

By: Senator(s) Moffatt, Cuevas, Dawkins,
Gollott, Hewes, Lee (47th), Morgan,
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To: Environment Prot, Cons
and Water Res; Finance

SENATE BILL NO. 2943

1 AN ACT TO CREATE THE GULF REGION WATER UTILITY AUTHORITY FOR
2 THE COASTAL REGION OF THE STATE; TO EMPOWER THE AUTHORITY; TO
3 PROVIDE FOR A BOARD OF DIRECTORS FOR THE AUTHORITY; TO REQUIRE THE
4 AUTHORITY TO PROVIDE WATER, STORM WATER AND WASTEWATER SERVICES
5 AND FACILITIES; TO REQUIRE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
6 TO DEVELOP A MASTER PLAN FOR WATER, STORM WATER AND WASTEWATER
7 SERVICES FOR THE AREA WITHIN THE AUTHORITY; TO PROVIDE
8 REQUIREMENTS FOR THE MASTER PLAN; TO REQUIRE WATER, STORM WATER
9 AND WASTEWATER PROJECTS TO COMPLY WITH THE MASTER PLAN; TO
10 AUTHORIZE THE AUTHORITY TO ISSUE REVENUE BONDS FOR SUCH PROJECTS;
11 AND TO BRING FORWARD SECTIONS 49-17-161 THROUGH, 49-17-209,
12 SECTIONS 49-17-301 THROUGH 49-17-353, SECTIONS 51-8-1 THROUGH
13 51-8-65, AND SECTIONS 51-39-1 THROUGH 51-39-43, MISSISSIPPI CODE
14 OF 1972, AND FOR RELATED PURPOSES.

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

16 SECTION 1. This act may be cited as the "Gulf Region Water
17 Utility Authority Act."

18 SECTION 2. In accordance with the report of the Governor's
19 Commission on Recovery, Rebuilding and Renewal, the Legislature
20 finds that there is a need for consolidation of water, wastewater
21 and storm water services in order to reduce costs, promote
22 resilience in the event of disaster, improve the quality of the
23 natural environment, and improve the planning and delivery of
24 quality services to all residents within the Counties of George,
25 Hancock, Harrison, Jackson, Pearl River and Stone. It is further
26 declared that there is need for the planning, acquisition,
27 construction, maintenance, operation and coordination of
28 user-funded water, storm water and wastewater systems in order to
29 ensure protection of the waters of the state and to ensure the
30 delivery of water, storm water and wastewater services to citizens
31 within these counties. The creation of the Gulf Region Water
32 Utility Authority is determined to be necessary and essential to
33 the accomplishment of these purposes.

34 SECTION 3. (1) Words and phrases used in this act shall
35 have meanings as follows:

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

38 (b) "Authority" means the Gulf Region Water Utility
39 Authority.

40 (c) "Board of directors" or "board" means the Board of
41 Directors of the Gulf Region Water Utility Authority.

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

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

47 (i) All costs of site preparation and other
48 start-up costs;

49 (ii) All costs of construction;

50 (iii) All costs of real and personal property
51 required for the purposes of the project and facilities related
52 thereto, including land and any rights or undivided interest
53 therein, easements, franchises, fees, utility charges, permits,
54 approvals, licenses and certificates and the securing of any
55 permits, approvals, licenses and certificates and all machinery
56 and equipment, including motor vehicles, which are used for
57 project functions;

58 (iv) All costs of engineering, geotechnical,
59 architectural and legal services;

60 (v) All costs of plans and specifications and all
61 expenses necessary or incident to determining the feasibility or
62 practicability of the project;

63 (vi) Administrative expenses; and

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

66 (f) "Department" means the Mississippi Department of
67 Environmental Quality.

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

70 (h) "Groundwater" means that water occurring beneath
71 the surface of the ground.

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

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

79 (k) "Municipality" means any incorporated city, town,
80 or village of the State of Mississippi, whether operating under
81 general law or under special charter, lying wholly or partly
82 within the boundaries of the authority.

83 (l) "Person" means the State of Mississippi, a
84 municipality as defined herein, any public agency as defined
85 herein, or any other city, town, village or political subdivision
86 or governmental agency, governmental instrumentality of the State
87 of Mississippi or of the United States of America, or any private
88 utility, individual, copartnership, association, firm, trust,
89 estate or any other entity whatsoever.

90 (m) "Public agency" means any county, municipality, or
91 person, as defined herein, lying wholly or partially within the
92 boundaries of the authority, any state board or commission owning
93 or operating properties within the boundaries of the authority,
94 any district created pursuant to the general laws of the State of
95 Mississippi or local and private laws of the State of Mississippi,
96 including, but not limited to, the Harrison County Wastewater and
97 Solid Waste Management District, the Mississippi Gulf Coast
98 Regional Wastewater Authority in Jackson County, the Southern

99 Regional Wastewater District in Hancock County, or any other
100 political subdivision of the State of Mississippi lying wholly or
101 partially within the boundaries of the authority and having the
102 power to own and operate waterworks, water supply systems,
103 sewerage systems, treatment facilities, sewage treatment systems,
104 or other facilities or systems for the collection, transportation,
105 and treatment of water, sewerage and wastewater.

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

110 (o) "Sewerage system" means pipelines or conduits,
111 canals, pumping stations and force mains, and all other
112 structures, devices, facilities and appliances appurtenant
113 thereto, used for collecting or conducting waste to an ultimate
114 point for treatment.

115 (p) "Storm water" means rain run off, snow run off and
116 surface water run off.

117 (q) "System" means any plants, structures, facilities
118 and other real and personal property used or useful in the
119 collection of wastewater for ultimate discharge into trunk lines,
120 including, without limiting the generality of the foregoing,
121 sewers, conduits, pipelines, mains, pumping and ventilating
122 stations, plants and works, connections and any other real and
123 personal property and rights therein necessary or useful or
124 convenient for the purposes of the authority in connection
125 therewith.

126 (r) "Treatment facilities" means any plant, treatment
127 field, lagoon, pumping station, constructing drainage ditch or
128 surface water intercepting ditch, canal, incinerator, area devoted
129 to sanitary landfills or other works not specifically mentioned
130 herein, installed for the purpose of treating, neutralizing,

131 stabilizing or disposing of waste or facilities to provide cooling
132 water to collect, control and dispose of waste heat.

133 (s) "Treatment systems" means the collective or
134 individual systems for collecting, transferring, treating and
135 disposing of sewage, water, wastewater and groundwater, or its
136 particular individual substance, and including all treatment
137 facilities, pipelines, conduits, pumping stations and all other
138 structures, devices and appliances appurtenant thereto, including
139 land and right-of-way thereto.

140 (t) "Trunk lines" means trunk sewers and other
141 structures and facilities used or useful in the conducting of
142 wastewater from collection facilities to treatment plants,
143 including, without limiting the generality of the foregoing,
144 conduits, pipelines, mains, pumping and ventilating stations and
145 any other real and personal property and rights therein necessary
146 or useful or convenient for the purposes of the authority in
147 connection therewith.

148 (u) "Wastewater" means water being disposed of by any
149 person and which is contaminated with waste or sewage, including
150 industrial, municipal, and any other wastewater that may cause
151 impairment of the quality of the waters in the state.

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

156 (w) "Waterworks" means all works, plants or other
157 facilities necessary for the purpose of collecting, storing,
158 treating and transporting water for domestic, municipal,
159 commercial, industrial, agricultural and manufacturing purposes,
160 including open channels.

161 **SECTION 4.** (1) In order to ensure the protection of the
162 environment, in particular the waters of the state, the
163 Mississippi Department of Environmental Quality is hereby

164 empowered and authorized, in addition to any other powers, to
165 develop a master plan, with input from all affected counties and
166 municipalities within the boundaries of the authority, for the
167 delivery of water, storm water and wastewater services for the
168 areas within the authority.

169 (2) The master plan shall include, at a minimum, the
170 following:

171 (a) An inventory of the sources, composition and
172 quantities, and quality of wastewater and storm water annually
173 generated within the boundaries of the authority, and the source,
174 composition and quality of drinking water currently available
175 throughout the authority's territory;

176 (b) An inventory of all existing facilities where
177 wastewater is currently being managed, including the environmental
178 suitability and operational history of each facility, and the
179 remaining available permitted capacity for each facility;

180 (c) An inventory of existing potable water treatment
181 and distribution systems within the boundaries of the authority.
182 The inventory shall identify the entities engaging in treatment
183 and distribution of potable water on a wholesale and retail basis;

184 (d) A strategy for achieving reduction of pollution to
185 waters of the state by wastewater and storm water and to improve
186 the quality and ensure the availability of potable water available
187 to the residents within the boundaries of the authority;

188 (e) A projection of wastewater and storm water
189 generated within the boundaries of the authority over the next
190 twenty (20) years and a projection of the potable water needs of
191 the area within the boundaries of the authority within the next
192 twenty (20) years;

193 (f) An identification of the additional facilities,
194 including an evaluation of alternative treatment and management
195 technologies, and the amount of additional capacity needed to
196 manage the quantities projected in paragraph (e);

197 (g) An estimation of development, construction and
198 operational costs;

199 (h) A plan for meeting any projected capacity
200 shortfall, including a schedule and methodology for attaining the
201 required capacity; and

202 (i) Prioritization of infrastructure.

203 (3) Any proposed water, wastewater and storm water projects
204 within the boundaries of the authority must be in compliance with
205 the master plan. Any proposed project must be submitted to the
206 department for review of compliance and approval or disapproval.
207 If the department disapproves a proposed project for failure to
208 comply with the master plan, the department shall send a statement
209 listing the deficiencies in compliance.

210 (4) The authority may assume the power and responsibility
211 for implementation and revision of the master plan upon entering
212 into a memorandum of agreement with the department.

213 **SECTION 5.** There is hereby created the Gulf Region Water
214 Utility Authority composed of George, Hancock, Harrison, Jackson,
215 Pearl River and Stone Counties for the planning, acquisition,
216 construction, maintenance, operation and coordination of
217 user-funded water, storm water and wastewater systems in order to
218 ensure protection of the waters of the state and to ensure the
219 delivery of water, storm water and wastewater services to citizens
220 within the counties.

221 **SECTION 6.** (1) All powers of the authority shall be
222 exercised by a board of directors to be composed of a total of
223 nine (9) directors, all of whom shall be appointed by the
224 Governor. Upon passage of this act, the Governor shall appoint
225 one (1) resident from each county within the authority and three
226 (3) at-large appointees who must reside in the authority. The
227 initial terms of the directors shall be staggered. The initial
228 terms shall be as follows: the George County director shall serve
229 for one (1) year; the Hancock County director shall serve for two

230 (2) years; the Harrison County director shall serve for three (3)
231 years; the Jackson County director shall serve for four (4) years;
232 the Pearl River County director shall serve for five (5) years;
233 the Stone County director shall serve for six (6) years. The
234 three (3) at-large members shall serve for six (6) years.
235 Thereafter, all terms shall be for a period of six (6) years. An
236 appointment to fill a vacancy shall be for the balance of the
237 unexpired term. At the initial meeting of the board, the board
238 shall elect a president and a vice president, and the board shall
239 have the ability to appoint an executive director, secretary and
240 treasurer. Thereafter, the board will annually, at the last
241 meeting of the fiscal year, elect a president and vice president
242 who shall serve in their respective offices for the next fiscal
243 year. The directors shall serve without a salary but are entitled
244 to receive a per diem.

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

262 money or other assets which shall come into his custody as
263 treasurer or director of such authority.

264 (3) Except for the election or appointment of officers, all
265 business of the authority shall be transacted by a majority
266 affirmative vote of the total membership of the board of
267 directors. The quorum for any meeting of the board of directors
268 shall be the majority of the total membership of the board of
269 directors.

270 (4) Notwithstanding the provisions of Section 51-39-1 et
271 seq., the authority shall have full power to adopt rules and
272 regulations and to construct, maintain and operate facilities for
273 the control of storm water quality and quantity. The provisions
274 of Section 51-39-1 et seq. do not apply to the authority. The
275 provisions of Section 51-33-1 et seq. relating to drainage
276 districts and flood control districts do not apply to the
277 authority.

278 **SECTION 7.** Membership in the authority shall be voluntary.
279 Any county, municipality, public agency, or other person within
280 the boundaries of the authority may become a member of the
281 authority by passing a duly adopted resolution joining the
282 authority and expressly stating that it is subject to the
283 authority's jurisdiction and power, with such resolution spread
284 upon its official minutes.

285 **SECTION 8.** (1) The authority shall have the right and
286 powers necessary to carry out the purposes of this act, including,
287 but not limited to:

288 (a) To sue and be sued, in its own name, provided that
289 the authority shall not be liable and shall be immune from suit at
290 law or in equity on account of any wrongful or tortious act or
291 omission including libel, slander, or defamation by it, or any
292 such act or omission by an employee of the authority, subject to
293 and in accordance with the provisions of Sections 11-46-1 through
294 11-46-23;

- 295 (b) To adopt an official seal and alter the same at
296 pleasure;
- 297 (c) To maintain office space at such place or places
298 within the authority boundaries as it may determine;
- 299 (d) To own/lease real or personal property to make,
300 enforce, amend and repeal bylaws and rules for the management of
301 its business;
- 302 (e) To invest money of the authority;
- 303 (f) To manage, approve and establish standards,
304 including the appropriateness of the use of individual on-site
305 wastewater treatment systems;
- 306 (g) To construct new and centrally located facilities
307 and build new systems in unincorporated areas that have no
308 service-area entity established;
- 309 (h) To coordinate funding from state, local and federal
310 sources;
- 311 (i) To provide a six-county contract for operation and
312 maintenance of all plants and water wells;
- 313 (j) To provide service area functions such as bill
314 collection and maintenance of lift stations that municipalities,
315 counties and public utility districts may voluntarily choose to
316 transfer to the regional authority;
- 317 (k) To pass ordinances in the counties and cities in
318 its six-county area imposing fees and requirements for transport
319 lines; and
- 320 (l) To meter the amount of sewage transported to
321 centralized or acquired facilities and to charge a monthly fee
322 based upon an estimate of the amount of waste treated annually.
- 323 (2) The authority may, by agreement with municipalities,
324 assume control and administer city water, wastewater and storm
325 water systems in municipalities that request to be relieved of
326 that responsibility; however, the municipalities, rural water
327 associations and independent utilities will maintain authority

328 over connections in their service areas and may charge a premium
329 in addition to the treatment charges of the regional authority,
330 remaining responsible for collecting treatment fees from local
331 residents and/or members.

332 (3) The authority may review and approve water and sewer
333 connections in addition to any approvals required by the
334 Department of Environmental Quality and the Department of Health.

335 (4) The authority may create, maintain and regulate
336 reservoirs and to promulgate and enforce rules and regulations for
337 the creation and maintenance of reservoirs.

338 (5) The authority may control and operate local retail
339 wastewater and sewerage services and may provide or be responsible
340 for direct servicing of said services to any residences,
341 businesses and/or individuals.

342 (6) The authority may acquire and rebuild existing private
343 systems.

344 **SECTION 9.** (1) Any public agency may contract with the
345 authority for the management, operation and usage of its treatment
346 systems and treatment facilities, or other services for the
347 agency. The obligations of a public agency arising under the
348 terms of any contract, whether or not payable solely from a pledge
349 of revenues, shall not be included within the indebtedness
350 limitations of the public agency for purposes of any
351 constitutional or statutory limitation or provision.

352 (2) Contracts referred to in this section may also provide
353 for payments in the form of contributions to defray the cost of
354 any purpose set forth in the contract and as advances for the
355 respective systems or any part thereof subject to repayment by the
356 authority. The payments are not subject to approval by the Public
357 Service Commission.

358 **SECTION 10.** (1) The authority may acquire water and sewer
359 trunk lines; acquire, construct, improve, enlarge, extend, repair,
360 operate and maintain one or more systems used for the collection,

361 transportation, and treatment of water, wastewater and storm water
362 and contract with any person for such purposes. The authority may
363 contract with any person, within its designated area, to collect,
364 transport, treat or dispose of water, wastewater and storm water
365 for such person. The authority also may contract with any person
366 to design and construct any water, wastewater or storm water
367 treatment systems, or any other of its treatment facilities or
368 systems and thereafter to purchase, lease or sell, by installments
369 over such terms as may be deemed desirable, reasonable and
370 necessary, any such system or systems. The authority is
371 authorized to enter into operating agreements with any person, for
372 such terms and upon such conditions as may be deemed desirable,
373 for the operation of any water, wastewater or storm water
374 treatment systems, or other of its treatment facilities or
375 systems; and the authority may lease to or from any person, for
376 such term and upon such conditions as may be deemed desirable, any
377 water, wastewater or storm water, collection, transportation,
378 treatment, or its other treatment facilities or systems. Any such
379 contract may contain provisions requiring any public agency or
380 other person to regulate the quality and strength of materials to
381 be handled by the respective treatment system or systems and also
382 may provide that the authority shall have the right to use any
383 streets, alleys and public ways and places within the jurisdiction
384 of a public agency or other person during the term of the
385 contract.

386 (2) The authority shall have the duty and responsibility to
387 exercise general supervision over the design, construction,
388 operation and maintenance of water, wastewater or storm water
389 treatment systems; to adopt rules governing the design,
390 construction or installation, operation and maintenance of water,
391 wastewater or storm water treatment systems; to adopt rules
392 establishing performance standards for water, wastewater or storm
393 water treatment systems and rules concerning the operation and

394 maintenance of the same. All rules and regulations shall be
395 consistent with the master plan developed by the Mississippi
396 Department of Environmental Quality. Such rules and regulations
397 may include the implementation of a standard application form for
398 the installation, operation and maintenance of such treatment
399 systems; application review; approval or denial procedures for any
400 proposed system; inspection, monitoring, and reporting guidelines;
401 and enforcement procedures.

402 (3) No owner, lessee, developer or person shall construct or
403 place a residence, building, facility or development which may
404 require the installation of a water, wastewater or storm water
405 treatment system, nor shall any owner, lessee, developer or person
406 design, construct or install such a system, without having first
407 submitted a notice of intent to the authority. Upon receipt of
408 the notice of intent, the board of directors shall provide the
409 party giving notice with complete information regarding the rules,
410 regulations and guidelines for the design, construction,
411 installation, operation and maintenance of water, wastewater or
412 storm water treatment systems. No water, wastewater or storm
413 water treatment systems shall be installed without proof of the
414 submission of the notice of intent required by this section and
415 the approval of the same by the board of directors.

416 (4) Within ten (10) working days following the receipt of
417 complete information as required by the rules, regulations and
418 guidelines for the design, construction, installation, operation
419 and maintenance of water, sewerage, wastewater and storm water
420 treatment systems, as applicable, by an owner, lessee, developer
421 or person of any lot or tract of land, the board of directors
422 shall make recommendations to the owner, lessor, developer or
423 person as to the type or types of systems suitable for
424 installation and compatible with the existing treatment systems of
425 the authority. Approval by the board of directors of any system
426 is required before the installation, operation or maintenance of

427 any system, and no owner, lessee, developer or person shall
428 design, construct or install a system that does not comply with
429 this act; however, the board of directors may grant variances from
430 the requirements of this act as deemed necessary and appropriate.
431 Any owner, lessee, developer or person responsible for the design,
432 construction or installation of a system shall sign and file with
433 the authority an affidavit that the system complies with this act
434 as a part of the complete information filing required in this
435 subsection.

436 (5) Nothing in this act shall preclude a professional
437 engineer from providing services for the design, construction or
438 installation of any water, sewerage, wastewater or storm water
439 treatment systems. However, any such engineer shall notify the
440 authority in writing of those services provided and shall stamp
441 the appropriate documentation with that professional's seal
442 certifying the approval of the board of directors of the design,
443 construction and installation.

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

448 **SECTION 11.** (1) The authority, through its board of
449 directors, in addition to any and all powers now or hereafter
450 granted to it, is hereby empowered:

451 (a) To develop and maintain long-range planning for
452 collection and treatment systems of water, wastewater, storm water
453 and groundwater from within the areas encompassed by the authority
454 and for pollution abatement.

455 (b) To require the necessary relocation or rerouting of
456 roads and highways, railroad, telephone and telegraph lines and
457 properties, electric power lines, gas pipelines and related
458 facilities, or to require the anchoring or other protection of any
459 of these, provided fair compensation is first paid to the owners

460 or an agreement with such owners regarding the payment of the cost
461 of such relocation, and to acquire easements or rights-of-way for
462 such relocation or rerouting and to convey the same to the owners
463 of the property being relocated or rerouted in connection with the
464 purpose of this act.

465 (c) To enter into contracts with any person or any
466 public agency, including, but not limited to, contracts authorized
467 by Section 12 of this act, in furtherance of any of the purposes
468 authorized by this act upon such consideration as the board of
469 directors and such person may agree. Any such contract may extend
470 over any period of time including a term which extends beyond the
471 term of the then majority of the existing board members,
472 notwithstanding any provision or rule of law to the contrary; may
473 be upon such terms as the parties thereto shall agree; and may
474 provide that it shall continue in effect until bonds specified
475 therein, refunding bonds issued in lieu of such bonds, and all
476 other obligations specified therein are paid or terminated. Any
477 such contract shall be binding upon the parties thereto according
478 to its terms.

479 (d) To make and enforce, and from time to time amend
480 and repeal, bylaws and rules and regulations for the management of
481 its business and affairs and for the construction, use,
482 maintenance and operation of any of the systems under its
483 management and control and any other of its properties.

484 (e) To employ and terminate staff and other personnel,
485 including attorneys, engineers and consultants as may be necessary
486 to the functioning of the authority. The board of directors, in
487 its discretion, may employ an executive director having the
488 authority to employ and fire employees and other duties as
489 determined by the authority.

490 (f) To apply for, accept and utilize grants, gifts and
491 other funds from any source for any purpose necessary in support
492 of the purpose of this act.

493 (g) To establish and maintain rates and charges for the
494 use of the services of such of the systems and facilities within
495 the control of the authority, and within the areas encompassed by
496 the authority, and from time to time to adjust such rates, to the
497 end that the revenues therefrom will be sufficient at all times to
498 pay the expenses of operating and maintaining such of its works,
499 facilities and treatment systems and all of the municipality's
500 obligations under any contract or bond resolution with respect
501 thereto. Such rates shall not be subject to the jurisdiction of
502 the Mississippi Public Service Commission.

503 (h) To adopt rules and regulations necessary to carry
504 out the implementation of the master plan and to assure the
505 payment of each participating person or public agency of its
506 proportionate share of the costs for use of any of the systems and
507 facilities of the authority.

508 (i) To refuse to receive waste from any public agency
509 or subdivision thereof not currently using any system and which
510 may be acquired or within the control of the authority, or any
511 other person that does not comply with the provisions of the
512 master plan applicable to the particular area within which such
513 public agency or subdivision thereof or any other person is
514 located.

515 (j) To accept industrial wastewater from within the
516 boundaries of the authority for treatment and to require the
517 pretreatment of same when, in the opinion of the authority, such
518 pretreatment is necessary.

519 (k) So long as any indebtedness on the systems of the
520 authority remains outstanding, to require by contract with a
521 public agency, or other person, that all water, wastewater and
522 storm water within the boundaries of the authority be disposed of
523 through the appropriate treatment system which comprise a part of
524 the master plan, to the extent that the same may be available, but
525 no public agency shall be precluded from constructing, operating

526 and maintaining its own such system after the current indebtedness
527 owing on the system as of the effective date of this act is paid
528 in full.

529 (1) Assess and collect impact fees for future
530 development. The authority shall develop regulations related to
531 the assessment and collection of impact fees for future
532 development based on the time of availability of services.

533 (2) (a) The authority may acquire by condemnation property
534 necessary for any system and the exercise of the powers, rights,
535 and duties conferred upon the authority by this act.

536 (b) Any county, municipality, public agency or other
537 person being a member agency, or being connected with, or tied
538 into, the collection, transportation or treatment systems of the
539 authority may agree to use its eminent domain powers to acquire
540 such property, easements, rights-of-way and other property
541 interests as may be required and requested by the board of
542 directors for the benefit of the authority and at the cost of the
543 authority as provided in this subsection.

544 (c) The authority may reimburse or pay all costs,
545 including professional fees, along with damages awarded in
546 connection with the exercise of such eminent domain power by a
547 member agency or other entity under the terms of this act.

548 (d) The amount and character of interest in land, other
549 property, and easements thus to be acquired shall be determined by
550 the board of directors, and their determination shall be
551 conclusive and shall not be subject to attack in the absence of
552 manifold abuse of discretion or fraud on the part of such board in
553 making such determination. However:

554 (i) In acquiring lands, either by negotiation or
555 eminent domain through action of a member agency, the authority
556 shall not acquire mineral rights or royalties; sand and gravel
557 shall not be considered as minerals within the meaning of this
558 section;

559 (ii) No person or persons owning the drilling
560 rights or the right to share in production shall be prevented from
561 exploring, developing or producing oil or gas with necessary
562 rights-of-way for ingress and egress, pipelines and other means of
563 transporting such interests on any lands or interest of the
564 authority held or used for the purposes of this act, but any such
565 activities shall be subject to reasonable regulations by the board
566 of directors that will adequately protect the systems or projects
567 of the authority; and

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

573 **SECTION 12.** (1) Any public agency, pursuant to a duly
574 adopted resolution of the governing authority of such public
575 agency, may enter into contracts with the authority under the
576 terms of which the authority, within its designated areas, will
577 manage, operate, and contract for usage of its treatment systems
578 and treatment facilities, or other services, for such person or
579 public agency. Any public agency may also enter into contracts
580 for the authority to purchase or sell, by installments over such
581 terms as may be deemed desirable, or otherwise, to any person any
582 treatment systems. Any public agency is authorized to enter into
583 operating agreements with the authority, for such terms and upon
584 such conditions as may be deemed desirable, for the operation of
585 any of its treatment systems of any person by the authority or by
586 any person contracting with the authority to operate such
587 treatment systems; and any public agency may lease to or from the
588 authority, for such term and upon such conditions as may be deemed
589 desirable, any of its treatment systems. Any such contract may
590 contain provisions requiring any public agency or other person to
591 regulate the quality and strength of the material to be handled by

592 the water, wastewater or storm water systems and may also provide
593 that the authority shall have the right to use any streets, alleys
594 and public ways and places within the jurisdiction of a public
595 agency or other person during the term of the contract. Such
596 contracts may obligate the public agency to make payments to the
597 authority or to a trustee in amounts which shall be sufficient to
598 enable the authority to defray the expenses of administering,
599 operating and maintaining its respective systems, to pay interest
600 and principal (whether at maturity upon redemption or otherwise)
601 on bonds of the authority, issued under this act and to fund
602 reserves for debt service, for operation and maintenance and for
603 renewals and replacements, and to fulfill the requirements of any
604 rate covenant with respect to debt service coverage contained in
605 any resolution, trust indenture or other security agreement
606 relating to the bonds of the authority issued under this act. Any
607 public agency shall have the power to enter into such contracts
608 with the authority as in the discretion of the governing
609 authorities of the agency would be in the best interest of the
610 agency. Such contracts may include a pledge of the full faith and
611 credit of such public agency and/or the avails of any special
612 assessments made by such public agency against property receiving
613 benefits, as now or hereafter is provided by law. Any such
614 contract may provide for the sale, or lease to, or use of by the
615 authority, of the systems or any part thereof, of the public
616 agency; and may provide that the authority shall operate its
617 systems or any part thereof of the public agency; and may provide
618 that any public agency shall have the right to continued use
619 and/or priority use of the systems or any part thereof during the
620 useful life thereof upon payment of reasonable charges therefor;
621 and may contain provisions to assure equitable treatment of
622 persons or public agencies who contract with the authority under
623 this act; and may contain such other provisions and requirements
624 as the parties thereto may determine to be appropriate or

625 necessary. Such contracts may extend over any period of time,
626 notwithstanding any provisions of law to the contrary, and may
627 extend beyond the life of the respective systems or any part
628 thereof or the term of the bonds sold with respect to such
629 facilities or improvements thereto. Any public agency may donate
630 property to the authority for the purposes herein without the
631 necessity of appraisal, advertising or bid. This section creates
632 an alternative method of disposal of public property. Any public
633 agency may contribute cash or in-kind contributions to assist the
634 purposes of the authority. Any public agency may assist the
635 authority in borrowing by lending its credit worthiness to the
636 authority for any borrowing.

637 (2) The obligations of a public agency arising under the
638 terms of any contract referred to in this act, whether or not
639 payable solely from a pledge of revenues, shall not be included
640 within the indebtedness limitations of the public agency for
641 purposes of any constitutional or statutory limitation or
642 provision. To the extent provided in such contract and to the
643 extent such obligations of the public agency are payable wholly or
644 in part from the revenues and other monies derived by the public
645 agency from the operation of its treatment systems or of its
646 combined treatment systems, waterworks and water supply systems or
647 any part thereof, such obligations shall be treated as expenses of
648 operating such systems.

649 (3) Contracts referred to in this section may also provide
650 for payments in the form of contributions to defray the cost of
651 any purpose set forth in the contracts and as advances for the
652 respective systems or any part thereof subject to repayment by the
653 authority. A public agency may make such contributions or
654 advances from its general fund or surplus fund or from special
655 assessments or from any monies legally available therefor.

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

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

660 (5) Subject to the terms of a contract or contracts referred
661 to in this act, the authority is hereby authorized to do and
662 perform any and all acts or things necessary, convenient or
663 desirable to carry out the purposes of such contracts, including
664 the fixing, charging, collecting, maintaining and revising of
665 rates, fees and other charges for the services rendered to any
666 user of any of the systems operated or maintained by the
667 authority, whether or not such systems are owned by the authority.

668 (6) No provision of this act shall be construed to prohibit
669 any public agency, otherwise permitted by law to issue bonds, from
670 issuing bonds in the manner provided by law for the construction,
671 renovation, repair or development of any of the authority's
672 treatment systems, or any part thereof, owned or operated by such
673 public agency.

674 **SECTION 13.** Whenever a public agency shall have executed a
675 contract under this act and the payments thereunder are to be made
676 either wholly or partly from the revenues of the public agency's
677 treatment systems, or any part thereof, or a combination of such
678 systems, the duty is hereby imposed on the public agency to
679 establish and maintain and from time to time to adjust the rates
680 charged by the public agency for the services of such treatment
681 systems, so that the revenues therefrom together with any taxes
682 and special assessments levied in support thereof will be
683 sufficient at all times to pay: (a) the expense of operating and
684 maintaining such treatment systems including all of the public
685 agency's obligations to the authority, its successors or assigns
686 under such contract; and (b) all of the public agency's
687 obligations under and in connection with revenue bonds theretofore
688 issued, or which may be issued thereafter and secured by the
689 revenues of such treatment systems. Any such contract may require

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

692 **SECTION 14.** (1) The authority shall have the power and is
693 hereby authorized, from time to time, to borrow money and to issue
694 revenue bonds and interim notes in such principal amounts as the
695 authority may determine to be necessary to provide sufficient
696 funds for achieving one or more of the purposes of this act,
697 including, without limiting the generality of the foregoing, to
698 defray all the costs of the project, the cost of the acquisition,
699 construction, improvement, repair or extension of a system, or any
700 part thereof, whether or not such facilities are owned by the
701 authority, the payment of interest on bonds of the authority
702 issued pursuant to this act, establishment of reserves to secure
703 such bonds and payment of the interest thereon, expenses incident
704 to the issuance of such bonds and to the implementation of the
705 authority's system, and all other expenditures of the authority
706 incident to or necessary or convenient to carry out the purposes
707 of this act.

