

REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2943: Gulf Region Water Utility Authority Act; create.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

17 **SECTION 1.** Title. Sections 1 through 38 of this act shall
18 be known and may be cited as the "Mississippi Gulf Coast Region
19 Utility Act."

20 **SECTION 2.** Legislative findings. In the spirit of the
21 report of the Governor's Commission on Recovery, Rebuilding and
22 Renewal, the Legislature finds that there is a need for
23 consolidation of water, wastewater and storm water services in
24 order to reduce costs, promote resilience in the event of a
25 disaster, improve the quality of the natural environment, and
26 improve the planning and delivery of quality water, wastewater and
27 storm water services within the areas of the Counties of George,
28 Hancock, Harrison, Jackson, Pearl River and Stone. It is further
29 declared that there is the need for the planning, acquisition,
30 construction, maintenance, operation and coordination of water,
31 wastewater and storm water services in order to ensure protection
32 of the waters of the state and to ensure the delivery of water,
33 wastewater and storm water services to citizens of the Gulf Coast
34 Region. The creation of the Mississippi Gulf Region Utility Act
35 is determined to be necessary and essential to the accomplishment
36 of these purposes. To facilitate the purposes of the act, the
37 Gulf Coast Region Utility Board, the George County Utility
38 Authority, the Hancock County Utility Authority, the Harrison

39 County Utility Authority, the Jackson County Utility Authority,
40 the Pearl River County Utility Authority and the Stone County
41 Utility Authority are created herein.

42 **SECTION 3. Definitions.** Words and phrases used in this act
43 shall have meanings as follows:

44 (a) "Act" means the Mississippi Gulf Region Utility
45 Act.

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

50 (c) "County authority" means a county utility authority
51 created in the Gulf Coast Region under this 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) "Municipality" means any incorporated city, town or
58 village of the State of Mississippi, whether operating under
59 general law or under special charter, lying wholly or partly
60 within the Gulf Coast Region.

61 (g) "Person" means the State of Mississippi, a county,
62 a municipality, any public agency, or any other city, town,
63 village or political subdivision or governmental agency,
64 governmental instrumentality of the State of Mississippi or of the
65 United States of America, or any private utility, individual,
66 co-partnership, association, firm, trust, estate or any other
67 entity whatsoever.

68 (h) "Project" means the construction, development or
69 acquisition by the county authority or county authorities of any

70 infrastructure for water, wastewater and storm water systems or
71 services and includes upgrading or repair of existing systems.

72 (i) "Public agency" means any county, municipality,
73 state board or commission owning or operating properties, district
74 created pursuant to the general laws or local and private laws of
75 the State of Mississippi, or other political subdivision of the
76 State of Mississippi having the power to own and operate
77 waterworks, water supply systems, sewerage systems, sewage
78 treatment systems or other facilities or systems for the
79 collection, transportation and treatment of water, wastewater and
80 storm water.

81 (j) "Storm water" means any flow occurring during or
82 following any form of natural precipitation and resulting from
83 that precipitation.

84 (k) "System" or "systems" means any plants, structures,
85 facilities and other real and personal property, used or useful in
86 the generation, storage, transportation or supply of water, and
87 the collection, transportation, treatment or disposal of
88 wastewater and storm water, including, but not limited to, tanks,
89 lakes, streams, ponds, pipes, trunk lines, mains, sewers,
90 conduits, pipelines, pumping and ventilating stations, plants and
91 works, connections and any other real and personal property and
92 rights therein necessary, useful or convenient for the purposes of
93 the utility board or authorities in connection therewith.

94 (l) "Wastewater" means water being disposed of by any
95 person and which is contaminated with waste or sewage, including
96 industrial, municipal and any other wastewater that may cause
97 impairment of the quality of the waters in the state.

98 (m) "Water" means potable water, service water and
99 groundwater.

100 (n) "Utility board" means the Mississippi Gulf Coast
101 Region Utility Board.

102 **SECTION 4. Creation of the Mississippi Gulf Coast Region**
103 **Utility Board.** (1) There is hereby created and established a
104 public body corporate and politic constituting a political
105 subdivision of the State of Mississippi to be known as the
106 "Mississippi Gulf Coast Region Utility Board" to serve the
107 citizens of the Gulf Coast Region. The utility board is created
108 as a forum for the Gulf Coast Region to collaborate and cooperate
109 regarding water, wastewater and storm water issues; to assist in
110 the efficient management of water, wastewater and storm water
111 resources; to develop recommendations pertaining to water,
112 wastewater and storm water systems; and to provide assistance,
113 funding and guidance to the county authorities to assist in the
114 identification of the best means to meet all present and future
115 water, wastewater and storm water needs in the Gulf Coast Region.

116 (2) This section shall repeal July 1, 2009.

117 **SECTION 5. Board of Directors of the Mississippi Gulf Coast**
118 **Region Utility Board.** (1) (a) All powers of the Mississippi
119 Gulf Coast Utility Board shall be exercised by a board of
120 directors to be composed of the following: (i) the president of
121 each county authority; and (ii) three (3) at-large directors, to
122 be appointed by the Governor, who shall be residents of the Gulf
123 Coast Region.

124 (b) The initial terms of the at-large directors shall
125 be for two (2), four (4) and six (6) years as designated by the
126 Governor. After the expiration of the initial terms, the
127 subsequent terms shall be for a period of six (6) years. However,
128 there shall be no more than one (1) at-large director appointed
129 from any one (1) county. Each president may appoint a delegate,
130 to represent him at a meeting of the board.

131 (2) At the initial meeting of the board, the board shall
132 elect a president and a vice president. Thereafter, the board
133 will annually, at the last meeting of the fiscal year, elect a

134 president and a vice president who shall serve in their respective
135 offices for the next fiscal year. The directors shall serve
136 without a salary but are entitled to receive per diem pay as
137 provided for in Section 25-3-69, and for actual and necessary
138 expenses incurred while in the performance of his duties as a
139 member of the board as provided in Section 25-3-41.

140 (3) Any utility board member who does not attend three (3)
141 consecutive regular meetings of the authority shall be subject to
142 removal by a majority vote of the board and shall be replaced with
143 an appointment from the Governor or governing body making the
144 initial appointment.

145 (4) The president shall be the chief executive officer of
146 the utility board and the presiding officer of the board, and
147 shall have the same right to vote as any other director. The vice
148 president shall act in the absence or disability of the president.
149 Each director shall be required to give bond in the sum of not
150 less than Fifty Thousand Dollars (\$50,000.00), with sureties
151 qualified to do business in this state, and the premiums on the
152 bond shall be an expense of the utility board. Each bond shall be
153 payable to the State of Mississippi. The condition of each bond
154 shall be that each director will faithfully perform all duties of
155 his office and account for all money or other assets which shall
156 come into his custody as a director of the utility board.

157 (5) A quorum for any meeting of the board of directors shall
158 be the majority of the total membership of the board of directors.
159 All business of the utility board shall be transacted by vote of
160 the board of directors.

161 (6) The utility board shall conduct regular meetings as set
162 forth in its bylaws. The utility board shall establish rules and
163 regulations regarding its meetings and may amend such bylaws,
164 rules and regulations as may be necessary to conduct the business
165 of the board.

166 (7) This section shall repeal July 1, 2009.

167 **SECTION 6. Employees; budget.** (1) The utility board may
168 hire an executive director and secretary-treasurer having the
169 duties as determined by the utility board. The executive director
170 must have a college degree. If hired, the executive director and
171 secretary-treasurer each shall be required to give bond in a sum
172 not less than Fifty Thousand Dollars (\$50,000.00), conditioned on
173 the executive director and secretary-treasurer faithfully
174 performing all duties of his office and account for all money and
175 other assets which come into his custody as executive director or
176 secretary-treasurer of the utility board.

177 (2) (a) The utility board shall prepare a budget consistent
178 with its bylaws estimating its expenses and revenue needs for each
179 forthcoming fiscal year at least ninety (90) days prior to the
180 beginning of each fiscal year. The utility board shall submit its
181 budget to each county authority prior to final approval by the
182 utility board. Until such time as the utility board receives
183 necessary funding from alternative sources, the "Public Trust
184 Tidelands Fund," found in Section 29-15-9, may provide the utility
185 board with funds not to exceed Two Hundred Fifty Thousand Dollars
186 (\$250,000.00) per year as specifically appropriated by the
187 Legislature for the utility board's operational costs.

188 (b) Any funds, gifts or grants allocated for the
189 administrative costs related to the restoration or construction of
190 water, wastewater and storm water services and projects in the
191 Gulf Coast Region under this act shall, to the extent allowable,
192 be paid into the Public Trust Tidelands Fund for the repayment of
193 any tideland funds expended for the operational costs of the
194 utility board.

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

197 (4) This section shall repeal July 1, 2009.

