

By: Senator(s) Moffatt, Cuevas, Dawkins,
Gollott, Hewes, Lee (47th), Morgan,
Robertson, Walley

To: Environment Prot, Cons
and Water Res; Finance

SENATE BILL NO. 2943
(As Passed the Senate)

1 AN ACT TO CREATE THE MISSISSIPPI GULF REGION UTILITY BOARD;
2 THE GEORGE COUNTY UTILITY AUTHORITY; THE STONE COUNTY UTILITY
3 AUTHORITY; THE PEARL RIVER COUNTY UTILITY AUTHORITY; THE HANCOCK
4 COUNTY UTILITY DISTRICT; THE HARRISON COUNTY UTILITY DISTRICT; THE
5 JACKSON COUNTY UTILITY DISTRICT; TO EMPOWER THE AUTHORITIES; TO
6 PROVIDE FOR A BOARD OF DIRECTORS FOR THE AUTHORITIES; TO REQUIRE
7 THE AUTHORITIES TO PROVIDE WATER, WASTEWATER, STORM WATER AND
8 SOLID WASTE SERVICES AND FACILITIES; TO REQUIRE THE DEPARTMENT OF
9 ENVIRONMENTAL QUALITY TO DEVELOP A MASTER PLAN FOR WATER, STORM
10 WATER AND WASTEWATER SERVICES FOR THE GULF COAST REGION; TO
11 PROVIDE REQUIREMENTS FOR THE MASTER PLAN; TO AUTHORIZE THE
12 AUTHORITIES TO ISSUE REVENUE BONDS FOR SUCH PROJECTS; TO BRING
13 FORWARD SECTIONS 49-17-162, 49-17-163, 49-17-165, 49-17-167,
14 49-17-171, 49-17-303, 49-17-305, 49-17-307, 49-17-309 AND
15 49-17-311, MISSISSIPPI CODE OF 1972; AND FOR RELATED PURPOSES.

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

17 **SECTION 1. Title.**

18 Sections 1 through 36 shall be known and may be cited as the
19 "Mississippi Gulf Coast Region Utility Board Act."

20 **SECTION 2. Legislative findings.**

21 In the spirit of the report of the Governor's Commission on
22 Recovery, Rebuilding and Renewal, the Legislature finds that there
23 is a need for consolidation of water, wastewater, storm water and
24 solid waste services in order to reduce costs, promote resilience
25 in the event of disaster, improve the quality of the natural
26 environment, and improve the planning and delivery of quality
27 water, wastewater, storm water and solid waste services within the
28 areas of the Counties of George, Hancock, Harrison, Jackson, Pearl
29 River and Stone. It is further declared that there is need for
30 the planning, acquisition, construction, maintenance, operation
31 and coordination of user-funded water, wastewater, storm water and
32 solid waste systems in order to ensure protection of the waters of
33 the state and to ensure the delivery of water, wastewater, storm

34 water and solid waste services to citizens of the Gulf Coast
35 Region. The creation of the Mississippi Gulf Region Utility Board
36 Act is determined to be necessary and essential to the
37 accomplishment of these purposes.

38 **SECTION 3. Definitions.**

39 Words and phrases used in this act shall have meanings as
40 follows:

41 (a) "Act" means the Mississippi Gulf Region Utility
42 Board Act.

43 (b) "Authority" or "authorities" means the George
44 County Utility Authority; the Hancock County Utility District; the
45 Harrison County Utility District; the Jackson County Utility
46 District; the Pearl River County Utility Authority; or the Stone
47 County Utility Authority, or any combination.

48 (c) "Bonds" mean interim notes having a maturity of
49 three (3) years or less, revenue bonds and other certificates of
50 indebtedness of the authority issued under the provisions of this
51 act.

52 (d) "Fiscal year" means the period of time beginning on
53 October 1 of each year and ending on September 30 of each year.

54 (e) "Gulf Coast Region" means the areas encompassed by
55 the Counties of George, Hancock, Harrison, Jackson, Pearl River
56 and Stone.

57 (f) "Master plan" means the comprehensive plan for the
58 development of regional water, wastewater and storm water systems
59 and services that incorporates existing systems and services
60 includes new systems and services to provide efficient,
61 environmentally sound, and storm resistant water, wastewater and
62 storm water infrastructure and services protective of human health
63 and the environment for all municipalities and political
64 subdivisions within the Gulf Coast Region. The master plan shall
65 address current and future infrastructure and service needs and
66 shall address the need for the acquisition, construction,

67 development, maintenance and operation of water, wastewater and
68 storm water systems and services within the Gulf Coast Region.
69 The master plan shall also consider existing solid waste
70 management plans developed by public agencies within the Gulf
71 Coast Region.

72 (g) "Municipality" means any incorporated city, town or
73 village of the State of Mississippi, whether operating under
74 general law or under special charter, lying wholly or partly
75 within the Gulf Coast Region.

76 (h) "Person" means the State of Mississippi, a county,
77 a municipality, any public agency, or any other city, town,
78 village or political subdivision or governmental agency,
79 governmental instrumentality of the State of Mississippi or of the
80 United States of America, or any private utility, individual,
81 co-partnership, association, firm, trust, estate or any other
82 entity whatsoever.

83 (i) "Project" means the construction, development or
84 acquisition by the authority or authorities of any infrastructure
85 for water, wastewater, storm water or solid waste systems or
86 services and includes upgrading or repair of existing systems and
87 services.

88 (j) "Public agency" means any county, municipality, any
89 state board or commission owning or operating properties, any
90 district created pursuant to the general laws of the State of
91 Mississippi or local and private laws of the State of Mississippi,
92 including, or any other political subdivision of the State of
93 Mississippi having the power to own and operate waterworks, water
94 supply systems, sewerage systems, treatment facilities, sewage
95 treatment systems, or other facilities or systems for the
96 collection, transportation and treatment of water, storm water,
97 solid waste and wastewater.

98 (k) "Storm water" means any flow occurring during or
99 following any form of natural precipitation and resulting from
100 that precipitation.

101 (l) "Solid waste" means solid waste as defined in
102 Section 17-17-3, Mississippi Code of 1972.

103 (m) "System" or "systems" means any plants, structures,
104 facilities and other real and personal property, used or useful in
105 the generation, storage, transportation or supply of water, the
106 collection, transportation, treatment or disposal of wastewater
107 and storm water, and the collection, transportation or disposal of
108 solid waste, including, but not limited to, landfills, rubbish
109 sites, wells, tanks, reservoirs, lakes, streams, ponds, pipes,
110 trunk lines, mains, sewers, conduits, pipelines, pumping and
111 ventilating stations, plants and works, connections and any other
112 real and personal property and rights therein necessary, useful or
113 convenient for the purposes of the utility board or authorities in
114 connection therewith.

115 (n) "Wastewater" means water being disposed of by any
116 person and which is contaminated with waste or sewage, including
117 industrial, municipal and any other wastewater that may cause
118 impairment of the quality of the waters in the state.

119 (o) "Water" means potable water, service water and
120 groundwater.

121 (p) "Utility board" means the Mississippi Gulf Coast
122 Region Utility Board.

123 **SECTION 4. Preparation of master plan for Gulf Coast Region.**

124 (1) In order to ensure the protection of human health and
125 the environment, the Mississippi Department of Environmental
126 Quality is hereby empowered and authorized, in addition to any
127 other powers, to develop a master plan for the delivery of water,
128 storm water, wastewater and solid waste management services for
129 the Gulf Coast Region. In developing the master plan, the
130 department shall consider input from the affected counties and

131 municipalities within the Gulf Coast Region. Such input shall
132 include, but not be limited to, comprehensive land use plans, any
133 existing infrastructure facility plans, and any other relevant
134 information the counties and municipalities may submit in a timely
135 manner.

136 (2) The master plan shall include, but not be limited to,
137 the following:

138 (a) An inventory of the sources, composition and
139 quantities, and quality of wastewater and storm water annually
140 generated within the Gulf Coast Region, and the source,
141 composition and quality of drinking water currently available
142 throughout the Gulf Coast Region;

143 (b) An inventory of all existing facilities where
144 wastewater is currently being managed, including the environmental
145 suitability and operational history of each facility, and the
146 remaining available permitted capacity for each facility;

147 (c) An inventory of existing potable water treatment
148 and distribution systems within the Gulf Coast Region. The
149 inventory shall identify the entities engaging in treatment and
150 distribution of potable water on a wholesale and retail basis;

151 (d) A strategy for achieving reduction of pollution by
152 wastewater and storm water and to improve the quality and ensure
153 the availability of potable water available to the residents
154 within the Gulf Coast Region;

155 (e) A projection of wastewater and storm water
156 generated within the Gulf Coast Region over the next twenty (20)
157 years and a projection of the potable water needs of the Gulf
158 Coast Region within the next twenty (20) years;

159 (f) An identification of the additional facilities,
160 including an evaluation of alternative treatment and management
161 technologies, and the amount of additional capacity needed to
162 manage the quantities projected in paragraph (e) of this
163 subsection;

- 164 (g) An estimation of development, construction and
165 operational costs;
- 166 (h) A plan for meeting any projected capacity
167 shortfall, including a schedule and methodology for attaining the
168 required capacity;
- 169 (i) Prioritization of infrastructure consistent with
170 the priorities of each authority;
- 171 (j) A projection of demographic changes within the
172 boundaries of each authority to determine future service needs;
- 173 (k) Identification of infrastructure barriers that are
174 restricting population growth and solutions to facilitate
175 population growth;
- 176 (l) Identification, evaluation and incorporation of
177 existing water, wastewater, storm water and solid waste management
178 plans or planning efforts within each authority; and
- 179 (m) Any other information as may be deemed necessary.
- 180 (3) The Mississippi Gulf Coast Region Utility Board shall
181 assume the powers and duties for the implementation and revision
182 of the master plan upon entering into a memorandum of agreement
183 with the Department of Environmental Quality.

184 **SECTION 5. Creation of the Mississippi Gulf Coast Region**
185 **Utility Board.**

186 There is hereby created and established a public body
187 corporate and politic constituting a political subdivision of the
188 State of Mississippi to be known as the "Mississippi Gulf Coast
189 Region Utility Board" for purposes of preparing comprehensive
190 planning and services to the George County Utility Authority, the
191 Pearl River County Utility Authority, the Stone County Utility
192 Authority, the Hancock County Utility District, the Harrison
193 County Utility District, the Jackson County Utility District
194 (hereinafter collectively the "authorities" and individually the
195 "authority" that identifies the best means to meet all present and
196 future water, wastewater, storm water and solid waste needs and

197 that addresses all environmental issues for the Gulf Coast Region.

198 **SECTION 6. Board of Directors of the Mississippi Gulf Coast**
199 **Region Utility Board.**

200 (1) (a) All powers of the Mississippi Gulf Coast Utility
201 Board shall be exercised by a board of directors to be composed of
202 a total of nine (9) directors appointed as provided in this
203 subsection.

204 (b) Upon passage of this act, the Governor shall
205 appoint one (1) resident from each county within the Gulf Coast
206 Region. The initial terms of the members appointed under this
207 paragraph shall be as follows: the George County director shall
208 serve for one (1) year; the Hancock County director shall serve
209 for two (2) years; the Harrison County director shall serve for
210 three (3) years; the Jackson County director shall serve for four
211 (4) years; the Pearl River County director shall serve for five
212 (5) years; and the Stone County director shall serve for six (6)
213 years. Upon the expiration of the initial term of a director
214 appointed by the Governor under this paragraph, subsequent
215 appointments of directors shall be made by the utility authority
216 of the county that the director whose term has expired represents.
217 Any vacancy arising before the expiration of a director's initial
218 term, or a vacancy created by the removal of a director during his
219 initial term for any other reason, shall be filled by appointment
220 made by the Governor.

221 (c) The Governor shall appoint three (3) at-large
222 members. At-large members shall be residents of the Gulf Coast
223 Region. Upon passage of this act, the Governor shall appoint the
224 at-large members whose initial terms shall be for two (2), four
225 (4) and six (6) years, respectively, as designated by the
226 Governor. The appointments made under this paragraph shall be
227 made so that no county shall have more than three (3) residents on
228 the board of directors.

229 (d) After the expiration of the initial terms of the
230 directors, all subsequent terms shall be for a period of six (6)
231 years. An appointment to fill a vacancy shall be for the balance
232 of the unexpired term.

233 (e) At the initial meeting of the board, the board
234 shall elect a president and a vice president. Thereafter, the
235 board will annually, at the last meeting of the fiscal year, elect
236 a president and a vice president who shall serve in their
237 respective offices for the next fiscal year. The directors shall
238 serve without a salary but are entitled to receive per diem pay as
239 provided for in Section 25-3-69, Mississippi Code of 1972.

240 (f) Any member who does not attend three (3)
241 consecutive regular meetings of the authority shall be subject to
242 removal by a majority vote of the board.

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

258 (3) A quorum for any meeting of the board of directors shall
259 be the majority of the total membership of the board of directors.
260 All business of the utility board shall be transacted by vote of
261 the board of directors.

262 (4) The utility board shall conduct regular meetings as set
263 forth in its bylaws. The utility board shall establish rules and
264 regulations regarding its meetings and may amend such bylaws,
265 rules and regulations as may be necessary to conduct the business
266 of the board.