708 (2) Before issuing bonds (other than interim notes or
709 refunding bonds as provided in Section 15 of this act) hereunder,
710 the board of directors of the authority shall adopt a resolution
711 declaring its intention to issue such bonds and stating the
712 maximum principal amount of bonds proposed to be issued, a general
713 generic description of the proposed improvements and the proposed
714 location thereof and the date, time and place at which the board
715 of directors proposes to take further action with respect to the
716 issuance of such bonds. The resolution of the authority shall be
717 published once a week for at least three (3) consecutive weeks in
718 at least one (1) newspaper having a general circulation within the
719 geographical limits of all of the public agencies which have
720 contracted with the authority pursuant to this act and whose
721 contracts relate to the bonds proposed to be issued.

722 (3) Bonds of the authority issued pursuant to this act shall
723 be payable from and secured by a pledge of all or any part of the
724 revenues under one or more contracts entered into pursuant to this
725 act between the authority and one or more of its member public
726 agencies and from all or any part of the revenues derived from the
727 operation of any designated system or any part or parts thereof
728 and any other monies legally available and designated therefor, as
729 may be determined by such authority, subject only to any agreement
730 with the purchasers of the bonds. Such bonds may be further
731 secured by a trust indenture between such authority and a
732 corporate trustee, which may be any trust company or bank having
733 powers of a trust company without or within the state.

734 (4) Bonds of the authority issued pursuant to this act shall
735 be authorized by a resolution or resolutions adopted by a majority
736 affirmative vote of the total membership of the board of directors
737 of the authority. Such bonds may be issued in series, and each
738 series of such bonds shall bear such date or dates, mature at such
739 time or times, bear interest at such rate or rates (not exceeding
740 the maximum rate set out in Section 75-17-103, Mississippi Code of
741 1972, as amended), be in such denomination or denominations, be in
742 such form, carry such conversion privileges, have such rank or
743 priority, be executed in such manner and by such officers, be
744 payable from such sources in such medium of payment at such place
745 or places within or without the state, provided that one such
746 place shall be within the state, and be subject to such terms of
747 redemption prior to maturity, all as may be provided by resolution
748 or resolutions of the board of directors.

749 (5) Bonds of the authority issued pursuant to this act may
750 be sold at such price or prices, at public or private sale, in
751 such manner and at such times as may be determined by such
752 authority to be in the public interest, and such authority may pay
753 all expenses, premiums, fees and commissions which it may deem

754 necessary and advantageous in connection with the issuance and
755 sale thereof.

756 (6) Any pledge of earnings, revenues or other monies made by
757 the authority shall be valid and binding from the time the pledge
758 is made. The earnings, revenues or other monies so pledged and
759 thereafter received by such authority shall immediately be subject
760 to the lien of such pledge without any physical delivery thereof
761 or further act, and the lien of any such pledge shall be valid and
762 binding as against all parties having claims of any kind in tort,
763 contract or otherwise against such authority irrespective of
764 whether such parties have notice thereof. Neither the resolution
765 nor any other instrument by which a pledge is created need be
766 recorded.

767 (7) Neither the members of the board of directors nor any
768 person executing the bonds shall be personally liable on the bonds
769 or be subject to any personal liability or accountability by
770 reason of the issuance thereof.

771 (8) Proceeds from the sale of bonds of the authority may be
772 invested, pending their use, in such securities as may be
773 specified in the resolution authorizing the issuance of the bonds
774 or the trust indenture securing them, and the earnings on such
775 investments applied as provided in such resolution or trust
776 indenture.

777 (9) Whenever any bonds shall have been signed by the
778 officer(s) designated by the resolution of the board of directors
779 to sign the bonds who were in office at the time of such signing
780 but who may have ceased to be such officer(s) prior to the sale
781 and delivery of such bonds, or who may not have been in office on
782 the date such bonds may bear, the manual or facsimile signatures
783 of such officer(s) upon such bonds shall nevertheless be valid and
784 sufficient for all purposes and have the same effect as if the
785 person so officially executing such bonds had remained in office

786 until the delivery of the same to the purchaser or had been in
787 office on the date such bonds may bear.

788 (10) The authority has the discretion to advance or borrow
789 funds needed to satisfy any short-term cash flow demands or
790 deficiencies or to cover start-up costs until such time as
791 sufficient bonds, assets and revenues have been secured to satisfy
792 the needs of the authority.

793 **SECTION 15.** (1) Refunding bonds. The authority may, by
794 resolution adopted by its board of directors, issue refunding
795 bonds for the purpose of paying any of its bonds at or prior to
796 maturity or upon acceleration or redemption. Refunding bonds may
797 be issued at such time prior to the maturity or redemption of the
798 refunded bonds as the board of directors deems to be in the public
799 interest, without an election on the question of the issuance
800 thereof. The refunding bonds may be issued in sufficient amounts
801 to pay or provide the principal of the bonds being refunded,
802 together with any redemption premium thereon, any interest accrued
803 or to accrue to the date of payment of such bonds, the expenses of
804 issue of the refunding bonds, the expenses of redeeming the bonds
805 being refunded, and such reserves for debt service or other
806 capital or current expenses from the proceeds of such refunding
807 bonds as may be required by the resolution, trust indenture or
808 other security instruments. The issue of refunding bonds, the
809 maturities and other details thereof, the security therefor, the
810 rights of the holders and the rights, duties and obligations of
811 the authority in respect of the same shall be governed by the
812 provisions of this act relating to the issue of bonds other than
813 refunding bonds insofar as the same may be applicable. Any such
814 refunding may be effected, whether the obligations to be refunded
815 shall have then matured or shall thereafter mature, either by the
816 exchange of the refunding bonds for the obligations to be refunded
817 thereby with the consent of the holders of the obligations so to
818 be refunded, or by sale of the refunding bonds and the application

819 of the proceeds thereof to the payment of the obligations proposed
820 to be refunded thereby, and regardless of whether the obligations
821 proposed to be refunded shall be payable on the same date or
822 different dates or shall be due serially or otherwise.

823 (2) Interim notes. Borrowing by the authority may be made
824 by the delivery of interim notes to any person or public agency or
825 financial institution by a simple majority vote of the board of
826 directors.

827 **SECTION 16.** All bonds (other than refunding bonds, interim
828 notes and certificates of indebtedness, which may be validated)
829 issued pursuant to this act shall be validated as now provided by
830 law in Sections 31-13-1 through 31-13-11, Mississippi Code of
831 1972, as amended from time to time; however, notice of such
832 validation proceedings shall be addressed to the citizens of the
833 State of Mississippi and the citizens of the respective member
834 public agencies (a) which have contracted with the authority
835 pursuant to this act, and (b) whose contracts and the payments to
836 be made by the public agencies thereunder constitute security for
837 the bonds of such authority proposed to be issued, and that such
838 notice shall be published at least once in a newspaper or
839 newspapers having a general circulation within the geographical
840 boundaries of each of the member public agencies to whose citizens
841 the notice is addressed and within the State of Mississippi. Such
842 validation proceedings shall be instituted in any chancery courts
843 within the boundaries of the authority. The validity of the bonds
844 so validated and of the contracts and payments to be made by the
845 public agencies thereunder constituting security for the bonds
846 shall be forever conclusive against the authority and the public
847 agencies which are parties to said contracts; and the validity of
848 said bonds and said contracts and the payments to be made
849 thereunder shall never be called in question in any court in this
850 state.

851 SECTION 17. Bonds issued under the provisions of this act
852 shall not be deemed to constitute, within the meaning of any
853 constitutional or statutory limitation, an indebtedness of the
854 authority or any member agency thereof. Such bonds shall be
855 payable solely from the revenues or assets of the authority
856 pledged therefor. Each bond issued under this act shall contain
857 on the face thereof a statement to the effect that such authority
858 shall not be obligated to pay the same nor the interest thereon
859 except from the revenues or assets pledged therefor.

860 SECTION 18. The authority shall have power in connection
861 with the issuance of its bonds to:

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

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

866 (c) Covenant to charge rates, fees and charges
867 sufficient to meet operating and maintenance expenses, renewals
868 and replacements, principal and debt service on bonds, creation
869 and maintenance of any reserves required by a bond resolution,
870 trust indenture or other security instrument and to provide for
871 any margins or coverages over and above debt service on the bonds
872 deemed desirable for the marketability of the bonds.

873 (d) Covenant and prescribe as to events of default and
874 terms and conditions upon which any or all of its bonds shall
875 become or may be declared due before maturity, as to the terms and
876 conditions upon which such declaration and its consequences may be
877 waived and as to the consequences of default and the remedies of
878 the registered owners of the bonds.

879 (e) Covenant as to the mortgage or pledge of or the
880 grant of a security interest in any real or personal property and
881 all or any part of the revenues from any designated system or any
882 part thereof or any revenue-producing contract or contracts made
883 by such authority with any person to secure the payment of bonds,

884 subject to such agreements with the registered owners of bonds as
885 may then exist.

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

890 (g) Covenant as to the purposes to which the proceeds
891 from the sale of any bonds then or thereafter to be issued may be
892 applied, and the pledge of such proceeds to secure the payment of
893 the bonds.

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

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

899 (j) Covenant as to the procedure by which the terms of
900 any contract with or for the benefit of the registered owners of
901 bonds may be amended or abrogated, the amount of bonds the
902 registered owners of which must consent thereto, and the manner in
903 which such consent may be given.

904 (k) Covenant as to the custody of any of its properties
905 or investments, the safekeeping thereof, the insurance to be
906 carried thereon, and the use and disposition of insurance
907 proceeds.

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

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

914 (n) Make all other covenants and to do any and all such
915 acts and things as may be necessary or convenient or desirable in
916 order to secure its bonds, or in the absolute discretion of the

917 authority tend to make the bonds more marketable, notwithstanding
918 that such covenants, acts or things may not be enumerated herein;
919 it being the intention hereof to give any authority power to do
920 all things in the issuance of bonds and in the provisions for
921 security thereof which are not inconsistent with the Constitution
922 of the state.

923 (o) Execute all instruments necessary or convenient in
924 the exercise of the powers herein granted or in the performance of
925 covenants or duties, which may contain such covenants and
926 provisions, as any purchaser of the bonds of such metropolitan
927 authority may reasonably require.

928 SECTION 19. The authority may, in any authorizing resolution
929 of the board of directors, trust indenture or other security
930 instrument relating to its bonds, provide for the appointment of a
931 trustee who shall have such powers as are provided therein to
932 represent the registered owners of any issue of bonds in the
933 enforcement or protection of their rights under any such
934 resolution, trust indenture or security instrument. The authority
935 may also provide in such resolution, trust indenture or other
936 security instrument that the trustee, or in the event that the
937 trustee so appointed shall fail or decline to so protect and
938 enforce such registered owners' rights then such percentage of
939 registered owners as shall be set forth in, and subject to the
940 provisions of, such resolution, trust indenture or other security
941 interest, may petition the court of proper jurisdiction for the
942 appointment of a receiver of the waterworks, water supply system
943 or sewage disposal system, the revenues of which are pledged to
944 the payment of the principal of and interest on the bonds of such
945 registered owners. Such receiver may exercise any power as may be
946 granted in any such resolution, trust indenture or security
947 instrument to enter upon and take possession of, acquire,
948 construct or reconstruct or operate and maintain such system fix
949 charges for services of the system and enforce collection thereof,

950 and receive all revenues derived from such system or facilities
951 and perform the public duties and carry out the contracts and
952 obligations of such authority in the same manner as such authority
953 itself might do, all under the direction of such court.

954 **SECTION 20.** (1) The exercise of the powers granted by this
955 act will be in all respects for the benefit of the people of the
956 state, for their well-being and prosperity and for the improvement
957 of their social and economic conditions, and the metropolitan
958 authority shall not be required to pay any tax or assessment on
959 any property owned by the authority under the provisions of this
960 act or upon the income therefrom; nor shall any authority be
961 required to pay any recording fee or transfer tax of any kind on
962 account of instruments recorded by it or on its behalf.

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

968 **SECTION 21.** All bonds issued under the provisions of this
969 act shall be legal investments for trustees, other fiduciaries,
970 savings banks, trust companies and insurance companies organized
971 under the laws of the State of Mississippi; and such bonds shall
972 be legal securities which may be deposited with and shall be
973 received by all public officers and bodies of the state and all
974 municipalities and other political subdivisions thereof for the
975 purpose of securing the deposit of public funds.

976 **SECTION 22.** The state hereby covenants with the registered
977 owners of any bonds of any authority that so long as the bonds are
978 outstanding and unpaid the state will not limit or alter the
979 rights and powers of any authority under this act to conduct the
980 activities referred to herein in any way pertinent to the
981 interests of the bondholders, including, without limitation, such
982 authority's right to charge and collect rates, fees and charges

983 and to fulfill the terms of any covenants made with the registered
984 owners of the bonds, or in any other way impair the rights and
985 remedies of the registered owners of the bonds, unless provision
986 for full payment of such bonds, by escrow or otherwise, has been
987 made pursuant to the terms of the bonds or the resolution, trust
988 indenture or security interest securing the bonds.

989 **SECTION 23.** The provisions of this act are cumulative of
990 other statutes now or hereafter enacted relating to the issuance
991 of bonds and systems; and to the design, construction, acquisition
992 or approval of facilities for such purposes, and any public agency
993 may exercise all presently held powers in the furtherance of this
994 act.

995 **SECTION 24.** If any clause, sentence, paragraph, section or
996 part of the provisions of this act shall be adjudged by any court
997 of competent jurisdiction to be invalid, such judgment shall not
998 affect, impair or invalidate the remainder thereof directly
999 involved in the controversy in which such judgment shall have been
1000 rendered.

1001 **SECTION 25.** Section 49-17-161, Mississippi Code of 1972, is
1002 brought forward as follows:

1003 49-17-161. Sections 49-17-161 through 49-17-209 shall be
1004 known and may be cited as the "Southern Regional Wastewater
1005 Management Act."

1006 **SECTION 26.** Section 49-17-162, Mississippi Code of 1972, is
1007 brought forward as follows:

1008 49-17-162. (1) The Southern Regional Wastewater Management
1009 District shall be the Waveland Regional Wastewater Management
1010 District and shall retain all powers and duties granted by law to
1011 the Waveland Regional Wastewater Management District.

1012 (2) Wherever the term "Waveland Regional Wastewater
1013 Management District" appears in any law, it shall be construed to
1014 mean the Southern Regional Wastewater Management District.

1015 **SECTION 27.** Section 49-17-163, Mississippi Code of 1972, is
1016 brought forward as follows:

1017 49-17-163. (1) It is hereby found and declared that a
1018 critical health hazard to the residents of the State of
1019 Mississippi results from the pollution of the waters in the
1020 Mississippi Sound which is one (1) of the state's basic resources;
1021 that such pollution is adversely affecting the economy and growth
1022 of the state; and that such pollution is caused primarily by the
1023 operation of inadequate wastewater collection and treatment
1024 facilities within the counties bordering the Gulf of Mexico.

1025 (2) It is further found and declared that it is in the
1026 public interest to foster and promote by all reasonable means the
1027 abatement of pollution of water in or bordering the state and thus
1028 to reduce and ultimately abate the menace to the public health and
1029 welfare resulting from such pollution; that the abatement of the
1030 pollution of the waters in the Mississippi Sound can best be
1031 accomplished through the establishment of regional wastewater
1032 management districts to provide for the planning and financing of
1033 adequate wastewater collection and treatment facilities for the
1034 benefit of all public agencies and other persons within those
1035 counties bordering the Gulf of Mexico, who desire by means of and
1036 through such districts to obtain such facilities; and that the
1037 establishment of a regional wastewater management district will
1038 serve to maximize the amount of federal aid and assistance which
1039 can be received for this pollution abatement effort.

1040 (3) It is further found and declared that to aid in
1041 remedying these conditions, and to promote the development and
1042 operation of adequate wastewater collection and treatment
1043 facilities and thereby to abate such pollution, public bodies
1044 corporate and politic of the state may be created with authority
1045 to cause and assist in compliance with the standards of water
1046 quality established by the Mississippi Air and Water Pollution
1047 Control Law, appearing as Section 49-17-1 et seq., Mississippi

1048 Code of 1972, and by the Federal Water Pollution Control Act,
1049 appearing as 33 USCS 1251, as amended, regarding collection and
1050 treatment facilities located in the counties bordering the Gulf of
1051 Mexico; to plan, acquire, construct, finance, develop, own,
1052 operate or maintain wastewater collection and treatment facilities
1053 within said counties; and to apply and contract for and to accept
1054 grants-in-aid and other funds from the federal government and the
1055 state government and their agencies in this regard.

1056 (4) The Legislature further finds that the authority and
1057 powers conferred under Sections 49-17-161 through 49-17-209 and
1058 the expenditure of public monies pursuant thereto constitute a
1059 valid public purpose; that the creation and establishment of the
1060 Southern Regional Wastewater Management District is necessary and
1061 essential to the accomplishment of the aforesaid purposes; that
1062 Sections 49-17-161 through 49-17-209 operate on a subject in which
1063 the state at large is interested; and that each of these matters
1064 are declared as a matter of express legislative determination.

1065 **SECTION 28.** Section 49-17-165, Mississippi Code of 1972, is
1066 brought forward as follows:

1067 49-17-165. Whenever used in Sections 49-17-161 through
1068 49-17-209, the following words and terms shall have the following
1069 respective meanings unless a different meaning clearly appears
1070 from the context:

1071 (a) "Act" means the Southern Regional Wastewater
1072 Management Act, as the same may be amended.

1073 (b) "Bonds" means any bonds, interim certificates,
1074 notes or other evidences of indebtedness of the district issued
1075 under Sections 49-17-161 through 49-17-209.

1076 (c) "Collection facilities" means any plants,
1077 structures, facilities and other real and personal property used
1078 or useful in the collection of wastewater for ultimate discharge
1079 into trunk lines, including, without limiting the generality of
1080 the foregoing, sewers, conduits, pipelines, mains, pumping and

1081 ventilating stations, plants and works, connections and any other
1082 real and personal property and rights therein necessary or useful
1083 or convenient for the purposes of the district in connection
1084 therewith.

1085 (d) "County" means Hancock County.

1086 (e) "District" means the Southern Regional Wastewater
1087 Management District.

1088 (f) "Management area" means all of the area lying
1089 within the territorial boundaries of Hancock County.

1090 (g) "Person" means the state or other agency or
1091 institution thereof, any municipality, political subdivision,
1092 public or private corporation, individual, partnership,
1093 association or other entity, and includes any officer or governing
1094 or managing body of any municipality, political subdivision or
1095 public or private corporation.

1096 (h) "Pollution" means such contamination, or other
1097 alteration of the physical, chemical or biological properties, of
1098 any waters of the state, including change in temperature, taste,
1099 color, turbidity or odor of the waters, or such discharge of any
1100 liquid, gaseous, solid, radioactive, or other substance into any
1101 waters of the state as will or is likely to create a nuisance or
1102 render such waters harmful, detrimental or injurious to public
1103 health, safety or welfare, or to domestic, commercial, industrial,
1104 agricultural, recreational or other legitimate beneficial uses, or
1105 to livestock, wild animals, birds, fish or other aquatic life.

1106 (i) "Public agency" means any incorporated city or
1107 town, county, political subdivision, governmental district or
1108 unit, public corporation or governmental agency created under the
1109 laws of the state, lying wholly or partially within the management
1110 area.

1111 (j) "State" means the State of Mississippi.

1112 (k) "Treatment facilities" means treatment plants and
1113 any related trunk lines.

1114 (1) "Treatment plants" means any plants, structures,
1115 facilities and other real and personal property used or useful in
1116 the treating, neutralizing, stabilizing or disposing of
1117 wastewater, including, without limiting the generality of the
1118 foregoing plants, disposal fields and lagoons and any other real
1119 and personal property and rights therein necessary or useful or
1120 convenient for the purposes of the district in connection
1121 therewith.

1122 (m) "Trunk lines" means trunk sewers and other
1123 structures and facilities used or useful in the conducting of
1124 wastewater from collection facilities to treatment plants,
1125 including, without limiting the generality of the foregoing,
1126 conduits, pipelines, mains, pumping and ventilating stations and
1127 any other real and personal property and rights therein necessary
1128 or useful or convenient for the purposes of the district in
1129 connection therewith.

1130 (n) "Wastewater" means water containing sewage,
1131 industrial wastes, oil field wastes and other liquid, gaseous,
1132 solid, radioactive or other substances which may pollute or tend
1133 to pollute any waters of the state.

1134 **SECTION 29.** Section 49-17-167, Mississippi Code of 1972, is
1135 brought forward as follows:

1136 49-17-167. There is hereby created and established a public
1137 body corporate and politic constituting a political subdivision of
1138 the State of Mississippi to be known as the "Southern Regional
1139 Wastewater Management District." The district shall be deemed to
1140 be acting in all respects for the benefit of the people of the
1141 state in the performance of essential public functions and the
1142 district shall be empowered in accordance with the provisions of
1143 Sections 49-17-161 through 49-17-209 to promote the health,
1144 welfare and prosperity of the general public.

1145 **SECTION 30.** Section 49-17-169, Mississippi Code of 1972, is
1146 brought forward as follows:

1147 49-17-169. (1) All powers of the district shall be vested
1148 in a board of directors which shall consist of the mayor of each
1149 city participating in the Southern Regional Wastewater Management
1150 District and the President of the Board of Supervisors of Hancock
1151 County. Each director may appoint a delegate to represent him at
1152 a meeting of the board.

1153 (2) The board of directors may elect or appoint and
1154 prescribe the duties of such officers as the board of directors
1155 deems necessary or advisable, including an executive director and
1156 a secretary. The executive director, who, at the discretion of
1157 the board of directors, may also serve as secretary, shall be a
1158 person of good moral character and shall be a professional
1159 engineer registered in the State of Mississippi with a minimum of
1160 ten (10) years' recent practical experience in the management and
1161 administration of public works operations which may include, but
1162 is not limited to, supervision, public financing, regulatory codes
1163 and related functions as minimum qualifications to administer the
1164 programs and duties of the district. The executive director shall
1165 administer, manage and direct the affairs and business of the
1166 district, subject to the policies, control and direction of the
1167 board of directors. The executive director shall give bond
1168 executed by a surety company or companies authorized to do
1169 business in this state in the penal sum of Twenty-five Thousand
1170 Dollars (\$25,000.00) payable to the district, conditioned upon the
1171 faithful performance of his duties and the proper accounting for
1172 all funds which may come into his hands as executive director. The
1173 secretary of the district shall keep a record of the proceedings
1174 of the district and shall be custodian of all books, documents and
1175 papers filed with the district, the minute book or journal of the
1176 district and its official seal. The secretary shall have
1177 authority to cause copies to be made of all minutes and other
1178 records and documents of the district and to certify under the
1179 seal of the district that such copies are true and accurate

1180 copies, and all persons dealing with the district may rely upon
1181 such certificates.

1182 (3) Each director may receive as compensation a sum not to
1183 exceed One Hundred Dollars (\$100.00) per month for attending
1184 meetings of the board of directors during that month and may
1185 receive reimbursement for actual and necessary expenses incurred
1186 in the performance of his duties upon express authorization of the
1187 board.

1188 **SECTION 31.** Section 49-17-171, Mississippi Code of 1972, is
1189 brought forward as follows:

1190 49-17-171. The district shall have all the rights and powers
1191 necessary or convenient to carry out and effectuate the purposes
1192 and provisions of Sections 49-17-161 through 49-17-209, including,
1193 but without limiting the generality of the foregoing, the right
1194 and power:

1195 (a) To sue and be sued in its own name;

1196 (b) To adopt an official seal and alter the same at
1197 pleasure;

1198 (c) To maintain an office or offices at such place or
1199 places within the management area as it may determine;

1200 (d) To plan, develop, acquire, construct, reconstruct,
1201 operate, own, manage, lease (as lessor or lessee), dispose of,
1202 participate in, maintain, repair, extend or improve one or more
1203 collection facilities or treatment facilities, whether or not such
1204 facilities are or are to be owned by the district;

1205 (e) To acquire, own, hold, use, lease (as lessor or
1206 lessee), sell or otherwise dispose of, mortgage, pledge or grant a
1207 security interest in any real or personal property, contract
1208 commodity or service or interest therein;

1209 (f) To make and enforce, and from time to time amend
1210 and repeal, bylaws and rules and regulations for the management of
1211 its business and affairs and for the use, maintenance and
1212 operation of any of its collection facilities or treatment

1213 facilities and any other of its properties, including, without
1214 limiting the generality of the foregoing, rules and regulations
1215 requiring the pretreatment of industrial wastes and requiring
1216 industrial users to pay the construction costs of facilities that
1217 are allocable to the treatment of industrial wastes to the extent
1218 attributable to any federal government share of such costs;

1219 (g) To fix, charge, collect, maintain and revise rates,
1220 fees and other charges, including connection charges, for any
1221 services rendered by it to any person;

1222 (h) To apply and contract for and to accept any grants
1223 or gifts or loans or appropriations of funds or property or
1224 financial or other aid in any form from the United States or any
1225 instrumentality thereof, or from the state or any instrumentality
1226 thereof, or from any source, public or private and to comply with
1227 and make agreements with respect to, the terms and conditions
1228 thereof, subject to any agreements with bondholders;

1229 (i) To borrow money and to issue bonds for any of its
1230 purposes, to provide for and secure the payment thereof, and to
1231 provide for the rights of the holders thereof;

1232 (j) To invest any monies of the district, including
1233 proceeds from the sale of any bonds, notwithstanding any law to
1234 the contrary, but subject to any agreements with bondholders, on
1235 such terms and in such manner as the district deems proper;

1236 (k) To procure insurance against any loss in connection
1237 with its property, other assets and business in such amounts and
1238 from such insurers as it may deem necessary or desirable;

1239 (l) To employ architects, engineers, attorneys,
1240 financial advisors and such other consultants as it deems proper
1241 and to fix and pay their compensation, and to appoint and retain
1242 such officers, agents and employees as it deems proper and to fix
1243 and pay their compensation;

1244 (i) The employment of all professionals for
1245 project services shall be in strict accordance with current

1246 guidelines of the appropriate federal, state and local regulatory
1247 agencies and advertising for the procurement of such services in a
1248 local newspaper shall be mandatory. Preference may be given to
1249 the employment of regionally qualified professionals and such is
1250 to be encouraged.

1251 (ii) Management contractor employed by the
1252 district shall not be eligible to compete for design, surveys,
1253 geotechnical and/or construction inspection services of any
1254 facilities to be developed by the district. The management
1255 contractor is to establish development criteria, priorities and
1256 administer quality control practices to insure compliance with the
1257 provisions of Sections 49-17-161 through 49-17-209.

1258 (m) To enter on any lands, waters or premises for the
1259 purpose of making surveys, borings, soundings and examinations for
1260 the purposes of the district;

1261 (n) To do and perform any acts and things authorized by
1262 Sections 49-17-161 through 49-17-209 under, through or by means of
1263 its officers, agents and employees, or by contracts with any
1264 person; and

1265 (o) To enter into any and all contracts, execute any
1266 and all instruments, and do and perform any and all acts or things
1267 necessary, convenient or desirable for the purposes of the
1268 district, or to carry out any power expressly granted in Sections
1269 49-17-161 through 49-17-209.

1270 (p) To be exempted from the Mississippi Agency Review
1271 Law of 1978, as amended.

1272 (q) To exercise the power of eminent domain for the
1273 particular purpose of the acquisition of property designated by
1274 plan to sufficiently accommodate the location of treatment plants
1275 or facilities, trunk lines and such requirements related directly
1276 thereto pursuant to the provisions of Chapter 27, Title 11,
1277 Mississippi Code of 1972.

1278 **SECTION 32.** Section 49-17-173, Mississippi Code of 1972, is
1279 brought forward as follows:

1280 49-17-173. (1) The district shall have the power to adopt
1281 and promulgate all reasonable rules and regulations regarding the
1282 specifications and standards relating to the construction,
1283 operation and maintenance of all collection facilities owned by
1284 any person who contracts with the district for the use or services
1285 of any treatment facilities either owned or operated by the
1286 district so as to cause compliance with the standards of water
1287 quality established by the Mississippi Air and Water Pollution
1288 Control Commission pursuant to the Mississippi Air and Water
1289 Pollution Control Law, and by any similar federal or state agency,
1290 and so as to effect the abatement of the pollution of the waters
1291 in the Mississippi Sound. The district shall also have the power
1292 to adopt and promulgate all reasonable rules and regulations
1293 regarding the specifications and standards relating to the
1294 construction, operation and maintenance of all treatment
1295 facilities either owned or operated by the district so as to cause
1296 compliance with the above-described standards of water quality and
1297 to effect the abatement of pollution of the waters in the
1298 Mississippi Sound. The district shall also have the power to
1299 adopt and promulgate all reasonable rules requiring mandatory
1300 connection to collection facilities by any person residing within
1301 the territorial boundaries of a public agency which contracts for
1302 use or services of treatment facilities or collection facilities
1303 owned or operated by the district, if the same is practicable, as
1304 determined by the district; in the event that the district
1305 determines that any such mandatory connection is not practical,
1306 then the district shall have the power to adopt and promulgate all
1307 reasonable rules and regulations regarding the specifications and
1308 standards relating to the construction, operation and maintenance
1309 of septic tanks by any person not required to so connect to such
1310 collection facilities so as to cause compliance with the

1311 above-described standards of water quality and to effect the
1312 abatement of pollution of the waters in the Mississippi Sound.

1313 (2) All such rules and regulations prescribed by the
1314 district, after publication in a newspaper of general circulation
1315 in Hancock County, shall have the full force and effect of law,
1316 and violation thereof shall be punishable by a fine of not less
1317 than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars
1318 (\$500.00) as may be prescribed in such rules and regulations.

1319 (3) In the event of a violation of any rule or regulation
1320 adopted by the district to cause compliance with the standards of
1321 water quality established by the Mississippi Air and Water
1322 Pollution Control Commission, or by any similar federal or state
1323 agency, or to effect the abatement of pollution of the waters in
1324 the Mississippi Sound, the district shall have authority to sue
1325 for and obtain damages or other appropriate relief, including
1326 injunctive relief.

