

By: Representative Ford

To: Conservation and
Water ResourcesHOUSE BILL NO. 537
(As Passed the House)

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 51-3-103, MISSISSIPPI CODE OF 1972, TO REVISE THE MEMBERSHIP OF
7 THE COUNCIL TO INCLUDE THE PRESIDENT OF THE MISSISSIPPI WATER
8 RESOURCES ASSOCIATION; TO AMEND SECTION 51-3-106, MISSISSIPPI CODE
9 OF 1972, TO EXTEND FROM JUNE 30, 1999, TO JULY 1, 2000, THE DATE
10 UPON WHICH SECTIONS 51-3-101 THROUGH 51-3-105 SHALL BE REPEALED;
11 AND FOR RELATED PURPOSES.

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

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

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

20 SECTION 2. Section 51-3-103, Mississippi Code of 1972, is
21 reenacted and amended as follows:

22 51-3-103. (1) (a) The council shall consist of the
23 following members:

24 The Chairman of the Commission on Environmental Quality; the
25 Chairman of the Commission on Wildlife, Fisheries and Parks; the
26 Chairman of the State Board of Health; the Chairman of the State
27 Forestry Commission; the Chairman of the Soil and Water
28 Conservation Commission; the Chairman of the Economic Development
29 Advisory Council; the Chairman of the Commission on Marine
30 Resources; the President of the Mississippi Water Resources

31 Association; and the Director of the Mississippi Water Resources
32 Research Institute. In addition, the Governor shall appoint one
33 (1) representative of each of the following organizations: the
34 Mississippi Association of Supervisors, the Mississippi
35 Engineering Society, the Mississippi Economic Council, the
36 Mississippi Farm Bureau Federation, the Mississippi Manufacturers
37 Association, the Mississippi Municipal Association, the Delta
38 Council, a regional water management district, an environmental
39 organization with statewide membership and one (1) individual from
40 each of the state's congressional districts.

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

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

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

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

66 (d) The Governor shall appoint from the membership of
67 the council a chairperson to preside over meetings and vice

chairperson to preside in the absence of the chairperson or when the chairperson shall be excused. The council shall adopt procedures governing the manner of conducting its business. A majority of the members shall constitute a quorum to do business.

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

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

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

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

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

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

(b) Apply and contract for and accept any grants,

public or private funds, gifts or proceeds in furtherance of the activities of the council.

(c) Authorize the Executive Director of the Department of Environmental Quality to enter into all contracts or execute all instruments, on behalf of the council, and do all acts necessary, desirable or convenient to carry out any power expressly granted to the council in this chapter.

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

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

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

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

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

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

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

(2) (a) Before January 1 of each year, the council shall

submit to the Governor, the Commission on Environmental Quality, the Senate Environmental Protection, Conservation and Water Resources Committee and the House Conservation and Water Resources Committee, a report on the status of the state's water resources.

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

(i) Operations of each of these programs;

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

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

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

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

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

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

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

51-3-106. Sections 51-3-101 through 51-3-105, Mississippi Code of 1972, shall stand repealed after July 1, 2003.

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