provide for the district to pay the
4109 assessment against any lot or parcel of ground not exceeding one
4110 (1) acre in size, if such property is occupied by a contributor or
4111 consumer connected to the sewer or water system who is, or will
4112 be, paying service charges at the time the assessment roll
4113 maintained by the district is confirmed.

4114 The resolution providing for assessment of benefitted
4115 properties under this procedure shall provide for appropriate
4116 payment to debt service accounts by property owners not included
4117 in the original assessment roll but benefitted by facilities
4118 installed with funds provided by such assessments at, or prior to,
4119 the time at which a nonassessed but benefitted property is
4120 actually served by said facilities.

4121 (c) Funds for debt service may be provided by charges
4122 assessed against lands of the district in proportion to the
4123 benefits accruing to said lands in accord with the following
4124 procedure:

4125 The board of commissioners of the district, after giving
4126 notice and hearing protests in the manner prescribed by Sections
4127 21-41-5 and 21-41-7, shall by resolution spread upon its minutes
4128 define the services to be offered and the entire area to be

4129 benefitted by each improvement; each such improvement may be
4130 designated as a project, or all such improvements may be
4131 designated as one (1) project. However, if forty percent (40%) of
4132 the property owners or the owners of more than forty percent (40%)
4133 of the property included within that area designated as a project,
4134 shall file a protest, then the improvement shall not be made and
4135 the assessment shall not be made.

4136 Charges shall be assessed in applicable manner following the
4137 provisions of Sections 21-41-9 through 21-41-21 and 21-41-25
4138 through 21-41-39.

4139 The resolution providing for assessments under the provisions
4140 of this subsection, at the discretion of the governing authorities
4141 of the district, may provide for the district to pay the
4142 assessment against any lot or parcel of ground not exceeding one
4143 (1) acre in size, if such property is occupied by a contributor or
4144 consumer connected to the sewer or water system who is, or will
4145 be, paying service charges at the time the assessment roll
4146 maintained by the district is confirmed.

4147 The resolution providing for assessment of benefitted
4148 properties under this procedure shall provide for appropriate
4149 payment to debt service accounts by property owners not included
4150 in the original assessment roll but benefitted by facilities
4151 installed with funds provided by such assessments at, or prior to,
4152 the time at which a nonassessed but benefitted property is
4153 actually served by said facilities.

4154 **SECTION 98.** Section 51-8-47, Mississippi Code of 1972, is
4155 brought forward as follows:

4156 51-8-47. The board of commissioners of the district issuing
4157 bonds pursuant to this chapter shall prescribe and collect
4158 reasonable rates, fees, tolls or charges for the services,
4159 facilities and commodities of its system or systems; shall
4160 prescribe penalties for the nonpayment thereof; and shall revise
4161 such rates, fees, tolls or charges from time to time whenever

4162 necessary to insure the economic operation of such system or
4163 systems. The rates, fees, tolls or charges prescribed shall be,
4164 as nearly as possible, such as will always produce revenue at
4165 least sufficient to:

4166 (a) Provide for all expenses of operation and
4167 maintenance of the system or systems, including reserves therefor;

4168 (b) Pay when due all bonds and interest thereon for the
4169 payment of which such revenues are or shall have been pledged,
4170 charged or otherwise encumbered, including reserves therefor; and

4171 (c) Provide funds for reasonable expansions, extensions
4172 and improvements of services.

4173 **SECTION 99.** Section 51-8-49, Mississippi Code of 1972, is
4174 brought forward as follows:

4175 51-8-49. The property and revenue of such district shall be
4176 exempt from all state, county and municipal taxation. Bonds
4177 issued pursuant to this chapter and the income therefrom shall be
4178 exempt from all state, county and municipal taxation, except
4179 inheritance, transfer and estate taxes, and it may be so stated on
4180 the face of said bonds.

4181 **SECTION 100.** Section 51-8-51, Mississippi Code of 1972, is
4182 brought forward as follows:

4183 51-8-51. All construction contracts by the district shall be
4184 made in accordance with the laws governing public contracts for
4185 counties and municipalities, being Sections 31-5-3 through
4186 31-5-57.

4187 **SECTION 101.** Section 51-8-53, Mississippi Code of 1972, is
4188 brought forward as follows:

4189 51-8-53. Any area adjacent to any district created pursuant
4190 to this chapter may be annexed to and become a part of such
4191 district by the same procedure as prescribed for the original
4192 creation of the district. All costs incident to the publication
4193 of notice and all other costs incident to the hearings, election
4194 and proceedings shall be paid by the district.

4195 The district shall have the exclusive right to provide any of
4196 the services for which it was created in the annexed territory;
4197 however, if any part of the annexed territory is then being served
4198 by another corporate agency with any such service, the district
4199 shall, at the option of the other corporate agency, either
4200 relinquish its prior right to serve the area occupied by the
4201 corporate agency or acquire by purchase the facilities of such
4202 corporate agency, together with its franchise rights to serve such
4203 area.

4204 If the option is for the district to purchase, upon
4205 notification thereof, the district shall be obligated to buy and
4206 pay for, and the corporate agency shall be obligated to convey to
4207 the district, all its service facilities and franchise rights in
4208 the annexed area. Such property shall be acquired by the district
4209 in accordance with such terms and conditions as may be agreed
4210 upon, and the district shall have the authority to assume the
4211 operation of such entire system or facility and to assume and
4212 become liable for the payment of any notes, bonds or other
4213 obligations that are outstanding against said system or facility
4214 and payable from the revenues therefrom.

