

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for Senate Bill No. 2943

BY: Senator(s) Moffatt

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

17 **SECTION 1. Title.**

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

20 **SECTION 2. Legislative findings.**

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

36 Act is determined to be necessary and essential to the
37 accomplishment of these purposes.

38 **SECTION 3. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

159 (f) An identification of the additional facilities,
160 including an evaluation of alternative treatment and management
161 technologies, and the amount of additional capacity needed to

162 manage the quantities projected in paragraph (e) of this
163 subsection;

164 (g) An estimation of development, construction and
165 operational costs;

166 (h) A plan for meeting any projected capacity
167 shortfall, including a schedule and methodology for attaining the
168 required capacity;

169 (i) Prioritization of infrastructure consistent with
170 the priorities of each authority;

171 (j) A projection of demographic changes within the
172 boundaries of each authority to determine future service needs;

173 (k) Identification of infrastructure barriers that are
174 restricting population growth and solutions to facilitate
175 population growth;

176 (l) Identification, evaluation and incorporation of
177 existing water, wastewater, storm water and solid waste management
178 plans or planning efforts within each authority; and

179 (m) Any other information as may be deemed necessary.

180 (3) The Mississippi Gulf Coast Region Utility Board shall
181 assume the powers and duties for the implementation and revision
182 of the master plan upon entering into a memorandum of agreement
183 with the Department of Environmental Quality.

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

186 There is hereby created and established a public body
187 corporate and politic constituting a political subdivision of the
188 State of Mississippi to be known as the "Mississippi Gulf Coast
189 Region Utility Board" for purposes of preparing comprehensive
190 planning and services to the George County Utility Authority, the
191 Pearl River County Utility Authority, the Stone County Utility
192 Authority, the Hancock County Utility District, the Harrison
193 County Utility District, the Jackson County Utility District

194 (hereinafter collectively the "authorities" and individually the
195 "authority" that identifies the best means to meet all present and
196 future water, wastewater, storm water and solid waste needs and
197 that addresses all environmental issues for the Gulf Coast Region.

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

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

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

221 (c) The Governor shall appoint three (3) at-large
222 members. At-large members shall be residents of the Gulf Coast
223 Region. Upon passage of this act, the Governor shall appoint the
224 at-large members whose initial terms shall be for two (2), four
225 (4) and six (6) years, respectively, as designated by the

226 Governor. The appointments made under this paragraph shall be
227 made so that no county shall have more than three (3) residents on
228 the board of directors.

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

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

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

255 (3) A quorum for any meeting of the board of directors shall
256 be the majority of the total membership of the board of directors.

257 All business of the utility board shall be transacted by vote of
258 the board of directors.

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

264 **SECTION 7. Employees; budget.**

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

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

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

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

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

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

296 (b) To adopt an official seal and alter the same at
297 pleasure;

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

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

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

305 (f) To adopt and establish rules and regulations
306 regarding the use of decentralized wastewater treatment systems
307 and individual on-site wastewater treatment systems.

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

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

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

318 (i) To acquire insurance for the utility board's
319 systems, facilities, buildings, treatment plants and all property,

320 real or personal, to insure against all risks as any insurance
321 may, from time to time, be available;

322 (j) To develop and maintain long-range planning for
323 collection and treatment systems of water, wastewater, storm water
324 and solid waste from within the areas encompassed by the utility
325 board and for pollution abatement;

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

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

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

351 (n) To adopt rules and regulations necessary to ensure
352 uniformity in systems and technology consistent with the master
353 plan;

354 (o) To adopt rules and regulations necessary to ensure
355 the payment of each participating member of its proportionate
356 share of the costs for use of any of the systems and facilities of
357 the utility board;

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

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

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

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

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

381 (3) The utility board may create, maintain and regulate
382 reservoirs and promulgate and enforce rules and regulations for
383 the creation and maintenance of reservoirs.

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

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

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

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

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

406 There is hereby created and established a public body
407 corporate and politic constituting a political subdivision of the
408 State of Mississippi to be known as the "George County Utility
409 Authority." The authority is composed of the geographic area of
410 George County as defined in Section 19-1-39, Mississippi Code of
411 1972, for the planning, acquisition, construction, maintenance,
412 operation and coordination of user-funded water, wastewater, storm

413 water and solid waste systems in order to ensure the delivery of
414 water, wastewater, storm water and solid waste services to
415 citizens residing within the boundaries of George County. The
416 George County Utility Authority shall be deemed to be acting in
417 all respects for the benefit of the people of the state in the
418 performance of essential public functions, and the George County
419 Utility Authority shall be empowered in accordance with the
420 provisions of this act to promote the health, welfare and
421 prosperity of the general public.

422 **SECTION 11. Board of Directors for George County Utility**
423 **Authority.**

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

445 (2) The board of directors shall elect annually from its
446 number a president and vice president of the authority and such
447 other officers as in the judgment of the board are necessary. The
448 president shall be the chief executive officer of the authority
449 and the presiding officer of the board, and shall have the same
450 right to vote as any other director. The vice president shall
451 perform all duties and exercise all powers conferred by this act
452 upon the president when the president is absent or fails or
453 declines to act, except the president's right to vote. The board
454 also shall appoint a secretary and a treasurer who may or may not
455 be members of the board, and it may combine these offices. The
456 treasurer shall give bond in the sum of not less than One Hundred
457 Thousand Dollars (\$100,000.00) as set by the board of directors,
458 and each director may be required to give bond in the sum of not
459 less than Twenty-five Thousand Dollars (\$25,000.00), with sureties
460 qualified to do business in this state, and the premiums on said
461 bonds shall be an expense of such authority. Each such bond shall
462 be payable to the State of Mississippi; the condition of each such
463 bond shall be that the treasurer and director will faithfully
464 perform all duties of his office and account for all money and
465 other assets which shall come into his or her custody as treasurer
466 or director of the authority.

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

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

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

484 **SECTION 12. Creation of the Pearl River County Utility**
485 **Authority.**

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

503 **SECTION 13. Board of Directors for Pearl River County**
504 **Utility Authority.**

505 (1) All powers of the Pearl River County Utility Authority
506 shall be exercised by a board of directors comprised of five (5)
507 directors appointed as follows: Within thirty (30) days of
508 passage of this act, the Board of Supervisors of Pearl River

509 County shall appoint three (3) residents from the county, of which
510 at least one (1) shall be an elected official, and the Board of
511 Aldermen of the City of Picayune shall appoint one (1) elected
512 official from the city, and the Board of Aldermen of the City of
513 Poplarville shall appoint one (1) elected official from the city.
514 The board of supervisors shall appoint one (1) director for a term
515 of one (1) year, one (1) director for a term of two (2) years and
516 one (1) director for a term of three (3) years; the City of
517 Picayune shall appoint its director for a term of three (3) years
518 and the City of Poplarville shall appoint one (1) director for a
519 term of four (4) years. At the expiration of the initial terms,
520 each director shall thereafter be appointed to a term of four (4)
521 years. Any vacancy arising by expiration of a director's term, or
522 a vacancy created by the removal of a director for any other
523 reason, shall be filled by appointment made by the party
524 originally responsible for the appointment of the director
525 vacating his or her appointment. The directors shall serve at the
526 will and pleasure of the governing body making the appointments.