198 **SECTION 7. Duties and responsibilities of the utility board.**

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

202 (a) Make recommendations to the county authorities
203 pertaining to water, wastewater and storm water issues in the Gulf
204 Coast Region;

205 (b) Make recommendations necessary to achieve
206 compatibility and uniformity of systems and technology related to
207 water, wastewater and storm water in the Gulf Coast Region;

208 (c) Help resolve cross-jurisdictional and multicounty
209 disputes pertaining to water, wastewater and storm water issues
210 between county authorities when requested by the county
211 authorities;

212 (d) Recommend short-term and long-term priorities for
213 water, wastewater and storm water related projects;

214 (e) Recommend emergency preparedness procedures in the
215 Gulf Coast Region related to water, wastewater and storm water;

216 (f) Recommend training standards related to operations
217 of water, wastewater and storm water systems;

218 (g) Sue and be sued in its own name and to enjoy all
219 the protections, immunities and benefits provided by the
220 Mississippi Tort Claims Act, as it may be amended from time to
221 time;

222 (h) Adopt an official seal and alter the same at
223 pleasure;

224 (i) Maintain office space at such place or places
225 within the boundaries of the board as it may determine;

226 (j) Own or lease real or personal property;

227 (k) Invest money of the utility board, including
228 proceeds from the sale of any bonds subject to any agreements with

229 bond holders on such terms and in such manner as the utility board
230 deems proper;

231 (l) Apply for, accept and utilize grants, gifts and
232 other funds from any source for any purpose necessary in support
233 of the purpose of this act and to coordinate the distribution of
234 funds to the county authorities;

235 (m) Employ and terminate staff, including, but not
236 limited to, attorneys, engineers and consultants as may be
237 necessary;

238 (n) Enter into contracts for all operation and
239 maintenance needs of the utility board;

240 (o) Enter into contracts to conduct studies of regional
241 issues regarding water, wastewater and storm water services and to
242 provide assistance, funds and guidance in the construction,
243 operation and maintenance of regional water, wastewater and storm
244 water services;

245 (p) Enter into contracts with any person or any public
246 agency in furtherance of any of the purposes authorized by this
247 act upon such consideration as the board of directors and such
248 person may agree. Any such contract may extend over any period of
249 time, including a term which extends beyond the term of the then
250 majority of the existing board members, notwithstanding any
251 provision or rule of law to the contrary; may be upon such terms
252 and for such consideration, nominal or otherwise, as the parties
253 thereto shall agree; and may provide that it shall continue in
254 effect until bonds specified therein, refunding bonds issued in
255 lieu of such bonds, and all other obligations specified therein
256 are paid or terminated. Any such contract shall be binding upon
257 the parties thereto according to its terms. The utility board may
258 also assume or continue any contractual or other business
259 relationships entered into by the members of the utility board,

260 including the rights to receive and acquire property transferred
261 under option to purchase agreements;

262 (q) Contract with the authorities under any terms
263 mutually agreed by the parties to carry out any powers, duties or
264 responsibilities granted by this act or any other laws to the
265 authorities;

266 (r) Acquire insurance for the utility board's systems,
267 facilities, buildings, treatment plants and all property, real or
268 personal, to insure against all risks as any insurance may, from
269 time to time, be available;

270 (s) Make, enforce, amend and repeal rules and
271 regulations for the management of the utility board's business and
272 affairs;

273 (t) Enter onto public or private lands, waters or
274 premises for the purposes of making surveys, borings or soundings,
275 or conducting tests, examinations or inspections for the purposes
276 of the utility board, subject to responsibility for any damage
277 done to property entered;

278 (u) Apply, contract for, accept, receive and administer
279 gifts, grants, appropriations and donations of money, materials,
280 and property of any kind, including loans and grants from the
281 United States, the state, a unit of local government, or any
282 agency, department, district or instrumentality of any of the
283 foregoing, upon any terms and conditions as the United States, the
284 state, a unit of local government, or any agency, department,
285 district or instrumentality shall impose;

286 (v) Utility board may create, maintain and regulate
287 reservoirs and promulgate and enforce rules and regulations for
288 the creation and maintenance of reservoirs; and

289 (w) Make other recommendations to carry out the
290 purposes of this act.

291 (2) This section shall repeal July 1, 2009.

292 **SECTION 8. Creation of the George County Utility Authority.**

293 (1) There is hereby created and established a public body
294 corporate and politic constituting a political subdivision of the
295 State of Mississippi to be known as the "George County Utility
296 Authority," unless the George County Board of Supervisors
297 dissolves the authority by January 1, 2007, as provided in
298 subsection (2). The authority will be composed of the geographic
299 area of George County as defined in Section 19-1-39, Mississippi
300 Code of 1972, for the planning, acquisition, construction,
301 maintenance, operation and coordination of water, wastewater and
302 storm water systems in order to ensure the delivery of water,
303 wastewater and storm water services to citizens residing within
304 the boundaries of George County. The George County Utility
305 Authority shall be deemed to be acting in all respects for the
306 benefit of the people of the state in the performance of essential
307 public functions, and the George County Utility Authority shall be
308 empowered in accordance with the provisions of this act to promote
309 the health, welfare and prosperity of the general public.

310 (2) (a) The board of supervisors may dissolve the George
311 County Utility Authority by a resolution duly adopted and entered
312 on its minutes stating that the authority is dissolved, and
313 certifying compliance with the requirements for dissolution. The
314 board of supervisors shall file a certified copy of the resolution
315 with the Secretary of State and the Public Service Commission.
316 For the dissolution to be effective, the following requirements
317 must be met, the resolution must be adopted by January 1, 2007,
318 and the county authority must not have any outstanding
319 indebtedness of any kind or character nor have received any funds
320 for the construction or operation of water, wastewater or storm
321 water projects under this act.

322 (b) This subsection shall repeal January 2, 2007.

323 (3) If the county authority is dissolved, the board of
324 supervisors may reestablish the county authority by a resolution
325 duly adopted and entered on its minutes stating the necessity for
326 the county authority. The board shall file a certified copy of
327 the resolution with the Secretary of State, the Public Service
328 Commission and the utility board.

329 **SECTION 9. Board of Directors for George County Utility**

330 **Authority.** (1) If the authority is created, all powers of the
331 George County Utility Authority shall be exercised by a board of
332 directors comprised of five (5) directors appointed as follows:
333 Within thirty (30) days of creation of the authority, the Board of
334 Supervisors of George County shall appoint three (3) residents
335 from the county, and the Board of Aldermen of the City of Lucedale
336 shall appoint two (2) residents from the city. The directors
337 shall serve at the will and pleasure of the governing body making
338 the appointments. Any vacancy arising by expiration of a
339 director's term, or a vacancy created by the removal of a director
340 for any other reason, shall be filled by appointment made by the
341 party originally responsible for the appointment of the director
342 vacating his or her appointment.

343 (2) All business of the George County Utility Authority
344 shall be transacted as provided in Section 21, except that all
345 actions affecting rates, bonds or capital improvements must be by
346 unanimous vote of all members of the board.

347 (3) In addition to any other powers and rights conferred
348 upon such board of directors, the board is granted and may
349 exercise all powers and rights granted pursuant to Sections 20
350 through 37 of this act to promote the health, welfare and
351 prosperity of the general public.

352 **SECTION 10. Creation of the Pearl River County Utility**

353 **Authority.** There is hereby created and established a public body
354 corporate and politic constituting a political subdivision of the

355 State of Mississippi to be known as the "Pearl River County
356 Utility Authority." The authority is composed of the geographic
357 area of Pearl River County as defined in Section 19-1-109,
358 Mississippi Code of 1972, for the planning, acquisition,
359 construction, maintenance, operation and coordination of water,
360 wastewater and storm water systems in order to ensure the delivery
361 of water, wastewater and storm water services to citizens residing
362 within the boundaries of Pearl River County. The Pearl River
363 County Utility Authority shall be deemed to be acting in all
364 respects for the benefit of the people of the state in the
365 performance of essential public functions, and the Pearl River
366 County Utility Authority shall be empowered in accordance with the
367 provisions of this act to promote the health, welfare and
368 prosperity of the general public.

369 **SECTION 11. Board of Directors for Pearl River County**

370 **Utility Authority.** (1) All powers of the Pearl River County
371 Utility Authority shall be exercised by a board of directors
372 comprised of seven (7) directors appointed as follows: Within
373 thirty (30) days of passage of this act, the Board of Supervisors
374 of Pearl River County shall appoint four (4) residents from the
375 county, and the Board of Aldermen of the City of Picayune shall
376 appoint two (2) residents from the city, and the Board of Aldermen
377 of the City of Poplarville shall appoint one (1) resident from the
378 city. The directors shall serve at the will and pleasure of the
379 governing body making the appointments.

380 (2) In addition to any other powers and rights conferred
381 upon such board of directors, the board is granted and may
382 exercise all powers and rights granted pursuant to Sections 20
383 through 37 of this act to promote the health, welfare and
384 prosperity of the general public.

385 **SECTION 12. Creation of the Stone County Utility Authority.**

386 There is hereby created and established a public body corporate

387 and politic constituting a political subdivision of the State of
388 Mississippi to be known as the "Stone County Utility Authority."
389 The authority is composed of the geographic area of Stone County
390 as defined in Section 19-1-131, Mississippi Code of 1972, for the
391 planning, acquisition, construction, maintenance, operation and
392 coordination of water, wastewater and storm water systems in order
393 to ensure the delivery of water, wastewater and storm water
394 services to citizens residing within the boundaries of Stone
395 County. The Stone County Utility Authority shall be deemed to be
396 acting in all respects for the benefit of the people of the state
397 in the performance of essential public functions, and the Stone
398 County Utility Authority shall be empowered in accordance with the
399 provisions of this act to promote the health, welfare and
400 prosperity of the general public.

401 **SECTION 13. Board of Directors for Stone County Utility**

402 **Authority.** (1) All powers of the Stone County Utility Authority
403 shall be exercised by a board of directors comprised of five (5)
404 directors appointed as follows: Within thirty (30) days of
405 passage of this act, the Board of Supervisors of Stone County
406 shall appoint three (3) residents from the county, and the Board
407 of Aldermen of the City of Wiggins shall appoint two (2) residents
408 from the city. The directors shall serve at the will and pleasure
409 of the governing body making the appointments.