1327 (4) All such rules and regulations prescribed and the
1328 penalties fixed thereunder, by the authority of Sections 49-17-161
1329 through 49-17-209 shall not conflict with or suspend any rules,
1330 regulations or penalties prescribed by general statute or the
1331 Mississippi Air and Water Pollution Control Commission. All fines
1332 and penalties levied and collected under Sections 49-17-161
1333 through 49-17-209 shall be remitted and accounted for in
1334 accordance with the general statutes relating thereto.

1335 **SECTION 33.** Section 49-17-175, Mississippi Code of 1972, is
1336 brought forward as follows:

1337 49-17-175. (1) Any public agency may, pursuant to a duly
1338 adopted resolution of the governing body of such public agency,
1339 enter into contracts with the district for the district to (a)
1340 acquire, lease, improve, extend, operate or maintain the treatment
1341 facilities of the public agency; or (b) acquire or construct
1342 treatment facilities to be owned by the district for the
1343 furnishing of services to the public agency; including in each

1344 instance such contracts whereby the public agency is obligated to
1345 make payments in amounts which shall be sufficient to enable the
1346 district to meet its expenses, interest and principal payments
1347 (whether at maturity or upon sinking fund redemption) for its
1348 bonds, reserves for debt service, payments into funds for
1349 operation and maintenance and renewals and replacements and the
1350 requirements of any rate covenant with respect to debt service
1351 coverage contained in any resolution, trust indenture or other
1352 security agreement relating to its bonds. Such contracts may also
1353 contain such other terms and conditions as the district and the
1354 public agency may determine, including provisions whereby the
1355 public agency is obligated to make payments under such contract
1356 irrespective of whether or not use or services are rendered or
1357 whether or not the treatment facilities contemplated by such
1358 contracts are completed, operable or operating, and
1359 notwithstanding suspension, interruption, interference, reduction
1360 or curtailment of the use or services of such treatment
1361 facilities. Such contracts may be for a term covering the life of
1362 the treatment facilities or for any other term or for an
1363 indefinite period and may be made with or without consideration.

1364 (2) Contracts referred to in this section may provide that
1365 the obligation of a public agency to make payments to the district
1366 with respect to certain treatment facilities is several, or is
1367 joint and several, with the obligations of other public agencies
1368 or other persons contracting with the district for the use or
1369 services of such treatment facilities; and, where the public
1370 agency's obligation is joint and several, then in the event any
1371 other public agency or other person defaults in his obligation,
1372 the public agency may be required to increase its payments to the
1373 district by a proportional amount, taking into consideration the
1374 remaining persons who are likewise contracting with the district
1375 and who are not in default.

1376 (3) The obligations of a public agency arising under the
1377 terms of any contract referred to in this section, whether or not
1378 payable solely from revenues or solely from a pledge of ad valorem
1379 taxes as provided in Section 49-17-177 or any combination thereof,
1380 shall not be construed as being included within the indebtedness
1381 limitations of the public agency for purposes of any
1382 constitutional or statutory limitation or provision. To the
1383 extent provided in such contract and to the extent such
1384 obligations of the public agency are payable solely from the
1385 revenues and other monies derived by the public agency from the
1386 operation of its treatment facilities or collection facilities or
1387 any combination thereof which are the subject of such contract,
1388 such obligations may be treated as expenses of operating such
1389 facilities.

1390 (4) Contracts referred to in this section may also provide
1391 for payments in the form of contributions to defray the cost of
1392 any purpose set forth in the contracts and as advances for any
1393 treatment facilities subject to repayment by the district. A
1394 public agency may make such contributions or advances from its
1395 general fund or surplus fund or from any monies legally available
1396 therefor.

1397 (5) Contracts referred to in this section may, in order to
1398 provide effective and prompt cooperation and coordination of any
1399 matters among persons contracting with the district and persons
1400 representing the district regarding treatment facilities,
1401 establish a coordinating committee of such persons. Such
1402 committee shall consist of one (1) representative selected by the
1403 district, who shall be the coordinating committee's chairman, and
1404 such other representatives from among the contracting parties as
1405 shall be provided for by the terms of the contract. Such
1406 coordinating committee shall have such rights and powers with
1407 respect to the subject matter of the contract as shall be provided
1408 for therein.

1409 (6) Payments made or to be made to the district by a public
1410 agency or other person pursuant to a contract for the use or
1411 services of treatment facilities shall be determined by the method
1412 specified in such contract and shall not be subject to approval or
1413 review by the public service commission.

1414 **SECTION 34.** Section 49-17-177, Mississippi Code of 1972, is
1415 brought forward as follows:

1416 49-17-177. Any public agency, other than a county, having
1417 taxing powers is hereby authorized to levy a special ad valorem
1418 tax upon all taxable property within its geographical limits in an
1419 amount necessary to pay all or a portion of the payments to be
1420 made by that public agency under contracts referred to in Sections
1421 49-17-175 and 49-17-181 and if such contract of the public agency
1422 so provides, then the contract shall constitute an enforceable
1423 obligation against the taxing power of the public agency to the
1424 extent provided therein. Hancock County is hereby authorized to
1425 levy a special ad valorem tax upon all taxable property lying
1426 within any unincorporated area within its geographical limits in
1427 an amount necessary to pay all or a portion of the payments to be
1428 made by that county under contracts referred to in Sections
1429 49-17-175 and 49-17-181 and if such contract of the county so
1430 provides, then the contract shall constitute an enforceable
1431 obligation against the taxing power of the county to the extent
1432 provided therein. For the purpose of Sections 49-17-161 through
1433 49-17-209 and under the authority of Sections 49-17-161 through
1434 49-17-209, the Southern Regional Wastewater Management District as
1435 an entity specifically is excluded from being an authorized taxing
1436 unit under the definition of a public agency.

1437 The special ad valorem tax authorized by this section shall
1438 not be reimbursable by the state under the provisions otherwise
1439 made for reimbursements under the homestead exemption laws.

1440 **SECTION 35.** Section 49-17-179, Mississippi Code of 1972, is
1441 brought forward as follows:

1442 49-17-179. Whenever a public agency shall enter into a
1443 contract referred to in Section 49-17-175, and the payments
1444 thereunder are to be made either wholly or partly from the
1445 revenues of the public agency's collection facilities or treatment
1446 facilities or any combination thereof, the duty is hereby imposed
1447 on the public agency to fix, establish and maintain, and from time
1448 to time adjust, the rates charged by the public agency for the
1449 services of such facilities to the end that the revenues from such
1450 facilities, together with any ad valorem taxes levied for such
1451 payments, will be sufficient at all times to pay: (a) the expense
1452 of operating and maintaining such facilities; (b) all of the
1453 public agency's obligations to the district under such contract;
1454 and (c) all of the public agency's obligations under and in
1455 connection with any outstanding bonds issued to finance in whole
1456 or in part such facilities.

1457 **SECTION 36.** Section 49-17-181, Mississippi Code of 1972, is
1458 brought forward as follows:

1459 49-17-181. (1) Any public agency may, pursuant to a duly
1460 adopted resolution of the governing body of such public agency,
1461 enter into contracts with the district for the district to (a)
1462 acquire, lease, improve, extend, operate or maintain the
1463 collection facilities of the public agency, or (b) acquire or
1464 construct collection facilities to be owned by the district for
1465 the furnishing of services to users located within the boundaries
1466 of the public agency. Such contracts may provide that the public
1467 agency is obligated to make payments in amounts which shall be
1468 sufficient to enable the district to meet its expenses, interest
1469 and principal payments (whether at maturity or upon sinking fund
1470 redemption) for its bonds, reserves for debt service, payments
1471 into funds for operation and maintenance and renewals and
1472 replacements and the requirements of any rate covenant with
1473 respect to debt service coverage contained in any resolution,
1474 trust indenture or other security agreement relating to its bonds.

1475 Such contracts may also contain such other terms and conditions as
1476 the district and the public agency may determine, including
1477 provisions whereby the public agency is obligated to make payments
1478 under such contract irrespective of whether or not use or services
1479 are rendered or whether or not the collection facilities
1480 contemplated by such contracts are completed, operable or
1481 operating, and notwithstanding suspension, interruption,
1482 interference, reduction or curtailment of the use or services of
1483 such treatment facilities. Such contracts may be for a term
1484 covering the life of the collection facilities or for any other
1485 term or for an indefinite period; and may be made with or without
1486 consideration and may provide that the amounts payable by the
1487 public agency to the district are in lieu of all or any part of
1488 the rates, fees and other charges which would otherwise be charged
1489 to and collected from the users of the collection facilities by
1490 the district.

1491 (2) Subject to the terms of a contract referred to in this
1492 section, the district is hereby authorized to do and perform any
1493 and all acts or things necessary, convenient or desirable to carry
1494 out the purposes of such contracts, including the fixing,
1495 charging, collecting, maintaining and revising of rates, fees and
1496 other charges for the services rendered to any user of collection
1497 facilities operated or maintained by the district, whether or not
1498 such collection facilities are owned by the district.

1499 (3) The obligations of a public agency arising under the
1500 terms of any contract referred to in this section, whether or not
1501 payable solely from revenues or solely from a pledge of special
1502 improvement assessments as provided in Section 49-17-183 or solely
1503 from a pledge of ad valorem taxes as provided in Section 49-17-177
1504 or any combination thereof, shall not be construed as being
1505 included within the indebtedness limitations of the public agency
1506 for purposes of any constitutional or statutory limitation or
1507 provision. To the extent provided in such contract and to the

1508 extent such obligations of the public agency are payable solely
1509 from the revenues and other monies derived by the public agency
1510 from the operation of its treatment facilities or collection
1511 facilities or any combination thereof which are the subject of
1512 such contract, such obligations may be treated as expenses of
1513 operating such facilities.

1514 (4) Contracts referred to in this section may also provide
1515 for payments in the form of contributions to defray the cost of
1516 any purpose set forth in the contracts and as advances for any
1517 treatment facilities subject to repayment by the district. A
1518 public agency may make such contributions or advances from its
1519 general fund or surplus fund or from any monies legally available
1520 therefor.

1521 (5) Payments made or to be made to the district by a public
1522 agency or other person pursuant to a contract for the use or
1523 services of treatment facilities shall be determined by the method
1524 specified in such contract and shall not be subject to approval or
1525 review by the public service commission.

1526 **SECTION 37.** Section 49-17-183, Mississippi Code of 1972, is
1527 brought forward as follows:

1528 49-17-183. (1) Whenever a public agency shall enter into a
1529 contract referred to in Section 49-17-181, and subject to the
1530 terms of such contract, such agency, in its sole discretion, is
1531 authorized, in connection with the acquisition, construction,
1532 improvement or extension of collection facilities, to cause the
1533 cost of such acquisition, construction, improvement or extension
1534 (hereinafter in this section referred to as "the improvement") to
1535 be made wholly or in part at the cost of the property owners
1536 benefited thereby by levying special improvement assessments as
1537 provided in this section.

1538 (2) Whenever the governing body of the agency shall adopt a
1539 resolution declaring the necessity of the improvement and the need
1540 for special improvement assessments therefor, which resolution

1541 shall describe the entire area to be benefited and the nature and
1542 extent of the improvement, the public agency shall publish such
1543 resolution once each week for three (3) successive weeks in a
1544 newspaper having general circulation within the county in which
1545 the improvement is to be located, and the public agency shall fix
1546 a date on which the governing body of the agency shall meet to
1547 hear any objections to or remonstrances with respect to the
1548 improvement.

1549 (3) At the meeting scheduled to hear objections, or at a
1550 time and place to which the same may be adjourned, any person
1551 aggrieved may appear in person, by attorney or by petition and may
1552 object to or protest against the improvement or any part thereof.
1553 The governing body of the public agency shall consider the
1554 objections and protests, if any, and may confirm, amend, modify or
1555 rescind its resolution of necessity, and shall determine whether
1556 the improvement shall be made and how the cost thereof shall be
1557 paid. The determination of the governing body of the public
1558 agency shall be final and conclusive; provided, however, that if a
1559 majority of property owners owning more than fifty percent (50%)
1560 of the front footage of the property involved, and actually
1561 residing on or occupying said property, shall file a protest with
1562 the clerk of the chancery court of the county in which the
1563 improvement is to be located not later than thirty (30) days
1564 following such meeting, then the improvement shall not be made.

1565 (4) The resolution of the governing body of the public
1566 agency determining to proceed with the improvement may direct that
1567 the cost of the improvement, or such part as the agency shall
1568 determine, shall be a charge upon the property benefited. Said
1569 resolution shall define the entire area to be benefited by the
1570 improvement and shall direct that the cost to be assessed against
1571 each lot or parcel of land shall be determined by dividing the
1572 entire cost thereof by the total number of front feet fronting on
1573 all the streets embraced within the improvement area, and

1574 multiplying the quotient by the number of feet of street frontage
1575 in any particular lot or parcel of land; provided, however, that
1576 with respect to each lot or parcel of land which fronts more than
1577 one (1) street embraced within the improvement area, there shall
1578 be excluded from the total number of feet fronting on all streets,
1579 and from the number of feet of street frontage in such lot or
1580 parcel of land, that number of feet equal to the street frontage
1581 fronting streets to which such lot or parcel of land will not
1582 connect to the improvements; and, provided further, that the
1583 public agency's determination regarding such exclusion shall be
1584 conclusive. The result thereof shall be assessed by the public
1585 agency as the amount of special improvement assessment against
1586 each lot or piece of ground for the owner's part of the cost of
1587 the improvement. The cost of the improvement may include, to the
1588 extent determined by the public agency, the expenses of the
1589 agency, interest on money borrowed for financing the improvement
1590 while the improvement is under construction and for one (1) year
1591 thereafter, all costs relating to the issuance of bonds by the
1592 district to finance the improvement, actual engineering and
1593 inspection costs and all other costs directly related to the
1594 improvement.

1595 (5) At any time, as the public agency may determine, after
1596 the agency directs that the cost of the improvement, or any part
1597 thereof, shall be a charge upon the property benefited, the public
1598 agency shall prepare, or cause to be prepared, a roll or list to
1599 be called the "assessment roll" showing the names of the property
1600 owners and opposite each name a description of each parcel of
1601 land. Such roll shall be entered in a well-bound book prepared
1602 for that purpose, which shall contain appropriate columns in which
1603 payments may be credited and which shall be known as the
1604 "assessment book." The public agency shall, upon its completion,
1605 deposit the assessment book with the clerk of the chancery court
1606 of the county in which the improvement is to be located, and such

1607 clerk shall keep the assessment book and preserve it as a public
1608 record. The entry in the assessment book of any assessment shall
1609 be and constitute notice to the public of the lien against the
1610 land so assessed and no other record or notice thereof shall be
1611 necessary to any person or corporation for that purpose. No
1612 error, omission or mistake in regard to the name of the owner
1613 shall be held to invalidate any assessment. After the assessment
1614 book has been delivered to such clerk of the chancery court, such
1615 clerk shall thereupon give a notice by publication in a newspaper
1616 of general circulation in the county in which the improvement is
1617 to be located that the assessment roll has been delivered to him
1618 and is open for inspection at his office and that at a time and
1619 place therein mentioned, not less than fifteen (15) days from the
1620 date of the first publication, the governing body of the public
1621 agency will meet to hear and determine any objection or defense.

1622 (6) The owner of any property assessed for the improvement,
1623 or any party having an interest therein, may appear at the time
1624 and place fixed for the hearing and determining of any objection
1625 or defense, and object to the proposed assessment or the amount
1626 thereof. The public agency shall hear and determine all
1627 objections and protests to the proposed assessment, as a result of
1628 which the agency may alter, change or correct any assessment;
1629 provided, however, that no assessment shall be increased without
1630 notice to the owner of the property. The public agency shall, by
1631 resolution, approve and confirm all assessments as finally fixed
1632 and adjusted at said hearing, which assessments shall, from the
1633 date of such confirmation, constitute a lien upon the respective
1634 property upon which they are levied, superior to all other liens
1635 except those for state and county taxes. All persons who fail to
1636 object to the proposed assessment at said hearing shall be deemed
1637 to have consented to and approved the same. Any property owner
1638 aggrieved by the decision of the public agency may appeal to the
1639 chancery court for the county wherein his property is situated.

1640 (7) All assessments levied under the provisions of this
1641 section shall become due and shall be paid to the tax collector of
1642 the county in which the improvement is to be located in full
1643 within ninety (90) days from the date of confirmation thereof.
1644 However, the governing body of the public agency may by resolution
1645 confer upon the property owners who admit the legality of the
1646 assessment the privilege of paying the assessment in not exceeding
1647 ten (10) equal installments with interest from the date of the
1648 confirmation at the same rate as that fixed in the bonds issued to
1649 finance the cost of the improvement. Any property owner who shall
1650 not have taken an appeal from the assessment, shall, upon failure
1651 to pay said assessment in full within ninety (90) days from the
1652 date of confirmation, be deemed to have elected to pay said
1653 assessment in installments as herein provided. Any property owner
1654 who has elected to pay his assessment in installments shall have
1655 the right at any time to pay the balance of the assessment against
1656 his property in full, but in so doing he shall be required to pay
1657 all interest which would have accrued thereon had same not been
1658 paid until its maturity.

1659 (8) The public agency shall annually certify to the tax
1660 collector of the county in which the improvement is to be located,
1661 the annual installment of assessment due from each tract of land
1662 against which an assessment has been levied, together with the
1663 amount of the interest upon all unpaid installments at the same
1664 rate as that fixed in the bonds issued to finance the cost of the
1665 improvement. The collector shall thereupon enter upon the annual
1666 tax roll of the county, in a separate column, the amount of the
1667 installment and interest to be collected from each tract of land
1668 so assessed, and said collector shall collect said installment,
1669 together with the interest upon all unpaid installments, together
1670 with, and at the same time he collects, the annual county tax.
1671 Upon collection, said tax collector shall deposit such special
1672 improvement assessment with such depository as the public agency

1673 shall determine, and shall certify to the clerk of the chancery
1674 court in which the improvement is or is to be located the amount
1675 of such assessment paid by each property owner.

1676 Upon collection, said tax collector shall deposit such
1677 special improvement assessment into a separate account with such
1678 depository as the public agency shall determine, and shall certify
1679 to the clerk of the chancery court in which the improvement is or
1680 is to be located the amount of such assessment paid by each
1681 property owner. The clerk of the chancery court shall then note
1682 such payments on the "assessment book." When an assessment is paid
1683 in full, or upon the payment of the last installment thereof, the
1684 clerk shall note on said "assessment book" opposite the
1685 assessment, "paid in full." Upon the payment of each installment
1686 an appropriate note thereof shall be made opposite such assessment
1687 on said book, so that the amount of the assessment against any
1688 property assessed under the provisions of this section which
1689 remains a lien upon said property may be determined by reference
1690 to the "assessment book."

1691 (9) All assessments levied under the provisions of this
1692 section shall be enforced in the same manner in which the payment
1693 of other taxes in said county is enforced, and all statutes
1694 regulating the collection of other taxes in said county shall
1695 apply to the enforcement and collection of the assessments levied
1696 pursuant to this section.

1697 (10) If the assessment first levied shall prove insufficient
1698 to complete the improvement, the governing body of the public
1699 agency shall thereupon by resolution duly adopted make another
1700 levy on the property previously assessed for a sum sufficient to
1701 complete the improvement, which shall be collected in the same
1702 manner as the first levy. Any property owner aggrieved by the
1703 decision of the public agency may appeal solely as to the amount
1704 of such assessment to the chancery court for the county wherein
1705 his property is situated. When any work has been begun under the

1706 provisions of Sections 49-17-161 through 49-17-209, which shall
1707 not be completed and paid for out of the first or other levy, it
1708 shall be the duty of the governing body of the public agency to
1709 make such levy for its completion, and from year to year until it
1710 is completed, provided that the total levy shall in no case exceed
1711 the value of the benefits assessed on said property. The
1712 performance of such duty may be enforced by mandamus at the
1713 instance of any person or board interested.

1714 **SECTION 38.** Section 49-17-185, Mississippi Code of 1972, is
1715 brought forward as follows:

1716 49-17-185. (1) The district shall have the power and is
1717 hereby authorized, from time to time, to issue bonds in such
1718 principal amounts as, in the opinion of the district, shall be
1719 necessary to provide sufficient funds for achieving any of its
1720 corporate purposes, including, without limiting the generality of
1721 the foregoing, the financing of the acquisition, construction,
1722 improvement or extension of collection facilities or treatment
1723 facilities, or any combination thereof, whether or not such
1724 facilities are owned by the district, the payment of interest on
1725 bonds of the district, establishment of reserves to secure such
1726 bonds, expenses incident to the issuance of such bonds and to the
1727 implementation of the district's programs, and all other
1728 expenditures of the district incident to or necessary or
1729 convenient to carry out its corporate purposes and powers.

1730 (2) The district may issue such types of bonds as it may
1731 determine, subject only to any agreement with the holders of
1732 particular bonds, including bonds as to which the principal and
1733 interest are payable exclusively from all or a portion of the
1734 revenues derived from one or more collection facilities or
1735 treatment facilities pursuant to the contracts entered into by
1736 public agencies, and other persons pursuant to Section 49-17-175
1737 or 49-17-181, or any combination of any of the foregoing, or which
1738 may be secured by a pledge of any grant, subsidy, or contribution

1739 from any public agency or other person, or a pledge of any income
1740 or revenues, funds or monies of the district from any source
1741 whatsoever.

1742 (3) Bonds shall be authorized by a resolution or resolutions
1743 of the district. Such bonds shall bear such date or dates, mature
1744 at such time or times, bear interest at such rate or rates, be in
1745 such denomination or denominations, be in such form, either coupon
1746 or registered, carry such conversion or registration privileges,
1747 have such rank or priority, be executed in such manner and by such
1748 officers, be payable from such sources in such medium of payment
1749 at such place or places within or without the state, provided that
1750 one (1) such place shall be within the state, be subject to such
1751 terms of redemption prior to maturity, all as may be provided by
1752 resolution or resolutions of the district.

1753 (4) Any bonds of the district may be sold at such price or
1754 prices, at public sale, in such manner and at such times as may be
1755 determined by the district to be in the public interest, and the
1756 district may pay all expenses, premiums, fees and commissions
1757 which it may deem necessary and advantageous in connection with
1758 the issuance and sale thereof.

1759 (5) It is the intention of the legislature that any pledge
1760 of earnings, revenues or other monies made by the district shall
1761 be valid and binding from the time the pledge is made; that the
1762 earnings, revenues, or other monies so pledged and thereafter
1763 received by the district shall immediately be subject to the lien
1764 of such pledge without any physical delivery thereof or further
1765 act, and that the lien of any such pledge shall be valid and
1766 binding as against all parties having claims of any kind in tort,
1767 contract or otherwise against the district irrespective of whether
1768 such parties have notice thereof. Neither the resolution nor any
1769 other instrument by which a pledge is created need be recorded.

1770 (6) Neither the directors of the district nor any person
1771 executing the bonds shall be personally liable on the bonds or be

1772 subject to any personal liability or accountability by reason of
1773 the issuance thereof.

1774 (7) Whenever any bonds shall have been signed by the
1775 officers designated by the resolution of the district to sign the
1776 bonds who were in office at the time of such signing but who may
1777 have ceased to be such officers prior to the sale and delivery of
1778 such bonds, or who may not have been in office on the date such
1779 bonds may bear, the manual or facsimile signatures of such
1780 officers upon such bonds and the coupons appertaining thereto,
1781 shall nevertheless be valid and sufficient for all purposes and
1782 have the same effect as if the person so officially executing such
1783 bonds had remained in the office until the delivery of the same to
1784 the purchaser or had been in office on the date such bonds may
1785 bear.

1786 (8) (a) Before issuing bonds (other than interim
1787 certificates, notes, refunding bonds as provided in Section
1788 49-17-187 or other evidences of indebtedness of the district)
1789 hereunder, the board of directors of the district shall adopt a
1790 resolution declaring its intention to issue such bonds and stating
1791 the principal amount of the bonds proposed to be issued and the
1792 date and time upon which the board of directors proposes to direct
1793 the issuance of such bonds. Such resolution shall be published
1794 once a week for at least three (3) consecutive weeks in at least
1795 one (1) newspaper having a general circulation within the
1796 geographical limits of all the public agencies (i) which have
1797 contracted with the district under the provisions of Sections
1798 49-17-161 through 49-17-209, and (ii) whose contracts relate to
1799 the bonds proposed to be issued, and (iii) which are authorized by
1800 a law other than Sections 49-17-161 through 49-17-209 to hold
1801 elections (each public agency which meets all of the criteria set
1802 forth in (i), (ii) and (iii) foregoing is hereinafter in this
1803 section referred to as an "affected public agency," and, together
1804 with other such agencies, collectively referred to as the

1805 "affected public agencies"); provided, however, that if no
1806 newspaper has a general circulation within the geographical limits
1807 of all of the affected public agencies, then such resolution shall
1808 be published in as many different newspapers as may be required to
1809 provide general circulation of the publication of such resolution
1810 within the geographical limits of each affected public agency;
1811 and, provided further, that if no newspaper has a general
1812 circulation within the geographical limits of any particular
1813 affected public agency, then notice in such affected public agency
1814 shall be made by posting a copy of such resolution for at least
1815 twenty-one (21) days next preceding the date therein at two (2)
1816 public places within the geographical limits of such public
1817 agency. If twenty percent (20%) or fifteen hundred (1500),
1818 whichever is less, of the qualified electors of each affected
1819 public agency shall file a written protest against the issuance of
1820 such bonds with the board of directors of the district on or
1821 before the date and time specified in such resolution, then an
1822 election on the question of the issuance of such bonds shall be
1823 called and held as hereinafter set forth in this section;
1824 provided, however, that in the event Hancock County is an affected
1825 public agency, then the qualified electors of such county shall
1826 mean the qualified electors of such county who reside within the
1827 unincorporated areas within Hancock County's geographical limits.
1828 If no such protest be filed, then such bonds may be issued without
1829 an election on the question of the issuance thereof at any time
1830 within a period of two (2) years after the date specified in the
1831 above-mentioned resolution. Nothing contained herein shall be
1832 construed to require the adoption or publication of a resolution
1833 of the kind described in this subsection, or to grant any right of
1834 protest or election, with respect to the issuance of interim
1835 certificates, notes, refunding bonds as provided in Section
1836 49-17-187 or other evidences of indebtedness of the district.

1837 (b) Where an election is to be called as provided in
1838 subsection (8)(a) of this section, the board of directors of the
1839 district shall give notice of such election to the governing body
1840 of each of the affected public agencies. The governing body of
1841 each affected public agency shall publish a notice of such
1842 election once a week for at least three (3) consecutive weeks in a
1843 newspaper having a general circulation within its respective
1844 geographical limits. The first publication of such notice shall
1845 be made not less than twenty-one (21) days prior to the date fixed
1846 for such election and the last publication shall be made not more
1847 than seven (7) days prior to such date. If no newspaper has a
1848 general circulation within the geographical limits of any
1849 particular affected public agency, then notice in such affected
1850 public agency shall be made by posting a copy of such resolution
1851 for at least twenty-one (21) days next preceding the date therein
1852 at two (2) public places within the geographical limits of such
1853 public agency.

1854 (c) The election provided for in subsection (8)(a) of
1855 this section shall be held in each of the affected public
1856 agencies, as far as practicable, in the same manner as other
1857 elections are held in such affected public agencies; provided,
1858 however, that in the event one or more affected public agencies
1859 have overlapping geographical limits, then such affected public
1860 agencies with overlapping geographical limits may provide for a
1861 consolidated election in such manner as their respective governing
1862 bodies may determine. At such election all qualified electors of
1863 each affected public agency may vote, and the ballots used at such
1864 election shall have printed thereon a brief statement of the
1865 principal amount and purpose of the proposed bond issue and the
1866 words "FOR THE BOND ISSUE" and "AGAINST THE BOND ISSUE," and the
1867 voters shall vote by placing a cross (x) or checkmark (/cm)
1868 opposite his choice on the proposition; provided, however, that in
1869 the event Hancock County is an affected public agency, then the

1870 qualified electors of such county shall mean the qualified
1871 electors of such county who reside within the unincorporated areas
1872 within Hancock County's geographical limits.

1873 (d) When the results of the election on the question of
1874 the issuance of such bonds as provided in this section shall have
1875 been canvassed by the respective election directors of the
1876 affected public agencies and certified by them to the board of
1877 directors of the district, it shall be the duty of the board of
1878 directors of the district to determine and adjudicate whether or
1879 not a majority of the qualified electors who voted thereon in a
1880 majority number of the affected public agencies voted in favor of
1881 the issuance of such bonds, and unless a majority of the qualified
1882 electors who voted thereon in a majority number of the affected
1883 public agencies voted in favor of the issuance of such bonds, then
1884 such bonds shall not be issued. Should a majority of the
1885 qualified electors who vote thereon in a majority number of the
1886 affected public agencies vote in favor of the issuance of such
1887 bonds, then the board of directors of the district may issue such
1888 bonds, either in whole or in part, and if in part from time to
1889 time, within two (2) years from the date of such election or
1890 within two (2) years after the final favorable termination of any
1891 litigation affecting the issuance of such bonds, as shall be
1892 determined by the board of directors of the district.

1893 **SECTION 39.** Section 49-17-187, Mississippi Code of 1972, is
1894 brought forward as follows:

1895 49-17-187. The district may issue refunding bonds for the
1896 purpose of paying any of its bonds at or prior to maturity or upon
1897 acceleration or redemption. Refunding bonds may be issued at such
1898 time prior to the maturity or redemption of the refunded bonds as
1899 the district deems to be in the public interest. The refunding
1900 bonds may be issued in sufficient amounts to pay or provide the
1901 principal of the bonds being refunded, together with any
1902 redemption premium thereon, any interest accrued or to accrue to

1903 the date of payment of such bonds, the expenses of issue of the
1904 refunding bonds, the expenses of redeeming the bonds being
1905 refunded, and such reserves for debt service or other capital or
1906 current expenses from the proceeds of such refunding bonds as may
1907 be required by the resolution, trust indenture or other security
1908 instruments. The issue of refunding bonds, the maturities and
1909 other details thereof, the security therefor, the rights of the
1910 holders and the rights, duties and obligations of the district in
1911 respect of the same shall be governed by the provisions of
1912 Sections 49-17-161 through 49-17-209 relating to the issue of
1913 bonds other than refunding bonds insofar as the same may be
1914 applicable.