267 **SECTION 7. Employees; budget.**

268 (1) The utility board may employ and terminate staff,
269 including, but not limited to, attorneys, engineers and
270 consultants as may be necessary. The utility board may hire an
271 executive director and secretary-treasurer having the duties as
272 determined by the utility board. If hired, the executive director
273 and secretary-treasurer each shall be required to give bond in a
274 sum not less than Fifty Thousand Dollars (\$50,000.00) conditioned
275 on the executive director and secretary-treasurer faithfully
276 performing all duties of his office and account for all money and
277 other assets which come into his custody as executive director or
278 secretary-treasurer of the utility board.

279 (2) The utility board shall prepare a budget consistent with
280 its bylaws estimating its expenses and revenue needs for each
281 forthcoming fiscal year at least ninety (90) days prior to the
282 beginning of each fiscal year. Until such time as the utility
283 board receives necessary funding from alternative sources, the
284 "Public Trust Tidelands Fund," found in Section 29-15-9, may
285 provide the utility board with funds not to exceed Two Hundred
286 Fifty Thousand Dollars (\$250,000.00) per year as specifically
287 appropriated by the Legislature for the utility board's
288 operational costs.

289 (3) The utility board shall have the authority to receive
290 and spend funds from any source.

291 **SECTION 8. Duties and responsibilities of the utility board.**

292 (1) The utility board shall have the right and powers
293 necessary to carry out the purposes of this act, including, but
294 not limited to:

295 (a) To sue and be sued, in its own name, and to enjoy
296 all the protections, immunities and benefits provided by the
297 Mississippi Tort Claims Act, as it may be amended or supplemented
298 from time to time;

299 (b) To adopt an official seal and alter the same at
300 pleasure;

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

303 (d) To own/lease real or personal property;

304 (e) To invest money of the utility board, including
305 proceeds from the sale of any bonds subject to any agreements with
306 bondholders, on such terms and in such manner as the utility board
307 deems proper;

308 (f) To adopt and establish rules and regulations
309 regarding the use of decentralized wastewater treatment systems
310 and individual on-site wastewater treatment systems.

311 Notwithstanding any other provision contained in the laws of the
312 State of Mississippi, the utility board may adopt and establish
313 standards, rules and regulations related to the aforementioned
314 treatment systems which are more stringent than applicable state
315 laws and regulations;

316 (g) To receive funding from state, local and federal
317 sources and to coordinate the distribution of funds to members
318 within the boundary of the utility board;

319 (h) To enter into contracts for all operation and
320 maintenance needs of the utility board;

321 (i) To acquire insurance for the utility board's
322 systems, facilities, buildings, treatment plants and all property,
323 real or personal, to insure against all risks as any insurance
324 may, from time to time, be available;

325 (j) To develop and maintain long-range planning for
326 collection and treatment systems of water, wastewater, storm water

327 and solid waste from within the areas encompassed by the utility
328 board and for pollution abatement;

329 (k) To enter into contracts with any person or any
330 public agency in furtherance of any of the purposes authorized by
331 this act upon such consideration as the board of directors and
332 such person may agree. Any such contract may extend over any
333 period of time, including a term which extends beyond the term of
334 the then majority of the existing board members, notwithstanding
335 any provision or rule of law to the contrary; may be upon such
336 terms and for such consideration, nominal or otherwise, as the
337 parties thereto shall agree; and may provide that it shall
338 continue in effect until bonds specified therein, refunding bonds
339 issued in lieu of such bonds, and all other obligations specified
340 therein are paid or terminated. Any such contract shall be
341 binding upon the parties thereto according to its terms. The
342 utility board may also assume or continue any contractual or other
343 business relationships entered into by the members of the utility
344 board, including the rights to receive and acquire transferred
345 under option to purchase agreements;

346 (l) To make and enforce, and from time to time amend
347 and repeal, ordinances, bylaws, rules and regulations for the
348 management of its business and affairs and for the construction,
349 use, maintenance and operation of any of the systems under its
350 management and control and any other of its properties;

351 (m) To apply for, accept and utilize grants, gifts and
352 other funds from any source for any purpose necessary in support
353 of the purpose of this act;

354 (n) To adopt rules and regulations necessary to ensure
355 uniformity in systems and technology consistent with the master
356 plan;

357 (o) To adopt rules and regulations necessary to ensure
358 the payment of each participating member of its proportionate

359 share of the costs for use of any of the systems and facilities of
360 the utility board;

361 (p) To enter onto public or private lands, waters or
362 premises for the purposes of making surveys, borings or soundings,
363 or conducting tests, examinations or inspections for the purposes
364 of the utility board, subject to responsibility for any damage
365 done to property entered;

366 (q) The utility board shall determine consistency of
367 activities for water, wastewater, storm water and solid waste with
368 the master plan;

369 (r) The utility board shall arbitrate
370 cross-jurisdictional disputes pertaining to water, wastewater,
371 storm water and solid waste between county authorities; and

372 (s) The utility board shall prioritize projects to be
373 accomplished under the master plan.

374 (2) The utility board may assume control and administer
375 water, wastewater, storm water and solid waste systems within the
376 boundaries of the Gulf Coast Region by agreement with the
377 authorities. However, the governing board of such authority,
378 public agency or person may choose to maintain authority over the
379 retail connections in its service area and may charge a premium in
380 addition to the treatment charges of the utility authority. The
381 governing board of such authority, public agency or person shall
382 be responsible for collecting treatment fees from its customers
383 sufficient to defray the cost of operation of such systems.

384 (3) The utility board may create, maintain and regulate
385 reservoirs and promulgate and enforce rules and regulations for
386 the creation and maintenance of reservoirs.

387 (4) Upon agreement with an authority, the utility board has
388 the power to assume or continue that authority's contractual or
389 other business relationships, including the right to receive and
390 acquire transferred rights under option to purchase agreements.

391 (5) The utility board shall have the power to contract with
392 the authorities under any terms mutually agreed by the parties to
393 carry out any powers, duties or responsibilities granted by this
394 act or any other laws of the State of Mississippi to the
395 authorities. If an authority contracts with the utility board to
396 carry out any powers, duties or responsibilities of the authority,
397 the utility board may exercise all powers and rights provided and
398 enumerated in Sections 20 through 36 of this act, including power
399 to acquire, construct, operate and maintain the regional water,
400 wastewater or storm water systems consistent with the master plan
401 or solid waste systems consistent with applicable Sections
402 17-17-201 through 17-17-349.

403 **SECTION 9. Jurisdiction of the utility board.**

404 Any system of any county, municipality, public agency or
405 other persons which becomes connected with, or tied into, the
406 treatment systems of the utility board, shall be subject to its
407 jurisdiction and the terms of this act.

408 **SECTION 10. Creation of the George County Utility Authority.**

409 There is hereby created and established a public body
410 corporate and politic constituting a political subdivision of the
411 State of Mississippi to be known as the "George County Utility
412 Authority." The authority is composed of the geographic area of
413 George County as defined in Section 19-1-39, Mississippi Code of
414 1972, for the planning, acquisition, construction, maintenance,
415 operation and coordination of user-funded water, wastewater, storm
416 water and solid waste systems in order to ensure the delivery of
417 water, wastewater, storm water and solid waste services to
418 citizens residing within the boundaries of George County. The
419 George County Utility Authority shall be deemed to be acting in
420 all respects for the benefit of the people of the state in the
421 performance of essential public functions, and the George County
422 Utility Authority shall be empowered in accordance with the

423 provisions of this act to promote the health, welfare and
424 prosperity of the general public.

425 **SECTION 11. Board of Directors for George County Utility**
426 **Authority.**

427 (1) All powers of the George County Utility Authority shall
428 be exercised by a board of directors comprised of five (5)
429 directors appointed as follows: Within thirty (30) days of
430 passage of this act, the Board of Supervisors of George County
431 shall appoint three (3) residents from the county, of which at
432 least one (1) shall be an elected official, and the Board of
433 Aldermen of the City of Lucedale shall appoint two (2) residents
434 from the city, of which at least one (1) shall be an elected
435 official. The board of supervisors shall appoint one (1) director
436 for a term of one (1) year; one (1) director for a term of three
437 (3) years; and one (1) director for a term of four (4) years; and
438 the City of Lucedale shall appoint one (1) director for a term of
439 two (2) years and one (1) director for a term of three (3) years.
440 At the expiration of the initial terms, each director shall
441 thereafter be appointed to a term of four (4) years. Any vacancy
442 arising by expiration of a director's term, or a vacancy created
443 by the removal of a director for any other reason, shall be filled
444 by appointment made by the party originally responsible for the
445 appointment of the director vacating his or her appointment. The
446 directors shall serve at the will and pleasure of the governing
447 body making the appointments.

448 (2) The board of directors shall elect annually from its
449 number a president and vice president of the authority and such
450 other officers as in the judgment of the board are necessary. The
451 president shall be the chief executive officer of the authority
452 and the presiding officer of the board, and shall have the same
453 right to vote as any other director. The vice president shall
454 perform all duties and exercise all powers conferred by this act
455 upon the president when the president is absent or fails or

456 declines to act, except the president's right to vote. The board
457 also shall appoint a secretary and a treasurer who may or may not
458 be members of the board, and it may combine these offices. The
459 treasurer shall give bond in the sum of not less than One Hundred
460 Thousand Dollars (\$100,000.00) as set by the board of directors,
461 and each director may be required to give bond in the sum of not
462 less than Twenty-five Thousand Dollars (\$25,000.00), with sureties
463 qualified to do business in this state, and the premiums on said
464 bonds shall be an expense of such authority. Each such bond shall
465 be payable to the State of Mississippi; the condition of each such
466 bond shall be that the treasurer and director will faithfully
467 perform all duties of his office and account for all money and
468 other assets which shall come into his or her custody as treasurer
469 or director of the authority.

470 (3) The members of the board of directors of the authority
471 shall serve without salary, but shall be entitled to receive per
472 diem pay as provided for in Section 25-3-69, Mississippi Code of
473 1972. Further, they shall be reimbursed their actual travel and
474 hotel expenses as provided in Section 25-3-41, Mississippi Code of
475 1972, incurred while in the performance of their duties as members
476 of the board of directors of the authority, to be paid on an
477 itemized statement approved by the Department of Finance and
478 Administration. Expenses shall be paid from available funds of
479 the authority.

480 (4) All business of the authority shall be transacted by a
481 simple majority affirmative vote of the total membership of the
482 board of directors. The quorum for any meeting of the board of
483 directors shall be a simple majority of the total membership of
484 the board of directors.

485 (5) The authority is hereby granted all powers and rights
486 granted pursuant to Sections 20 through 36 of this act.

487 **SECTION 12. Creation of the Pearl River County Utility**

488 **Authority.**

489 There is hereby created and established a public body
490 corporate and politic constituting a political subdivision of the
491 State of Mississippi to be known as the "Pearl River County
492 Utility Authority." The authority is composed of the geographic
493 area of Pearl River County as defined in Section 19-1-109,
494 Mississippi Code of 1972, for the planning, acquisition,
495 construction, maintenance, operation and coordination of
496 user-funded water, wastewater, storm water and solid waste systems
497 in order to ensure the delivery of water, wastewater, storm water
498 and solid waste services to citizens residing within the
499 boundaries of Pearl River County. The Pearl River County Utility
500 Authority shall be deemed to be acting in all respects for the
501 benefit of the people of the state in the performance of essential
502 public functions, and the Pearl River County Utility Authority
503 shall be empowered in accordance with the provisions of this act
504 to promote the health, welfare and prosperity of the general
505 public.

506 **SECTION 13. Board of Directors for Pearl River County**
507 **Utility Authority.**

508 (1) All powers of the Pearl River County Utility Authority
509 shall be exercised by a board of directors comprised of five (5)
510 directors appointed as follows: Within thirty (30) days of
511 passage of this act, the Board of Supervisors of Pearl River
512 County shall appoint three (3) residents from the county, of which
513 at least one (1) shall be an elected official, and the Board of
514 Aldermen of the City of Picayune shall appoint one (1) elected
515 official from the city, and the Board of Aldermen of the City of
516 Poplarville shall appoint one (1) elected official from the city.
517 The board of supervisors shall appoint one (1) director for a term
518 of one (1) year, one (1) director for a term of two (2) years and
519 one (1) director for a term of three (3) years; the City of
520 Picayune shall appoint its director for a term of three (3) years
521 and the City of Poplarville shall appoint one (1) director for a

522 term of four (4) years. At the expiration of the initial terms,
523 each director shall thereafter be appointed to a term of four (4)
524 years. Any vacancy arising by expiration of a director's term, or
525 a vacancy created by the removal of a director for any other
526 reason, shall be filled by appointment made by the party
527 originally responsible for the appointment of the director
528 vacating his or her appointment. The directors shall serve at the
529 will and pleasure of the governing body making the appointments.

530 (2) The board of directors shall elect annually from its
531 number a president and a vice president of the authority, and such
532 other officers as in the judgment of the board are necessary. The
533 president shall be the chief executive officer of the authority
534 and the presiding officer of the board, and shall have the same
535 right to vote as any other director. The vice president shall
536 perform all duties and exercise all powers conferred by this act
537 upon the president when the president is absent, fails or declines
538 to act, except the president's right to vote. The board also
539 shall appoint a secretary and a treasurer who may or may not be
540 members of the board, and it may combine these offices. The
541 treasurer shall give bond in the sum of not less than One Hundred
542 Thousand Dollars (\$100,000.00) as set by the board of directors,
543 and each director may be required to give bond in the sum of not
544 less than Twenty-five Thousand Dollars (\$25,000.00), with sureties
545 qualified to do business in this state, and the premiums on said
546 bonds shall be an expense of such authority. Each such bond shall
547 be payable to the State of Mississippi; the condition of each such
548 bond shall be that the treasurer and director will faithfully
549 perform all duties of his office and account for all money and
550 other assets which shall come into his or her custody as treasurer
551 or director of the authority.

