

By: Representative Anderson

To: Conservation and Water Resources; Public Utilities

HOUSE BILL NO. 1277

1 AN ACT TO AMEND SECTION 49-17-711 AND 49-17-713, MISSISSIPPI
2 CODE OF 1972, TO REQUIRE THE MISSISSIPPI GULF COAST REGION UTILITY
3 BOARD TO HAVE THE APPROVAL OF THE PUBLIC SERVICE COMMISSION TO
4 EXERCISE CERTAIN POWERS; TO AMEND SECTION 49-17-709, MISSISSIPPI
5 CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 49-17-711, Mississippi Code of 1972, is
8 amended as follows:

9 49-17-711. (1) The utility board may hire an executive
10 director and secretary-treasurer having the duties as determined
11 by the utility board. The executive director must have a college
12 degree. If hired, the executive director and secretary-treasurer
13 each shall be required to give bond in a sum not less than Fifty
14 Thousand Dollars (\$50,000.00), conditioned on the executive
15 director and secretary-treasurer faithfully performing all duties
16 of his office and account for all * * * monies and other assets
17 which come into his custody as executive director or
18 secretary-treasurer of the utility board.



19 (2) (a) The utility board shall prepare a budget consistent
20 with its bylaws estimating its expenses and revenue needs for each
21 forthcoming fiscal year at least ninety (90) days prior to the
22 beginning of each fiscal year. The utility board shall submit its
23 budget to each county authority prior to final approval by the
24 utility board. The budget also must be approved by the Public
25 Service Commission.

26 (b) Any funds, gifts or grants allocated for the
27 administrative costs related to the restoration or construction of
28 water, wastewater and storm water services and projects in the
29 Gulf Coast Region under this act shall, to the extent allowable,
30 be paid into the Public Trust Tidelands Fund for the repayment of
31 any tideland funds expended for the operational costs of the
32 utility board.

33 (3) The utility board shall have the authority to receive
34 and spend funds from any source.

35 (4) This section shall repeal on July 1, 2019.

36 **SECTION 2.** Section 49-17-713, Mississippi Code of 1972, is
37 amended as follows:

38 49-17-713. (1) The utility board shall have the right and
39 powers necessary to carry out the purposes of this act, including,
40 but not limited to:

41 (a) Make recommendations to the county authorities
42 pertaining to water, wastewater and storm water issues in the Gulf
43 Coast Region;



44 (b) Make recommendations necessary to achieve
45 compatibility and uniformity of systems and technology related to
46 water, wastewater and storm water in the Gulf Coast Region;

47 (c) Help resolve cross-jurisdictional and multicounty
48 disputes pertaining to water, wastewater and storm water issues
49 between county authorities when requested by the county
50 authorities;

51 (d) Recommend short-term and long-term priorities for
52 water, wastewater and storm water related projects;

53 (e) Recommend emergency preparedness procedures in the
54 Gulf Coast Region related to water, wastewater and storm water;

55 (f) Recommend training standards related to operations
56 of water, wastewater and storm water systems;

57 (g) Sue and be sued in its own name and to enjoy all
58 the protections, immunities and benefits provided by the
59 Mississippi Tort Claims Act, as it may be amended from time to
60 time;

61 (h) Adopt an official seal and alter the same at
62 pleasure;

63 (i) Maintain office space at such place or places
64 within the boundaries of the board as it may determine, subject to
65 approval by the Public Service Commission;

66 (j) Own or lease real or personal property, subject to
67 approval by the Public Service Commission;



68 (k) Invest money of the utility board, including
69 proceeds from the sale of any bonds subject to any agreements with
70 bond holders on such terms and in such manner as the utility board
71 deems proper, subject to approval by the Public Service
72 Commission;

73 (l) Apply for, accept and utilize grants, gifts and
74 other funds from any source for any purpose necessary in support
75 of the purpose of this act and to coordinate the distribution of
76 funds to the county authorities, subject to approval by the Public
77 Service Commission;

78 (m) Employ and terminate staff, including, but not
79 limited to, attorneys, engineers and consultants as may be
80 necessary, subject to approval by the Public Service Commission;

81 (n) Enter into contracts for all operation and
82 maintenance needs of the utility board, subject to approval by the
83 Public Service Commission;

84 (o) Enter into contracts to conduct studies of regional
85 issues regarding water, wastewater and storm water services and to
86 provide assistance, funds and guidance in the construction,
87 operation and maintenance of regional water, wastewater and storm
88 water services, subject to approval by the Public Service
89 Commission;

90 (p) Enter into contracts with any person or any public
91 agency in furtherance of any of the purposes authorized by this
92 act upon such consideration as the board of directors and such