4215 If the district is notified to relinquish its prior right to
4216 serve the annexed area, the district shall grant the corporate
4217 agency a franchise to serve within the annexed territory; however,
4218 the corporate agency shall be entitled to serve only such
4219 customers or locations within the annexed area as it served on the
4220 date that such annexation became effective.

4221 The annexed territory shall become liable for any existing
4222 indebtedness of the district and be subject to any taxes levied by
4223 a local governing body under Section 51-8-43.

4224 **SECTION 102.** Section 51-8-55, Mississippi Code of 1972, is
4225 brought forward as follows:

4226 51-8-55. The board of commissioners of any district created
4227 pursuant to the provisions of this chapter shall have the

4228 authority to enter into cooperative agreements with the state or
4229 federal government, or both; to obtain financial assistance in the
4230 form of loans or grants as may be available from the state or
4231 federal government, or both; and to execute and deliver at private
4232 sale notes or bonds as evidence of such indebtedness in the form
4233 and subject to the terms and conditions as may be imposed by the
4234 state or federal government, or both; and to pledge the income and
4235 revenues of the district, or the income and revenues from any part
4236 of the area embraced in the district, in payment thereof. It is
4237 the purpose and intention of this section to authorize districts
4238 to do any and all things necessary to secure the financial aid or
4239 cooperation of the state or federal government, or both, in the
4240 planning, construction, maintenance or operation of project
4241 facilities.

4242 **SECTION 103.** Section 51-8-57, Mississippi Code of 1972, is
4243 brought forward as follows:

4244 51-8-57. When any district is created within three (3) miles
4245 of the corporate boundaries of any existing municipality, the
4246 municipality is empowered to require such district to construct
4247 and maintain all facilities, whether purchased or constructed, to
4248 standards commensurate with those of the adjoining municipality;
4249 provided, however, the governing authorities of the municipalities
4250 may specifically waive compliance with any or all of such
4251 requirements.

4252 **SECTION 104.** Section 51-8-59, Mississippi Code of 1972, is
4253 brought forward as follows:

4254 51-8-59. The provisions of this chapter, without reference
4255 to any other statute or statutes, shall be deemed to be full and
4256 complete authority for the creation of such districts and for the
4257 issuance of such bonds. No proceedings shall be required for the
4258 creation of such districts or for the issuance of such bonds other
4259 than those provided for and required herein. All the necessary
4260 powers to be exercised by the governing bodies of member local

4261 governing units and by the board of commissioners of any such
4262 district, in order to carry out the provisions of such sections,
4263 are hereby conferred.

4264 **SECTION 105.** Section 51-8-61, Mississippi Code of 1972, is
4265 brought forward as follows:

4266 51-8-61. Within ninety (90) days after the close of each
4267 fiscal year, the board of commissioners shall publish in a
4268 newspaper of general circulation in the county a sworn statement
4269 showing the financial condition of the district, the earnings for
4270 the fiscal year just ended, a statement of the water and sewer
4271 rates being charged and a brief statement of the method used in
4272 arriving at such rates. Such statement shall also be filed with
4273 the local governmental units creating the district.

4274 **SECTION 106.** Section 51-8-63, Mississippi Code of 1972, is
4275 brought forward as follows:

4276 51-8-63. (1) If authorized pursuant to Section 51-9-121,
4277 51-11-13, 51-13-111 or 51-15-119, as applicable, any corporate
4278 body organized under the provisions of Chapters 9, 11, 13 and 15
4279 of Title 51, Mississippi Code of 1972, may elect by resolution
4280 duly adopted by its board of directors, to acquire and assume the
4281 power, duties and responsibilities of a joint water management
4282 district as set forth in Sections 51-8-27 through 51-8-55,
4283 Mississippi Code of 1972, by petitioning the Commission on
4284 Environmental Quality. The petition shall be in the form and
4285 content as prescribed by the commission and shall state the
4286 intention of the district to perform functions meeting the
4287 purposes for the creation of joint water management districts set
4288 out in Section 51-8-3, Mississippi Code of 1972.

4289 (2) The commission may deny, grant preliminary approval of
4290 the petition and request additional information or grant
4291 preliminary approval of the petition and direct the district to
4292 proceed with the formulation of a water management plan for the
4293 district.

4294 (3) No petition shall be finally and unconditionally granted
4295 until the district has submitted to the commission a water
4296 management plan for the district that meets the criteria set forth
4297 by the commission. Upon submission of a district water management
4298 plan and the satisfactory completion of any other requirements,
4299 the commission may finally and unconditionally approve the
4300 district's petition and grant the district joint water management
4301 district status.

4302 **SECTION 107.** Section 51-8-65, Mississippi Code of 1972, is
4303 brought forward as follows:

4304 51-8-65. (1) From and after the effective date of this act
4305 [Laws, 1995, Chapter 616, effective July 1, 1995], no joint water
4306 management district shall be created without the approval of the
4307 Commission on Environmental Quality. The commission may establish
4308 criteria for the approval of a request to create a joint water
4309 management district, but may not finally approve a request and
4310 grant joint water management district status until a water
4311 management plan for the proposed district has been approved by the
4312 commission. Any amendments to the district's water management
4313 plan must also be approved by the commission.

4314 (2) After the granting of joint water management district
4315 status to a district by the commission, neither the department,
4316 the Permit Board nor any other agency in the State of Mississippi
4317 shall issue any permit, grant or loan for any water related
4318 facility or project that is not consistent with a district's water
4319 management plan.

4320 (3) In its consideration of the consistency of a project,
4321 grant or loan with a district's water management plan, the
4322 department, Permit Board or other agency shall notify the affected
4323 water management district of the request for a permit, grant or
4324 loan and give the district a reasonable time, but not less than
4325 ten (10) days nor more than thirty (30) days, to respond to the
4326 request.

