

By: Representatives Frierson, Guice,
Dedeaux, Formby

To: Conservation and Water
Resources

HOUSE BILL NO. 638

1 AN ACT TO BRING FORWARD SECTIONS 49-17-703, 49-17-705,
2 49-17-707, 49-17-709, 49-17-711, 49-17-713, 49-17-717, 49-17-719,
3 49-17-721, 49-17-723, 49-17-725, 49-17-727, 49-17-729, 49-17-731,
4 49-17-733, 49-17-735, 49-17-737, 49-17-739, 49-17-741, 49-17-743,
5 49-17-745, 49-17-747, 49-17-749, 49-17-751, 49-17-753, 49-17-755,
6 49-17-757, 49-17-759, 49-17-761, 49-17-763, 49-17-765, 49-17-767,
7 49-17-769, 49-17-771, 49-17-773 AND 49-17-775, MISSISSIPPI CODE OF
8 1972, WHICH CREATE THE MISSISSIPPI GULF REGION UTILITY ACT; AND
9 FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 49-17-703, Mississippi Code of 1972, is
12 brought forward as follows:

13 49-17-703. In the spirit of the report of the Governor's
14 Commission on Recovery, Rebuilding and Renewal, the Legislature
15 finds that there is a need for consolidation of water, wastewater
16 and storm water services in order to reduce costs, promote
17 resilience in the event of a disaster, improve the quality of the
18 natural environment, and improve the planning and delivery of
19 quality water, wastewater and storm water services within the
20 areas of the Counties of George, Hancock, Harrison, Jackson, Pearl
21 River and Stone. It is further declared that there is the need
22 for the planning, acquisition, construction, maintenance,
23 operation and coordination of water, wastewater and storm water
24 services in order to ensure protection of the waters of the state
25 and to ensure the delivery of water, wastewater and storm water
26 services to citizens of the Gulf Coast Region. The creation of
27 the Mississippi Gulf Coast Region Utility Act is determined to be
28 necessary and essential to the accomplishment of these purposes.
29 To facilitate the purposes of the act, the Gulf Coast Region
30 Utility Board, the George County Utility Authority, the Hancock

31 County Utility Authority, the Harrison County Utility Authority,
32 the Jackson County Utility Authority, the Pearl River County
33 Utility Authority and the Stone County Utility Authority are
34 created herein.

35 **SECTION 2.** Section 49-17-705, Mississippi Code of 1972, is
36 brought forward as follows:

37 49-17-705. Words and phrases used in this act shall have
38 meanings as follows:

39 (a) "Act" means the Mississippi Gulf Coast Region
40 Utility Act.

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

45 (c) "County authority" means a county utility authority
46 created in the Gulf Coast Region under this act.

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

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

52 (f) "Municipality" means any incorporated city, town or
53 village of the State of Mississippi, whether operating under
54 general law or under special charter, lying wholly or partly
55 within the Gulf Coast Region.

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

63 (h) "Project" means the construction, development or
64 acquisition by the county authority or county authorities of any
65 infrastructure for water, wastewater and storm water systems or
66 services and includes upgrading or repair of existing systems.

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

76 (j) "Storm water" means any flow occurring during or
77 following any form of natural precipitation and resulting from
78 that precipitation.

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

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

93 (m) "Water" means potable water, service water and
94 groundwater.

95 (n) "Utility board" means the Mississippi Gulf Coast
96 Region Utility Board.

97 **SECTION 3.** Section 49-17-707, Mississippi Code of 1972, is
98 brought forward as follows:

99 49-17-707. (1) There is hereby created and established a
100 public body corporate and politic constituting a political
101 subdivision of the State of Mississippi to be known as the
102 "Mississippi Gulf Coast Region Utility Board" to serve the
103 citizens of the Gulf Coast Region. The utility board is created
104 as a forum for the Gulf Coast Region to collaborate and cooperate
105 regarding water, wastewater and storm water issues; to assist in
106 the efficient management of water, wastewater and storm water
107 resources; to develop recommendations pertaining to water,
108 wastewater and storm water systems; and to provide assistance,
109 funding and guidance to the county authorities to assist in the
110 identification of the best means to meet all present and future
111 water, wastewater and storm water needs in the Gulf Coast Region.

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

113 **SECTION 4.** Section 49-17-709, Mississippi Code of 1972, is
114 brought forward as follows:

115 49-17-709. (1) (a) All powers of the Mississippi Gulf
116 Coast Utility Board shall be exercised by a board of directors to
117 be composed of the following: (i) the president of each county
118 authority; and (ii) three (3) at-large directors, to be appointed
119 by the Governor, who shall be residents of the Gulf Coast Region.

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

127 (2) At the initial meeting of the board, the board shall
128 elect a president and a vice president. Thereafter, the board
129 will annually, at the last meeting of the fiscal year, elect a
130 president and a vice president who shall serve in their respective
131 offices for the next fiscal year. The directors shall serve
132 without a salary but are entitled to receive per diem pay as
133 provided for in Section 25-3-69, and for actual and necessary
134 expenses incurred while in the performance of his duties as a
135 member of the board as provided in Section 25-3-41.

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

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

153 (5) A quorum for any meeting of the board of directors shall
154 be the majority of the total membership of the board of directors.
155 All business of the utility board shall be transacted by vote of
156 the board of directors.

157 (6) The utility board shall conduct regular meetings as set
158 forth in its bylaws. The utility board shall establish rules and
159 regulations regarding its meetings and may amend such bylaws,

160 rules and regulations as may be necessary to conduct the business
161 of the board.

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

163 **SECTION 5.** Section 49-17-711, Mississippi Code of 1972, is
164 brought forward as follows:

165 49-17-711. (1) The utility board may hire an executive
166 director and secretary-treasurer having the duties as determined
167 by the utility board. The executive director must have a college
168 degree. If hired, the executive director and secretary-treasurer
169 each shall be required to give bond in a sum not less than Fifty
170 Thousand Dollars (\$50,000.00), conditioned on the executive
171 director and secretary-treasurer faithfully performing all duties
172 of his office and account for all money and other assets which
173 come into his custody as executive director or secretary-treasurer
174 of the utility board.

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

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

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

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

196 **SECTION 6.** Section 49-17-713, Mississippi Code of 1972, is
197 brought forward as follows:

198 49-17-713. (1) The utility board shall have the right and
199 powers necessary to carry out the purposes of this act, including,
200 but not limited to:

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

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

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

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

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

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

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

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

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

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

226 (k) Invest money of the utility board, including
227 proceeds from the sale of any bonds subject to any agreements with
228 bond holders on such terms and in such manner as the utility board
229 deems proper;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

291 **SECTION 7.** Section 49-17-717, Mississippi Code of 1972, is
292 brought forward as follows:

293 49-17-717. (1) If the authority is created, all powers of
294 the George County Utility Authority shall be exercised by a board
295 of directors comprised of five (5) directors appointed as follows:
296 Within thirty (30) days of creation of the authority, the Board of
297 Supervisors of George County shall appoint three (3) residents
298 from the county, and the Board of Aldermen of the City of Lucedale
299 shall appoint two (2) residents from the city. The directors
300 shall serve at the will and pleasure of the governing body making
301 the appointments. Any vacancy arising by expiration of a
302 director's term, or a vacancy created by the removal of a director
303 for any other reason, shall be filled by appointment made by the
304 party originally responsible for the appointment of the director
305 vacating his or her appointment.

306 (2) All business of the George County Utility Authority
307 shall be transacted as provided in Section 49-17-741, except that
308 all actions affecting rates, bonds or capital improvements must be
309 by unanimous vote of all members of the board.

310 (3) In addition to any other powers and rights conferred
311 upon such board of directors, the board is granted and may
312 exercise all powers and rights granted pursuant to Sections
313 49-17-739 through 49-17-773 to promote the health, welfare and
314 prosperity of the general public.

315 **SECTION 8.** Section 49-17-719, Mississippi Code of 1972, is
316 brought forward as follows:

317 49-17-719. There is hereby created and established a public
318 body corporate and politic constituting a political subdivision of
319 the State of Mississippi to be known as the "Pearl River County
320 Utility Authority." The authority is composed of the geographic
321 area of Pearl River County as defined in Section 19-1-109,
322 Mississippi Code of 1972, for the planning, acquisition,
323 construction, maintenance, operation and coordination of water,

324 wastewater and storm water systems in order to ensure the delivery
325 of water, wastewater and storm water services to citizens residing
326 within the boundaries of Pearl River County. The Pearl River
327 County Utility Authority shall be deemed to be acting in all
328 respects for the benefit of the people of the state in the
329 performance of essential public functions, and the Pearl River
330 County Utility Authority shall be empowered in accordance with the
331 provisions of this act to promote the health, welfare and
332 prosperity of the general public.

