

By: Representative Ellington

To: Conservation and Water  
Resources

## HOUSE BILL NO. 652

1 AN ACT TO AMEND SECTION 49-17-703, MISSISSIPPI CODE OF 1972,  
2 TO CLARIFY THE LEGISLATIVE INTENT OF THE LEGISLATURE IN REGARDS TO  
3 THE MISSISSIPPI GULF REGION UTILITY BOARD; TO AMEND SECTION  
4 49-17-713, MISSISSIPPI CODE OF 1972, TO REVISE WHEN THE UTILITY  
5 BOARD MAY ENTER ONTO PUBLIC OR PRIVATE LANDS; TO AMEND SECTION  
6 49-17-715 AND 49-17-717, MISSISSIPPI CODE OF 1972, TO REVISE THE  
7 AUTHORITY OF GEORGE COUNTY UTILITY AUTHORITY AND ITS BOARD OF  
8 DIRECTORS; TO AMEND SECTIONS 49-17-721, 49-17-725, 49-17-729,  
9 49-17-733, 49-17-737 AND 49-17-739, MISSISSIPPI CODE OF 1972, TO  
10 PROVIDE THAT CERTAIN POWERS OF THE BOARD OF DIRECTORS OF PEARL  
11 RIVER COUNTY, STONE COUNTY, HARRISON COUNTY, JACKSON COUNTY,  
12 HANCOCK COUNTY AND COMMON POWERS OF ALL COUNTY AUTHORITIES SHALL  
13 BE SUBJECT TO AGREEMENT WITH AFFECTED UTILITY PROVIDERS; TO AMEND  
14 SECTIONS 49-17-743, 49-17-745, 49-17-747, 49-17-749, 49-17-751 AND  
15 49-17-773, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN  
16 POWERS OF THE COUNTY AUTHORITIES, RULES AND REGULATIONS RELATING  
17 TO CONSTRUCTION, OPERATION AND MAINTENANCE OF ANY WATER,  
18 WASTEWATER AND STORM WATER SYSTEMS WITHIN EACH COUNTY AUTHORITY'S  
19 SERVICE AREA, CONTRACTS BETWEEN PUBLIC AGENCIES AND COUNTY  
20 AUTHORITIES, RATES AND FEES BY PUBLIC AGENCIES FOR SERVICES  
21 PROVIDED BY COUNTY AUTHORITIES AND POWER OF COUNTY AUTHORITIES TO  
22 ISSUE BONDS SHALL BE SUBJECT TO APPROVAL AND AGREEMENT OF ALL  
23 AFFECTED UTILITIES; AND FOR RELATED PURPOSES.

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

25 **SECTION 1.** Section 49-17-703, Mississippi Code of 1972, is  
26 amended as follows:

27 49-17-703. In the spirit of the report of the Governor's  
28 Commission on Recovery, Rebuilding and Renewal, the Legislature  
29 finds that there is a need for voluntary consolidation of water,  
30 wastewater and storm water services in order to reduce costs,  
31 promote resilience in the event of a disaster, improve the quality  
32 of the natural environment, and improve the planning and delivery  
33 of quality water, wastewater and storm water services within the  
34 areas of the Counties of George, Hancock, Harrison, Jackson, Pearl  
35 River and Stone. It is further declared that there is the need  
36 for the planning, acquisition, construction, maintenance,  
37 operation and coordination of water, wastewater and storm water

38 services in order to ensure protection of the waters of the state  
39 and to ensure the delivery of water, wastewater and storm water  
40 services to citizens of the Gulf Coast Region. The creation of  
41 the Mississippi Gulf Coast Region Utility Act is determined to be  
42 necessary and essential to the accomplishment of these purposes.  
43 To facilitate the purposes of the act, the Gulf Coast Region  
44 Utility Board, the George County Utility Authority, the Hancock  
45 County Utility Authority, the Harrison County Utility Authority,  
46 the Jackson County Utility Authority, the Pearl River County  
47 Utility Authority and the Stone County Utility Authority are  
48 created herein.

49 **SECTION 2.** Section 49-17-713, Mississippi Code of 1972, is  
50 amended as follows:

51 49-17-713. (1) The utility board shall have the right and  
52 powers necessary to carry out the purposes of this act, including,  
53 but not limited to:

54 (a) Make recommendations to the county authorities  
55 pertaining to water, wastewater and storm water issues in the Gulf  
56 Coast Region;

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

60 (c) Help resolve cross-jurisdictional and multicounty  
61 disputes pertaining to water, wastewater and storm water issues  
62 between county authorities when requested by the county  
63 authorities;

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

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

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

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

74           (h) Adopt an official seal and alter the same at  
75 pleasure;

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

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

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

83           (l) Apply for, accept and utilize grants, gifts and  
84 other funds from any source for any purpose necessary in support  
85 of the purpose of this act and to coordinate the distribution of  
86 funds to the county authorities;

87           (m) Employ and terminate staff, including, but not  
88 limited to, attorneys, engineers and consultants as may be  
89 necessary;

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

92           (o) Enter into contracts to conduct studies of regional  
93 issues regarding water, wastewater and storm water services and to  
94 provide assistance, funds and guidance in the construction,  
95 operation and maintenance of regional water, wastewater and storm  
96 water services;