410 (2) In addition to any other powers and rights conferred
411 upon such board of directors, the board is granted and may
412 exercise all powers and rights granted pursuant to Sections 20
413 through 37 of this act to promote the health, welfare and
414 prosperity of the general public.

415 **SECTION 14. Creation of the Harrison County Utility**

416 **Authority.** (1) There is hereby created and established a public
417 body corporate and politic constituting a political subdivision of
418 the State of Mississippi to be known as the "Harrison County

419 Utility Authority." The authority is composed of the geographic
420 area of Harrison County as defined in Section 19-1-47, Mississippi
421 Code of 1972, for the planning, acquisition, construction,
422 maintenance, operation and coordination of water, wastewater,
423 storm water and solid waste systems in order to ensure the
424 delivery of water, wastewater, storm water and solid waste
425 services to citizens residing within the boundaries of Harrison
426 County.

427 (2) Within thirty (30) days of passage of this act, the
428 Harrison County Utility Authority and the Harrison County
429 Wastewater and Solid Waste Management District shall consolidate
430 into a single agency, to be known as the Harrison County Utility
431 Authority, which shall be a continuance of the corporate existence
432 of the Harrison County Wastewater and Solid Waste Management
433 District. Such consolidation shall be effective by the concurrent
434 resolution of the Harrison County Wastewater and Solid Waste
435 Management District and the Harrison County Utility Authority and
436 the filing of a copy of such concurrent resolution with the
437 Secretary of State, certified by the Secretary of the Harrison
438 County Wastewater and Solid Waste Management District and the
439 Harrison County Utility Authority.

440 (3) Upon consolidation, the following shall apply:

441 (a) All property, rights and powers of the Harrison
442 County Wastewater and Solid Waste Management District are hereby
443 vested in and shall be exercised by the Harrison County Utility
444 Authority, subject, however to all pledges, covenants, agreements
445 and trusts made or created by the Harrison County Wastewater and
446 Solid Waste Management District;

447 (b) All debts, liabilities, obligations, agreements,
448 contracts and covenants of the Harrison County Wastewater and
449 Solid Waste Management District are hereby imposed upon the
450 Harrison County Utility Authority. Any property of the Harrison

451 County Wastewater and Solid Waste Management District in which a
452 mortgage or security interest has been granted to any bondholders
453 or other creditors of the Harrison County Wastewater and Solid
454 Waste Management District shall continue to be subject to the
455 mortgage or security interest until the mortgage or security
456 interest is defeased or terminated in accordance with its terms.
457 All bondholders and other creditors of the Harrison County
458 Wastewater and Solid Waste Management District and persons having
459 claims against or contracts with the Harrison County Wastewater
460 and Solid Waste Management District of any kind or character may
461 enforce those debts, claims and contracts against the Harrison
462 County Utility Authority in the same manner as they might have
463 against the Harrison County Wastewater and Solid Waste Management
464 District, and the rights and remedies of those bondholders,
465 creditors, and persons having claims or contracts shall not be
466 limited or restricted in any manner by this act;

467 (c) All regulations of the Harrison County Wastewater
468 and Solid Waste Management District shall continue to be in effect
469 as the regulations of the Harrison County Utility Authority until
470 amended, supplemented or rescinded by the authority in accordance
471 with law; and

472 (d) All employees of the Harrison County Wastewater and
473 Solid Waste Management District shall become employees of the
474 Harrison County Utility Authority. Nothing in this act shall
475 affect the civil service status, if any, of those employees or
476 their rights, privileges, obligations or status with respect to
477 any pension or retirement system.

478 **SECTION 15. Board of Directors for Harrison County Utility**
479 **Authority.** (1) All powers of the Harrison County Utility
480 Authority shall be exercised by a consolidated board consisting of
481 the Board of Directors of the Harrison County Wastewater and Solid
482 Waste Management District and the additional director provided

483 under this section for a total of seven (7) directors. Upon
484 consolidation, the Board of Supervisors of Harrison County shall
485 appoint one (1) additional director who shall be a resident of the
486 unincorporated area from the county. The consolidated board shall
487 consist of the mayor of each city participating in the authority
488 and the directors appointed by the board of supervisors. Each
489 director may appoint a delegate to represent him at a meeting of
490 the board.

491 (2) All business of the Harrison County Utility Authority
492 shall be transacted as provided in Section 21, except that all
493 actions affecting rates, bonds or capital improvements must be by
494 unanimous vote of all members of the board.

495 (3) In addition to any other powers and rights conferred
496 upon such board of directors, the board is granted and may
497 exercise all powers and rights granted pursuant to Sections 20
498 through 37 of this act to promote the health, welfare and
499 prosperity of the general public, including the power and right to
500 regulate and control solid waste within its jurisdictional
501 boundaries.

502 **SECTION 16. Creation of the Jackson County Utility**

503 **Authority.** (1) There is hereby created and established a public
504 body corporate and politic constituting a political subdivision of
505 the State of Mississippi to be known as the "Jackson County
506 Utility Authority." The authority is composed of the geographic
507 area of Jackson County as defined in Section 19-1-59, Mississippi
508 Code of 1972, for the planning, acquisition, construction,
509 maintenance, operation and coordination of water and wastewater
510 systems in order to ensure the delivery of water and wastewater
511 services to citizens residing within the boundaries of Jackson
512 County.

513 (2) Within thirty (30) days of passage of this act, the
514 Jackson County Utility Authority and the Mississippi Gulf Coast

515 Regional Wastewater Authority shall consolidate into a single
516 agency, to be known as the Jackson County Utility Authority, which
517 shall be a continuance of the corporate existence of the
518 Mississippi Gulf Coast Regional Wastewater Authority. Such
519 consolidation shall be effective by the concurrent resolution of
520 the Mississippi Gulf Coast Regional Wastewater Authority and the
521 Jackson County Utility Authority and the filing of a copy of such
522 concurrent resolution with the Secretary of State, certified by
523 the Secretary of the Mississippi Gulf Coast Regional Wastewater
524 Authority and the Jackson County Utility Authority.

525 (3) Upon consolidation the following shall apply:

526 (a) All property, rights and powers of the Mississippi
527 Gulf Coast Regional Wastewater Authority are hereby vested in and
528 shall be exercised by the Jackson County Utility Authority,
529 subject, however to all pledges, covenants, agreements and trusts
530 made or created by the Mississippi Gulf Coast Regional Wastewater
531 Authority;

532 (b) All debts, liabilities, obligations, agreements,
533 contracts and covenants of the Mississippi Gulf Coast Regional
534 Wastewater Authority are hereby imposed upon the Jackson County
535 Utility Authority. Any property of the Mississippi Gulf Coast
536 Regional Wastewater Authority in which a mortgage or security
537 interest has been granted to any bondholders or other creditors of
538 the Mississippi Gulf Coast Regional Wastewater Authority shall
539 continue to be subject to the mortgage or security interest until
540 the mortgage or security interest is defeased or terminated in
541 accordance with its terms. All bondholders and other creditors of
542 the Mississippi Gulf Coast Regional Wastewater Authority and
543 persons having claim against or contracts with the Mississippi
544 Gulf Coast Regional Wastewater Authority of any kind or character
545 may enforce those debts, claims and contracts against the Jackson
546 County Utility Authority in the same manner as they might have

547 against the Mississippi Gulf Coast Regional Wastewater Authority,
548 and the rights and remedies of those bondholders, creditors, and
549 persons having claims or contracts shall not be limited or
550 restricted in any manner by this act;

551 (c) All regulations of the Mississippi Gulf Coast
552 Regional Wastewater Authority shall continue to be in effect as
553 the regulations of the Jackson County Utility Authority until
554 amended, supplemented or rescinded by the Jackson County Utility
555 Authority in accordance with law; and

556 (d) All employees of the Mississippi Gulf Coast
557 Regional Wastewater Authority shall become employees of the
558 Jackson County Utility Authority. Nothing in this act shall
559 affect the civil service status, if any, of those employees or
560 their rights, privileges, obligations or status with respect to
561 any pension or retirement system.

562 **SECTION 17. Board of Directors for Jackson County Utility**
563 **Authority.** (1) Upon creation of the Jackson County Utility
564 Authority, all powers of the Jackson County Utility Authority
565 shall be exercised by the board of directors of the Mississippi
566 Gulf Coast Regional Wastewater Authority.

567 (2) Upon consolidation of the Jackson County Utility
568 Authority and the Mississippi Gulf Coast Wastewater Authority, the
569 county authority shall be governed by a board consisting of seven
570 (7) directors.

571 (a) The members of the Board of Directors of the
572 Mississippi Gulf Coast Regional Wastewater Authority shall serve
573 as Directors of the Jackson County Utility Authority until the
574 expiration of their existing terms. Upon expiration of a member's
575 term, the governing body making the appointment shall appoint a
576 person residing within the corporate boundaries of the governing
577 body to serve as a director.

578 (b) The City of Gautier shall appoint one (1) director
579 who resides within the City of Gautier for an initial term of
580 three (3) years.

581 (c) The Board of Supervisors of Jackson County shall
582 appoint two (2) additional directors for an initial term of two
583 (2) and four (4) years, respectively, who reside within the
584 unincorporated area of Jackson County.

585 (3) (a) After expiration of the initial terms, all
586 appointed directors shall serve a term of six (6) years.

587 (b) No director shall hold an elected public office.

