

By: Representative Upshaw

To: Public Utilities

HOUSE BILL NO. 518

1 AN ACT TO AMEND SECTION 19-5-175, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A LOCAL PUBLIC UTILITY DISTRICT HAS NO
3 JURISDICTION OVER PRIVATE WATER WELLS THAT ARE NOT CONNECTED TO
4 THE DISTRICT'S SYSTEMS AND WHICH ARE USED SOLELY FOR NONCOMMERCIAL
5 IRRIGATION PURPOSES; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 19-5-175, Mississippi Code of 1972, is
8 amended as follows:

9 19-5-175. Districts created under the provisions of Sections
10 19-5-151 through 19-5-207 shall have the powers enumerated in the
11 resolution of the board of supervisors creating such districts but
12 shall be limited to the conducting and operating of a water supply
13 system, a sewer system, a garbage and waste collection and
14 disposal system, a fire protection system, a combined water and
15 fire protection system, a combined water and sewer system, a
16 combined water and garbage and waste collection and disposal
17 system, or a combined water, sewer, garbage and waste collection
18 and disposal and fire protection system; and to carry out such
19 purpose or purposes, such districts shall have the power and
20 authority to acquire, construct, reconstruct, improve, better,
21 extend, consolidate, maintain and operate such system or systems,
22 and to contract with any municipality, person, firm or corporation
23 for such services and for a supply and distribution of water, for
24 collection, transportation, treatment and/or disposal of sewage
25 and for services required incident to the operation and
26 maintenance of such systems. Notwithstanding the resolution
27 adopted by the board of supervisors, however, a district created
28 under Sections 19-5-151 through 19-5-207 does not have

29 jurisdiction over any private water well on a person's own or
30 leased property if the water well is not connected to any system
31 under the authority of the district and the waters from the well
32 are used solely for noncommercial irrigation purposes and are not
33 intended for use by the public.

34 As long as any such district continues to furnish any of the
35 services which it was authorized to furnish in and by the
36 resolution by which it was created, it shall be the sole public
37 corporation empowered to furnish such services within such
38 district. However, if the board of commissioners of such district
39 and the board of supervisors unanimously agree, the county may
40 contract directly with any fire protection services provider, in
41 which case the board of supervisors may distribute directly to the
42 fire protection services provider any or all of the funds that
43 otherwise would be distributed to the fire protection district.

44 Any district created pursuant to the provisions of Sections
45 19-5-151 through 19-5-207 shall be vested with all the powers
46 necessary and requisite for the accomplishment of the purpose for
47 which such district is created. No enumeration of powers herein
48 shall be construed to impair or limit any general grant of power
49 herein contained nor to limit any such grant to a power or powers
50 of the same class or classes as those enumerated. Such districts
51 are empowered to do all acts necessary, proper or convenient in
52 the exercise of the powers granted under such sections.

53 **SECTION 2.** This act shall take effect and be in force from
54 and after July 1, 2007.