333 **SECTION 9.** Section 49-17-721, Mississippi Code of 1972, is
334 brought forward as follows:

335 49-17-721. (1) All powers of the Pearl River County Utility
336 Authority shall be exercised by a board of directors comprised of
337 seven (7) directors appointed as follows: Within thirty (30) days
338 of passage of this act, the Board of Supervisors of Pearl River
339 County shall appoint four (4) residents from the county, and the
340 Board of Aldermen of the City of Picayune shall appoint two (2)
341 residents from the city, and the Board of Aldermen of the City of
342 Poplarville shall appoint one (1) resident from the city. The
343 directors shall serve at the will and pleasure of the governing
344 body making the appointments.

345 (2) In addition to any other powers and rights conferred
346 upon such board of directors, the board is granted and may
347 exercise all powers and rights granted pursuant to Sections
348 49-17-739 through 49-17-773 to promote the health, welfare and
349 prosperity of the general public.

350 **SECTION 10.** Section 49-17-723, Mississippi Code of 1972, is
351 brought forward as follows:

352 49-17-723. There is hereby created and established a public
353 body corporate and politic constituting a political subdivision of
354 the State of Mississippi to be known as the "Stone County Utility
355 Authority." The authority is composed of the geographic area of
356 Stone County as defined in Section 19-1-131, Mississippi Code of

357 1972, for the planning, acquisition, construction, maintenance,
358 operation and coordination of water, wastewater and storm water
359 systems in order to ensure the delivery of water, wastewater and
360 storm water services to citizens residing within the boundaries of
361 Stone County. The Stone County Utility Authority shall be deemed
362 to be acting in all respects for the benefit of the people of the
363 state in the performance of essential public functions, and the
364 Stone County Utility Authority shall be empowered in accordance
365 with the provisions of this act to promote the health, welfare and
366 prosperity of the general public.

367 **SECTION 11.** Section 49-17-725, Mississippi Code of 1972, is
368 brought forward as follows:

369 49-17-725. (1) All powers of the Stone County Utility
370 Authority shall be exercised by a board of directors comprised of
371 five (5) directors appointed as follows: Within thirty (30) days
372 of passage of this act, the Board of Supervisors of Stone County
373 shall appoint three (3) residents from the county, and the Board
374 of Aldermen of the City of Wiggins shall appoint two (2) residents
375 from the city. The directors shall serve at the will and pleasure
376 of the governing body making the appointments.

377 (2) In addition to any other powers and rights conferred
378 upon such board of directors, the board is granted and may
379 exercise all powers and rights granted pursuant to Sections
380 49-17-739 through 49-17-773 to promote the health, welfare and
381 prosperity of the general public.

382 **SECTION 12.** Section 49-17-727, Mississippi Code of 1972, is
383 brought forward as follows:

384 49-17-727. (1) There is hereby created and established a
385 public body corporate and politic constituting a political
386 subdivision of the State of Mississippi to be known as the
387 "Harrison County Utility Authority." The authority is composed of
388 the geographic area of Harrison County as defined in Section
389 19-1-47, Mississippi Code of 1972, for the planning, acquisition,

390 construction, maintenance, operation and coordination of water,
391 wastewater, storm water and solid waste systems in order to ensure
392 the delivery of water, wastewater, storm water and solid waste
393 services to citizens residing within the boundaries of Harrison
394 County.

395 (2) Within thirty (30) days of passage of this act, the
396 Harrison County Utility Authority and the Harrison County
397 Wastewater and Solid Waste Management District shall consolidate
398 into a single agency, to be known as the Harrison County Utility
399 Authority, which shall be a continuance of the corporate existence
400 of the Harrison County Wastewater and Solid Waste Management
401 District. Such consolidation shall be effective by the concurrent
402 resolution of the Harrison County Wastewater and Solid Waste
403 Management District and the Harrison County Utility Authority and
404 the filing of a copy of such concurrent resolution with the
405 Secretary of State, certified by the Secretary of the Harrison
406 County Wastewater and Solid Waste Management District and the
407 Harrison County Utility Authority.

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

409 (a) All property, rights and powers of the Harrison
410 County Wastewater and Solid Waste Management District are hereby
411 vested in and shall be exercised by the Harrison County Utility
412 Authority, subject, however to all pledges, covenants, agreements
413 and trusts made or created by the Harrison County Wastewater and
414 Solid Waste Management District;

415 (b) All debts, liabilities, obligations, agreements,
416 contracts and covenants of the Harrison County Wastewater and
417 Solid Waste Management District are hereby imposed upon the
418 Harrison County Utility Authority. Any property of the Harrison
419 County Wastewater and Solid Waste Management District in which a
420 mortgage or security interest has been granted to any bondholders
421 or other creditors of the Harrison County Wastewater and Solid
422 Waste Management District shall continue to be subject to the

423 mortgage or security interest until the mortgage or security
424 interest is defeased or terminated in accordance with its terms.
425 All bondholders and other creditors of the Harrison County
426 Wastewater and Solid Waste Management District and persons having
427 claims against or contracts with the Harrison County Wastewater
428 and Solid Waste Management District of any kind or character may
429 enforce those debts, claims and contracts against the Harrison
430 County Utility Authority in the same manner as they might have
431 against the Harrison County Wastewater and Solid Waste Management
432 District, and the rights and remedies of those bondholders,
433 creditors, and persons having claims or contracts shall not be
434 limited or restricted in any manner by this act;

435 (c) All regulations of the Harrison County Wastewater
436 and Solid Waste Management District shall continue to be in effect
437 as the regulations of the Harrison County Utility Authority until
438 amended, supplemented or rescinded by the authority in accordance
439 with law; and

440 (d) All employees of the Harrison County Wastewater and
441 Solid Waste Management District shall become employees of the
442 Harrison County Utility Authority. Nothing in this act shall
443 affect the civil service status, if any, of those employees or
444 their rights, privileges, obligations or status with respect to
445 any pension or retirement system.

446 **SECTION 13.** Section 49-17-729, Mississippi Code of 1972, is
447 brought forward as follows:

448 49-17-729. (1) All powers of the Harrison County Utility
449 Authority shall be exercised by a consolidated board consisting of
450 the Board of Directors of the Harrison County Wastewater and Solid
451 Waste Management District and the additional director provided
452 under this section for a total of seven (7) directors. Upon
453 consolidation, the Board of Supervisors of Harrison County shall
454 appoint one (1) additional director who shall be a resident of the
455 unincorporated area from the county. The director shall serve at

456 the will and pleasure of the board of supervisors. The
457 consolidated board shall consist of the mayor of each city
458 participating in the authority and the directors appointed by the
459 board of supervisors. Each director may appoint a delegate to
460 represent him at a meeting of the board.

461 (2) All business of the Harrison County Utility Authority
462 shall be transacted as provided in Section 49-17-741, except that
463 all actions affecting rates, bonds or capital improvements must be
464 by unanimous vote of all members of the board.

465 (3) In addition to any other powers and rights conferred
466 upon such board of directors, the board is granted and may
467 exercise all powers and rights granted pursuant to Sections
468 49-17-739 through 49-17-773 to promote the health, welfare and
469 prosperity of the general public, including the power and right to
470 regulate and control solid waste within its jurisdictional
471 boundaries.

472 **SECTION 14.** Section 49-17-731, Mississippi Code of 1972, is
473 brought forward as follows:

474 49-17-731. (1) There is hereby created and established a
475 public body corporate and politic constituting a political
476 subdivision of the State of Mississippi to be known as the
477 "Jackson County Utility Authority." The authority is composed of
478 the geographic area of Jackson County as defined in Section
479 19-1-59, Mississippi Code of 1972, for the planning, acquisition,
480 construction, maintenance, operation and coordination of water and
481 wastewater systems in order to ensure the delivery of water and
482 wastewater services to citizens residing within the boundaries of
483 Jackson County.