97           (p) Enter into contracts with any person or any public  
98 agency in furtherance of any of the purposes authorized by this  
99 act upon such consideration as the board of directors and such  
100 person may agree. Any such contract may extend over any period of  
101 time, including a term which extends beyond the term of the then  
102 majority of the existing board members, notwithstanding any

103 provision or rule of law to the contrary; may be upon such terms  
104 and for such consideration, nominal or otherwise, as the parties  
105 thereto shall agree; and may provide that it shall continue in  
106 effect until bonds specified therein, refunding bonds issued in  
107 lieu of such bonds, and all other obligations specified therein  
108 are paid or terminated. Any such contract shall be binding upon  
109 the parties thereto according to its terms. The utility board may  
110 also assume or continue any contractual or other business  
111 relationships entered into by the members of the utility board,  
112 including the rights to receive and acquire property transferred  
113 under option to purchase agreements;

114 (q) Contract with the authorities under any terms  
115 mutually agreed by the parties to carry out any powers, duties or  
116 responsibilities granted by this act or any other laws to the  
117 authorities;

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

122 (s) Make, enforce, amend and repeal rules and  
123 regulations for the management of the utility board's business and  
124 affairs consistent with the other provisions of this act;

125 (t) When invited by the local county authority and the  
126 local utility provider or providers, enter onto public or private  
127 lands, waters or premises for the purposes of making surveys,  
128 borings or soundings, or conducting tests, examinations or  
129 inspections for the purposes of the utility board, subject to  
130 responsibility for any damage done to property entered;

131 (u) Apply, contract for, accept, receive and administer  
132 gifts, grants, appropriations and donations of money, materials,  
133 and property of any kind, including loans and grants from the  
134 United States, the state, a unit of local government, or any  
135 agency, department, district or instrumentality of any of the

136 foregoing, upon any terms and conditions as the United States, the  
137 state, a unit of local government, or any agency, department,  
138 district or instrumentality shall impose;

139 (v) Utility board may create, maintain and regulate  
140 reservoirs and promulgate and enforce rules and regulations for  
141 the creation and maintenance of reservoirs; and

142 (w) Make other recommendations to carry out the  
143 purposes of this act.

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

145 **SECTION 3.** Section 49-17-715, Mississippi Code of 1972, is  
146 amended as follows:

147 49-17-715. (1) There is hereby created and established a  
148 public body corporate and politic constituting a political  
149 subdivision of the State of Mississippi to be known as the "George  
150 County Utility Authority," unless the George County Board of  
151 Supervisors dissolves the authority by January 1, 2007, as  
152 provided in subsection (2). The authority will be composed of the  
153 geographic area of George County as defined in Section 19-1-39,  
154 Mississippi Code of 1972, for, in conjunction with and upon the  
155 approval and consent of the applicable local utility provider or  
156 providers, the planning, acquisition, construction, maintenance,  
157 operation and coordination of water, wastewater and storm water  
158 systems in order to ensure the delivery of water, wastewater and  
159 storm water services to citizens residing within the boundaries of  
160 George County. The George County Utility Authority shall be  
161 deemed to be acting in all respects for the benefit of the people  
162 of the state in the performance of essential public functions, and  
163 the George County Utility Authority shall be empowered in  
164 accordance with the provisions of this act to promote the health,  
165 welfare and prosperity of the general public.

166 (2) (a) The board of supervisors may dissolve the George  
167 County Utility Authority by a resolution duly adopted and entered  
168 on its minutes stating that the authority is dissolved, and

169 certifying compliance with the requirements for dissolution. The  
170 board of supervisors shall file a certified copy of the resolution  
171 with the Secretary of State and the Public Service Commission.  
172 For the dissolution to be effective, the following requirements  
173 must be met, the resolution must be adopted by January 1, 2007,  
174 and the county authority must not have any outstanding  
175 indebtedness of any kind or character nor have received any funds  
176 for the construction or operation of water, wastewater or storm  
177 water projects under this act.

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

179 (3) If the county authority is dissolved, the board of  
180 supervisors may reestablish the county authority by a resolution  
181 duly adopted and entered on its minutes stating the necessity for  
182 the county authority. The board shall file a certified copy of  
183 the resolution with the Secretary of State, the Public Service  
184 Commission and the utility board.

185 **SECTION 4.** Section 49-17-717, Mississippi Code of 1972, is  
186 amended as follows:

187 49-17-717. (1) If the authority is created, all powers of  
188 the George County Utility Authority shall be exercised by a board  
189 of directors comprised of five (5) directors appointed as follows:  
190 Within thirty (30) days of creation of the authority, the Board of  
191 Supervisors of George County shall appoint three (3) residents  
192 from the county, and the Board of Aldermen of the City of Lucedale  
193 shall appoint two (2) residents from the city. The directors  
194 shall serve at the will and pleasure of the governing body making  
195 the appointments. Any vacancy arising by expiration of a  
196 director's term, or a vacancy created by the removal of a director  
197 for any other reason, shall be filled by appointment made by the  
198 party originally responsible for the appointment of the director  
199 vacating his or her appointment.

200 (2) All business of the George County Utility Authority  
201 shall be transacted as provided in Section 49-17-741, except that

202 all actions affecting rates, bonds or capital improvements must be  
203 by unanimous vote of all members of the board and upon the  
204 approval of all affected local utility providers.

205 (3) In addition to any other powers and rights conferred  
206 upon such board of directors, the board is granted and may  
207 exercise subject to agreement with affected utility providers all  
208 powers and rights granted pursuant to Sections 49-17-739 through  
209 49-17-773 to promote the health, welfare and prosperity of the  
210 general public.