588 (4) In addition to any other powers and rights conferred
589 upon such board of directors, the board is granted and may
590 exercise all powers and rights granted pursuant to Sections 20
591 through 37 of this act to promote the health, welfare and
592 prosperity of the general public.

593 **SECTION 18. Creation of the Hancock County Utility**

594 **Authority.** (1) There is hereby created and established a public
595 body corporate and politic constituting a political subdivision of
596 the State of Mississippi to be known as the "Hancock County
597 Utility Authority." The authority is composed of the geographic
598 area of Hancock County as defined in Section 19-1-59, Mississippi
599 Code of 1972, for the planning, acquisition, construction,
600 maintenance, operation and coordination of water, wastewater and
601 storm water systems in order to ensure the delivery of water,
602 wastewater and storm water services to citizens residing within
603 the boundaries of Hancock County.

604 (2) Within thirty (30) days of passage of this act, the
605 Hancock County Utility Authority and the Southern Regional
606 Wastewater Management District shall consolidate into a single
607 agency, to be known as the Hancock County Utility Authority, which
608 shall be a continuance of the corporate existence of the Southern
609 Regional Wastewater Management District. Such consolidation shall

610 be effective by the concurrent resolution of the Southern Regional
611 Wastewater Management District and the Hancock County Utility
612 Authority and the filing of a copy of such concurrent resolution
613 with the Secretary of State, certified by the Secretary of the
614 Southern Regional Wastewater Management District and the Hancock
615 County Utility Authority.

616 (3) Upon consolidation, the following shall apply:

617 (a) All property, rights and powers of the Southern
618 Regional Wastewater Management District are hereby vested in and
619 shall be exercised by the Hancock County Utility Authority,
620 subject, however to all pledges, covenants, agreements and trusts
621 made or created by the Southern Regional Wastewater Management
622 District;

623 (b) All debts, liabilities, obligations, agreements,
624 contracts and covenants of the Southern Regional Wastewater
625 Management District are hereby imposed upon the Hancock County
626 Utility Authority. Any property of the Southern Regional
627 Wastewater Management District in which a mortgage or security
628 interest has been granted to any bondholders or other creditors of
629 the Southern Regional Wastewater Management District shall
630 continue to be subject to the mortgage or security interest until
631 the mortgage or security interest is defeased or terminated in
632 accordance with its terms. All bondholders and other creditors of
633 the Southern Regional Wastewater Management District and persons
634 having claims against or contracts with the Southern Regional
635 Wastewater Management District of any kind or character may
636 enforce those debts, claims and contracts against the authority in
637 the same manner as they might have against the Southern Regional
638 Wastewater Management District, and the rights and remedies of
639 those bondholders, creditors, and persons having claims or
640 contracts shall not be limited or restricted in any manner by this
641 act;

642 (c) All regulations of the Southern Regional Wastewater
643 Management District shall continue to be in effect as the
644 regulations of the Hancock County Utility Authority until amended,
645 supplemented or rescinded by the Hancock County Utility Authority
646 in accordance with law; and

647 (d) All employees of the Southern Regional Wastewater
648 Management District shall become employees of the authority.
649 Nothing in this act shall affect the civil service status, if any,
650 of those employees or their rights, privileges, obligations or
651 status with respect to any pension or retirement system.

652 **SECTION 19. Board of Directors for Hancock County Utility**

653 **Authority.** (1) After consolidation, all powers of the Hancock
654 County Utility Authority shall be exercised by a board consisting
655 of the following:

656 (a) One (1) director appointed by the Mayor of Bay St.
657 Louis for an initial term of two (2) years;

658 (b) One (1) director appointed by the Mayor of Waveland
659 for an initial term of three (3) years;

660 (c) One (1) director appointed by the Board of
661 Supervisors who is a resident of Hancock County from an area that
662 is not served by the utility districts enumerated in this
663 subsection for an initial term of four (4) years;

664 (d) One (1) director who is the Chairman of the
665 Diamondhead Water and Sewer District;

666 (e) One (1) director who is the Chairman of the Kiln
667 Fire and Water District;

668 (f) One (1) director who is the Chairman of the Hancock
669 County Water and Sewer District; and

670 (g) One (1) director who is the Chairman of the
671 Pearlinton Water and Sewer District.

672 After expiration of the initial terms, the appointees in
673 paragraphs (a), (b) and (c) shall be appointed to a term of four
674 (4) years.

675 (2) In addition to any other powers and rights conferred
676 upon such board of directors, the board is granted and may
677 exercise all powers and rights granted pursuant to Sections 20
678 through 37 of this act to promote the health, welfare and
679 prosperity of the general public.

680 **SECTION 20. Provisions common to the county authorities.**

681 The purpose of Sections 20 through 37 of this act is to confer
682 certain powers on the county authorities for the purpose of
683 cooperating with federal, state and local public agencies for the
684 further development of local and regional water, wastewater and
685 storm water services within the Gulf Coast Region. In addition to
686 the powers over water, wastewater and storm water, the Harrison
687 County Utility Authority is granted power over solid waste within
688 its jurisdiction.

689 **SECTION 21. Board of directors, officers, compensation.** (1)

690 The board of directors of a county authority shall elect annually
691 from its number a president and vice president of the county
692 authority and such other officers as in the judgment of the board
693 are necessary. The president shall be the chief executive officer
694 of the authority and the presiding officer of the board, and shall
695 have the same right to vote as any other director. The vice
696 president shall act in the absence or disability of the president.
697 Each board also shall appoint a secretary and a treasurer who may
698 or may not be members of the board, and it may combine these
699 offices. The treasurer shall give bond in the sum of not less
700 than One Hundred Thousand Dollars (\$100,000.00) as set by the
701 board of directors, and each director may be required to give bond
702 in the sum of not less than Twenty-five Thousand Dollars
703 (\$25,000.00), with sureties qualified to do business in this

704 state, and the premiums on the bonds shall be an expense of the
705 authority. Each bond shall be payable to the State of
706 Mississippi, and the condition of each bond shall be that the
707 treasurer and director will faithfully perform all duties of his
708 office and account for all money and other assets which shall come
709 into his custody as treasurer or director of the authority.

710 (2) Each director of a county authority shall serve without
711 salary, but shall be entitled to receive per diem pay as provided
712 for in Section 25-3-69 and shall be reimbursed his actual
713 necessary expenses, as provided in Section 25-3-41, incurred while
714 in the performance of his duties as a member of the board of
715 directors of the authority upon authorization by the board.
716 Expenses shall be paid from available funds of the authority.

717 (3) All business of a county authority shall be transacted
718 by a majority vote of the total membership of the board of
719 directors. The quorum for any meeting of the board of directors
720 shall be a majority of the total membership of the board of
721 directors.

722 **SECTION 22. Powers of the county authorities.** From and
723 after the passage of this act, each and every county authority
724 shall have, in addition to any other powers granted under any
725 other provision of law, including, but not limited to, the
726 following:

727 (a) To acquire, construct, improve, enlarge, extend,
728 repair, operate and maintain one or more of its systems used for
729 the collection, transportation, treatment and disposal of water,
730 wastewater and storm water;

731 (b) To make contracts with any person in furtherance
732 thereof; and to make contracts with any person, under the terms of
733 which the county authority will collect, transport, treat or
734 dispose of water, wastewater and storm water for such person;

735 (c) To make contracts with any person to design and
736 construct any water, wastewater and storm water systems or
737 facilities, and thereafter to purchase, lease or sell, by
738 installments over such terms as may be deemed desirable,
739 reasonable and necessary, or otherwise, any such system or
740 systems;

741 (d) To enter into operating agreements with any person,
742 for such terms and upon such conditions as may be deemed
743 desirable, for the operation of any water, wastewater and storm
744 water systems; and the county authority may lease to or from any
745 person, for such term and upon such conditions as may be deemed
746 desirable, any water, wastewater and storm water collection,
747 transportation, treatment or its other facilities or systems. Any
748 such contract may contain provisions requiring any public agency
749 or other person to regulate the quality and strength of materials
750 to be handled by the respective system or systems and also may
751 provide that the county authority shall have the right to use any
752 streets, alleys and public ways and places within the jurisdiction
753 of a public agency or other person during the term of the
754 contract;

755 (e) To enter into contracts with any person or any
756 public agency, including, but not limited to, contracts authorized
757 by this act, in furtherance of any of the purposes authorized
758 under this act upon such consideration as the board of directors
759 and such person may agree. Any such contract may extend over any
760 period of time, notwithstanding any provision or rule of law to
761 the contrary; may be upon such terms and for such consideration,
762 nominal or otherwise, as the parties thereto shall agree; and may
763 provide that it shall continue in effect until bonds specified
764 therein, refunding bonds issued in lieu of such bonds, and all
765 other obligations specified therein are paid or terminated. Any

766 such contract shall be binding upon the parties thereto according
767 to its terms;

768 (f) To adopt an official seal and alter the same at
769 pleasure;

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

774 (h) To maintain office space at such place or places
775 within the county authority boundaries as it may determine;

776 (i) To invest money of the county authority, including
777 proceeds from the sale of any bonds subject to any agreements with
778 bondholders, on such terms and in such manner as the county
779 authority deems proper;

780 (j) To require the necessary relocation or rerouting of
781 roads and highways, railroad, telephone and telegraph lines, and
782 properties, electric power lines, gas pipelines and related
783 facilities, or to require the anchoring or other protection of any
784 of these, provided fair compensation is first paid to the owners
785 or an agreement with such owners regarding the payment of the cost
786 of such relocation, and to acquire easements or rights-of-way for
787 such relocation or rerouting and to convey the same to the owners
788 of the property being relocated or rerouted in connection with the
789 purposes of this act;