484 (2) Within thirty (30) days of passage of this act, the
485 Jackson County Utility Authority and the Mississippi Gulf Coast
486 Regional Wastewater Authority shall consolidate into a single
487 agency, to be known as the Jackson County Utility Authority, which
488 shall be a continuance of the corporate existence of the

489 Mississippi Gulf Coast Regional Wastewater Authority. Such
490 consolidation shall be effective by the concurrent resolution of
491 the Mississippi Gulf Coast Regional Wastewater Authority and the
492 Jackson County Utility Authority and the filing of a copy of such
493 concurrent resolution with the Secretary of State, certified by
494 the Secretary of the Mississippi Gulf Coast Regional Wastewater
495 Authority and the Jackson County Utility Authority.

496 (3) Upon consolidation the following shall apply:

497 (a) All property, rights and powers of the Mississippi
498 Gulf Coast Regional Wastewater Authority are hereby vested in and
499 shall be exercised by the Jackson County Utility Authority,
500 subject, however to all pledges, covenants, agreements and trusts
501 made or created by the Mississippi Gulf Coast Regional Wastewater
502 Authority;

503 (b) All debts, liabilities, obligations, agreements,
504 contracts and covenants of the Mississippi Gulf Coast Regional
505 Wastewater Authority are hereby imposed upon the Jackson County
506 Utility Authority. Any property of the Mississippi Gulf Coast
507 Regional Wastewater Authority in which a mortgage or security
508 interest has been granted to any bondholders or other creditors of
509 the Mississippi Gulf Coast Regional Wastewater Authority shall
510 continue to be subject to the mortgage or security interest until
511 the mortgage or security interest is defeased or terminated in
512 accordance with its terms. All bondholders and other creditors of
513 the Mississippi Gulf Coast Regional Wastewater Authority and
514 persons having claims against or contracts with the Mississippi
515 Gulf Coast Regional Wastewater Authority of any kind or character
516 may enforce those debts, claims and contracts against the Jackson
517 County Utility Authority in the same manner as they might have
518 against the Mississippi Gulf Coast Regional Wastewater Authority,
519 and the rights and remedies of those bondholders, creditors, and
520 persons having claims or contracts shall not be limited or
521 restricted in any manner by this act;

522 (c) All regulations of the Mississippi Gulf Coast
523 Regional Wastewater Authority shall continue to be in effect as
524 the regulations of the Jackson County Utility Authority until
525 amended, supplemented or rescinded by the Jackson County Utility
526 Authority in accordance with law; and

527 (d) All employees of the Mississippi Gulf Coast
528 Regional Wastewater Authority shall become employees of the
529 Jackson County Utility Authority. Nothing in this act shall
530 affect the civil service status, if any, of those employees or
531 their rights, privileges, obligations or status with respect to
532 any pension or retirement system.

533 **SECTION 15.** Section 49-17-733, Mississippi Code of 1972, is
534 brought forward as follows:

535 49-17-733. (1) Upon creation of the Jackson County Utility
536 Authority, all powers of the Jackson County Utility Authority
537 shall be exercised by the Board of Directors of the Mississippi
538 Gulf Coast Regional Wastewater Authority.

539 (2) Upon consolidation of the Jackson County Utility
540 Authority and the Mississippi Gulf Coast Wastewater Authority, the
541 county authority shall be governed by a board consisting of seven
542 (7) directors.

543 (a) The members of the Board of Directors of the
544 Mississippi Gulf Coast Regional Wastewater Authority shall serve
545 as Directors of the Jackson County Utility Authority until the
546 expiration of their existing terms. Upon expiration of a member's
547 term, the governing body making the appointment shall appoint a
548 person residing within the corporate boundaries of the governing
549 body to serve as a director.

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

553 (c) The Board of Supervisors of Jackson County shall
554 appoint two (2) additional directors for an initial term of two

555 (2) and four (4) years, respectively, who reside within the
556 unincorporated area of Jackson County.

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

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

560 (4) In addition to any other powers and rights conferred
561 upon such board of directors, the board is granted and may
562 exercise all powers and rights granted pursuant to Sections
563 49-17-739 through 49-17-773 to promote the health, welfare and
564 prosperity of the general public.

565 **SECTION 16.** Section 49-17-735, Mississippi Code of 1972, is
566 brought forward as follows:

567 49-17-735. (1) There is hereby created and established a
568 public body corporate and politic constituting a political
569 subdivision of the State of Mississippi to be known as the
570 "Hancock County Utility Authority." The authority is composed of
571 the geographic area of Hancock County as defined in Section
572 19-1-59, Mississippi Code of 1972, for the planning, acquisition,
573 construction, maintenance, operation and coordination of water,
574 wastewater and storm water systems in order to ensure the delivery
575 of water, wastewater and storm water services to citizens residing
576 within the boundaries of Hancock County.

577 (2) Within thirty (30) days of passage of this act, the
578 Hancock County Utility Authority and the Southern Regional
579 Wastewater Management District shall consolidate into a single
580 agency, to be known as the Hancock County Utility Authority, which
581 shall be a continuance of the corporate existence of the Southern
582 Regional Wastewater Management District. Such consolidation shall
583 be effective by the concurrent resolution of the Southern Regional
584 Wastewater Management District and the Hancock County Utility
585 Authority and the filing of a copy of such concurrent resolution
586 with the Secretary of State, certified by the Secretary of the

587 Southern Regional Wastewater Management District and the Hancock
588 County Utility Authority.

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

590 (a) All property, rights and powers of the Southern
591 Regional Wastewater Management District are hereby vested in and
592 shall be exercised by the Hancock County Utility Authority,
593 subject, however to all pledges, covenants, agreements and trusts
594 made or created by the Southern Regional Wastewater Management
595 District;

596 (b) All debts, liabilities, obligations, agreements,
597 contracts and covenants of the Southern Regional Wastewater
598 Management District are hereby imposed upon the Hancock County
599 Utility Authority. Any property of the Southern Regional
600 Wastewater Management District in which a mortgage or security
601 interest has been granted to any bondholders or other creditors of
602 the Southern Regional Wastewater Management District shall
603 continue to be subject to the mortgage or security interest until
604 the mortgage or security interest is defeased or terminated in
605 accordance with its terms. All bondholders and other creditors of
606 the Southern Regional Wastewater Management District and persons
607 having claims against or contracts with the Southern Regional
608 Wastewater Management District of any kind or character may
609 enforce those debts, claims and contracts against the authority in
610 the same manner as they might have against the Southern Regional
611 Wastewater Management District, and the rights and remedies of
612 those bondholders, creditors, and persons having claims or
613 contracts shall not be limited or restricted in any manner by this
614 act;

615 (c) All regulations of the Southern Regional Wastewater
616 Management District shall continue to be in effect as the
617 regulations of the Hancock County Utility Authority until amended,
618 supplemented or rescinded by the Hancock County Utility Authority
619 in accordance with law; and

620 (d) All employees of the Southern Regional Wastewater
621 Management District shall become employees of the authority.
622 Nothing in this act shall affect the civil service status, if any,
623 of those employees or their rights, privileges, obligations or
624 status with respect to any pension or retirement system.

625 **SECTION 17.** Section 49-17-737, Mississippi Code of 1972, is
626 brought forward as follows:

627 49-17-737. (1) After consolidation, all powers of the
628 Hancock County Utility Authority shall be exercised by a board
629 consisting of the following:

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

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

634 (c) One (1) director appointed by the board of
635 supervisors who is a resident of Hancock County from an area that
636 is not served by the utility districts enumerated in this
637 subsection for an initial term of four (4) years;

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

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

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

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

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

649 (2) In addition to any other powers and rights conferred
650 upon such board of directors, the board is granted and may
651 exercise all powers and rights granted pursuant to Sections

652 49-17-739 through 49-17-773 to promote the health, welfare and
653 prosperity of the general public.

654 **SECTION 18.** Section 49-17-739, Mississippi Code of 1972, is
655 brought forward as follows:

656 49-17-739. The purpose of Sections 49-17-739 through
657 49-17-773 is to confer certain powers on the county authorities
658 for the purpose of cooperating with federal, state and local
659 public agencies for the further development of local and regional
660 water, wastewater and storm water services within the Gulf Coast
661 Region. In addition to the powers over water, wastewater and
662 storm water, the Harrison County Utility Authority is granted
663 power over solid waste within its jurisdiction.