527 (2) The board of directors shall elect annually from its
528 number a president and a vice president of the authority, and such
529 other officers as in the judgment of the board are necessary. The
530 president shall be the chief executive officer of the authority
531 and the presiding officer of the board, and shall have the same
532 right to vote as any other director. The vice president shall
533 perform all duties and exercise all powers conferred by this act
534 upon the president when the president is absent, fails or declines
535 to act, except the president's right to vote. The board also
536 shall appoint a secretary and a treasurer who may or may not be
537 members of the board, and it may combine these offices. The
538 treasurer shall give bond in the sum of not less than One Hundred
539 Thousand Dollars (\$100,000.00) as set by the board of directors,
540 and each director may be required to give bond in the sum of not

541 less than Twenty-five Thousand Dollars (\$25,000.00), with sureties
542 qualified to do business in this state, and the premiums on said
543 bonds shall be an expense of such authority. Each such bond shall
544 be payable to the State of Mississippi; the condition of each such
545 bond shall be that the treasurer and director will faithfully
546 perform all duties of his office and account for all money and
547 other assets which shall come into his or her custody as treasurer
548 or director of the authority.

549 (3) The members of the board of directors of the authority
550 shall serve without salary, but shall be entitled to receive per
551 diem pay as provided for in Section 25-3-69, Mississippi Code of
552 1972. Further, they shall be reimbursed their actual travel and
553 hotel expenses as provided in Section 25-3-41, Mississippi Code of
554 1972, incurred while in the performance of their duties as members
555 of the board of directors of the authority, to be paid on an
556 itemized statement approved by the Department of Finance and
557 Administration. Expenses shall be paid from available funds of
558 the authority.

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

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

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

567 (1) There is hereby created and established a public body
568 corporate and politic constituting a political subdivision of the
569 State of Mississippi to be known as the "Stone County Utility
570 Authority." The authority is composed of the geographic area of
571 Stone County as defined in Section 19-1-131, Mississippi Code of
572 1972, for the planning, acquisition, construction, maintenance,

573 operation and coordination of user-funded water, wastewater, storm
574 water and solid waste systems in order to ensure the delivery of
575 water, wastewater, storm water and solid waste services to
576 citizens residing within the boundaries of Stone County. The
577 Stone County Utility Authority shall be deemed to be acting in all
578 respects for the benefit of the people of the state in the
579 performance of essential public functions, and the Stone County
580 Utility Authority shall be empowered in accordance with the
581 provisions of this act to promote the health, welfare and
582 prosperity of the general public.

583 **SECTION 15. Board of Directors for Stone County Utility**
584 **Authority.**

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

604 directors shall serve at the will and pleasure of the governing
605 body making the appointments.

606 (2) The board of directors shall elect annually from its
607 number a president and vice president of the authority, and such
608 other officers as in the judgment of the board are necessary. The
609 president shall be the chief executive officer of the authority
610 and the presiding officer of the board, and shall have the same
611 right to vote as any other director. The vice president shall
612 perform all duties and exercise all powers conferred by this act
613 upon the president when the president is absent, fails or declines
614 to act, except the president's right to vote. The board also
615 shall appoint a secretary and a treasurer who may or may not be
616 members of the board, and it may combine these offices. The
617 treasurer shall give bond in the sum of not less than One Hundred
618 Thousand Dollars (\$100,000.00) as set by the board of directors,
619 and each director may be required to give bond in the sum of not
620 less than Twenty-five Thousand Dollars (\$25,000.00), with sureties
621 qualified to do business in this state, and the premiums on said
622 bonds shall be an expense of such authority. Each such bond shall
623 be payable to the State of Mississippi; the condition of each such
624 bond shall be that the treasurer and director will faithfully
625 perform all duties of his office and account for all money and
626 other assets which shall come into his or her custody as treasurer
627 or director of the authority.

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

636 Administration. Expenses shall be paid from available funds of
637 the authority.

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

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

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

646 **District.**

647 (1) There is hereby created and established a public body
648 corporate and politic constituting a political subdivision of the
649 State of Mississippi to be known as the "Harrison County Utility
650 District." The district is composed of the geographic area of
651 Harrison County as defined in Section 19-1-47, Mississippi Code of
652 1972, for the planning, acquisition, construction, maintenance,
653 operation and coordination of user-funded water, wastewater, storm
654 water and solid waste systems in order to ensure the delivery of
655 water, wastewater, storm water and solid waste services to
656 citizens residing within the boundaries of Harrison County.

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

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

666 (1) There is hereby created and established a public body
667 corporate and politic constituting a political subdivision of the

668 State of Mississippi to be known as the "Jackson County Utility
669 District." The district is composed of the geographic area of
670 Jackson County as defined in Section 19-1-59, Mississippi Code of
671 1972, for the planning, acquisition, construction, maintenance,
672 operation and coordination of user-funded water, wastewater, storm
673 water and solid waste systems in order to ensure the delivery of
674 water, wastewater, storm water and solid waste services to
675 citizens residing within the boundaries of Jackson County.

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

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

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

695 (2) All powers of the Hancock County Utility District shall
696 be exercised by the Board of Directors of the Southern Regional
697 Wastewater Management District. In addition to any other powers
698 and rights conferred upon such board of directors, the board is
699 granted and may exercise all powers and rights granted to

700 authorities under this act and shall be empowered in accordance
701 with the provisions of this act to promote the health, welfare and
702 prosperity of the general public.

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

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

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

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

715 (a) To acquire, construct, improve, enlarge, extend,
716 repair, operate and maintain one or more of its systems used for
717 the collection, transportation, treatment and disposal of water,
718 wastewater, storm water or solid waste;

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

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

729 (d) To enter into operating agreements with any person,
730 for such terms and upon such conditions as may be deemed
731 desirable, for the operation of any water, wastewater, storm water

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

743 (e) To enter into contracts with any person or any
744 public agency, including, but not limited to, contracts authorized
745 by this act, in furtherance of any of the purposes authorized
746 under this act upon such consideration as the board of directors
747 and such person may agree. Any such contract may extend over any
748 period of time, including a term which extends beyond the term of
749 the then majority of the existing board, notwithstanding any
750 provision or rule of law to the contrary; may be upon such terms
751 and for such consideration, nominal or otherwise, as the parties
752 thereto shall agree; and may provide that it shall continue in
753 effect until bonds specified therein, refunding bonds issued in
754 lieu of such bonds, and all other obligations specified therein
755 are paid or terminated. Any such contract shall be binding upon
756 the parties thereto according to its terms.

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

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

762 (a) To adopt an official seal and alter the same at
763 pleasure;

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

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

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

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

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

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

796 funds, public or private, and pay all costs of the development,
797 implementation and maintenance as may be determined as necessary
798 for any project;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

980 (1) Any public agency or person, pursuant to a duly adopted
981 resolution of the governing body of such public agency, may enter
982 into contracts with the authority or authorities under the terms
983 of which the authority will manage, operate and contract for usage

984 of its systems and facilities, or other services, for such person
985 or public agency.