790 (k) To acquire, construct, improve or modify, to
791 operate or cause to be operated and maintained, either as owner of
792 all or of any part in common with others, any water, wastewater or
793 storm water system within the county authority's service area.
794 The county authority may pay all or part of the cost of any system
795 from any contribution by persons, firms, public agencies or
796 corporations. The county authority may receive, accept and use
797 all funds, public or private, and pay all costs of the

798 development, implementation and maintenance as may be determined
799 as necessary for any project;

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

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

810 (n) To use any property and rent or lease any property
811 to or from others, including public agencies, or make contracts
812 for the use of the property. The county authority may sell,
813 lease, exchange, transfer, assign, pledge, mortgage or grant a
814 security interest for any property. The powers to acquire, use
815 and dispose of property as set forth in this paragraph shall
816 include the power to acquire, use and dispose of any interest in
817 that property, whether divided or undivided. Title to any
818 property of the county authority shall be held by the county
819 authority exclusively for the benefit of the public;

820 (o) To apply, contract for, accept, receive and
821 administer gifts, grants, appropriations and donations of money,
822 materials and property of any kind, including loans and grants
823 from the United States, the state, a unit of local government, or
824 any agency, department, district or instrumentality of any of the
825 foregoing, upon any terms and conditions as the United States, the
826 state, a unit of local government, or any agency, department,
827 district or instrumentality shall impose. The county authority
828 may administer trusts. The county authority may sell, lease,

829 transfer, convey, appropriate and pledge any and all of its
830 property and assets;

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

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

842 (r) To establish and maintain rates, fees and any other
843 charges for services and the use of systems and facilities within
844 the control of the county authority, and from time to time, to
845 adjust such rates, fees and any other charges to the end that the
846 revenues therefrom will be sufficient at all times to pay the
847 expenses of operating and maintaining of the facilities and
848 treatment systems and all of the persons' obligations under any
849 contract or bonds resolution with respect thereto or any
850 obligation of any person under any agreement, contract, indenture
851 or bonds resolution with respect thereto. Such rates, fees,
852 assessments and any other charges shall not be subject to the
853 jurisdiction of the Mississippi Public Service Commission;

854 (s) To adopt rules and regulations necessary to
855 accomplish the purposes of the county authority and to assure the
856 payment of each participating person or public agency of its
857 proportionate share of the costs for use of any of the systems and
858 facilities of the county authority and for the county authority's
859 proportionate share of the costs of the utility board;

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

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

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

880 (w) To assume control and administer, within the county
881 authority's jurisdiction, any water, wastewater or storm water
882 system or systems by agreement or contract with any person if the
883 person providing such services requests to be relieved of that
884 responsibility. However, the person may maintain control over
885 connections in their service areas and may charge rates, fees and
886 any other charges in addition to the rates, fees and any charges
887 of the county authority;

888 (x) The county authority shall have the power of
889 eminent domain for the particular purpose of the acquisition of
890 property designated by plan to sufficiently accommodate the
891 location of water, wastewater or storm water systems and such

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

905 (y) To use any legally available funds to acquire,
906 rebuild, operate and maintain any existing water, wastewater or
907 storm water systems owned or operated by any person;

908 (z) To refuse to receive water, wastewater or storm
909 water from any public agency or person; and

910 (aa) So long as any indebtedness on the systems of the
911 county authority remains outstanding, to require by contract with
912 a member public agency, or other person, that all water,
913 wastewater and storm water within the boundaries of the respective
914 county authority be disposed of through the appropriate treatment
915 system to the extent that the same may be available, but no public
916 agency shall be precluded from constructing, operating and
917 maintaining its own such system after the current indebtedness
918 owing on the system as of the effective date of this act is paid
919 in full.

920 **SECTION 23. Promulgation of rules and regulations relating**
921 **to construction, operation and maintenance of any water,**
922 **wastewater and storm water systems within each county authority's**
923 **service area.** (1) The county authority shall have the power,

924 duty and responsibility to exercise general supervision over the
925 design, construction, operation and maintenance of water,
926 wastewater and storm water systems.

927 (2) The county authority shall adopt rules and regulations
928 regarding the design, construction or installation, operation and
929 maintenance of water, wastewater and storm water systems.

930 (3) The county authority shall adopt rules and regulations
931 regarding the use of decentralized treatment systems, individual
932 on-site wastewater treatment systems and centralized wastewater
933 treatment systems.

934 (4) The county authority shall adopt rules establishing
935 performance standards for water, wastewater and storm water
936 systems and the operation and maintenance of the same. Such rules
937 and regulations shall include the implementation of a standard
938 application form for the installation, operation and maintenance
939 of such systems; application review; approval or denial procedures
940 for any proposed system; inspection, monitoring and reporting
941 guidelines; and enforcement procedures.

942 (5) (a) Before a building or development which requires the
943 installation of a water, wastewater or storm water system is
944 constructed, the system must be submitted to the county authority
945 for certification that the system complies with the county
946 authority requirements for such system.

947 (b) Before approving or renewing a water, wastewater or
948 storm water related permit for a system within a county authority,
949 the state agency must require certification that the system
950 complies with the requirements of the county authority.

951 (6) Any system of any municipality, public agency or other
952 persons which becomes connected with, or tied into, the systems of
953 the county authority, shall be subject to the county authority's
954 jurisdiction and the terms of this act.

955 (7) Notwithstanding the provisions of Section 51-39-1 et
956 seq., the county authority shall have the full power to adopt
957 rules and regulations and to construct, maintain and operate
958 facilities for the control of storm water quality and quantity.
959 In addition, the provisions of Section 51-33-1 et seq. relating to
960 drainage districts and flood control districts do not apply to the
961 county authority.

962 (8) The county authority may control and operate the local
963 retail water, wastewater or storm water services and may provide
964 or be responsible for direct servicing of those services to
965 residences, businesses and individuals; however, the county
966 authority shall not provide the same service in an area provided
967 by a public utility or person holding a certificate of public
968 convenience and necessity issued by the Mississippi Public Service
969 Commission for the provision of such services in the certificated
970 area.

971 **SECTION 24. Contracts between public agencies or persons and**
972 **the county authority for provision of water, wastewater and storm**
973 **water services by the county authority; payment for services and**
974 **contributions by public agencies.** (1) Any public agency or
975 person, pursuant to a duly adopted resolution of the governing
976 body of such public agency or person, may enter into contracts
977 with the county authority or county authorities under the terms of
978 which the county authority will manage, operate and contract for
979 usage of its systems and facilities, or other services, for such
980 person or public agency.

981 (2) Any public agency or person may enter into contracts
982 with the county authority for the county authority to purchase or
983 sell, by installments over such terms as may be deemed desirable,
984 or otherwise, to any person or any systems. Any public agency may
985 sell, donate, convey, or otherwise dispose of water, wastewater
986 and storm water facilities or systems; or any equipment, personal

987 property or any other things, deemed necessary for the
988 construction, operation, and maintenance to the county authority
989 without the necessity of appraisal, advertising, or bidding. This
990 section creates an alternative method of disposal of public
991 property.

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

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

1000 (5) Any municipality or county may donate office space,
1001 equipment, supplies, and materials to the authority.

1002 (6) Any such contract may contain provisions requiring any
1003 public agency or other person to regulate the quality and strength
1004 of the material to be handled by the wastewater or storm water
1005 systems and may also provide that the county authority shall have
1006 the right to use any streets, alleys and public ways and places
1007 within the jurisdiction of a public agency or other person during
1008 the term of the contract. Such contracts may obligate the public
1009 agency to make payments to the county authority or to a trustee in
1010 amounts which shall be sufficient to enable the county authority
1011 to defray the expenses of administering, operating and maintaining
1012 its respective systems, to pay interest and principal (whether at
1013 maturity upon redemption or otherwise) on bonds of the county
1014 authority, issued under this act and to fund reserves for debt
1015 service, for operation and maintenance and for renewals and
1016 replacements, to fulfill the requirements of any rate covenant
1017 with respect to debt service coverage contained in any resolution,
1018 trust indenture or other security agreement relating to the bonds

1019 of the county authority issued under this act or to fulfill any
1020 other requirement relating to bonds issued pursuant to this act.

1021 (7) Any public agency shall have the power to enter into
1022 such contracts with the county authority as in the discretion of
1023 the governing body of the public agency would be in the best
1024 interest of the public agency. Such contracts may include a
1025 pledge of the full faith and credit of such public agency and/or
1026 the avails of any special assessments made by such public agency
1027 against property receiving benefits, as now or hereafter are
1028 provided by law. Any such contract may provide for the sale, or
1029 lease to, or use of by the county authority, of the systems or any
1030 part thereof, of the public agency; and may provide that the
1031 county authority shall operate its systems or any part thereof of
1032 the public agency; and may provide that any public agency shall
1033 have the right to continued use and/or priority use of the systems
1034 or any part thereof during the useful life thereof upon payment of
1035 reasonable charges therefor; and may contain provisions to assure
1036 equitable treatment of persons or public agencies who contract
1037 with the county authority under this act; and may contain such
1038 other provisions and requirements as the parties thereto may
1039 determine to be appropriate or necessary. Such contracts may
1040 extend over any period of time, notwithstanding any provisions of
1041 law to the contrary, and may extend beyond the life of the
1042 respective systems or any part thereof or the term of the bonds
1043 sold with respect to such facilities or improvements thereto.