664 **SECTION 19.** Section 49-17-741, Mississippi Code of 1972, is
665 brought forward as follows:

666 49-17-741. (1) The board of directors of a county authority
667 shall elect annually from its number a president and vice
668 president of the county authority and such other officers as in
669 the judgment of the board are necessary. The president shall be
670 the chief executive officer of the authority and the presiding
671 officer of the board, and shall have the same right to vote as any
672 other director. The vice president shall act in the absence or
673 disability of the president. Each board also shall appoint a
674 secretary and a treasurer who may or may not be members of the
675 board, and it may combine these offices. The treasurer shall give
676 bond in the sum of not less than One Hundred Thousand Dollars
677 (\$100,000.00) as set by the board of directors, and each director
678 may be required to give bond in the sum of not less than
679 Twenty-five Thousand Dollars (\$25,000.00), with sureties qualified
680 to do business in this state, and the premiums on the bonds shall
681 be an expense of the authority. Each bond shall be payable to the
682 State of Mississippi, and the condition of each bond shall be that
683 the treasurer and director will faithfully perform all duties of

684 his office and account for all money and other assets which shall
685 come into his custody as treasurer or director of the authority.

686 (2) Each director of a county authority shall serve without
687 salary, but shall be entitled to receive per diem pay as provided
688 for in Section 25-3-69 and shall be reimbursed his actual
689 necessary expenses, as provided in Section 25-3-41, incurred while
690 in the performance of his duties as a member of the board of
691 directors of the authority upon authorization by the board.
692 Expenses shall be paid from available funds of the authority.

693 (3) All business of a county authority shall be transacted
694 by a majority vote of the total membership of the board of
695 directors. The quorum for any meeting of the board of directors
696 shall be a majority of the total membership of the board of
697 directors.

698 **SECTION 20.** Section 49-17-743, Mississippi Code of 1972, is
699 brought forward as follows:

700 49-17-743. From and after the passage of this act, each and
701 every county authority shall have, in addition to any other powers
702 granted under any other provision of law, including, but not
703 limited to, the following:

704 (a) To acquire, construct, improve, enlarge, extend,
705 repair, operate and maintain one or more of its systems used for
706 the collection, transportation, treatment and disposal of water,
707 wastewater and storm water;

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

712 (c) To make contracts with any person to design and
713 construct any water, wastewater and storm water systems or
714 facilities, and thereafter to purchase, lease or sell, by
715 installments over such terms as may be deemed desirable,

716 reasonable and necessary, or otherwise, any such system or
717 systems;

718 (d) To enter into operating agreements with any person,
719 for such terms and upon such conditions as may be deemed
720 desirable, for the operation of any water, wastewater and storm
721 water systems; and the county authority may lease to or from any
722 person, for such term and upon such conditions as may be deemed
723 desirable, any water, wastewater and storm water collection,
724 transportation, treatment or its other facilities or systems. Any
725 such contract may contain provisions requiring any public agency
726 or other person to regulate the quality and strength of materials
727 to be handled by the respective system or systems and also may
728 provide that the county authority shall have the right to use any
729 streets, alleys and public ways and places within the jurisdiction
730 of a public agency or other person during the term of the
731 contract;

732 (e) To enter into contracts with any person or any
733 public agency, including, but not limited to, contracts authorized
734 by this act, in furtherance of any of the purposes authorized
735 under this act upon such consideration as the board of directors
736 and such person may agree. Any such contract may extend over any
737 period of time, notwithstanding any provision or rule of law to
738 the contrary; may be upon such terms and for such consideration,
739 nominal or otherwise, as the parties thereto shall agree; and may
740 provide that it shall continue in effect until bonds specified
741 therein, refunding bonds issued in lieu of such bonds, and all
742 other obligations specified therein are paid or terminated. Any
743 such contract shall be binding upon the parties thereto according
744 to its terms;

745 (f) To adopt an official seal and alter the same at
746 pleasure;

747 (g) To sue and be sued, in its own name, and to enjoy
748 all of the protections, immunities and benefits provided by the

749 Mississippi Tort Claims Act, as it may be amended or supplemented
750 from time to time;

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

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

757 (j) To require the necessary relocation or rerouting of
758 roads and highways, railroad, telephone and telegraph lines, and
759 properties, electric power lines, gas pipelines and related
760 facilities, or to require the anchoring or other protection of any
761 of these, provided fair compensation is first paid to the owners
762 or an agreement with such owners regarding the payment of the cost
763 of such relocation, and to acquire easements or rights-of-way for
764 such relocation or rerouting and to convey the same to the owners
765 of the property being relocated or rerouted in connection with the
766 purposes of this act;

767 (k) To acquire, construct, improve or modify, to
768 operate or cause to be operated and maintained, either as owner of
769 all or of any part in common with others, any water, wastewater or
770 storm water system within the county authority's service area.
771 The county authority may pay all or part of the cost of any system
772 from any contribution by persons, firms, public agencies or
773 corporations. The county authority may receive, accept and use
774 all funds, public or private, and pay all costs of the
775 development, implementation and maintenance as may be determined
776 as necessary for any project;

777 (l) To acquire, in its own name, by purchase on any
778 terms and conditions and in any manner as it may deem proper,
779 including by eminent domain, property for public use, or by gift,
780 grant, lease, or otherwise, real property or easements therein,

781 franchises and personal property necessary or convenient for its
782 corporate purposes;

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

787 (n) To use any property and rent or lease any property
788 to or from others, including public agencies, or make contracts
789 for the use of the property. The county authority may sell,
790 lease, exchange, transfer, assign, pledge, mortgage or grant a
791 security interest for any property. The powers to acquire, use
792 and dispose of property as set forth in this paragraph shall
793 include the power to acquire, use and dispose of any interest in
794 that property, whether divided or undivided. Title to any
795 property of the county authority shall be held by the county
796 authority exclusively for the benefit of the public;

797 (o) To apply, contract for, accept, receive and
798 administer gifts, grants, appropriations and donations of money,
799 materials and property of any kind, including loans and grants
800 from the United States, the state, a unit of local government, or
801 any agency, department, district or instrumentality of any of the
802 foregoing, upon any terms and conditions as the United States, the
803 state, a unit of local government, or any agency, department,
804 district or instrumentality shall impose. The county authority
805 may administer trusts. The county authority may sell, lease,
806 transfer, convey, appropriate and pledge any and all of its
807 property and assets;

808 (p) To make and enforce, and from time to time amend
809 and repeal, bylaws, rules, ordinances and regulations for the
810 management of its business and affairs and for the construction,
811 use, maintenance and operation of any of the systems under its
812 management and control;

813 (q) To employ and terminate staff and other personnel,
814 including attorneys, engineers and consultants as may be necessary
815 to the functioning of the county authority. The board of
816 directors, in its discretion, may employ an executive director
817 having the authority to employ and fire employees and other duties
818 as determined by the board;

819 (r) To establish and maintain rates, fees and any other
820 charges for services and the use of systems and facilities within
821 the control of the county authority, and from time to time, to
822 adjust such rates, fees and any other charges to the end that the
823 revenues therefrom will be sufficient at all times to pay the
824 expenses of operating and maintaining of the facilities and
825 treatment systems and all of the persons' obligations under any
826 contract or bonds resolution with respect thereto or any
827 obligation of any person under any agreement, contract, indenture
828 or bonds resolution with respect thereto. Such rates, fees,
829 assessments and any other charges shall not be subject to the
830 jurisdiction of the Mississippi Public Service Commission;

831 (s) To adopt rules and regulations necessary to
832 accomplish the purposes of the county authority and to assure the
833 payment of each participating person or public agency of its
834 proportionate share of the costs for use of any of the systems and
835 facilities of the county authority and for the county authority's
836 proportionate share of the costs of the utility board;

837 (t) To enter on public or private lands, waters or
838 premises for the purpose of making surveys, borings or soundings,
839 or conducting tests, examinations or inspections for the purposes
840 of the authority, subject to responsibility for any damage done to
841 property entered;

842 (u) To accept industrial wastewater from within the
843 boundaries of the county authority for treatment and to require
844 the pretreatment of same when, in the opinion of the county
845 authority, such pretreatment is necessary;

846 (v) To control and operate local retail water,
847 wastewater and storm water services, and may provide or be
848 responsible for direct servicing of those services to residences,
849 businesses and individuals; however, the county authority shall
850 not provide the same services in an area provided by a public
851 utility or person holding a certificate of public convenience and
852 necessity issued by the Mississippi Public Service Commission for
853 the provision of such services in the certificated area. Any
854 rates, fees, assessments or other charges shall not be under the
855 control or regulation of the Mississippi Public Service
856 Commission;