1915 **SECTION 40.** Section 49-17-189, Mississippi Code of 1972, is
1916 brought forward as follows:

1917 49-17-189. All bonds issued pursuant to Sections 49-17-161
1918 through 49-17-209 may be validated as now provided by law in
1919 Sections 31-13-1 through 31-13-11, Mississippi Code of 1972. Such
1920 validation proceedings shall be instituted in the chancery court
1921 of the county in which the principal office of the district is
1922 located, but notice of such validation proceedings shall be
1923 published at least two (2) times in a newspaper of general
1924 circulation in Hancock County, the first publication of which in
1925 each case shall be made at least ten (10) days preceding the date
1926 set for validation.

1927 **SECTION 41.** Section 49-17-191, Mississippi Code of 1972, is
1928 brought forward as follows:

1929 49-17-191. Bonds issued under the provisions of Sections
1930 49-17-161 through 49-17-209 shall not be deemed to constitute,
1931 within the meaning of any constitutional or statutory limitation,
1932 a debt, liability or obligation of the state, nor shall such bonds
1933 constitute a pledge of the full faith and credit of the state, but
1934 shall be payable solely from the revenues or assets of the
1935 district pledged therefor. Each bond issued under Sections

1936 49-17-161 through 49-17-209 shall contain on the face thereof a
1937 statement to the effect that the district shall not be obligated
1938 to pay the same nor the interest thereon except from the revenues
1939 or assets pledged therefor and that neither the full faith and
1940 credit and nor the taxing power of the state is pledged to the
1941 payment of the principal of or the interest on such bonds.

1942 **SECTION 42.** Section 49-17-193, Mississippi Code of 1972, is
1943 brought forward as follows:

1944 49-17-193. The district shall have power in connection with
1945 the issuance of its bonds to:

1946 (a) Covenant as to the use of any or all of its
1947 property, real or personal.

1948 (b) Redeem the bonds, to covenant for their redemption
1949 and to provide the terms and conditions thereof.

1950 (c) Covenant to charge rates, fees and charges
1951 sufficient to meet operating and maintenance expenses, renewals
1952 and replacements, principal and debt service on bonds, creation
1953 and maintenance of any reserves required by a bond resolution,
1954 trust indenture or other security instrument and to provide for
1955 any margins or coverages over and above debt service on the bonds
1956 deemed desirable for the marketability of the bonds.

1957 (d) Covenant and prescribe as to events of default and
1958 terms and conditions upon which any or all of its bonds shall
1959 become or may be declared due before maturity, as to the terms and
1960 conditions upon which such declaration and its consequences may be
1961 waived and as to the consequences of default and the remedies of
1962 bondholders.

1963 (e) Covenant as to the mortgage or pledge of or the
1964 grant of a security interest in any real or personal property and
1965 all or any part of the revenues from any collection facilities or
1966 treatment facilities or any revenue-producing contract or
1967 contracts made by the district with any person to secure the

1968 payment of bonds, subject to such agreements with the holders of
1969 bonds as may then exist.

1970 (f) Covenant as to the custody, collection, securing,
1971 investment and payment of any revenues, assets, monies, funds or
1972 property with respect to which the district may have any rights or
1973 interest.

1974 (g) Covenant as to the purposes to which the proceeds
1975 from the sale of any bonds then or thereafter to be issued may be
1976 applied, and the pledge of such proceeds to secure the payment of
1977 the bonds.

1978 (h) Covenant as to the limitations on the issuance of
1979 any additional bonds, the terms upon which additional bonds may be
1980 issued and secured, and the refunding of outstanding bonds.

1981 (i) Covenant as to the rank or priority of any bonds
1982 with respect to any lien or security.

1983 (j) Covenant as to the procedure by which the terms of
1984 any contract with or for the benefit of the holders of bonds may
1985 be amended or abrogated, the amount of bonds the holders of which
1986 must consent thereto, and the manner in which such consent may be
1987 given.

1988 (k) Covenant as to the custody of any of its properties
1989 or investments, the safekeeping thereof, the insurance to be
1990 carried thereon, and the use and disposition of insurance
1991 proceeds.

1992 (l) Covenant as to the vesting in a trustee or
1993 trustees, within or outside the state, of such properties, rights,
1994 powers and duties in trust as the district may determine.

1995 (m) Covenant as to the appointing and providing for the
1996 duties and obligations of a paying agent or paying agents or other
1997 fiduciaries within or outside the state.

1998 (n) Make all other covenants and to do any and all such
1999 acts and things as may be necessary or convenient or desirable in
2000 order to secure its bonds, or in the absolute discretion of the

2001 district tend to make the bonds more marketable, notwithstanding
2002 that such covenants, acts or things may not be enumerated herein;
2003 it being the intention hereof to give the district power to do all
2004 things in the issuance of bonds and in the provisions for security
2005 thereof which are not inconsistent with the constitution of the
2006 state.

2007 (o) Execute all instruments necessary or convenient in
2008 the exercise of the powers herein granted or in the performance of
2009 covenants or duties, which may contain such covenants and
2010 provisions, as any purchaser of the bonds of the district may
2011 reasonably require.

2012 **SECTION 43.** Section 49-17-195, Mississippi Code of 1972, is
2013 brought forward as follows:

2014 49-17-195. The district may, in any authorizing resolution
2015 of the board of directors, trust indenture or other security
2016 instrument relating to its bonds, provide for the appointment of a
2017 trustee who shall have such powers as are provided therein to
2018 represent the bondholders of any issue of bonds in the enforcement
2019 or protection of their rights under any such resolution, trust
2020 indenture or security instrument. The district may also provide
2021 in such resolution, trust indenture or other security instrument
2022 that the trustee, or in the event that the trustee so appointed
2023 shall fail or decline to so protect and enforce such bondholders
2024 rights then such percentage of bondholders as shall be set forth
2025 in, and subject to the provisions of, such resolution, trust
2026 indenture or other security instrument, may petition the chancery
2027 court of proper jurisdiction for the appointment of a receiver of
2028 the collection facilities or treatment facilities the revenues of
2029 which are pledged to the payment of the principal of and interest
2030 on the bonds held by such bondholders. Such receiver may exercise
2031 any power as may be granted in any such resolution, trust
2032 indenture or security instrument to enter upon and take possession
2033 of, acquire, construct or reconstruct, or operate and maintain

2034 such collection facilities or treatment facilities, fix, charge,
2035 collect, enforce and receive all revenues derived from such
2036 collection facilities or treatment facilities and perform the
2037 public duties and carry out the contracts and obligations of the
2038 district in the same manner as the district itself might do, all
2039 under the direction of such chancery court.

2040 **SECTION 44.** Section 49-17-197, Mississippi Code of 1972, is
2041 brought forward as follows:

2042 49-17-197. (1) The exercise of the powers granted by
2043 Sections 49-17-161 through 49-17-209 will be in all respects for
2044 the benefit of the people of the state, for their well-being and
2045 prosperity and for the improvement of their social and economic
2046 conditions, and the district shall not be required to pay any tax
2047 or assessment on any property owned by the district under the
2048 provisions of Sections 49-17-161 through 49-17-209 or upon the
2049 income therefrom; nor shall the district be required to pay any
2050 recording fee or transfer tax of any kind on account of
2051 instruments recorded by it or on its behalf.

2052 (2) Any bonds issued by the district under the provisions of
2053 Sections 49-17-161 through 49-17-209, their transfer and the
2054 income therefrom shall at all times be free from taxation by the
2055 state or any local unit or political subdivision or other
2056 instrumentality of the state, excepting inheritance and gift
2057 taxes.

2058 **SECTION 45.** Section 49-17-199, Mississippi Code of 1972, is
2059 brought forward as follows:

2060 49-17-199. All bonds issued under the provisions of Sections
2061 49-17-161 through 49-17-209 shall be legal investments for
2062 trustees, other fiduciaries, savings banks, trust companies, and
2063 insurance companies organized under the laws of the State of
2064 Mississippi; and such bonds shall be legal securities which may be
2065 deposited with and shall be received by all public officers and
2066 bodies of the state and all municipalities and political

2067 subdivisions for the purpose of securing the deposit of public
2068 funds.

2069 **SECTION 46.** Section 49-17-201, Mississippi Code of 1972, is
2070 brought forward as follows:

2071 49-17-201. Whether or not any bonds of the district and
2072 interest coupons, if any, appertaining thereto would otherwise so
2073 qualify, such bonds and coupons are hereby made investment
2074 securities within the meaning and for all purposes of Article 8 of
2075 the Uniform Commercial Code as enacted in this state.

2076 **SECTION 47.** Section 49-17-203, Mississippi Code of 1972, is
2077 brought forward as follows:

2078 49-17-203. The state hereby covenants with the holders of
2079 any bonds of the district that so long as the bonds are
2080 outstanding and unpaid the state will not limit or alter the
2081 rights and powers of the district under Sections 49-17-161 through
2082 49-17-209 to conduct the activities referred to herein in any way
2083 pertinent to the interests of the bondholders including without
2084 limitation the district's right to charge and collect rates, fees
2085 and charges and to fulfill the terms of any covenants made with
2086 bondholders, or in any other way impair the rights and remedies of
2087 the bondholders, unless provision for full payment of such bonds,
2088 by escrow or otherwise, has been made pursuant to the terms of the
2089 bonds or the resolution, trust indenture or security instrument
2090 securing the bonds.

2091 **SECTION 48.** Section 49-17-205, Mississippi Code of 1972, is
2092 brought forward as follows:

2093 49-17-205. If the district finds and records on its minutes
2094 that the acquisition or construction of any collection facilities
2095 or treatment facilities, or any interest therein, or any portion
2096 thereof, or any property or any interest therein or any portion
2097 thereof, which is authorized by Sections 49-17-161 through
2098 49-17-209 is available or can be acquired or contracted for, from
2099 or with only a single source, person, firm or corporation, then

2100 such acquisition or contract may be made or entered into without
2101 meeting the requirements of any law relating to acquisitions,
2102 purchases or contracts by competitive bids. If, after advertising
2103 for competitive bids as to other proposed purchases, acquisitions
2104 or contracts, only one (1) bid is received, the district may
2105 reject the bid and negotiate privately any purchase, contract or
2106 acquisition for a consideration not exceeding that proposed in the
2107 bid.

2108 **SECTION 49.** Section 49-17-207, Mississippi Code of 1972, is
2109 brought forward as follows:

2110 49-17-207. The district shall cause an audit of its books
2111 and accounts to be made at least once in each year by an
2112 independent certified public accountant and the cost thereof may
2113 be paid from any available monies of the district.

2114 **SECTION 50.** Section 49-17-209, Mississippi Code of 1972, is
2115 brought forward as follows:

2116 49-17-209. Sections 49-17-161 through 49-17-209 shall be
2117 deemed to provide an additional, alternative and complete method
2118 for the doing of the things authorized hereby and shall be deemed
2119 and construed to be supplemental and additional to any powers
2120 conferred by other laws on public agencies and not in derogation
2121 of any such powers now existing, provided, that insofar as the
2122 provisions of Sections 49-17-161 through 49-17-209 are
2123 inconsistent with the provisions of any other law, general,
2124 special or local, now in existence or hereafter (unless with
2125 specific reference to Sections 49-17-161 through 49-17-209),
2126 adopted, the provisions of Sections 49-17-161 through 49-17-209
2127 shall be controlling.

2128 Except as expressly provided in Sections 49-17-161 through
2129 49-17-209, the actions contemplated hereby, other than the
2130 issuance and sale of bonds by the district but otherwise including
2131 without limitation the entering into of the contracts referred to
2132 in Section 49-17-175 and Section 49-17-181 by the district, the

2133 contracting public agencies and any other persons thereto, and the
2134 setting of rates, fees and charges by the district, may be taken
2135 without the obtaining of any authorization, approval or consent of
2136 the state or any political subdivision or any department,
2137 division, commission, board, bureau, agency or instrumentality of
2138 either thereof and without any other proceeding or the fulfilling
2139 of any other condition or the happening of any other thing, except
2140 as expressly provided in Sections 49-17-161 through 49-17-209.

2141 **SECTION 51.** Section 49-17-301, Mississippi Code of 1972, is
2142 brought forward as follows:

2143 49-17-301. Sections 49-17-301 through 49-17-353 shall be
2144 known and may be cited as the "Mississippi Gulf Coast Regional
2145 Wastewater Authority Act."

2146 **SECTION 52.** Section 49-17-303, Mississippi Code of 1972, is
2147 brought forward as follows:

2148 49-17-303. (1) It is found and declared that to promote the
2149 development and operation of adequate wastewater collection and
2150 treatment facilities, a public body corporate and politic of the
2151 state shall be created with authority to cause and assist in
2152 compliance with the standards of water quality established by the
2153 Mississippi Air and Water Pollution Control Law, appearing as
2154 Section 49-17-1 et seq., Mississippi Code of 1972, and by the
2155 Federal Water Pollution Control Act, appearing as 33 USC 1251, as
2156 amended, regarding collection and treatment facilities located in
2157 the counties bordering the Gulf of Mexico; to plan, acquire,
2158 construct, finance, develop, own, operate or maintain wastewater
2159 collection and treatment facilities within said counties; and to
2160 apply and contract for and to accept grants-in-aid and other funds
2161 from the federal government and the state government and their
2162 agencies in this regard.

2163 (2) The Legislature finds it to be necessary, in order to
2164 accomplish the objectives and purposes of the Gulf Coast Regional
2165 Wastewater Authority and the public agencies with which it

2166 contracts, for the Gulf Coast Regional Wastewater Authority and
2167 such public agencies, in the implementation of powers granted
2168 pursuant to Sections 49-17-301 through 49-17-353, to be authorized
2169 to engage in conduct which may be anticompetitive or contrary to
2170 prohibition of federal or state antitrust laws; and, accordingly,
2171 it is the intent and policy of Sections 49-17-301 through
2172 49-17-353 to displace competition with respect to those powers
2173 authorized herein to be exercised by the Gulf Coast Regional
2174 Wastewater Authority and such public agencies.

2175 (3) The Legislature further finds that the authority and
2176 powers conferred under Sections 49-17-301 through 49-17-353 and
2177 the expenditure of public monies pursuant thereto constitute a
2178 valid public purpose; that the creation and establishment of the
2179 Gulf Coast Regional Wastewater Authority is necessary and
2180 essential to the accomplishment of the aforesaid purposes; that
2181 Sections 49-17-301 through 49-17-353 operate on a subject in which
2182 the state at large is interested; and that each of these matters
2183 is declared as a matter of express legislative determination.

2184 **SECTION 53.** Section 49-17-305, Mississippi Code of 1972, is
2185 brought forward as follows:

2186 49-17-305. Whenever used in Sections 49-17-301 through
2187 49-17-353, the following words and terms shall have the following
2188 respective meanings unless a different meaning clearly appears
2189 from the context:

2190 (a) "Act" means this Mississippi Gulf Coast Regional
2191 Wastewater Authority Act, as the same may be amended.

2192 (b) "Authority" means the Mississippi Gulf Coast
2193 Regional Wastewater Authority.

2194 (c) "Bonds" means any bonds, interim certificates,
2195 notes or other evidences of indebtedness of the authority issued
2196 under Sections 49-17-301 through 49-17-353.

2197 (d) "Collection facilities" means any plants,
2198 structures, facilities and other real and personal property used

2199 or useful in the collection of wastewater for ultimate discharge
2200 into trunk lines, including, without limiting the generality of
2201 the foregoing, sewers, conduits, pipelines, mains, pumping and
2202 ventilating stations, plants and works, connections and any other
2203 real and personal property and rights therein necessary or useful
2204 or convenient for the purposes of the authority in connection
2205 therewith.

2206 (e) "County" or "counties bordering on the Gulf of
2207 Mexico" means Hancock, Harrison or Jackson County.

2208 (f) "Persons" means a natural person, public agency,
2209 state or other agency or institution thereof, any municipality,
2210 political subdivision, cooperative or public or private
2211 corporation, partnership, association or other entity of any
2212 nature whatsoever organized and existing under the laws of any
2213 state or of the United States or any instrumentality thereof, and
2214 includes any officer or governing or managing body of any
2215 municipality, political subdivision, or public or private
2216 corporation.

2217 (g) "Pollution" means such contamination, or other
2218 alteration of the physical, chemical or biological properties, of
2219 any waters of the state, including change in temperature, taste,
2220 color, turbidity or odor of the waters, or such discharge of any
2221 liquid, gaseous, solid, radioactive, or other substance into any
2222 waters of the state as will or is likely to create a nuisance or
2223 render such waters harmful, detrimental or injurious to public
2224 health, safety or welfare, or to domestic, commercial, industrial,
2225 agricultural, recreational or other legitimate beneficial uses, or
2226 to livestock, wild animals, birds, fish or other aquatic life.

2227 (h) "Public agency" means any incorporated city or
2228 town, county, political subdivision, governmental district or
2229 unit, public corporation or governmental agency created under the
2230 laws of the state, lying wholly or partially within the

2231 territorial boundaries of the counties bordering on the Gulf of
2232 Mexico.

2233 (i) "State" means the State of Mississippi.

2234 (j) "Treatment facilities" means treatment plants and
2235 any related trunk lines.

2236 (k) "Treatment plants" means any plants, structures,
2237 facilities and other real and personal property used or useful in
2238 the treating, neutralizing, stabilizing or disposing of
2239 wastewater, including, without limiting the generality of the
2240 foregoing plants, disposal fields and lagoons and any other real
2241 and personal property and rights therein necessary or useful or
2242 convenient for the purposes of the authority in connection
2243 therewith.

2244 (l) "Trunk lines" means trunk sewers and other
2245 structures and facilities used or useful in the conducting of
2246 wastewater from collection facilities to treatment plants,
2247 including, without limiting the generality of the foregoing,
2248 conduits, pipelines, mains, pumping and ventilating stations and
2249 any other real and personal property and rights therein necessary
2250 or useful or convenient for the purposes of the authority in
2251 connection therewith.

2252 (m) "Wastewater" means water containing sewage,
2253 industrial wastes, oil field wastes and all other liquid, gaseous,
2254 solid, radioactive or other substances which may pollute or tend
2255 to pollute any waters of the state.

2256 **SECTION 54.** Section 49-17-307, Mississippi Code of 1972, is
2257 brought forward as follows:

2258 49-17-307. There is hereby created and established a public
2259 body corporate and politic constituting a political subdivision of
2260 the State of Mississippi to be known as the "Mississippi Gulf
2261 Coast Regional Wastewater Authority." The authority shall be
2262 deemed to be acting in all respects for the benefit of the people
2263 of the state in the performance of essential public functions and

2264 the authority shall be empowered in accordance with the provisions
2265 of Sections 49-17-301 through 49-17-353 to promote the health,
2266 welfare and prosperity of the general public.

2267 **SECTION 55.** Section 49-17-309, Mississippi Code of 1972, is
2268 brought forward as follows:

2269 49-17-309. (1) All powers of the authority shall be vested
2270 in a board of commissioners which shall be composed, and whose
2271 members shall be selected, as follows:

2272 (a) Initially, the board of commissioners shall be
2273 composed as follows:

2274 (i) Within thirty (30) days of the effective date
2275 of Sections 49-17-301 through 49-17-353, the board of supervisors
2276 of each county and the governing body of each incorporated city or
2277 town lying within such county shall nominate one (1) person for
2278 appointment by the Governor to the board of commissioners.

2279 (ii) Within thirty (30) days following such
2280 nomination, each such board of supervisors and such governing body
2281 of an incorporated city or town lying within said county shall
2282 certify in writing to the Governor the nominations of the
2283 individuals for appointment to the board of commissioners;
2284 provided, that each such board of supervisors or such governing
2285 body shall nominate only individuals who are residents of its
2286 respective county and who do not hold any elected public office or
2287 any position as a paid employee of any public agency.

2288 (iii) Within fifteen (15) days of receiving such
2289 nominations, the Governor shall appoint to the board of
2290 commissioners of the authority each individual so nominated. Each
2291 member of the board of commissioners appointed as provided in
2292 subsection (1)(a) of this section shall remain in office until the
2293 time of reorganization of the board of commissioners as provided
2294 in subsection (1)(b) of this section.

2295 (b) At such time as determined by the board of
2296 commissioners, but in no event later than one (1) year following

2297 the effective date of Sections 49-17-301 through 49-17-353, the
2298 board of commissioners shall adopt a resolution declaring the
2299 commencement of the reorganization of said board, which
2300 reorganization shall be as follows:

2301 (i) Each member of the board of commissioners
2302 appointed by a board of supervisors of a county or by a governing
2303 body of an incorporated city or town which has not prior to the
2304 declaration of commencement of the reorganization of the board
2305 contracted with the authority under the provisions of Sections
2306 49-17-301 through 49-17-353, shall have his or her term of office
2307 automatically terminated by operation of Sections 49-17-301
2308 through 49-17-353 and no appointment of a successor shall
2309 thereafter be permitted, except as provided in subsection
2310 (1)(b)(iv) of this section.

2311 (ii) Within thirty (30) days of the declaration of
2312 commencement of the reorganization of the board, the chairman of
2313 the board as reconstituted under the provision of subsection
2314 (1)(b)(i) of this section, shall certify the nomination in writing
2315 to the Governor of the individual members of the board of
2316 commissioners who were originally nominated by such board of
2317 supervisors or the governing body of an incorporated city or town
2318 lying within said county prior to its reconstitution and who are
2319 selected for removal from the board of commissioners.

2320 (iii) Within fifteen (15) days of receiving the
2321 nominations for removal made in accordance with subsection
2322 (1)(b)(ii) of this section, the Governor shall dismiss from office
2323 each individual member of the board of commissioners of the
2324 authority so nominated. The Governor shall thereupon establish
2325 staggered terms of office for the remaining members of the board
2326 of commissioners; provided, however, that each term of office
2327 shall be not less than two (2) years, nor more than six (6) years
2328 and the terms of all offices with respect to each such county
2329 shall be staggered over time as evenly as practicable, as shall be

2330 determined by the Governor. Each member shall remain in office
2331 for the period of such member's term and until a successor shall
2332 be duly appointed and qualified.

2333 (iv) The number of members of the board of
2334 commissioners shall be increased by one (1) each time a county, or
2335 an incorporated city or town, which has not theretofore contracted
2336 with the authority enters into such a contract. Within fifteen
2337 (15) days following the entering into of said contract, the board
2338 of supervisors of the county, or the governing body of the
2339 incorporated city or town, entering into such contract shall
2340 nominate for appointment one (1) person to the board of
2341 commissioners for the county entering into such contract or in
2342 which such incorporated city or town is located. Within fifteen
2343 (15) days following the execution of such contract, the board of
2344 commissioners shall certify in writing to the Governor the
2345 individual nominated for appointment to the board of
2346 commissioners. The Governor shall appoint such individual so
2347 nominated to the board of commissioners of the authority within
2348 fifteen (15) days of receiving such certification. The Governor
2349 shall establish the term of office of such member of the board of
2350 commissioners in compliance with the provisions of subsection
2351 (1)(b)(iii) of this section regarding staggered terms.

2352 (v) The successor of each member of the board of
2353 commissioners shall be nominated and appointed in the same manner
2354 provided in subsection (1)(b)(iv) of this section for the
2355 nomination and appointment of additional members, and shall serve
2356 a term of six (6) years, and for such period thereafter until a
2357 successor shall be duly appointed and qualified.

2358 (c) Each member of the board of commissioners shall be
2359 eligible for reappointment. All vacancies shall be filled by
2360 nomination and appointment in the same manner provided in
2361 subsection (1)(b)(v) of this section for the appointment of
2362 successors, provided that any person appointed to fill a vacancy

2363 shall serve only for the unexpired term. Any member may be
2364 removed at any time prior to the expiration of said member's term
2365 of office for misfeasance, malfeasance or willful neglect of duty,
2366 as determined by the Governor with the concurrence of the
2367 nominating public agency. Before assuming office, each member
2368 shall take and subscribe to the constitutional oath of office
2369 before a chancery clerk, and a record of such oath shall be filed
2370 with the Secretary of State. The board of commissioners shall
2371 annually select a chairman and a vice chairman from among its
2372 members.

2373 (2) The board of commissioners shall elect or appoint and
2374 prescribe the duties of such officers as the board of
2375 commissioners deems necessary or advisable, including a general
2376 manager and a secretary. The general manager, who, at the
2377 discretion of the board of commissioners, may also serve as
2378 secretary, shall be a person of good moral character and shall be
2379 a person of proven ability as an administrator with a minimum of
2380 five (5) years' experience in the management and administration of
2381 a public works operation or comparable experience which may
2382 include, but is not limited to, supervision, public financing,
2383 regulatory codes and related functions as minimum qualifications
2384 to administer the programs and duties of the authority. The
2385 general manager shall administer, manage and direct the affairs
2386 and business of the authority, subject to the policies, control
2387 and direction of the board of commissioners. The general manager
2388 shall give bond executed by a surety company or companies
2389 authorized to do business in this state in the penal sum of Fifty
2390 Thousand Dollars (\$50,000.00) payable to the authority conditioned
2391 upon the faithful performance of his duties and the proper
2392 accounting for all funds which may come into his hands as general
2393 manager. The secretary of the authority shall keep a record of
2394 the proceedings of the authority and shall be custodian of all
2395 books, documents and papers filed with the authority, the minute

2396 book or journal of the authority and its official seal. The
2397 secretary shall have authority to cause copies to be made of all
2398 minutes and other records and documents of the authority and to
2399 certify under the seal of the authority that such copies are true
2400 and accurate copies, and all persons dealing with the authority
2401 may rely upon such certificates.

2402 (3) Upon express, prior authorization of the authority, each
2403 commissioner may receive a per diem of not to exceed Fifty Dollars
2404 (\$50.00) per day for attending each day's meeting of the board of
2405 commissioners and for each day spent in attending to the business
2406 of the authority and, in addition, may receive reimbursement for
2407 actual and necessary expenses incurred.

2408 **SECTION 56.** Section 49-17-311, Mississippi Code of 1972, is
2409 brought forward as follows:

2410 49-17-311. The authority shall have all the rights and
2411 powers necessary or convenient to carry out and effectuate the
2412 purposes and provisions of Sections 49-17-301 through 49-17-353,
2413 including, but without limiting the generality of the foregoing,
2414 the right and power:

2415 (a) To sue and be sued in its own name;

2416 (b) To adopt an official seal and alter the same at
2417 pleasure;

2418 (c) To maintain an office or offices at such place or
2419 places within any county of the management area as it may
2420 determine;

2421 (d) To plan, develop, acquire, construct, reconstruct,
2422 operate, own, manage, lease (as lessor or lessee), dispose of,
2423 participate in, maintain, repair, extend or improve one or more
2424 collection facilities or treatment facilities, whether or not such
2425 facilities are or are to be owned by the authority;

2426 (e) To acquire, own, hold, use, lease (as lessor or
2427 lessee), sell or otherwise dispose of, mortgage, pledge or grant a

2428 security interest in any real or personal property, contract
2429 commodity or service or interest therein;

2430 (f) To make and enforce, and from time to time amend
2431 and repeal, bylaws and rules and regulations for the management of
2432 its business and affairs and for the use, maintenance and
2433 operation of any of its collection facilities or treatment
2434 facilities and any other of its properties, including, without
2435 limiting the generality of the foregoing, rules and regulations
2436 requiring the pretreatment of industrial wastes and requiring
2437 industrial users to pay the construction costs of facilities that
2438 are allocable to the treatment of industrial wastes to the extent
2439 attributable to any federal government share of such costs;

2440 (g) To fix, charge, collect, maintain and revise rates,
2441 fees and other charges, including connection charges, for any
2442 services rendered by it to any person;

2443 (h) To apply and contract for and to accept any grants
2444 or gifts or loans or appropriations of funds or property or
2445 financial or other aid in any form from the United States or any
2446 instrumentality thereof, or from the state or any instrumentality
2447 thereof, or from any source, public or private and to comply with
2448 and make agreements with respect to, the terms and conditions
2449 thereof, subject to any agreements with bondholders;

2450 (i) To borrow money and to issue bonds for any of its
2451 purposes, to provide for and secure the payment thereof, and to
2452 provide for the rights of the holders thereof;

2453 (j) To invest any monies of the authority, including
2454 proceeds from the sale of any bonds, notwithstanding any law to
2455 the contrary, but subject to any agreements with bondholders, on
2456 such terms and in such manner as the authority deems proper;

2457 (k) To procure insurance against any loss in connection
2458 with its property, other assets and business in such amounts and
2459 from such insurers as it may deem necessary or desirable;

2460 (1) To employ architects, engineers, attorneys,
2461 financial advisors and such other consultants as it deems proper
2462 and to fix and pay their compensation, and to appoint and retain
2463 such officers, agents and employees as it deems proper and to fix
2464 and pay their compensation;

2465 (i) The employment of all professionals for
2466 project services shall be in strict accordance with current
2467 guidelines of the appropriate federal, state and local regulatory
2468 agencies and advertising for the procurement of such services in a
2469 local newspaper shall be mandatory. Preference may be given to
2470 the employment of regionally qualified professionals.

2471 (ii) The management contractor employed by the
2472 authority shall not be eligible to compete for design, surveys,
2473 geotechnical, and/or construction inspection services of any
2474 facilities to be developed by the authority. The management
2475 contractor is to establish development criteria, priorities and
2476 administer quality control practices to insure compliance with the
2477 provisions of Sections 49-17-301 through 49-17-353.

2478 (m) To assume or continue any contractual or other
2479 business relationships entered into by the commission created
2480 pursuant to Chapter 437, Laws of 1979;

2481 (n) To enter on any lands, waters or premises for the
2482 purpose of making surveys, borings, soundings and examinations for
2483 the purposes of the authority;

2484 (o) To do and perform any acts and things authorized by
2485 Sections 49-17-301 through 49-17-353 under, through or by means of
2486 its officers, agents and employees, or by contracts with any
2487 person;

2488 (p) To enter into any and all contracts, execute any
2489 and all instruments, and do and perform any and all acts or things
2490 necessary, convenient or desirable for the purposes of the
2491 authority, or to carry out any power expressly granted in Sections
2492 49-17-301 through 49-17-353, including, without limiting the

2493 generality of the foregoing, contracts with public agencies (and
2494 such public agencies are hereby also empowered to enter into such
2495 contracts with the authority) which may include provisions for
2496 exclusive dealing, fee payment requirements, territorial division,
2497 and other conduct or arrangements which may have an
2498 anticompetitive effect;

2499 (q) To be exempted from the Mississippi Agency Review
2500 Law of 1978, as amended; and

2501 (r) To exercise the power of eminent domain for the
2502 particular purpose of the acquisition of property designated by
2503 plan to sufficiently accommodate the location of treatment plants
2504 or facilities, trunk lines and such requirements related directly
2505 thereto pursuant to the provisions of Chapter 27, Title 11,
2506 Mississippi Code of 1972.