211 **SECTION 5.** Section 49-17-721, Mississippi Code of 1972, is  
212 amended as follows:

213 49-17-721. (1) All powers of the Pearl River County Utility  
214 Authority shall be exercised by a board of directors comprised of  
215 seven (7) directors appointed as follows: Within thirty (30) days  
216 of passage of this act, the Board of Supervisors of Pearl River  
217 County shall appoint four (4) residents from the county, and the  
218 Board of Aldermen of the City of Picayune shall appoint two (2)  
219 residents from the city, and the Board of Aldermen of the City of  
220 Poplarville shall appoint one (1) resident from the city. The  
221 directors shall serve at the will and pleasure of the governing  
222 body making the appointments.

223 (2) In addition to any other powers and rights conferred  
224 upon such board of directors, the board is granted and may  
225 exercise, subject to agreement with affected utility providers,  
226 all powers and rights granted pursuant to Sections 49-17-739  
227 through 49-17-773 to promote the health, welfare and prosperity of  
228 the general public.

229 **SECTION 6.** Section 49-17-725, Mississippi Code of 1972, is  
230 amended as follows:

231 49-17-725. (1) All powers of the Stone County Utility  
232 Authority shall be exercised by a board of directors comprised of  
233 five (5) directors appointed as follows: Within thirty (30) days  
234 of passage of this act, the Board of Supervisors of Stone County

235 shall appoint three (3) residents from the county, and the Board  
236 of Aldermen of the City of Wiggins shall appoint two (2) residents  
237 from the city. The directors shall serve at the will and pleasure  
238 of the governing body making the appointments.

239 (2) In addition to any other powers and rights conferred  
240 upon such board of directors, the board is granted and may  
241 exercise, subject to agreement with affected utility providers,  
242 all powers and rights granted pursuant to Sections 49-17-739  
243 through 49-17-773 to promote the health, welfare and prosperity of  
244 the general public.

245 **SECTION 7.** Section 49-17-729, Mississippi Code of 1972, is  
246 amended as follows:

247 49-17-729. (1) All powers of the Harrison County Utility  
248 Authority shall be exercised by a consolidated board consisting of  
249 the Board of Directors of the Harrison County Wastewater and Solid  
250 Waste Management District and the additional director provided  
251 under this section for a total of seven (7) directors. Upon  
252 consolidation, the Board of Supervisors of Harrison County shall  
253 appoint one (1) additional director who shall be a resident of the  
254 unincorporated area from the county. The director shall serve at  
255 the will and pleasure of the board of supervisors. The  
256 consolidated board shall consist of the mayor of each city  
257 participating in the authority and the directors appointed by the  
258 board of supervisors. Each director may appoint a delegate to  
259 represent him at a meeting of the board.

260 (2) All business of the Harrison County Utility Authority  
261 shall be transacted, subject to agreement with affected utility  
262 providers, as provided in Section 49-17-741, except that all  
263 actions affecting rates, bonds or capital improvements must be by  
264 unanimous vote of all members of the board.

265 (3) In addition to any other powers and rights conferred  
266 upon such board of directors, the board is granted and may  
267 exercise, subject to agreement with affected utility providers,



268 all powers and rights granted pursuant to Sections 49-17-739  
269 through 49-17-773 to promote the health, welfare and prosperity of  
270 the general public, including the power and right to regulate and  
271 control solid waste within its jurisdictional boundaries.

272 **SECTION 8.** Section 49-17-733, Mississippi Code of 1972, is  
273 amended as follows:

274 49-17-733. (1) Upon creation of the Jackson County Utility  
275 Authority, all powers of the Jackson County Utility Authority  
276 shall be exercised by the Board of Directors of the Mississippi  
277 Gulf Coast Regional Wastewater Authority.

278 (2) Upon consolidation of the Jackson County Utility  
279 Authority and the Mississippi Gulf Coast Wastewater Authority, the  
280 county authority shall be governed by a board consisting of seven  
281 (7) directors.

282 (a) The members of the Board of Directors of the  
283 Mississippi Gulf Coast Regional Wastewater Authority shall serve  
284 as Directors of the Jackson County Utility Authority until the  
285 expiration of their existing terms. Upon expiration of a member's  
286 term, the governing body making the appointment shall appoint a  
287 person residing within the corporate boundaries of the governing  
288 body to serve as a director.

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

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

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

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

299 (4) In addition to any other powers and rights conferred  
300 upon such board of directors, the board is granted and may

301 exercise, subject to agreement with affected utility providers,  
302 all powers and rights granted pursuant to Sections 49-17-739  
303 through 49-17-773 to promote the health, welfare and prosperity of  
304 the general public.

305 **SECTION 9.** Section 49-17-737, Mississippi Code of 1972, is  
306 amended as follows:

307 49-17-737. (1) After consolidation, all powers of the  
308 Hancock County Utility Authority shall be exercised by a board  
309 consisting of the following:

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

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

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

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

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

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

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

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

329 (2) In addition to any other powers and rights conferred  
330 upon such board of directors, the board is granted and may  
331 exercise, subject to agreement with affected utility providers,  
332 all powers and rights granted pursuant to Sections 49-17-739

333 through 49-17-773 to promote the health, welfare and prosperity of  
334 the general public.