857 (w) To assume control and administer, within the county
858 authority's jurisdiction, any water, wastewater or storm water
859 system or systems by agreement or contract with any person if the
860 person providing such services requests to be relieved of that
861 responsibility. However, the person may maintain control over
862 connections in their service areas and may charge rates, fees and
863 any other charges in addition to the rates, fees and any charges
864 of the county authority;

865 (x) The county authority shall have the power of
866 eminent domain for the particular purpose of the acquisition of
867 property designated by plan to sufficiently accommodate the
868 location of water, wastewater or storm water systems and such
869 requirements related directly thereto pursuant to the provisions
870 of Chapter 27, Title 11, Mississippi Code of 1972. The county
871 authority may acquire by eminent domain property necessary for any
872 system and the exercise of the powers, rights and duties conferred
873 upon the county authority by this act. No person owning the
874 drilling rights or the right to share in production shall be
875 prevented from exploring, developing or producing oil or gas with
876 necessary rights-of-way for ingress and egress, pipelines and
877 other means of transporting such interests on any lands or
878 interest of the county authority held or used for the purposes of

879 this act, but any such activities shall be subject to reasonable
880 regulations by the board of directors that will adequately protect
881 the systems or projects of the county authority;

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

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

887 (aa) So long as any indebtedness on the systems of the
888 county authority remains outstanding, to require by contract with
889 a member public agency, or other person, that all water,
890 wastewater and storm water within the boundaries of the respective
891 county authority be disposed of through the appropriate treatment
892 system to the extent that the same may be available, but no public
893 agency shall be precluded from constructing, operating and
894 maintaining its own such system after the current indebtedness
895 owing on the system as of the effective date of this act is paid
896 in full.

897 **SECTION 21.** Section 49-17-745, Mississippi Code of 1972, is
898 brought forward as follows:

899 49-17-745. (1) The county authority shall have the power,
900 duty and responsibility to exercise general supervision over the
901 design, construction, operation and maintenance of water,
902 wastewater and storm water systems.

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

906 (3) The county authority shall adopt rules and regulations
907 regarding the use of decentralized treatment systems, individual
908 on-site wastewater treatment systems and centralized wastewater
909 treatment systems.

910 (4) The county authority shall adopt rules establishing
911 performance standards for water, wastewater and storm water

912 systems and the operation and maintenance of the same. Such rules
913 and regulations shall include the implementation of a standard
914 application form for the installation, operation and maintenance
915 of such systems; application review; approval or denial procedures
916 for any proposed system; inspection, monitoring and reporting
917 guidelines; and enforcement procedures.

918 (5) (a) Before a building or development which requires the
919 installation of a water, wastewater or storm water system is
920 constructed, the system must be submitted to the county authority
921 for certification that the system complies with the county
922 authority requirements for such system.

923 (b) Before approving or renewing a water, wastewater or
924 storm water related permit for a system within a county authority,
925 the state agency must require certification that the system
926 complies with the requirements of the county authority.

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

931 (7) Notwithstanding the provisions of Section 51-39-1 et
932 seq., the county authority shall have the full power to adopt
933 rules and regulations and to construct, maintain and operate
934 facilities for the control of storm water quality and quantity.
935 In addition, the provisions of Section 51-33-1 et seq. relating to
936 drainage districts and flood control districts do not apply to the
937 county authority.

938 (8) The county authority may control and operate the local
939 retail water, wastewater or storm water services and may provide
940 or be responsible for direct servicing of those services to
941 residences, businesses and individuals; however, the county
942 authority shall not provide the same service in an area provided
943 by a public utility or person holding a certificate of public
944 convenience and necessity issued by the Mississippi Public Service

945 Commission for the provision of such services in the certificated
946 area.

947 **SECTION 22.** Section 49-17-747, Mississippi Code of 1972, is
948 brought forward as follows:

949 49-17-747. (1) Any public agency or person, pursuant to a
950 duly adopted resolution of the governing body of such public
951 agency or person, may enter into contracts with the county
952 authority or county authorities under the terms of which the
953 county authority will manage, operate and contract for usage of
954 its systems and facilities, or other services, for such person or
955 public agency.

956 (2) Any public agency or person may enter into contracts
957 with the county authority for the county authority to purchase or
958 sell, by installments over such terms as may be deemed desirable,
959 or otherwise, to any person or any systems. Any public agency may
960 sell, donate, convey, or otherwise dispose of water, wastewater
961 and storm water facilities or systems; or any equipment, personal
962 property or any other things, deemed necessary for the
963 construction, operation, and maintenance to the county authority
964 without the necessity of appraisal, advertising, or bidding. This
965 section creates an alternative method of disposal of public
966 property.

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

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

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

977 (6) Any such contract may contain provisions requiring any
978 public agency or other person to regulate the quality and strength
979 of the material to be handled by the wastewater or storm water
980 systems and may also provide that the county authority shall have
981 the right to use any streets, alleys and public ways and places
982 within the jurisdiction of a public agency or other person during
983 the term of the contract. Such contracts may obligate the public
984 agency to make payments to the county authority or to a trustee in
985 amounts which shall be sufficient to enable the county authority
986 to defray the expenses of administering, operating and maintaining
987 its respective systems, to pay interest and principal (whether at
988 maturity upon redemption or otherwise) on bonds of the county
989 authority, issued under this act and to fund reserves for debt
990 service, for operation and maintenance and for renewals and
991 replacements, to fulfill the requirements of any rate covenant
992 with respect to debt service coverage contained in any resolution,
993 trust indenture or other security agreement relating to the bonds
994 of the county authority issued under this act or to fulfill any
995 other requirement relating to bonds issued pursuant to this act.

996 (7) Any public agency shall have the power to enter into
997 such contracts with the county authority as in the discretion of
998 the governing body of the public agency would be in the best
999 interest of the public agency. Such contracts may include a
1000 pledge of the full faith and credit of such public agency and/or
1001 the avails of any special assessments made by such public agency
1002 against property receiving benefits, as now or hereafter are
1003 provided by law. Any such contract may provide for the sale, or
1004 lease to, or use of by the county authority, of the systems or any
1005 part thereof, of the public agency; and may provide that the
1006 county authority shall operate its systems or any part thereof of
1007 the public agency; and may provide that any public agency shall
1008 have the right to continued use and/or priority use of the systems
1009 or any part thereof during the useful life thereof upon payment of

1010 reasonable charges therefor; and may contain provisions to assure
1011 equitable treatment of persons or public agencies who contract
1012 with the county authority under this act; and may contain such
1013 other provisions and requirements as the parties thereto may
1014 determine to be appropriate or necessary. Such contracts may
1015 extend over any period of time, notwithstanding any provisions of
1016 law to the contrary, and may extend beyond the life of the
1017 respective systems or any part thereof or the term of the bonds
1018 sold with respect to such facilities or improvements thereto.

1019 (8) The obligations of a public agency arising under the
1020 terms of any contract referred to in this act, whether or not
1021 payable solely from a pledge of revenues, shall not be included
1022 within the indebtedness limitations of the public agency for
1023 purposes of any constitutional or statutory limitation or
1024 provision. To the extent provided in such contract and to the
1025 extent such obligations of the public agency are payable wholly or
1026 in part from the revenues and other monies derived by the public
1027 agency from the operation of its systems or of its combined
1028 systems, or any part thereof, such obligations shall be treated as
1029 expenses of operating such systems.

1030 (9) Contracts referred to in this section may also provide
1031 for payments in the form of contributions to defray the cost of
1032 any purpose set forth in the contracts and as advances for the
1033 respective systems or any part thereof subject to repayment by the
1034 county authority. A public agency may make such contributions or
1035 advances from its general fund or surplus fund or from special
1036 assessments or from any monies legally available therefor.

1037 (10) Payments made, or to be made, to the county authority
1038 by a public agency or other person under a contract for any of its
1039 treatment systems, or any part thereof, shall not be subject to
1040 approval or review by the Mississippi Public Service Commission.

1041 (11) Subject to the terms of a contract or contracts
1042 referred to in this act, the county authority is hereby authorized

1043 to do and perform any and all acts or things necessary, convenient
1044 or desirable to carry out the purposes of such contracts,
1045 including the fixing, charging, collecting, maintaining and
1046 revising of rates, fees and other charges for the services
1047 rendered to any user of any of the systems operated or maintained
1048 by the county authority, whether or not such systems are owned by
1049 the county authority.

1050 (12) No provision of this act shall be construed to prohibit
1051 any public agency, otherwise permitted by law to issue bonds, from
1052 issuing bonds in the manner provided by law for the construction,
1053 renovation, repair or development of any of the county authority's
1054 systems, or any part thereof, owned or operated by such public
1055 agency.