2507 **SECTION 57.** Section 49-17-313, Mississippi Code of 1972, is
2508 brought forward as follows:

2509 49-17-313. (1) The authority shall have the power to adopt
2510 and promulgate all reasonable rules and regulations regarding the
2511 specifications and standards relating to the construction,
2512 operation and maintenance of all collection facilities owned by
2513 any person who contracts with the authority for the use or
2514 services of any treatment facilities either owned or operated by
2515 the authority so as to cause compliance with the standards of
2516 water quality established by the Mississippi Air and Water
2517 Pollution Control Commission pursuant to the Mississippi Air and
2518 Water Pollution Control Law, and by any similar federal or state
2519 agency, and so as to effect the abatement of the pollution of the
2520 waters in the Mississippi Sound. The authority shall also have
2521 the power to adopt and promulgate all reasonable rules and
2522 regulations regarding the specifications and standards relating to
2523 the construction, operation and maintenance of all treatment
2524 facilities either owned or operated by the authority so as to
2525 cause compliance with the above-described standards of water

2526 quality and to effect the abatement of pollution of the waters in
2527 the Mississippi Sound. The authority shall also have the power to
2528 adopt and promulgate all reasonable rules requiring mandatory
2529 connection to collection facilities by any person residing within
2530 the territorial boundaries of a public agency which contracts for
2531 use or services of treatment facilities or collection facilities
2532 owned or operated by the authority, if the same is practicable, as
2533 determined by the authority; in the event that the authority
2534 determines that any such mandatory connection is not practical,
2535 then the authority shall have the power to adopt and promulgate
2536 all reasonable rules and regulations regarding the specifications
2537 and standards relating to the construction, operation and
2538 maintenance of septic tanks by any person not required to so
2539 connect to such collection facilities so as to cause compliance
2540 with the above-described standards of water quality and to effect
2541 the abatement of pollution of the waters in the Mississippi Sound.

2542 (2) All such rules and regulations prescribed by the
2543 authority, after publication in a newspaper of general circulation
2544 in each county, shall have the full force and effect of law, and
2545 violation thereof shall be punishable by a fine of not less than
2546 Fifty Dollars (\$50.00) and not more than Five Hundred Dollars
2547 (\$500.00) as may be prescribed in such rules and regulations.

2548 (3) In the event of a violation of any rule or regulation
2549 adopted by the authority to cause compliance with the standards of
2550 water quality established by the Mississippi Air and Water
2551 Pollution Control Commission, or by any similar federal or state
2552 agency, or to effect the abatement of pollution of the waters in
2553 the Mississippi Sound, the authority shall have authority to sue
2554 for and obtain damages or other appropriate relief, including
2555 injunctive relief.

2556 (4) All such rules and regulations prescribed and the
2557 penalties fixed thereunder, by the authority of Sections 49-17-301
2558 through 49-17-353 shall not conflict with or suspend any rules,

2559 regulations or penalties prescribed by general statute or the
2560 Mississippi Air and Water Pollution Control Commission. All fines
2561 and penalties levied and collected under Sections 49-17-301
2562 through 49-17-353 shall be remitted and accounted for in
2563 accordance with the general statutes relating thereto.

2564 **SECTION 58.** Section 49-17-315, Mississippi Code of 1972, is
2565 brought forward as follows:

2566 49-17-315. (1) Any public agency may, pursuant to a duly
2567 adopted resolution of the governing body of such public agency,
2568 enter into contracts with the authority for the authority to (a)
2569 acquire, lease, improve, extend, operate or maintain the treatment
2570 facilities of the public agency; or (b) acquire or construct
2571 treatment facilities to be owned by the authority for the
2572 furnishing of services to the public agency; including in each
2573 instance such contracts whereby the public agency is obligated to
2574 make payments in amounts which shall be sufficient to enable the
2575 authority to meet its expenses, interest and principal payments
2576 (whether at maturity or upon sinking fund redemption) for its
2577 bonds, reserves for debt service, payments into funds for
2578 operation and maintenance and renewals and replacements and the
2579 requirements of any rate covenant with respect to debt service
2580 coverage contained in any resolution, trust indenture or other
2581 security agreement relating to its bonds. If ten percent (10%) or
2582 fifteen hundred (1500), whichever is greater, of the qualified
2583 electors of any affected public agency shall file a written
2584 protest against entering into such contract with the authority on
2585 or before the date and time specified in such resolution, then an
2586 election on the question of entering into such contract shall be
2587 called and held as set forth in Section 49-17-325; provided,
2588 however, that in the event a county is an affected public agency,
2589 then the qualified electors of such county shall mean the
2590 qualified electors of such county who reside within the
2591 unincorporated areas within such county's geographical limits. If

2592 no such protest is filed, then such contracts may be issued
2593 without an election. Such contracts may also contain such other
2594 terms and conditions as the authority and the public agency may
2595 determine, including provisions whereby the public agency is
2596 obligated to make payments under such contract irrespective of
2597 whether or not use or services are rendered or whether or not the
2598 treatment facilities contemplated by such contracts are completed,
2599 operable or operating, and notwithstanding suspension,
2600 interruption, interference, reduction or curtailment of the use or
2601 services of such treatment facilities. Such contracts may be for
2602 a term covering the life of the treatment facilities or for any
2603 other term or for an indefinite period and may be made with or
2604 without consideration.

2605 (2) Contracts referred to in this section may provide that
2606 the obligation of a public agency to make payments to the
2607 authority with respect to certain treatment facilities is several,
2608 or is joint and several, with the obligations of other public
2609 agencies or other persons contracting with the authority for the
2610 use or services of such treatment facilities; and, where the
2611 public agency's obligation is joint and several, then in the event
2612 any other public agency or other person defaults in his
2613 obligation, the public agency may be required to increase its
2614 payments to the authority by a proportional amount, taking into
2615 consideration the remaining persons who are likewise contracting
2616 with the authority and who are not in default.

2617 (3) The obligations of a public agency arising under the
2618 terms of any contract referred to in this section, whether or not
2619 payable solely from revenues or solely from a pledge of ad valorem
2620 taxes as provided in Section 49-17-317 or any combination thereof,
2621 shall not be construed as being included within the indebtedness
2622 limitations of the public agency for purposes of any
2623 constitutional or statutory limitation or provision. To the
2624 extent provided in such contract and to the extent such

2625 obligations of the public agency are payable solely from the
2626 revenues and other monies derived by the public agency from the
2627 operation of its treatment facilities or collection facilities or
2628 any combination thereof which are the subject of such contract,
2629 such obligations may be treated as expenses of operating such
2630 facilities.

2631 (4) Contracts referred to in this section may also provide
2632 for payments in the form of contributions to defray the cost of
2633 any purpose set forth in the contracts and as advances for any
2634 treatment facilities subject to repayment by the authority. A
2635 public agency may make such contributions or advances from its
2636 general fund or surplus fund or from any monies legally available
2637 therefor.

2638 (5) Contracts referred to in this section may, in order to
2639 provide effective and prompt cooperation and coordination of any
2640 matters among persons contracting with the authority and persons
2641 representing the authority regarding treatment facilities,
2642 establish a coordinating committee of such persons. Such
2643 committee shall consist of one (1) representative selected by the
2644 authority, who shall be the coordinating committee's chairman, and
2645 such other representatives from among the contracting parties as
2646 shall be provided for by the terms of the contract. Such
2647 coordinating committee shall have such rights and powers with
2648 respect to the subject matter of the contract as shall be provided
2649 for therein.

2650 (6) Payments made or to be made to the authority by a public
2651 agency or other person pursuant to a contract for the use or
2652 services of treatment facilities shall be determined by the method
2653 specified in such contract and shall not be subject to approval or
2654 review by the public service commission.

2655 **SECTION 59.** Section 49-17-317, Mississippi Code of 1972, is
2656 brought forward as follows:

2657 49-17-317. Any public agency, other than a county, having
2658 taxing powers is hereby authorized to levy a special ad valorem
2659 tax upon all taxable property within its geographical limits in an
2660 amount necessary to pay all or a portion of the payments to be
2661 made by that public agency under contracts referred to in Sections
2662 49-17-315 and 49-17-321, and if such contract of the public agency
2663 so provides, then the contract shall constitute an enforceable
2664 obligation against the taxing power of the public agency to the
2665 extent provided therein. Any county is hereby authorized to levy
2666 a special ad valorem tax upon all taxable property lying within
2667 any unincorporated area within its geographical limits in an
2668 amount necessary to pay all or a portion of the payments to be
2669 made by that county under contracts referred to in Sections
2670 49-17-315 and 49-17-321 and if such contract of the county so
2671 provides, then the contract shall constitute an enforceable
2672 obligation against the taxing power of the county to the extent
2673 provided therein. For the purpose of Sections 49-17-301 through
2674 49-17-353 and under the authority of Sections 49-17-301 through
2675 49-17-353, the Mississippi Gulf Coast Regional Wastewater
2676 Authority as an entity specifically is excluded from being an
2677 authorized taxing unit under the definition of a public agency.

2678 The special ad valorem tax authorized by this section shall
2679 not be reimbursable by the state under the provisions otherwise
2680 made for reimbursements under the homestead exemption laws.

2681 **SECTION 60.** Section 49-17-319, Mississippi Code of 1972, is
2682 brought forward as follows:

2683 49-17-319. Whenever a public agency shall enter into a
2684 contract referred to in Section 49-17-315, and the payments
2685 thereunder are to be made either wholly or partly from the
2686 revenues of the public agency's collection facilities or treatment
2687 facilities or any combination thereof, the duty is hereby imposed
2688 on the public agency to fix, establish and maintain, and from time
2689 to time adjust, the rates charged by the public agency for the

2690 service of such facilities to the end that the revenues from such
2691 facilities, together with any ad valorem taxes levied for such
2692 payments, will be sufficient at all times to pay: (a) the expense
2693 of operating and maintaining such facilities; (b) all of the
2694 public agency's obligations to the authority under such contract;
2695 and (c) all of the public agency's obligations under and in
2696 connection with any outstanding bonds issued to finance in whole
2697 or in part such facilities.

2698 **SECTION 61.** Section 49-17-321, Mississippi Code of 1972, is
2699 brought forward as follows:

2700 49-17-321. (1) Any public agency may, pursuant to a duly
2701 adopted resolution of the governing body of such public agency,
2702 enter into contracts with the authority for the authority to (a)
2703 acquire, lease, improve, extend, operate or maintain the
2704 collection facilities of the public agency, or (b) acquire or
2705 construct collection facilities to be owned by the authority for
2706 the furnishing of services to users located within the boundaries
2707 of the public agency. Such contracts may provide that the public
2708 agency is obligated to make payments in amounts which shall be
2709 sufficient to enable the authority to meet its expenses, interest
2710 and principal payments (whether at maturity or upon sinking fund
2711 redemption) for its bonds, reserves for debt service, payments
2712 into funds for operation and maintenance and renewals and
2713 replacements and the requirements of any rate covenant with
2714 respect to debt service coverage contained in any resolution,
2715 trust indenture or other security agreement relating to its bonds.
2716 Such contracts may also contain such other terms and conditions as
2717 the authority and the public agency may determine, including
2718 provisions whereby the public agency is obligated to make payments
2719 under such contract irrespective of whether or not use or services
2720 are rendered or whether or not the collection facilities
2721 contemplated by such contracts are completed, operable or
2722 operating, and notwithstanding suspension, interruption,

2723 interference, reduction or curtailment of the use or services of
2724 such treatment facilities. Such contracts may be for a term
2725 covering the life of the collection facilities or for any other
2726 term or for an indefinite period and may be made with or without
2727 consideration; and may provide that the amounts payable by the
2728 public agency to the authority are in lieu of all or any part of
2729 the rates, fees and other charges which would otherwise be charged
2730 to and collected from the users of the collection facilities by
2731 the authority.

2732 (2) Subject to the terms of a contract referred to in this
2733 section, the authority is hereby authorized to do and perform any
2734 and all acts or things necessary, convenient or desirable to carry
2735 out the purposes of such contract, including the fixing, charging,
2736 collecting, maintaining and revising of rates, fees and other
2737 charges for the services rendered to any user of collection
2738 facilities operated or maintained by the authority, whether or not
2739 such collection facilities are owned by the authority.

2740 (3) The obligations of a public agency arising under the
2741 terms of any contract referred to in this section, whether or not
2742 payable solely from revenues or solely from a pledge of special
2743 improvement assessments as provided in Section 49-17-323 or solely
2744 from a pledge of ad valorem taxes as provided in Section 49-17-317
2745 or any combination thereof, shall not be construed as being
2746 included within the indebtedness limitations of the public agency
2747 for the purposes of any constitutional or statutory limitation or
2748 provision. To the extent provided in such contract and to the
2749 extent such obligations of the public agency are payable solely
2750 from the revenues and other monies derived by the public agency
2751 from the operation of its treatment facilities or collection
2752 facilities or any combination thereof which are the subject of
2753 such contract, such obligations may be treated as expenses of
2754 operating such facilities.

2755 (4) Contracts referred to in this section may also provide
2756 for payments in the form of contributions to defray the cost of
2757 any purpose set forth in the contracts and as advances for any
2758 treatment facilities subject to repayment by the authority. A
2759 public agency may make such contributions or advances from its
2760 general fund or surplus fund or from any monies legally available
2761 therefor.

2762 (5) Payments made or to be made to the authority by a public
2763 agency or other person pursuant to a contract for the use or
2764 services of treatment facilities shall be determined by the method
2765 specified in such contract and shall not be subject to approval or
2766 review by the public service commission.

2767 **SECTION 62.** Section 49-17-323, Mississippi Code of 1972, is
2768 brought forward as follows:

2769 49-17-323. (1) Whenever a public agency shall enter into a
2770 contract referred to in Section 49-17-321, and subject to the
2771 terms of such contract, such agency, in its sole discretion, is
2772 authorized, in connection with the acquisition, construction,
2773 improvement or extension of collection facilities, to cause the
2774 cost of such acquisition, construction, improvement or extension
2775 (hereinafter in this section referred to as "the improvement") to
2776 be made wholly or in part at the cost of the property owners
2777 benefited thereby by levying special improvement assessments as
2778 provided in this section. Special improvement assessments as
2779 provided in this section shall not be levied to pay the cost in
2780 whole or in part of trunk lines, treatment plants or treatment
2781 facilities.

2782 (2) Whenever the governing body of the agency shall adopt a
2783 resolution declaring the necessity of the improvement and the need
2784 for special improvement assessments therefor, which resolution
2785 shall describe the entire area to be benefited and the nature and
2786 extent of the improvement, the public agency shall publish such
2787 resolution once each week for three (3) successive weeks in a

2788 newspaper having general circulation within the county in which
2789 the improvement is to be located, and the public agency shall fix
2790 a date on which the governing body of the agency shall meet to
2791 hear any objections to or remonstrances with respect to the
2792 improvement.

2793 (3) At the meeting scheduled to hear objections, or at a
2794 time and place to which the same may be adjourned, any person
2795 aggrieved may appear in person, by attorney or by petition and may
2796 object to or protest against the improvement or any part thereof.
2797 The governing body of the public agency shall consider the
2798 objections and protests, if any, and may confirm, amend, modify or
2799 rescind its resolution of necessity, and shall determine whether
2800 the improvement shall be made and how the cost thereof shall be
2801 paid. The determination of the governing body of the public
2802 agency shall be final and conclusive; provided, however, that if a
2803 majority of property owners owning more than fifty percent (50%)
2804 of the front footage of the property involved, and actually
2805 residing on or occupying said property, shall file a protest with
2806 the clerk of the chancery court of the county in which the
2807 improvement is to be located not later than thirty (30) days
2808 following such meeting, then the improvement shall not be made.

2809 (4) The resolution of the governing body of the public
2810 agency determining to proceed with the improvement may direct that
2811 the cost of the improvement, or such part as the agency shall
2812 determine, shall be a charge upon the property benefited.

2813 "Property benefited" as used in this section shall mean any real
2814 property which adjoins any portion of the collection facilities
2815 for which the special improvement assessment is to be made and
2816 which may, either in the present or the future, be serviced by
2817 such collection facilities in the collection of wastewater. Said
2818 resolution shall define the entire area to be benefited by the
2819 improvement and shall direct that the cost to be assessed against
2820 each lot or parcel of land shall be determined by dividing the

2821 entire cost thereof by the total number of front feet fronting on
2822 all the streets embraced within the improvement area, and
2823 multiplying the quotient by the number of feet of street frontage
2824 in any particular lot or parcel of land; provided, however, that
2825 with respect to each lot or parcel of land which fronts more than
2826 one (1) street embraced within the improvement area, there shall
2827 be excluded from the total number of feet fronting on all streets,
2828 and from the number of feet of street frontage in such lot or
2829 parcel of land, that number of feet equal to the street frontage
2830 fronting streets to which such lot or parcel of land will not
2831 connect to the improvement; and, provided further, that the public
2832 agency's determination regarding such exclusion shall be
2833 conclusive. The result thereof shall be assessed by the public
2834 agency as the amount of special improvement assessment against
2835 each lot or piece of ground for the owner's part of the cost of
2836 the improvement. The cost of the improvement may include, to the
2837 extent determined by the public agency, the expense of the agency,
2838 interest on money borrowed for financing the improvement while the
2839 improvement is under construction and for one (1) year thereafter,
2840 all costs relating to the issuance of bonds by the authority to
2841 finance the improvement, actual engineering and inspection costs
2842 and all other costs directly related to the improvement.

2843 (5) At any time, as the public agency may determine, after
2844 the agency directs that the cost of the improvement, or any part
2845 thereof, shall be a charge upon the property benefited, the public
2846 agency shall prepare, or cause to be prepared, a roll or list to
2847 be called the "assessment roll" showing the names of the property
2848 owners and opposite each name a description of each parcel of
2849 land. Such roll shall be entered in a well-bound book prepared
2850 for that purpose, which shall contain appropriate columns in which
2851 payments may be credited and which shall be known as the
2852 "assessment book." The public agency shall, upon its completion,
2853 deposit the assessment book with the clerk of the chancery court

2854 of the county in which the improvement is to be located, and such
2855 clerk shall keep the assessment book and preserve it as a public
2856 record. The entry in the assessment book of any assessment shall
2857 be and constitute notice to the public of the lien against the
2858 land so assessed and no other record or notice thereof shall be
2859 necessary to any person or corporation for that purpose. No
2860 error, omission or mistake in regard to the name of the owner
2861 shall be held to invalidate any assessment. After the assessment
2862 book has been delivered to such clerk of the chancery court, such
2863 clerk shall thereupon give a notice by publication in a newspaper
2864 of general circulation in the county in which the improvement is
2865 to be located that the assessment roll has been delivered to him
2866 and is open for inspection at his office and that at a time and
2867 place therein mentioned, not less than fifteen (15) days from the
2868 date of the first publication, the governing body of the public
2869 agency will meet to hear and determine any objection or defense.

2870 (6) The owner of any property assessed for the improvement,
2871 or any party having an interest therein, may appear at the time
2872 and place fixed for the hearing and determining of any objection
2873 or defense, and object to the proposed assessment or the amount
2874 thereof. The public agency shall hear and determine all
2875 objections and protests to the proposed assessment, as a result of
2876 which the agency may alter, change or correct any assessment;
2877 provided, however, that no assessment shall be increased without
2878 notice to the owner of the property. The public agency shall, by
2879 resolution, approve and confirm all assessments as finally fixed
2880 and adjusted at said hearing, which assessments shall, from the
2881 date of such confirmation, constitute a lien upon the respective
2882 property upon which they are levied, superior to all other liens
2883 except those for state and county taxes. All persons who fail to
2884 object to the proposed assessment at said hearing shall be deemed
2885 to have consented to and approved the same. Any property owner

2886 aggrieved by the decision of the public agency may appeal to the
2887 chancery court for the county wherein his property is situated.

2888 (7) All assessments levied under the provisions of this
2889 section shall become due and shall be paid to the tax collector of
2890 the county in which the improvement is to be located in full
2891 within ninety (90) days from the date of confirmation thereof.
2892 However, the governing body of the public agency may by resolution
2893 confer upon the property owners who admit the legality of the
2894 assessment the privilege of paying the assessment in not exceeding
2895 ten (10) equal installments with interest from the date of the
2896 confirmation at the same rate as that fixed in the bonds issued to
2897 finance the cost of the improvement. Any property owner who shall
2898 not have taken an appeal from the assessment, shall, upon failure
2899 to pay said assessment in full within ninety (90) days from the
2900 date of confirmation, be deemed to have elected to pay said
2901 assessment in installments as herein provided. Any property owner
2902 who has elected to pay his assessment in installments shall have
2903 the right at any time to pay the balance of the assessment against
2904 his property in full, but in so doing he shall be required to pay
2905 all interest which would have accrued thereon had same not been
2906 paid until its maturity.

2907 (8) The public agency shall annually certify to the tax
2908 collector of the county in which the improvement is to be located,
2909 the annual installment of assessment due from each tract of land
2910 against which an assessment has been levied, together with the
2911 amount of the interest upon all unpaid installments at the same
2912 rate as that fixed in the bonds issued to finance the cost of the
2913 improvement. The collector shall thereupon enter upon the annual
2914 tax roll of the county, in a separate column, the amount of the
2915 installment and interest to be collected from each tract of land
2916 so assessed, and said collector shall collect said installment,
2917 together with the interest upon all unpaid installments, together
2918 with, and at the same time he collects, the annual county tax.

2919 Upon collection, said tax collector shall deposit such special
2920 improvement assessment with such depository as the public agency
2921 shall determine, and shall certify to the clerk of the chancery
2922 court in which the improvement is or is to be located the amount
2923 of such assessment paid by each property owner.

2924 Upon collection, said tax collector shall deposit such special
2925 improvement assessment into a separate account with such
2926 depository as the public agency shall determine, and shall certify
2927 to the clerk of the chancery court in which the improvement is or
2928 is to be located the amount of such assessment paid by each
2929 property owner. The clerk of the chancery court shall then note
2930 such payments on the "assessment book." When an assessment is paid
2931 in full, or upon the payment of the last installment thereof, the
2932 clerk shall note on said "assessment book" opposite the
2933 assessment, "paid in full." Upon the payment of each installment
2934 an appropriate note thereof shall be made opposite such assessment
2935 on said book, so that the amount of the assessment against any
2936 property assessed under the provisions of this section which
2937 remains a lien upon said property may be determined by reference
2938 to the "assessment book."

2939 (9) All assessments levied under the provisions of this
2940 section shall be enforced in the same manner in which the payment
2941 of other taxes in said county is enforced, and all statutes
2942 regulating the collection of other taxes in said county shall
2943 apply to the enforcement and collection of the assessments levied
2944 pursuant to this section.

2945 (10) If the assessment first levied shall prove insufficient
2946 to complete the improvement, the governing body of the public
2947 agency shall thereupon by resolution duly adopted make another
2948 levy on the property previously assessed for a sum sufficient to
2949 complete the improvement, which shall be collected in the same
2950 manner as the first levy. Any property owner aggrieved by the
2951 decision of the public agency may appeal solely as to the amount

2952 of such assessment to the chancery court for the county wherein
2953 his property is situated. When any work has been begun under the
2954 provisions of Sections 49-17-301 through 49-17-353, which shall
2955 not be completed and paid for out of the first or other levy, it
2956 shall be the duty of the governing body of the public agency to
2957 make such levy for its completion, and from year to year until it
2958 is completed, provided that the total levy shall in no case exceed
2959 the value of the benefits assessed on said property. The
2960 performance of such duty may be enforced by mandamus at the
2961 instance of any person or board interested.

2962 **SECTION 63.** Section 49-17-325, Mississippi Code of 1972, is
2963 brought forward as follows:

2964 49-17-325. (1) The authority shall have the power and is
2965 hereby authorized, from time to time, to issue bonds in such
2966 principal amounts as, in the opinion of the authority, shall be
2967 necessary to provide sufficient funds for achieving any of its
2968 corporate purposes, including, without limiting the generality of
2969 the foregoing, the financing of the acquisition, construction,
2970 improvement or extension of collection facilities or treatment
2971 facilities, or any combination thereof, whether or not such
2972 facilities are owned by the authority, the payment of interest on
2973 bonds of the authority, establishment of reserves to secure such
2974 bonds, expenses incident to the issuance of such bonds and to the
2975 implementation of the authority's programs, and all other
2976 expenditures of the authority incident to or necessary or
2977 convenient to carry out its corporate purposes and powers.

2978 (2) The authority may issue such types of bonds as it may
2979 determine, subject only to any agreement with the holders of
2980 particular bonds, including bonds as to which the principal and
2981 interest are payable exclusively from all or a portion of the
2982 revenues derived from one or more collection facilities or
2983 treatment facilities pursuant to the contracts entered into by
2984 public agencies, and other persons pursuant to Section 49-17-315

2985 or 49-17-321, or any combination of any of the foregoing, or which
2986 may be secured by a pledge of any grant, subsidy, or contribution
2987 from any public agency or other person, or a pledge of any income
2988 or revenues, funds or moneys of the authority from any source
2989 whatsoever.

2990 (3) Bonds shall be authorized by a resolution or resolutions
2991 of the authority. Such bonds shall bear such date or dates,
2992 mature at such time or times, (either serially, term or a
2993 combination thereof), bear interest at such rate or rates, be in
2994 such denomination or denominations, be in such form, either coupon
2995 or registered, carry such conversion or registration privileges,
2996 have such rank or priority, be executed in such manner and by such
2997 officers, be payable from such sources in such medium of payment
2998 at such place or places within or without the state, provided that
2999 one (1) such place shall be within the state, be subject to such
3000 terms of redemption prior to maturity, all as may be provided by
3001 resolution or resolutions of the authority.

3002 (4) Any bonds of the authority may be sold at such price or
3003 prices, at public sale, in such manner and at such times as may be
3004 determined by the authority to be in the public interest, and the
3005 authority may pay all expenses, premiums, fees and commissions
3006 which it may deem necessary and advantageous in connection with
3007 the issuance and sale thereof.

3008 (5) It is the intention of the Legislature that any pledge
3009 of earnings, revenues or other moneys made by the authority shall
3010 be valid and binding from the time the pledge is made; that the
3011 earnings, revenues, or other moneys so pledged and thereafter
3012 received by the authority shall immediately be subject to the lien
3013 of such pledge without any physical delivery thereof or further
3014 act, and that the lien of any such pledge shall be valid and
3015 binding as against all parties having claims of any kind in tort,
3016 contract or otherwise against the authority irrespective of
3017 whether such parties have notice thereof. Neither the resolution

3018 nor any other instrument by which a pledge is created need be
3019 recorded.

3020 (6) Neither the commissioners of the authority nor any
3021 person executing the bonds shall be personally liable on the bonds
3022 or be subject to any personal liability or accountability by
3023 reason of the issuance thereof.

3024 (7) Whenever any bonds shall have been signed by the
3025 officers designated by resolution of the authority to sign the
3026 bonds who were in office at the time of such signing but who may
3027 have ceased to be such officers prior to the sale and delivery of
3028 such bonds, or who may not have been in office on the date such
3029 bonds may bear, the manual or facsimile signatures of such
3030 officers upon such bonds and the coupons appertaining thereto,
3031 shall nevertheless be valid and sufficient for all purposes and
3032 have the same effect as if the person so officially executing such
3033 bonds had remained in office until the delivery of the same to the
3034 purchaser or had been in office on the date such bonds may bear.

3035 (8) (a) Before issuing bonds (other than interim
3036 certificates, notes, refunding bonds as provided in Section
3037 49-17-327 or other evidences of indebtedness of the authority)
3038 hereunder, the board of commissioners of the authority shall adopt
3039 a resolution declaring its intention to issue such bonds and
3040 stating the principal amount of the bonds proposed to be issued
3041 and the date and time upon which the board of commissioners
3042 proposes to direct the issuance of such bonds. Such resolution
3043 shall be published once a week for at least three (3) consecutive
3044 weeks in at least one (1) newspaper having a general circulation
3045 within the geographical limits of all of the public agencies (i)
3046 which have contracted with the authority under the provisions of
3047 Sections 49-17-301 through 49-17-353, and (ii) whose contracts
3048 relate to the bonds proposed to be issued, and (iii) which are
3049 authorized by a law other than Sections 49-17-301 through
3050 49-17-353 to hold elections (each public agency which meets all of

3051 the criteria set forth in (i), (ii) and (iii) foregoing is
3052 hereinafter in this section referred to as an "affected public
3053 agency," and, together with other such agencies, collectively
3054 referred to as the "affected public agencies"); provided, however,
3055 that if no newspaper has a general circulation within the
3056 geographical limits of all of the affected public agencies, then
3057 such resolution shall be published in as many different newspapers
3058 as may be required to provide general circulation of the
3059 publication of such resolution within the geographical limits of
3060 each affected public agency; and, provided further, that if no
3061 newspaper has a general circulation within the geographical limits
3062 of any particular affected public agency, then notice in such
3063 affected public agency shall be made by posting a copy of such
3064 resolution for at least twenty-one (21) days next preceding the
3065 date therein at two (2) public places within the geographical
3066 limits of such public agency. If ten percent (10%) or fifteen
3067 hundred (1500), whichever is greater, of the qualified electors of
3068 a majority number of the qualified electors of the affected public
3069 agencies shall file a written protest against the issuance of such
3070 bonds with the board of commissioners of the authority on or
3071 before the date and time specified in such resolution, then an
3072 election on the question of the issuance of such bonds shall be
3073 called and held as hereinafter set forth in this section;
3074 notwithstanding subsection (d) of this section, such election
3075 shall be determined by a majority vote of the qualified electors
3076 participating in such election; provided, however, that in the
3077 event a county is an affected public agency, then the qualified
3078 electors of such county shall mean the qualified electors of such
3079 county who reside within the unincorporated areas within such
3080 county's geographical limits. If no such protest be filed, then
3081 such bonds may be issued without an election on the question of
3082 the issuance thereof at any time within a period of two (2) years
3083 after the date specified in the above-mentioned resolution.

3084 Nothing contained herein shall be construed to require the
3085 adoption or publication of a resolution of the kind described in
3086 this subsection, or to grant any right of protest or election,
3087 with respect to the issuance of interim certificates, notes,
3088 refunding bonds as provided in Section 49-17-327 or other
3089 evidences of indebtedness of the authority.

3090 (b) Where an election is to be called as provided in
3091 subsection (8)(a) of this section, the board of commissioners of
3092 the authority shall give notice of such election to the governing
3093 body of each of the affected public agencies. The governing body
3094 of each affected public agency shall publish a notice of such
3095 election once a week for at least three (3) consecutive weeks in a
3096 newspaper having a general circulation within its respective
3097 geographical limits. The first publication of such notice shall
3098 be made not less than twenty-one (21) days prior to the date fixed
3099 for such election and the last publication shall be made not more
3100 than seven (7) days prior to such date. If no newspaper has a
3101 general circulation within the geographical limits of any
3102 particular affected public agency, then notice in such affected
3103 public agency shall be made by posting a copy of such resolution
3104 for at least twenty-one (21) days next preceding the date therein
3105 at two (2) public places within the geographical limits of such
3106 public agency.