4327 **SECTION 108.** Section 51-39-1, Mississippi Code of 1972, is
4328 brought forward as follows:

4329 51-39-1. This chapter shall be known and cited as the
4330 "Mississippi Storm Water Management District Act."

4331 **SECTION 109.** Section 51-39-3, Mississippi Code of 1972, is
4332 brought forward as follows:

4333 51-39-3. The Legislature hereby finds and declares that:

4334 (a) Storm water may contain contaminants which can
4335 degrade surface water quality;

4336 (b) Due to the volume of water and the rate of flow,
4337 storm water runoff can pose a flood hazard to public and private
4338 property;

4339 (c) The proper management of storm water is of concern
4340 to all citizens and is an activity thoroughly affecting the public
4341 interest;

4342 (d) In certain areas of the state, the health, safety
4343 and welfare of the people of this state require efficient
4344 management of storm water;

4345 (e) Federal regulations require portions of some local
4346 governments to develop and implement storm water management
4347 programs;

4348 (f) There is a need for proper planning, design,
4349 construction, operation and maintenance of appropriate measures
4350 for the management of storm water; and

4351 (g) There is a need to foster cooperation among local
4352 governments in addressing concerns resulting from storm water
4353 management, therefore it is necessary and desirable to authorize
4354 the creation of storm water management districts by counties and
4355 municipalities to plan for, design, acquire, construct, operate
4356 and maintain appropriate measures for management of storm water.

4357 **SECTION 110.** Section 51-39-5, Mississippi Code of 1972, is
4358 brought forward as follows:

4359 51-39-5. Whenever used in this chapter, the following words
4360 and phrases shall have the meanings ascribed in this section
4361 unless the context clearly indicates otherwise:

4362 (a) "Board" means the board of commissioners of a
4363 district.

4364 (b) "Cost of project" means:

4365 (i) All costs of site preparation and other
4366 start-up costs;

4367 (ii) All costs of construction;

4368 (iii) All costs of real and personal property
4369 required for the purposes of the project and facilities related
4370 thereto, including land and any rights or undivided interest
4371 therein, easements, franchises, fees, utility charges, permits,
4372 approvals, licenses, and certificates and the securing of any
4373 permits, approvals, licenses, and certificates and all machinery
4374 and equipment, including motor vehicles which are used for project
4375 functions;

4376 (iv) All costs of engineering, geotechnical,
4377 architectural and legal services;

4378 (v) All costs of plans and specifications and all
4379 expenses necessary or incident to determining the feasibility or
4380 practicability of the project;

4381 (vi) Administrative expenses; and

4382 (vii) Any other expenses as may be necessary or
4383 incidental to the project financing.

4384 (c) "County" means any county of this state.

4385 (d) "Designated representative" or "incorporator" means
4386 the person named by resolution of the governing body of a county
4387 or municipality as the representative of that unit of local
4388 government for the purpose of acting on their behalf as an
4389 incorporator in concert with other similarly named persons in the
4390 creation and incorporation of a storm water management district
4391 under this chapter.

4392 (e) "District" means a storm water management district
4393 created under this chapter.

4394 (f) "Ditch" means any branch or lateral drain, tile
4395 drain, levee, sluiceway, water course, floodgate, and any other
4396 construction work found necessary for the reclamation of wet and
4397 overflowed lands.

4398 (g) "Facilities" mean any structure, building, ditch,
4399 pipe, channel, improvement, land, or other real or personal
4400 property used or useful in storm water management system under
4401 this chapter.

4402 (h) "Governing body" means the elected or duly
4403 appointed officials constituting the governing body of a
4404 municipality or county.

4405 (i) "Incorporation agreement" means that agreement
4406 between the designated representatives of various units of local
4407 government setting forth the formal creation of a storm water
4408 management district created under this chapter.

4409 (j) "Member" means a unit of local government
4410 participating in a district.

4411 (k) "Municipality" means any incorporated city, town or
4412 village in this state.

4413 (l) "Project" means the collection, conveyance,
4414 retention, detention and any other portion of a storm water
4415 management system and any property, real or personal, used as or
4416 in connection with those purposes.

4417 (m) "Public agency" means any municipality, county,
4418 political subdivision, governmental district or unit, public
4419 institution of higher learning, community college district,
4420 planning and development district, or any body politic and
4421 corporate or governmental agency created under the laws of the
4422 state.

4423 (n) "State" means the State of Mississippi.

4424 (o) "Storm water" means any flow occurring during or
4425 following any form of natural precipitation and resulting from
4426 that precipitation.

4427 (p) "Storm water management system" means a system
4428 which is designed and constructed, implemented or operated to
4429 control storm water discharges to prevent or reduce flooding, over
4430 drainage or water pollution or to otherwise affect the quantity or
4431 quality of discharges from the system. The storm water management
4432 system includes all pipes, channels, ditches, streams, wetlands,
4433 detention or retention basins, ponds or other storm water
4434 conveyance or treatment facilities.

4435 (q) "Unit of local government" means any county or
4436 municipality of the state.

4437 **SECTION 111.** Section 51-39-7, Mississippi Code of 1972, is
4438 brought forward as follows:

4439 51-39-7. (1) (a) Any single unit of local government or
4440 any combination of units of local government may create a
4441 district.

4442 (b) If any unit of local government is located within
4443 an existing district, then the unit of local government shall
4444 petition the district to provide a service or function needed by
4445 the petitioning unit, if the service or function is one which the
4446 district has the power and authority to perform. Upon receipt of
4447 the petition, the district shall have ninety (90) days within
4448 which to respond affirmatively to the petition, setting forth its
4449 intent to meet the need or perform the service or function and its
4450 plan to meet the need or perform the service or function. If the
4451 existing district does not affirmatively respond in a timely
4452 fashion, then the petitioning unit of local government may form a
4453 district as provided in this chapter.