1056 **SECTION 23.** Section 49-17-749, Mississippi Code of 1972, is
1057 brought forward as follows:

1058 49-17-749. Whenever a public agency shall have executed a
1059 contract under this act and the payments thereunder are to be made
1060 either wholly or partly from the revenues of the public agency's
1061 systems, or any part thereof, or a combination of such systems,
1062 the duty is hereby imposed on the public agency to establish and
1063 maintain and from time to time to adjust the rate or fees charged
1064 by the public agency for the services of such systems, so that the
1065 revenues therefrom, together with any taxes and special
1066 assessments levied in support thereof, will be sufficient at all
1067 times to pay:

1068 (a) The expense of operating and maintaining such
1069 systems, including all of the public agency's obligations to the
1070 county authority, its successors or assigns under such contract;
1071 and

1072 (b) All of the public agency's obligations under and in
1073 connection with bonds theretofore issued, or which may be issued
1074 thereafter and secured by the revenues of such systems. Any such
1075 contract may require the use of consulting engineers and financial

1076 experts to advise the public agency whether and when such rates
1077 and fees are to be adjusted.

1078 **SECTION 24.** Section 49-17-751, Mississippi Code of 1972, is
1079 brought forward as follows:

1080 49-17-751. (1) Notwithstanding the provisions of Sections
1081 77-3-21 and 77-3-23, Mississippi Code of 1972, the certificate of
1082 public convenience and necessity held by any municipality, public
1083 agency, district, public utility or other person authorized by law
1084 to provide water, sewer and wastewater services may be cancelled
1085 and its powers, duties and responsibilities transferred to the
1086 county authority in the manner provided by this section.

1087 (2) Any entity described in subsection (1) of this section
1088 desiring to have its certificate of public convenience and
1089 necessity cancelled and its powers, duties and responsibilities
1090 transferred to the county authority shall make a determination to
1091 that effect on its official minutes if a public entity, or by
1092 affidavit if not a public entity, and transmit such determination
1093 to the county authority.

1094 (3) Upon receipt of the document evidencing such
1095 determination from an entity to transfer its powers, duties and
1096 responsibilities to the county authority, the county authority
1097 shall, by resolution, declare whether it is willing and able to
1098 accept such transfer from the entity.

1099 (4) Upon completion of the requirements of subsections (2)
1100 and (3) herein and agreement by both parties to the transfer, the
1101 holder of the certificate of public convenience and necessity and
1102 the county authority shall jointly petition the Public Service
1103 Commission to cancel the certificate of public convenience and
1104 necessity. The petition must be accompanied by copies of the
1105 official minutes, affidavit or resolution, as the case may be,
1106 reflecting the actions of the petitioners. After review of the
1107 petition and any other evidence as the Public Service Commission
1108 deems necessary, the commission may issue an order cancelling the

1109 certificate and transferring to the county authority the powers,
1110 duties and responsibilities granted by the certificate, including
1111 all assets and debts of the transferor petitioner related to such
1112 certificated services, real or personal, or both, if it finds
1113 that:

1114 (a) Subsections (2) and (3) of this section have been
1115 complied with; and

1116 (b) Such action is in the public interest.

1117 (5) The county authority and providers of water, sewer,
1118 wastewater and storm water services that are not holders of a
1119 certificate of a public convenience and necessity from the Public
1120 Service Commission may enter into agreements for the provision of
1121 such services, including, but not limited to, the transfer to the
1122 county authority of such provider's powers, duties,
1123 responsibilities, assets and debts.

1124 **SECTION 25.** Section 49-17-753, Mississippi Code of 1972, is
1125 brought forward as follows:

1126 49-17-753. (1) Any system of a municipality, public agency
1127 or person that becomes subject to the jurisdiction of a county
1128 authority and this act shall not impair, invalidate or abrogate
1129 any liens, bonds or other certificates of indebtedness related to
1130 water, storm water or wastewater facilities and systems incurred
1131 prior to becoming subject to the jurisdiction of the county
1132 authority.

1133 (2) The county authority may do and perform any and all acts
1134 necessary, convenient or desirable to ensure the payment,
1135 redemption or satisfaction of such liens, bonds or other
1136 certificates of indebtedness.

1137 **SECTION 26.** Section 49-17-755, Mississippi Code of 1972, is
1138 brought forward as follows:

1139 49-17-755. (1) Sections 49-17-753 through 49-17-771 apply
1140 to all bonds to be issued after the effective date of this act and
1141 such provisions shall not affect, limit or alter the rights and

1142 powers of any county authority under this act or any law of
1143 Mississippi to conduct the activities referred to herein in any
1144 way pertinent to the interests of the bondholders, including,
1145 without limitation, such county authority's right to charge and
1146 collect rates, fees and charges and to fulfill the terms of any
1147 covenants made with the registered owners of any existing bonds,
1148 or in any other way impair the rights and remedies of the
1149 registered owners of any existing bonds, unless provision for full
1150 payment of such bonds, by escrow or otherwise, has been made
1151 pursuant to the terms of the bonds or the resolution, trust
1152 indenture or security interest securing the bonds.

1153 (2) The county authority shall have the power and is hereby
1154 authorized, from time to time, to borrow money and to issue
1155 revenue bonds and interim notes in such principal amounts as the
1156 county authority may determine to be necessary to provide
1157 sufficient funds for achieving one or more of the purposes of this
1158 act, including, without limiting the generality of the foregoing,
1159 to defray all the costs of the project, the cost of the
1160 acquisition, construction, improvement, repair or extension of a
1161 system, or any part thereof, whether or not such facilities are
1162 owned by the county authority, the payment of interest on bonds of
1163 the county authority issued pursuant to this act, establishment of
1164 reserves to secure such bonds and payment of the interest thereon,
1165 expenses incident to the issuance of such bonds and to the
1166 implementation of the county authority's system, and all other
1167 expenditures of the county authority incident to or necessary or
1168 convenient to carry out the purposes of this act.

1169 (3) Before issuing bonds, other than interim notes or
1170 refunding bonds as provided in Section 49-17-757, the board of
1171 directors of the county authority shall adopt a resolution
1172 declaring its intention to issue such bonds and stating the
1173 maximum principal amount of bonds proposed to be issued, a general
1174 generic description of the proposed improvements and the proposed

1175 location thereof, and the date, time and place at which the board
1176 of directors proposes to take further action with respect to the
1177 issuance of such bonds. The resolution of the county authority
1178 shall be published once a week for at least three (3) consecutive
1179 weeks in at least one (1) newspaper having a general circulation
1180 within the geographical limits of all of the public agencies which
1181 have contracted with the county authority pursuant to this act.

1182 (4) Bonds of the county authority issued pursuant to this
1183 act shall be payable from and secured by a pledge of all or any
1184 part of the revenues under one or more contracts entered into
1185 pursuant to this act between the county authority and one or more
1186 of its contracting public agencies and from all or any part of the
1187 revenues derived from the operation of any designated system or
1188 any part or parts thereof and any other monies legally available
1189 and designated therefor, as may be determined by such county
1190 authority, subject only to any agreement with the purchasers of
1191 the bonds. Such bonds may be further secured by a trust indenture
1192 between such county authority and a corporate trustee, which may
1193 be any trust company or bank having powers of a trust company
1194 without or within the state.

1195 (5) Bonds of the county authority issued pursuant to this
1196 act shall be authorized by a resolution or resolutions adopted by
1197 a majority affirmative vote of the total membership of the board
1198 of directors of the county authority. Such bonds may be issued in
1199 series, and each series of such bonds shall bear such date or
1200 dates, mature at such time or times, bear interest at such rate or
1201 rates (not exceeding the maximum rate set out in Section
1202 75-17-103, Mississippi Code of 1972), be in such denomination or
1203 denominations, be in such form, carry such conversion privileges,
1204 have such rank or priority, be executed in such manner and by such
1205 officers, be payable from such sources in such medium of payment
1206 at such place or places within or without the state, provided that
1207 one such place shall be within the state, and be subject to such

1208 terms of redemption prior to maturity, all as may be provided by
1209 resolution or resolutions of the board of directors. The term of
1210 such bonds issued pursuant to this act shall not exceed forty (40)
1211 years.