3107 (c) The election provided for in subsection (8)(a) of
3108 this section shall be held in each of the affected public
3109 agencies, as far as practicable, in the same manner as other
3110 elections are held in such affected public agencies; provided,
3111 however, that in the event one or more affected public agencies
3112 have overlapping geographical limits, then such affected public
3113 agencies with overlapping geographical limits may provide for a
3114 consolidated election in such manner as their respective governing
3115 bodies may determine. At such election all qualified electors of
3116 each affected public agency may vote, and the ballots used at such

3117 election shall have printed thereon a brief statement of the
3118 principal amount and purpose of the proposed bond issue and the
3119 words "FOR THE BOND ISSUE" and "AGAINST THE BOND ISSUE," and the
3120 voters shall vote by placing a cross (X) or check mark (✓)
3121 opposite his choice on the proposition; provided, however, that in
3122 the event a county is an affected public agency, then the
3123 qualified electors of such county shall mean the qualified
3124 electors of such county who reside within the unincorporated areas
3125 within such county's geographical limits.

3126 (d) When the results of the election on the question of
3127 the issuance of such bonds as provided in this section shall have
3128 been canvassed by the respective election commissioners of the
3129 affected public agencies and certified by them to the board of
3130 commissioners of the authority, it shall be the duty of the board
3131 of commissioners of the authority to determine and adjudicate
3132 whether or not a majority of the qualified electors who voted
3133 thereon in a majority number of the affected public agencies voted
3134 in favor of the issuance of such bonds, and unless a majority of
3135 the qualified electors who voted thereon in a majority number of
3136 the affected public agencies voted in favor of the issuance of
3137 such bonds, then such bonds shall not be issued. Should a
3138 majority of the qualified electors who vote thereon in a majority
3139 number of the affected public agencies vote in favor of the
3140 issuance of such bonds, then the board of commissioners of the
3141 authority may issue such bonds, either in whole or in part, and if
3142 in part from time to time, within two (2) years from the date of
3143 such election or within two (2) years after the final favorable
3144 termination of any litigation affecting the issuance of such
3145 bonds, as shall be determined by the board of commissioners of the
3146 authority.

3147 **SECTION 64.** Section 49-17-327, Mississippi Code of 1972, is
3148 brought forward as follows:

3149 49-17-327. The authority may issue refunding bonds for the
3150 purpose of paying any of its bonds at or prior to maturity or upon
3151 acceleration or redemption. Refunding bonds may be issued at such
3152 time prior to the maturity or redemption of the refunded bonds as
3153 the authority deems to be in the public interest. The refunding
3154 bonds may be issued in sufficient amounts to pay or provide the
3155 principal of the bonds being refunded, together with any
3156 redemption premium thereon, any interest accrued or to accrue to
3157 the date of payment of such bonds, the expenses of issue of the
3158 refunding bonds, the expenses of redeeming the bonds being
3159 refunded, and such reserves for debt service or other capital or
3160 current expenses from the proceeds of such refunding bonds as may
3161 be required by the resolution, trust indenture or other security
3162 instruments. The issue of refunding bonds, the maturities and
3163 other details thereof, the security therefor, the rights of the
3164 holders and the rights, duties and obligations of the authority in
3165 respect of the same shall be governed by the provisions of
3166 Sections 49-17-301 through 49-17-353 relating to the issue of
3167 bonds other than refunding bonds insofar as the same may be
3168 applicable.

3169 **SECTION 65.** Section 49-17-329, Mississippi Code of 1972, is
3170 brought forward as follows:

3171 49-17-329. All bonds issued pursuant to Sections 49-17-301
3172 through 49-17-353 may be validated as now provided by law in
3173 Sections 31-13-1 through 31-13-11, Mississippi Code of 1972. Such
3174 validation proceedings shall be instituted in the chancery court
3175 of the county in which the principal office of the authority is
3176 located, but notice of such validation proceedings shall be
3177 published at least two (2) times in a newspaper of general
3178 circulation in each of the counties, the first publication of
3179 which in each case shall be made at least ten (10) days preceding
3180 the date set for validation.

3181 **SECTION 66.** Section 49-17-331, Mississippi Code of 1972, is
3182 brought forward as follows:

3183 49-17-331. Bonds issued under the provisions of Sections
3184 49-17-301 through 49-17-353 shall not be deemed to constitute,
3185 within the meaning of any constitutional or statutory limitation,
3186 a debt, liability or obligation of the state, nor shall such bonds
3187 constitute a pledge of the full faith and credit of the state, but
3188 shall be payable solely from the revenues or assets of the
3189 authority pledged therefor. Each bond issued under Sections
3190 49-17-301 through 49-17-353 shall contain on the face thereof a
3191 statement to the effect that the authority shall not be obligated
3192 to pay the same nor the interest thereon except from the revenues
3193 or assets pledged therefor and that neither the full faith and
3194 credit nor the taxing power of the state is pledged to the payment
3195 of the principal of or the interest on such bonds.

3196 **SECTION 67.** Section 49-17-333, Mississippi Code of 1972, is
3197 brought forward as follows:

3198 49-17-333. The authority shall have power in connection with
3199 the issuance of its bonds to:

3200 (a) Covenant as to the use of any or all of its
3201 property, real or personal.

3202 (b) Redeem the bonds, to covenant for their redemption
3203 and to provide the terms and conditions thereof.

3204 (c) Covenant to charge rates, fees and charges
3205 sufficient to meet operating and maintenance expenses, renewals
3206 and replacements, principal and debt service on bonds, creation
3207 and maintenance of any reserves required by a bond resolution,
3208 trust indenture or other security instrument and to provide for
3209 any margins or coverages over and above debt service on the bonds
3210 deemed desirable for the marketability of the bonds.

3211 (d) Covenant and prescribe as to events of default and
3212 terms and conditions upon which any or all of its bonds shall
3213 become or may be declared due before maturity, as to the terms and

3214 conditions upon which such declaration and its consequences may be
3215 waived and as to the consequences of default and the remedies of
3216 bondholders.

3217 (e) Covenant as to the mortgage or pledge of or the
3218 grant of a security interest in any real or personal property and
3219 all or any part of the revenues from any collection facilities or
3220 treatment facilities or any revenue-producing contract or
3221 contracts made by the authority with any person to secure the
3222 payment of bonds, subject to such agreements with the holders of
3223 bonds as may then exist.

3224 (f) Covenant as to the custody, collection, securing,
3225 investment and payment of any revenues, assets, moneys, funds or
3226 property with respect to which the authority may have any rights
3227 or interest.

3228 (g) Covenant as to the purposes to which the proceeds
3229 from the sale of any bonds then or thereafter to be issued may be
3230 applied, and the pledge of such proceeds to secure the payment of
3231 the bonds.

3232 (h) Covenant as to the limitations on the issuance of
3233 any additional bonds, the terms upon which additional bonds may be
3234 issued and secured, and the refunding of outstanding bonds.

3235 (i) Covenant as to the rank or priority of any bonds
3236 with respect to any lien or security.

3237 (j) Covenant as to the procedure by which the terms of
3238 any contract with or for the benefit of the holders of bonds may
3239 be amended or abrogated, the amount of bonds the holders of which
3240 must consent thereto, and the manner in which such consent may be
3241 given.

3242 (k) Covenant as to the custody of any of its properties
3243 or investments, the safekeeping thereof, the insurance to be
3244 carried thereon, and the use and disposition of insurance
3245 proceeds.

3246 (l) Covenant as to the vesting in a trustee or
3247 trustees, within or outside the state, of such properties, rights,
3248 powers and duties in trust as the authority may determine.

3249 (m) Covenant as to the appointing and providing for the
3250 duties and obligations of a paying agent or paying agents or other
3251 fiduciaries within or outside the state.

3252 (n) Make all other covenants and to do any and all such
3253 acts and things as may be necessary or convenient or desirable in
3254 order to secure its bonds, or in the absolute discretion of the
3255 authority tend to make the bonds more marketable, notwithstanding
3256 that such covenants, acts or things may not be enumerated herein;
3257 it being the intention hereof to give the authority power to do
3258 all things in the issuance of bonds and in the provisions for
3259 security thereof which are not inconsistent with the constitution
3260 of the state.

3261 (o) Execute all instruments necessary or convenient in
3262 the exercise of the powers herein granted or in the performance of
3263 covenants or duties, which may contain such covenants and
3264 provisions, as any purchaser of the bonds of the authority may
3265 reasonably require.

3266 **SECTION 68.** Section 49-17-335, Mississippi Code of 1972, is
3267 brought forward as follows:

3268 49-17-335. The authority may, in any authorizing resolution
3269 of the board of commissioners, trust indenture or other security
3270 instrument relating to its bonds, provide for the appointment of a
3271 trustee who shall have such powers as are provided therein to
3272 represent the bondholders of any issue of bonds in the enforcement
3273 or protection of their rights under any such resolution, trust
3274 indenture or security instrument. The authority may also provide
3275 in such resolution, trust indenture or other security instrument
3276 that the trustee, or in the event that the trustee so appointed
3277 shall fail or decline to so protect and enforce such bondholders
3278 rights then such percentage of bondholders as shall be set forth

3279 in, and subject to the provisions of, such resolution, trust
3280 indenture or other security instrument, may petition the chancery
3281 court of proper jurisdiction for the appointment of a receiver of
3282 the collection facilities or treatment facilities the revenues of
3283 which are pledged to the payment of the principal of and interest
3284 on the bonds held by such bondholders. Such receiver may exercise
3285 any power as may be granted in any such resolution, trust
3286 indenture or security instrument to enter upon and take possession
3287 of, acquire, construct or reconstruct, or operate and maintain
3288 such collection facilities or treatment facilities, fix, charge,
3289 collect, enforce and receive all revenues derived from such
3290 collection facilities or treatment facilities and perform the
3291 public duties and carry out the contracts and obligations of the
3292 authority in the same manner as the authority itself might do, all
3293 under the direction of such chancery court.

3294 **SECTION 69.** Section 49-17-337, Mississippi Code of 1972, is
3295 brought forward as follows:

3296 49-17-337. (1) The exercise of the powers granted by
3297 Sections 49-17-301 through 49-17-353 will be in all respects for
3298 the benefit of the people of the state, for their well-being and
3299 prosperity and for the improvement of their social and economic
3300 conditions, and the authority shall not be required to pay any tax
3301 or assessment on any property owned by the authority under the
3302 provisions of Sections 49-17-301 through 49-17-353 or upon the
3303 income therefrom.

3304 (2) Any bonds issued by the authority under the provisions
3305 of Sections 49-17-301 through 49-17-353, their transfer and the
3306 income therefrom shall at all times be free from taxation by the
3307 state or any local unit or political subdivision or other
3308 instrumentality of the state, excepting inheritance and gift
3309 taxes.

3310 **SECTION 70.** Section 49-17-339, Mississippi Code of 1972, is
3311 brought forward as follows:

3312 49-17-339. All bonds issued under the provisions of Sections
3313 49-17-301 through 49-17-353 shall be legal investments for
3314 trustees, other fiduciaries, savings banks, trust companies, and
3315 insurance companies organized under the laws of the State of
3316 Mississippi; and such bonds shall be legal securities which may be
3317 deposited with and shall be received by all public officers and
3318 bodies of the state and all municipalities and political
3319 subdivisions for the purpose of securing the deposit of public
3320 funds.

3321 **SECTION 71.** Section 49-17-341, Mississippi Code of 1972, is
3322 brought forward as follows:

3323 49-17-341. Whether or not any bonds of the authority and
3324 interest coupons, if any, appertaining thereto would otherwise so
3325 qualify, such bonds and coupons are hereby made investment
3326 securities within the meaning and for all purposes of Article 8 of
3327 the Uniform Commercial Code as enacted in this state.

3328 **SECTION 72.** Section 49-17-343, Mississippi Code of 1972, is
3329 brought forward as follows:

3330 49-17-343. The state hereby covenants with the holders of
3331 any bonds of the authority that so long as the bonds are
3332 outstanding and unpaid the state will not limit or alter the
3333 rights and powers of the authority under Sections 49-17-301
3334 through 49-17-353 to conduct the activities referred to herein in
3335 any way pertinent to the interests of the bondholders including
3336 without limitation the authority's right to charge and collect
3337 rates, fees and charges and to fulfill the terms of any covenants
3338 made with bondholders, or in any other way impair the rights and
3339 remedies of the bondholders, unless provision for full payment of
3340 such bonds, by escrow or otherwise, has been made pursuant to the
3341 terms of the bonds or the resolution, trust indenture or security
3342 instrument securing the bonds.

3343 **SECTION 73.** Section 49-17-345, Mississippi Code of 1972, is
3344 brought forward as follows:

3345 49-17-345. If the authority finds and records on its minutes
3346 that the acquisition or construction of any collection facilities
3347 or treatment facilities, or any interest therein, or any portion
3348 thereof, or any property or any interest therein or any portion
3349 thereof, which is authorized by Sections 49-17-301 through
3350 49-17-353 is available or can be acquired or contracted for, from
3351 or with only a single source, person, firm or corporation, then
3352 such acquisition or contract may be made or entered into without
3353 meeting the requirements of any law relating to acquisitions,
3354 purchases or contracts by competitive bids. If, after advertising
3355 for competitive bids as to other proposed purchases, acquisitions
3356 or contracts, only one (1) bid is received, the authority may
3357 reject the bid and negotiate privately any purchase, contract or
3358 acquisition for a consideration not exceeding that proposed in the
3359 bid.

3360 **SECTION 74.** Section 49-17-347, Mississippi Code of 1972, is
3361 brought forward as follows:

3362 49-17-347. The authority shall cause an audit of its books
3363 and accounts to be made at least once in each year by an
3364 independent certified public accountant and the cost thereof may
3365 be paid from any available moneys of the authority.

3366 **SECTION 75.** Section 49-17-349, Mississippi Code of 1972, is
3367 brought forward as follows:

3368 49-17-349. Sections 49-17-301 through 49-17-353 shall be
3369 deemed to provide an additional, alternative and complete method
3370 for the doing of the things authorized hereby and shall be deemed
3371 and construed to be supplemental and additional to any powers
3372 conferred by other laws on public agencies and not in derogation
3373 of any such powers now existing, provided, that insofar as the
3374 provisions of Sections 49-17-301 through 49-17-353 are
3375 inconsistent with the provisions of any other law, general,
3376 special or local, now in existence or hereafter (unless with
3377 specific reference to Sections 49-17-301 through 49-17-353)

3378 adopted, the provisions of Sections 49-17-301 through 49-17-353
3379 shall be controlling.

3380 Except as expressly provided in Sections 49-17-301 through
3381 49-17-353, the actions contemplated hereby, other than the
3382 issuance and sale of bonds by the authority but otherwise
3383 including without limitation the entering into of the contracts
3384 referred to in Sections 49-17-315 and 49-17-321 by the authority,
3385 the contracting public agencies and any other persons thereto, and
3386 the setting of rates, fees and charges by the authority, may be
3387 taken without the obtaining of any authorization, approval or
3388 consent of the state or any political subdivision or any
3389 department, division, commission, board, bureau, agency or
3390 instrumentality of either thereof and without any other proceeding
3391 or the fulfilling of any other condition or the happening of any
3392 other thing, except as expressly provided in Sections 49-17-301
3393 through 49-17-353.

3394 **SECTION 76.** Section 49-17-351, Mississippi Code of 1972, is
3395 brought forward as follows:

3396 49-17-351. If any clause, sentence, paragraph, section, or
3397 part of Sections 49-17-301 through 49-17-353 shall be adjudged by
3398 any court of competent jurisdiction to be invalid, such judgment
3399 shall not affect, impair, or invalidate the remainder thereof
3400 directly involved in the controversy in which such judgment shall
3401 have been rendered.

3402 **SECTION 77.** Section 49-17-353, Mississippi Code of 1972, is
3403 brought forward as follows:

3404 49-17-353. Sections 49-17-301 through 49-17-353 shall be
3405 interpreted liberally to effect the purposes set forth herein.

3406 **SECTION 78.** Section 51-8-1, Mississippi Code of 1972, is
3407 brought forward as follows:

3408 51-8-1. (1) Any two (2) or more local governmental units,
3409 being defined herein to mean a county or municipality, may create

3410 a joint water management district in the manner set forth in this
3411 chapter.

3412 (2) If any local governmental unit is located within an
3413 existing water management district, then the local governmental
3414 unit shall petition the district to provide a service or function
3415 needed by the petitioning unit, provided the service or function
3416 is one which the district has the power and authority to perform.
3417 Upon receipt of the petition, the existing district shall have
3418 ninety (90) days within which to respond affirmatively to the
3419 petition, setting forth its intent to meet the need or perform the
3420 service or function and its proposal or plan for meeting the need
3421 or performing the service or function. If the existing water
3422 district does not affirmatively respond in a timely fashion, then
3423 any two (2) or more local governmental units may create a joint
3424 water management district in the manner set forth in this chapter.

3425 (3) The joint water management district may include any
3426 geographic area within the boundaries of the interested
3427 governmental units.

3428 (4) A joint water management district may be created
3429 although adequate water supply, flood control, drainage or other
3430 water or wastewater management activities are being undertaken by
3431 one or more of the local governmental units interested in creating
3432 a joint water management district or by another corporate agency
3433 existing and operating within the geographical area of the joint
3434 water management district. The term "corporate agency," as used
3435 herein, means any agency or subdivision of the state or federal
3436 government, any body politic and corporate created under the laws
3437 of this state, any utility, or any public or private profit or
3438 nonprofit corporation.

3439 **SECTION 79.** Section 51-8-3, Mississippi Code of 1972, is
3440 brought forward as follows:

3441 51-8-3. A joint water management district may be created for
3442 the purpose of establishing a water supply system, conserving

3443 water resources, developing additional water resources or any
3444 other water or wastewater management function not being performed
3445 by an existing water management district, except that such a
3446 district as described in Section 51-8-1 may not be created for the
3447 purpose of constructing, contracting for the construction of, or
3448 serving as a local sponsor for the construction of, any dam or
3449 other flood control facility or project, the primary purpose of
3450 which is to control flooding on any part of the Pearl River,
3451 Mississippi River, Yazoo River, Tombigbee River, Big Black River,
3452 Pascagoula River, Tallahatchie River, Yalobusha River, Homochitto
3453 River, Buffalo River, Leaf River, Coldwater River, Sunflower
3454 River, Little Sunflower River, Wolf River, Yockanookany River,
3455 Ofahoma River, Strong River, Bogue Chitto River, Amite River,
3456 Bayou Pierre River, Tangipahoa River, Noxubee River, Buttahatchee
3457 River, Chunky River, Biloxi River, Tippah River, Hatchie River,
3458 Jourdan River, Bowie River, Chickasawhay River and Escatawpa
3459 River.

3460 **SECTION 80.** Section 51-8-5, Mississippi Code of 1972, is
3461 brought forward as follows:

3462 51-8-5. Creation of a joint water management district shall
3463 be initiated by identical resolutions passed by each interested
3464 local governmental unit. Such resolution shall set forth in
3465 detail the geographic boundaries of the district, the function or
3466 functions to be performed by the district, a statement of the
3467 necessity for the creation of the district, the proposed corporate
3468 name of the district and any other information reasonably
3469 necessary to inform the constituency of the governmental unit of
3470 the purpose and obligations of the respective units proposing to
3471 form the district.

3472 **SECTION 81.** Section 51-8-7, Mississippi Code of 1972, is
3473 brought forward as follows:

3474 51-8-7. Each governmental unit proposing to form a joint
3475 water management district shall hold a public hearing in the same
3476 manner as set out in Section 19-5-155.

3477 **SECTION 82.** Section 51-8-9, Mississippi Code of 1972, is
3478 brought forward as follows:

3479 51-8-9. After the public hearing required by Section 51-8-7
3480 and upon full consideration of all matters and facts presented at
3481 such hearing, each such local governmental unit shall make a
3482 finding that the public convenience and necessity requires the
3483 creation of the district and that the creation of the district is
3484 economically sound and feasible.

3485 **SECTION 83.** Section 51-8-11, Mississippi Code of 1972, is
3486 brought forward as follows:

3487 51-8-11. Upon the making of such finding, the governing body
3488 of each interested local governmental unit shall publish the
3489 finding accompanied by the initial resolution specified in Section
3490 51-8-5 in the manner provided in Section 19-5-157.

3491 If twenty percent (20%) or fifteen hundred (1500), whichever
3492 is lesser, of the qualified electors of a local governmental unit
3493 file a written petition with the governing body of such unit on or
3494 before the date specified for creation of the district, an
3495 election shall be held in the same manner prescribed by Section
3496 19-5-157.

3497 **SECTION 84.** Section 51-8-13, Mississippi Code of 1972, is
3498 brought forward as follows:

3499 51-8-13. If no petition requiring an election be filed or if
3500 three-fifths (3/5) of those voting in said election vote in favor
3501 of the creation of such district, the governing body of such local
3502 governmental unit shall adopt a resolution creating the district
3503 as described in the initial resolution specified in Section
3504 51-8-5.

3505 **SECTION 85.** Section 51-8-15, Mississippi Code of 1972, is
3506 brought forward as follows:

3507 51-8-15. All costs incident to the publication of the
3508 notices and all other costs incident to the public hearing and
3509 election provided in Sections 51-8-7 through 51-8-11 may be paid
3510 by the applicable governing body.

3511 **SECTION 86.** Section 51-8-17, Mississippi Code of 1972, is
3512 brought forward as follows:

3513 51-8-17. Any party having an interest in the subject matter
3514 and aggrieved or prejudiced by the findings and adjudication of
3515 the applicable governing body may appeal to the circuit court of
3516 the county in the manner provided by law for appeals from orders
3517 of such bodies. However, if no such appeal be taken within a
3518 period of thirty (30) days from and after the date of the adoption
3519 of the resolution creating any such district, the creation of such
3520 district shall be final and conclusive and shall not thereafter be
3521 subject to attack in any court.

3522 **SECTION 87.** Section 51-8-19, Mississippi Code of 1972, is
3523 brought forward as follows:

3524 51-8-19. From and after the date of adoption of the
3525 resolution creating a joint water management district, such
3526 district shall be a public corporation in perpetuity in its
3527 corporate name and shall, in that name, be a body politic and
3528 corporate with power of perpetual succession.

3529 **SECTION 88.** Section 51-8-21, Mississippi Code of 1972, is
3530 brought forward as follows:

3531 51-8-21. (1) The powers of each such district shall be
3532 vested in and exercised by a board of commissioners consisting of
3533 a minimum of five (5) members, to be selected in the manner
3534 provided in the initial resolution prescribed by Section 51-8-5.
3535 Provided, however, there shall be at least one (1) member from
3536 each county within the district.

3537 The resolution may provide that commissioners will be elected
3538 by the electors of the local governmental unit or units which they
3539 represent or that commissioners will be appointed by the governing

3540 body or bodies of the local governmental units which are members
3541 of the district. The resolution shall also prescribe the term of
3542 office, which shall not exceed five (5) years, and shall establish
3543 the length of initial terms, if staggered terms are to be used.
3544 Vacancies and unexpired terms shall be filled by the governing
3545 body of each local governmental unit.

3546 (2) Notwithstanding the appointive authority herein granted
3547 to the said governing body, its legal and actual responsibilities,
3548 authority and function, subsequent to the creation of any such
3549 district, shall be specifically limited to said appointive
3550 function and the responsibilities outlined in Sections 51-8-1,
3551 51-8-5, 51-8-7, 51-8-9, 51-8-11, 51-8-13, 51-8-15, 51-8-31,
3552 51-8-33, 51-8-35, 51-8-43, 51-8-45 and 51-8-57. The operation,
3553 management, abolition or dissolution of such district, and all
3554 other matters in connection therewith, shall be vested solely and
3555 only in said board of commissioners to the specific exclusion of
3556 said governing body, and the abolition, dissolution or termination
3557 of any such district shall be accomplished only by unanimous
3558 resolution of the board of commissioners. However, such board of
3559 commissioners shall have no power, jurisdiction or authority to
3560 abolish, dissolve or terminate any such district while such
3561 district has any outstanding indebtedness of any kind or
3562 character.

3563 (3) After a district is created, a local governmental unit
3564 may withdraw as a member thereof only if:

3565 (a) The district has no outstanding indebtedness of any
3566 kind or character;

3567 (b) Withdrawal would not impair the district's water
3568 management plan or objectives;

3569 (c) The withdrawing entity is not receiving benefits
3570 from the water management operations and activities of the
3571 district; and

3572 (d) Withdrawal is approved by a three-fifths (3/5) vote
3573 of the board of commissioners.

3574 **SECTION 89.** Section 51-8-23, Mississippi Code of 1972, is
3575 brought forward as follows:

3576 51-8-23. The board of commissioners shall organize by
3577 electing one (1) of its members as chairman and another as vice
3578 chairman. It shall be the duty of the chairman to preside at all
3579 meetings of the board and to act as the chief executive officer of
3580 the board and of the district. The vice chairman shall act in the
3581 absence or disability of the chairman. Such board also shall
3582 elect and fix the compensation of secretary-treasurer who may or
3583 may not be a member of the board. It shall be the duty of the
3584 secretary-treasurer to keep all minutes and records of the board
3585 and to safely keep all funds of the district. The
3586 secretary-treasurer shall be required to execute a bond, payable
3587 to the district, in a sum and with such security as shall be fixed
3588 and approved by the board of commissioners. The terms of all
3589 officers of the board shall be for one (1) year from and after the
3590 date of election, and shall run until their respective successors
3591 are appointed and qualified.

3592 Each board of commissioners shall adopt an official seal with
3593 which to attest the official acts and records of the board and
3594 district.

3595 **SECTION 90.** Section 51-8-25, Mississippi Code of 1972, is
3596 brought forward as follows:

3597 51-8-25. Every resident citizen of a local governmental unit
3598 in any district created pursuant to this chapter, of good
3599 reputation, being the owner of land or the conductor of a business
3600 situated within such district and being over twenty-one (21) years
3601 of age and of sound mind and judgment, shall be eligible to hold
3602 the office of commissioner.

3603 Each person appointed as a commissioner, before entering upon
3604 the discharge of the duties of his office, shall be required to

3605 execute a bond payable to the State of Mississippi in the penal
3606 sum of Ten Thousand Dollars (\$10,000.00) conditioned that he will
3607 faithfully discharge the duties of his office; each such bond
3608 shall be approved by the clerk of the governing body of such unit
3609 and filed with said clerk.

3610 Any commissioner who shall remove his residence from the
3611 local governmental unit from which he was appointed or elected
3612 shall be deemed to have automatically vacated his office.

3613 Each commissioner shall take and subscribe to an oath of
3614 office prescribed in Section 268, Mississippi Constitution of
3615 1890, before the clerk of said governing body that he will
3616 faithfully discharge the duties of the office of commissioner,
3617 which oath shall also be filed with said clerk and by him
3618 preserved with such official bond.

3619 The commissioners so appointed and qualified shall be
3620 compensated on a per diem basis for their services for each
3621 meeting of the board of commissioners attended, either regular or
3622 special, at the rates established by law for state boards and
3623 commissions. Commissioners shall also be reimbursed for all
3624 expenses necessarily incurred in the discharge of their official
3625 duties in such amounts as are allowed for members of state boards
3626 and commissions.

3627 The board of commissioners shall hold regular monthly
3628 meetings and such other special meetings as may be called by the
3629 chairman or a majority of the commissioners.

3630 **SECTION 91.** Section 51-8-27, Mississippi Code of 1972, is
3631 brought forward as follows:

3632 51-8-27. The board of commissioners shall have the power to
3633 adopt, promulgate, modify and repeal, and to make exceptions to
3634 and grant exemptions and variances from, and to enforce, rules and
3635 regulations to effectuate the purposes of the creation of the
3636 district, provided that such regulations shall conform to and not
3637 conflict with regulations promulgated by state regulatory agencies

3638 responsible for regulating the activities which the district was
3639 created to perform.

3640 **SECTION 92.** Section 51-8-29, Mississippi Code of 1972, is
3641 brought forward as follows:

3642 51-8-29. Districts created under this chapter shall have the
3643 powers set out in the creating resolution not inconsistent with
3644 the powers set forth in this chapter, and in addition, the power
3645 and authority to acquire, construct, reconstruct, improve, better,
3646 extend, consolidate, maintain and operate facilities and to
3647 contract with any municipality, person, firm or corporation for
3648 services and for a supply and distribution of water, for
3649 collection, transportation, treatment and/or disposal of sewage
3650 and for services required incident to the operation and
3651 maintenance of such systems. Except as provided elsewhere in this
3652 chapter, as long as any such district continues to furnish any of
3653 the services which it was authorized to furnish in and by the
3654 resolution by which it was created, it shall be the sole public
3655 corporation empowered to furnish such services within such
3656 district.

3657 Any district created pursuant to the provisions of this
3658 chapter shall be vested with all the powers necessary and
3659 requisite for the accomplishment of the purpose for which such
3660 district is created. No enumeration of powers herein shall be
3661 construed to impair or limit any general grant of power herein
3662 contained nor to limit any such grant to a power or powers of the
3663 same class or classes as those enumerated. Such districts are
3664 empowered to do all acts necessary, proper or convenient in the
3665 exercise of the powers granted under such sections.