93 person may agree. Any such contract may extend over any period of
94 time, including a term which extends beyond the term of the then
95 majority of the existing board members, notwithstanding any
96 provision or rule of law to the contrary; may be upon such terms
97 and for such consideration, nominal or otherwise, as the parties
98 thereto shall agree; and may provide that it shall continue in
99 effect until bonds specified therein, refunding bonds issued in
100 lieu of such bonds, and all other obligations specified therein
101 are paid or terminated. Any such contract shall be binding upon
102 the parties thereto according to its terms. The utility board may
103 also assume or continue any contractual or other business
104 relationships entered into by the members of the utility board,
105 including the rights to receive and acquire property transferred
106 under option to purchase agreements, subject to approval by the
107 Public Service Commission;

108 (q) Contract with the authorities under any terms
109 mutually agreed by the parties to carry out any powers, duties or
110 responsibilities granted by this act or any other laws to the
111 authorities, subject to approval by the Public Service Commission;

112 (r) Acquire insurance for the utility board's systems,
113 facilities, buildings, treatment plants and all property, real or
114 personal, to insure against all risks as any insurance may, from
115 time to time, be available;



116 (s) Make, enforce, amend and repeal rules and
117 regulations for the management of the utility board's business and
118 affairs, subject to approval by the Public Service Commission;

119 (t) Enter onto public or private lands, waters or
120 premises for the purposes of making surveys, borings or soundings,
121 or conducting tests, examinations or inspections for the purposes
122 of the utility board, subject to responsibility for any damage
123 done to property entered, subject to approval by the Public
124 Service Commission;

125 (u) Apply, contract for, accept, receive and administer
126 gifts, grants, appropriations and donations of money, materials,
127 and property of any kind, including loans and grants from the
128 United States, the state, a unit of local government, or any
129 agency, department, district or instrumentality of any of the
130 foregoing, upon any terms and conditions as the United States, the
131 state, a unit of local government, or any agency, department,
132 district or instrumentality shall impose, subject to approval by
133 the Public Service Commission;

134 (v) Create, maintain and regulate reservoirs and
135 promulgate and enforce rules and regulations for the creation and
136 maintenance of reservoirs, subject to approval by the Public
137 Service Commission; and

138 (w) Make other recommendations to carry out the
139 purposes of this act, subject to approval by the Public Service
140 Commission.



141 (2) This section shall repeal on July 1, 2019.

142 **SECTION 3.** Section 49-17-709, Mississippi Code of 1972, is
143 amended as follows:

144 49-17-709. (1) (a) All powers of the Mississippi Gulf
145 Coast Region Utility Board shall be exercised, subject to approval
146 by the Public Service Commission, by a board of directors to be
147 composed of the following: (i) the president of each county
148 authority; and (ii) three (3) at-large directors, to be appointed
149 by the Governor, who shall be residents of the Gulf Coast Region.

150 (b) The initial terms of the at-large directors shall
151 be for two (2), four (4) and six (6) years as designated by the
152 Governor. After the expiration of the initial terms, the
153 subsequent terms shall be for a period of six (6) years. However,
154 there shall be no more than one (1) at-large director appointed
155 from any one (1) county. Each president may appoint a delegate,
156 to represent him at a meeting of the board.

157 (2) At the initial meeting of the board, the board shall
158 elect a president and a vice president. Thereafter, the board
159 will annually, at the last meeting of the fiscal year, elect a
160 president and a vice president who shall serve in their respective
161 offices for the next fiscal year. The directors shall serve
162 without a salary but are entitled to receive per diem pay as
163 provided for in Section 25-3-69, and for actual and necessary
164 expenses incurred while in the performance of his duties as a
165 member of the board as provided in Section 25-3-41.



166 (3) Any utility board member who does not attend three (3)
167 consecutive regular meetings of the authority shall be subject to
168 removal by a majority vote of the board and shall be replaced with
169 an appointment from the Governor or governing body making the
170 initial appointment.

171 (4) The president shall be the chief executive officer of
172 the utility board and the presiding officer of the board, and
173 shall have the same right to vote as any other director. The vice
174 president shall act in the absence or disability of the president.
175 Each director shall be required to give bond in the sum of not
176 less than Fifty Thousand Dollars (\$50,000.00), with sureties
177 qualified to do business in this state, and the premiums on the
178 bond shall be an expense of the utility board. Each bond shall be
179 payable to the State of Mississippi. The condition of each bond
180 shall be that each director will faithfully perform all duties of
181 his office and account for all * * * monies or other assets which
182 shall come into his custody as a director of the utility board.

183 (5) A quorum for any meeting of the board of directors shall
184 be the majority of the total membership of the board of directors.
185 All business of the utility board shall be transacted by vote of
186 the board of directors.

187 (6) The utility board shall conduct regular meetings as set
188 forth in its bylaws. The utility board shall establish rules and
189 regulations regarding its meetings and may amend such bylaws,



190 rules and regulations as may be necessary to conduct the business
191 of the board.

192 (7) This section shall repeal on July 1, 2019.

193 **SECTION 4.** This act shall take effect and be in force from
194 and after July 1, 2018.

