

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.