3666 **SECTION 93.** Section 51-8-31, Mississippi Code of 1972, is
3667 brought forward as follows:

3668 51-8-31. Any district created pursuant to the provisions of
3669 this chapter, acting by and through the board of commissioners of

3670 such district as its governing authority, shall have, among
3671 others, the following powers:

3672 (a) To sue and be sued;

3673 (b) To acquire by purchase, gift, devise, lease or any
3674 other mode of acquisition, and to hold or dispose of, real and
3675 personal property of every kind within or without the district;

3676 (c) To make and enter into contracts, conveyances,
3677 mortgages, deeds of trust, bonds, leases or contracts for
3678 financial advisory services;

3679 (d) To incur debts, to borrow money, to issue
3680 negotiable bonds, and to provide for the rights of the holders
3681 thereof;

3682 (e) To fix, maintain, collect and revise rates and
3683 charges for services rendered by or through the facilities of such
3684 district, which rates and charges shall not be subject to review
3685 or regulation by the Mississippi Public Service Commission except
3686 in those instances where a city operating similar services would
3687 be subject to regulation and review; however, said district shall
3688 obtain a certificate of convenience and necessity from the
3689 Mississippi Public Service Commission for operating water and/or
3690 sewer systems;

3691 (f) To pledge all or any part of its revenues to the
3692 payment of its obligations;

3693 (g) To make such covenants in connection with the
3694 issuance of bonds or to secure the payment of bonds that a private
3695 business corporation can make under the general laws of the state;

3696 (h) To use any right-of-way, public right-of-way,
3697 easement, or other similar property or property rights necessary
3698 or convenient in connection with the acquisition, improvement,
3699 operation or maintenance of the facilities of such district held
3700 by the state or any political subdivision thereof; however, the
3701 governing body of such political subdivision shall consent to such
3702 use;

3703 (i) To enter into agreements with state and federal
3704 agencies for loans, grants, grants-in-aid, and other forms of
3705 assistance, including, but not limited to, participation in the
3706 sale and purchase of bonds;

3707 (j) To acquire by purchase, lease, gift, or otherwise,
3708 any existing works and facilities providing services for which it
3709 was created, and any lands, rights, easements, franchises and
3710 other property, real and personal, necessary to the completion and
3711 operation of such system upon such terms and conditions as may be
3712 agreed upon, and, if necessary as part of the acquisition price,
3713 to assume the payment of outstanding notes, bonds or other
3714 obligations upon such system; however, if any corporate agency
3715 owning such facilities desires to continue providing such
3716 services, the corporate agency shall so notify the district not
3717 later than ninety (90) days after the effective date of the
3718 creation of the district, and the district shall thereupon
3719 relinquish its right to provide such services until and unless the
3720 corporate agency elects otherwise or fails to adequately provide
3721 such services;

3722 (k) To extend its services to areas beyond but within
3723 one (1) mile of the boundaries of such district; however, no such
3724 extension shall be made to areas already occupied by another
3725 corporate agency rendering the same service so long as such
3726 corporate agency desires to continue to serve such areas. Areas
3727 outside of the district desiring to be served which are beyond the
3728 one-mile limit must be brought into the district by annexation
3729 proceedings;

3730 (l) To be deemed to have the same status as counties
3731 and municipalities with respect to payment of sales taxes on
3732 purchases made by such districts;

3733 (m) To borrow funds for interim financing subject to
3734 receipt of funds as outlined in Section 51-8-35;

3735 (n) To choose a location within the district as the
3736 central office of the district;

3737 (o) To adopt a plan for management of the water
3738 resources of the district, provided that such plan first be
3739 submitted to and approved by the Commission on Natural Resources
3740 as consistent with the state water management plan or objectives;

3741 (p) To hire such personnel and contract for such legal,
3742 technical, or other services as the board of commissioners deems
3743 necessary for the operation of the district and fulfillment of its
3744 water management objectives; and

3745 (q) To secure connection to or participation in the
3746 services provided by the district, including the power to obtain
3747 mandatory or prohibitory injunctive relief; provided, however,
3748 that the authority of the board of commissioners shall not be
3749 exercised in conflict with the regulatory and enforcement
3750 authority of the Commission on Natural Resources.

3751 **SECTION 94.** Section 51-8-33, Mississippi Code of 1972, is
3752 brought forward as follows:

3753 51-8-33. The board of commissioners may exercise, on behalf
3754 of the district, such powers of eminent domain as are specified in
3755 the creating resolution wherever and whenever public necessity and
3756 convenience so requires.

3757 **SECTION 95.** Section 51-8-35, Mississippi Code of 1972, is
3758 brought forward as follows:

3759 51-8-35. (1) Any such district shall have the power to
3760 provide funds for the purpose of constructing, acquiring,
3761 reconstructing, improving, bettering or extending the facilities
3762 of such district or for the purpose of buying, leasing or
3763 otherwise acquiring the assets and facilities of any nonprofit,
3764 nonshare corporation chartered under Title 79, Chapter 11, or any
3765 other utility district by the issuance of revenue bonds. Such
3766 bonds shall be payable solely and only from the revenues of such
3767 facilities, and such revenues may be pledged from a portion of the

3768 service area of the district to the support of debt service for a
3769 specific series or issue of bonds if such apportionment is
3770 economically feasible.

3771 (2) Any such district shall have the power to provide funds,
3772 in addition to or in conjunction with the funds authorized in
3773 subsection (1) of this section, for water supply or pollution
3774 abatement projects by issuing special improvement pollution
3775 abatement bonds, special improvement water bonds, or combinations
3776 of special improvement water and sewer bonds, if the resolution
3777 creating the district authorized the governing bodies of the local
3778 governmental bodies to make assessments against benefited
3779 properties as outlined in Section 51-8-45. Such bonds shall be
3780 payable solely and only from charges assessed to benefited
3781 properties as outlined in said Section 51-8-45.

3782 **SECTION 96.** Section 51-8-37, Mississippi Code of 1972, is
3783 brought forward as follows:

3784 51-8-37. (1) The board of commissioners of any district
3785 created pursuant to this chapter may issue revenue or special
3786 improvement bonds of such district by resolution spread upon the
3787 minutes of such board. Bonds may be issued from time to time
3788 without an election being held upon the question of their issuance
3789 unless the board of commissioners of the district is presented
3790 with a petition for an election upon the question of issuance
3791 signed by twenty percent (20%) or fifteen hundred (1500),
3792 whichever is lesser, of the qualified electors residing within the
3793 district. The resolution authorizing any issue of bonds other
3794 than the initial issue shall be published in a manner similar to
3795 the publication of the resolution, as outlined in Section 51-8-11.
3796 If an election is required, it shall be held in substantial accord
3797 with the election outlined in Section 51-8-11. The cost of this
3798 election shall be borne by the district.

3799 (2) All bonds shall be lithographed or engraved and printed
3800 in two (2) or more colors to prevent counterfeiting. They shall

3801 be in denominations of not less than One Thousand Dollars
3802 (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), and
3803 may be registered as issued, and shall be numbered in a regular
3804 series from one (1) upward. Each such bond shall specify on its
3805 face the purpose for which it was issued, the total amount
3806 authorized to be issued, the interest on the bond, and that such
3807 bonds shall never constitute nor give rise to a pecuniary
3808 liability of the district or local governmental unit or a charge
3809 against the general credit or taxing powers of the local
3810 governmental unit.

3811 (3) Such bonds shall contain such covenants and provisions;
3812 shall be executed; shall be in such form, format, type,
3813 denomination or denominations; shall be payable as to principal
3814 and interest, at such place or places; and shall mature at such
3815 time or times, all as shall be determined by such board of
3816 commissioners and set forth in the resolution pursuant to which
3817 such bonds shall be issued. The date of maturity of such bonds
3818 shall not exceed forty (40) years from the date of the bonds,
3819 except that on special improvement pollution abatement bonds,
3820 special improvement water bonds, or special improvement water and
3821 sewer bonds, the date of maturity shall not exceed twenty-five
3822 (25) years from their date.

3823 (4) No bonds shall bear a greater overall maximum interest
3824 rate to maturity than that allowed in Section 75-17-103; no bond
3825 shall bear more than one (1) rate of interest; each bond shall
3826 bear interest from its date to its stated maturity date at the
3827 interest rate specified on the bonds; all bonds of the same
3828 maturity shall bear the same rate of interest from date to
3829 maturity. All interest accruing on such bonds so issued shall be
3830 payable semiannually, or annually, except that the first interest
3831 payment may be for any period not exceeding one (1) year. No
3832 interest payment on bearer bonds shall be evidenced by more than
3833 one (1) coupon and neither cancelled nor supplemental coupons

3834 shall be permitted. The lowest interest rate specified for any
3835 bonds issued shall not be less than sixty percent (60%) of the
3836 highest interest rate specified for the same bond issue.

3837 (5) Such bonds shall be signed by the chairman and
3838 secretary-treasurer of the commission with the seal of the
3839 commission affixed thereto; however, the coupons may bear only the
3840 facsimile signatures of such chairman and secretary-treasurer.

3841 (6) Any provisions of the general laws to the contrary
3842 notwithstanding, any bonds and interest coupons issued pursuant to
3843 the authority of this chapter shall be securities within the
3844 meaning of Article 8 of the Uniform Commercial Code, being Section
3845 75-8-101 et seq.

3846 (7) Notwithstanding the foregoing provisions of this
3847 section, bonds referred to hereinabove may be issued pursuant to
3848 the supplemental powers and authorizations conferred by the
3849 provisions of the Registered Bond Act, being Sections 31-21-1
3850 through 31-21-7.

3851 **SECTION 97.** Section 51-8-39, Mississippi Code of 1972, is
3852 brought forward as follows:

3853 51-8-39. The bonds issued under this chapter shall be sold
3854 for not less than par value plus accrued interest at public sale
3855 in the manner provided for in Section 31-19-25, Mississippi Code
3856 of 1972; however, bonds may be sold to the United States of
3857 America or an agency or instrumentality thereof at private sale.

3858 Each interest rate specified in any bid must be in multiples
3859 of either one-tenth of one percent (1/10 of 1%) or one-eighth of
3860 one percent (1/8 of 1%), and a zero rate of interest cannot be
3861 named.

3862 Any revenue bonds issued under the provisions of this chapter
3863 may be refunded in like manner as revenue bonds of municipalities
3864 shall be refunded.

3865 Any bonds issued under the provisions of this chapter shall
3866 be submitted to validation under the provisions of Sections
3867 31-13-1 through 31-13-11.

3868 **SECTION 98.** Section 51-8-41, Mississippi Code of 1972, is
3869 brought forward as follows:

3870 51-8-41. There is hereby created a statutory lien in the
3871 nature of a mortgage lien upon any system or systems acquired or
3872 constructed in accordance with this chapter, including all
3873 extensions and improvements thereof or combinations thereof
3874 subsequently made, which lien shall be in favor of the holder or
3875 holders of any bonds issued pursuant to said sections, and all
3876 such property shall remain subject to such statutory lien until
3877 the payment in full of the principal of and interest on said
3878 bonds. Any holder of said bonds or any of the coupons
3879 representing interest thereon may, either at law or in equity, by
3880 suit, action, mandamus or other proceedings, in any court of
3881 competent jurisdiction, protect and enforce such statutory lien
3882 and compel the performance of all duties required by said
3883 sections, including the making and collection of sufficient rates
3884 for the service or services, the proper accounting thereof, and
3885 the performance of any duties required by covenants with the
3886 holders of any bonds issued in accordance herewith.

3887 If any default is made in the payment of the principal of or
3888 interest on such bonds, any court having jurisdiction of the
3889 action may appoint a receiver to administer said district and said
3890 system or systems, with power to charge and collect rates
3891 sufficient to provide for the payment of all bonds and obligations
3892 outstanding against said system or systems, and for payment of
3893 operating expenses, and to apply the income and revenues thereof
3894 in conformity with the provisions of this chapter and any
3895 covenants with bondholders.

3896 **SECTION 99.** Section 51-8-43, Mississippi Code of 1972, is
3897 brought forward as follows:

3898 51-8-43. (1) Except as otherwise provided in subsection
3899 (2), the governing body of any local governmental unit which is a
3900 member of any such district may, according to the terms of the
3901 resolution, levy a special tax, not to exceed two (2) mills, on
3902 all of the taxable property in such district, the avails of which
3903 shall be paid over to the board of commissioners of the district
3904 to be used for preparation and implementation of the district's
3905 water management plan, exclusive of capital expenditures, and
3906 operation of the administrative office of the district. Provided,
3907 however, that such special tax shall not be levied against any
3908 property in any portion of such district where the district has
3909 relinquished and surrendered its prior right to provide a
3910 particular service, as provided elsewhere in this chapter.

3911 (2) The Board of Commissioners of the Yazoo-Mississippi
3912 Joint Water Management District is authorized to expend funds
3913 generated from the special tax levy under subsection (1) in
3914 connection with projects under the USDA, NRCS Mississippi Delta
3915 Comprehensive, Multipurpose Water Resource Plan hereinafter
3916 referred to as the "Mississippi Delta Study." Such projects
3917 include low flows, interbasin transfers of new water supplies,
3918 on-farm storage reservoirs or conservation, and implementation
3919 activities such as the Sunflower River Low Flow Project and Well
3920 Field Project in Coahoma County, Mississippi. Expenditures under
3921 this subsection may include in-kind expenditures as well as direct
3922 expenditures, the cost and expenses of construction, operation and
3923 maintenance of the projects, and the cost and expenses of an
3924 indirect nature, such as technological assistance, engineering and
3925 scientific evaluation and analysis by technical personnel, labor,
3926 transportation and any expenditure that is intended to satisfy the
3927 districts' in-kind obligations in connection with the projects.
3928 However, the expenditures authorized by this subsection shall not
3929 extend to any project that relates to, encompasses or includes
3930 effluent treatment facilities or any water supply system to which

3931 the Safe Drinking Water Act applies, and any other projects that
3932 are determined by the district to be beyond the scope of the
3933 Mississippi Delta Study Projects.

3934 **SECTION 100.** Section 51-8-45, Mississippi Code of 1972, is
3935 brought forward as follows:

3936 51-8-45. (1) Funds for debt service for special improvement
3937 pollution abatement bonds, special improvement water bonds, or
3938 special improvement water and sewer bonds issued in lieu of or in
3939 conjunction with revenue bonds shall be provided by charges upon
3940 the properties benefited according to procedures set forth in this
3941 section.

3942 (2) So long as any special improvement bond authorized by
3943 this chapter shall remain outstanding, it shall be the duty of the
3944 governing bodies at the time its annual tax levies are made, to
3945 levy such assessments as are certified to them by the district as
3946 being due and payable at a stated time. It shall be the duty of
3947 the tax collector of each such governing body to collect such
3948 charges and pay the funds collected to the board of commissioners
3949 of the district for payment to interest and principal and to the
3950 retirement of bonds issued by the district in accord with the
3951 maturities schedule pertaining thereto.

3952 (3) One (1) of the following procedures may be utilized in
3953 providing funds as authorized by this section:

3954 (a) Funds for debt service may be provided by charges
3955 assessed against the property abutting upon the sewer, or abutting
3956 upon the railroad and/or utility right-of-way, street, road,
3957 highway, easement or alley in which such sewer mains or water
3958 mains are installed according to the frontage thereof.

3959 The board of commissioners of the district, after giving
3960 notice and hearing protests in the manner prescribed by Sections
3961 21-41-5 and 21-41-7, shall, by resolution spread upon its minutes,
3962 define the services to be offered and the entire area to be
3963 benefited by each improvement; each such improvement may be

3964 designated as a project, or all such improvements may be
3965 designated as one (1) project. However, if forty percent (40%) of
3966 the property owners or the owners of more than forty percent (40%)
3967 of the front footage of the property involved and actually
3968 residing on property owned by them and included within that part
3969 of any street, avenue, etc., ordered to be specially improved, or
3970 otherwise actually occupying property owned by them and included
3971 within that area designated as a project, shall file a protest,
3972 then the improvement shall not be made and the assessment shall
3973 not be made.

3974 The resolution shall direct that the cost to be assessed
3975 against each lot or parcel of land shall be determined by dividing
3976 the entire assessable cost of the project by the total number of
3977 front feet fronting on the street, easement or other right-of-way
3978 in which all of the mains embraced within the project are
3979 installed and multiplying the quotient by the total number of
3980 front feet in any particular lot or parcel of land fronting on the
3981 street, easement or other right-of-way in which sewer mains or
3982 water mains are installed. The result thereof shall be delivered
3983 by the board of commissioners of the district to the applicable
3984 governing body as the amount of special tax to be assessed against
3985 each lot or piece of ground for the owner's part of the total cost
3986 of the improvements.

3987 The resolution, at the discretion of the governing
3988 authorities of the district, may provide for the district to pay
3989 the assessment against any property abutting a sewer or water
3990 improvement, if the property whose assessment is being paid by the
3991 district is occupied by a contributor or consumer connected to the
3992 sewer or water system who is, or will be, paying service charges
3993 at the time the assessment roll maintained by the district is
3994 confirmed; provided, however, such payment shall not exceed an
3995 amount equal to that assessed against any one hundred twenty-five
3996 (125) feet of frontage of abutting property in a project.

3997 The resolution may, at the discretion of the governing
3998 authorities of the district, provide for the district to pay the
3999 assessment against any property abutting a section of sewer main
4000 or water main designated as necessary and essential to the overall
4001 operation of such system or systems; provided, however, no service
4002 shall be provided to any such abutting property until and unless
4003 all such payments made by the district are repaid to the district
4004 by the owners of such benefited property.

4005 (b) Funds for debt service may be provided by charges
4006 assessed against a lot or block in a recorded subdivision of land
4007 or by other appropriately designated parcel or tract of land in
4008 accord with the following procedure:

4009 The board of commissioners of the district, after giving
4010 notice and hearing protests in the manner prescribed by Sections
4011 21-41-5 and 21-41-7, shall by resolution spread upon its minutes
4012 define the services to be offered and the entire area to be
4013 benefited by each improvement; each such improvement may be
4014 designated as a project, or all such improvements may be
4015 designated as one (1) project. However, if forty percent (40%) of
4016 the property owners or the owners of more than forty percent (40%)
4017 of the front footage of the property involved and actually
4018 residing on property owned by them and included within that part
4019 of any street, avenue, etc., ordered to be specifically improved,
4020 or otherwise actually occupying property owned by them and
4021 included within that area designated as a project, shall file a
4022 protest, then the improvement shall not be made and the assessment
4023 shall not be made.

4024 Charges shall be assessed in accord with the provisions of
4025 Sections 21-41-9 through 21-41-21 and 21-41-25 through 21-41-39.

4026 The resolution providing for assessments under the provisions
4027 of this subsection, at the discretion of the governing authorities
4028 of the district, may provide for the district to pay the
4029 assessment against any lot or parcel of ground not exceeding one

4030 (1) acre in size, if such property is occupied by a contributor or
4031 consumer connected to the sewer or water system who is, or will
4032 be, paying service charges at the time the assessment roll
4033 maintained by the district is confirmed.

4034 The resolution providing for assessment of benefited
4035 properties under this procedure shall provide for appropriate
4036 payment to debt service accounts by property owners not included
4037 in the original assessment roll but benefited by facilities
4038 installed with funds provided by such assessments at, or prior to,
4039 the time at which a nonassessed but benefited property is actually
4040 served by said facilities.

4041 (c) Funds for debt service may be provided by charges
4042 assessed against lands of the district in proportion to the
4043 benefits accruing to said lands in accord with the following
4044 procedure:

4045 The board of commissioners of the district, after giving
4046 notice and hearing protests in the manner prescribed by Sections
4047 21-41-5 and 21-41-7, shall by resolution spread upon its minutes
4048 define the services to be offered and the entire area to be
4049 benefited by each improvement; each such improvement may be
4050 designated as a project, or all such improvements may be
4051 designated as one (1) project. However, if forty percent (40%) of
4052 the property owners or the owners of more than forty percent (40%)
4053 of the property included within that area designated as a project,
4054 shall file a protest, then the improvement shall not be made and
4055 the assessment shall not be made.

4056 Charges shall be assessed in applicable manner following the
4057 provisions of Sections 21-41-9 through 21-41-21 and 21-41-25
4058 through 21-41-39.

4059 The resolution providing for assessments under the provisions
4060 of this subsection, at the discretion of the governing authorities
4061 of the district, may provide for the district to pay the
4062 assessment against any lot or parcel of ground not exceeding one

4063 (1) acre in size, if such property is occupied by a contributor or
4064 consumer connected to the sewer or water system who is, or will
4065 be, paying service charges at the time the assessment roll
4066 maintained by the district is confirmed.

4067 The resolution providing for assessment of benefited
4068 properties under this procedure shall provide for appropriate
4069 payment to debt service accounts by property owners not included
4070 in the original assessment roll but benefited by facilities
4071 installed with funds provided by such assessments at, or prior to,
4072 the time at which a nonassessed but benefited property is actually
4073 served by said facilities.

4074 **SECTION 101.** Section 51-8-47, Mississippi Code of 1972, is
4075 brought forward as follows:

4076 51-8-47. The board of commissioners of the district issuing
4077 bonds pursuant to this chapter shall prescribe and collect
4078 reasonable rates, fees, tolls or charges for the services,
4079 facilities and commodities of its system or systems; shall
4080 prescribe penalties for the nonpayment thereof; and shall revise
4081 such rates, fees, tolls or charges from time to time whenever
4082 necessary to insure the economic operation of such system or
4083 systems. The rates, fees, tolls or charges prescribed shall be,
4084 as nearly as possible, such as will always produce revenue at
4085 least sufficient to:

4086 (a) Provide for all expenses of operation and
4087 maintenance of the system or systems, including reserves therefor;

4088 (b) Pay when due all bonds and interest thereon for the
4089 payment of which such revenues are or shall have been pledged,
4090 charged or otherwise encumbered, including reserves therefor; and

4091 (c) Provide funds for reasonable expansions, extensions
4092 and improvements of services.

4093 **SECTION 102.** Section 51-8-49, Mississippi Code of 1972, is
4094 brought forward as follows:

4095 51-8-49. The property and revenue of such district shall be
4096 exempt from all state, county and municipal taxation. Bonds
4097 issued pursuant to this chapter and the income therefrom shall be
4098 exempt from all state, county and municipal taxation, except
4099 inheritance, transfer and estate taxes, and it may be so stated on
4100 the face of said bonds.

4101 **SECTION 103.** Section 51-8-51, Mississippi Code of 1972, is
4102 brought forward as follows:

4103 51-8-51. All construction contracts by the district shall be
4104 made in accordance with the laws governing public contracts for
4105 counties and municipalities, being Sections 31-5-3 through
4106 31-5-57.

4107 **SECTION 104.** Section 51-8-53, Mississippi Code of 1972, is
4108 brought forward as follows:

4109 51-8-53. Any area adjacent to any district created pursuant
4110 to this chapter may be annexed to and become a part of such
4111 district by the same procedure as prescribed for the original
4112 creation of the district. All costs incident to the publication
4113 of notice and all other costs incident to the hearings, election
4114 and proceedings shall be paid by the district.

4115 The district shall have the exclusive right to provide any of
4116 the services for which it was created in the annexed territory;
4117 however, if any part of the annexed territory is then being served
4118 by another corporate agency with any such service, the district
4119 shall, at the option of the other corporate agency, either
4120 relinquish its prior right to serve the area occupied by the
4121 corporate agency or acquire by purchase the facilities of such
4122 corporate agency, together with its franchise rights to serve such
4123 area.

4124 If the option is for the district to purchase, upon
4125 notification thereof, the district shall be obligated to buy and
4126 pay for, and the corporate agency shall be obligated to convey to
4127 the district, all its service facilities and franchise rights in

4128 the annexed area. Such property shall be acquired by the district
4129 in accordance with such terms and conditions as may be agreed
4130 upon, and the district shall have the authority to assume the
4131 operation of such entire system or facility and to assume and
4132 become liable for the payment of any notes, bonds or other
4133 obligations that are outstanding against said system or facility
4134 and payable from the revenues therefrom.

4135 If the district is notified to relinquish its prior right to
4136 serve the annexed area, the district shall grant the corporate
4137 agency a franchise to serve within the annexed territory; however,
4138 the corporate agency shall be entitled to serve only such
4139 customers or locations within the annexed area as it served on the
4140 date that such annexation became effective.

4141 The annexed territory shall become liable for any existing
4142 indebtedness of the district and be subject to any taxes levied by
4143 a local governing body under Section 51-8-43.

4144 **SECTION 105.** Section 51-8-55, Mississippi Code of 1972, is
4145 brought forward as follows:

4146 51-8-55. The board of commissioners of any district created
4147 pursuant to the provisions of this chapter shall have the
4148 authority to enter into cooperative agreements with the state or
4149 federal government, or both; to obtain financial assistance in the
4150 form of loans or grants as may be available from the state or
4151 federal government, or both; and to execute and deliver at private
4152 sale notes or bonds as evidence of such indebtedness in the form
4153 and subject to the terms and conditions as may be imposed by the
4154 state or federal government, or both; and to pledge the income and
4155 revenues of the district, or the income and revenues from any part
4156 of the area embraced in the district, in payment thereof. It is
4157 the purpose and intention of this section to authorize districts
4158 to do any and all things necessary to secure the financial aid or
4159 cooperation of the state or federal government, or both, in the

4160 planning, construction, maintenance or operation of project
4161 facilities.

4162 **SECTION 106.** Section 51-8-57, Mississippi Code of 1972, is
4163 brought forward as follows:

4164 51-8-57. When any district is created within three (3) miles
4165 of the corporate boundaries of any existing municipality, the
4166 municipality is empowered to require such district to construct
4167 and maintain all facilities, whether purchased or constructed, to
4168 standards commensurate with those of the adjoining municipality;
4169 provided, however, the governing authorities of the municipalities
4170 may specifically waive compliance with any or all of such
4171 requirements.

4172 **SECTION 107.** Section 51-8-59, Mississippi Code of 1972, is
4173 brought forward as follows:

4174 51-8-59. The provisions of this chapter, without reference
4175 to any other statute or statutes, shall be deemed to be full and
4176 complete authority for the creation of such districts and for the
4177 issuance of such bonds. No proceedings shall be required for the
4178 creation of such districts or for the issuance of such bonds other
4179 than those provided for and required herein. All the necessary
4180 powers to be exercised by the governing bodies of member local
4181 governing units and by the board of commissioners of any such
4182 district, in order to carry out the provisions of such sections,
4183 are hereby conferred.

4184 **SECTION 108.** Section 51-8-61, Mississippi Code of 1972, is
4185 brought forward as follows:

4186 51-8-61. Within ninety (90) days after the close of each
4187 fiscal year, the board of commissioners shall publish in a
4188 newspaper of general circulation in the county a sworn statement
4189 showing the financial condition of the district, the earnings for
4190 the fiscal year just ended, a statement of the water and sewer
4191 rates being charged and a brief statement of the method used in

4192 arriving at such rates. Such statement shall also be filed with
4193 the local governmental units creating the district.

4194 **SECTION 109.** Section 51-8-63, Mississippi Code of 1972, is
4195 brought forward as follows:

4196 51-8-63. (1) If authorized pursuant to Section 51-9-121,
4197 51-11-13, 51-13-111 or 51-15-119, as applicable, any corporate
4198 body organized under the provisions of Chapters 9, 11, 13 and 15
4199 of Title 51, Mississippi Code of 1972, may elect by resolution
4200 duly adopted by its board of directors, to acquire and assume the
4201 power, duties and responsibilities of a joint water management
4202 district as set forth in Sections 51-8-27 through 51-8-55,
4203 Mississippi Code of 1972, by petitioning the Commission on
4204 Environmental Quality. The petition shall be in the form and
4205 content as prescribed by the commission and shall state the
4206 intention of the district to perform functions meeting the
4207 purposes for the creation of joint water management districts set
4208 out in Section 51-8-3, Mississippi Code of 1972.

4209 (2) The commission may deny, grant preliminary approval of
4210 the petition and request additional information or grant
4211 preliminary approval of the petition and direct the district to
4212 proceed with the formulation of a water management plan for the
4213 district.

4214 (3) No petition shall be finally and unconditionally granted
4215 until the district has submitted to the commission a water
4216 management plan for the district that meets the criteria set forth
4217 by the commission. Upon submission of a district water management
4218 plan and the satisfactory completion of any other requirements,
4219 the commission may finally and unconditionally approve the
4220 district's petition and grant the district joint water management
4221 district status.

4222 **SECTION 110.** Section 51-8-65, Mississippi Code of 1972, is
4223 brought forward as follows:

4224 51-8-65. (1) From and after the effective date of this act
4225 [Laws, 1995, ch. 616, eff July 1, 1995], no joint water
4226 management district shall be created without the approval of the
4227 Commission on Environmental Quality. The commission may establish
4228 criteria for the approval of a request to create a joint water
4229 management district, but may not finally approve a request and
4230 grant joint water management district status until a water
4231 management plan for the proposed district has been approved by the
4232 commission. Any amendments to the district's water management
4233 plan must also be approved by the commission.

4234 (2) After the granting of joint water management district
4235 status to a district by the commission, neither the department,
4236 the permit board nor any other agency in the State of Mississippi
4237 shall issue any permit, grant or loan for any water related
4238 facility or project that is not consistent with a district's water
4239 management plan.

4240 (3) In its consideration of the consistency of a project,
4241 grant or loan with a district's water management plan, the
4242 department, permit board or other agency shall notify the affected
4243 water management district of the request for a permit, grant or
4244 loan and give the district a reasonable time, but not less than
4245 ten (10) days nor more than thirty (30) days, to respond to the
4246 request.

4247 **SECTION 111.** Section 51-39-1, Mississippi Code of 1972, is
4248 brought forward as follows:

4249 51-39-1. This chapter shall be known and cited as the
4250 "Mississippi Storm Water Management District Act."

4251 **SECTION 112.** Section 51-39-3, Mississippi Code of 1972, is
4252 brought forward as follows:

4253 51-39-3. The Legislature hereby finds and declares that:

4254 (a) Storm water may contain contaminants which can
4255 degrade surface water quality;

4256 (b) Due to the volume of water and the rate of flow,
4257 storm water runoff can pose a flood hazard to public and private
4258 property;

4259 (c) The proper management of storm water is of concern
4260 to all citizens and is an activity thoroughly affecting the public
4261 interest;

4262 (d) In certain areas of the state, the health, safety
4263 and welfare of the people of this state require efficient
4264 management of storm water;

4265 (e) Federal regulations require portions of some local
4266 governments to develop and implement storm water management
4267 programs;

4268 (f) There is a need for proper planning, design,
4269 construction, operation and maintenance of appropriate measures
4270 for the management of storm water; and

4271 (g) There is a need to foster cooperation among local
4272 governments in addressing concerns resulting from storm water
4273 management, therefore it is necessary and desirable to authorize
4274 the creation of storm water management districts by counties and
4275 municipalities to plan for, design, acquire, construct, operate
4276 and maintain appropriate measures for management of storm water.

4277 **SECTION 113.** Section 51-39-5, Mississippi Code of 1972, is
4278 brought forward as follows:

4279 51-39-5. Whenever used in this chapter, the following words
4280 and phrases shall have the meanings ascribed in this section
4281 unless the context clearly indicates otherwise:

4282 (a) "Board" means the board of commissioners of a
4283 district.

4284 (b) "Cost of project" means:

4285 (i) All costs of site preparation and other
4286 start-up costs;

4287 (ii) All costs of construction;

4288 (iii) All costs of real and personal property
4289 required for the purposes of the project and facilities related
4290 thereto, including land and any rights or undivided interest
4291 therein, easements, franchises, fees, utility charges, permits,
4292 approvals, licenses, and certificates and the securing of any
4293 permits, approvals, licenses, and certificates and all machinery
4294 and equipment, including motor vehicles which are used for project
4295 functions;

4296 (iv) All costs of engineering, geotechnical,
4297 architectural and legal services;

4298 (v) All costs of plans and specifications and all
4299 expenses necessary or incident to determining the feasibility or
4300 practicability of the project;

4301 (vi) Administrative expenses; and

4302 (vii) Any other expenses as may be necessary or
4303 incidental to the project financing.

4304 (c) "County" means any county of this state.