1044 (8) The obligations of a public agency arising under the
1045 terms of any contract referred to in this act, whether or not
1046 payable solely from a pledge of revenues, shall not be included
1047 within the indebtedness limitations of the public agency for
1048 purposes of any constitutional or statutory limitation or
1049 provision. To the extent provided in such contract and to the
1050 extent such obligations of the public agency are payable wholly or

1051 in part from the revenues and other monies derived by the public
1052 agency from the operation of its systems or of its combined
1053 systems, or any part thereof, such obligations shall be treated as
1054 expenses of operating such systems.

1055 (9) Contracts referred to in this section may also provide
1056 for payments in the form of contributions to defray the cost of
1057 any purpose set forth in the contracts and as advances for the
1058 respective systems or any part thereof subject to repayment by the
1059 county authority. A public agency may make such contributions or
1060 advances from its general fund or surplus fund or from special
1061 assessments or from any monies legally available therefor.

1062 (10) Payments made, or to be made, to the county authority
1063 by a public agency or other person under a contract for any of its
1064 treatment systems, or any part thereof, shall not be subject to
1065 approval or review by the Mississippi Public Service Commission.

1066 (11) Subject to the terms of a contract or contracts
1067 referred to in this act, the county authority is hereby authorized
1068 to do and perform any and all acts or things necessary, convenient
1069 or desirable to carry out the purposes of such contracts,
1070 including the fixing, charging, collecting, maintaining and
1071 revising of rates, fees and other charges for the services
1072 rendered to any user of any of the systems operated or maintained
1073 by the county authority, whether or not such systems are owned by
1074 the county authority.

1075 (12) No provision of this act shall be construed to prohibit
1076 any public agency, otherwise permitted by law to issue bonds, from
1077 issuing bonds in the manner provided by law for the construction,
1078 renovation, repair or development of any of the county authority's
1079 systems, or any part thereof, owned or operated by such public
1080 agency.

1081 **SECTION 25. Rates, fees and other charges by public agencies**
1082 **for services provided by county authority.** Whenever a public

1083 agency shall have executed a contract under this act and the
1084 payments thereunder are to be made either wholly or partly from
1085 the revenues of the public agency's systems, or any part thereof,
1086 or a combination of such systems, the duty is hereby imposed on
1087 the public agency to establish and maintain and from time to time
1088 to adjust the rate or fees charged by the public agency for the
1089 services of such systems, so that the revenues therefrom, together
1090 with any taxes and special assessments levied in support thereof,
1091 will be sufficient at all times to pay:

1092 (a) The expense of operating and maintaining such
1093 systems, including all of the public agency's obligations to the
1094 county authority, its successors or assigns under such contract;
1095 and

1096 (b) All of the public agency's obligations under and in
1097 connection with bonds theretofore issued, or which may be issued
1098 thereafter and secured by the revenues of such systems. Any such
1099 contract may require the use of consulting engineers and financial
1100 experts to advise the public agency whether and when such rates
1101 and fees are to be adjusted.

1102 **SECTION 26. Public Service Commission notice.** (1)

1103 Notwithstanding the provisions of Sections 77-3-21 and 77-3-23,
1104 Mississippi Code of 1972, the certificate of public convenience
1105 and necessity held by any municipality, public agency, district,
1106 public utility or other person authorized by law to provide water,
1107 sewer and wastewater services may be cancelled and its powers,
1108 duties and responsibilities transferred to the county authority in
1109 the manner provided by this section.

1110 (2) Any entity described in subsection (1) of this section
1111 desiring to have its certificate of public convenience and
1112 necessity cancelled and its powers, duties and responsibilities
1113 transferred to the county authority shall make a determination to
1114 that effect on its official minutes if a public entity, or by

1115 affidavit if not a public entity, and transmit such determination
1116 to the county authority.

1117 (3) Upon receipt of the document evidencing such
1118 determination from an entity to transfer its powers, duties and
1119 responsibilities to the county authority, the county authority
1120 shall, by resolution, declare whether it is willing and able to
1121 accept such transfer from the entity.

1122 (4) Upon completion of the requirements of subsections (2)
1123 and (3) herein and agreement by both parties to the transfer, the
1124 holder of the certificate of public convenience and necessity and
1125 the county authority shall jointly petition the Public Service
1126 Commission to cancel the certificate of public convenience and
1127 necessity. The petition must be accompanied by copies of the
1128 official minutes, affidavit or resolution, as the case may be,
1129 reflecting the actions of the petitioners. After review of the
1130 petition and any other evidence as the Public Service Commission
1131 deems necessary, the commission may issue an order canceling the
1132 certificate and transferring to the county authority the powers,
1133 duties and responsibilities granted by the certificate, including
1134 all assets and debts of the transferor petitioner related to such
1135 certificated services, real or personal, or both, if it finds
1136 that:

1137 (a) Subsections (2) and (3) of this section have been
1138 complied with; and

1139 (b) Such action is in the public interest.

1140 (5) The county authority and providers of water, sewer,
1141 wastewater and storm water services that are not holders of a
1142 certificate of a public convenience and necessity from the Public
1143 Service Commission may enter into agreements for the provision of
1144 such services, including, but not limited to, the transfer to the
1145 county authority of such provider's powers, duties,
1146 responsibilities, assets and debts.

1147 **SECTION 27. Validation of prior indebtedness.** (1) Any
1148 system of a municipality, public agency or person that becomes
1149 subject to the jurisdiction of a county authority and this act
1150 shall not impair, invalidate or abrogate any liens, bonds or other
1151 certificates of indebtedness related to water, storm water or
1152 wastewater facilities and systems incurred prior to becoming
1153 subject to the jurisdiction of the county authority.

1154 (2) The county authority may do and perform any and all acts
1155 necessary, convenient or desirable to ensure the payment,
1156 redemption or satisfaction of such liens, bonds or other
1157 certificates of indebtedness.

1158 **SECTION 28. The power to borrow money and to issue revenue**
1159 **bonds.** (1) Sections 27 through 36 of this act apply to all bonds
1160 to be issued after the effective date of this act and such
1161 provisions shall not affect, limit or alter the rights and powers
1162 of any county authority under this act or any law of Mississippi
1163 to conduct the activities referred to herein in any way pertinent
1164 to the interests of the bondholders, including, without
1165 limitation, such county authority's right to charge and collect
1166 rates, fees and charges and to fulfill the terms of any covenants
1167 made with the registered owners of any existing bonds, or in any
1168 other way impair the rights and remedies of the registered owners
1169 of any existing bonds, unless provision for full payment of such
1170 bonds, by escrow or otherwise, has been made pursuant to the terms
1171 of the bonds or the resolution, trust indenture or security
1172 interest securing the bonds.

1173 (2) The county authority shall have the power and is hereby
1174 authorized, from time to time, to borrow money and to issue
1175 revenue bonds and interim notes in such principal amounts as the
1176 county authority may determine to be necessary to provide
1177 sufficient funds for achieving one or more of the purposes of this
1178 act, including, without limiting the generality of the foregoing,

1179 to defray all the costs of the project, the cost of the
1180 acquisition, construction, improvement, repair or extension of a
1181 system, or any part thereof, whether or not such facilities are
1182 owned by the county authority, the payment of interest on bonds of
1183 the county authority issued pursuant to this act, establishment of
1184 reserves to secure such bonds and payment of the interest thereon,
1185 expenses incident to the issuance of such bonds and to the
1186 implementation of the county authority's system, and all other
1187 expenditures of the county authority incident to or necessary or
1188 convenient to carry out the purposes of this act.

1189 (3) Before issuing bonds, other than interim notes or
1190 refunding bonds as provided in Section 29, the board of directors
1191 of the county authority shall adopt a resolution declaring its
1192 intention to issue such bonds and stating the maximum principal
1193 amount of bonds proposed to be issued, a general generic
1194 description of the proposed improvements and the proposed location
1195 thereof and the date, time and place at which the board of
1196 directors proposes to take further action with respect to the
1197 issuance of such bonds. The resolution of the county authority
1198 shall be published once a week for at least three (3) consecutive
1199 weeks in at least one (1) newspaper having a general circulation
1200 within the geographical limits of all of the public agencies which
1201 have contracted with the county authority pursuant to this act.

1202 (4) Bonds of the county authority issued pursuant to this
1203 act shall be payable from and secured by a pledge of all or any
1204 part of the revenues under one or more contracts entered into
1205 pursuant to this act between the county authority and one or more
1206 of its contracting public agencies and from all or any part of the
1207 revenues derived from the operation of any designated system or
1208 any part or parts thereof and any other monies legally available
1209 and designated therefor, as may be determined by such county
1210 authority, subject only to any agreement with the purchasers of

1211 the bonds. Such bonds may be further secured by a trust indenture
1212 between such county authority and a corporate trustee, which may
1213 be any trust company or bank having powers of a trust company
1214 without or within the state.

1215 (5) Bonds of the county authority issued pursuant to this
1216 act shall be authorized by a resolution or resolutions adopted by
1217 a majority affirmative vote of the total membership of the board
1218 of directors of the county authority. Such bonds may be issued in
1219 series, and each series of such bonds shall bear such date or
1220 dates, mature at such time or times, bear interest at such rate or
1221 rates (not exceeding the maximum rate set out in Section
1222 75-17-103, Mississippi Code of 1972), be in such denomination or
1223 denominations, be in such form, carry such conversion privileges,
1224 have such rank or priority, be executed in such manner and by such
1225 officers, be payable from such sources in such medium of payment
1226 at such place or places within or without the state, provided that
1227 one such place shall be within the state, and be subject to such
1228 terms of redemption prior to maturity, all as may be provided by
1229 resolution or resolutions of the board of directors. The term of
1230 such bonds issued pursuant to this act shall not exceed forty (40)
1231 years.