552 (3) The members of the board of directors of the authority
553 shall serve without salary, but shall be entitled to receive per
554 diem pay as provided for in Section 25-3-69, Mississippi Code of

555 1972. Further, they shall be reimbursed their actual travel and
556 hotel expenses as provided in Section 25-3-41, Mississippi Code of
557 1972, incurred while in the performance of their duties as members
558 of the board of directors of the authority, to be paid on an
559 itemized statement approved by the Department of Finance and
560 Administration. Expenses shall be paid from available funds of
561 the authority.

562 (4) All business of the authority shall be transacted by a
563 simple majority affirmative vote of the total membership of the
564 board of directors. The quorum for any meeting of the board of
565 directors shall be a simple majority of the total membership of
566 the board of directors.

567 (5) The authority is hereby granted all powers and rights
568 granted pursuant to Sections 20 through 36 of this act.

569 **SECTION 14. Creation of the Stone County Utility Authority.**

570 (1) There is hereby created and established a public body
571 corporate and politic constituting a political subdivision of the
572 State of Mississippi to be known as the "Stone County Utility
573 Authority." The authority is composed of the geographic area of
574 Stone County as defined in Section 19-1-131, Mississippi Code of
575 1972, for the planning, acquisition, construction, maintenance,
576 operation and coordination of user-funded water, wastewater, storm
577 water and solid waste systems in order to ensure the delivery of
578 water, wastewater, storm water and solid waste services to
579 citizens residing within the boundaries of Stone County. The
580 Stone County Utility Authority shall be deemed to be acting in all
581 respects for the benefit of the people of the state in the
582 performance of essential public functions, and the Stone County
583 Utility Authority shall be empowered in accordance with the
584 provisions of this act to promote the health, welfare and
585 prosperity of the general public.

586 **SECTION 15. Board of Directors for Stone County Utility**
587 **Authority.**

588 (1) All powers of the Stone County Utility Authority shall
589 be exercised by a board of directors comprised of five (5)
590 directors appointed as follows: Within thirty (30) days of
591 passage of this act, the Board of Supervisors of Stone County
592 shall appoint three (3) residents from the county, of which at
593 least one (1) shall be an elected official, and the Board of
594 Aldermen of the City of Wiggins shall appoint two (2) residents
595 from the city, of which at least one (1) shall be an elected
596 official. The board of supervisors shall appoint one (1) director
597 for a term of one (1) year; one (1) director for a term of three
598 (3) years; and one (1) director for a term of four (4) years; and
599 the City of Wiggins shall appoint one (1) director for a term of
600 two (2) years and one (1) director for a term of (3) years. At
601 the expiration of the initial terms, each director shall
602 thereafter be appointed to a term of four (4) years. Any vacancy
603 arising by expiration of a director's term, or a vacancy created
604 by the removal of a director for any other reason, shall be filled
605 by appointment made by the party originally responsible for the
606 appointment of the director vacating his or her appointment. The
607 directors shall serve at the will and pleasure of the governing
608 body making the appointments.

609 (2) The board of directors shall elect annually from its
610 number a president and vice president of the authority, and such
611 other officers as in the judgment of the board are necessary. The
612 president shall be the chief executive officer of the authority
613 and the presiding officer of the board, and shall have the same
614 right to vote as any other director. The vice president shall
615 perform all duties and exercise all powers conferred by this act
616 upon the president when the president is absent, fails or declines
617 to act, except the president's right to vote. The board also
618 shall appoint a secretary and a treasurer who may or may not be
619 members of the board, and it may combine these offices. The
620 treasurer shall give bond in the sum of not less than One Hundred

621 Thousand Dollars (\$100,000.00) as set by the board of directors,
622 and each director may be required to give bond in the sum of not
623 less than Twenty-five Thousand Dollars (\$25,000.00), with sureties
624 qualified to do business in this state, and the premiums on said
625 bonds shall be an expense of such authority. Each such bond shall
626 be payable to the State of Mississippi; the condition of each such
627 bond shall be that the treasurer and director will faithfully
628 perform all duties of his office and account for all money and
629 other assets which shall come into his or her custody as treasurer
630 or director of the authority.

631 (3) The members of the board of directors of the authority
632 shall serve without salary, but shall be entitled to receive per
633 diem pay as provided for in Section 25-3-69, Mississippi Code of
634 1972. Further, they shall be reimbursed their actual travel and
635 hotel expenses as provided in Section 25-3-41, Mississippi Code of
636 1972, incurred while in the performance of their duties as members
637 of the board of directors of the authority, to be paid on an
638 itemized statement approved by the Department of Finance and
639 Administration. Expenses shall be paid from available funds of
640 the authority.

641 (4) All business of the authority shall be transacted by a
642 simple majority affirmative vote of the total membership of the
643 board of directors. The quorum for any meeting of the board of
644 directors shall be a simple majority of the total membership of
645 the board of directors.

646 (5) The authority is hereby granted all powers and rights
647 granted pursuant to Sections 20 through 36 of this act.

648 **SECTION 16. Creation of the Harrison County Utility**

649 **District.**

650 (1) There is hereby created and established a public body
651 corporate and politic constituting a political subdivision of the
652 State of Mississippi to be known as the "Harrison County Utility
653 District." The district is composed of the geographic area of

654 Harrison County as defined in Section 19-1-47, Mississippi Code of
655 1972, for the planning, acquisition, construction, maintenance,
656 operation and coordination of user-funded water, wastewater, storm
657 water and solid waste systems in order to ensure the delivery of
658 water, wastewater, storm water and solid waste services to
659 citizens residing within the boundaries of Harrison County.

660 (2) All powers of the Harrison County Utility District shall
661 be exercised by the Board of Directors of the Harrison County
662 Wastewater and Solid Waste Management District. In addition to
663 any other powers and rights conferred upon such board of
664 directors, the board is granted and may exercise all powers and
665 rights granted to authorities under this act and shall be
666 empowered in accordance with the provisions of this act to promote
667 the health, welfare and prosperity of the general public.

668 **SECTION 17. Creation of the Jackson County Utility District.**

669 (1) There is hereby created and established a public body
670 corporate and politic constituting a political subdivision of the
671 State of Mississippi to be known as the "Jackson County Utility
672 District." The district is composed of the geographic area of
673 Jackson County as defined in Section 19-1-59, Mississippi Code of
674 1972, for the planning, acquisition, construction, maintenance,
675 operation and coordination of user-funded water, wastewater, storm
676 water and solid waste systems in order to ensure the delivery of
677 water, wastewater, storm water and solid waste services to
678 citizens residing within the boundaries of Jackson County.

679 (2) All powers of the Jackson County Utility District shall
680 be exercised by the Board of Directors of the Gulf Coast Regional
681 Wastewater Authority. In addition to any other powers and rights
682 conferred upon such board of directors, the board is granted and
683 may exercise all powers and rights granted to authorities under
684 this act and shall be empowered in accordance with the provisions
685 of this act to promote the health, welfare and prosperity of the
686 general public.

687 **SECTION 18. Creation of the Hancock County Utility District.**

688 (1) There is hereby created and established a public body
689 corporate and politic constituting a political subdivision of the
690 State of Mississippi to be known as the "Hancock County Utility
691 District." The district is composed of the geographic area of
692 Hancock County as defined in Section 19-1-59, Mississippi Code of
693 1972, for the planning, acquisition, construction, maintenance,
694 operation and coordination of user-funded water, wastewater, storm
695 water and solid waste systems in order to ensure the delivery of
696 water, wastewater, storm water and solid waste services to
697 citizens residing within the boundaries of Hancock County.

698 (2) All powers of the Hancock County Utility District shall
699 be exercised by the Board of Directors of the Southern Regional
700 Wastewater Management District. In addition to any other powers
701 and rights conferred upon such board of directors, the board is
702 granted and may exercise all powers and rights granted to
703 authorities under this act and shall be empowered in accordance
704 with the provisions of this act to promote the health, welfare and
705 prosperity of the general public.

706 **SECTION 19. Provisions common to the authorities.**

707 The purpose of Sections 20 through 36 is to confer certain
708 additional powers on the authorities already created or to be
709 created under the laws of the State of Mississippi for the purpose
710 of cooperating with federal, state and local public agencies for
711 the further development of regional water, wastewater, storm water
712 and solid waste utility services within the Gulf Coast Region.

713 **SECTION 20. Powers of the authorities.**

714 To the end that water, wastewater, storm water and solid
715 waste management is essential to the development and redevelopment
716 of the Mississippi Gulf Coast Region; the following powers are
717 conferred upon the authorities:

718 (a) To acquire, construct, improve, enlarge, extend,
719 repair, operate and maintain one or more of its systems used for

720 the collection, transportation, treatment and disposal of water,
721 wastewater, storm water or solid waste;

722 (b) To make contracts with any person in furtherance
723 thereof; and to make contracts with any person, under the terms of
724 which the authority will collect, transport, treat or dispose of
725 water, wastewater, storm water or solid waste for such person;

726 (c) To make contracts with any person to design and
727 construct any water, wastewater, storm water or solid waste
728 systems or facilities, and thereafter to purchase, lease or sell,
729 by installments over such terms as may be deemed desirable,
730 reasonable and necessary, or otherwise, any such system or
731 systems;

732 (d) To enter into operating agreements with any person,
733 for such terms and upon such conditions as may be deemed
734 desirable, for the operation of any water, wastewater, storm water
735 or solid waste systems; and the authority may lease to or from any
736 person, for such term and upon such conditions as may be deemed
737 desirable, any water, wastewater, storm water or solid waste
738 collection, transportation, treatment or its other facilities or
739 systems. Any such contract may contain provisions requiring any
740 public agency or other person to regulate the quality and strength
741 of materials to be handled by the respective system or systems and
742 also may provide that the authority shall have the right to use
743 any streets, alleys and public ways and places within the
744 jurisdiction of a public agency or other person during the term of
745 the contract;

746 (e) To enter into contracts with any person or any
747 public agency, including, but not limited to, contracts authorized
748 by this act, in furtherance of any of the purposes authorized
749 under this act upon such consideration as the board of directors
750 and such person may agree. Any such contract may extend over any
751 period of time, including a term which extends beyond the term of
752 the then majority of the existing board, notwithstanding any

753 provision or rule of law to the contrary; may be upon such terms
754 and for such consideration, nominal or otherwise, as the parties
755 thereto shall agree; and may provide that it shall continue in
756 effect until bonds specified therein, refunding bonds issued in
757 lieu of such bonds, and all other obligations specified therein
758 are paid or terminated. Any such contract shall be binding upon
759 the parties thereto according to its terms.

760 **SECTION 21. Powers of the authorities generally.**

761 From and after the passage of this act, each and every
762 authority shall have, in addition to any other powers granted
763 under any other provision of law, including, but not limited to,
764 the following:

765 (a) To adopt an official seal and alter the same at
766 pleasure;

767 (b) To sue and be sued, in its own name, and to enjoy
768 all of the protections, immunities and benefits provided by the
769 Mississippi Tort Claims Act as it may be amended or supplemented
770 from time to time;

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

773 (d) To invest money of the authority, including
774 proceeds from the sale of any bonds subject to any agreements with
775 bondholders, on such terms and in such manner as the authority
776 deems proper;

777 (e) To manage, approve, implement and enforce standards
778 and rules and regulations adopted by the utility board, including
779 the appropriateness of the use of centralized and decentralized
780 wastewater treatment systems and individual on-site wastewater
781 treatment systems;

782 (f) To require the necessary relocation or rerouting of
783 roads and highways, railroad, telephone and telegraph lines, and
784 properties, electric power lines, gas pipelines and related
785 facilities, or to require the anchoring or other protection of any

786 of these, provided fair compensation is first paid to the owners
787 or an agreement with such owners regarding the payment of the cost
788 of such relocation, and to acquire easements or rights-of-way for
789 such relocation or rerouting and to convey the same to the owners
790 of the property being relocated or rerouted in connection with the
791 purposes of this act;

792 (g) To acquire, construct, improve or modify, to
793 operate or cause to be operated and maintained, either as owner of
794 all or of any part in common with others, any water, wastewater,
795 storm water or solid waste system within the authority's service
796 area. The authority may pay all or part of the cost of any system
797 from any contribution by persons, firms, public agencies or
798 corporations. The authority may receive, accept and use all
799 funds, public or private, and pay all costs of the development,
800 implementation and maintenance as may be determined as necessary
801 for any project;

802 (h) To acquire, in its own name, by purchase on any
803 terms and conditions and in any manner as it may deem proper,
804 including by eminent domain, property for public use, or by gift,
805 grant, lease, or otherwise, real property or easements therein,
806 franchises and personal property necessary or convenient for its
807 corporate purposes;

808 (i) To acquire insurance for the authority's systems,
809 facilities, buildings, treatment plants and all property, real or
810 personal, to insure against all risks as any insurance may, from
811 time to time, be available;