335 **SECTION 10.** Section 49-17-739, Mississippi Code of 1972, is  
336 amended as follows:

337 49-17-739. The purpose of Sections 49-17-739 through  
338 49-17-773 is to confer certain powers, subject to agreement with  
339 affected utility providers, on the county authorities for the  
340 purpose of cooperating with federal, state and local public  
341 agencies and all local utility providers for the further  
342 development of local and regional water, wastewater and storm  
343 water services within the Gulf Coast Region. In addition to the  
344 powers over water, wastewater and storm water, the Harrison County  
345 Utility Authority is granted power over solid waste within its  
346 jurisdiction.

347 **SECTION 11.** Section 49-17-743, Mississippi Code of 1972, is  
348 amended as follows:

349 49-17-743. From and after the passage of this act, each and  
350 every county authority shall have, subject to the approval and  
351 agreement of all local utility providers affected by their  
352 actions, in addition to any other powers granted under any other  
353 provision of law, including, but not limited to, the following:

354 (a) Make recommendations to local utility providers  
355 pertaining to water, wastewater and storm water issues in the Gulf  
356 Coast Region;

357 (b) To acquire, construct, improve, enlarge, extend,  
358 repair, operate and maintain one or more of its systems used for  
359 the collection, transportation, treatment and disposal of water,  
360 wastewater and storm water;

361 (c) To make contracts with any person in furtherance  
362 thereof; and to make contracts with any person, under the terms of  
363 which the county authority will collect, transport, treat or  
364 dispose of water, wastewater and storm water for such person;

365           (d) To make contracts with any person to design and  
366 construct any water, wastewater and storm water systems or  
367 facilities, and thereafter to purchase, lease or sell, by  
368 installments over such terms as may be deemed desirable,  
369 reasonable and necessary, or otherwise, any such system or  
370 systems;

371           (e) To enter into operating agreements with any person,  
372 for such terms and upon such conditions as may be deemed  
373 desirable, for the operation of any water, wastewater and storm  
374 water systems; and the county authority may lease to or from any  
375 person, for such term and upon such conditions as may be deemed  
376 desirable, any water, wastewater and storm water collection,  
377 transportation, treatment or its other facilities or systems. Any  
378 such contract may contain provisions requiring any public agency  
379 or other person to regulate the quality and strength of materials  
380 to be handled by the respective system or systems and also may  
381 provide that the county authority shall have the right to use any  
382 streets, alleys and public ways and places within the jurisdiction  
383 of a public agency or other person during the term of the  
384 contract;

385           (f) To enter into contracts with any person or any  
386 public agency, including, but not limited to, contracts authorized  
387 by this act, in furtherance of any of the purposes authorized  
388 under this act upon such consideration as the board of directors  
389 and such person may agree. Any such contract may extend over any  
390 period of time, notwithstanding any provision or rule of law to  
391 the contrary; may be upon such terms and for such consideration,  
392 nominal or otherwise, as the parties thereto shall agree; and may  
393 provide that it shall continue in effect until bonds specified  
394 therein, refunding bonds issued in lieu of such bonds, and all  
395 other obligations specified therein are paid or terminated. Any  
396 such contract shall be binding upon the parties thereto according  
397 to its terms;

398           (g) To adopt an official seal and alter the same at  
399 pleasure;

400           (h) To sue and be sued, in its own name, and to enjoy  
401 all of the protections, immunities and benefits provided by the  
402 Mississippi Tort Claims Act, as it may be amended or supplemented  
403 from time to time;

404           (i) To maintain office space at such place or places  
405 within the county authority boundaries as it may determine;

406           (j) To invest money of the county authority, including  
407 proceeds from the sale of any bonds subject to any agreements with  
408 bondholders, on such terms and in such manner as the county  
409 authority deems proper;

410           (k) To require the necessary relocation or rerouting of  
411 roads and highways, railroad, telephone and telegraph lines, and  
412 properties, electric power lines, gas pipelines and related  
413 facilities, or to require the anchoring or other protection of any  
414 of these, provided fair compensation is first paid to the owners  
415 or an agreement with such owners regarding the payment of the cost  
416 of such relocation, and to acquire easements or rights-of-way for  
417 such relocation or rerouting and to convey the same to the owners  
418 of the property being relocated or rerouted in connection with the  
419 purposes of this act;

420           (l) Subject to the approval and agreement of all local  
421 utility providers affected by their proposed actions, to acquire,  
422 construct, improve or modify, to operate or cause to be operated  
423 and maintained, either as owner of all or of any part in common  
424 with others, any water, wastewater or storm water system within  
425 the county authority's service area. The county authority may pay  
426 all or part of the cost of any system from any contribution by  
427 persons, firms, public agencies or corporations. The county  
428 authority may receive, accept and use all funds, public or  
429 private, and pay all costs of the development, implementation and  
430 maintenance as may be determined as necessary for any project;

431           (m) Subject to the approval and agreement of all  
432 affected utility providers, to acquire, in its own name, by  
433 purchase on any terms and conditions and in any manner as it may  
434 deem proper, including by eminent domain, property for public use,  
435 or by gift, grant, lease, or otherwise, real property or easements  
436 therein, franchises and personal property necessary or convenient  
437 for its corporate purposes;

438           (n) To acquire insurance for the county authority's  
439 systems, facilities, buildings, treatment plants and all property,  
440 real or personal, to insure against all risks as any insurance  
441 may, from time to time, be available;

