

By: Representative Robinson (84th)

To: Public Utilities;
Appropriations

HOUSE BILL NO. 1501

1 AN ACT TO AMEND SECTION 77-15-1, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE SUCCESSORS IN OFFICE TO EACH OF THE BOARD MEMBERS
3 OF THE CHICKASAWHAY NATURAL GAS DISTRICT WHO WERE INITIALLY
4 APPOINTED FROM THE INDIVIDUAL COUNTIES IN THE DISTRICT SHALL BE
5 ELECTED ONLY BY THE SYSTEM-USERS WHO RESIDE IN THOSE INDIVIDUAL
6 COUNTIES AND NOT BY ALL OF THE SYSTEM-USERS IN THE DISTRICT; TO
7 PROVIDE PROCEDURES FOR THE CONDUCT OF THE ELECTION OF BOARD
8 MEMBERS; TO AUTHORIZE THE BOARD TO ADOPT RULES AND REGULATIONS
9 PERTAINING TO SUCH ELECTIONS THAT DO NOT CONFLICT WITH THIS LAW;
10 TO AUTHORIZE THE DISTRICT TO SELL CERTAIN APPLIANCES; TO REMOVE
11 THE REPEAL DATE OF JULY 1, 2007, ON THE LAW ESTABLISHING THE
12 DISTRICT; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Section 77-15-1, Mississippi Code of 1972, is
15 amended as follows:

16 77-15-1. (1) Notwithstanding any other provisions of law to
17 the contrary, all local natural gas districts containing two (2)
18 or more municipalities and nonmunicipal customers shall establish
19 and maintain a board of directors composed of: (a) the mayors of
20 each municipality within the district whose terms shall be
21 concurrent with their terms of office as mayor; and (b) one (1)
22 system-user from each county within the district, who shall not be
23 a public official. The county system-user board members shall be
24 elected by the system-users residing outside of a municipality, in
25 the county in which such board member resides. In order to
26 qualify as a candidate for election to the board, each person
27 shall obtain, on a petition, twenty-five (25) signatures from
28 system-users in the county in which such person resides. The
29 signatures shall be of system-users residing outside of a
30 municipality and the candidate shall be a system-user who resides
31 outside of a municipality. The board shall call an election
32 within fifteen (15) days after July 1, 1989, to be held within

33 sixty (60) days from the date such election is called. From and
34 after July 1, 2007, the procedures for, and conduct of, the
35 election of board members of the district shall be held in
36 accordance with the provisions of subsection (7) of this section.
37 Those persons elected to the board shall serve until the next
38 general election for supervisors and the election for such board
39 members thereafter shall be held at the same time as the
40 supervisor elections and the terms of such board members shall be
41 concurrent with the terms of the supervisors. The board of
42 directors, including any mayors who serve on the board, shall be
43 entitled to compensation as follows: (a) the chairperson of the
44 board shall receive Two Hundred Fifty Dollars (\$250.00) per month,
45 and (b) all other board members shall receive Two Hundred Dollars
46 (\$200.00) per month. The chairperson and vice chairperson shall
47 be elected by and from the entire membership of the governing
48 board at the first meeting in July of each year. The vice
49 chairperson shall preside over meetings as the chairperson in the
50 absence or incapacity of the chairperson. In addition, an
51 official meeting may be called at any time by a two-thirds (2/3)
52 proclamation by the board membership.

53 (2) Two (2) board municipal/county system-user board members
54 who reside in his or her respective county, and must be customers
55 of the district, and who must be system-users shall be appointed
56 as follows for his or her initial term: (a) one (1) board member
57 from the county lying in the northern section of the district,
58 appointed by the Lieutenant Governor; and (b) one (1) board member
59 from the county lying in the southern section of the district,
60 appointed by the Governor. The appointed board municipal/county
61 system-user board members may be elected public officials.