812 (j) To use any property and rent or lease any property
813 to or from others, including public agencies, or make contracts
814 for the use of the property. The authority may sell, lease,
815 exchange, transfer, assign, pledge, mortgage or grant a security
816 interest for any property. The powers to acquire, use and dispose
817 of property as set forth in this paragraph shall include the power
818 to acquire, use and dispose of any interest in that property,

819 whether divided or undivided. Title to any property of the
820 authority shall be held by the authority exclusively for the
821 benefit of the public;

822 (k) To apply, contract for, accept, receive and
823 administer gifts, grants, appropriations and donations of money,
824 materials, and property of any kind, including loans and grants
825 from the United States, the state, a unit of local government, or
826 any agency, department, district or instrumentality of any of the
827 foregoing, upon any terms and conditions as the United States, the
828 state, a unit of local government, or any agency, department,
829 district or instrumentality shall impose. The authority may
830 administer trusts. The authority may sell, lease, transfer,
831 convey, appropriate and pledge any and all of its property and
832 assets;

833 (l) To make and enforce, and from time to time amend
834 and repeal, bylaws, rules, ordinances and regulations for the
835 management of its business and affairs and for the construction,
836 use, maintenance and operation of any of the systems under its
837 management and control;

838 (m) To employ and terminate staff and other personnel,
839 including attorneys, engineers and consultants as may be necessary
840 to the functioning of the authority. The board of directors, in
841 its discretion, may employ an executive director having the
842 authority to employ and fire employees and other duties as
843 determined by the board;

844 (n) To establish and maintain rates and any other
845 charges for services and the use of systems and facilities within
846 the control of the authority, and from time to time, to adjust
847 such rates and any other charges to the end that the revenues
848 therefrom will be sufficient at all times to pay the expenses of
849 operating and maintaining of the facilities and treatment systems
850 and all of the persons' obligations under any contract or bond
851 resolution with respect thereto or any obligation of any person

852 under any agreement, contract, indenture or bond resolution with
853 respect thereto. Such rates and any other charges shall not be
854 subject to the jurisdiction of the Mississippi Public Service
855 Commission;

856 (o) To adopt rules and regulations necessary to carry
857 out the implementation of the master plan and to assure the
858 payment of each participating person or public agency of its
859 proportionate share of the costs for use of any of the systems and
860 facilities of the authority and for the costs of the utility
861 board;

862 (p) To enter on public or private lands, waters or
863 premises for the purpose of making surveys, borings or soundings,
864 or conducting tests, examinations or inspections for the purposes
865 of the district, subject to responsibility for any damage done to
866 property entered;

867 (q) To accept industrial wastewater from within the
868 boundaries of the authority for treatment and to require the
869 pretreatment of same when, in the opinion of the authority, such
870 pretreatment is necessary;

871 (r) To control and operate local retail water,
872 wastewater, storm water and solid waste services and may provide
873 or be responsible for direct servicing of those services to
874 residences, businesses and individuals; however, the authority
875 shall not provide the same services in an area provided by a
876 public utility or person holding a certificate of public
877 convenience and necessity issued by the Mississippi Public Service
878 Commission for the provision of such services in the certificated
879 area. Any rates, fees, assessments or other charges shall not be
880 under the control or regulation of the Mississippi Public Service
881 Commission;

882 (s) To assume control and administer, within the
883 authority's jurisdiction any water, wastewater, storm water or
884 solid waste system or systems by agreement and/or contract with

885 any person providing that such services are requested by such
886 person to be relieved of that responsibility. However, the person
887 shall maintain control over connections in their service areas and
888 may charge rates and any other charges in addition to the rates
889 and any charges of the authority;

890 (t) The authority shall have the power of eminent
891 domain for the particular purpose of the acquisition of property
892 designated by plan to sufficiently accommodate the location of
893 water, wastewater, storm water or solid waste systems and such
894 requirements related directly thereto pursuant to the provisions
895 of Chapter 27, Title 11, Mississippi Code of 1972. The authority
896 may acquire by eminent domain property necessary for any system
897 and the exercise of the powers, rights and duties conferred upon
898 the authority by this act. No person owning the drilling rights
899 or the right to share in production shall be prevented from
900 exploring, developing or producing oil or gas with necessary
901 rights-of-way for ingress and egress, pipelines and other means of
902 transporting such interests on any lands or interest of the
903 authority held or used for the purposes of this act, but any such
904 activities shall be subject to reasonable regulations by the board
905 of directors that will adequately protect the systems or projects
906 of the authority;

907 (u) To use any legally available funds to acquire,
908 rebuild, operate and maintain any existing water, wastewater,
909 storm water or solid waste systems owned or operated by any
910 person;

911 (v) To refuse to receive wastewater, storm water or
912 solid waste from any public agency or person thereof not currently
913 using any system and which may be acquired or within the control
914 if inconsistent with the master plan; and

915 (w) So long as any indebtedness on the systems of the
916 authority remains outstanding, to require by contract with a
917 member public agency, or other person, that all water, wastewater

918 and storm water within the boundaries of the respective authority
919 be disposed of through the appropriate treatment system which
920 comprise a part of the master plan to the extent that the same may
921 be available, but no public agency shall be precluded from
922 constructing, operating and maintaining its own such system after
923 the current indebtedness owing on the system as of the effective
924 date of this act is paid in full.

925 **SECTION 22. Promulgation of rules and regulations relating**
926 **to construction, operation and maintenance of any water,**
927 **wastewater, storm water and solid waste facilities and systems**
928 **within each authority's service area.**

929 (1) The authority shall have the power, duty and
930 responsibility to exercise general supervision over the design,
931 construction, operation and maintenance of water, wastewater,
932 storm water and solid waste systems.

933 (2) The authority shall adopt rules and regulations
934 regarding the design, construction or installation, operation and
935 maintenance of water, wastewater, storm water and solid waste
936 systems.

937 (3) The authority shall adopt rules and regulations
938 regarding the use of centralized wastewater treatment systems and
939 enforce rules and regulations adopted by the utility board
940 regarding the use of decentralized treatment systems and
941 individual on-site wastewater treatment systems.

942 (4) The authority shall adopt rules establishing performance
943 standards for water, wastewater, storm water and solid waste
944 systems and the operation and maintenance of the same. Such rules
945 and regulations shall include the implementation of a standard
946 application form for the installation, operation and maintenance
947 of such systems; application review; approval or denial procedures
948 for any proposed system; inspection, monitoring and reporting
949 guidelines; and enforcement procedures.

950 (5) No county, municipality, public agency or person shall
951 construct or place a residence, building, facility or development
952 within the authority's service area which may require the
953 installation of a water, wastewater, storm water or solid waste
954 system or systems without first obtaining approval from the
955 authority, or its designee.

956 (6) Any system of any municipality, public agency or other
957 persons which becomes connected with, or tied into, the systems of
958 the authority, shall be subject to the authority's jurisdiction
959 and the terms of this act.

960 (7) The authority shall approve all water, wastewater, storm
961 water and solid waste systems prior to approval by the appropriate
962 state agency or staff.

963 (8) Notwithstanding the provisions of Section 51-39-1 et
964 seq., the authority shall have the full power to adopt rules and
965 regulations and to construct, maintain and operate facilities for
966 the control of storm water quality and quantity. In addition, the
967 provisions of Section 51-33-1 et seq. relating to drainage
968 districts and flood control districts do not apply to the
969 authority.

970 (9) The authority may control and operate the local retail
971 water, wastewater, storm water or solid waste services and may
972 provide or be responsible for direct servicing of those services
973 to residences, businesses and individuals; however, the authority
974 shall not provide the same services in an area provided by a
975 public utility or person holding a certificate of public
976 convenience and necessity issued by the Mississippi Public Service
977 Commission for the provision of such services in the certificated
978 area.

979 **SECTION 23. Contracts between public agencies and authority**
980 **for provision of water, wastewater, storm water or solid waste**
981 **services by the authority; payment for services and contributions**
982 **by public agencies.**

983 (1) Any public agency or person, pursuant to a duly adopted
984 resolution of the governing body of such public agency, may enter
985 into contracts with the authority or authorities under the terms
986 of which the authority will manage, operate and contract for usage
987 of its systems and facilities, or other services, for such person
988 or public agency.

989 (2) Any public agency or person may enter into contracts
990 with the authority for the authority to purchase or sell, by
991 installments over such terms as may be deemed desirable, or
992 otherwise, to any person or any systems.

993 (3) Any public agency is authorized to enter into operating
994 agreements with the authority, for such terms and upon such
995 conditions as may be deemed desirable, for the operation of any of
996 its systems of any person by the authority or by any person
997 contracting with the authority to operate such systems.

998 (4) Any public agency may lease to or from the authority,
999 for such term and upon such conditions as may be deemed desirable,
1000 any of its systems.

1001 (5) Any such contract may contain provisions requiring any
1002 public agency or other person to regulate the quality and strength
1003 of the material to be handled by the wastewater or storm water
1004 systems and may also provide that the authority shall have the
1005 right to use any streets, alleys and public ways and places within
1006 the jurisdiction of a public agency or other person during the
1007 term of the contract. Such contracts may obligate the public
1008 agency to make payments to the authority or to a trustee in
1009 amounts which shall be sufficient to enable the authority to
1010 defray the expenses of administering, operating and maintaining
1011 its respective systems, to pay interest and principal (whether at
1012 maturity upon redemption or otherwise) on bonds of the authority,
1013 issued under this act and to fund reserves for debt service, for
1014 operation and maintenance and for renewals and replacements, to
1015 fulfill the requirements of any rate covenant with respect to debt

1016 service coverage contained in any resolution, trust indenture or
1017 other security agreement relating to the bonds of the authority
1018 issued under this act or to fulfill any other requirement relating
1019 to bonds issued pursuant to this act.

1020 (6) Any public agency shall have the power to enter into
1021 such contracts with the authority as in the discretion of the
1022 governing body of the public agency would be in the best interest
1023 of the public agency. Such contracts may include a pledge of the
1024 full faith and credit of such public agency and/or the avails of
1025 any special assessments made by such public agency against
1026 property receiving benefits, as now or hereafter is provided by
1027 law. Any such contract may provide for the sale, or lease to, or
1028 use of by the authority, of the systems or any part thereof, of
1029 the public agency; and may provide that the authority shall
1030 operate its systems or any part thereof of the public agency; and
1031 may provide that any public agency shall have the right to
1032 continued use and/or priority use of the systems or any part
1033 thereof during the useful life thereof upon payment of reasonable
1034 charges therefor; and may contain provisions to assure equitable
1035 treatment of persons or public agencies who contract with the
1036 authority under this act; and may contain such other provisions
1037 and requirements as the parties thereto may determine to be
1038 appropriate or necessary. Such contracts may extend over any
1039 period of time, notwithstanding any provisions of law to the
1040 contrary, and may extend beyond the life of the respective systems
1041 or any part thereof or the term of the bonds sold with respect to
1042 such facilities or improvements thereto.

1043 (7) The obligations of a public agency arising under the
1044 terms of any contract referred to in this act, whether or not
1045 payable solely from a pledge of revenues, shall not be included
1046 within the indebtedness limitations of the public agency for
1047 purposes of any constitutional or statutory limitation or
1048 provision. To the extent provided in such contract and to the

1049 extent such obligations of the public agency are payable wholly or
1050 in part from the revenues and other monies derived by the public
1051 agency from the operation of its systems or of its combined
1052 systems, or any part thereof, such obligations shall be treated as
1053 expenses of operating such systems.

1054 (8) Contracts referred to in this section may also provide
1055 for payments in the form of contributions to defray the cost of
1056 any purpose set forth in the contracts and as advances for the
1057 respective systems or any part thereof subject to repayment by the
1058 authority. A public agency may make such contributions or
1059 advances from its general fund or surplus fund or from special
1060 assessments or from any monies legally available therefor.

1061 (9) Payments made, or to be made, to the authority by a
1062 public agency or other person under a contract for any of its
1063 treatment systems, or any part thereof, shall not be subject to
1064 approval or review by the Mississippi Public Service Commission.

1065 (10) Subject to the terms of a contract or contracts
1066 referred to in this act, the authority is hereby authorized to do
1067 and perform any and all acts or things necessary, convenient or
1068 desirable to carry out the purposes of such contracts, including
1069 the fixing, charging, collecting, maintaining and revising of
1070 rates and other charges for the services rendered to any user of
1071 any of the systems operated or maintained by the authority,
1072 whether or not such systems are owned by the authority.

1073 (11) No provision of this act shall be construed to prohibit
1074 any public agency, otherwise permitted by law to issue bonds, from
1075 issuing bonds in the manner provided by law for the construction,
1076 renovation, repair or development of any of the authority's
1077 systems, or any part thereof, owned or operated by such public
1078 agency.

1079 **SECTION 24. Rates and fees charged by public agencies for**
1080 **services provided by authority.**

1081 Whenever a public agency shall have executed a contract under
1082 this act and the payments thereunder are to be made either wholly
1083 or partly from the revenues of the public agency's systems, or any
1084 part thereof, or a combination of such systems, the duty is hereby
1085 imposed on the public agency to establish and maintain and from
1086 time to time to adjust the rates charged by the public agency for
1087 the services of such systems, so that the revenues therefrom,
1088 together with any taxes and special assessments levied in support
1089 thereof, will be sufficient at all times to pay: (a) the expense
1090 of operating and maintaining such systems, including all of the
1091 public agency's obligations to the authority, its successors or
1092 assigns under such contract; and (b) all of the public agency's
1093 obligations under and in connection with bonds theretofore issued,
1094 or which may be issued thereafter and secured by the revenues of
1095 such systems. Any such contract may require the use of consulting
1096 engineers and financial experts to advise the public agency
1097 whether and when such rates are to be adjusted.