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

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

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

998 (5) Any such contract may contain provisions requiring any
999 public agency or other person to regulate the quality and strength
1000 of the material to be handled by the wastewater or storm water
1001 systems and may also provide that the authority shall have the
1002 right to use any streets, alleys and public ways and places within
1003 the jurisdiction of a public agency or other person during the
1004 term of the contract. Such contracts may obligate the public
1005 agency to make payments to the authority or to a trustee in
1006 amounts which shall be sufficient to enable the authority to
1007 defray the expenses of administering, operating and maintaining
1008 its respective systems, to pay interest and principal (whether at
1009 maturity upon redemption or otherwise) on bonds of the authority,
1010 issued under this act and to fund reserves for debt service, for
1011 operation and maintenance and for renewals and replacements, to
1012 fulfill the requirements of any rate covenant with respect to debt
1013 service coverage contained in any resolution, trust indenture or
1014 other security agreement relating to the bonds of the authority

1015 issued under this act or to fulfill any other requirement relating
1016 to bonds issued pursuant to this act.

1017 (6) Any public agency shall have the power to enter into
1018 such contracts with the authority as in the discretion of the
1019 governing body of the public agency would be in the best interest
1020 of the public agency. Such contracts may include a pledge of the
1021 full faith and credit of such public agency and/or the avails of
1022 any special assessments made by such public agency against
1023 property receiving benefits, as now or hereafter is provided by
1024 law. Any such contract may provide for the sale, or lease to, or
1025 use of by the authority, of the systems or any part thereof, of
1026 the public agency; and may provide that the authority shall
1027 operate its systems or any part thereof of the public agency; and
1028 may provide that any public agency shall have the right to
1029 continued use and/or priority use of the systems or any part
1030 thereof during the useful life thereof upon payment of reasonable
1031 charges therefor; and may contain provisions to assure equitable
1032 treatment of persons or public agencies who contract with the
1033 authority under this act; and may contain such other provisions
1034 and requirements as the parties thereto may determine to be
1035 appropriate or necessary. Such contracts may extend over any
1036 period of time, notwithstanding any provisions of law to the
1037 contrary, and may extend beyond the life of the respective systems
1038 or any part thereof or the term of the bonds sold with respect to
1039 such facilities or improvements thereto.

1040 (7) The obligations of a public agency arising under the
1041 terms of any contract referred to in this act, whether or not
1042 payable solely from a pledge of revenues, shall not be included
1043 within the indebtedness limitations of the public agency for
1044 purposes of any constitutional or statutory limitation or
1045 provision. To the extent provided in such contract and to the
1046 extent such obligations of the public agency are payable wholly or

1047 in part from the revenues and other monies derived by the public
1048 agency from the operation of its systems or of its combined
1049 systems, or any part thereof, such obligations shall be treated as
1050 expenses of operating such systems.

1051 (8) Contracts referred to in this section may also provide
1052 for payments in the form of contributions to defray the cost of
1053 any purpose set forth in the contracts and as advances for the
1054 respective systems or any part thereof subject to repayment by the
1055 authority. A public agency may make such contributions or
1056 advances from its general fund or surplus fund or from special
1057 assessments or from any monies legally available therefor.

1058 (9) Payments made, or to be made, to the authority by a
1059 public agency or other person under a contract for any of its
1060 treatment systems, or any part thereof, shall not be subject to
1061 approval or review by the Mississippi Public Service Commission.

1062 (10) Subject to the terms of a contract or contracts
1063 referred to in this act, the authority is hereby authorized to do
1064 and perform any and all acts or things necessary, convenient or
1065 desirable to carry out the purposes of such contracts, including
1066 the fixing, charging, collecting, maintaining and revising of
1067 rates and other charges for the services rendered to any user of
1068 any of the systems operated or maintained by the authority,
1069 whether or not such systems are owned by the authority.

1070 (11) No provision of this act shall be construed to prohibit
1071 any public agency, otherwise permitted by law to issue bonds, from
1072 issuing bonds in the manner provided by law for the construction,
1073 renovation, repair or development of any of the authority's
1074 systems, or any part thereof, owned or operated by such public
1075 agency.

1076 **SECTION 24. Rates and fees charged by public agencies for**
1077 **services provided by authority.**

1078 Whenever a public agency shall have executed a contract under
1079 this act and the payments thereunder are to be made either wholly
1080 or partly from the revenues of the public agency's systems, or any
1081 part thereof, or a combination of such systems, the duty is hereby
1082 imposed on the public agency to establish and maintain and from
1083 time to time to adjust the rates charged by the public agency for
1084 the services of such systems, so that the revenues therefrom,
1085 together with any taxes and special assessments levied in support
1086 thereof, will be sufficient at all times to pay: (a) the expense
1087 of operating and maintaining such systems, including all of the
1088 public agency's obligations to the authority, its successors or
1089 assigns under such contract; and (b) all of the public agency's
1090 obligations under and in connection with bonds theretofore issued,
1091 or which may be issued thereafter and secured by the revenues of
1092 such systems. Any such contract may require the use of consulting
1093 engineers and financial experts to advise the public agency
1094 whether and when such rates are to be adjusted.

1095 **SECTION 25. Public Service Commission notice.**

1096 (1) Notwithstanding the provisions of Sections 77-3-21 and
1097 77-3-23, Mississippi Code of 1972, the certificate of public
1098 convenience and necessity held by any member, municipality, public
1099 agency, district, public utility or other person authorized by law
1100 to provide water, sewer and wastewater services may be canceled
1101 and its powers, duties and responsibilities transferred to the
1102 authority in the manner provided by this section.

1103 (2) Any entity described in subsection (1) of this section
1104 desiring to have its certificate of public convenience and
1105 necessity canceled and its powers, duties and responsibilities
1106 transferred to the authority shall make a determination to that
1107 effect on its official minutes if a public entity, or by affidavit
1108 if not a public entity, and transmit such determination to the
1109 authority.

1110 (3) Upon receipt of the document evidencing such
1111 determination from an entity to transfer its powers, duties and
1112 responsibilities to the authority, the authority shall by
1113 resolution declare whether it is willing and able to accept such
1114 transfer from the entity.

1115 (4) Upon completion of the requirements of subsections (2)
1116 and (3) herein and agreement by both parties to the transfer, the
1117 holder of the certificate of public convenience and necessity and
1118 the authority shall jointly petition the Public Service Commission
1119 to cancel the certificate of public convenience and necessity.
1120 The petition must be accompanied by copies of the official
1121 minutes, affidavit or resolution, as the case may be, reflecting
1122 the actions of the petitioners. After review of the petition and
1123 any other evidence as the Public Service Commission deems
1124 necessary, the commission may issue an order canceling the
1125 certificate and transferring to the authority the powers, duties
1126 and responsibilities granted by the certificate, including all
1127 assets and debts of the transferor petitioner related to such
1128 certificated services, real or personal, or both, if it finds
1129 that:

1130 (a) Subsections (2) and (3) of this section have been
1131 complied with; and

1132 (b) Such action is in the public interest.