4454 (c) The district may include any geographic area within
4455 the boundaries of any interested unit of local government.

4456 (d) A district may be formed although adequate water
4457 supply, flood control, drainage or other water or wastewater
4458 management activities are being undertaken by one or more of the
4459 units of local government interested in creating a district or by
4460 another public agency existing and operating within the
4461 geographical area of the district.

4462 (2) Creation of a district shall be initiated by ordinance
4463 or resolution duly adopted by the governing body of each unit of
4464 local government. The ordinance or resolution shall state: (a)
4465 the necessity for the proposed district; (b) the primary function
4466 of the proposed district; (c) the geographic boundaries of the
4467 proposed district within the jurisdiction of the unit of local
4468 government; (d) the names and geographic boundaries of any other
4469 units of local government proposing to be in the district; (e) the
4470 date upon which the governing body intends to create the district;
4471 (f) the estimated cost of projects to be conducted and maintained
4472 by the district; however the estimate shall not serve as a
4473 limitation upon the financing of any project or to invalidate any
4474 ordinance or resolution adopted under this section; (g) the name
4475 of a designated representative of the unit of local government to
4476 enter into an incorporation agreement with the other units of
4477 local government, if applicable; and (h) any other information
4478 reasonably necessary to inform the constituency of the unit of
4479 local government of the purpose and proposed obligations of the
4480 unit of local government and other units of local government, if
4481 applicable, proposing to create the district.

4482 (3) The governing body of the unit of local government may
4483 hold a public meeting or public hearing on the necessity for
4484 creation of the district. The governing body shall provide notice
4485 in the manner provided under Section 51-39-9 of any public meeting
4486 or public hearing.

4487 **SECTION 112.** Section 51-39-9, Mississippi Code of 1972, is
4488 brought forward as follows:

4489 51-39-9. (1) A certified copy of the adopted resolution or
4490 ordinance shall be published in a newspaper having a general
4491 circulation within the proposed district once a week for at least
4492 three (3) consecutive weeks before the date specified in the
4493 resolution or ordinance as the date upon which the governing body
4494 intends to create the district. The first publication of the
4495 notice shall be made not less than twenty-one (21) days before the
4496 date specified, and the last publication shall be made not more
4497 than seven (7) days before the date.

4498 (2) If twenty percent (20%) or fifteen hundred (1500),
4499 whichever is less, of the qualified electors within the geographic
4500 boundaries of the proposed district file a written petition with
4501 the governing body before the date specified in the resolution or
4502 ordinance under Section 51-39-7(2) protesting the creation of the
4503 district, the governing body shall call an election on the
4504 question of the creation of the district. The election shall be
4505 held and conducted by the election commissioners of the county or
4506 municipality as nearly as may be in accordance with the general
4507 laws governing elections. The election commissioners shall
4508 determine which of the qualified electors of the county or
4509 municipality reside within geographic boundaries of the proposed
4510 district, and only those qualified electors as reside within the
4511 geographic boundaries of the proposed district shall be entitled
4512 to vote in the election. Notice of the election setting forth the
4513 time, place or places, and purpose of the election shall be
4514 published by the clerk of the board of supervisors or the
4515 municipal clerk, as the case may be. The notice shall be
4516 published for the time and in the manner provided in subsection
4517 (1) of this section. The ballot to be prepared for and used at
4518 the election shall be in substantially the following form:

4519 "FOR CREATION OF _____ DISTRICT: ()
4520 AGAINST CREATION OF _____ DISTRICT: ()"

4521 Voters shall vote by placing a cross mark (X) or check mark (√)
4522 opposite their choice.

4523 **SECTION 113.** Section 51-39-11, Mississippi Code of 1972, is
4524 brought forward as follows:

4525 51-39-11. If no petition requiring an election is filed or
4526 if three-fifths (3/5) of those voting in the election provided in
4527 Section 51-39-9 vote in favor of the creation of the district, the
4528 governing body shall adopt a resolution or ordinance authorizing
4529 the creation of the district.

4530 **SECTION 114.** Section 51-39-13, Mississippi Code of 1972, is
4531 brought forward as follows:

4532 51-39-13. All costs incident to the publication of the
4533 notices, election and all other costs of meeting the requirements
4534 of this chapter shall be paid by the governing body.

4535 **SECTION 115.** Section 51-39-15, Mississippi Code of 1972, is
4536 brought forward as follows:

4537 51-39-15. Any party having an interest in the subject matter
4538 and aggrieved or prejudiced by the findings and adjudication of
4539 the governing body may appeal to the circuit court of the county
4540 in the manner provided by law for appeals from orders of the board
4541 of supervisors or municipal authorities in Section 11-51-75.
4542 However, if no appeal is taken within fifteen (15) days after the
4543 date of the adoption of the resolution or ordinance in Section
4544 51-39-11, the creation of the district within the jurisdiction of
4545 that unit of local government shall be final and shall not be
4546 subject to attack in any court after that time.

4547 **SECTION 116.** Section 51-39-17, Mississippi Code of 1972, is
4548 brought forward as follows:

4549 51-39-17. (1) Within thirty (30) days following the
4550 adoption of the final authorizing resolution or ordinance, the
4551 designated representatives shall proceed to incorporate a district
4552 by filing for record in the office of the chancery clerk of the
4553 participating counties and/or the clerk of participating

4554 municipalities, as the case may be, and the Secretary of State an
4555 incorporation agreement approved by each member. The agreement
4556 shall comply in form and substance with the requirements of this
4557 section and shall be executed in the manner provided in this
4558 chapter.