1098 **SECTION 25. Public Service Commission notice.**

1099 (1) Notwithstanding the provisions of Sections 77-3-21 and
1100 77-3-23, Mississippi Code of 1972, the certificate of public
1101 convenience and necessity held by any member, municipality, public
1102 agency, district, public utility or other person authorized by law
1103 to provide water, sewer and wastewater services may be canceled
1104 and its powers, duties and responsibilities transferred to the
1105 authority in the manner provided by this section.

1106 (2) Any entity described in subsection (1) of this section
1107 desiring to have its certificate of public convenience and
1108 necessity canceled and its powers, duties and responsibilities
1109 transferred to the authority shall make a determination to that
1110 effect on its official minutes if a public entity, or by affidavit
1111 if not a public entity, and transmit such determination to the
1112 authority.

1113 (3) Upon receipt of the document evidencing such
1114 determination from an entity to transfer its powers, duties and
1115 responsibilities to the authority, the authority shall by
1116 resolution declare whether it is willing and able to accept such
1117 transfer from the entity.

1118 (4) Upon completion of the requirements of subsections (2)
1119 and (3) herein and agreement by both parties to the transfer, the
1120 holder of the certificate of public convenience and necessity and
1121 the authority shall jointly petition the Public Service Commission
1122 to cancel the certificate of public convenience and necessity.
1123 The petition must be accompanied by copies of the official
1124 minutes, affidavit or resolution, as the case may be, reflecting
1125 the actions of the petitioners. After review of the petition and
1126 any other evidence as the Public Service Commission deems
1127 necessary, the commission may issue an order canceling the
1128 certificate and transferring to the authority the powers, duties
1129 and responsibilities granted by the certificate, including all
1130 assets and debts of the transferor petitioner related to such
1131 certificated services, real or personal, or both, if it finds
1132 that:

1133 (a) Subsections (2) and (3) of this section have been
1134 complied with; and

1135 (b) Such action is in the public interest.

1136 (5) The authority and providers of water, sewer, wastewater
1137 and storm water services that are not holders of a certificate of
1138 a public convenience and necessity from the Public Service
1139 Commission may enter into agreements for the provision of such
1140 services, including, but not limited to, the transfer to the
1141 authority of such provider's powers, duties, responsibilities,
1142 assets and debts.

1143 **SECTION 26. Validation of prior indebtedness.**

1144 (1) Any system of a municipality, public agency or person
1145 that becomes subject to the jurisdiction of an authority and this

1146 act shall not impair, invalidate or abrogate any liens, bonds or
1147 other certificates of indebtedness related to water, storm water
1148 or wastewater facilities and systems incurred prior to becoming
1149 subject to the jurisdiction of the authority.

1150 (2) The authority may do and perform any and all acts
1151 necessary, convenient or desirable to ensure the payment,
1152 redemption or satisfaction of such liens, bonds or other
1153 certificates of indebtedness.

1154 **SECTION 27. The power to borrow money and to issue revenue**
1155 **bonds.**

1156 (1) Sections 27 through 36 apply to all bonds to be issued
1157 after the effective date of this act and such provisions shall not
1158 affect, limit or alter the rights and powers of any authority
1159 under this act or any law of Mississippi to conduct the activities
1160 referred to herein in any way pertinent to the interests of the
1161 bondholders, including, without limitation, such authority's right
1162 to charge and collect rates, fees and charges and to fulfill the
1163 terms of any covenants made with the registered owners of any
1164 existing bonds, or in any other way impair the rights and remedies
1165 of the registered owners of any existing bonds, unless provision
1166 for full payment of such bonds, by escrow or otherwise, has been
1167 made pursuant to the terms of the bonds or the resolution, trust
1168 indenture or security interest securing the bonds.

1169 (2) The authority shall have the power and is hereby
1170 authorized, from time to time, to borrow money and to issue
1171 revenue bonds and interim notes in such principal amounts as the
1172 authority may determine to be necessary to provide sufficient
1173 funds for achieving one or more of the purposes of this act,
1174 including, without limiting the generality of the foregoing, to
1175 defray all the costs of the project, the cost of the acquisition,
1176 construction, improvement, repair or extension of a system, or any
1177 part thereof, whether or not such facilities are owned by the
1178 authority, the payment of interest on bonds of the authority

1179 issued pursuant to this act, establishment of reserves to secure
1180 such bonds and payment of the interest thereon, expenses incident
1181 to the issuance of such bonds and to the implementation of the
1182 authority's system, and all other expenditures of the authority
1183 incident to or necessary or convenient to carry out the purposes
1184 of this act.

1185 (3) Before issuing bonds, other than interim notes or
1186 refunding bonds as provided in Section 28, the board of directors
1187 of the authority shall adopt a resolution declaring its intention
1188 to issue such bonds and stating the maximum principal amount of
1189 bonds proposed to be issued, a general generic description of the
1190 proposed improvements and the proposed location thereof and the
1191 date, time and place at which the board of directors proposes to
1192 take further action with respect to the issuance of such bonds.
1193 The resolution of the authority shall be published once a week for
1194 at least three (3) consecutive weeks in at least one (1) newspaper
1195 having a general circulation within the geographical limits of all
1196 of the public agencies which have contracted with the authority
1197 pursuant to this act.

1198 (4) Bonds of the authority issued pursuant to this act shall
1199 be payable from and secured by a pledge of all or any part of the
1200 revenues under one or more contracts entered into pursuant to this
1201 act between the authority and one or more of its contracting
1202 public agencies and from all or any part of the revenues derived
1203 from the operation of any designated system or any part or parts
1204 thereof and any other monies legally available and designated
1205 therefor, as may be determined by such authority, subject only to
1206 any agreement with the purchasers of the bonds. Such bonds may be
1207 further secured by a trust indenture between such authority and a
1208 corporate trustee, which may be any trust company or bank having
1209 powers of a trust company without or within the state.

1210 (5) Bonds of the authority issued pursuant to this act shall
1211 be authorized by a resolution or resolutions adopted by a majority

1212 affirmative vote of the total membership of the board of directors
1213 of the authority. Such bonds may be issued in series, and each
1214 series of such bonds shall bear such date or dates, mature at such
1215 time or times, bear interest at such rate or rates (not exceeding
1216 the maximum rate set out in Section 75-17-103, Mississippi Code of
1217 1972), be in such denomination or denominations, be in such form,
1218 carry such conversion privileges, have such rank or priority, be
1219 executed in such manner and by such officers, be payable from such
1220 sources in such medium of payment at such place or places within
1221 or without the state, provided that one such place shall be within
1222 the state, and be subject to such terms of redemption prior to
1223 maturity, all as may be provided by resolution or resolutions of
1224 the board of directors. The term of such bond issued pursuant to
1225 this act shall not exceed forty (40) years.

1226 (6) Bonds of the authority issued pursuant to this act may
1227 be sold at such price or prices, at public or private sale, in
1228 such manner and at such times as may be determined by such
1229 authority to be in the public interest, and such authority may pay
1230 all expenses, premiums, fees and commissions which it may deem
1231 necessary and advantageous in connection with the issuance and
1232 sale thereof.

1233 (7) Any pledge of earnings, revenues or other monies made by
1234 the authority shall be valid and binding from the time the pledge
1235 is made. The earnings, revenues or other monies so pledged and
1236 thereafter received by such authority shall immediately be subject
1237 to the lien of such pledge without any physical delivery thereof
1238 or further act, and the lien of any such pledge shall be valid and
1239 binding as against all parties having claims of any kind in tort,
1240 contract or otherwise against such authority irrespective of
1241 whether such parties have notice thereof. Neither the resolution
1242 nor any other instrument by which a pledge is created need be
1243 recorded.

1244 (8) Neither the members of the board of directors nor any
1245 person executing the bonds shall be personally liable on the bonds
1246 or be subject to any personal liability or accountability by
1247 reason of the issuance thereof.

1248 (9) Proceeds from the sale of bonds of the authority may be
1249 invested, pending their use, in such securities as may be
1250 specified in the resolution authorizing the issuance of the bonds
1251 or the trust indenture securing them, and the earnings on such
1252 investments applied as provided in such resolution or trust
1253 indenture.

1254 (10) Whenever any bonds shall have been signed by the
1255 officer(s) designated by the resolution of the board of directors
1256 to sign the bonds who were in office at the time of such signing
1257 but who may have ceased to be such officer(s) prior to the sale
1258 and delivery of such bonds, or who may not have been in office on
1259 the date such bonds may bear, the manual or facsimile signatures
1260 of such officer(s) upon such bonds shall nevertheless be valid and
1261 sufficient for all purposes and have the same effect as if the
1262 person so officially executing such bonds had remained in office
1263 until the delivery of the same to the purchaser or had been in
1264 office on the date such bonds may bear.

1265 (11) The authority has the discretion to advance or borrow
1266 funds needed to satisfy any short-term cash flow demands or
1267 deficiencies or to cover start-up costs until such time as
1268 sufficient bonds, assets and revenues have been secured to satisfy
1269 the needs of the authority.

1270 **SECTION 28. Bonds of authority.**

1271 (1) **Refunding bonds.** The authority may, by resolution
1272 adopted by its board of directors, issue refunding bonds for the
1273 purpose of paying any of its bonds at or prior to maturity or upon
1274 acceleration or redemption. Refunding bonds may be issued at such
1275 time prior to the maturity or redemption of the refunded bonds as
1276 the board of directors deems to be in the public interest, without

1277 an election on the question of the issuance thereof. The
1278 refunding bonds may be issued in sufficient amounts to pay or
1279 provide the principal of the bonds being refunded, together with
1280 any redemption premium thereon, any interest accrued or to accrue
1281 to the date of payment of such bonds, the expenses of issue of the
1282 refunding bonds, the expenses of redeeming the bonds being
1283 refunded, and such reserves for debt service or other capital or
1284 current expenses from the proceeds of such refunding bonds as may
1285 be required by the resolution, trust indenture or other security
1286 instruments. The issue of refunding bonds, the maturities and
1287 other details thereof, the security therefor, the rights of the
1288 holders and the rights, duties and obligations of the authority in
1289 respect of the same shall be governed by the provisions of this
1290 act relating to the issue of bonds other than refunding bonds
1291 insofar as the same may be applicable. Any such refunding may be
1292 effected, whether the obligations to be refunded shall have then
1293 matured or shall thereafter mature, either by the exchange of the
1294 refunding bonds for the obligations to be refunded thereby with
1295 the consent of the holders of the obligations so to be refunded,
1296 or by sale of the refunding bonds and the application of the
1297 proceeds thereof to the payment of the obligations proposed to be
1298 refunded thereby, and regardless of whether the obligations
1299 proposed to be refunded shall be payable on the same date or
1300 different dates or shall be due serially or otherwise.

1301 (2) **Interim notes.** Borrowing by the authority may be made
1302 by the delivery of interim notes to any person or public agency or
1303 financial institution by a simple majority vote of the board of
1304 directors.

1305 **SECTION 29.** All bonds (other than refunding bonds, interim
1306 notes and certificates of indebtedness, which may be validated)
1307 issued pursuant to this act shall be validated as now provided by
1308 law in Sections 31-13-1 through 31-13-11, Mississippi Code of
1309 1972; however, notice of such validation proceedings shall be

1310 addressed to the citizens of the respective public agencies (a)
1311 which have contracted with the authority pursuant to this act, and
1312 (b) whose contracts and the payments to be made by the public
1313 agencies thereunder constitute security for the bonds of such
1314 authority proposed to be issued, and that such notice shall be
1315 published at least once in a newspaper or newspapers having a
1316 general circulation within the geographical boundaries of each of
1317 the contracting public agencies to whose citizens the notice is
1318 addressed. Such validation proceedings shall be instituted in any
1319 chancery courts within the boundaries of the authority. The
1320 validity of the bonds so validated and of the contracts and
1321 payments to be made by the public agencies thereunder constituting
1322 security for the bonds shall be forever conclusive against the
1323 authority and the public agencies which are parties to said
1324 contracts; and the validity of said bonds and said contracts and
1325 the payments to be made thereunder shall never be called in
1326 question in any court in this state.

1327 **SECTION 30.** Bonds issued under the provisions of this act
1328 shall not be deemed to constitute, within the meaning of any
1329 constitutional or statutory limitation, an indebtedness of the
1330 authority. Such bonds shall be payable solely from the revenues
1331 or assets of the authority pledged therefor. Each bond issued
1332 under this act shall contain on the face thereof a statement to
1333 the effect that such authority shall not be obligated to pay the
1334 same nor the interest thereon except from the revenues or assets
1335 pledged therefor.

