

By: Senator(s) Burton

To: Local and Private;
Finance

SENATE BILL NO. 3239

1 AN ACT TO AMEND CHAPTER 998, LOCAL AND PRIVATE LAWS OF 1998,
2 TO AUTHORIZE THE BOARDS OF SUPERVISORS OF LEAKE AND NESHOPA
3 COUNTIES TO PARTICIPATE IN THE SEBASTOPOL NATURAL GAS DISTRICT; TO
4 REVISE THE BOUNDARIES OF THE SEBASTOPOL NATURAL GAS DISTRICT; AND
5 FOR RELATED PURPOSES.

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

7 **SECTION 1.** Chapter 998, Local and Private Laws of 1998, is
8 amended as follows:

9 Section 1. The Board of Supervisors of Scott County,
10 Mississippi, is authorized to create and participate in the
11 "Sebastopol Natural Gas District." The Board of Supervisors of
12 Newton County, Mississippi, may participate in the Sebastopol
13 Natural Gas District if it is authorized to do so by separate
14 legislation. If the Board of Supervisors of Newton County is
15 authorized by separate legislation to participate in the
16 Sebastopol Natural Gas District, its participation shall be
17 governed by the provisions of this act. The Board of Supervisors
18 of Leake County, Mississippi, by resolution duly adopted and
19 entered on its minutes, may participate in the Sebastopol Natural
20 Gas District and its participation shall be governed by the
21 provisions of this act. The Board of Supervisors of Neshoba
22 County, Mississippi, by resolution duly adopted and entered on its
23 minutes, may participate in the Sebastopol Natural Gas District
24 and its participation shall be governed by the provisions of this
25 act.

26 Section 2. The Sebastopol Natural Gas District shall be
27 activated by resolution duly adopted and entered on the minutes of

28 the Board of Supervisors of Scott County. The district shall be
29 composed of the following area:

30 "Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22,
31 23 and 24 of Township 8 North, Range 9 East, in Scott
32 County, Mississippi, and, if the Board of Supervisors of
33 Newton County is authorized by separate legislation to
34 participate in the Sebastopol Natural Gas District, the
35 district also shall be composed of Sections 1, 2, 3, 4,
36 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19,
37 20, 21, 23 and 24 of Township 8 North, Range 10 East in
38 Newton County, Mississippi, and Sections 2, 3, 4, 5, 6,
39 7, 8, 9, 18 and 19 of Township 8 North, Range 11 East in
40 Newton County, Mississippi. If the Board of Supervisors
41 of Leake County, by resolution duly adopted and entered
42 on its minutes, chooses to participate in the district,
43 the district shall also be composed of Sections 22, 23,
44 24, 25, 26, 27, 34, 35 and 36 of Township 9 North, Range
45 9 East in Leake County. If the Board of Supervisors of
46 Neshoba County, by resolution duly adopted and entered
47 on its minutes, chooses to participate in the district,
48 the district shall also be composed of Sections 19, 20,
49 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34 of Township 9
50 North, Range 10 East in Neshoba County."

51 Section 3. The Sebastopol Natural Gas District shall be and
52 is declared to be a valid political subdivision of the State of
53 Mississippi, with the power to sue and be sued and to contract and
54 be contracted with.

55 Section 4. It is found and declared that the object and
56 purpose of creating the district is to provide natural gas service
57 to the residents of the area described in Section 2 of this act
58 and to provide ways and means to carry out and accomplish such
59 purpose, thereby benefiting and making more valuable the lands in
60 the district and preserving and promoting the health, safety and

61 convenience of the residents of the district. In order to carry
62 out and render effective such object and purpose the courts of
63 this state shall construe this act as an exercise by the
64 Legislature of all the power appertaining to it, necessary for the
65 benefit of the health, safety and convenience of the residents of
66 the district; and the necessity in the public interest of the
67 state at large for the provision of this act are declared as a
68 matter of legislative determination. All the terms and provisions
69 of this act are to be liberally construed to effectuate the
70 purposes set forth in this act and all powers required to
71 accomplish the purposes of this act are granted and conferred,
72 including the power to employ engineers and attorneys at such
73 reasonable compensation as the board of commissioners determines.

74 Section 5. (1) From and after the effective date of this
75 act, the powers of the Sebastopol Natural Gas District shall be
76 vested in and exercised by an interim board of commissioners which
77 shall consist of six (6) members to be composed as follows:

78 (a) The Supervisor for District Five of Scott County,
79 Mississippi;

80 (b) The Supervisor for District Three of Newton County,
81 Mississippi; and

82 (c) Four (4) residents of the district to be appointed
83 by the Governor, their terms of office of which shall expire upon
84 completion of the construction of the district's natural gas
85 transmission and distribution system. The resident members of the
86 board to serve after the initial appointees' terms have expired
87 shall be selected in the manner prescribed in subsection (2) of
88 this section.