4559 (2) The incorporation agreement of a district shall state:

4560 (a) The name of each participating unit of local
4561 government and the date on which the governing bodies thereof
4562 adopted an authorizing resolution or ordinance;

4563 (b) The name of the district which must include the
4564 words "_____ Storm Water Management District," the blank
4565 spaces to be filled in with the name of one or more of the members
4566 or other geographically descriptive term. If the Secretary of
4567 State determines that the name is identical to the name of any
4568 other corporation organized under the laws of the state or so
4569 nearly similar as to lead to confusion and uncertainty, the
4570 incorporators may insert additional identifying words so as to
4571 eliminate any duplication or similarity;

4572 (c) The period for the duration of the district;

4573 (d) The location of the principal office of the
4574 district which shall be within the geographic boundaries of the
4575 district;

4576 (e) That the district is organized under this chapter;

4577 (f) The board setting forth the number of
4578 commissioners, terms of office and the vote of each commissioner;

4579 (g) If the exercise by the district of any of its
4580 powers is to be in any way prohibited, limited or conditioned, a
4581 statement of the terms of that prohibition, limitation or
4582 condition;

4583 (h) Any provisions relating to the vesting of title to
4584 its properties upon its dissolution which shall be vested in any
4585 member; and

4586 (i) Any other related matters relating to the district
4587 that the incorporators may choose to insert and that are not
4588 inconsistent with this chapter or with the laws of the state.

4589 (3) The incorporation agreement shall be signed and
4590 acknowledged by the incorporators before an officer authorized by
4591 the laws of the state to take acknowledgements. When the
4592 incorporation agreement is filed for record, there shall be
4593 attached to it a certified copy of the authorizing resolution or
4594 ordinance adopted by the governing body of each member.

4595 (4) The incorporators shall publish a notice of
4596 incorporation once a week for three (3) consecutive weeks in a
4597 daily newspaper or newspapers having general circulation
4598 throughout the area to be served.

4599 (5) Upon the filing for record of the agreement and the
4600 required documents, the district shall come into existence and
4601 shall constitute a public corporation under the name set forth in
4602 the incorporation agreement. The Secretary of State shall issue a
4603 certificate of incorporation to the district.

4604 (6) Upon issuance of the certificate of incorporation, the
4605 district shall be a public body corporate and politic constituting
4606 a political subdivision of the state with the power of perpetual
4607 succession and shall be deemed to be acting in all respects for
4608 the benefit of the people of the state in the performance of
4609 essential public functions. The district shall be empowered in
4610 accordance with this chapter to promote the health, welfare and
4611 prosperity of the general public.

4612 **SECTION 117.** Section 51-39-19, Mississippi Code of 1972, is
4613 brought forward as follows:

4614 51-39-19. (1) The incorporation agreement of any district
4615 may be amended in the manner provided in this section. The board
4616 of the district shall first adopt a resolution proposing an
4617 amendment to the incorporation agreement. The amendment shall be
4618 set forth in full in the resolution and may include any matters

4619 which might have been included in the original incorporation
4620 agreement.

4621 (2) After the adoption of the resolution by the board, the
4622 chairman of the board and the secretary of the district shall file
4623 a certified copy of the resolution and a signed written
4624 application in the name of and on behalf of the district, under
4625 its seal, with the governing body of each member, requesting the
4626 governing body to adopt a resolution approving the proposed
4627 amendment. As promptly as may be practicable after the filing of
4628 the application with the governing body, that governing body shall
4629 review the application and shall adopt a resolution or ordinance
4630 either denying the application or authorizing the proposed
4631 amendment. Any resolution or ordinance shall be published in a
4632 newspaper or newspapers as provided in Section 51-39-9. The
4633 governing body shall cause a copy of the application and all
4634 accompanying documents to be spread upon or otherwise made a part
4635 of the minutes of the meeting of the governing body at which final
4636 action upon the application is taken. The incorporation agreement
4637 may be amended only after the adoption of a resolution or
4638 ordinance by two-thirds (2/3) of the governing bodies of the
4639 members.

4640 (3) Within thirty (30) days following the adoption of the
4641 last adopted resolution approving the proposed amendment, the
4642 chairman of the board and the secretary of the district shall
4643 sign, and file for record in the office of the chancery clerk
4644 and/or municipal clerk with which the incorporation agreement of
4645 the district was originally filed and the Secretary of State, a
4646 certificate in the name of and in behalf of the district, under
4647 its seal, reciting the adoption of the respective resolution or
4648 ordinance by the board and by the governing body of each member
4649 and setting forth the amendment. The chancery clerk for the
4650 county and/or municipal clerk for the municipality shall record
4651 the certificate in an appropriate book in the clerk's office.

4652 When the certificate has been so filed and recorded, the amendment
4653 shall become effective. No incorporation agreement of a district
4654 shall be amended except in the manner provided in this section.

4655 (4) Any member of a district may withdraw from the district
4656 by submitting a resolution to the board requesting an amendment to
4657 the incorporation agreement under subsection (1) of this section.
4658 Upon compliance with the requirements of subsections (1) through
4659 (3) of this section and payment of its pro rata share of any
4660 indebtedness, costs, expenses or obligations of the district
4661 outstanding at the time of withdrawal, the amendment may become
4662 effective upon adoption of a resolution by the board. The
4663 withdrawal of a member shall not operate to impair, invalidate,
4664 release or abrogate any contract, lien, bond, permit, indebtedness
4665 or obligation of the district, except to relieve the withdrawing
4666 member from further financial obligation to the district.