1336 **SECTION 31.** The authority shall have power in connection
1337 with the issuance of its bonds pursuant to this act to:

1338 (a) Covenant as to the use of any or all of its
1339 property, real or personal;

1340 (b) Redeem the bonds, to covenant for their redemption
1341 and to provide the terms and conditions thereof;

1342 (c) Covenant to charge rates, fees and charges
1343 sufficient to meet operating and maintenance expenses, renewals
1344 and replacements, principal and debt service on bonds, creation
1345 and maintenance of any reserves required by a bond resolution,
1346 trust indenture or other security instrument and to provide for
1347 any margins or coverages over and above debt service on the bonds
1348 deemed desirable for the marketability of the bonds;

1349 (d) Covenant and prescribe as to events of default and
1350 terms and conditions upon which any or all of its bonds shall
1351 become or may be declared due before maturity, as to the terms and
1352 conditions upon which such declaration and its consequences may be
1353 waived and as to the consequences of default and the remedies of
1354 the registered owners of the bonds;

1355 (e) Covenant as to the mortgage or pledge of or the
1356 grant of a security interest in any real or personal property and
1357 all or any part of the revenues from any designated system or any
1358 part thereof or any revenue-producing contract or contracts made
1359 by such authority with any person to secure the payment of bonds,
1360 subject to such agreements with the registered owners of bonds as
1361 may then exist;

1362 (f) Covenant as to the custody, collection, securing,
1363 investment and payment of any revenues, assets, monies, funds or
1364 property with respect to which such authority may have any rights
1365 or interest;

1366 (g) Covenant as to the purposes to which the proceeds
1367 from the sale of any bonds then or thereafter to be issued may be
1368 applied, and the pledge of such proceeds to secure the payment of
1369 the bonds;

1370 (h) Covenant as to the limitations on the issuance of
1371 any additional bonds, the terms upon which additional bonds may be
1372 issued and secured, and the refunding of outstanding bonds;

1373 (i) Covenant as to the rank or priority of any bonds
1374 with respect to any lien or security;

1375 (j) Covenant as to the procedure by which the terms of
1376 any contract with or for the benefit of the registered owners of
1377 bonds may be amended or abrogated, the amount of bonds the
1378 registered owners of which must consent thereto, and the manner in
1379 which such consent may be given;

1380 (k) Covenant as to the custody of any of its properties
1381 or investments, the safekeeping thereof, the insurance to be
1382 carried thereon, and the use and disposition of insurance
1383 proceeds;

1384 (l) Covenant as to the vesting in a trustee or
1385 trustees, within or outside the state, of such properties, rights,
1386 powers and duties in trust as such authority may determine;

1387 (m) Covenant as to the appointing and providing for the
1388 duties and obligations of a paying agent or paying agents or other
1389 fiduciaries within or outside the state;

1390 (n) Make all other covenants and to do any and all such
1391 acts and things as may be necessary or convenient or desirable in
1392 order to secure its bonds, or in the absolute discretion of the
1393 authority tend to make the bonds more marketable, notwithstanding
1394 that such covenants, acts or things may not be enumerated herein;
1395 it being the intention hereof to give any authority power to do
1396 all things in the issuance of bonds and in the provisions for
1397 security thereof which are not inconsistent with the Constitution
1398 of the state; and

1399 (o) Execute all instruments necessary or convenient in
1400 the exercise of the powers herein granted or in the performance of
1401 covenants or duties, which may contain such covenants and
1402 provisions, as any purchaser of the bonds of the authority may
1403 reasonably require.

1404 **SECTION 32.** The authority may, in any authorizing resolution
1405 of the board of directors, trust indenture or other security
1406 instrument relating to its bonds issued pursuant to this act,
1407 provide for the appointment of a trustee who shall have such

1408 powers as are provided therein to represent the registered owners
1409 of any issue of bonds in the enforcement or protection of their
1410 rights under any such resolution, trust indenture or security
1411 instrument. The authority may also provide in such resolution,
1412 trust indenture or other security instrument that the trustee, or
1413 in the event that the trustee so appointed shall fail or decline
1414 to so protect and enforce such registered owners' rights then such
1415 percentage of registered owners as shall be set forth in, and
1416 subject to the provisions of, such resolution, trust indenture or
1417 other security interest, may petition the court of proper
1418 jurisdiction for the appointment of a receiver of the authority's
1419 systems, the revenues of which are pledged to the payment of the
1420 principal of and interest on the bonds of such registered owners.
1421 Such receiver may exercise any power as may be granted in any such
1422 resolution, trust indenture or security instrument to enter upon
1423 and take possession of, acquire, construct or reconstruct or
1424 operate and maintain such system, fix charges for services of the
1425 system and enforce collection thereof, and receive all revenues
1426 derived from such system or facilities and perform the public
1427 duties and carry out the contracts and obligations of such
1428 authority in the same manner as such authority itself might do,
1429 all under the direction of such court.

1430 **SECTION 33.** (1) The exercise of the powers granted by this
1431 act will be in all respects for the benefit of the people of the
1432 state, for their well-being and prosperity and for the improvement
1433 of their social and economic conditions, and the authority shall
1434 not be required to pay any tax or assessment on any property owned
1435 by the authority under the provisions of this act or upon the
1436 income therefrom; nor shall the authority be required to pay any
1437 recording fee or transfer tax of any kind on account of
1438 instruments recorded by it or on its behalf.

1439 (2) Any bonds issued by the authority under and pursuant to
1440 the provisions of this act, their transfer and the income

1441 therefrom shall at all times be free from taxation by the state or
1442 any local unit or political subdivision or other instrumentality
1443 of the state, excepting inheritance and gift taxes.

1444 **SECTION 34.** All bonds issued under the provisions of this
1445 act shall be legal investments for trustees, other fiduciaries,
1446 savings banks, trust companies and insurance companies organized
1447 under the laws of the State of Mississippi; and such bonds shall
1448 be legal securities which may be deposited with and shall be
1449 received by all public officers and bodies of the state and all
1450 municipalities and other political subdivisions thereof for the
1451 purpose of securing the deposit of public funds.

1452 **SECTION 35.** The state hereby covenants with the registered
1453 owners of any bonds of any authority that so long as the bonds are
1454 outstanding and unpaid the state will not limit or alter the
1455 rights and powers of any authority under this act to conduct the
1456 activities referred to herein in any way pertinent to the
1457 interests of the bondholders, including, without limitation, such
1458 authority's right to charge and collect rates, fees, assessments
1459 and charges and to fulfill the terms of any covenants made with
1460 the registered owners of the bonds, or in any other way impair the
1461 rights and remedies of the registered owners of the bonds, unless
1462 provision for full payment of such bonds, by escrow or otherwise,
1463 has been made pursuant to the terms of the bonds or the
1464 resolution, trust indenture or security interest securing the
1465 bonds.

1466 **SECTION 36.** For the purposes of satisfying any temporary
1467 cash flow demands and deficiencies, and to maintain a working
1468 balance for the authority, the county, municipalities or public
1469 agencies within the geographic boundaries of the authority, or
1470 other persons, subject to their lawful authority to do so, are
1471 authorized to advance, at any time, such funds which, in its
1472 discretion, are necessary, or borrow such funds by issuance of
1473 notes, for initial capital contribution and to cover start-up

1474 costs until such times as sufficient bonds, assets and revenues
1475 have been secured to satisfy the needs of the authority for its
1476 management, operation and formation. To this end, the county,
1477 municipality, public agency or person, subject to their lawful
1478 authority to do so, shall advance such funds, or borrow such funds
1479 by issuance of notes, under such terms and conditions as may be
1480 provided by resolution of the governing body, or other persons as
1481 defined in this act, subject to their lawful authority to do so,
1482 except that each such resolution shall state:

1483 (a) The need for the proceeds advanced or borrowed;

1484 (b) The amount to be advanced or the amount to be
1485 borrowed;

1486 (c) The maximum principal amount of any note issued the
1487 interest rate or maximum interest rate to be incurred, and the
1488 maturity date of said note;

1489 (d) In addition, the governing body, or other persons
1490 as defined in this act, subject to their lawful authority to do
1491 so, may arrange for lines of credit with any bank, firm or person
1492 for the purpose of providing an additional source of repayment for
1493 notes issued pursuant to this section. Amounts drawn on a line of
1494 credit may be evidenced by negotiable or nonnegotiable notes or
1495 other evidences of indebtedness and contain such terms and
1496 conditions as the governing body, or other persons as defined in
1497 this act, subject to their lawful authority to do so, may
1498 authorize in the resolution approving the same;

1499 (e) The governing body of the county, municipalities or
1500 other persons as defined in this act, subject to their lawful
1501 authority to do so, may authorize the repayment of such advances,
1502 notes, lines of credit and other debt incurred under this section,
1503 along with all costs associated with the same, including, but not
1504 limited to, rating agency fees, printing costs, legal fees, bank
1505 or trust company fees, line of credit fees and other charges to be
1506 reimbursed by the authority under such terms and conditions as are

1507 reasonable and are to be provided for by resolution of the
1508 governing body, or terms agreed upon with other persons as defined
1509 in this act, subject to their lawful authority to do so;

1510 (f) In addition, the governing body of the county,
1511 municipality or public agency may lease or donate office space and
1512 equipment to the authority under such terms and conditions as are
1513 reasonable and are to be provided for by resolution of the
1514 governing body, or terms agreed upon by the authority.

1515 **SECTION 37.** Section 49-17-162, Mississippi Code of 1972, is
1516 brought forward as follows:

1517 49-17-162. (1) The Southern Regional Wastewater Management
1518 District shall be the Waveland Regional Wastewater Management
1519 District and shall retain all powers and duties granted by law to
1520 the Waveland Regional Wastewater Management District.

1521 (2) Wherever the term "Waveland Regional Wastewater
1522 Management District" appears in any law, it shall be construed to
1523 mean the Southern Regional Wastewater Management District.

1524 **SECTION 38.** Section 49-17-163, Mississippi Code of 1972, is
1525 brought forward as follows:

1526 49-17-163. (1) It is hereby found and declared that a
1527 critical health hazard to the residents of the State of
1528 Mississippi results from the pollution of the waters in the
1529 Mississippi Sound which is one (1) of the state's basic resources;
1530 that such pollution is adversely affecting the economy and growth
1531 of the state; and that such pollution is caused primarily by the
1532 operation of inadequate wastewater collection and treatment
1533 facilities within the counties bordering the Gulf of Mexico.

1534 (2) It is further found and declared that it is in the
1535 public interest to foster and promote by all reasonable means the
1536 abatement of pollution of water in or bordering the state and thus
1537 to reduce and ultimately abate the menace to the public health and
1538 welfare resulting from such pollution; that the abatement of the
1539 pollution of the waters in the Mississippi Sound can best be

1540 accomplished through the establishment of regional wastewater
1541 management districts to provide for the planning and financing of
1542 adequate wastewater collection and treatment facilities for the
1543 benefit of all public agencies and other persons within those
1544 counties bordering the Gulf of Mexico, who desire by means of and
1545 through such districts to obtain such facilities; and that the
1546 establishment of a regional wastewater management district will
1547 serve to maximize the amount of federal aid and assistance which
1548 can be received for this pollution abatement effort.

1549 (3) It is further found and declared that to aid in
1550 remedying these conditions, and to promote the development and
1551 operation of adequate wastewater collection and treatment
1552 facilities and thereby to abate such pollution, public bodies
1553 corporate and politic of the state may be created with authority
1554 to cause and assist in compliance with the standards of water
1555 quality established by the Mississippi Air and Water Pollution
1556 Control Law, appearing as Section 49-17-1 et seq., Mississippi
1557 Code of 1972, and by the Federal Water Pollution Control Act,
1558 appearing as 33 USCS 1251, as amended, regarding collection and
1559 treatment facilities located in the counties bordering the Gulf of
1560 Mexico; to plan, acquire, construct, finance, develop, own,
1561 operate or maintain wastewater collection and treatment facilities
1562 within said counties; and to apply and contract for and to accept
1563 grants-in-aid and other funds from the federal government and the
1564 state government and their agencies in this regard.

1565 (4) The Legislature further finds that the authority and
1566 powers conferred under Sections 49-17-161 through 49-17-209 and
1567 the expenditure of public monies pursuant thereto constitute a
1568 valid public purpose; that the creation and establishment of the
1569 Southern Regional Wastewater Management District is necessary and
1570 essential to the accomplishment of the aforesaid purposes; that
1571 Sections 49-17-161 through 49-17-209 operate on a subject in which

1572 the state at large is interested; and that each of these matters
1573 are declared as a matter of express legislative determination.

1574 **SECTION 39.** Section 49-17-165, Mississippi Code of 1972, is
1575 brought forward as follows:

1576 49-17-165. Whenever used in Sections 49-17-161 through
1577 49-17-209, the following words and terms shall have the following
1578 respective meanings unless a different meaning clearly appears
1579 from the context:

1580 (a) "Act" means the Southern Regional Wastewater
1581 Management Act, as the same may be amended.

1582 (b) "Bonds" means any bonds, interim certificates,
1583 notes or other evidences of indebtedness of the district issued
1584 under Sections 49-17-161 through 49-17-209.

1585 (c) "Collection facilities" means any plants,
1586 structures, facilities and other real and personal property used
1587 or useful in the collection of wastewater for ultimate discharge
1588 into trunk lines, including, without limiting the generality of
1589 the foregoing, sewers, conduits, pipelines, mains, pumping and
1590 ventilating stations, plants and works, connections and any other
1591 real and personal property and rights therein necessary or useful
1592 or convenient for the purposes of the district in connection
1593 therewith.

1594 (d) "County" means Hancock County.

1595 (e) "District" means the Southern Regional Wastewater
1596 Management District.

1597 (f) "Management area" means all of the area lying
1598 within the territorial boundaries of Hancock County.

