

By: Senator(s) McCaughn

To: Local and Private

SENATE BILL NO. 3273

1 AN ACT TO AMEND CHAPTER 998, LOCAL AND PRIVATE LAWS OF 1998,
2 AS LAST AMENDED BY CHAPTER 931, LOCAL AND PRIVATE LAWS OF 2015, TO
3 EXPAND THE BOUNDARIES OF THE SEBASTOPOL NATURAL GAS DISTRICT; AND
4 FOR RELATED PURPOSES.

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

6 **SECTION 1.** Chapter 998, Local and Private Laws of 1998, as
7 amended by Chapter 943, Local and Private Laws of 2008, as amended
8 by Chapter 948, Local and Private Laws of 2012, as amended by
9 Chapter 930, Local and Private Laws of 2013, as amended by Chapter
10 943, Local and Private Laws of 2014, as amended by Chapter 931,
11 Local and Private Laws of 2015, is amended as follows:

12 Section 1. The Board of Supervisors of Scott County,
13 Mississippi, is authorized to create and participate in the
14 "Sebastopol Natural Gas District." The Board of Supervisors of
15 Newton County, Mississippi, may participate in the Sebastopol
16 Natural Gas District if it is authorized to do so by separate
17 legislation. If the Board of Supervisors of Newton County is
18 authorized by separate legislation to participate in the
19 Sebastopol Natural Gas District, its participation shall be



governed by the provisions of this act. The Board of Supervisors of Leake County, Mississippi, by resolution duly adopted and entered on its minutes, may participate in the Sebastopol Natural Gas District and its participation shall be governed by the provisions of this act. The Board of Supervisors of Neshoba County, Mississippi, by resolution duly adopted and entered on its minutes, may participate in the Sebastopol Natural Gas District and its participation shall be governed by the provisions of this act.

Section 2. The Sebastopol Natural Gas District shall be activated by resolution duly adopted and entered on the minutes of the Board of Supervisors of Scott County. The district shall be composed of the following area:

"Sections 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 25, 26, 27 and 28 of Township 8 North, Range 9 East, in Scott County, Mississippi, and, if the Board of Supervisors of Newton County is authorized by separate legislation to participate in the Sebastopol Natural Gas District, the district also shall be composed of Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 of Township 7 North, Range 10 East, in Newton County, Mississippi, and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29 * * *, 30, 32, 33, 34, 35



45 and 36 of Township 8 North, Range 10 East, in Newton
46 County, Mississippi, and Sections 2, 3, 4, 5, 6, 7, 8,
47 9, 10, 11, 18, 19, 20, 29 and 30 of Township 8 North,
48 Range 11 East, in Newton County, Mississippi. If the
49 Board of Supervisors of Leake County, by resolution duly
50 adopted and entered on its minutes, chooses to
51 participate in the district, the district shall also be
52 composed of Sections 21, 22, 23, 24, 25, 26, 27, 28, 33,
53 34, 35 and 36 of Township 9 North, Range 9 East, in
54 Leake County. If the Board of Supervisors of Neshoba
55 County, by resolution duly adopted and entered on its
56 minutes, chooses to participate in the district, the
57 district shall also be composed of Sections 1, 2, 3, 4,
58 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19,
59 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33,
60 34, 35 and 36 of Township 9 North, Range 10 East,
61 Sections 6, 7, 18, 19, 30, 31, 32, 33, 34 and 35 of
62 Township 9 North, Range 11 East, Sections 1, 2, 3, 4, 5,
63 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20,
64 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,
65 35 and 36 of Township 10 North, Range 10 East, Sections
66 7, 18, 19, 30 and 31 of Township 10 North, Range 11
67 East, and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11,
68 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29,



30, 31, 32, 33 and 34 of Township 11 North, Range 10
East, in Neshoba County."

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

Section 4. It is found and declared that the object and
purpose of creating the district is to provide natural gas service
to the residents of the area described in Section 2 of this act
and to provide ways and means to carry out and accomplish such
purpose, thereby benefiting and making more valuable the lands in
the district and preserving and promoting the health, safety and
convenience of the residents of the district. In order to carry
out and render effective such object and purpose the courts of
this state shall construe this act as an exercise by the
Legislature of all the power appertaining to it, necessary for the
benefit of the health, safety and convenience of the residents of
the district; and the necessity in the public interest of the
state at large for the provision of this act is declared as a
matter of legislative determination. All the terms and provisions
of this act are to be liberally construed to effectuate the
purposes set forth in this act and all powers required to
accomplish the purposes of this act are granted and conferred,
including the power to employ engineers and attorneys at such
reasonable compensation as the board of commissioners determines.



