

By: Representative Ford

To: Conservation and
Water Resources

HOUSE BILL NO. 537

1 AN ACT TO REENACT SECTIONS 51-3-101, 51-3-103 AND 51-3-105,
2 MISSISSIPPI CODE OF 1972, WHICH SET FORTH THE STATE LAWS REGARDING
3 THE MISSISSIPPI WATER RESOURCES ADVISORY COUNCIL, THAT WAS CREATED
4 FOR THE PURPOSE OF MAKING RECOMMENDATIONS ON THE MANAGEMENT OF THE
5 STATE'S WATER AND WATER-RELATED LAND RESOURCES; TO AMEND SECTION
6 51-3-106, MISSISSIPPI CODE OF 1972, TO EXTEND FROM JUNE 30, 1999,
7 TO JULY 1, 2000, THE DATE UPON WHICH SECTIONS 51-3-101 THROUGH
8 51-3-105 SHALL BE REPEALED; AND FOR RELATED PURPOSES.

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

10 SECTION 1. Section 51-3-101, Mississippi Code of 1972, is
11 reenacted as follows:

12 51-3-101. There is created the Mississippi Water Resources
13 Advisory Council, hereinafter referred to as "council," for the
14 purpose of making recommendations to the Governor and the
15 Legislature on management of the state's water and water-related
16 land resources.

17 SECTION 2. Section 51-3-103, Mississippi Code of 1972, is
18 reenacted as follows:

19 51-3-103. (1) (a) The council shall consist of the
20 following members:

21 The Chairman of the Commission on Environmental Quality; the
22 Chairman of the Commission on Wildlife, Fisheries and Parks; the
23 Chairman of the State Board of Health; the Chairman of the State
24 Forestry Commission; the Chairman of the Soil and Water
25 Conservation Commission; the Chairman of the Economic Development
26 Advisory Council; the Chairman of the Commission on Marine
27 Resources; and the Director of the Mississippi Water Resources
28 Research Institute. In addition, the Governor shall appoint one
29 (1) representative of each of the following organizations: the

30 Mississippi Association of Supervisors, the Mississippi
31 Engineering Society, the Mississippi Economic Council, the
32 Mississippi Farm Bureau Federation, the Mississippi Manufacturers
33 Association, the Mississippi Municipal Association, the Delta
34 Council, a regional water management district, an environmental
35 organization with statewide membership and one (1) individual from
36 each of the state's congressional districts.

37 Members of the council not appointed by the Governor as
38 provided above shall serve a term concurrent with their term of
39 office in their respective position. Nonappointed members may
40 designate another member of their respective board, council or
41 commission to serve as an alternate.

42 Members of the council appointed by the Governor shall serve
43 staggered four-year terms. The initial terms of appointed members
44 shall be as follows: Four (4) members shall be appointed for
45 terms of two (2) years; five (5) members shall be appointed for a
46 term of three (3) years; and five (5) members shall be appointed
47 for terms of four (4) years. Thereafter, all terms of the
48 appointed members of the council shall be for four (4) years. The
49 terms of members shall begin and end on July 1, of the appropriate
50 year, regardless of the date of appointment.

51 (b) In addition to the voting members of the council,
52 as described above, the council may invite, as participating but
53 nonvoting members, representatives of any other state and federal
54 organizations, or individuals possessing expertise in the field of
55 water resources management or who have a viable interest in the
56 wise management of the water resources of the state.

57 (c) Original appointments to the council shall be made
58 no later than October 1, 1995. The Governor shall require
59 adequate disclosure of potential conflicts of interest by members
60 of the council. Vacancies on the council shall be filled by
61 appointment in the same manner as the original appointments.

62 (d) The Governor shall appoint from the membership of
63 the council a chairperson to preside over meetings and vice
64 chairperson to preside in the absence of the chairperson or when
65 the chairperson shall be excused. The council shall adopt
66 procedures governing the manner of conducting its business. A

67 majority of the members shall constitute a quorum to do business.

68 (e) Members of the council shall serve without
69 compensation. At the direction of the chairman of the council and
70 contingent upon the availability of sufficient funds, each member
71 may receive reimbursement for reasonable expenses, including
72 travel expenses in accordance with rates established pursuant to
73 Section 25-3-41, incurred in attending meetings of the council.