1232 (6) Bonds of the county authority issued pursuant to this
1233 act may be sold at such price or prices, at public or private
1234 sale, in such manner and at such times as may be determined by
1235 such county authority to be in the public interest, and such
1236 county authority may pay all expenses, premiums, fees and
1237 commissions which it may deem necessary and advantageous in
1238 connection with the issuance and sale thereof.

1239 (7) Any pledge of earnings, revenues or other monies made by
1240 the county authority shall be valid and binding from the time the
1241 pledge is made. The earnings, revenues or other monies so pledged
1242 and thereafter received by such county authority shall immediately

1243 be subject to the lien of such pledge without any physical
1244 delivery thereof or further act, and the lien of any such pledge
1245 shall be valid and binding as against all parties having claims of
1246 any kind in tort, contract or otherwise against such county
1247 authority irrespective of whether such parties have notice
1248 thereof. Neither the resolution nor any other instrument by which
1249 a pledge is created need be recorded.

1250 (8) Neither the members of the board of directors nor any
1251 person executing the bonds shall be personally liable on the bonds
1252 or be subject to any personal liability or accountability by
1253 reason of the issuance thereof.

1254 (9) Proceeds from the sale of bonds of the county authority
1255 may be invested, pending their use, in such securities as may be
1256 specified in the resolution authorizing the issuance of the bonds
1257 or the trust indenture securing them, and the earnings on such
1258 investments applied as provided in such resolution or trust
1259 indenture.

1260 (10) Whenever any bonds shall have been signed by the
1261 officer(s) designated by the resolution of the board of directors
1262 to sign the bonds who were in office at the time of such signing
1263 but who may have ceased to be such officer(s) prior to the sale
1264 and delivery of such bonds, or who may not have been in office on
1265 the date such bonds may bear, the manual or facsimile signatures
1266 of such officer(s) upon such bonds shall nevertheless be valid and
1267 sufficient for all purposes and have the same effect as if the
1268 person so officially executing such bonds had remained in office
1269 until the delivery of the same to the purchaser or had been in
1270 office on the date such bonds may bear.

1271 (11) The county authority has the discretion to advance or
1272 borrow funds needed to satisfy any short-term cash flow demands or
1273 deficiencies or to cover start-up costs until such time as

1274 sufficient bonds, assets and revenues have been secured to satisfy
1275 the needs of the county authority.

1276 **SECTION 29. Bonds of county authority. (1) Refunding**
1277 **bonds.** The county authority may, by resolution adopted by its
1278 board of directors, issue refunding bonds for the purpose of
1279 paying any of its bonds at or prior to maturity or upon
1280 acceleration or redemption. Refunding bonds may be issued at such
1281 time prior to the maturity or redemption of the refunded bonds as
1282 the board of directors deems to be in the public interest, without
1283 an election on the question of the issuance thereof. The
1284 refunding bonds may be issued in sufficient amounts to pay or
1285 provide the principal of the bonds being refunded, together with
1286 any redemption premium thereon, any interest accrued or to accrue
1287 to the date of payment of such bonds, the expenses of issue of the
1288 refunding bonds, the expenses of redeeming the bonds being
1289 refunded, and such reserves for debt service or other capital or
1290 current expenses from the proceeds of such refunding bonds as may
1291 be required by the resolution, trust indenture or other security
1292 instruments. The issue of refunding bonds, the maturities and
1293 other details thereof, the security therefor, the rights of the
1294 holders and the rights, duties and obligations of the county
1295 authority in respect of the same shall be governed by the
1296 provisions of this act relating to the issue of bonds other than
1297 refunding bonds insofar as the same may be applicable. Any such
1298 refunding may be effected, whether the obligations to be refunded
1299 shall have then matured or shall thereafter mature, either by the
1300 exchange of the refunding bonds for the obligations to be refunded
1301 thereby with the consent of the holders of the obligations so to
1302 be refunded, or by sale of the refunding bonds and the application
1303 of the proceeds thereof to the payment of the obligations proposed
1304 to be refunded thereby, and regardless of whether the obligations

1305 proposed to be refunded shall be payable on the same date or
1306 different dates or shall be due serially or otherwise.

1307 (2) **Interim notes.** Borrowing by the county authority may be
1308 made by the delivery of interim notes to any person or public
1309 agency or financial institution by a majority vote of the board of
1310 directors.

1311 **SECTION 30.** All bonds (other than refunding bonds, interim
1312 notes and certificates of indebtedness, which may be validated)
1313 issued pursuant to this act shall be validated as now provided by
1314 law in Sections 31-13-1 through 31-13-11, Mississippi Code of
1315 1972; however, notice of such validation proceedings shall be
1316 addressed to the citizens of the respective public agencies (a)
1317 which have contracted with the county authority pursuant to this
1318 act, and (b) whose contracts and the payments to be made by the
1319 public agencies thereunder constitute security for the bonds of
1320 such county authority proposed to be issued, and that such notice
1321 shall be published at least once in a newspaper or newspapers
1322 having a general circulation within the geographical boundaries of
1323 each of the contracting public agencies to whose citizens the
1324 notice is addressed. Such validation proceedings shall be
1325 instituted in any chancery courts within the boundaries of the
1326 county authority. The validity of the bonds so validated and of
1327 the contracts and payments to be made by the public agencies
1328 thereunder constituting security for the bonds shall be forever
1329 conclusive against the county authority and the public agencies
1330 which are parties to said contracts; and the validity of said
1331 bonds and said contracts and the payments to be made thereunder
1332 shall never be called in question in any court in this state.

1333 **SECTION 31.** Bonds issued under the provisions of this act
1334 shall not be deemed to constitute, within the meaning of any
1335 constitutional or statutory limitation, an indebtedness of the
1336 county authority. Such bonds shall be payable solely from the

1337 revenues or assets of the county authority pledged therefor. Each
1338 bond issued under this act shall contain on the face thereof a
1339 statement to the effect that such county authority shall not be
1340 obligated to pay the same nor the interest thereon except from the
1341 revenues or assets pledged therefor.

1342 **SECTION 32.** The county authority shall have power in
1343 connection with the issuance of its bonds pursuant to this act to:

1344 (a) Covenant as to the use of any or all of its
1345 property, real or personal;

1346 (b) Redeem the bonds, to covenant for their redemption
1347 and to provide the terms and conditions thereof;

1348 (c) Covenant to charge rates, fees and charges
1349 sufficient to meet operating and maintenance expenses, renewals
1350 and replacements, principal and debt service on bonds, creation
1351 and maintenance of any reserves required by a bonds resolution,
1352 trust indenture or other security instrument and to provide for
1353 any margins or coverages over and above debt service on the bonds
1354 deemed desirable for the marketability of the bonds;

1355 (d) Covenant and prescribe as to events of default and
1356 terms and conditions upon which any or all of its bonds shall
1357 become or may be declared due before maturity, as to the terms and
1358 conditions upon which such declaration and its consequences may be
1359 waived and as to the consequences of default and the remedies of
1360 the registered owners of the bonds;

1361 (e) Covenant as to the mortgage or pledge of or the
1362 grant of a security interest in any real or personal property and
1363 all or any part of the revenues from any designated system or any
1364 part thereof or any revenue-producing contract or contracts made
1365 by a county authority with any person to secure the payment of
1366 bonds, subject to such agreements with the registered owners of
1367 bonds as may then exist;

1368 (f) Covenant as to the custody, collection, securing,
1369 investment and payment of any revenues, assets, monies, funds or
1370 property with respect to which a county authority may have any
1371 rights or interest;

1372 (g) Covenant as to the purposes to which the proceeds
1373 from the sale of any bonds then or thereafter to be issued may be
1374 applied, and the pledge of such proceeds to secure the payment of
1375 the bonds;

1376 (h) Covenant as to the limitations on the issuance of
1377 any additional bonds, the terms upon which additional bonds may be
1378 issued and secured, and the refunding of outstanding bonds;

1379 (i) Covenant as to the rank or priority of any bonds
1380 with respect to any lien or security;

1381 (j) Covenant as to the procedure by which the terms of
1382 any contract with or for the benefit of the registered owners of
1383 bonds may be amended or abrogated, the amount of bonds the
1384 registered owners of which must consent thereto, and the manner in
1385 which such consent may be given;

1386 (k) Covenant as to the custody of any of its properties
1387 or investments, the safekeeping thereof, the insurance to be
1388 carried thereon, and the use and disposition of insurance
1389 proceeds;

1390 (l) Covenant as to the vesting in a trustee or
1391 trustees, within or outside the state, of such properties, rights,
1392 powers and duties in trust as such county authority may determine;

1393 (m) Covenant as to the appointing and providing for the
1394 duties and obligations of a paying agent or paying agents or other
1395 fiduciaries within or outside the state;

1396 (n) Make all other covenants and to do any and all such
1397 acts and things as may be necessary or convenient or desirable in
1398 order to secure its bonds, or in the absolute discretion of the
1399 county authority tend to make the bonds more marketable,

1400 notwithstanding that such covenants, acts or things may not be
1401 enumerated herein; it being the intention hereof to give any
1402 county authority power to do all things in the issuance of bonds
1403 and in the provisions for security thereof which are not
1404 inconsistent with the Constitution of the state; and

1405 (o) Execute all instruments necessary or convenient in
1406 the exercise of the powers herein granted or in the performance of
1407 covenants or duties, which may contain such covenants and
1408 provisions, as any purchaser of the bonds of the county authority
1409 may reasonably require.

