

By: Senator(s) Whaley

To: Energy

SENATE BILL NO. 2431

1 AN ACT TO AMEND SECTION 21-27-13, MISSISSIPPI CODE OF 1972,
2 TO RECONSTITUTE AND PROVIDE FOR COUNTY CONTROL OVER THE HOLLY
3 SPRINGS, MISSISSIPPI, UTILITY DEPARTMENT; TO AMEND SECTION
4 21-27-15, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 21-27-13, Mississippi Code of 1972, is
8 amended as follows:

9 21-27-13. The governing authorities of any municipality
10 which now owns and operates, or hereafter shall own and operate,
11 any system or systems shall have the power and authority to create
12 a commission to control, manage and operate such systems, or any
13 one or more of them, which said commission shall consist of not
14 less than three (3) nor more than five (5) commissioners, to be
15 elected by the governing authorities of such municipality. In any
16 municipality operating under the council-manager plan of
17 government, such commissioners shall be selected by, and shall be
18 under the control of, the mayor and councilmen of the
19 municipality, and not the city or town manager. Beginning July 1,



20 2023, in the City of Holly Springs, Mississippi, said commission
21 will be reconstituted and such commissioners shall be selected by,
22 and shall be under the control of, the Marshall County Board of
23 Supervisors. Such commissioners shall have the power, authority
24 and duty to manage and control said system or systems and the
25 supply of the facilities and services thereof, both within and
26 without the limits of the municipality. Such commissioners shall
27 be qualified electors of the municipality and shall not hold any
28 other municipal office for honor or profit. Such commissioners
29 shall receive such compensation as may be specified and provided
30 by the governing authorities of said municipality, or in the case
31 of Holly Springs, Mississippi, by the Marshall County Board of
32 Supervisors; provided, however, that any commission formed for the
33 purpose of establishing a motor vehicle transportation system for
34 the transportation of passengers within the boundaries of the
35 governmental unit or units concerned, and within three (3) miles
36 thereof, may pay its commissioners from the operating budget of
37 such commission per diem compensation in the amount provided by
38 Section 25-3-69 for each day or fraction of a day engaged in
39 attendance of meetings of the commission or engaged in other
40 official duties of the commission, not to exceed forty-five (45)
41 days in any one (1) year. The governing authorities of the
42 municipality, or in the case of Holly Springs, Mississippi, the
43 Marshall County Board of Supervisors, are hereby authorized and
44 empowered to require such commissioners to furnish bonds for the



45 faithful performance of their duties, in the amount as may be
46 deemed proper, and to pay the premiums thereon from the municipal
47 treasury or the available funds of the said system or systems.
48 Where there are three (3) members of such commission, the term of
49 office shall be for a period of three (3) years, and where there
50 are four (4) members the term of office shall be for a period of
51 four (4) years, and where there are five (5) members the term of
52 office shall be for a period of five (5) years. However, in
53 making the first appointment of commissioners, one (1) shall be
54 appointed for a term of one (1) year, one (1) for a term of two
55 (2) years, one (1) for a term of three (3) years and, where
56 necessary, one (1) for a term of four (4) years, and one (1) for a
57 term of five (5) years, so that thereafter the term of office of
58 one (1) commissioner shall expire each year. Where the governing
59 authorities of the municipality do not elect to create a
60 commission as herein provided, then any system or systems owned
61 and operated by the municipality shall be controlled and managed
62 by the governing authorities of the municipality, who shall have
63 all the power and authority conferred upon such commission.

64 **SECTION 2.** Section 21-27-15, Mississippi Code of 1972, is
65 amended as follows:

66 21-27-15. The governing authorities of such municipality
67 shall have the power to remove any member of said commission for
68 inefficiency or incompetency or any other cause, but the governing
69 authority of any municipality which has created a commission under



70 the terms of Section 21-27-13, shall not have authority to abolish
71 the commission, or to diminish its powers, except by a vote of a
72 majority of the qualified electors of such municipality at a
73 special election, duly called and held for that purpose. However,
74 nothing herein shall limit, alter, impair or in any way change the
75 procedure prescribed for the sale or lease of a public utility
76 system under Section 21-27-33. The provisions of this section
77 shall not apply to the City of Holly Springs, Mississippi.

78 **SECTION 3.** This act shall take effect and be in force from
79 and after July 1, 2023.