4667 (5) Any party having an interest in the subject matter and
4668 aggrieved by an action of a governing body under subsections (2)
4669 and (4) of this section may appeal that action in the manner and
4670 within the time limitations provided in Section 51-39-15.

4671 **SECTION 118.** Section 51-39-21, Mississippi Code of 1972, is
4672 brought forward as follows:

4673 51-39-21. (1) All powers of the district shall be vested in
4674 the board of commissioners.

4675 (2) If the district is composed of a single member, the
4676 governing body of that county or municipality shall serve as the
4677 board of commissioners of the district and shall exercise those
4678 powers and duties granted to the board under this chapter.

4679 (3) If the district is composed of two (2) or more members,
4680 each member of the district shall have at least one (1)
4681 commissioner on the board. The board shall contain an odd number
4682 of commissioners:

4683 (a) The incorporators shall, in the incorporation
4684 agreement, designate the vote of each commissioner based upon pro

4685 rata population or any other criteria as the incorporators may
4686 determine. In the alternative, the incorporators, in the
4687 incorporation agreement, may authorize appointments to the board
4688 by the members to reflect population, or any other criteria as the
4689 incorporators may determine. Within thirty (30) days after the
4690 effective date of the incorporation agreement, the governing body
4691 of each member shall appoint a commissioner or commissioners to
4692 the board as determined by the incorporation agreement. All
4693 vacancies shall be filled by appointment in the same manner as the
4694 original appointment.

4695 (b) Each commissioner shall serve at the will and
4696 pleasure of the appointing governing body and for any term
4697 established by the appointing governing body.

4698 (c) The governing body of each member shall appoint a
4699 commissioner or commissioners from among the elected officials
4700 serving on the governing body of the respective county or
4701 municipality.

4702 (4) The board of commissioners shall annually elect a
4703 chairman and a vice chairman. The chairman shall preside at all
4704 meetings of the board and act as the chief executive officer of
4705 the board and of the district, unless otherwise determined by the
4706 board. The vice chairman shall act in the absence or disability
4707 of the chairman. A majority of the membership of the board shall
4708 constitute a quorum. Except as otherwise provided by law, all
4709 official acts of the board shall require an affirmative vote by a
4710 majority of those commissioners present and voting.

4711 (5) The number of commissioners on the board shall be
4712 increased by at least one (1), as provided in an amended
4713 incorporation agreement, each time a county or municipality enters
4714 into membership. The board shall establish the vote or number of
4715 commissioners based upon the same terms as the original
4716 incorporation agreement. Within fifteen (15) days after becoming

4717 a member, the governing body of the new member shall appoint a
4718 commissioner or commissioners to the board.

4719 (6) If the district is composed of three (3) or more
4720 members, the board may appoint an executive committee to be
4721 composed of not less than three (3) persons. No member shall have
4722 more than one (1) representative on the executive committee. The
4723 chairman of the board shall serve as chairman of the executive
4724 committee. The executive committee may execute all powers vested
4725 in the full board between meetings of the board. A majority shall
4726 constitute a quorum for the transaction of business. All actions
4727 of the executive committee must be ratified by a majority of the
4728 board at a regular or called meeting of the board.

4729 (7) (a) The board may employ any personnel and appoint and
4730 prescribe the duties of any officers as the board deems necessary
4731 or advisable, including a general manager and a secretary of the
4732 district. The board may require any of its employees to be
4733 bonded. The cost of any bond required by this section or by the
4734 board shall be paid from funds of the district.

4735 (b) The general manager may also serve as secretary and
4736 shall be a person of good moral character and of proven ability as
4737 an administrator with a minimum of five (5) years' experience in
4738 the management and administration of a public works operation or
4739 comparable experience which may include, but is not limited to,
4740 supervision, public financing, regulatory codes and related
4741 functions as minimum qualifications to administer the programs and
4742 duties of the district. The general manager shall administer,
4743 manage and direct the affairs and business of the district,
4744 subject to the policies, control and direction of the board. The
4745 general manager shall give bond executed by a surety company or
4746 companies authorized to do business in this state in the penal sum
4747 of Fifty Thousand Dollars (\$50,000.00) payable to the district
4748 conditioned upon the faithful performance of that person's duties
4749 and the proper accounting for all funds.

4750 (c) The secretary shall keep a record of the
4751 proceedings of the board and the district and shall be custodian
4752 of all books, documents and papers filed with the district, the
4753 minute book or journal and the official seal. The secretary may
4754 make copies of all minutes and other records and documents of the
4755 district and to certify under the seal of the district that the
4756 copies are true and accurate copies, and all persons dealing with
4757 the district may rely upon those certificates.

4758 (8) Regular meetings of the board shall be held as set forth
4759 in its rules or regulations for management of the district's
4760 business and affairs. Additional meetings of the board shall be
4761 held at the call of the chairman or whenever a majority of
4762 commissioners so request.

4763 (9) Upon express and prior authorization by the board, each
4764 commissioner may receive reimbursement for actual and necessary
4765 expenses incurred for attending each day's meeting of the board
4766 and for each day spent in attending to the business of the
4767 district as provided by Section 25-3-41. Each commissioner shall
4768 not be entitled to per diem or any additional compensation other
4769 than that specifically provided for in this subsection.

4770 (10) The board shall prepare a budget for the district for
4771 each fiscal year at least ninety (90) days before the beginning of
4772 that fiscal year. The fiscal year shall be from July 1 to June 30
4773 of each year. The board shall submit the budget to the governing
4774 body of each member.

4775 **SECTION 119.** Section 51-39-23, Mississippi Code of 1972, is
4776 brought forward as follows:

4777 51-39-23. The board may contract with any member to provide
4778 support services. Any member may contract with or as part of
4779 their service contract with the district to provide any staff
4780 support, administrative and operational services as it deems
4781 advisable and on any terms as may be mutually agreed.