1133 (5) The authority and providers of water, sewer, wastewater
1134 and storm water services that are not holders of a certificate of
1135 a public convenience and necessity from the Public Service
1136 Commission may enter into agreements for the provision of such
1137 services, including, but not limited to, the transfer to the
1138 authority of such provider's powers, duties, responsibilities,
1139 assets and debts.

1140 **SECTION 26. Validation of prior indebtedness.**

1141 (1) Any system of a municipality, public agency or person
1142 that becomes subject to the jurisdiction of an authority and this
1143 act shall not impair, invalidate or abrogate any liens, bonds or
1144 other certificates of indebtedness related to water, storm water
1145 or wastewater facilities and systems incurred prior to becoming
1146 subject to the jurisdiction of the authority.

1147 (2) The authority may do and perform any and all acts
1148 necessary, convenient or desirable to ensure the payment,
1149 redemption or satisfaction of such liens, bonds or other
1150 certificates of indebtedness.

1151 **SECTION 27. The power to borrow money and to issue revenue**
1152 **bonds.**

1153 (1) Sections 27 through 36 apply to all bonds to be issued
1154 after the effective date of this act and such provisions shall not
1155 affect, limit or alter the rights and powers of any authority
1156 under this act or any law of Mississippi to conduct the activities
1157 referred to herein in any way pertinent to the interests of the
1158 bondholders, including, without limitation, such authority's right
1159 to charge and collect rates, fees and charges and to fulfill the
1160 terms of any covenants made with the registered owners of any
1161 existing bonds, or in any other way impair the rights and remedies
1162 of the registered owners of any existing bonds, unless provision
1163 for full payment of such bonds, by escrow or otherwise, has been
1164 made pursuant to the terms of the bonds or the resolution, trust
1165 indenture or security interest securing the bonds.

1166 (2) The authority shall have the power and is hereby
1167 authorized, from time to time, to borrow money and to issue
1168 revenue bonds and interim notes in such principal amounts as the
1169 authority may determine to be necessary to provide sufficient
1170 funds for achieving one or more of the purposes of this act,
1171 including, without limiting the generality of the foregoing, to
1172 defray all the costs of the project, the cost of the acquisition,

1173 construction, improvement, repair or extension of a system, or any
1174 part thereof, whether or not such facilities are owned by the
1175 authority, the payment of interest on bonds of the authority
1176 issued pursuant to this act, establishment of reserves to secure
1177 such bonds and payment of the interest thereon, expenses incident
1178 to the issuance of such bonds and to the implementation of the
1179 authority's system, and all other expenditures of the authority
1180 incident to or necessary or convenient to carry out the purposes
1181 of this act.

1182 (3) Before issuing bonds, other than interim notes or
1183 refunding bonds as provided in Section 28, the board of directors
1184 of the authority shall adopt a resolution declaring its intention
1185 to issue such bonds and stating the maximum principal amount of
1186 bonds proposed to be issued, a general generic description of the
1187 proposed improvements and the proposed location thereof and the
1188 date, time and place at which the board of directors proposes to
1189 take further action with respect to the issuance of such bonds.
1190 The resolution of the authority shall be published once a week for
1191 at least three (3) consecutive weeks in at least one (1) newspaper
1192 having a general circulation within the geographical limits of all
1193 of the public agencies which have contracted with the authority
1194 pursuant to this act.

1195 (4) Bonds of the authority issued pursuant to this act shall
1196 be payable from and secured by a pledge of all or any part of the
1197 revenues under one or more contracts entered into pursuant to this
1198 act between the authority and one or more of its contracting
1199 public agencies and from all or any part of the revenues derived
1200 from the operation of any designated system or any part or parts
1201 thereof and any other monies legally available and designated
1202 therefor, as may be determined by such authority, subject only to
1203 any agreement with the purchasers of the bonds. Such bonds may be
1204 further secured by a trust indenture between such authority and a

1205 corporate trustee, which may be any trust company or bank having
1206 powers of a trust company without or within the state.

1207 (5) Bonds of the authority issued pursuant to this act shall
1208 be authorized by a resolution or resolutions adopted by a majority
1209 affirmative vote of the total membership of the board of directors
1210 of the authority. Such bonds may be issued in series, and each
1211 series of such bonds shall bear such date or dates, mature at such
1212 time or times, bear interest at such rate or rates (not exceeding
1213 the maximum rate set out in Section 75-17-103, Mississippi Code of
1214 1972), be in such denomination or denominations, be in such form,
1215 carry such conversion privileges, have such rank or priority, be
1216 executed in such manner and by such officers, be payable from such
1217 sources in such medium of payment at such place or places within
1218 or without the state, provided that one such place shall be within
1219 the state, and be subject to such terms of redemption prior to
1220 maturity, all as may be provided by resolution or resolutions of
1221 the board of directors. The term of such bond issued pursuant to
1222 this act shall not exceed forty (40) years.

1223 (6) Bonds of the authority issued pursuant to this act may
1224 be sold at such price or prices, at public or private sale, in
1225 such manner and at such times as may be determined by such
1226 authority to be in the public interest, and such authority may pay
1227 all expenses, premiums, fees and commissions which it may deem
1228 necessary and advantageous in connection with the issuance and
1229 sale thereof.

1230 (7) Any pledge of earnings, revenues or other monies made by
1231 the authority shall be valid and binding from the time the pledge
1232 is made. The earnings, revenues or other monies so pledged and
1233 thereafter received by such authority shall immediately be subject
1234 to the lien of such pledge without any physical delivery thereof
1235 or further act, and the lien of any such pledge shall be valid and
1236 binding as against all parties having claims of any kind in tort,

1237 contract or otherwise against such authority irrespective of
1238 whether such parties have notice thereof. Neither the resolution
1239 nor any other instrument by which a pledge is created need be
1240 recorded.

1241 (8) Neither the members of the board of directors nor any
1242 person executing the bonds shall be personally liable on the bonds
1243 or be subject to any personal liability or accountability by
1244 reason of the issuance thereof.

1245 (9) Proceeds from the sale of bonds of the authority may be
1246 invested, pending their use, in such securities as may be
1247 specified in the resolution authorizing the issuance of the bonds
1248 or the trust indenture securing them, and the earnings on such
1249 investments applied as provided in such resolution or trust
1250 indenture.

1251 (10) Whenever any bonds shall have been signed by the
1252 officer(s) designated by the resolution of the board of directors
1253 to sign the bonds who were in office at the time of such signing
1254 but who may have ceased to be such officer(s) prior to the sale
1255 and delivery of such bonds, or who may not have been in office on
1256 the date such bonds may bear, the manual or facsimile signatures
1257 of such officer(s) upon such bonds shall nevertheless be valid and
1258 sufficient for all purposes and have the same effect as if the
1259 person so officially executing such bonds had remained in office
1260 until the delivery of the same to the purchaser or had been in
1261 office on the date such bonds may bear.

1262 (11) The authority has the discretion to advance or borrow
1263 funds needed to satisfy any short-term cash flow demands or
1264 deficiencies or to cover start-up costs until such time as
1265 sufficient bonds, assets and revenues have been secured to satisfy
1266 the needs of the authority.