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

98 (a) The Supervisor for District Five of Scott County,
99 Mississippi;

100 (b) The Supervisor for District Three of Newton County,
101 Mississippi; and

102 (c) Four (4) residents of the district to be appointed
103 by the Governor, their terms of office of which shall expire upon
104 completion of the construction of the district's natural gas
105 transmission and distribution system. The resident members of the
106 board to serve after the initial appointees' terms have expired
107 shall be selected in the manner prescribed in subsection (2) of
108 this section.

109 If the Newton County Board of Supervisors is not authorized
110 by separate legislation to participate in the district, then the
111 Supervisor for District Three of Newton County shall not be a
112 member of the board of commissioners and the board shall consist
113 only of the Supervisor for District Five of Scott County and four
114 (4) resident members.

115 (2) Promptly upon the commencement of natural gas service by
116 the district to not less than one hundred (100) individually
117 billed users, the commissioners shall give notice to each user of
118 an initial election to be held at a time not less than thirty (30)



119 days nor more than sixty (60) days from such date. The notice
120 shall state the time, place and manner in which the users may vote
121 upon the selection of subsequent resident members of the board to
122 serve terms of one (1), two (2), three (3) and four (4) years,
123 respectively, by ballot of all users of the district. Such
124 election shall be held in a manner and according to procedures to
125 be established by rules and regulations adopted by the board
126 before the giving of notice of such election, and a printed copy
127 of such rules and regulations shall accompany the notice to be
128 forwarded by regular mail to the users.

129 Rules and regulations for the conduct of the election shall
130 provide for a method of nomination of commissioners, notice of
131 such nominations to be provided to users not less than thirty (30)
132 days before the date upon which the election is to be held, along
133 with a method of balloting by mail as well as personal attendance
134 at the time and place of election, a method of balloting by proxy
135 vote, and a method of making additional nominations by users in
136 addition to any nominations proposed by the board of
137 commissioners. The time of the election shall be fixed between
138 the hours of 10:00 a.m. and 6:00 p.m. on a day of the week other
139 than Sunday.

140 In this and all succeeding elections, each user of the
141 district shall have one (1) vote; provided that when a billing is
142 made to more than one (1) person at a single location, each such



person shall be limited to casting a pro rata share of the one (1) vote to which the billing location is entitled.

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

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

Section 6. The board shall have the power to make such rules and regulations as it deems necessary to the operation of the district and the subsequent election of commissioners and shall possess all necessary power and authority to construct and acquire a natural gas transmission and distribution system and to issue revenue bonds to finance the construction thereof. The amount of revenue bonds authorized to be issued shall not exceed an aggregate of Fifteen Million Dollars (\$15,000,000.00). Except as otherwise provided in this act, all powers with respect to natural gas transmission and distribution systems granted to municipalities of this state by Sections 21-27-11 through 21-27-69, Mississippi Code of 1972, including the issuance of revenue bonds, are conferred upon and may be exercised within the



168 district by the board as if the system and financing thereof as
169 provided in this act were done pursuant to such sections.

170 Section 7. The commission shall have full power and
171 authority to issue all bonds of the district, but before issuing
172 any bonds, the commission shall adopt a resolution declaring its
173 intention so to do, stating the amount of the bonds proposed to be
174 issued and the date upon which the commission proposes to direct
175 the issuance of such bonds. Such resolution shall be published
176 once a week for at least three (3) consecutive weeks in at least
177 one (1) newspaper qualified under the provisions of Section
178 13-3-31, Mississippi Code of 1972, in the county or counties in
179 which the district lies and having a general circulation in the
180 district which lies in such county or counties. The first
181 publication of such resolution shall be made not less than
182 twenty-one (21) days before the date fixed in the resolution for
183 the issuance of the bonds, and the last publication shall be made
184 not more than seven (7) days before such date. If ten percent
185 (10%) of the users of the district file a written protest against
186 the issuance of the bonds on or before the date specified in the
187 resolution, then an election on the question of the issuance of
188 the bonds shall be called and held in the manner to be provided by
189 the commission by rules and regulations promulgated before the
190 adoption of the resolution declaring the commission's intention to
191 issue the bonds. All bonds issued by the commission may be sold
192 on sealed bids at public sale in the manner provided for in



193 Section 31-19-25 or at private sale, in the discretion of the
194 commission.

195 Section 8. For the purposes of Section 77-3-1, Mississippi
196 Code of 1972, the gas transmission and distribution system of the
197 district shall be deemed to be a municipal gas system not subject
198 to the jurisdiction of the Mississippi Public Service Commission,
199 except as otherwise provided by Section 77-3-1, Mississippi Code
200 of 1972, and in this act.

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

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

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