4782 **SECTION 120.** Section 51-39-25, Mississippi Code of 1972, is
4783 brought forward as follows:

4784 51-39-25. The district shall have all the rights and powers
4785 necessary or convenient to carry out the purposes of this chapter
4786 including, but not limited to, the following:

4787 (a) To sue and be sued in its own name;

4788 (b) To adopt an official seal and alter the seal at its
4789 pleasure;

4790 (c) To maintain an office or offices at any place or
4791 places within the geographic boundaries of its members as it may
4792 determine;

4793 (d) To acquire, construct, improve, or modify, to
4794 operate or cause to be operated and maintained, either as owner of
4795 all or of any part in common with others, a storm water management
4796 system within the counties or municipalities in the district. The
4797 district may pay all or part of the cost of any storm water
4798 management system from any contribution by persons, firms, public
4799 agencies or corporations. The district may receive, accept and
4800 use all funds, public or private and pay all cost of development,
4801 implementation and maintenance as may be determined as necessary
4802 for any project;

4803 (e) To acquire, in its own name, by purchase on any
4804 terms and conditions and in any manner as it may deem proper,
4805 except by eminent domain, property for public use, or by gift,
4806 grant, lease or otherwise, real property or easements therein,
4807 franchises and personal property necessary or convenient for its
4808 corporate purposes. These purposes shall include, but are not
4809 limited to, the constructing or acquiring of a storm water
4810 management system; the improving, extending, reconstructing,
4811 renovating or remodeling of any existing storm water management
4812 system or part thereof; or the demolition to make room for any
4813 project or any part thereof. The district may insure the storm
4814 water management system against all risks as any insurance may,

4815 from time to time, be available. The district may also use any
4816 property and rent or lease any property to or from others,
4817 including public agencies, or make contracts for the use of the
4818 property. The district may sell, lease, exchange, transfer,
4819 assign, pledge, mortgage or grant a security interest for any
4820 property. The powers to acquire, use and dispose of property as
4821 set forth in this paragraph shall include the power to acquire,
4822 use and dispose of any interest in that property, whether divided
4823 or undivided. Title to any property of the district shall be held
4824 by the district exclusively for the benefit of the public;

4825 (f) To adopt, modify, repeal and promulgate rules and
4826 regulations implementing or effectuating the powers and duties of
4827 the district under any statute within the district's jurisdiction,
4828 and where otherwise not prohibited by federal or state law, to
4829 make exceptions to and grant variances and exemptions from, and to
4830 enforce those rules and regulations. Those rules and regulations
4831 may include, but shall not be limited to, rules and regulations
4832 for (i) the management of the district's business and affairs;
4833 (ii) the use, operation, maintenance or implementation of the
4834 district's storm water management system or any portion of that
4835 system, facility or any other property owned or operated by the
4836 district; and (iii) specifications and standards relating to the
4837 planning, design or construction of the storm water management
4838 system or any facility owned or operated by the district;

4839 (g) To enter into contracts or leases with any person
4840 or public agency and to execute all instruments necessary or
4841 convenient for construction, operation and maintenance of the
4842 storm water management system and leases of projects. Without
4843 limiting the generality of the above, authority is specifically
4844 granted to units of local government and to the district to enter
4845 into contracts, lease agreements or other undertaking relative to
4846 the furnishing of storm water management system services or

4847 facilities or both by the district to a unit of local government
4848 and by a unit of local government to the district;

4849 (h) To exercise any powers, rights or privileges
4850 conferred by this chapter either alone or jointly or in common
4851 with any other public or private parties. In any exercise of any
4852 powers, rights and privileges jointly or in common with others for
4853 the construction, operation and maintenance of facilities, the
4854 district may own an undivided interest in any facilities with any
4855 other party with which it may jointly or in common exercise the
4856 rights and privileges conferred by this chapter and may enter into
4857 any agreement with respect to any facility with any other party
4858 participating in those facilities. An agreement may contain any
4859 terms, conditions and provisions, consistent with this section, as
4860 the parties to the agreement shall deem to be in their best
4861 interest, including, but not limited to, provisions for the
4862 planning, design, construction, operation, implementation and
4863 maintenance of any facility by any party to an agreement. Any
4864 party or parties shall be designated in or under any agreement as
4865 agent or agents on behalf of itself and one or more of the other
4866 parties to the agreement, or by any other means as may be
4867 determined by the parties. The agreement shall include a method
4868 or methods of determining and allocating, among the parties, costs
4869 of planning, design, construction, operation, maintenance,
4870 renewals, replacements, improvements and disposal related to any
4871 facility. In carrying out its functions and activities as an
4872 agent with respect to planning, design, construction, operation
4873 and maintenance of any facility, the agent shall be governed by
4874 the laws and regulations applicable to that agent as a separate
4875 legal entity and not by any laws or regulations which may be
4876 applicable to any of the other participating parties. The agent
4877 shall act for the benefit of the public. In any agreement, the
4878 district may delegate its powers and duties related to the
4879 planning, design, construction, operation and maintenance of any

4880 facility to the party acting as agent and all actions taken by
4881 that agent in accordance with the agreement may be binding upon
4882 the district without further action or approval of the district;

4883 (i) To apply, contract for, accept, receive and
4884 administer gifts, grants, appropriations and donations of money,
4885 materials and property of any kind, including loans and grants
4886 from the United States, the state, a unit of local government, or
4887 any agency, department, authority or instrumentality of any of the
4888 foregoing, upon any terms and conditions as the United States, the
4889 state, a unit of local government, or any agency, department,
4890 authority or instrumentality shall impose. The district may
4891 administer trusts. The district may sell, lease, transfer,
4892 convey, appropriate and pledge any and all of its property and
4893 assets;