1212 (6) Bonds of the county authority issued pursuant to this
1213 act may be sold at such price or prices, at public or private
1214 sale, in such manner and at such times as may be determined by
1215 such county authority to be in the public interest, and such
1216 county authority may pay all expenses, premiums, fees and
1217 commissions which it may deem necessary and advantageous in
1218 connection with the issuance and sale thereof.

1219 (7) Any pledge of earnings, revenues or other monies made by
1220 the county authority shall be valid and binding from the time the
1221 pledge is made. The earnings, revenues or other monies so pledged
1222 and thereafter received by such county authority shall immediately
1223 be subject to the lien of such pledge without any physical
1224 delivery thereof or further act, and the lien of any such pledge
1225 shall be valid and binding as against all parties having claims of
1226 any kind in tort, contract or otherwise against such county
1227 authority irrespective of whether such parties have notice
1228 thereof. Neither the resolution nor any other instrument by which
1229 a pledge is created need be recorded.

1230 (8) Neither the members of the board of directors nor any
1231 person executing the bonds shall be personally liable on the bonds
1232 or be subject to any personal liability or accountability by
1233 reason of the issuance thereof.

1234 (9) Proceeds from the sale of bonds of the county authority
1235 may be invested, pending their use, in such securities as may be
1236 specified in the resolution authorizing the issuance of the bonds
1237 or the trust indenture securing them, and the earnings on such
1238 investments applied as provided in such resolution or trust
1239 indenture.

1240 (10) Whenever any bonds shall have been signed by the
1241 officer(s) designated by the resolution of the board of directors
1242 to sign the bonds who were in office at the time of such signing
1243 but who may have ceased to be such officer(s) prior to the sale
1244 and delivery of such bonds, or who may not have been in office on
1245 the date such bonds may bear, the manual or facsimile signatures
1246 of such officer(s) upon such bonds shall nevertheless be valid and
1247 sufficient for all purposes and have the same effect as if the
1248 person so officially executing such bonds had remained in office
1249 until the delivery of the same to the purchaser or had been in
1250 office on the date such bonds may bear.

1251 (11) The county authority has the discretion to advance or
1252 borrow funds needed to satisfy any short-term cash flow demands or
1253 deficiencies or to cover start-up costs until such time as
1254 sufficient bonds, assets and revenues have been secured to satisfy
1255 the needs of the county authority.

1256 **SECTION 27.** Section 49-17-757, Mississippi Code of 1972, is
1257 brought forward as follows:

1258 49-17-757. (1) **Refunding bonds.** The county authority may,
1259 by resolution adopted by its board of directors, issue refunding
1260 bonds for the purpose of paying any of its bonds at or prior to
1261 maturity or upon acceleration or redemption. Refunding bonds may
1262 be issued at such time prior to the maturity or redemption of the
1263 refunded bonds as the board of directors deems to be in the public
1264 interest, without an election on the question of the issuance
1265 thereof. The refunding bonds may be issued in sufficient amounts
1266 to pay or provide the principal of the bonds being refunded,
1267 together with any redemption premium thereon, any interest accrued
1268 or to accrue to the date of payment of such bonds, the expenses of
1269 issue of the refunding bonds, the expenses of redeeming the bonds
1270 being refunded, and such reserves for debt service or other
1271 capital or current expenses from the proceeds of such refunding
1272 bonds as may be required by the resolution, trust indenture or

1273 other security instruments. The issue of refunding bonds, the
1274 maturities and other details thereof, the security therefor, the
1275 rights of the holders and the rights, duties and obligations of
1276 the county authority in respect of the same shall be governed by
1277 the provisions of this act relating to the issue of bonds other
1278 than refunding bonds insofar as the same may be applicable. Any
1279 such refunding may be effected, whether the obligations to be
1280 refunded shall have then matured or shall thereafter mature,
1281 either by the exchange of the refunding bonds for the obligations
1282 to be refunded thereby with the consent of the holders of the
1283 obligations so to be refunded, or by sale of the refunding bonds
1284 and the application of the proceeds thereof to the payment of the
1285 obligations proposed to be refunded thereby, and regardless of
1286 whether the obligations proposed to be refunded shall be payable
1287 on the same date or different dates or shall be due serially or
1288 otherwise.

1289 (2) **Interim notes.** Borrowing by the county authority may be
1290 made by the delivery of interim notes to any person or public
1291 agency or financial institution by a majority vote of the board of
1292 directors.

1293 **SECTION 28.** Section 49-17-759, Mississippi Code of 1972, is
1294 brought forward as follows:

1295 49-17-759. All bonds (other than refunding bonds, interim
1296 notes and certificates of indebtedness, which may be validated)
1297 issued pursuant to this act shall be validated as now provided by
1298 law in Sections 31-13-1 through 31-13-11, Mississippi Code of
1299 1972; however, notice of such validation proceedings shall be
1300 addressed to the citizens of the respective public agencies (a)
1301 which have contracted with the county authority pursuant to this
1302 act, and (b) whose contracts and the payments to be made by the
1303 public agencies thereunder constitute security for the bonds of
1304 such county authority proposed to be issued, and that such notice
1305 shall be published at least once in a newspaper or newspapers

1306 having a general circulation within the geographical boundaries of
1307 each of the contracting public agencies to whose citizens the
1308 notice is addressed. Such validation proceedings shall be
1309 instituted in any chancery courts within the boundaries of the
1310 county authority. The validity of the bonds so validated and of
1311 the contracts and payments to be made by the public agencies
1312 thereunder constituting security for the bonds shall be forever
1313 conclusive against the county authority and the public agencies
1314 which are parties to said contracts; and the validity of said
1315 bonds and said contracts and the payments to be made thereunder
1316 shall never be called in question in any court in this state.

1317 **SECTION 29.** Section 49-17-761, Mississippi Code of 1972, is
1318 brought forward as follows:

1319 49-17-761. Bonds issued under the provisions of this act
1320 shall not be deemed to constitute, within the meaning of any
1321 constitutional or statutory limitation, an indebtedness of the
1322 county authority. Such bonds shall be payable solely from the
1323 revenues or assets of the county authority pledged therefor. Each
1324 bond issued under this act shall contain on the face thereof a
1325 statement to the effect that such county authority shall not be
1326 obligated to pay the same nor the interest thereon except from the
1327 revenues or assets pledged therefor.

1328 **SECTION 30.** Section 49-17-763, Mississippi Code of 1972, is
1329 brought forward as follows:

1330 49-17-763. The county authority shall have power in
1331 connection with the issuance of its bonds pursuant to this act to:

1332 (a) Covenant as to the use of any or all of its
1333 property, real or personal;

1334 (b) Redeem the bonds, to covenant for their redemption
1335 and to provide the terms and conditions thereof;

1336 (c) Covenant to charge rates, fees and charges
1337 sufficient to meet operating and maintenance expenses, renewals
1338 and replacements, principal and debt service on bonds, creation

1339 and maintenance of any reserves required by a bonds resolution,
1340 trust indenture or other security instrument and to provide for
1341 any margins or coverages over and above debt service on the bonds
1342 deemed desirable for the marketability of the bonds;

1343 (d) Covenant and prescribe as to events of default and
1344 terms and conditions upon which any or all of its bonds shall
1345 become or may be declared due before maturity, as to the terms and
1346 conditions upon which such declaration and its consequences may be
1347 waived and as to the consequences of default and the remedies of
1348 the registered owners of the bonds;

1349 (e) Covenant as to the mortgage or pledge of or the
1350 grant of a security interest in any real or personal property and
1351 all or any part of the revenues from any designated system or any
1352 part thereof or any revenue-producing contract or contracts made
1353 by a county authority with any person to secure the payment of
1354 bonds, subject to such agreements with the registered owners of
1355 bonds as may then exist;

1356 (f) Covenant as to the custody, collection, securing,
1357 investment and payment of any revenues, assets, monies, funds or
1358 property with respect to which a county authority may have any
1359 rights or interest;

1360 (g) Covenant as to the purposes to which the proceeds
1361 from the sale of any bonds then or thereafter to be issued may be
1362 applied, and the pledge of such proceeds to secure the payment of
1363 the bonds;

1364 (h) Covenant as to the limitations on the issuance of
1365 any additional bonds, the terms upon which additional bonds may be
1366 issued and secured, and the refunding of outstanding bonds;

1367 (i) Covenant as to the rank or priority of any bonds
1368 with respect to any lien or security;

1369 (j) Covenant as to the procedure by which the terms of
1370 any contract with or for the benefit of the registered owners of
1371 bonds may be amended or abrogated, the amount of bonds the

