

By: Senator(s) Carter

To: Energy

SENATE BILL NO. 2104

1 AN ACT TO AMEND SECTIONS 49-17-707, 49-17-709, 49-17-711 AND
2 49-17-713, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEAL DATE ON
3 THE MISSISSIPPI GULF COAST REGION UTILITY ACT; AND FOR RELATED
4 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 hereby 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 cooperate
14 regarding water, wastewater and storm water issues; to assist in
15 the efficient management of water, wastewater and storm water
16 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, * * * 2027.

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 delegate,
36 to represent him at a meeting of the board.

37 (2) At the initial meeting of the board, the board shall
38 elect a president and a vice president. Thereafter, the board
39 will annually, at the last meeting of the fiscal year, elect a
40 president and a vice president who shall serve in their respective
41 offices for the next fiscal year. The directors shall serve
42 without a salary but are entitled to receive per diem pay as
43 provided for in Section 25-3-69, and for actual and necessary



44 expenses incurred while in the performance of his duties as a
45 member of the board as provided in Section 25-3-41.

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

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

63 (5) A quorum for any meeting of the board of directors shall
64 be the majority of the total membership of the board of directors.
65 All business of the utility board shall be transacted by vote of
66 the board of directors.

67 (6) The utility board shall conduct regular meetings as set
68 forth in its bylaws. The utility board shall establish rules and



69 regulations regarding its meetings and may amend such bylaws,
70 rules and regulations as may be necessary to conduct the business
71 of the board.

72 (7) This section shall repeal July 1, * * * 2027.

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

75 49-17-711. (1) The utility board may hire an executive
76 director and secretary-treasurer having the duties as determined
77 by the utility board. The executive director must have a college
78 degree. If hired, the executive director and secretary-treasurer
79 each shall be required to give bond in a sum not less than Fifty
80 Thousand Dollars (\$50,000.00), conditioned on the executive
81 director and secretary-treasurer faithfully performing all duties
82 of his office and account for all monies and other assets which
83 come into his custody as executive director or secretary-treasurer
84 of the utility board.

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

91 (b) Any funds, gifts or grants allocated for the
92 administrative costs related to the restoration or construction of
93 water, wastewater and storm water services and projects in the



94 Gulf Coast Region under this act shall, to the extent allowable,
95 be paid into the Public Trust Tidelands Fund for the repayment of
96 any tideland funds expended for the operational costs of the
97 utility board.

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

100 (4) This section shall repeal July 1, * * * 2027.

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

103 49-17-713. (1) The utility board shall have the right and
104 powers necessary to carry out the purposes of this act, including,
105 but not limited to:

106 (a) Make recommendations to the county authorities
107 pertaining to water, wastewater and storm water issues in the Gulf
108 Coast Region;

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

112 (c) Help resolve cross-jurisdictional and multicounty
113 disputes pertaining to water, wastewater and storm water issues
114 between county authorities when requested by the county
115 authorities;

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



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

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

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

126 (h) Adopt an official seal and alter the same at
127 pleasure;

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

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

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

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

139 (m) Employ and terminate staff, including, but not
140 limited to, attorneys, engineers and consultants as may be
141 necessary;



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

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

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



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

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

174 (s) Make, enforce, amend and repeal rules and
175 regulations for the management of the utility board's business and
176 affairs;

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

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



190 (v) Create, maintain and regulate reservoirs and
191 promulgate and enforce rules and regulations for the creation and
192 maintenance of reservoirs; and

193 (w) Make other recommendations to carry out the
194 purposes of this act.

195 (2) This section shall repeal July 1, * * * 2027.

196 **SECTION 5.** This act shall take effect and be in force from
197 and after June 30, 2023.