4894 (j) To employ professional and administrative staff and
4895 personnel and to retain legal, engineering, fiscal, accounting and
4896 other professional services;

4897 (k) To assume or continue any contractual or other
4898 business relationships entered into by the municipalities or
4899 counties who are members of the district, including the rights to
4900 receive and acquire transferred rights under option to purchase
4901 agreements;

4902 (l) To enter on public or private lands, waters or
4903 premises for the purpose of making surveys, borings or soundings,
4904 or conducting tests, examinations or inspections for the purposes
4905 of the district, subject to responsibility for any damage done to
4906 property entered;

4907 (m) To do and perform any acts and things authorized by
4908 this chapter under, through or by means of its officers, agents
4909 and employees, or by contracts with any person; and

4910 (n) To do and perform any and all acts or things
4911 necessary, convenient or desirable for the purposes of the

4912 district, or to carry out any power expressly granted in this
4913 chapter.

4914 **SECTION 121.** Section 51-39-27, Mississippi Code of 1972, is
4915 brought forward as follows:

4916 51-39-27. (1) Any regulations or best management practices
4917 adopted by the board under this chapter shall be no more stringent
4918 or extensive in scope, coverage or effect than the regulations and
4919 best management practices promulgated or recommended by the United
4920 States Environmental Protection Agency.

4921 (2) If federal regulations or recommended best management
4922 practices do not address any matter relating to a storm water
4923 management system, the board may adopt or promulgate appropriate
4924 regulations or best management practices to address those matters.

4925 **SECTION 122.** Section 51-39-29, Mississippi Code of 1972, is
4926 brought forward as follows:

4927 51-39-29. The governing body of a member may exercise the
4928 power of eminent domain, upon written request of the board of
4929 commissioners, for the particular purpose of the acquisition of
4930 property for the district's storm water management system. The
4931 power of eminent domain shall be exercised as provided in Chapter
4932 27, Title 11, Mississippi Code of 1972.

4933 **SECTION 123.** Section 51-39-31, Mississippi Code of 1972, is
4934 brought forward as follows:

4935 51-39-31. (1) Any public agency may, in accordance with a
4936 duly adopted resolution or ordinance, contract with the district
4937 for the district to acquire, construct or provide facilities and
4938 projects to be owned by the district for furnishing storm water
4939 management and related services to the public agency or to users
4940 within the boundaries of the public agency. The public agency
4941 shall be obligated to make payments which shall be sufficient to
4942 enable the district to meet its expenses, and payments into funds
4943 for operation, maintenance and renewals and replacements. The
4944 contracts may also contain other terms and conditions as the

4945 district and the public agency may determine. Any contract may be
4946 for a term covering the life of the facilities or for any other
4947 term or for an indefinite period.

4948 (2) Contracts may provide for payments in the form of
4949 contributions to defray the cost of any purpose set forth in the
4950 contracts and as advances for any facilities subject to repayment
4951 by the district. A public agency may make those contributions or
4952 advances from its general fund, general obligation bond proceeds,
4953 or surplus fund or from any monies legally available therefor.
4954 The entering into of any contract under this section shall not
4955 constitute the incurring of a debt by a public agency within the
4956 meaning of any constitutional or statutory limitations on debts of
4957 the state or units of local government.

4958 **SECTION 124.** Section 51-39-33, Mississippi Code of 1972, is
4959 brought forward as follows:

4960 51-39-33. The district may at the direction of the governing
4961 bodies of the participating units of local government submit a
4962 storm water management plan as required state or federal
4963 environmental rules and regulations. The district may also
4964 provide services and facilities for implementation of the storm
4965 water management plan.

4966 **SECTION 125.** Section 51-39-35, Mississippi Code of 1972, is
4967 brought forward as follows:

4968 51-39-35. For the purpose of attaining the objectives of
4969 this chapter, any public agency may, upon any terms as it may
4970 determine, do any of the following:

4971 (1) Lend, contribute, or donate money to any district
4972 or perform services for the benefit of the district;

4973 (2) Donate, sell, convey, transfer, lease or grant to
4974 any district, without the necessity of authorization at any
4975 election of qualified voters, any property of any kind, where
4976 otherwise not prohibited by law; and

4977 (3) Do anything, whether or not specifically authorized
4978 in this section, not otherwise prohibited by law, that is
4979 necessary or convenient to aid and cooperate with any district in
4980 attaining the objectives of this chapter.

4981 **SECTION 126.** Section 51-39-37, Mississippi Code of 1972, is
4982 brought forward as follows:

4983 51-39-37. The property and revenue of the district shall be
4984 exempt from all state, county and municipal taxation.

4985 **SECTION 127.** Section 51-39-39, Mississippi Code of 1972, is
4986 brought forward as follows:

4987 51-39-39. Within ninety (90) days after the close of each
4988 fiscal year, the board of commissioners shall publish in a
4989 newspaper of general circulation in the county a sworn statement
4990 showing the financial condition of the district. The statement
4991 shall also be filed with the governing body of each member of the
4992 district.

4993 **SECTION 128.** Section 51-39-41, Mississippi Code of 1972, is
4994 brought forward as follows:

4995 51-39-41. This chapter shall not be construed to authorize a
4996 district to deny access to the storm water management system or
4997 any portion of that system to any person holding a valid water
4998 pollution control permit or coverage under a general permit from
4999 the Environmental Quality Permit Board.

5000 **SECTION 129.** This act shall take effect and be in force from
5001 and after its passage.