89 If the Newton County Board of Supervisors is not authorized
90 by separate legislation to participate in the district, then the
91 Supervisor for District Three of Newton County shall not be a
92 member of the board of commissioners and the board shall consist

93 only of the Supervisor for District Five of Scott County and four
94 (4) resident members.

95 (2) Promptly upon the commencement of natural gas service by
96 the district to not less than one hundred (100) individually
97 billed users, the commissioners shall give notice to each user of
98 an initial election to be held at a time not less than thirty (30)
99 days nor more than sixty (60) days from such date. The notice
100 shall state the time, place and manner in which the users may vote
101 upon the selection of subsequent resident members of the board to
102 serve terms of one (1), two (2), three (3) and four (4) years,
103 respectively, by ballot of all users of the district. Such
104 election shall be held in a manner and according to procedures to
105 be established by rules and regulations adopted by the board
106 before the giving of notice of such election, and a printed copy
107 of such rules and regulations shall accompany the notice to be
108 forwarded by regular mail to the users.

109 Rules and regulations for the conduct of the election shall
110 provide for a method of nomination of commissioners, notice of
111 such nominations to be provided to users not less than thirty (30)
112 days before the date upon which the election is to be held, along
113 with a method of balloting by mail as well as personal attendance
114 at the time and place of election, a method of balloting by proxy
115 vote, and a method of making additional nominations by users in
116 addition to any nominations proposed by the board of
117 commissioners. The time of the election shall be fixed between
118 the hours of 10:00 a.m. and 6:00 p.m. on a day of the week other
119 than Sunday.

120 In this and all succeeding elections, each user of the
121 district shall have one (1) vote; provided that when a billing is
122 made to more than one (1) person at a single location, each such
123 person shall be limited to casting a pro rata share of the one (1)
124 vote to which the billing location is entitled.

125 Subsequent to the initial election, there shall be held an
126 election annually on a date and in a manner substantially
127 conforming to the initial election, except that in each annual
128 election following the initial election, commissioners shall be
129 elected to terms of three (3) years.

130 (3) Vacancies in the office of commissioner during the
131 interim period by an appointee of the Governor shall be filled by
132 appointment of the Governor and, following the holding of the
133 initial election, shall be filled for the unexpired term by the
134 remaining commissioners.

135 Section 6. The board shall have the power to make such rules
136 and regulations as it deems necessary to the operation of the
137 district and the subsequent election of commissioners and shall
138 possess all necessary power and authority to construct and acquire
139 a natural gas transmission and distribution system and to issue
140 revenue bonds to finance the construction thereof. The amount of
141 revenue bonds authorized to be issued shall not exceed an
142 aggregate of Ten Million Dollars (\$10,000,000.00). Except as
143 otherwise provided in this act, all powers with respect to natural
144 gas transmission and distribution systems granted to
145 municipalities of this state by Sections 21-27-11 through
146 21-27-69, Mississippi Code of 1972, including the issuance of
147 revenue bonds, are conferred upon and may be exercised within the
148 district by the board as if the system and financing thereof as
149 provided in this act were done pursuant to such sections.

150 Section 7. The commission shall have full power and
151 authority to issue all bonds of the district, but before issuing
152 any bonds, the commission shall adopt a resolution declaring its
153 intention so to do, stating the amount of the bonds proposed to be
154 issued and the date upon which the commission proposes to direct
155 the issuance of such bonds. Such resolution shall be published
156 once a week for at least three (3) consecutive weeks in at least
157 one (1) newspaper qualified under the provisions of Section

158 13-3-31, Mississippi Code of 1972, in the county or counties in
159 which the district lies and having a general circulation in the
160 district which lies in such county or counties. The first
161 publication of such resolution shall be made not less than
162 twenty-one (21) days before the date fixed in the resolution for
163 the issuance of the bonds, and the last publication shall be made
164 not more than seven (7) days before such date. If ten percent
165 (10%) of the users of the district file a written protest against
166 the issuance of the bonds on or before the date specified in the
167 resolution, then an election on the question of the issuance of
168 the bonds shall be called and held in the manner to be provided by
169 the commission by rules and regulations promulgated before the
170 adoption of the resolution declaring the commission's intention to
171 issue the bonds.

172 Section 8. For the purposes of Section 77-3-1, Mississippi
173 Code of 1972, the gas transmission and distribution system of the
174 district shall be deemed to be a municipal gas system not subject
175 to the jurisdiction of the Mississippi Public Service Commission,
176 except as otherwise provided by Section 77-3-1, Mississippi Code
177 of 1972, and in this act.

178 Section 9. Any revenue bonds issued under the provisions of
179 this act may be submitted to validation under the provisions of
180 Sections 31-13-1 through 31-13-11, Mississippi Code of 1972.

181 Section 10. If any provision of this act is held to be
182 invalid by any court of competent jurisdiction, the remainder of
183 this act shall not be affected thereby.

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185 **SECTION 2.** This act shall take effect and be in force from
186 and after its passage.