442           (o) To use any property and rent or lease any property  
443 to or from others, including public agencies, or make contracts  
444 for the use of the property. The county authority may sell,  
445 lease, exchange, transfer, assign, pledge, mortgage or grant a  
446 security interest for any property. The powers to acquire, use  
447 and dispose of property as set forth in this paragraph shall  
448 include the power to acquire, use and dispose of any interest in  
449 that property, whether divided or undivided. Title to any  
450 property of the county authority shall be held by the county  
451 authority exclusively for the benefit of the public;

452           (p) To apply, contract for, accept, receive and  
453 administer gifts, grants, appropriations and donations of money,  
454 materials and property of any kind, including loans and grants  
455 from the United States, the state, a unit of local government, or  
456 any agency, department, district or instrumentality of any of the  
457 foregoing, upon any terms and conditions as the United States, the  
458 state, a unit of local government, or any agency, department,  
459 district or instrumentality shall impose. The county authority  
460 may administer trusts. The county authority may sell, lease,  
461 transfer, convey, appropriate and pledge any and all of its  
462 property and assets;

463           (q) To make and enforce, and from time to time amend  
464 and repeal, bylaws, rules, ordinances and regulations for the  
465 management of its business and affairs and for the construction,  
466 use, maintenance and operation of any of the systems under its  
467 management and control;

468           (r) To employ and terminate staff and other personnel,  
469 including attorneys, engineers and consultants as may be necessary  
470 to the functioning of the county authority. The board of  
471 directors, in its discretion, may employ an executive director  
472 having the authority to employ and fire employees and other duties  
473 as determined by the board;

474           (s) To establish and maintain, subject to the approval  
475 and agreement of all local utility providers affected by its  
476 proposed actions, rates, fees and any other charges for services  
477 and the use of systems and facilities within the control of the  
478 county authority, and from time to time, to adjust such rates,  
479 fees and any other charges to the end that the revenues therefrom  
480 will be sufficient at all times to pay the expenses of operating  
481 and maintaining of the facilities and treatment systems and all of  
482 the persons' obligations under any contract or bonds resolution  
483 with respect thereto or any obligation of any person under any  
484 agreement, contract, indenture or bonds resolution with respect  
485 thereto. Such rates, fees, assessments and any other charges  
486 shall not be subject to the jurisdiction of the Mississippi Public  
487 Service Commission;

488           (t) To adopt rules and regulations necessary to  
489 accomplish the purposes of the county authority and to assure the  
490 payment, subject to the approval and agreement of all local  
491 utility providers affected by its proposed actions, of each  
492 participating person or public agency of its proportionate share  
493 of the costs for use of any of the systems and facilities of the  
494 county authority and for the county authority's proportionate  
495 share of the costs of the utility board;

496           (u) To enter, subject to the approval and agreement of  
497 all local utility providers affected by its proposed actions, on  
498 public or private lands, waters or premises for the purpose of  
499 making surveys, borings or soundings, or conducting tests,  
500 examinations or inspections for the purposes of the authority,  
501 subject to responsibility for any damage done to property entered;

502           (v) To accept industrial wastewater from within the  
503 boundaries of the county authority for treatment and to require  
504 the pretreatment of same when, in the opinion of the county  
505 authority, such pretreatment is necessary;

506           (w) To control and operate, subject to the approval and  
507 agreement of all local utility providers which might possibly be  
508 affected by its proposed actions, or which might possibly curtail  
509 the future activities of such local utility providers, local  
510 retail water, wastewater and storm water services, and may provide  
511 or be responsible for direct servicing of those services to  
512 residences, businesses and individuals; however, the county  
513 authority shall not provide the same services in an area provided  
514 by a public utility or person holding a certificate of public  
515 convenience and necessity issued by the Mississippi Public Service  
516 Commission for the provision of such services in the certificated  
517 area. Any rates, fees, assessments or other charges shall not be  
518 under the control or regulation of the Mississippi Public Service  
519 Commission;

520           (x) To assume control and administer, within the county  
521 authority's jurisdiction, any water, wastewater or storm water  
522 system or systems by agreement or contract with any person if the  
523 person providing such services requests to be relieved of that  
524 responsibility. However, the person may maintain control over  
525 connections in their service areas and may charge rates, fees and  
526 any other charges in addition to the rates, fees and any charges  
527 of the county authority;



528           (y) Subject to the approval and agreement of all  
529 affected utility providers or whose future activities might be  
530 curtailed by the actions of the county authority, the county  
531 authority shall have the power of eminent domain for the  
532 particular purpose of the acquisition of property designated by  
533 plan to sufficiently accommodate the location of water, wastewater  
534 or storm water systems and such requirements related directly  
535 thereto pursuant to the provisions of Chapter 27, Title 11,  
536 Mississippi Code of 1972. The county authority may acquire by  
537 eminent domain property necessary for any system and the exercise  
538 of the powers, rights and duties conferred upon the county  
539 authority by this act. No person owning the drilling rights or  
540 the right to share in production shall be prevented from  
541 exploring, developing or producing oil or gas with necessary  
542 rights-of-way for ingress and egress, pipelines and other means of  
543 transporting such interests on any lands or interest of the county  
544 authority held or used for the purposes of this act, but any such  
545 activities shall be subject to reasonable regulations by the board  
546 of directors that will adequately protect the systems or projects  
547 of the county authority;

