

By: Senator(s) King

To: Public Utilities

SENATE BILL NO. 2690
(As Sent to Governor)

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

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

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

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

32 sixty (60) days from the date such election is called. From and
33 after July 1, 2007, the procedures for, and conduct of, the
34 election of board members of the district shall be held in
35 accordance with the provisions of subsection (6) of this section.
36 Those persons elected to the board shall serve until the next
37 general election for supervisors and the election for such board
38 members thereafter shall be held at the same time as the
39 supervisor elections and the terms of such board members shall be
40 concurrent with the terms of the supervisors. The board of
41 directors, including any mayors who serve on the board, shall be
42 entitled to compensation as follows: (a) the chairperson of the
43 board shall receive Two Hundred Fifty Dollars (\$250.00) per month,
44 and (b) all other board members shall receive Two Hundred Dollars
45 (\$200.00) per month. The chairperson and vice chairperson shall
46 be elected by and from the entire membership of the governing
47 board at the first meeting in July of each year. The vice
48 chairperson shall preside over meetings as the chairperson in the
49 absence or incapacity of the chairperson. In addition, an
50 official meeting may be called at any time by a two-thirds (2/3)
51 proclamation by the board membership.

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

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

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

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

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

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

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

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

94 (a) Notice of the election of one (1) or more members
95 of the board of directors shall be sent by regular United States
96 mail to each system-user not less than thirty (30) days and not
97 more than sixty (60) days from the election date. The notice

98 shall state the time, place and manner in which the system-users
99 may vote for the board of directors.

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

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

107 (i) To qualify as a candidate, a person shall not
108 be a public official and must be a county system-user and such
109 person must submit to the board, not less than twenty (20) days
110 before the election, a petition containing the signatures of
111 twenty-five (25) system-users in the county in which the candidate
112 resides;

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

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

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

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

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

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

132 (7) This section shall stand repealed on July 1, 2010.

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.