1267 **SECTION 28. Bonds of authority.**

1268 (1) **Refunding bonds.** The authority may, by resolution
1269 adopted by its board of directors, issue refunding bonds for the
1270 purpose of paying any of its bonds at or prior to maturity or upon
1271 acceleration or redemption. Refunding bonds may be issued at such
1272 time prior to the maturity or redemption of the refunded bonds as
1273 the board of directors deems to be in the public interest, without
1274 an election on the question of the issuance thereof. The
1275 refunding bonds may be issued in sufficient amounts to pay or
1276 provide the principal of the bonds being refunded, together with
1277 any redemption premium thereon, any interest accrued or to accrue
1278 to the date of payment of such bonds, the expenses of issue of the
1279 refunding bonds, the expenses of redeeming the bonds being
1280 refunded, and such reserves for debt service or other capital or
1281 current expenses from the proceeds of such refunding bonds as may
1282 be required by the resolution, trust indenture or other security
1283 instruments. The issue of refunding bonds, the maturities and
1284 other details thereof, the security therefor, the rights of the
1285 holders and the rights, duties and obligations of the authority in
1286 respect of the same shall be governed by the provisions of this
1287 act relating to the issue of bonds other than refunding bonds
1288 insofar as the same may be applicable. Any such refunding may be
1289 effected, whether the obligations to be refunded shall have then
1290 matured or shall thereafter mature, either by the exchange of the
1291 refunding bonds for the obligations to be refunded thereby with
1292 the consent of the holders of the obligations so to be refunded,
1293 or by sale of the refunding bonds and the application of the
1294 proceeds thereof to the payment of the obligations proposed to be
1295 refunded thereby, and regardless of whether the obligations
1296 proposed to be refunded shall be payable on the same date or
1297 different dates or shall be due serially or otherwise.

1298 (2) **Interim notes.** Borrowing by the authority may be made
1299 by the delivery of interim notes to any person or public agency or

1300 financial institution by a simple majority vote of the board of
1301 directors.

1302 **SECTION 29.** All bonds (other than refunding bonds, interim
1303 notes and certificates of indebtedness, which may be validated)
1304 issued pursuant to this act shall be validated as now provided by
1305 law in Sections 31-13-1 through 31-13-11, Mississippi Code of
1306 1972; however, notice of such validation proceedings shall be
1307 addressed to the citizens of the respective public agencies (a)
1308 which have contracted with the authority pursuant to this act, and
1309 (b) whose contracts and the payments to be made by the public
1310 agencies thereunder constitute security for the bonds of such
1311 authority proposed to be issued, and that such notice shall be
1312 published at least once in a newspaper or newspapers having a
1313 general circulation within the geographical boundaries of each of
1314 the contracting public agencies to whose citizens the notice is
1315 addressed. Such validation proceedings shall be instituted in any
1316 chancery courts within the boundaries of the authority. The
1317 validity of the bonds so validated and of the contracts and
1318 payments to be made by the public agencies thereunder constituting
1319 security for the bonds shall be forever conclusive against the
1320 authority and the public agencies which are parties to said
1321 contracts; and the validity of said bonds and said contracts and
1322 the payments to be made thereunder shall never be called in
1323 question in any court in this state.

1324 **SECTION 30.** Bonds issued under the provisions of this act
1325 shall not be deemed to constitute, within the meaning of any
1326 constitutional or statutory limitation, an indebtedness of the
1327 authority. Such bonds shall be payable solely from the revenues
1328 or assets of the authority pledged therefor. Each bond issued
1329 under this act shall contain on the face thereof a statement to
1330 the effect that such authority shall not be obligated to pay the

1331 same nor the interest thereon except from the revenues or assets
1332 pledged therefor.

1333 **SECTION 31.** The authority shall have power in connection
1334 with the issuance of its bonds pursuant to this act to:

1335 (a) Covenant as to the use of any or all of its
1336 property, real or personal;

1337 (b) Redeem the bonds, to covenant for their redemption
1338 and to provide the terms and conditions thereof;

1339 (c) Covenant to charge rates, fees and charges
1340 sufficient to meet operating and maintenance expenses, renewals
1341 and replacements, principal and debt service on bonds, creation
1342 and maintenance of any reserves required by a bond resolution,
1343 trust indenture or other security instrument and to provide for
1344 any margins or coverages over and above debt service on the bonds
1345 deemed desirable for the marketability of the bonds;

1346 (d) Covenant and prescribe as to events of default and
1347 terms and conditions upon which any or all of its bonds shall
1348 become or may be declared due before maturity, as to the terms and
1349 conditions upon which such declaration and its consequences may be
1350 waived and as to the consequences of default and the remedies of
1351 the registered owners of the bonds;

1352 (e) Covenant as to the mortgage or pledge of or the
1353 grant of a security interest in any real or personal property and
1354 all or any part of the revenues from any designated system or any
1355 part thereof or any revenue-producing contract or contracts made
1356 by such authority with any person to secure the payment of bonds,
1357 subject to such agreements with the registered owners of bonds as
1358 may then exist;

1359 (f) Covenant as to the custody, collection, securing,
1360 investment and payment of any revenues, assets, monies, funds or
1361 property with respect to which such authority may have any rights
1362 or interest;

1363 (g) Covenant as to the purposes to which the proceeds
1364 from the sale of any bonds then or thereafter to be issued may be
1365 applied, and the pledge of such proceeds to secure the payment of
1366 the bonds;

1367 (h) Covenant as to the limitations on the issuance of
1368 any additional bonds, the terms upon which additional bonds may be
1369 issued and secured, and the refunding of outstanding bonds;

1370 (i) Covenant as to the rank or priority of any bonds
1371 with respect to any lien or security;

1372 (j) Covenant as to the procedure by which the terms of
1373 any contract with or for the benefit of the registered owners of
1374 bonds may be amended or abrogated, the amount of bonds the
1375 registered owners of which must consent thereto, and the manner in
1376 which such consent may be given;

1377 (k) Covenant as to the custody of any of its properties
1378 or investments, the safekeeping thereof, the insurance to be
1379 carried thereon, and the use and disposition of insurance
1380 proceeds;

1381 (l) Covenant as to the vesting in a trustee or
1382 trustees, within or outside the state, of such properties, rights,
1383 powers and duties in trust as such authority may determine;

1384 (m) Covenant as to the appointing and providing for the
1385 duties and obligations of a paying agent or paying agents or other
1386 fiduciaries within or outside the state;

1387 (n) Make all other covenants and to do any and all such
1388 acts and things as may be necessary or convenient or desirable in
1389 order to secure its bonds, or in the absolute discretion of the
1390 authority tend to make the bonds more marketable, notwithstanding
1391 that such covenants, acts or things may not be enumerated herein;
1392 it being the intention hereof to give any authority power to do
1393 all things in the issuance of bonds and in the provisions for

1394 security thereof which are not inconsistent with the Constitution
1395 of the state; and

1396 (o) Execute all instruments necessary or convenient in
1397 the exercise of the powers herein granted or in the performance of
1398 covenants or duties, which may contain such covenants and
1399 provisions, as any purchaser of the bonds of the authority may
1400 reasonably require.