1599 (g) "Person" means the state or other agency or
1600 institution thereof, any municipality, political subdivision,
1601 public or private corporation, individual, partnership,
1602 association or other entity, and includes any officer or governing
1603 or managing body of any municipality, political subdivision or
1604 public or private corporation.

1605 (h) "Pollution" means such contamination, or other
1606 alteration of the physical, chemical or biological properties, of
1607 any waters of the state, including change in temperature, taste,
1608 color, turbidity or odor of the waters, or such discharge of any
1609 liquid, gaseous, solid, radioactive, or other substance into any
1610 waters of the state as will or is likely to create a nuisance or
1611 render such waters harmful, detrimental or injurious to public
1612 health, safety or welfare, or to domestic, commercial, industrial,
1613 agricultural, recreational or other legitimate beneficial uses, or
1614 to livestock, wild animals, birds, fish or other aquatic life.

1615 (i) "Public agency" means any incorporated city or
1616 town, county, political subdivision, governmental district or
1617 unit, public corporation or governmental agency created under the
1618 laws of the state, lying wholly or partially within the management
1619 area.

1620 (j) "State" means the State of Mississippi.

1621 (k) "Treatment facilities" means treatment plants and
1622 any related trunk lines.

1623 (l) "Treatment plants" means any plants, structures,
1624 facilities and other real and personal property used or useful in
1625 the treating, neutralizing, stabilizing or disposing of
1626 wastewater, including, without limiting the generality of the
1627 foregoing plants, disposal fields and lagoons and any other real
1628 and personal property and rights therein necessary or useful or
1629 convenient for the purposes of the district in connection
1630 therewith.

1631 (m) "Trunk lines" means trunk sewers and other
1632 structures and facilities used or useful in the conducting of
1633 wastewater from collection facilities to treatment plants,
1634 including, without limiting the generality of the foregoing,
1635 conduits, pipelines, mains, pumping and ventilating stations and
1636 any other real and personal property and rights therein necessary

1637 or useful or convenient for the purposes of the district in
1638 connection therewith.

1639 (n) "Wastewater" means water containing sewage,
1640 industrial wastes, oil field wastes and other liquid, gaseous,
1641 solid, radioactive or other substances which may pollute or tend
1642 to pollute any waters of the state.

1643 **SECTION 40.** Section 49-17-171, Mississippi Code of 1972, is
1644 brought forward as follows:

1645 49-17-171. The district shall have all the rights and powers
1646 necessary or convenient to carry out and effectuate the purposes
1647 and provisions of Sections 49-17-161 through 49-17-209, including,
1648 but without limiting the generality of the foregoing, the right
1649 and power:

1650 (a) To sue and be sued in its own name;

1651 (b) To adopt an official seal and alter the same at
1652 pleasure;

1653 (c) To maintain an office or offices at such place or
1654 places within the management area as it may determine;

1655 (d) To plan, develop, acquire, construct, reconstruct,
1656 operate, own, manage, lease (as lessor or lessee), dispose of,
1657 participate in, maintain, repair, extend or improve one or more
1658 collection facilities or treatment facilities, whether or not such
1659 facilities are or are to be owned by the district;

1660 (e) To acquire, own, hold, use, lease (as lessor or
1661 lessee), sell or otherwise dispose of, mortgage, pledge or grant a
1662 security interest in any real or personal property, contract
1663 commodity or service or interest therein;

1664 (f) To make and enforce, and from time to time amend
1665 and repeal, bylaws and rules and regulations for the management of
1666 its business and affairs and for the use, maintenance and
1667 operation of any of its collection facilities or treatment
1668 facilities and any other of its properties, including, without
1669 limiting the generality of the foregoing, rules and regulations

1670 requiring the pretreatment of industrial wastes and requiring
1671 industrial users to pay the construction costs of facilities that
1672 are allocable to the treatment of industrial wastes to the extent
1673 attributable to any federal government share of such costs;

1674 (g) To fix, charge, collect, maintain and revise rates,
1675 fees and other charges, including connection charges, for any
1676 services rendered by it to any person;

1677 (h) To apply and contract for and to accept any grants
1678 or gifts or loans or appropriations of funds or property or
1679 financial or other aid in any form from the United States or any
1680 instrumentality thereof, or from the state or any instrumentality
1681 thereof, or from any source, public or private and to comply with
1682 and make agreements with respect to, the terms and conditions
1683 thereof, subject to any agreements with bondholders;

1684 (i) To borrow money and to issue bonds for any of its
1685 purposes, to provide for and secure the payment thereof, and to
1686 provide for the rights of the holders thereof;

1687 (j) To invest any monies of the district, including
1688 proceeds from the sale of any bonds, notwithstanding any law to
1689 the contrary, but subject to any agreements with bondholders, on
1690 such terms and in such manner as the district deems proper;

1691 (k) To procure insurance against any loss in connection
1692 with its property, other assets and business in such amounts and
1693 from such insurers as it may deem necessary or desirable;

1694 (l) To employ architects, engineers, attorneys,
1695 financial advisors and such other consultants as it deems proper
1696 and to fix and pay their compensation, and to appoint and retain
1697 such officers, agents and employees as it deems proper and to fix
1698 and pay their compensation;

1699 (i) The employment of all professionals for
1700 project services shall be in strict accordance with current
1701 guidelines of the appropriate federal, state and local regulatory
1702 agencies and advertising for the procurement of such services in a

1703 local newspaper shall be mandatory. Preference may be given to
1704 the employment of regionally qualified professionals and such is
1705 to be encouraged;

1706 (ii) Management contractor employed by the
1707 district shall not be eligible to compete for design, surveys,
1708 geotechnical and/or construction inspection services of any
1709 facilities to be developed by the district. The management
1710 contractor is to establish development criteria, priorities and
1711 administer quality control practices to insure compliance with the
1712 provisions of Sections 49-17-161 through 49-17-209;

1713 (m) To enter on any lands, waters or premises for the
1714 purpose of making surveys, borings, soundings and examinations for
1715 the purposes of the district;

1716 (n) To do and perform any acts and things authorized by
1717 Sections 49-17-161 through 49-17-209 under, through or by means of
1718 its officers, agents and employees, or by contracts with any
1719 person;

1720 (o) To enter into any and all contracts, execute any
1721 and all instruments, and do and perform any and all acts or things
1722 necessary, convenient or desirable for the purposes of the
1723 district, or to carry out any power expressly granted in Sections
1724 49-17-161 through 49-17-209;

1725 (p) To be exempted from the Mississippi Agency Review
1726 Law of 1978, as amended; and

1727 (q) To exercise the power of eminent domain for the
1728 particular purpose of the acquisition of property designated by
1729 plan to sufficiently accommodate the location of treatment plants
1730 or facilities, trunk lines and such requirements related directly
1731 thereto pursuant to the provisions of Chapter 27, Title 11,
1732 Mississippi Code of 1972.

1733 **SECTION 41.** Section 49-17-303, Mississippi Code of 1972, is
1734 brought forward as follows:

1735 49-17-303. (1) It is found and declared that to promote the
1736 development and operation of adequate wastewater collection and
1737 treatment facilities, a public body corporate and politic of the
1738 state shall be created with authority to cause and assist in
1739 compliance with the standards of water quality established by the
1740 Mississippi Air and Water Pollution Control Law, appearing as
1741 Section 49-17-1 et seq., Mississippi Code of 1972, and by the
1742 Federal Water Pollution Control Act, appearing as 33 USC 1251, as
1743 amended, regarding collection and treatment facilities located in
1744 the counties bordering the Gulf of Mexico; to plan, acquire,
1745 construct, finance, develop, own, operate or maintain wastewater
1746 collection and treatment facilities within said counties; and to
1747 apply and contract for and to accept grants-in-aid and other funds
1748 from the federal government and the state government and their
1749 agencies in this regard.

1750 (2) The Legislature finds it to be necessary, in order to
1751 accomplish the objectives and purposes of the Gulf Coast Regional
1752 Wastewater Authority and the public agencies with which it
1753 contracts, for the Gulf Coast Regional Wastewater Authority and
1754 such public agencies, in the implementation of powers granted
1755 pursuant to Sections 49-17-301 through 49-17-353, to be authorized
1756 to engage in conduct which may be anticompetitive or contrary to
1757 prohibition of federal or state antitrust laws; and, accordingly,
1758 it is the intent and policy of Sections 49-17-301 through
1759 49-17-353 to displace competition with respect to those powers
1760 authorized herein to be exercised by the Gulf Coast Regional
1761 Wastewater Authority and such public agencies.

1762 (3) The Legislature further finds that the authority and
1763 powers conferred under Sections 49-17-301 through 49-17-353 and
1764 the expenditure of public monies pursuant thereto constitute a
1765 valid public purpose; that the creation and establishment of the
1766 Gulf Coast Regional Wastewater Authority is necessary and
1767 essential to the accomplishment of the aforesaid purposes; that

1768 Sections 49-17-301 through 49-17-353 operate on a subject in which
1769 the state at large is interested; and that each of these matters
1770 is declared as a matter of express legislative determination.

1771 **SECTION 42.** Section 49-17-305, Mississippi Code of 1972, is
1772 brought forward as follows:

1773 49-17-305. Whenever used in Sections 49-17-301 through
1774 49-17-353, the following words and terms shall have the following
1775 respective meanings unless a different meaning clearly appears
1776 from the context:

1777 (a) "Act" means this Mississippi Gulf Coast Regional
1778 Wastewater Authority Act, as the same may be amended.

1779 (b) "Authority" means the Mississippi Gulf Coast
1780 Regional Wastewater Authority.

1781 (c) "Bonds" means any bonds, interim certificates,
1782 notes or other evidences of indebtedness of the authority issued
1783 under Sections 49-17-301 through 49-17-353.

1784 (d) "Collection facilities" means any plants,
1785 structures, facilities and other real and personal property used
1786 or useful in the collection of wastewater for ultimate discharge
1787 into trunk lines, including, without limiting the generality of
1788 the foregoing, sewers, conduits, pipelines, mains, pumping and
1789 ventilating stations, plants and works, connections and any other
1790 real and personal property and rights therein necessary or useful
1791 or convenient for the purposes of the authority in connection
1792 therewith.

1793 (e) "County" or "counties bordering on the Gulf of
1794 Mexico" means Hancock, Harrison or Jackson County.

1795 (f) "Persons" means a natural person, public agency,
1796 state or other agency or institution thereof, any municipality,
1797 political subdivision, cooperative or public or private
1798 corporation, partnership, association or other entity of any
1799 nature whatsoever organized and existing under the laws of any
1800 state or of the United States or any instrumentality thereof, and

1801 includes any officer or governing or managing body of any
1802 municipality, political subdivision, or public or private
1803 corporation.

1804 (g) "Pollution" means such contamination, or other
1805 alteration of the physical, chemical or biological properties, of
1806 any waters of the state, including change in temperature, taste,
1807 color, turbidity or odor of the waters, or such discharge of any
1808 liquid, gaseous, solid, radioactive, or other substance into any
1809 waters of the state as will or is likely to create a nuisance or
1810 render such waters harmful, detrimental or injurious to public
1811 health, safety or welfare, or to domestic, commercial, industrial,
1812 agricultural, recreational or other legitimate beneficial uses, or
1813 to livestock, wild animals, birds, fish or other aquatic life.

1814 (h) "Public agency" means any incorporated city or
1815 town, county, political subdivision, governmental district or
1816 unit, public corporation or governmental agency created under the
1817 laws of the state, lying wholly or partially within the
1818 territorial boundaries of the counties bordering on the Gulf of
1819 Mexico.

1820 (i) "State" means the State of Mississippi.

1821 (j) "Treatment facilities" means treatment plants and
1822 any related trunk lines.

1823 (k) "Treatment plants" means any plants, structures,
1824 facilities and other real and personal property used or useful in
1825 the treating, neutralizing, stabilizing or disposing of
1826 wastewater, including, without limiting the generality of the
1827 foregoing plants, disposal fields and lagoons and any other real
1828 and personal property and rights therein necessary or useful or
1829 convenient for the purposes of the authority in connection
1830 therewith.

1831 (l) "Trunk lines" means trunk sewers and other
1832 structures and facilities used or useful in the conducting of
1833 wastewater from collection facilities to treatment plants,

1834 including, without limiting the generality of the foregoing,
1835 conduits, pipelines, mains, pumping and ventilating stations and
1836 any other real and personal property and rights therein necessary
1837 or useful or convenient for the purposes of the authority in
1838 connection therewith.

1839 (m) "Wastewater" means water containing sewage,
1840 industrial wastes, oil field wastes and all other liquid, gaseous,
1841 solid, radioactive or other substances which may pollute or tend
1842 to pollute any waters of the state.

1843 **SECTION 43.** Section 49-17-307, Mississippi Code of 1972, is
1844 brought forward as follows:

1845 49-17-307. There is hereby created and established a public
1846 body corporate and politic constituting a political subdivision of
1847 the State of Mississippi to be known as the "Mississippi Gulf
1848 Coast Regional Wastewater Authority." The authority shall be
1849 deemed to be acting in all respects for the benefit of the people
1850 of the state in the performance of essential public functions and
1851 the authority shall be empowered in accordance with the provisions
1852 of Sections 49-17-301 through 49-17-353 to promote the health,
1853 welfare and prosperity of the general public.