548           (z) To use any legally available funds to acquire,  
549 rebuild, operate and maintain any existing water, wastewater or  
550 storm water systems owned or operated by any person;

551           (aa) To refuse to receive water, wastewater or storm  
552 water from any public agency or person; and

553           (bb) Subject to the approval and agreement of all  
554 affected utility providers or whose future activities might be  
555 curtailed by the actions of the county authority, so long as any  
556 indebtedness on the systems of the county authority remains  
557 outstanding, to require by contract with a member public agency,  
558 or other person, that all water, wastewater and storm water within  
559 the boundaries of the respective county authority be disposed of  
560 through the appropriate treatment system to the extent that the

561 same may be available, but no public agency shall be precluded  
562 from constructing, operating and maintaining its own such system  
563 after the current indebtedness owing on the system as of the  
564 effective date of this act is paid in full.

565         **SECTION 12.** Section 49-17-745, Mississippi Code of 1972, is  
566 amended as follows:

567         49-17-745. (1) Subject to the approval and agreement of all  
568 affected utility providers or whose future activities might be  
569 curtailed by the actions of the county authority, the county  
570 authority shall have the power, duty and responsibility to  
571 exercise general supervision over the design, construction,  
572 operation and maintenance of water, wastewater and storm water  
573 systems. However, all actions by a county authority that affect  
574 other utility providers are subject to the approval of those  
575 providers, whether or not those providers are subject to the  
576 county authority's jurisdiction. The county authority may, in  
577 such cases, make recommendations to local utility providers  
578 pertaining to water, wastewater and storm water issues in the Gulf  
579 Coast Region.

580         (2) Subject to the provisions of Section 49-17-745(1), the  
581 county authority shall adopt rules and regulations regarding the  
582 design, construction or installation, operation and maintenance of  
583 water, wastewater and storm water systems.

584         (3) Subject to the provisions of Section 49-17-745(1), the  
585 county authority shall adopt rules and regulations regarding the  
586 use of decentralized treatment systems, individual on-site  
587 wastewater treatment systems and centralized wastewater treatment  
588 systems.

589         (4) Subject to the provisions of Section 49-17-745(1), the  
590 county authority shall adopt rules establishing performance  
591 standards for water, wastewater and storm water systems and the  
592 operation and maintenance of the same. Such rules and regulations  
593 shall include the implementation of a standard application form

594 for the installation, operation and maintenance of such systems;  
595 application review; approval or denial procedures for any proposed  
596 system; inspection, monitoring and reporting guidelines; and  
597 enforcement procedures.

598 (5) (a) Subject to the provisions of Section 49-17-745(1),  
599 before a building or development which requires the installation  
600 of a water, wastewater or storm water system is constructed, the  
601 system must be submitted to the county authority for certification  
602 that the system complies with the county authority requirements  
603 for such system.

604 (b) Subject to the provisions of Section 49-17-745(1),  
605 before approving or renewing a water, wastewater or storm water  
606 related permit for a system within a county authority, the state  
607 agency must require certification that the system complies with  
608 the requirements of the county authority.

609 (6) Subject to the provisions of Section 49-17-745(1), any  
610 system of any municipality, public agency or other persons which  
611 becomes connected with, or tied into, the systems of the county  
612 authority shall be subject to the county authority's jurisdiction  
613 and the terms of this act. Any system of any municipality, public  
614 agency or other persons which is not connected with, or tied into,  
615 the systems of the county authority shall not be subject to the  
616 county authority's jurisdiction.

617 (7) Subject to the provisions of Section 49-17-745(1),  
618 notwithstanding the provisions of Section 51-39-1 et seq., the  
619 county authority shall have the full power to adopt rules and  
620 regulations and to construct, maintain and operate facilities for  
621 the control of storm water quality and quantity. In addition, the  
622 provisions of Section 51-33-1 et seq. relating to drainage  
623 districts and flood control districts do not apply to the county  
624 authority.

625 (8) Subject to the provisions of Section 49-17-745(1), the  
626 county authority may control and operate the local retail water,

627 wastewater or storm water services and may provide or be  
628 responsible for direct servicing of those services to residences,  
629 businesses and individuals; however, the county authority shall  
630 not provide the same service in an area provided by a public  
631 utility or person holding a certificate of public convenience and  
632 necessity issued by the Mississippi Public Service Commission for  
633 the provision of such services in the certificated area.

634 **SECTION 13.** Section 49-17-747, Mississippi Code of 1972, is  
635 amended as follows:

636 49-17-747. (1) Subject to the provisions of Section  
637 49-17-745(1), any public agency or person, pursuant to a duly  
638 adopted resolution of the governing body of such public agency or  
639 person, may enter into contracts with the county authority or  
640 county authorities under the terms of which the county authority  
641 will manage, operate and contract for usage of its systems and  
642 facilities, or other services, for such person or public agency.

643 (2) Subject to the provisions of Section 49-17-745(1), any  
644 public agency or person may enter into contracts with the county  
645 authority for the county authority to purchase or sell, by  
646 installments over such terms as may be deemed desirable, or  
647 otherwise, to any person or any systems. Any public agency may  
648 sell, donate, convey, or otherwise dispose of water, wastewater  
649 and storm water facilities or systems; or any equipment, personal  
650 property or any other things, deemed necessary for the  
651 construction, operation, and maintenance to the county authority  
652 without the necessity of appraisal, advertising, or bidding. This  
653 section creates an alternative method of disposal of public  
654 property.