1401 **SECTION 32.** The authority may, in any authorizing resolution
1402 of the board of directors, trust indenture or other security
1403 instrument relating to its bonds issued pursuant to this act,
1404 provide for the appointment of a trustee who shall have such
1405 powers as are provided therein to represent the registered owners
1406 of any issue of bonds in the enforcement or protection of their
1407 rights under any such resolution, trust indenture or security
1408 instrument. The authority may also provide in such resolution,
1409 trust indenture or other security instrument that the trustee, or
1410 in the event that the trustee so appointed shall fail or decline
1411 to so protect and enforce such registered owners' rights then such
1412 percentage of registered owners as shall be set forth in, and
1413 subject to the provisions of, such resolution, trust indenture or
1414 other security interest, may petition the court of proper
1415 jurisdiction for the appointment of a receiver of the authority's
1416 systems, the revenues of which are pledged to the payment of the
1417 principal of and interest on the bonds of such registered owners.
1418 Such receiver may exercise any power as may be granted in any such
1419 resolution, trust indenture or security instrument to enter upon
1420 and take possession of, acquire, construct or reconstruct or
1421 operate and maintain such system, fix charges for services of the
1422 system and enforce collection thereof, and receive all revenues
1423 derived from such system or facilities and perform the public
1424 duties and carry out the contracts and obligations of such

1425 authority in the same manner as such authority itself might do,
1426 all under the direction of such court.

1427 **SECTION 33.** (1) The exercise of the powers granted by this
1428 act will be in all respects for the benefit of the people of the
1429 state, for their well-being and prosperity and for the improvement
1430 of their social and economic conditions, and the authority shall
1431 not be required to pay any tax or assessment on any property owned
1432 by the authority under the provisions of this act or upon the
1433 income therefrom; nor shall the authority be required to pay any
1434 recording fee or transfer tax of any kind on account of
1435 instruments recorded by it or on its behalf.

1436 (2) Any bonds issued by the authority under and pursuant to
1437 the provisions of this act, their transfer and the income
1438 therefrom shall at all times be free from taxation by the state or
1439 any local unit or political subdivision or other instrumentality
1440 of the state, excepting inheritance and gift taxes.

1441 **SECTION 34.** All bonds issued under the provisions of this
1442 act shall be legal investments for trustees, other fiduciaries,
1443 savings banks, trust companies and insurance companies organized
1444 under the laws of the State of Mississippi; and such bonds shall
1445 be legal securities which may be deposited with and shall be
1446 received by all public officers and bodies of the state and all
1447 municipalities and other political subdivisions thereof for the
1448 purpose of securing the deposit of public funds.

1449 **SECTION 35.** The state hereby covenants with the registered
1450 owners of any bonds of any authority that so long as the bonds are
1451 outstanding and unpaid the state will not limit or alter the
1452 rights and powers of any authority under this act to conduct the
1453 activities referred to herein in any way pertinent to the
1454 interests of the bondholders, including, without limitation, such
1455 authority's right to charge and collect rates, fees, assessments
1456 and charges and to fulfill the terms of any covenants made with

1457 the registered owners of the bonds, or in any other way impair the
1458 rights and remedies of the registered owners of the bonds, unless
1459 provision for full payment of such bonds, by escrow or otherwise,
1460 has been made pursuant to the terms of the bonds or the
1461 resolution, trust indenture or security interest securing the
1462 bonds.

1463 **SECTION 36.** For the purposes of satisfying any temporary
1464 cash flow demands and deficiencies, and to maintain a working
1465 balance for the authority, the county, municipalities or public
1466 agencies within the geographic boundaries of the authority, or
1467 other persons, subject to their lawful authority to do so, are
1468 authorized to advance, at any time, such funds which, in its
1469 discretion, are necessary, or borrow such funds by issuance of
1470 notes, for initial capital contribution and to cover start-up
1471 costs until such times as sufficient bonds, assets and revenues
1472 have been secured to satisfy the needs of the authority for its
1473 management, operation and formation. To this end, the county,
1474 municipality, public agency or person, subject to their lawful
1475 authority to do so, shall advance such funds, or borrow such funds
1476 by issuance of notes, under such terms and conditions as may be
1477 provided by resolution of the governing body, or other persons as
1478 defined in this act, subject to their lawful authority to do so,
1479 except that each such resolution shall state:

1480 (a) The need for the proceeds advanced or borrowed;

1481 (b) The amount to be advanced or the amount to be
1482 borrowed;

1483 (c) The maximum principal amount of any note issued the
1484 interest rate or maximum interest rate to be incurred, and the
1485 maturity date of said note;

1486 (d) In addition, the governing body, or other persons
1487 as defined in this act, subject to their lawful authority to do
1488 so, may arrange for lines of credit with any bank, firm or person

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

1496 (e) The governing body of the county, municipalities or
1497 other persons as defined in this act, subject to their lawful
1498 authority to do so, may authorize the repayment of such advances,
1499 notes, lines of credit and other debt incurred under this section,
1500 along with all costs associated with the same, including, but not
1501 limited to, rating agency fees, printing costs, legal fees, bank
1502 or trust company fees, line of credit fees and other charges to be
1503 reimbursed by the authority under such terms and conditions as are
1504 reasonable and are to be provided for by resolution of the
1505 governing body, or terms agreed upon with other persons as defined
1506 in this act, subject to their lawful authority to do so;

1507 (f) In addition, the governing body of the county,
1508 municipality or public agency may lease or donate office space and
1509 equipment to the authority under such terms and conditions as are
1510 reasonable and are to be provided for by resolution of the
1511 governing body, or terms agreed upon by the authority.

1512 **SECTION 37.** Section 49-17-162, Mississippi Code of 1972, is
1513 brought forward as follows:

1514 49-17-162. (1) The Southern Regional Wastewater Management
1515 District shall be the Waveland Regional Wastewater Management
1516 District and shall retain all powers and duties granted by law to
1517 the Waveland Regional Wastewater Management District.

1518 (2) Wherever the term "Waveland Regional Wastewater
1519 Management District" appears in any law, it shall be construed to
1520 mean the Southern Regional Wastewater Management District.

1521 **SECTION 38.** Section 49-17-163, Mississippi Code of 1972, is
1522 brought forward as follows:

1523 49-17-163. (1) It is hereby found and declared that a
1524 critical health hazard to the residents of the State of
1525 Mississippi results from the pollution of the waters in the
1526 Mississippi Sound which is one (1) of the state's basic resources;
1527 that such pollution is adversely affecting the economy and growth
1528 of the state; and that such pollution is caused primarily by the
1529 operation of inadequate wastewater collection and treatment
1530 facilities within the counties bordering the Gulf of Mexico.