4305 (d) "Designated representative" or "incorporator" means
4306 the person named by resolution of the governing body of a county
4307 or municipality as the representative of that unit of local
4308 government for the purpose of acting on their behalf as an
4309 incorporator in concert with other similarly named persons in the
4310 creation and incorporation of a storm water management district
4311 under this chapter.

4312 (e) "District" means a storm water management district
4313 created under this chapter.

4314 (f) "Ditch" means any branch or lateral drain, tile
4315 drain, levee, sluiceway, water course, floodgate, and any other
4316 construction work found necessary for the reclamation of wet and
4317 overflowed lands.

4318 (g) "Facilities" mean any structure, building, ditch,
4319 pipe, channel, improvement, land, or other real or personal

4320 property used or useful in storm water management system under
4321 this chapter.

4322 (h) "Governing body" means the elected or duly
4323 appointed officials constituting the governing body of a
4324 municipality or county.

4325 (i) "Incorporation agreement" means that agreement
4326 between the designated representatives of various units of local
4327 government setting forth the formal creation of a storm water
4328 management district created under this chapter.

4329 (j) "Member" means a unit of local government
4330 participating in a district.

4331 (k) "Municipality" means any incorporated city, town or
4332 village in this state.

4333 (l) "Project" means the collection, conveyance,
4334 retention, detention and any other portion of a storm water
4335 management system and any property, real or personal, used as or
4336 in connection with those purposes.

4337 (m) "Public agency" means any municipality, county,
4338 political subdivision, governmental district or unit, public
4339 institution of higher learning, community college district,
4340 planning and development district, or any body politic and
4341 corporate or governmental agency created under the laws of the
4342 state.

4343 (n) "State" means the State of Mississippi.

4344 (o) "Storm water" means any flow occurring during or
4345 following any form of natural precipitation and resulting from
4346 that precipitation.

4347 (p) "Storm water management system" means a system
4348 which is designed and constructed, implemented or operated to
4349 control storm water discharges to prevent or reduce flooding, over
4350 drainage or water pollution or to otherwise affect the quantity or
4351 quality of discharges from the system. The storm water management
4352 system includes all pipes, channels, ditches, streams, wetlands,

4353 detention or retention basins, ponds or other storm water
4354 conveyance or treatment facilities.

4355 (q) "Unit of local government" means any county or
4356 municipality of the state.

4357 **SECTION 114.** Section 51-39-7, Mississippi Code of 1972, is
4358 brought forward as follows:

4359 51-39-7. (1) (a) Any single unit of local government or
4360 any combination of units of local government may create a
4361 district.

4362 (b) If any unit of local government is located within
4363 an existing district, then the unit of local government shall
4364 petition the district to provide a service or function needed by
4365 the petitioning unit, if the service or function is one which the
4366 district has the power and authority to perform. Upon receipt of
4367 the petition, the district shall have ninety (90) days within
4368 which to respond affirmatively to the petition, setting forth its
4369 intent to meet the need or perform the service or function and its
4370 plan to meet the need or perform the service or function. If the
4371 existing district does not affirmatively respond in a timely
4372 fashion, then the petitioning unit of local government may form a
4373 district as provided in this chapter.

4374 (c) The district may include any geographic area within
4375 the boundaries of any interested unit of local government.

4376 (d) A district may be formed although adequate water
4377 supply, flood control, drainage or other water or wastewater
4378 management activities are being undertaken by one or more of the
4379 units of local government interested in creating a district or by
4380 another public agency existing and operating within the
4381 geographical area of the district.

4382 (2) Creation of a district shall be initiated by ordinance
4383 or resolution duly adopted by the governing body of each unit of
4384 local government. The ordinance or resolution shall state: (a)
4385 the necessity for the proposed district; (b) the primary function

4386 of the proposed district; (c) the geographic boundaries of the
4387 proposed district within the jurisdiction of the unit of local
4388 government; (d) the names and geographic boundaries of any other
4389 units of local government proposing to be in the district; (e) the
4390 date upon which the governing body intends to create the district;
4391 (f) the estimated cost of projects to be conducted and maintained
4392 by the district; however, the estimate shall not serve as a
4393 limitation upon the financing of any project or to invalidate any
4394 ordinance or resolution adopted under this section; (g) the name
4395 of a designated representative of the unit of local government to
4396 enter into an incorporation agreement with the other units of
4397 local government, if applicable; and (h) any other information
4398 reasonably necessary to inform the constituency of the unit of
4399 local government of the purpose and proposed obligations of the
4400 unit of local government and other units of local government, if
4401 applicable, proposing to create the district.

4402 (3) The governing body of the unit of local government may
4403 hold a public meeting or public hearing on the necessity for
4404 creation of the district. The governing body shall provide notice
4405 in the manner provided under Section 51-39-9 of any public meeting
4406 or public hearing.

4407 **SECTION 115.** Section 51-39-9, Mississippi Code of 1972, is
4408 brought forward as follows:

4409 51-39-9. (1) A certified copy of the adopted resolution or
4410 ordinance shall be published in a newspaper having a general
4411 circulation within the proposed district once a week for at least
4412 three (3) consecutive weeks before the date specified in the
4413 resolution or ordinance as the date upon which the governing body
4414 intends to create the district. The first publication of the
4415 notice shall be made not less than twenty-one (21) days before the
4416 date specified, and the last publication shall be made not more
4417 than seven (7) days before the date.

4418 (2) If twenty percent (20%) or fifteen hundred (1500),
4419 whichever is less, of the qualified electors within the geographic
4420 boundaries of the proposed district file a written petition with
4421 the governing body before the date specified in the resolution or
4422 ordinance under Section 51-39-7(2) protesting the creation of the
4423 district, the governing body shall call an election on the
4424 question of the creation of the district. The election shall be
4425 held and conducted by the election commissioners of the county or
4426 municipality as nearly as may be in accordance with the general
4427 laws governing elections. The election commissioners shall
4428 determine which of the qualified electors of the county or
4429 municipality reside within geographic boundaries of the proposed
4430 district, and only those qualified electors as reside within the
4431 geographic boundaries of the proposed district shall be entitled
4432 to vote in the election. Notice of the election setting forth the
4433 time, place or places, and purpose of the election shall be
4434 published by the clerk of the board of supervisors or the
4435 municipal clerk, as the case may be. The notice shall be
4436 published for the time and in the manner provided in subsection
4437 (1) of this section. The ballot to be prepared for and used at
4438 the election shall be in substantially the following form:

4439 "FOR CREATION OF _____ DISTRICT: ()

4440 AGAINST CREATION OF _____ DISTRICT: ()"

4441 Voters shall vote by placing a cross mark (X) or check mark (√)
4442 opposite their choice.

4443 **SECTION 116.** Section 51-39-11, Mississippi Code of 1972, is
4444 brought forward as follows:

4445 51-39-11. If no petition requiring an election is filed or
4446 if three-fifths (3/5) of those voting in the election provided in
4447 Section 51-39-9 vote in favor of the creation of the district, the
4448 governing body shall adopt a resolution or ordinance authorizing
4449 the creation of the district.

4450 **SECTION 117.** Section 51-39-13, Mississippi Code of 1972, is
4451 brought forward as follows:

4452 51-39-13. All costs incident to the publication of the
4453 notices, election and all other costs of meeting the requirements
4454 of this chapter shall be paid by the governing body.

4455 **SECTION 118.** Section 51-39-15, Mississippi Code of 1972, is
4456 brought forward as follows:

4457 51-39-15. Any party having an interest in the subject matter
4458 and aggrieved or prejudiced by the findings and adjudication of
4459 the governing body may appeal to the circuit court of the county
4460 in the manner provided by law for appeals from orders of the board
4461 of supervisors or municipal authorities in Section 11-51-75.
4462 However, if no appeal is taken within fifteen (15) days after the
4463 date of the adoption of the resolution or ordinance in Section
4464 51-39-11, the creation of the district within the jurisdiction of
4465 that unit of local government shall be final and shall not be
4466 subject to attack in any court after that time.

4467 **SECTION 119.** Section 51-39-17, Mississippi Code of 1972, is
4468 brought forward as follows:

4469 51-39-17. (1) Within thirty (30) days following the
4470 adoption of the final authorizing resolution or ordinance, the
4471 designated representatives shall proceed to incorporate a district
4472 by filing for record in the office of the chancery clerk of the
4473 participating counties and/or the clerk of participating
4474 municipalities, as the case may be, and the Secretary of State an
4475 incorporation agreement approved by each member. The agreement
4476 shall comply in form and substance with the requirements of this
4477 section and shall be executed in the manner provided in this
4478 chapter.

4479 (2) The incorporation agreement of a district shall state:

4480 (a) The name of each participating unit of local
4481 government and the date on which the governing bodies thereof
4482 adopted an authorizing resolution or ordinance;

4483 (b) The name of the district which must include the
4484 words " _____ Storm Water Management District," the blank
4485 spaces to be filled in with the name of one or more of the members
4486 or other geographically descriptive term. If the Secretary of
4487 State determines that the name is identical to the name of any
4488 other corporation organized under the laws of the state or so
4489 nearly similar as to lead to confusion and uncertainty, the
4490 incorporators may insert additional identifying words so as to
4491 eliminate any duplication or similarity;

4492 (c) The period for the duration of the district;

4493 (d) The location of the principal office of the
4494 district which shall be within the geographic boundaries of the
4495 district;

4496 (e) That the district is organized under this chapter;

4497 (f) The board setting forth the number of
4498 commissioners, terms of office and the vote of each commissioner;

4499 (g) If the exercise by the district of any of its
4500 powers is to be in any way prohibited, limited or conditioned, a
4501 statement of the terms of that prohibition, limitation or
4502 condition;

4503 (h) Any provisions relating to the vesting of title to
4504 its properties upon its dissolution which shall be vested in any
4505 member; and

4506 (i) Any other related matters relating to the district
4507 that the incorporators may choose to insert and that are not
4508 inconsistent with this chapter or with the laws of the state.

4509 (3) The incorporation agreement shall be signed and
4510 acknowledged by the incorporators before an officer authorized by
4511 the laws of the state to take acknowledgements. When the
4512 incorporation agreement is filed for record, there shall be
4513 attached to it a certified copy of the authorizing resolution or
4514 ordinance adopted by the governing body of each member.

4515 (4) The incorporators shall publish a notice of
4516 incorporation once a week for three (3) consecutive weeks in a
4517 daily newspaper or newspapers having general circulation
4518 throughout the area to be served.

4519 (5) Upon the filing for record of the agreement and the
4520 required documents, the district shall come into existence and
4521 shall constitute a public corporation under the name set forth in
4522 the incorporation agreement. The Secretary of State shall issue a
4523 certificate of incorporation to the district.

4524 (6) Upon issuance of the certificate of incorporation, the
4525 district shall be a public body corporate and politic constituting
4526 a political subdivision of the state with the power of perpetual
4527 succession and shall be deemed to be acting in all respects for
4528 the benefit of the people of the state in the performance of
4529 essential public functions. The district shall be empowered in
4530 accordance with this chapter to promote the health, welfare and
4531 prosperity of the general public.

4532 **SECTION 120.** Section 51-39-19, Mississippi Code of 1972, is
4533 brought forward as follows:

4534 51-39-19. (1) The incorporation agreement of any district
4535 may be amended in the manner provided in this section. The board
4536 of the district shall first adopt a resolution proposing an
4537 amendment to the incorporation agreement. The amendment shall be
4538 set forth in full in the resolution and may include any matters
4539 which might have been included in the original incorporation
4540 agreement.

4541 (2) After the adoption of the resolution by the board, the
4542 chairman of the board and the secretary of the district shall file
4543 a certified copy of the resolution and a signed written
4544 application in the name of and on behalf of the district, under
4545 its seal, with the governing body of each member, requesting the
4546 governing body to adopt a resolution approving the proposed
4547 amendment. As promptly as may be practicable after the filing of

4548 the application with the governing body, that governing body shall
4549 review the application and shall adopt a resolution or ordinance
4550 either denying the application or authorizing the proposed
4551 amendment. Any resolution or ordinance shall be published in a
4552 newspaper or newspapers as provided in Section 51-39-9. The
4553 governing body shall cause a copy of the application and all
4554 accompanying documents to be spread upon or otherwise made a part
4555 of the minutes of the meeting of the governing body at which final
4556 action upon the application is taken. The incorporation agreement
4557 may be amended only after the adoption of a resolution or
4558 ordinance by two-thirds (2/3) of the governing bodies of the
4559 members.

4560 (3) Within thirty (30) days following the adoption of the
4561 last adopted resolution approving the proposed amendment, the
4562 chairman of the board and the secretary of the district shall
4563 sign, and file for record in the office of the chancery clerk
4564 and/or municipal clerk with which the incorporation agreement of
4565 the district was originally filed and the Secretary of State, a
4566 certificate in the name of and in behalf of the district, under
4567 its seal, reciting the adoption of the respective resolution or
4568 ordinance by the board and by the governing body of each member
4569 and setting forth the amendment. The chancery clerk for the
4570 county and/or municipal clerk for the municipality shall record
4571 the certificate in an appropriate book in the clerk's office.
4572 When the certificate has been so filed and recorded, the amendment
4573 shall become effective. No incorporation agreement of a district
4574 shall be amended except in the manner provided in this section.

4575 (4) Any member of a district may withdraw from the district
4576 by submitting a resolution to the board requesting an amendment to
4577 the incorporation agreement under subsection (1) of this section.
4578 Upon compliance with the requirements of subsections (1) through
4579 (3) of this section and payment of its pro rata share of any
4580 indebtedness, costs, expenses or obligations of the district

4581 outstanding at the time of withdrawal, the amendment may become
4582 effective upon adoption of a resolution by the board. The
4583 withdrawal of a member shall not operate to impair, invalidate,
4584 release or abrogate any contract, lien, bond, permit, indebtedness
4585 or obligation of the district, except to relieve the withdrawing
4586 member from further financial obligation to the district.

4587 (5) Any party having an interest in the subject matter and
4588 aggrieved by an action of a governing body under subsections (2)
4589 and (4) of this section may appeal that action in the manner and
4590 within the time limitations provided in Section 51-39-15.

4591 **SECTION 121.** Section 51-39-21, Mississippi Code of 1972, is
4592 brought forward as follows:

4593 51-39-21. (1) All powers of the district shall be vested in
4594 the board of commissioners.

4595 (2) If the district is composed of a single member, the
4596 governing body of that county or municipality shall serve as the
4597 board of commissioners of the district and shall exercise those
4598 powers and duties granted to the board under this chapter.

4599 (3) If the district is composed of two (2) or more members,
4600 each member of the district shall have at least one (1)
4601 commissioner on the board. The board shall contain an odd number
4602 of commissioners:

4603 (a) The incorporators shall, in the incorporation
4604 agreement, designate the vote of each commissioner based upon pro
4605 rata population or any other criteria as the incorporators may
4606 determine. In the alternative, the incorporators, in the
4607 incorporation agreement, may authorize appointments to the board
4608 by the members to reflect population, or any other criteria as the
4609 incorporators may determine. Within thirty (30) days after the
4610 effective date of the incorporation agreement, the governing body
4611 of each member shall appoint a commissioner or commissioners to
4612 the board as determined by the incorporation agreement. All

4613 vacancies shall be filled by appointment in the same manner as the
4614 original appointment.

4615 (b) Each commissioner shall serve at the will and
4616 pleasure of the appointing governing body and for any term
4617 established by the appointing governing body.

4618 (c) The governing body of each member shall appoint a
4619 commissioner or commissioners from among the elected officials
4620 serving on the governing body of the respective county or
4621 municipality.

4622 (4) The board of commissioners shall annually elect a
4623 chairman and a vice chairman. The chairman shall preside at all
4624 meetings of the board and act as the chief executive officer of
4625 the board and of the district, unless otherwise determined by the
4626 board. The vice chairman shall act in the absence or disability
4627 of the chairman. A majority of the membership of the board shall
4628 constitute a quorum. Except as otherwise provided by law, all
4629 official acts of the board shall require an affirmative vote by a
4630 majority of those commissioners present and voting.

4631 (5) The number of commissioners on the board shall be
4632 increased by at least one (1), as provided in an amended
4633 incorporation agreement, each time a county or municipality enters
4634 into membership. The board shall establish the vote or number of
4635 commissioners based upon the same terms as the original
4636 incorporation agreement. Within fifteen (15) days after becoming
4637 a member, the governing body of the new member shall appoint a
4638 commissioner or commissioners to the board.

4639 (6) If the district is composed of three (3) or more
4640 members, the board may appoint an executive committee to be
4641 composed of not less than three (3) persons. No member shall have
4642 more than one (1) representative on the executive committee. The
4643 chairman of the board shall serve as chairman of the executive
4644 committee. The executive committee may execute all powers vested
4645 in the full board between meetings of the board. A majority shall

4646 constitute a quorum for the transaction of business. All actions
4647 of the executive committee must be ratified by a majority of the
4648 board at a regular or called meeting of the board.

4649 (7) (a) The board may employ any personnel and appoint and
4650 prescribe the duties of any officers as the board deems necessary
4651 or advisable, including a general manager and a secretary of the
4652 district. The board may require any of its employees to be
4653 bonded. The cost of any bond required by this section or by the
4654 board shall be paid from funds of the district.

4655 (b) The general manager may also serve as secretary and
4656 shall be a person of good moral character and of proven ability as
4657 an administrator with a minimum of five (5) years' experience in
4658 the management and administration of a public works operation or
4659 comparable experience which may include, but is not limited to,
4660 supervision, public financing, regulatory codes and related
4661 functions as minimum qualifications to administer the programs and
4662 duties of the district. The general manager shall administer,
4663 manage and direct the affairs and business of the district,
4664 subject to the policies, control and direction of the board. The
4665 general manager shall give bond executed by a surety company or
4666 companies authorized to do business in this state in the penal sum
4667 of Fifty Thousand Dollars (\$50,000.00) payable to the district
4668 conditioned upon the faithful performance of that person's duties
4669 and the proper accounting for all funds.

4670 (c) The secretary shall keep a record of the
4671 proceedings of the board and the district and shall be custodian
4672 of all books, documents and papers filed with the district, the
4673 minute book or journal and the official seal. The secretary may
4674 make copies of all minutes and other records and documents of the
4675 district and to certify under the seal of the district that the
4676 copies are true and accurate copies, and all persons dealing with
4677 the district may rely upon those certificates.

4678 (8) Regular meetings of the board shall be held as set forth
4679 in its rules or regulations for management of the district's
4680 business and affairs. Additional meetings of the board shall be
4681 held at the call of the chairman or whenever a majority of
4682 commissioners so request.

4683 (9) Upon express and prior authorization by the board, each
4684 commissioner may receive reimbursement for actual and necessary
4685 expenses incurred for attending each day's meeting of the board
4686 and for each day spent in attending to the business of the
4687 district as provided by Section 25-3-41. Each commissioner shall
4688 not be entitled to per diem or any additional compensation other
4689 than that specifically provided for in this subsection.

4690 (10) The board shall prepare a budget for the district for
4691 each fiscal year at least ninety (90) days before the beginning of
4692 that fiscal year. The fiscal year shall be from July 1 to June 30
4693 of each year. The board shall submit the budget to the governing
4694 body of each member.

4695 **SECTION 122.** Section 51-39-23, Mississippi Code of 1972, is
4696 brought forward as follows:

4697 51-39-23. The board may contract with any member to provide
4698 support services. Any member may contract with or as part of
4699 their service contract with the district to provide any staff
4700 support, administrative and operational services as it deems
4701 advisable and on any terms as may be mutually agreed.

4702 **SECTION 123.** Section 51-39-25, Mississippi Code of 1972, is
4703 brought forward as follows:

4704 51-39-25. The district shall have all the rights and powers
4705 necessary or convenient to carry out the purposes of this chapter,
4706 including, but not limited to, the following:

4707 (a) To sue and be sued in its own name;

4708 (b) To adopt an official seal and alter the seal at its
4709 pleasure;

4710 (c) To maintain an office or offices at any place or
4711 places within the geographic boundaries of its members as it may
4712 determine;

4713 (d) To acquire, construct, improve, or modify, to
4714 operate or cause to be operated and maintained, either as owner of
4715 all or of any part in common with others, a storm water management
4716 system within the counties or municipalities in the district. The
4717 district may pay all or part of the cost of any storm water
4718 management system from any contribution by persons, firms, public
4719 agencies or corporations. The district may receive, accept and
4720 use all funds, public or private, and pay all cost of development,
4721 implementation and maintenance as may be determined as necessary
4722 for any project;

4723 (e) To acquire, in its own name, by purchase on any
4724 terms and conditions and in any manner as it may deem proper,
4725 except by eminent domain, property for public use, or by gift,
4726 grant, lease or otherwise, real property or easements therein,
4727 franchises and personal property necessary or convenient for its
4728 corporate purposes. These purposes shall include, but are not
4729 limited to, the constructing or acquiring of a storm water
4730 management system; the improving, extending, reconstructing,
4731 renovating or remodeling of any existing storm water management
4732 system or part thereof; or the demolition to make room for any
4733 project or any part thereof. The district may insure the storm
4734 water management system against all risks as any insurance may,
4735 from time to time, be available. The district may also use any
4736 property and rent or lease any property to or from others,
4737 including public agencies, or make contracts for the use of the
4738 property. The district may sell, lease, exchange, transfer,
4739 assign, pledge, mortgage or grant a security interest for any
4740 property. The powers to acquire, use and dispose of property as
4741 set forth in this paragraph shall include the power to acquire,
4742 use and dispose of any interest in that property, whether divided

4743 or undivided. Title to any property of the district shall be held
4744 by the district exclusively for the benefit of the public;

4745 (f) To adopt, modify, repeal and promulgate rules and
4746 regulations implementing or effectuating the powers and duties of
4747 the district under any statute within the district's jurisdiction,
4748 and where otherwise not prohibited by federal or state law, to
4749 make exceptions to and grant variances and exemptions from, and to
4750 enforce those rules and regulations. Those rules and regulations
4751 may include, but shall not be limited to, rules and regulations
4752 for (i) the management of the district's business and affairs;
4753 (ii) the use, operation, maintenance or implementation of the
4754 district's storm water management system or any portion of that
4755 system, facility or any other property owned or operated by the
4756 district; and (iii) specifications and standards relating to the
4757 planning, design or construction of the storm water management
4758 system or any facility owned or operated by the district;

4759 (g) To enter into contracts or leases with any person
4760 or public agency and to execute all instruments necessary or
4761 convenient for construction, operation and maintenance of the
4762 storm water management system and leases of projects. Without
4763 limiting the generality of the above, authority is specifically
4764 granted to units of local government and to the district to enter
4765 into contracts, lease agreements or other undertaking relative to
4766 the furnishing of storm water management system services or
4767 facilities or both by the district to a unit of local government
4768 and by a unit of local government to the district;

4769 (h) To exercise any powers, rights or privileges
4770 conferred by this chapter either alone or jointly or in common
4771 with any other public or private parties. In any exercise of any
4772 powers, rights and privileges jointly or in common with others for
4773 the construction, operation and maintenance of facilities, the
4774 district may own an undivided interest in any facilities with any
4775 other party with which it may jointly or in common exercise the

4776 rights and privileges conferred by this chapter and may enter into
4777 any agreement with respect to any facility with any other party
4778 participating in those facilities. An agreement may contain any
4779 terms, conditions and provisions, consistent with this section, as
4780 the parties to the agreement shall deem to be in their best
4781 interest, including, but not limited to, provisions for the
4782 planning, design, construction, operation, implementation and
4783 maintenance of any facility by any party to an agreement. Any
4784 party or parties shall be designated in or under any agreement as
4785 agent or agents on behalf of itself and one or more of the other
4786 parties to the agreement, or by any other means as may be
4787 determined by the parties. The agreement shall include a method
4788 or methods of determining and allocating, among the parties, costs
4789 of planning, design, construction, operation, maintenance,
4790 renewals, replacements, improvements and disposal related to any
4791 facility. In carrying out its functions and activities as an
4792 agent with respect to planning, design, construction, operation
4793 and maintenance of any facility, the agent shall be governed by
4794 the laws and regulations applicable to that agent as a separate
4795 legal entity and not by any laws or regulations which may be
4796 applicable to any of the other participating parties. The agent
4797 shall act for the benefit of the public. In any agreement, the
4798 district may delegate its powers and duties related to the
4799 planning, design, construction, operation and maintenance of any
4800 facility to the party acting as agent and all actions taken by
4801 that agent in accordance with the agreement may be binding upon
4802 the district without further action or approval of the district;

4803 (i) To apply, contract for, accept, receive and
4804 administer gifts, grants, appropriations and donations of money,
4805 materials and property of any kind, including loans and grants
4806 from the United States, the state, a unit of local government, or
4807 any agency, department, authority or instrumentality of any of the
4808 foregoing, upon any terms and conditions as the United States, the

4809 state, a unit of local government, or any agency, department,
4810 authority or instrumentality shall impose. The district may
4811 administer trusts. The district may sell, lease, transfer,
4812 convey, appropriate and pledge any and all of its property and
4813 assets;

4814 (j) To employ professional and administrative staff and
4815 personnel and to retain legal, engineering, fiscal, accounting and
4816 other professional services;

4817 (k) To assume or continue any contractual or other
4818 business relationships entered into by the municipalities or
4819 counties who are members of the district, including the rights to
4820 receive and acquire transferred rights under option to purchase
4821 agreements;

4822 (l) To enter on public or private lands, waters or
4823 premises for the purpose of making surveys, borings or soundings,
4824 or conducting tests, examinations or inspections for the purposes
4825 of the district, subject to responsibility for any damage done to
4826 property entered;

4827 (m) To do and perform any acts and things authorized by
4828 this chapter under, through or by means of its officers, agents
4829 and employees, or by contracts with any person; and

4830 (n) To do and perform any and all acts or things
4831 necessary, convenient or desirable for the purposes of the
4832 district, or to carry out any power expressly granted in this
4833 chapter.

4834 **SECTION 124.** Section 51-39-27, Mississippi Code of 1972, is
4835 brought forward as follows:

4836 51-39-27. (1) Any regulations or best management practices
4837 adopted by the board under this chapter shall be no more stringent
4838 or extensive in scope, coverage or effect than the regulations and
4839 best management practices promulgated or recommended by the United
4840 States Environmental Protection Agency.

4841 (2) If federal regulations or recommended best management
4842 practices do not address any matter relating to a storm water
4843 management system, the board may adopt or promulgate appropriate
4844 regulations or best management practices to address those matters.

4845 **SECTION 125.** Section 51-39-29, Mississippi Code of 1972, is
4846 brought forward as follows:

4847 51-39-29. The governing body of a member may exercise the
4848 power of eminent domain, upon written request of the board of
4849 commissioners, for the particular purpose of the acquisition of
4850 property for the district's storm water management system. The
4851 power of eminent domain shall be exercised as provided in Chapter
4852 27, Title 11, Mississippi Code of 1972.

4853 **SECTION 126.** Section 51-39-31, Mississippi Code of 1972, is
4854 brought forward as follows:

4855 51-39-31. (1) Any public agency may, in accordance with a
4856 duly adopted resolution or ordinance, contract with the district
4857 for the district to acquire, construct or provide facilities and
4858 projects to be owned by the district for furnishing storm water
4859 management and related services to the public agency or to users
4860 within the boundaries of the public agency. The public agency
4861 shall be obligated to make payments which shall be sufficient to
4862 enable the district to meet its expenses, and payments into funds
4863 for operation, maintenance and renewals and replacements. The
4864 contracts may also contain other terms and conditions as the
4865 district and the public agency may determine. Any contract may be
4866 for a term covering the life of the facilities or for any other
4867 term or for an indefinite period.

4868 (2) Contracts may provide for payments in the form of
4869 contributions to defray the cost of any purpose set forth in the
4870 contracts and as advances for any facilities subject to repayment
4871 by the district. A public agency may make those contributions or
4872 advances from its general fund, general obligation bond proceeds,
4873 or surplus fund or from any monies legally available therefor.

4874 The entering into of any contract under this section shall not
4875 constitute the incurring of a debt by a public agency within the
4876 meaning of any constitutional or statutory limitations on debts of
4877 the state or units of local government.

4878 **SECTION 127.** Section 51-39-33, Mississippi Code of 1972, is
4879 brought forward as follows:

4880 51-39-33. The district may at the direction of the governing
4881 bodies of the participating units of local government submit a
4882 storm water management plan as required by state or federal
4883 environmental rules and regulations. The district may also
4884 provide services and facilities for implementation of the storm
4885 water management plan.

4886 **SECTION 128.** Section 51-39-35, Mississippi Code of 1972, is
4887 brought forward as follows:

4888 51-39-35. For the purpose of attaining the objectives of
4889 this chapter, any public agency may, upon any terms as it may
4890 determine, do any of the following:

4891 (a) Lend, contribute, or donate money to any district
4892 or perform services for the benefit of the district;

4893 (b) Donate, sell, convey, transfer, lease or grant to
4894 any district, without the necessity of authorization at any
4895 election of qualified voters, any property of any kind, where
4896 otherwise not prohibited by law; and

4897 (c) Do anything, whether or not specifically authorized
4898 in this section, not otherwise prohibited by law, that is
4899 necessary or convenient to aid and cooperate with any district in
4900 attaining the objectives of this chapter.

4901 **SECTION 129.** Section 51-39-37, Mississippi Code of 1972, is
4902 brought forward as follows:

4903 51-39-37. The property and revenue of the district shall be
4904 exempt from all state, county and municipal taxation.

4905 **SECTION 130.** Section 51-39-39, Mississippi Code of 1972, is
4906 brought forward as follows:

4907 51-39-39. Within ninety (90) days after the close of each
4908 fiscal year, the board of commissioners shall publish in a
4909 newspaper of general circulation in the county a sworn statement
4910 showing the financial condition of the district. The statement
4911 shall also be filed with the governing body of each member of the
4912 district.

4913 **SECTION 131.** Section 51-39-41, Mississippi Code of 1972, is
4914 brought forward as follows:

4915 51-39-41. This chapter shall not be construed to authorize a
4916 district to deny access to the storm water management system or
4917 any portion of that system to any person holding a valid water
4918 pollution control permit or coverage under a general permit from
4919 the Environmental Quality Permit Board.

4920 **SECTION 132.** Section 51-39-43, Mississippi Code of 1972, is
4921 brought forward as follows:

4922 51-39-43. This chapter, without reference to any other
4923 statute, shall be deemed to be full and complete authority for the
4924 creation of a district. No proceedings shall be required for the
4925 creation of a district other than those provided for and required
4926 in this chapter. All the necessary powers to be exercised by the
4927 governing body of a county or municipality and by the board of
4928 commissioners of any district, in order to carry out this chapter,
4929 are hereby conferred.

4930 **SECTION 133.** This act shall take effect and be in force from
4931 and after its passage.