1372 registered owners of which must consent thereto, and the manner in
1373 which such consent may be given;

1374 (k) Covenant as to the custody of any of its properties
1375 or investments, the safekeeping thereof, the insurance to be
1376 carried thereon, and the use and disposition of insurance
1377 proceeds;

1378 (l) Covenant as to the vesting in a trustee or
1379 trustees, within or outside the state, of such properties, rights,
1380 powers and duties in trust as such county authority may determine;

1381 (m) Covenant as to the appointing and providing for the
1382 duties and obligations of a paying agent or paying agents or other
1383 fiduciaries within or outside the state;

1384 (n) Make all other covenants and to do any and all such
1385 acts and things as may be necessary or convenient or desirable in
1386 order to secure its bonds, or in the absolute discretion of the
1387 county authority tend to make the bonds more marketable,
1388 notwithstanding that such covenants, acts or things may not be
1389 enumerated herein; it being the intention hereof to give any
1390 county authority power to do all things in the issuance of bonds
1391 and in the provisions for security thereof which are not
1392 inconsistent with the Constitution of the state; and

1393 (o) Execute all instruments necessary or convenient in
1394 the exercise of the powers herein granted or in the performance of
1395 covenants or duties, which may contain such covenants and
1396 provisions, as any purchaser of the bonds of the county authority
1397 may reasonably require.

1398 **SECTION 31.** Section 49-17-765, Mississippi Code of 1972, is
1399 brought forward as follows:

1400 49-17-765. The county authority may, in any authorizing
1401 resolution of the board of directors, trust indenture or other
1402 security instrument relating to its bonds issued pursuant to this
1403 act, provide for the appointment of a trustee who shall have such
1404 powers as are provided therein to represent the registered owners

1405 of any issue of bonds in the enforcement or protection of their
1406 rights under any such resolution, trust indenture or security
1407 instrument. The county authority may also provide in such
1408 resolution, trust indenture or other security instrument that the
1409 trustee, or in the event that the trustee so appointed shall fail
1410 or decline to so protect and enforce such registered owners'
1411 rights then such percentage of registered owners as shall be set
1412 forth in, and subject to the provisions of, such resolution, trust
1413 indenture or other security interest, may petition the court of
1414 proper jurisdiction for the appointment of a receiver of the
1415 county authority's systems, the revenues of which are pledged to
1416 the payment of the principal of and interest on the bonds of such
1417 registered owners. Such receiver may exercise any power as may be
1418 granted in any such resolution, trust indenture or security
1419 instrument to enter upon and take possession of, acquire,
1420 construct or reconstruct or operate and maintain such system, fix
1421 charges for services of the system and enforce collection thereof,
1422 and receive all revenues derived from such system or facilities
1423 and perform the public duties and carry out the contracts and
1424 obligations of such county authority in the same manner as such
1425 county authority itself might do, all under the direction of such
1426 court.

1427 **SECTION 32.** Section 49-17-767, Mississippi Code of 1972, is
1428 brought forward as follows:

1429 49-17-767. (1) The exercise of the powers granted by this
1430 act will be in all respects for the benefit of the people of the
1431 state, for their well-being and prosperity and for the improvement
1432 of their social and economic conditions, and the county authority
1433 shall not be required to pay any tax or assessment on any property
1434 owned by the county authority under the provisions of this act or
1435 upon the income therefrom; nor shall the county authority be
1436 required to pay any recording fee or transfer tax of any kind on
1437 account of instruments recorded by it or on its behalf.

1438 (2) Any bonds issued by the county authority under and
1439 pursuant to the provisions of this act, their transfer and the
1440 income therefrom shall at all times be free from taxation by the
1441 state or any local unit or political subdivision or other
1442 instrumentality of the state, excepting inheritance and gift
1443 taxes.

1444 **SECTION 33.** Section 49-17-769, Mississippi Code of 1972, is
1445 brought forward as follows:

1446 49-17-769. All bonds issued under the provisions of this act
1447 shall be legal investments for trustees, other fiduciaries,
1448 savings banks, trust companies and insurance companies organized
1449 under the laws of the State of Mississippi; and such bonds shall
1450 be legal securities which may be deposited with and shall be
1451 received by all public officers and bodies of the state and all
1452 municipalities and other political subdivisions thereof for the
1453 purpose of securing the deposit of public funds.

1454 **SECTION 34.** Section 49-17-771, Mississippi Code of 1972, is
1455 brought forward as follows:

1456 49-17-771. The state hereby covenants with the registered
1457 owners of any bonds of any county authority that so long as the
1458 bonds are outstanding and unpaid the state will not limit or alter
1459 the rights and powers of any county authority under this act to
1460 conduct the activities referred to herein in any way pertinent to
1461 the interests of the bondholders, including, without limitation,
1462 such county authority's right to charge and collect rates, fees,
1463 assessments and charges and to fulfill the terms of any covenants
1464 made with the registered owners of the bonds, or in any other way
1465 impair the rights and remedies of the registered owners of the
1466 bonds, unless provision for full payment of such bonds, by escrow
1467 or otherwise, has been made pursuant to the terms of the bonds or
1468 the resolution, trust indenture or security interest securing the
1469 bonds.

1470 **SECTION 35.** Section 49-17-773, Mississippi Code of 1972, is
1471 brought forward as follows:

1472 49-17-773. For the purposes of satisfying any temporary cash
1473 flow demands and deficiencies, and to maintain a working balance
1474 for the county authority, the county, municipalities or public
1475 agencies within the geographic boundaries of the county authority,
1476 or other persons, subject to their lawful authority to do so, are
1477 authorized to advance, at any time, such funds which, in its
1478 discretion, are necessary, or borrow such funds by issuance of
1479 notes, for initial capital contribution and to cover start-up
1480 costs until such times as sufficient bonds, assets and revenues
1481 have been secured to satisfy the needs of the county authority for
1482 its management, operation and formation. To this end, the county,
1483 municipality, public agency or person, subject to their lawful
1484 authority to do so, shall advance such funds, or borrow such funds
1485 by issuance of notes, under such terms and conditions as may be
1486 provided by resolution of the governing body, or other persons as
1487 defined in this act, subject to their lawful authority to do so,
1488 except that each such resolution shall state:

1489 (a) The need for the proceeds advanced or borrowed;

1490 (b) The amount to be advanced or the amount to be
1491 borrowed;

1492 (c) The maximum principal amount of any note issued,
1493 the interest rate or maximum interest rate to be incurred, and the
1494 maturity date of said note;

1495 (d) In addition, the governing body, or other persons
1496 as defined in this act, subject to their lawful authority to do
1497 so, may arrange for lines of credit with any bank, firm or person
1498 for the purpose of providing an additional source of repayment for
1499 notes issued pursuant to this section. Amounts drawn on a line of
1500 credit may be evidenced by negotiable or nonnegotiable notes or
1501 other evidences of indebtedness and contain such terms and
1502 conditions as the governing body, or other persons as defined in

1503 this act, subject to their lawful authority to do so, may
1504 authorize in the resolution approving the same;

1505 (e) The governing body of the county, municipalities or
1506 other persons as defined in this act, subject to their lawful
1507 authority to do so, may authorize the repayment of such advances,
1508 notes, lines of credit and other debt incurred under this section,
1509 along with all costs associated with the same, including, but not
1510 limited to, rating agency fees, printing costs, legal fees, bank
1511 or trust company fees, line of credit fees and other charges to be
1512 reimbursed by the county authority under such terms and conditions
1513 as are reasonable and are to be provided for by resolution of the
1514 governing body, or terms agreed upon with other persons as defined
1515 in this act, subject to their lawful authority to do so;

1516 (f) In addition, the governing body of the county,
1517 municipality or public agency may lease or donate office space and
1518 equipment to the county authority under such terms and conditions
1519 as are reasonable and are to be provided for by resolution of the
1520 governing body, or terms agreed upon by the county authority.

1521 **SECTION 36.** Section 49-17-775, Mississippi Code of 1972, is
1522 brought forward as follows:

1523 49-17-775. If any clause, sentence, paragraph, section or
1524 part of the provisions of this act shall be adjudged by any court
1525 of competent jurisdiction to be invalid, such judgment shall not
1526 affect, impair or invalidate the remainder thereof directly
1527 involved in the controversy in which such judgment shall have been
1528 rendered.

1529 **SECTION 37.** This act shall take effect and be in force from
1530 and after July 1, 2007.