

By: Representative Roberson

To: Public Utilities

HOUSE BILL NO. 397

1 AN ACT TO AMEND SECTIONS 49-17-707 THROUGH 49-17-713,
2 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALERS ON
3 THE STATUTES THAT CREATE AND GOVERN THE MISSISSIPPI GULF COAST
4 REGION UTILITY BOARD; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 49-17-707, Mississippi Code of 1972, is
7 amended as follows:

8 49-17-707. (1) There is * * * created and established a
9 public body corporate and politic constituting a political
10 subdivision of the State of Mississippi to be known as the
11 "Mississippi Gulf Coast Region Utility Board" to serve the
12 citizens of the Gulf Coast Region. The utility board is created
13 as a forum for the Gulf Coast Region: to collaborate and
14 cooperate regarding water, wastewater and storm water issues; to
15 assist in the efficient management of water, wastewater and storm
16 water resources; to develop recommendations pertaining to water,
17 wastewater and storm water systems; and to provide assistance,
18 funding and guidance to the county authorities to assist in the



19 identification of the best means to meet all present and future
20 water, wastewater and storm water needs in the Gulf Coast Region.

21 (2) This section shall repeal July 1, * * * 2026.

22 **SECTION 2.** Section 49-17-709, Mississippi Code of 1972, is
23 amended as follows:

24 49-17-709. (1) (a) All powers of the Mississippi Gulf
25 Coast Region Utility Board shall be exercised by a board of
26 directors to be composed of the following: (i) the president of
27 each county authority; and (ii) three (3) at-large directors, to
28 be appointed by the Governor, who shall be residents of the Gulf
29 Coast Region.

30 (b) The initial terms of the at-large directors shall
31 be for two (2), four (4) and six (6) years as designated by the
32 Governor. After the expiration of the initial terms, the
33 subsequent terms shall be for a period of six (6) years. However,
34 there shall be no more than one (1) at-large director appointed
35 from any one (1) county. Each president may appoint a
36 delegate * * * to represent * * * that president at a meeting of
37 the board.

38 (2) At the initial meeting of the board, the board shall
39 elect a president and a vice president. Thereafter, the board
40 will annually, at the last meeting of the fiscal year, elect a
41 president and a vice president who shall serve in their respective
42 offices for the next fiscal year. The directors shall serve
43 without a salary but are entitled to receive per diem pay, as



44 provided for in Section 25-3-69, and payment for actual and
45 necessary expenses incurred while in the performance
46 of * * * duties as a member of the board as provided in Section
47 25-3-41.

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

53 (4) The president shall be the chief executive officer of
54 the utility board and the presiding officer of the board, and the
55 president shall have the same right to vote as any other director.
56 The vice president shall act in the absence or disability of the
57 president. Each director shall be required to give bond in the
58 sum of not less than Fifty Thousand Dollars (\$50,000.00), with
59 sureties qualified to do business in this state, and the premiums
60 on the bond shall be an expense of the utility board. Each bond
61 shall be payable to the State of Mississippi. The condition of
62 each bond shall be that each director will faithfully perform all
63 duties of * * * the office and account for all monies or other
64 assets which shall come into * * * the individual's custody as a
65 director of the utility board.

66 (5) A quorum for any meeting of the board of directors shall
67 be the majority of the total membership of the board of directors.



68 All business of the utility board shall be transacted by vote of
69 the board of directors.

70 (6) The utility board shall conduct regular meetings as set
71 forth in its bylaws. The utility board shall establish rules and
72 regulations regarding its meetings and may amend such bylaws,
73 rules and regulations as may be necessary to conduct the business
74 of the board.

75 (7) This section shall repeal July 1, * * * 2026.

76 **SECTION 3.** Section 49-17-711, Mississippi Code of 1972, is
77 amended as follows:

78 49-17-711. (1) The utility board may hire an executive
79 director and secretary-treasurer having the duties as determined
80 by the utility board. The executive director must have a college
81 degree. If hired, the executive director and secretary-treasurer
82 each shall be required to give bond in a sum not less than Fifty
83 Thousand Dollars (\$50,000.00), conditioned on the executive
84 director and secretary-treasurer faithfully performing all duties
85 of * * * that person's office and account for all monies and other
86 assets which come into * * * the individual's custody as executive
87 director or secretary-treasurer of the utility board.

