

By: Senator(s) DeLano

To: Energy; Government  
Structure

SENATE BILL NO. 2454

1 AN ACT TO AMEND SECTION 49-17-707, MISSISSIPPI CODE OF 1972,  
2 TO MOVE THE DATE OF REPEAL ON THE MISSISSIPPI GULF COAST REGION  
3 UTILITY BOARD FROM 2027 TO 2024; TO AMEND SECTION 49-17-709,  
4 MISSISSIPPI CODE OF 1972, TO MOVE THE DATE OF REPEAL ON THE BOARD  
5 OF DIRECTORS OF THE MISSISSIPPI GULF COAST REGION UTILITY BOARD  
6 FROM 2027 TO 2024; TO AMEND SECTION 49-17-711, MISSISSIPPI CODE OF  
7 1972, TO MOVE THE DATE OF REPEAL ON PROVISIONS CONCERNING THE  
8 UTILITY BOARD'S EMPLOYEES AND BUDGET FROM 2027 TO 2024; TO AMEND  
9 SECTION 49-17-713, MISSISSIPPI CODE OF 1972, TO MOVE THE DATE OF  
10 REPEAL ON THE DUTIES AND RESPONSIBILITIES OF THE UTILITY BOARD  
11 FROM 2027 TO 2024; AND FOR RELATED PURPOSES.

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

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

15 49-17-707. (1) There is hereby created and established a  
16 public body corporate and politic constituting a political  
17 subdivision of the State of Mississippi to be known as the  
18 "Mississippi Gulf Coast Region Utility Board" to serve the  
19 citizens of the Gulf Coast Region. The utility board is created  
20 as a forum for the Gulf Coast Region to collaborate and cooperate  
21 regarding water, wastewater and storm water issues; to assist in  
22 the efficient management of water, wastewater and storm water



23 resources; to develop recommendations pertaining to water,  
24 wastewater and storm water systems; and to provide assistance,  
25 funding and guidance to the county authorities to assist in the  
26 identification of the best means to meet all present and future  
27 water, wastewater and storm water needs in the Gulf Coast Region.

28 (2) This section shall repeal July 1, \* \* \* 2024.

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

31 49-17-709. (1) (a) All powers of the Mississippi Gulf  
32 Coast Region Utility Board shall be exercised by a board of  
33 directors to be composed of the following: (i) the president of  
34 each county authority; and (ii) three (3) at-large directors, to  
35 be appointed by the Governor, who shall be residents of the Gulf  
36 Coast Region.

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

44 (2) At the initial meeting of the board, the board shall  
45 elect a president and a vice president. Thereafter, the board  
46 will annually, at the last meeting of the fiscal year, elect a  
47 president and a vice president who shall serve in their respective



48 offices for the next fiscal year. The directors shall serve  
49 without a salary but are entitled to receive per diem pay as  
50 provided for in Section 25-3-69, and for actual and necessary  
51 expenses incurred while in the performance of his duties as a  
52 member of the board as provided in Section 25-3-41.

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

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

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



72 All business of the utility board shall be transacted by vote of  
73 the board of directors.

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

79 (7) This section shall repeal July 1, \* \* \* 2024.

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

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

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



96 budget to each county authority prior to final approval by the  
97 utility board.

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

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

107 (4) This section shall repeal July 1, \* \* \* 2024.

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

110 49-17-713. (1) The utility board shall have the right and  
111 powers necessary to carry out the purposes of this act, including,  
112 but not limited to:

113 (a) Make recommendations to the county authorities  
114 pertaining to water, wastewater and storm water issues in the Gulf  
115 Coast Region;

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

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



121 between county authorities when requested by the county  
122 authorities;

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

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

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

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

133 (h) Adopt an official seal and alter the same at  
134 pleasure;

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

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

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

142 (l) Apply for, accept and utilize grants, gifts and  
143 other funds from any source for any purpose necessary in support  
144 of the purpose of this act and to coordinate the distribution of  
145 funds to the county authorities;



146 (m) Employ and terminate staff, including, but not  
147 limited to, attorneys, engineers and consultants as may be  
148 necessary;

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

151 (o) Enter into contracts to conduct studies of regional  
152 issues regarding water, wastewater and storm water services and to  
153 provide assistance, funds and guidance in the construction,  
154 operation and maintenance of regional water, wastewater and storm  
155 water services;

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



171 including the rights to receive and acquire property transferred  
172 under option to purchase agreements;

173 (q) Contract with the authorities under any terms  
174 mutually agreed by the parties to carry out any powers, duties or  
175 responsibilities granted by this act or any other laws to the  
176 authorities;

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

181 (s) Make, enforce, amend and repeal rules and  
182 regulations for the management of the utility board's business and  
183 affairs;

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

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





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

197 (v) Create, maintain and regulate reservoirs and  
198 promulgate and enforce rules and regulations for the creation and  
199 maintenance of reservoirs; and

200 (w) Make other recommendations to carry out the  
201 purposes of this act.

202 (2) This section shall repeal July 1, \* \* \* 2024.

203 **SECTION 5.** This act shall take effect and be in force from  
204 and after its passage.