1854 **SECTION 44.** Section 49-17-309, Mississippi Code of 1972, is
1855 brought forward as follows:

1856 49-17-309. (1) All powers of the Authority shall be vested
1857 in a board of commissioners which shall be composed, and whose
1858 members shall be selected, as follows:

1859 (a) Initially, the board of commissioners shall be
1860 composed as follows:

1861 (i) Within thirty (30) days of the effective date
1862 of Sections 49-17-301 through 49-17-353, the board of supervisors
1863 of each county and the governing body of each incorporated city or
1864 town lying within such county shall nominate one (1) person for
1865 appointment by the Governor to the board of commissioners.

1866 (ii) Within thirty (30) days following such
1867 nomination, each such board of supervisors and such governing body
1868 of an incorporated city or town lying within said county shall
1869 certify in writing to the Governor the nominations of the
1870 individuals for appointment to the board of commissioners;
1871 provided, that each such board of supervisors or such governing
1872 body shall nominate only individuals who are residents of its
1873 respective county and who do not hold any elected public office or
1874 any position as a paid employee of any public agency.

1875 (iii) Within fifteen (15) days of receiving such
1876 nominations, the Governor shall appoint to the board of
1877 commissioners of the Authority each individual so nominated. Each
1878 member of the board of commissioners appointed as provided in
1879 subsection (1)(a) of this section shall remain in office until the
1880 time of reorganization of the board of commissioners as provided
1881 in subsection (1)(b) of this section.

1882 (b) At such time as determined by the board of
1883 commissioners, but in no event later than one (1) year following
1884 the effective date of Sections 49-17-301 through 49-17-353, the
1885 board of commissioners shall adopt a resolution declaring the
1886 commencement of the reorganization of said board, which
1887 reorganization shall be as follows:

1888 (i) Each member of the board of commissioners
1889 appointed by a board of supervisors of a county or by a governing
1890 body of an incorporated city or town which has not prior to the
1891 declaration of commencement of the reorganization of the board
1892 contracted with the Authority under the provisions of Sections
1893 49-17-301 through 49-17-353, shall have his or her term of office
1894 automatically terminated by operation of Sections 49-17-301
1895 through 49-17-353 and no appointment of a successor shall
1896 thereafter be permitted, except as provided in subsection
1897 (1)(b)(iv) of this section.

1898 (ii) Within thirty (30) days of the declaration of
1899 commencement of the reorganization of the board, the chairman of
1900 the board as reconstituted under the provision of subsection
1901 (1)(b)(i) of this section, shall certify the nomination in writing
1902 to the Governor of the individual members of the board of
1903 commissioners who were originally nominated by such board of
1904 supervisors or the governing body of an incorporated city or town
1905 lying within said county prior to its reconstitution and who are
1906 selected for removal from the board of commissioners.

1907 (iii) Within fifteen (15) days of receiving the
1908 nominations for removal made in accordance with subsection
1909 (1)(b)(ii) of this section, the Governor shall dismiss from office
1910 each individual member of the board of commissioners of the
1911 Authority so nominated. The Governor shall thereupon establish
1912 staggered terms of office for the remaining members of the board
1913 of commissioners; provided, however, that each term of office
1914 shall be not less than two (2) years, nor more than six (6) years
1915 and the terms of all offices with respect to each such county
1916 shall be staggered over time as evenly as practicable, as shall be
1917 determined by the Governor. Each member shall remain in office
1918 for the period of such member's term and until a successor shall
1919 be duly appointed and qualified.

1920 (iv) The number of members of the board of
1921 commissioners shall be increased by one (1) each time a county, or
1922 an incorporated city or town, which has not theretofore contracted
1923 with the Authority enters into such a contract. Within fifteen
1924 (15) days following the entering into of said contract, the board
1925 of supervisors of the county, or the governing body of the
1926 incorporated city or town, entering into such contract shall
1927 nominate for appointment one (1) person to the board of
1928 commissioners for the county entering into such contract or in
1929 which such incorporated city or town is located. Within fifteen
1930 (15) days following the execution of such contract, the board of

1931 commissioners shall certify in writing to the Governor the
1932 individual nominated for appointment to the board of
1933 commissioners. The Governor shall appoint such individual so
1934 nominated to the board of commissioners of the Authority within
1935 fifteen (15) days of receiving such certification. The Governor
1936 shall establish the term of office of such member of the board of
1937 commissioners in compliance with the provisions of subsection
1938 (1)(b)(iii) of this section regarding staggered terms.

1939 (v) The successor of each member of the board of
1940 commissioners shall be nominated and appointed in the same manner
1941 provided in subsection (1)(b)(iv) of this section for the
1942 nomination and appointment of additional members, and shall serve
1943 a term of six (6) years, and for such period thereafter until a
1944 successor shall be duly appointed and qualified.

1945 (c) Each member of the board of commissioners shall be
1946 eligible for reappointment. All vacancies shall be filled by
1947 nomination and appointment in the same manner provided in
1948 subsection (1)(b)(v) of this section for the appointment of
1949 successors, provided that any person appointed to fill a vacancy
1950 shall serve only for the unexpired term. Any member may be
1951 removed at any time prior to the expiration of said member's term
1952 of office for misfeasance, malfeasance or willful neglect of duty,
1953 as determined by the Governor with the concurrence of the
1954 nominating public agency. Before assuming office, each member
1955 shall take and subscribe to the constitutional oath of office
1956 before a chancery clerk, and a record of such oath shall be filed
1957 with the Secretary of State. The board of commissioners shall
1958 annually select a chairman and a vice chairman from among its
1959 members.

1960 (2) The board of commissioners shall elect or appoint and
1961 prescribe the duties of such officers as the board of
1962 commissioners deems necessary or advisable, including a general
1963 manager and a secretary. The general manager, who, at the

1964 discretion of the board of commissioners, may also serve as
1965 secretary, shall be a person of good moral character and shall be
1966 a person of proven ability as an administrator with a minimum of
1967 five (5) years' experience in the management and administration of
1968 a public works operation or comparable experience which may
1969 include, but is not limited to, supervision, public financing,
1970 regulatory codes and related functions as minimum qualifications
1971 to administer the programs and duties of the Authority. The
1972 general manager shall administer, manage and direct the affairs
1973 and business of the Authority, subject to the policies, control
1974 and direction of the board of commissioners. The general manager
1975 shall give bond executed by a surety company or companies
1976 authorized to do business in this state in the penal sum of Fifty
1977 Thousand Dollars (\$50,000.00) payable to the Authority conditioned
1978 upon the faithful performance of his duties and the proper
1979 accounting for all funds which may come into his hands as general
1980 manager. The secretary of the Authority shall keep a record of
1981 the proceedings of the Authority and shall be custodian of all
1982 books, documents and papers filed with the Authority, the minute
1983 book or journal of the Authority and its official seal. The
1984 secretary shall have authority to cause copies to be made of all
1985 minutes and other records and documents of the Authority and to
1986 certify under the seal of the Authority that such copies are true
1987 and accurate copies, and all persons dealing with the Authority
1988 may rely upon such certificates.

1989 (3) Upon express, prior authorization of the Authority, each
1990 commissioner may receive a per diem of not to exceed Fifty Dollars
1991 (\$50.00) per day for attending each day's meeting of the board of
1992 commissioners and for each day spent in attending to the business
1993 of the Authority and, in addition, may receive reimbursement for
1994 actual and necessary expenses incurred.

1995 **SECTION 45.** Section 49-17-311, Mississippi Code of 1972, is
1996 brought forward as follows:

1997 49-17-311. The Authority shall have all the rights and
1998 powers necessary or convenient to carry out and effectuate the
1999 purposes and provisions of Sections 49-17-301 through 49-17-353,
2000 including, but without limiting the generality of the foregoing,
2001 the right and power:

2002 (a) To sue and be sued in its own name;

2003 (b) To adopt an official seal and alter the same at
2004 pleasure;

2005 (c) To maintain an office or offices at such place or
2006 places within any county of the management area as it may
2007 determine;

2008 (d) To plan, develop, acquire, construct, reconstruct,
2009 operate, own, manage, lease (as lessor or lessee), dispose of,
2010 participate in, maintain, repair, extend or improve one or more
2011 collection facilities or treatment facilities, whether or not such
2012 facilities are or are to be owned by the Authority;

2013 (e) To acquire, own, hold, use, lease (as lessor or
2014 lessee), sell or otherwise dispose of, mortgage, pledge or grant a
2015 security interest in any real or personal property, contract
2016 commodity or service or interest therein;

2017 (f) To make and enforce, and from time to time amend
2018 and repeal, bylaws and rules and regulations for the management of
2019 its business and affairs and for the use, maintenance and
2020 operation of any of its collection facilities or treatment
2021 facilities and any other of its properties, including, without
2022 limiting the generality of the foregoing, rules and regulations
2023 requiring the pretreatment of industrial wastes and requiring
2024 industrial users to pay the construction costs of facilities that
2025 are allocable to the treatment of industrial wastes to the extent
2026 attributable to any federal government share of such costs;

2027 (g) To fix, charge, collect, maintain and revise rates,
2028 fees and other charges, including connection charges, for any
2029 services rendered by it to any person;

2030 (h) To apply and contract for and to accept any grants
2031 or gifts or loans or appropriations of funds or property or
2032 financial or other aid in any form from the United States or any
2033 instrumentality thereof, or from the state or any instrumentality
2034 thereof, or from any source, public or private and to comply with
2035 and make agreements with respect to, the terms and conditions
2036 thereof, subject to any agreements with bondholders;

2037 (i) To borrow money and to issue bonds for any of its
2038 purposes, to provide for and secure the payment thereof, and to
2039 provide for the rights of the holders thereof;

2040 (j) To invest any monies of the Authority, including
2041 proceeds from the sale of any bonds, notwithstanding any law to
2042 the contrary, but subject to any agreements with bondholders, on
2043 such terms and in such manner as the Authority deems proper;

2044 (k) To procure insurance against any loss in connection
2045 with its property, other assets and business in such amounts and
2046 from such insurers as it may deem necessary or desirable;

2047 (l) To employ architects, engineers, attorneys,
2048 financial advisors and such other consultants as it deems proper
2049 and to fix and pay their compensation, and to appoint and retain
2050 such officers, agents and employees as it deems proper and to fix
2051 and pay their compensation;

2052 (i) The employment of all professionals for
2053 project services shall be in strict accordance with current
2054 guidelines of the appropriate federal, state and local regulatory
2055 agencies and advertising for the procurement of such services in a
2056 local newspaper shall be mandatory. Preference may be given to
2057 the employment of regionally qualified professionals.

2058 (ii) The management contractor employed by the
2059 Authority shall not be eligible to compete for design, surveys,
2060 geotechnical, and/or construction inspection services of any
2061 facilities to be developed by the Authority. The management
2062 contractor is to establish development criteria, priorities and

2063 administer quality control practices to insure compliance with the
2064 provisions of Sections 49-17-301 through 49-17-353.

2065 (m) To assume or continue any contractual or other
2066 business relationships entered into by the commission created
2067 pursuant to Chapter 437, Laws of 1979;

2068 (n) To enter on any lands, waters or premises for the
2069 purpose of making surveys, borings, soundings and examinations for
2070 the purposes of the Authority;

2071 (o) To do and perform any acts and things authorized by
2072 Sections 49-17-301 through 49-17-353 under, through or by means of
2073 its officers, agents and employees, or by contracts with any
2074 person;

2075 (p) To enter into any and all contracts, execute any
2076 and all instruments, and do and perform any and all acts or things
2077 necessary, convenient or desirable for the purposes of the
2078 Authority, or to carry out any power expressly granted in Sections
2079 49-17-301 through 49-17-353, including, without limiting the
2080 generality of the foregoing, contracts with public agencies (and
2081 such public agencies are hereby also empowered to enter into such
2082 contracts with the Authority) which may include provisions for
2083 exclusive dealing, fee payment requirements, territorial division,
2084 and other conduct or arrangements which may have an
2085 anticompetitive effect;

2086 (q) To be exempted from the Mississippi Agency Review
2087 Law of 1978, as amended; and

2088 (r) To exercise the power of eminent domain for the
2089 particular purpose of the acquisition of property designated by
2090 plan to sufficiently accommodate the location of treatment plants
2091 or facilities, trunk lines and such requirements related directly
2092 thereto pursuant to the provisions of Chapter 27, Title 11,
2093 Mississippi Code of 1972.

2094 **SECTION 46.** Section 49-17-167, Mississippi Code of 1972, is
2095 brought forward as follows:

2096 49-17-167. There is hereby created and established a public
2097 body corporate and politic constituting a political subdivision of
2098 the State of Mississippi to be known as the "Southern Regional
2099 Wastewater Management District." The district shall be deemed to
2100 be acting in all respects for the benefit of the people of the
2101 state in the performance of essential public functions and the
2102 district shall be empowered in accordance with the provisions of
2103 Sections 49-17-161 through 49-17-209 to promote the health,
2104 welfare and prosperity of the general public.

2105 **SECTION 47.** If any clause, sentence, paragraph, section or
2106 part of the provisions of this act shall be adjudged by any court
2107 of competent jurisdiction to be invalid, such judgment shall not
2108 affect, impair or invalidate the remainder thereof directly
2109 involved in the controversy in which such judgment shall have been
2110 rendered.

2111 **SECTION 48.** This act shall take effect and be in force from
2112 and after its passage.