655 (3) Subject to the provisions of Section 49-17-745(1), any  
656 public agency is authorized to enter into operating agreements  
657 with the county authority, for such terms and upon such conditions  
658 as may be deemed desirable, for the operation of any of its

659 systems of any person by the county authority or by any person  
660 contracting with the county authority to operate such systems.

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

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

666 (6) Subject to the provisions of Section 49-17-745(1), any  
667 such contract may contain provisions requiring any public agency  
668 or other person to regulate the quality and strength of the  
669 material to be handled by the wastewater or storm water systems  
670 and may also provide that the county authority shall have the  
671 right to use any streets, alleys and public ways and places within  
672 the jurisdiction of a public agency or other person during the  
673 term of the contract. Such contracts may obligate the public  
674 agency to make payments to the county authority or to a trustee in  
675 amounts which shall be sufficient to enable the county authority  
676 to defray the expenses of administering, operating and maintaining  
677 its respective systems, to pay interest and principal (whether at  
678 maturity upon redemption or otherwise) on bonds of the county  
679 authority, issued under this act and to fund reserves for debt  
680 service, for operation and maintenance and for renewals and  
681 replacements, to fulfill the requirements of any rate covenant  
682 with respect to debt service coverage contained in any resolution,  
683 trust indenture or other security agreement relating to the bonds  
684 of the county authority issued under this act or to fulfill any  
685 other requirement relating to bonds issued pursuant to this act.

686 (7) Subject to the provisions of Section 49-17-745(1), any  
687 public agency shall have the power to enter into such contracts  
688 with the county authority as in the discretion of the governing  
689 body of the public agency would be in the best interest of the  
690 public agency. Such contracts may include a pledge of the full  
691 faith and credit of such public agency and/or the avails of any

692 special assessments made by such public agency against property  
693 receiving benefits, as now or hereafter are provided by law. Any  
694 such contract may provide for the sale, or lease to, or use of by  
695 the county authority, of the systems or any part thereof, of the  
696 public agency; and may provide that the county authority shall  
697 operate its systems or any part thereof of the public agency; and  
698 may provide that any public agency shall have the right to  
699 continued use and/or priority use of the systems or any part  
700 thereof during the useful life thereof upon payment of reasonable  
701 charges therefor; and may contain provisions to assure equitable  
702 treatment of persons or public agencies who contract with the  
703 county authority under this act; and may contain such other  
704 provisions and requirements as the parties thereto may determine  
705 to be appropriate or necessary. Such contracts may extend over  
706 any period of time, notwithstanding any provisions of law to the  
707 contrary, and may extend beyond the life of the respective systems  
708 or any part thereof or the term of the bonds sold with respect to  
709 such facilities or improvements thereto.

710 (8) The obligations of a public agency arising under the  
711 terms of any contract referred to in this act, whether or not  
712 payable solely from a pledge of revenues, shall not be included  
713 within the indebtedness limitations of the public agency for  
714 purposes of any constitutional or statutory limitation or  
715 provision. To the extent provided in such contract and to the  
716 extent such obligations of the public agency are payable wholly or  
717 in part from the revenues and other monies derived by the public  
718 agency from the operation of its systems or of its combined  
719 systems, or any part thereof, such obligations shall be treated as  
720 expenses of operating such systems.

721 (9) Contracts referred to in this section may also provide  
722 for payments in the form of contributions to defray the cost of  
723 any purpose set forth in the contracts and as advances for the  
724 respective systems or any part thereof subject to repayment by the

725 county authority. A public agency may make such contributions or  
726 advances from its general fund or surplus fund or from special  
727 assessments or from any monies legally available therefor.

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

732 (11) Subject to the provisions of Section 49-17-745(1), and  
733 subject to the terms of a contract or contracts referred to in  
734 this act, the county authority is hereby authorized to do and  
735 perform any and all acts or things necessary, convenient or  
736 desirable to carry out the purposes of such contracts, including  
737 the fixing, charging, collecting, maintaining and revising of  
738 rates, fees and other charges for the services rendered to any  
739 user of any of the systems operated or maintained by the county  
740 authority, whether or not such systems are owned by the county  
741 authority.

742 (12) No provision of this act shall be construed to prohibit  
743 any public agency, otherwise permitted by law to issue bonds, from  
744 issuing bonds in the manner provided by law for the construction,  
745 renovation, repair or development of any of the county authority's  
746 systems, or any part thereof, owned or operated by such public  
747 agency.

748 **SECTION 14.** Section 49-17-749, Mississippi Code of 1972, is  
749 amended as follows:

750 49-17-749. Subject to the provisions of Section  
751 49-17-745(1), whenever a public agency shall have executed a  
752 contract under this act and the payments thereunder are to be made  
753 either wholly or partly from the revenues of the public agency's  
754 systems, or any part thereof, or a combination of such systems,  
755 the duty is hereby imposed on the public agency to establish and  
756 maintain and from time to time to adjust the rate or fees charged  
757 by the public agency for the services of such systems, so that the

758 revenues therefrom, together with any taxes and special  
759 assessments levied in support thereof, will be sufficient at all  
760 times to pay:

761 (a) The expense of operating and maintaining such  
762 systems, including all of the public agency's obligations to the  
763 county authority, its successors or assigns under such contract;  
764 and

765 (b) All of the public agency's obligations under and in  
766 connection with bonds theretofore issued, or which may be issued  
767 thereafter and secured by the revenues of such systems. Any such  
768 contract may require the use of consulting engineers and financial  
769 experts to advise the public agency whether and when such rates  
770 and fees are to be adjusted.

