

By: Representative Shirley

To: Public Utilities

HOUSE BILL NO. 53

1 AN ACT TO AMEND SECTION 77-15-1, MISSISSIPPI CODE OF 1972, TO  
2 DELETE THE PROHIBITION ON THE BOARD OF THE CHICKASAWHAY NATURAL  
3 GAS DISTRICT FROM DISTRIBUTING ANY OF THE REVENUES TO  
4 MUNICIPALITIES WITHIN THE DISTRICT; AND FOR RELATED PURPOSES.

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

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

8 77-15-1. (1) Notwithstanding any other provisions of law to  
9 the contrary, all local natural gas districts containing two (2)  
10 or more municipalities and nonmunicipal customers shall establish  
11 and maintain a board of directors composed of: (a) the mayors of  
12 each municipality within the district whose terms shall be  
13 concurrent with their terms of office as mayor; and (b) one (1)  
14 system-user from each county within the district, who shall not be  
15 a public official. The county system-user board members shall be  
16 elected by the system-users residing outside of a municipality, in  
17 the county in which such board member resides. In order to  
18 qualify as a candidate for election to the board, each person  
19 shall obtain, on a petition, twenty-five (25) signatures from



20 system-users in the county in which such person resides. The  
21 signatures shall be of system-users residing outside of a  
22 municipality and the candidate shall be a system-user who resides  
23 outside of a municipality. The board shall call an election  
24 within fifteen (15) days after July 1, 1989, to be held within  
25 sixty (60) days from the date such election is called. From and  
26 after July 1, 2007, the procedures for, and conduct of, the  
27 election of board members of the district shall be held in  
28 accordance with the provisions of subsection ( \* \* \* 5) of this  
29 section. Those persons elected to the board shall serve until the  
30 next general election for supervisors and the election for such  
31 board members thereafter shall be held at the same time as the  
32 supervisor elections and the terms of such board members shall be  
33 concurrent with the terms of the supervisors. The board of  
34 directors, including any mayors who serve on the board, shall be  
35 entitled to compensation as follows: (a) the chairperson of the  
36 board shall receive Two Hundred Fifty Dollars (\$250.00) per month,  
37 and (b) all other board members shall receive Two Hundred Dollars  
38 (\$200.00) per month. The chairperson and vice chairperson shall  
39 be elected by and from the entire membership of the governing  
40 board at the first meeting in July of each year. The vice  
41 chairperson shall preside over meetings as the chairperson in the  
42 absence or incapacity of the chairperson. In addition, an  
43 official meeting may be called at any time by a two-thirds (2/3)  
44 proclamation by the board membership.



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

54           The initial terms of the two (2) municipal/county system-user  
55 board members shall begin July 1, 2005, and shall serve until June  
56 30, 2008, and thereafter the municipal/county system-user board  
57 members, as described in this subsection (2), shall be elected by  
58 the municipal and county system-users as follows: The successors  
59 in office to the board member who was appointed from the county  
60 lying in the northern section of the district shall be elected  
61 only by the municipal and county system-users who reside in that  
62 county and not by all of the system-users in the district. The  
63 successors in office to the board member who was appointed from  
64 the county lying in the southern section of the district shall be  
65 elected only by the municipal and county system-users who reside  
66 in that county and not by all of the system-users in the district.

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



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

74 \* \* \*

75 ( \* \* \*4) The provisions of this section shall only apply to  
76 the Chickasawhay Natural Gas District.

77 ( \* \* \*5) The provisions of this subsection shall govern the  
78 procedure for, and conduct of, any election of the board of  
79 directors of the district. The board may adopt any rules and  
80 regulations pertaining to the election of the board of directors  
81 of the district that are not inconsistent and do not conflict with  
82 the provisions of this subsection.

83 (a) Notice of the election of one or more members of  
84 the board of directors shall be sent by regular United States mail  
85 to each system-user not less than thirty (30) days and not more  
86 than sixty (60) days from the election date. The notice shall  
87 state the time, place and manner in which the system-users may  
88 vote for the board of directors.

89 (b) The election shall be held in a manner and  
90 according to procedures to be established by rules and regulations  
91 adopted by the board before the giving of notice of the election,  
92 and a printed copy of such rules and regulations shall accompany  
93 the notice.



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

96 (i) To qualify as a candidate, a person shall not  
97 be a public official and must be a county system-user and such  
98 person must submit to the board, not less than twenty (20) days  
99 before the election, a petition containing the signatures of  
100 twenty-five (25) system-users in the county in which the candidate  
101 resides;

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

105 (iii) The method of voting on the date of the  
106 election shall be by personal attendance at the district's office  
107 in Waynesboro, by personal attendance at the district's office in  
108 Quitman, or by proxy;

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

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

117 (d) A certified public accountant appointed by the  
118 board shall count all votes, whether cast by personal attendance



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

121         **SECTION 2.** This act shall take effect and be in force from  
122 and after July 1, 2018.