1410 SECTION 33. The county authority may, in any authorizing
1411 resolution of the board of directors, trust indenture or other
1412 security instrument relating to its bonds issued pursuant to this
1413 act, provide for the appointment of a trustee who shall have such
1414 powers as are provided therein to represent the registered owners
1415 of any issue of bonds in the enforcement or protection of their
1416 rights under any such resolution, trust indenture or security
1417 instrument. The county authority may also provide in such
1418 resolution, trust indenture or other security instrument that the
1419 trustee, or in the event that the trustee so appointed shall fail
1420 or decline to so protect and enforce such registered owners'
1421 rights then such percentage of registered owners as shall be set
1422 forth in, and subject to the provisions of, such resolution, trust
1423 indenture or other security interest, may petition the court of
1424 proper jurisdiction for the appointment of a receiver of the
1425 county authority's systems, the revenues of which are pledged to
1426 the payment of the principal of and interest on the bonds of such
1427 registered owners. Such receiver may exercise any power as may be
1428 granted in any such resolution, trust indenture or security
1429 instrument to enter upon and take possession of, acquire,
1430 construct or reconstruct or operate and maintain such system, fix
1431 charges for services of the system and enforce collection thereof,

1432 and receive all revenues derived from such system or facilities
1433 and perform the public duties and carry out the contracts and
1434 obligations of such county authority in the same manner as such
1435 county authority itself might do, all under the direction of such
1436 court.

1437 **SECTION 34.** (1) The exercise of the powers granted by this
1438 act will be in all respects for the benefit of the people of the
1439 state, for their well-being and prosperity and for the improvement
1440 of their social and economic conditions, and the county authority
1441 shall not be required to pay any tax or assessment on any property
1442 owned by the county authority under the provisions of this act or
1443 upon the income therefrom; nor shall the county authority be
1444 required to pay any recording fee or transfer tax of any kind on
1445 account of instruments recorded by it or on its behalf.

1446 (2) Any bonds issued by the county authority under and
1447 pursuant to the provisions of this act, their transfer and the
1448 income therefrom shall at all times be free from taxation by the
1449 state or any local unit or political subdivision or other
1450 instrumentality of the state, excepting inheritance and gift
1451 taxes.

1452 **SECTION 35.** All bonds issued under the provisions of this
1453 act shall be legal investments for trustees, other fiduciaries,
1454 savings banks, trust companies and insurance companies organized
1455 under the laws of the State of Mississippi; and such bonds shall
1456 be legal securities which may be deposited with and shall be
1457 received by all public officers and bodies of the state and all
1458 municipalities and other political subdivisions thereof for the
1459 purpose of securing the deposit of public funds.

1460 **SECTION 36.** The state hereby covenants with the registered
1461 owners of any bonds of any county authority that so long as the
1462 bonds are outstanding and unpaid the state will not limit or alter
1463 the rights and powers of any county authority under this act to

1464 conduct the activities referred to herein in any way pertinent to
1465 the interests of the bondholders, including, without limitation,
1466 such county authority's right to charge and collect rates, fees,
1467 assessments and charges and to fulfill the terms of any covenants
1468 made with the registered owners of the bonds, or in any other way
1469 impair the rights and remedies of the registered owners of the
1470 bonds, unless provision for full payment of such bonds, by escrow
1471 or otherwise, has been made pursuant to the terms of the bonds or
1472 the resolution, trust indenture or security interest securing the
1473 bonds.

1474 SECTION 37. For the purposes of satisfying any temporary
1475 cash flow demands and deficiencies, and to maintain a working
1476 balance for the county authority, the county, municipalities or
1477 public agencies within the geographic boundaries of the county
1478 authority, or other persons, subject to their lawful authority to
1479 do so, are authorized to advance, at any time, such funds which,
1480 in its discretion, are necessary, or borrow such funds by issuance
1481 of notes, for initial capital contribution and to cover start-up
1482 costs until such times as sufficient bonds, assets and revenues
1483 have been secured to satisfy the needs of the county authority for
1484 its management, operation and formation. To this end, the county,
1485 municipality, public agency or person, subject to their lawful
1486 authority to do so, shall advance such funds, or borrow such funds
1487 by issuance of notes, under such terms and conditions as may be
1488 provided by resolution of the governing body, or other persons as
1489 defined in this act, subject to their lawful authority to do so,
1490 except that each such resolution shall state:

- 1491 (a) The need for the proceeds advanced or borrowed;
- 1492 (b) The amount to be advanced or the amount to be
1493 borrowed;

1494 (c) The maximum principal amount of any note issued the
1495 interest rate or maximum interest rate to be incurred, and the
1496 maturity date of said note;

1497 (d) In addition, the governing body, or other persons
1498 as defined in this act, subject to their lawful authority to do
1499 so, may arrange for lines of credit with any bank, firm or person
1500 for the purpose of providing an additional source of repayment for
1501 notes issued pursuant to this section. Amounts drawn on a line of
1502 credit may be evidenced by negotiable or nonnegotiable notes or
1503 other evidences of indebtedness and contain such terms and
1504 conditions as the governing body, or other persons as defined in
1505 this act, subject to their lawful authority to do so, may
1506 authorize in the resolution approving the same;

1507 (e) The governing body of the county, municipalities or
1508 other persons as defined in this act, subject to their lawful
1509 authority to do so, may authorize the repayment of such advances,
1510 notes, lines of credit and other debt incurred under this section,
1511 along with all costs associated with the same, including, but not
1512 limited to, rating agency fees, printing costs, legal fees, bank
1513 or trust company fees, line of credit fees and other charges to be
1514 reimbursed by the county authority under such terms and conditions
1515 as are reasonable and are to be provided for by resolution of the
1516 governing body, or terms agreed upon with other persons as defined
1517 in this act, subject to their lawful authority to do so;

1518 (f) In addition, the governing body of the county,
1519 municipality or public agency may lease or donate office space and
1520 equipment to the county authority under such terms and conditions
1521 as are reasonable and are to be provided for by resolution of the
1522 governing body, or terms agreed upon by the county authority.

1523 **SECTION 38.** If any clause, sentence, paragraph, section or
1524 part of the provisions of this act shall be adjudged by any court
1525 of competent jurisdiction to be invalid, such judgment shall not

1526 affect, impair or invalidate the remainder thereof directly
1527 involved in the controversy in which such judgment shall have been
1528 rendered.

1529 **SECTION 39.** Sections 49-17-161, 49-17-162, 49-17-163,
1530 49-17-165, 49-17-167, 49-17-169, 49-17-171, 49-17-173, 49-17-175,
1531 49-17-177, 49-17-179, 49-17-181, 49-17-183, 49-17-185, 49-17-187,
1532 49-17-189, 49-17-191, 49-17-193, 49-17-195, 49-17-197, 49-17-199,
1533 49-17-201, 49-17-203, 49-17-205, 49-17-207 and 49-17-209,
1534 Mississippi Code of 1972, cited as the "Southern Regional
1535 Wastewater Management Act," which create and empower the Southern
1536 Regional Wastewater Management District, shall repeal on July 1,
1537 2007.

1538 **SECTION 40.** Sections 49-17-301, 49-17-303, 49-17-305,
1539 49-17-307, 49-17-309, 49-17-311, 49-17-313, 49-17-315, 49-17-317,
1540 49-17-319, 49-17-321, 49-17-323, 49-17-325, 49-17-327, 49-17-329,
1541 49-17-331, 49-17-333, 49-17-335, 49-17-337, 49-17-339, 49-17-341,
1542 49-17-343, 49-17-345, 49-17-347, 49-17-349, 49-17-351 and
1543 49-17-353, Mississippi Code of 1972, cited as the "Mississippi
1544 Gulf Coast Regional Wastewater Authority Act," which create and
1545 empower the Mississippi Gulf Coast Regional Wastewater Authority,
1546 shall repeal on July 1, 2007.

1547 **SECTION 41.** This act shall take effect and be in force from
1548 and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 AUTHORITY; THE HARRISON COUNTY UTILITY AUTHORITY;
5 AND THE JACKSON COUNTY UTILITY AUTHORITY; TO EMPOWER THE COUNTY
6 AUTHORITIES; TO PROVIDE FOR A BOARD OF DIRECTORS FOR THE COUNTY
7 AUTHORITIES; TO AUTHORIZE THE COUNTY AUTHORITIES TO PROVIDE WATER,
8 WASTEWATER, AND STORM WATER SERVICES AND FACILITIES;; TO AUTHORIZE
9 THE AUTHORITIES TO ISSUE REVENUE BONDS FOR SUCH PROJECTS; TO
10 REPEAL SECTIONS 49-17-161 THROUGH 49-17-209, MISSISSIPPI CODE OF
11 1972, WHICH CREATE AND EMPOWER THE SOUTHERN REGIONAL WASTEWATER
12 MANAGEMENT DISTRICT; TO REPEAL SECTIONS 49-17-301 THROUGH
13 49-17-353, MISSISSIPPI CODE OF 1972, WHICH CREATE AND EMPOWER THE

14 MISSISSIPPI GULF COAST REGIONAL WASTEWATER AUTHORITY; AND FOR
15 RELATED PURPOSES.

CONFEREES FOR THE SENATE

X (SIGNED)
Moffatt

X (SIGNED)
Robertson

X (SIGNED)
Hewes

CONFEREES FOR THE HOUSE

X (SIGNED)
Franks

X (SIGNED)
Peranich

X (SIGNED)
Watson