

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.