1531 (2) It is further found and declared that it is in the
1532 public interest to foster and promote by all reasonable means the
1533 abatement of pollution of water in or bordering the state and thus
1534 to reduce and ultimately abate the menace to the public health and
1535 welfare resulting from such pollution; that the abatement of the
1536 pollution of the waters in the Mississippi Sound can best be
1537 accomplished through the establishment of regional wastewater
1538 management districts to provide for the planning and financing of
1539 adequate wastewater collection and treatment facilities for the
1540 benefit of all public agencies and other persons within those
1541 counties bordering the Gulf of Mexico, who desire by means of and
1542 through such districts to obtain such facilities; and that the
1543 establishment of a regional wastewater management district will
1544 serve to maximize the amount of federal aid and assistance which
1545 can be received for this pollution abatement effort.

1546 (3) It is further found and declared that to aid in
1547 remedying these conditions, and to promote the development and
1548 operation of adequate wastewater collection and treatment
1549 facilities and thereby to abate such pollution, public bodies
1550 corporate and politic of the state may be created with authority
1551 to cause and assist in compliance with the standards of water
1552 quality established by the Mississippi Air and Water Pollution

1553 Control Law, appearing as Section 49-17-1 et seq., Mississippi
1554 Code of 1972, and by the Federal Water Pollution Control Act,
1555 appearing as 33 USCS 1251, as amended, regarding collection and
1556 treatment facilities located in the counties bordering the Gulf of
1557 Mexico; to plan, acquire, construct, finance, develop, own,
1558 operate or maintain wastewater collection and treatment facilities
1559 within said counties; and to apply and contract for and to accept
1560 grants-in-aid and other funds from the federal government and the
1561 state government and their agencies in this regard.

1562 (4) The Legislature further finds that the authority and
1563 powers conferred under Sections 49-17-161 through 49-17-209 and
1564 the expenditure of public monies pursuant thereto constitute a
1565 valid public purpose; that the creation and establishment of the
1566 Southern Regional Wastewater Management District is necessary and
1567 essential to the accomplishment of the aforesaid purposes; that
1568 Sections 49-17-161 through 49-17-209 operate on a subject in which
1569 the state at large is interested; and that each of these matters
1570 are declared as a matter of express legislative determination.

1571 **SECTION 39.** Section 49-17-165, Mississippi Code of 1972, is
1572 brought forward as follows:

1573 49-17-165. Whenever used in Sections 49-17-161 through
1574 49-17-209, the following words and terms shall have the following
1575 respective meanings unless a different meaning clearly appears
1576 from the context:

1577 (a) "Act" means the Southern Regional Wastewater
1578 Management Act, as the same may be amended.

1579 (b) "Bonds" means any bonds, interim certificates,
1580 notes or other evidences of indebtedness of the district issued
1581 under Sections 49-17-161 through 49-17-209.

1582 (c) "Collection facilities" means any plants,
1583 structures, facilities and other real and personal property used
1584 or useful in the collection of wastewater for ultimate discharge

1585 into trunk lines, including, without limiting the generality of
1586 the foregoing, sewers, conduits, pipelines, mains, pumping and
1587 ventilating stations, plants and works, connections and any other
1588 real and personal property and rights therein necessary or useful
1589 or convenient for the purposes of the district in connection
1590 therewith.

1591 (d) "County" means Hancock County.

1592 (e) "District" means the Southern Regional Wastewater
1593 Management District.

1594 (f) "Management area" means all of the area lying
1595 within the territorial boundaries of Hancock County.

1596 (g) "Person" means the state or other agency or
1597 institution thereof, any municipality, political subdivision,
1598 public or private corporation, individual, partnership,
1599 association or other entity, and includes any officer or governing
1600 or managing body of any municipality, political subdivision or
1601 public or private corporation.

1602 (h) "Pollution" means such contamination, or other
1603 alteration of the physical, chemical or biological properties, of
1604 any waters of the state, including change in temperature, taste,
1605 color, turbidity or odor of the waters, or such discharge of any
1606 liquid, gaseous, solid, radioactive, or other substance into any
1607 waters of the state as will or is likely to create a nuisance or
1608 render such waters harmful, detrimental or injurious to public
1609 health, safety or welfare, or to domestic, commercial, industrial,
1610 agricultural, recreational or other legitimate beneficial uses, or
1611 to livestock, wild animals, birds, fish or other aquatic life.

1612 (i) "Public agency" means any incorporated city or
1613 town, county, political subdivision, governmental district or
1614 unit, public corporation or governmental agency created under the
1615 laws of the state, lying wholly or partially within the management
1616 area.

1617 (j) "State" means the State of Mississippi.

1618 (k) "Treatment facilities" means treatment plants and
1619 any related trunk lines.

1620 (l) "Treatment plants" means any plants, structures,
1621 facilities and other real and personal property used or useful in
1622 the treating, neutralizing, stabilizing or disposing of
1623 wastewater, including, without limiting the generality of the
1624 foregoing plants, disposal fields and lagoons and any other real
1625 and personal property and rights therein necessary or useful or
1626 convenient for the purposes of the district in connection
1627 therewith.

1628 (m) "Trunk lines" means trunk sewers and other
1629 structures and facilities used or useful in the conducting of
1630 wastewater from collection facilities to treatment plants,
1631 including, without limiting the generality of the foregoing,
1632 conduits, pipelines, mains, pumping and ventilating stations and
1633 any other real and personal property and rights therein necessary
1634 or useful or convenient for the purposes of the district in
1635 connection therewith.

1636 (n) "Wastewater" means water containing sewage,
1637 industrial wastes, oil field wastes and other liquid, gaseous,
1638 solid, radioactive or other substances which may pollute or tend
1639 to pollute any waters of the state.

1640 **SECTION 40.** Section 49-17-171, Mississippi Code of 1972, is
1641 brought forward as follows:

1642 49-17-171. The district shall have all the rights and powers
1643 necessary or convenient to carry out and effectuate the purposes
1644 and provisions of Sections 49-17-161 through 49-17-209, including,
1645 but without limiting the generality of the foregoing, the right
1646 and power:

1647 (a) To sue and be sued in its own name;

1648 (b) To adopt an official seal and alter the same at
1649 pleasure;

1650 (c) To maintain an office or offices at such place or
1651 places within the management area as it may determine;

1652 (d) To plan, develop, acquire, construct, reconstruct,
1653 operate, own, manage, lease (as lessor or lessee), dispose of,
1654 participate in, maintain, repair, extend or improve one or more
1655 collection facilities or treatment facilities, whether or not such
1656 facilities are or are to be owned by the district;

1657 (e) To acquire, own, hold, use, lease (as lessor or
1658 lessee), sell or otherwise dispose of, mortgage, pledge or grant a
1659 security interest in any real or personal property, contract
1660 commodity or service or interest therein;

1661 (f) To make and enforce, and from time to time amend
1662 and repeal, bylaws and rules and regulations for the management of
1663 its business and affairs and for the use, maintenance and
1664 operation of any of its collection facilities or treatment
1665 facilities and any other of its properties, including, without
1666 limiting the generality of the foregoing, rules and regulations
1667 requiring the pretreatment of industrial wastes and requiring
1668 industrial users to pay the construction costs of facilities that
1669 are allocable to the treatment of industrial wastes to the extent
1670 attributable to any federal government share of such costs;

1671 (g) To fix, charge, collect, maintain and revise rates,
1672 fees and other charges, including connection charges, for any
1673 services rendered by it to any person;

