

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.