88 (2) (a) The utility board shall prepare a budget consistent
89 with its bylaws estimating its expenses and revenue needs for each
90 forthcoming fiscal year at least ninety (90) days prior to the
91 beginning of each fiscal year. The utility board shall submit its



92 budget to each county authority prior to final approval by the
93 utility board.

94 (b) Any funds, gifts or grants allocated for the
95 administrative costs related to the restoration or construction of
96 water, wastewater and storm water services and projects in the
97 Gulf Coast Region under this act shall, to the extent allowable,
98 be paid into the Public Trust Tidelands Fund for the repayment of
99 any tideland funds expended for the operational costs of the
100 utility board.

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

103 (4) This section shall repeal July 1, * * * 2026.

104 **SECTION 4.** Section 49-17-713, Mississippi Code of 1972, is
105 amended as follows:

106 49-17-713. (1) The utility board shall have the right and
107 powers necessary to carry out the purposes of this act, including,
108 but not limited to:

109 (a) Make recommendations to the county authorities
110 pertaining to water, wastewater and storm water issues in the Gulf
111 Coast Region;

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

115 (c) Help resolve cross-jurisdictional and multicounty
116 disputes pertaining to water, wastewater and storm water issues



117 between county authorities when requested by the county
118 authorities;

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

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

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

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

129 (h) Adopt an official seal and alter the same at
130 pleasure;

131 (i) Maintain office space at such place or places
132 within the boundaries of the board as it may determine;

133 (j) Own or lease real or personal property;

134 (k) Invest money of the utility board, including
135 proceeds from the sale of any bonds subject to any agreements with
136 bond holders on such terms and in such manner as the utility board
137 deems proper;

138 (l) Apply for, accept and utilize grants, gifts and
139 other funds from any source for any purpose necessary in support
140 of the purpose of this act and to coordinate the distribution of
141 funds to the county authorities;



142 (m) Employ and terminate staff, including, but not
143 limited to, attorneys, engineers and consultants as may be
144 necessary;

145 (n) Enter into contracts for all operation and
146 maintenance needs of the utility board;

147 (o) Enter into contracts to conduct studies of regional
148 issues regarding water, wastewater and storm water services and to
149 provide assistance, funds and guidance in the construction,
150 operation and maintenance of regional water, wastewater and storm
151 water services;

152 (p) Enter into contracts with any person or any public
153 agency in furtherance of any of the purposes authorized by this
154 act upon such consideration as the board of directors and such
155 person may agree. Any such contract: may extend over any period
156 of time, including a term which extends beyond the term of the
157 then majority of the existing board members, notwithstanding any
158 provision or rule of law to the contrary; may be upon such terms
159 and for such consideration, nominal or otherwise, as the parties
160 thereto shall agree; and may provide that it shall continue in
161 effect until bonds specified therein, refunding bonds issued in
162 lieu of such bonds, and all other obligations specified therein
163 are paid or terminated. Any such contract shall be binding upon
164 the parties thereto according to its terms. The utility board may
165 also assume or continue any contractual or other business
166 relationships entered into by the members of the utility board,



167 including the rights to receive and acquire property transferred
168 under option to purchase agreements;

169 (q) Contract with the authorities under any terms
170 mutually agreed by the parties to carry out any powers, duties or
171 responsibilities granted by this act or any other laws to the
172 authorities;

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

177 (s) Make, enforce, amend and repeal rules and
178 regulations for the management of the utility board's business and
179 affairs;

180 (t) Enter onto public or private lands, waters or
181 premises for the purposes of making surveys, borings or soundings,
182 or conducting tests, examinations or inspections for the purposes
183 of the utility board, subject to responsibility for any damage
184 done to property entered;

185 (u) Apply, contract for, accept, receive and administer
186 gifts, grants, appropriations and donations of money, materials,
187 and property of any kind, including loans and grants from the
188 United States, the state, a unit of local government, or any
189 agency, department, district or instrumentality of any of the
190 foregoing, upon any terms and conditions as the United States, the



191 state, a unit of local government, or any agency, department,
192 district or instrumentality shall impose;

193 (v) Create, maintain and regulate reservoirs and
194 promulgate and enforce rules and regulations for the creation and
195 maintenance of reservoirs; and

196 (w) Make other recommendations to carry out the
197 purposes of this act.

198 (2) This section shall repeal July 1, * * * 2026.

199 **SECTION 5.** This act shall take effect and be in force from
200 and after July 1, 2023.