1674 (h) To apply and contract for and to accept any grants
1675 or gifts or loans or appropriations of funds or property or
1676 financial or other aid in any form from the United States or any
1677 instrumentality thereof, or from the state or any instrumentality
1678 thereof, or from any source, public or private and to comply with

1679 and make agreements with respect to, the terms and conditions
1680 thereof, subject to any agreements with bondholders;

1681 (i) To borrow money and to issue bonds for any of its
1682 purposes, to provide for and secure the payment thereof, and to
1683 provide for the rights of the holders thereof;

1684 (j) To invest any monies of the district, including
1685 proceeds from the sale of any bonds, notwithstanding any law to
1686 the contrary, but subject to any agreements with bondholders, on
1687 such terms and in such manner as the district deems proper;

1688 (k) To procure insurance against any loss in connection
1689 with its property, other assets and business in such amounts and
1690 from such insurers as it may deem necessary or desirable;

1691 (l) To employ architects, engineers, attorneys,
1692 financial advisors and such other consultants as it deems proper
1693 and to fix and pay their compensation, and to appoint and retain
1694 such officers, agents and employees as it deems proper and to fix
1695 and pay their compensation;

1696 (i) The employment of all professionals for
1697 project services shall be in strict accordance with current
1698 guidelines of the appropriate federal, state and local regulatory
1699 agencies and advertising for the procurement of such services in a
1700 local newspaper shall be mandatory. Preference may be given to
1701 the employment of regionally qualified professionals and such is
1702 to be encouraged;

1703 (ii) Management contractor employed by the
1704 district shall not be eligible to compete for design, surveys,
1705 geotechnical and/or construction inspection services of any
1706 facilities to be developed by the district. The management
1707 contractor is to establish development criteria, priorities and
1708 administer quality control practices to insure compliance with the
1709 provisions of Sections 49-17-161 through 49-17-209;

1710 (m) To enter on any lands, waters or premises for the
1711 purpose of making surveys, borings, soundings and examinations for
1712 the purposes of the district;

1713 (n) To do and perform any acts and things authorized by
1714 Sections 49-17-161 through 49-17-209 under, through or by means of
1715 its officers, agents and employees, or by contracts with any
1716 person;

1717 (o) To enter into any and all contracts, execute any
1718 and all instruments, and do and perform any and all acts or things
1719 necessary, convenient or desirable for the purposes of the
1720 district, or to carry out any power expressly granted in Sections
1721 49-17-161 through 49-17-209;

1722 (p) To be exempted from the Mississippi Agency Review
1723 Law of 1978, as amended; and

1724 (q) To exercise the power of eminent domain for the
1725 particular purpose of the acquisition of property designated by
1726 plan to sufficiently accommodate the location of treatment plants
1727 or facilities, trunk lines and such requirements related directly
1728 thereto pursuant to the provisions of Chapter 27, Title 11,
1729 Mississippi Code of 1972.

1730 **SECTION 41.** Section 49-17-303, Mississippi Code of 1972, is
1731 brought forward as follows:

1732 49-17-303. (1) It is found and declared that to promote the
1733 development and operation of adequate wastewater collection and
1734 treatment facilities, a public body corporate and politic of the
1735 state shall be created with authority to cause and assist in
1736 compliance with the standards of water quality established by the
1737 Mississippi Air and Water Pollution Control Law, appearing as
1738 Section 49-17-1 et seq., Mississippi Code of 1972, and by the
1739 Federal Water Pollution Control Act, appearing as 33 U.S.C. 1251,
1740 as amended, regarding collection and treatment facilities located
1741 in the counties bordering the Gulf of Mexico; to plan, acquire,

1742 construct, finance, develop, own, operate or maintain wastewater
1743 collection and treatment facilities within said counties; and to
1744 apply and contract for and to accept grants-in-aid and other funds
1745 from the federal government and the state government and their
1746 agencies in this regard.

1747 (2) The Legislature finds it to be necessary, in order to
1748 accomplish the objectives and purposes of the Gulf Coast Regional
1749 Wastewater Authority and the public agencies with which it
1750 contracts, for the Gulf Coast Regional Wastewater Authority and
1751 such public agencies, in the implementation of powers granted
1752 pursuant to Sections 49-17-301 through 49-17-353, to be authorized
1753 to engage in conduct which may be anticompetitive or contrary to
1754 prohibition of federal or state antitrust laws; and, accordingly,
1755 it is the intent and policy of Sections 49-17-301 through
1756 49-17-353 to displace competition with respect to those powers
1757 authorized herein to be exercised by the Gulf Coast Regional
1758 Wastewater Authority and such public agencies.

1759 (3) The Legislature further finds that the authority and
1760 powers conferred under Sections 49-17-301 through 49-17-353 and
1761 the expenditure of public monies pursuant thereto constitute a
1762 valid public purpose; that the creation and establishment of the
1763 Gulf Coast Regional Wastewater Authority is necessary and
1764 essential to the accomplishment of the aforesaid purposes; that
1765 Sections 49-17-301 through 49-17-353 operate on a subject in which
1766 the state at large is interested; and that each of these matters
1767 is declared as a matter of express legislative determination.

1768 **SECTION 42.** Section 49-17-305, Mississippi Code of 1972, is
1769 brought forward as follows:

1770 49-17-305. Whenever used in Sections 49-17-301 through
1771 49-17-353, the following words and terms shall have the following
1772 respective meanings unless a different meaning clearly appears
1773 from the context:

1774 (a) "Act" means this Mississippi Gulf Coast Regional
1775 Wastewater Authority Act, as the same may be amended.

1776 (b) "Authority" means the Mississippi Gulf Coast
1777 Regional Wastewater Authority.

1778 (c) "Bonds" means any bonds, interim certificates,
1779 notes or other evidences of indebtedness of the authority issued
1780 under Sections 49-17-301 through 49-17-353.

1781 (d) "Collection facilities" means any plants,
1782 structures, facilities and other real and personal property used
1783 or useful in the collection of wastewater for ultimate discharge
1784 into trunk lines, including, without limiting the generality of
1785 the foregoing, sewers, conduits, pipelines, mains, pumping and
1786 ventilating stations, plants and works, connections and any other
1787 real and personal property and rights therein necessary or useful
1788 or convenient for the purposes of the authority in connection
1789 therewith.

1790 (e) "County" or "counties bordering on the Gulf of
1791 Mexico" means Hancock, Harrison or Jackson County.

1792 (f) "Persons" means a natural person, public agency,
1793 state or other agency or institution thereof, any municipality,
1794 political subdivision, cooperative or public or private
1795 corporation, partnership, association or other entity of any
1796 nature whatsoever organized and existing under the laws of any
1797 state or of the United States or any instrumentality thereof, and
1798 includes any officer or governing or managing body of any
1799 municipality, political subdivision, or public or private
1800 corporation.

1801 (g) "Pollution" means such contamination, or other
1802 alteration of the physical, chemical or biological properties, of
1803 any waters of the state, including change in temperature, taste,
1804 color, turbidity or odor of the waters, or such discharge of any
1805 liquid, gaseous, solid, radioactive, or other substance into any