74 (2) The council shall convene by November 15, 1995.

75 (3) The Department of Environmental Quality shall provide
76 any technical, clerical and other support services and personnel
77 as the council may require in the performance of its functions.
78 The department shall administer any funds made available to the
79 council for its use and may at the request and on behalf of the
80 council, contract for services using any funds available to the
81 council. The department may provide supplies and office space as
82 required for the council's routine operations. The council shall
83 not employ any permanent staff, rent or occupy independent office
84 space or otherwise establish a full-time office.

85 (4) In conducting its activities under Sections 51-3-101
86 through 51-3-107, the council may elicit the support of and
87 participation by any state agency as may be necessary or
88 appropriate. All state agencies shall provide support or
89 participation as requested.

90 (5) The council may exercise those duties and powers
91 necessary to carry out the purposes of this act, including but not
92 limited to, the following functions:

93 (a) Conduct, or cause to be conducted any studies,
94 analyses or evaluations related to the state water management
95 plan.

96 (b) Apply and contract for and accept any grants,
97 public or private funds, gifts or proceeds in furtherance of the
98 activities of the council.

99 (c) Authorize the Executive Director of the Department

100 of Environmental Quality to enter into all contracts or execute
101 all instruments, on behalf of the council, and do all acts
102 necessary, desirable or convenient to carry out any power
103 expressly granted to the council in this chapter.

104 (d) Expend or distribute any funds or assets in its
105 custody or under its control appropriate in carrying out the
106 purposes of Sections 51-3-101 through 51-3-105.

107 SECTION 3. Section 51-3-105, Mississippi Code of 1972, is
108 reenacted as follows:

109 51-3-105. (1) The council shall meet at least semi-annually
110 for the purpose of reviewing the implementation of the state water
111 management plan and shall:

112 (a) Prepare any amendments necessary to update the
113 plan; or

114 (b) Issue a determination that no amendments are
115 necessary and the reasons supporting the determination.

116 The review shall be conducted as the council determines
117 appropriate, and shall include the participation of the Department
118 of Environmental Quality; Department of Wildlife, Fisheries and
119 Parks; Department of Economic and Community Development;
120 Department of Agriculture and Commerce; Soil and Water
121 Conservation Commission; the State Department of Health; and the
122 Forestry Commission. Any joint water management district or other
123 regional organization that provides the duties of a joint water
124 management district shall be notified and may participate in this
125 review. Any interested person may, upon written application to
126 the council, seek an amendment to the state water management plan.

127 The first review of the state water management plan shall be
128 completed by January 1, 1999.

129 (2) (a) Before January 1 of each year, the council shall
130 submit to the Governor, the Commission on Environmental Quality,
131 the Senate Environmental Protection, Conservation and Water
132 Resources Committee and the House Conservation and Water Resources

133 Committee, a report on the status of the state's water resources.

134 (b) The report may contain recommendations regarding
135 the functions and programs of each of the agencies with
136 water-related programs, including but not limited to:

137 (i) Operations of each of these programs;

138 (ii) Duplications or omissions in the programs
139 and/or missions of the agencies;

140 (iii) Changes in the organizational concepts,
141 institutions, laws and management resources necessary to properly
142 regulate and manage the state's water resources;

143 (iv) Methods to better coordinate activities of
144 the various local, state and federal agencies;

145 (v) Activities that do not conform with the state
146 water management plan;

147 (vi) Methods or ways to increase the efficiency of
148 the state's management of its water resources; and

149 (vii) Other actions that should be considered to
150 ensure the continued availability and quality of abundant surface
151 water and groundwater necessary for the future growth and
152 environmental enhancement of the state.

153 SECTION 4. Section 51-3-106, Mississippi Code of 1972, is
154 amended as follows:

155 51-3-106. Sections 51-3-101 through 51-3-105, Mississippi
156 Code of 1972, shall stand repealed after July 1, 2000.

157 SECTION 5. This act shall take effect and be in force from
158 and after June 30, 1999.