771 **SECTION 15.** Section 49-17-751, Mississippi Code of 1972, is  
772 amended as follows:

773 49-17-751. (1) Subject to the approval and agreement of all  
774 affected utility providers or whose future activities might be  
775 curtailed by the actions of the county authority and  
776 notwithstanding the provisions of Sections 77-3-21 and 77-3-23,  
777 Mississippi Code of 1972, the certificate of public convenience  
778 and necessity held by any municipality, public agency, district,  
779 public utility or other person authorized by law to provide water,  
780 sewer and wastewater services may be cancelled and its powers,  
781 duties and responsibilities transferred to the county authority in  
782 the manner provided by this section.

783 (2) Any entity described in subsection (1) of this section  
784 desiring to have its certificate of public convenience and  
785 necessity cancelled and its powers, duties and responsibilities  
786 transferred to the county authority shall make a determination to  
787 that effect on its official minutes if a public entity, or by  
788 affidavit if not a public entity, and transmit such determination  
789 to the county authority.



790           (3) Upon receipt of the document evidencing such  
791 determination from an entity to transfer its powers, duties and  
792 responsibilities to the county authority, the county authority  
793 shall, by resolution, declare whether it is willing and able to  
794 accept such transfer from the entity.

795           (4) Upon completion of the requirements of subsections (2)  
796 and (3) herein and agreement by both parties to the transfer, the  
797 holder of the certificate of public convenience and necessity and  
798 the county authority shall jointly petition the Public Service  
799 Commission to cancel the certificate of public convenience and  
800 necessity. The petition must be accompanied by copies of the  
801 official minutes, affidavit or resolution, as the case may be,  
802 reflecting the actions of the petitioners. After review of the  
803 petition and any other evidence as the Public Service Commission  
804 deems necessary, the commission may issue an order cancelling the  
805 certificate and transferring to the county authority the powers,  
806 duties and responsibilities granted by the certificate, including  
807 all assets and debts of the transferor petitioner related to such  
808 certificated services, real or personal, or both, if it finds  
809 that:

810                   (a) Subsections (2) and (3) of this section have been  
811 complied with; and

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

813           (5) Subject to the provisions of Sections 49-17-745(1) and  
814 49-17-751(1), the county authority and providers of water, sewer,  
815 wastewater and storm water services that are not holders of a  
816 certificate of a public convenience and necessity from the Public  
817 Service Commission may enter into agreements for the provision of  
818 such services, including, but not limited to, the transfer to the  
819 county authority of such provider's powers, duties,  
820 responsibilities, assets and debts.

821           **SECTION 16.** Section 49-17-773, Mississippi Code of 1972, is  
822 amended as follows:

823           49-17-773. For the purposes of satisfying any temporary cash  
824 flow demands and deficiencies, and to maintain a working balance  
825 for the county authority, the county, municipalities or public  
826 agencies or any local utility provider or providers within the  
827 geographic boundaries of the county authority, or other persons,  
828 subject to their lawful authority to do so, are authorized to  
829 advance, at any time, such funds which, in its discretion, are  
830 necessary, or borrow such funds by issuance of notes, for initial  
831 capital contribution and to cover start-up costs until such times  
832 as sufficient bonds, assets and revenues have been secured to  
833 satisfy the needs of the county authority for its management,  
834 operation and formation. To this end, the county, municipality,  
835 public agency or person, subject to their lawful authority to do  
836 so, shall advance such funds, or borrow such funds by issuance of  
837 notes, under such terms and conditions as may be provided by  
838 resolution of the governing body, or other persons as defined in  
839 this act, subject to their lawful authority to do so, except that  
840 each such resolution shall state:

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

842           (b) The amount to be advanced or the amount to be  
843 borrowed;

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

847           (d) In addition, the governing body, or other persons  
848 as defined in this act, subject to their lawful authority to do  
849 so, may arrange for lines of credit with any bank, firm or person  
850 for the purpose of providing an additional source of repayment for  
851 notes issued pursuant to this section. Amounts drawn on a line of  
852 credit may be evidenced by negotiable or nonnegotiable notes or  
853 other evidences of indebtedness and contain such terms and  
854 conditions as the governing body, or other persons as defined in

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

857 (e) The governing body of the county, municipalities or  
858 other persons as defined in this act, subject to their lawful  
859 authority to do so, may authorize the repayment of such advances,  
860 notes, lines of credit and other debt incurred under this section,  
861 along with all costs associated with the same, including, but not  
862 limited to, rating agency fees, printing costs, legal fees, bank  
863 or trust company fees, line of credit fees and other charges to be  
864 reimbursed by the county authority under such terms and conditions  
865 as are reasonable and are to be provided for by resolution of the  
866 governing body, or terms agreed upon with other persons as defined  
867 in this act, subject to their lawful authority to do so;

868 (f) In addition, the governing body of the county,  
869 municipality or public agency may lease or donate office space and  
870 equipment to the county authority under such terms and conditions  
871 as are reasonable and are to be provided for by resolution of the  
872 governing body, or terms agreed upon by the county authority.

873 **SECTION 17.** This act shall take effect and be in force from  
874 and after its passage.