62 The initial terms of the two (2) municipal/county system-user
63 board members shall begin July 1, 2005, and shall serve until June
64 30, 2008, and thereafter the municipal/county system-user board
65 members, as described in this subsection (2), shall be

66 elected * * * by the municipal and county system-users as follows:
67 The successors in office to the board member who was appointed
68 from the county lying in the northern section of the district
69 shall be elected only by the municipal and county system-users who
70 reside in that county and not by all of the system-users in the
71 district. The successors in office to the board member who was
72 appointed from the county lying in the southern section of the
73 district shall be elected only by the municipal and county
74 system-users who reside in that county and not by all of the
75 system-users in the district.

76 The municipal/county system-user board members shall be
77 compensated as prescribed in subsection (1) of this section.

78 (3) All board members shall file any required statements of
79 economic interest with the Ethics Commission as required by law.
80 This section shall not apply to any local natural gas district
81 which leases its distribution system to an investor-owned utility
82 company regulated by the Public Service Commission.

83 (4) From and after July 1, 2004, the Board of Directors of
84 the Chickasawhay Natural Gas District shall discontinue
85 distribution of any of the revenues of the district to
86 municipalities within the district.

87 (5) The provisions of this section shall only apply to the
88 Chickasawhay Natural Gas District.

89 (6) The Chickasawhay Natural Gas District is authorized to
90 sell household appliances and heating products.

91 (7) The provisions of this subsection shall govern the
92 procedure for, and conduct of, any election of the board of
93 directors of the district. The board may adopt any rules and
94 regulations pertaining to the election of the board of directors
95 of the district that are not inconsistent and do not conflict with
96 the provisions of this subsection.

97 (a) Notice of the election of one (1) or more members
98 of the board of directors shall be sent by regular United States

99 mail to each system-user not less than thirty (30) days and not
100 more than sixty (60) days from the election date. The notice
101 shall state the time, place and manner in which the system-users
102 may vote for the board of directors.

103 (b) The election shall be held in a manner and
104 according to procedures to be established by rules and regulations
105 adopted by the board before the giving of notice of the election,
106 and a printed copy of such rules and regulations shall accompany
107 the notice.

108 (c) The rules and regulations for the conduct of the
109 election shall include the following provisions:

110 (i) To qualify as a candidate, a person must
111 submit to the board, not less than twenty (20) days before the
112 election, a petition containing the signatures of twenty-five (25)
113 system-users in the county in which the candidate resides;

114 (ii) Notice of the nomination of qualified
115 candidates sent by regular United States mail to the system-users
116 at least ten (10) days before the date of the election;

117 (iii) The method of voting on the date of the
118 election shall be by personal attendance at the district's office
119 in Waynesboro, by personal attendance at the district's office in
120 Quitman, or by proxy;

121 (iv) Each system-user shall have one (1)
122 vote, provided that when a billing for service is made to more
123 than one (1) person at a single address or location, each such
124 person shall be limited to casting a pro rata share of the one (1)
125 vote to which the billing address or location is entitled; and

126 (v) The time of the election shall be fixed
127 between the hours of 10:00 a.m. and 6:00 p.m. on a day of the week
128 other than Sunday.

129 (d) A Certified Public Accountant appointed by the
130 board shall count all votes, whether cast by personal attendance

131 or by proxy, and he shall certify the results of the election to
132 the board within ten (10) days of the election.

133 **SECTION 2.** The Attorney General of the State of Mississippi
134 shall submit this act, immediately upon approval by the Governor,
135 or upon approval by the Legislature subsequent to a veto, to the
136 Attorney General of the United States or to the United States
137 District Court for the District of Columbia in accordance with the
138 provisions of the Voting Rights Act of 1965, as amended and
139 extended.

140 **SECTION 3.** This act shall take effect and be in force from
141 and after July 1, 2007, or the date it is effectuated under
142 Section 5 of the Voting Rights Act of 1965, as amended and
143 extended, whichever is the later date.