

By: Representative Ford

To: Conservation and
Water ResourcesHOUSE BILL NO. 537
(As Sent to Governor)

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 AMEND SECTION 51-3-106, MISSISSIPPI CODE OF 1972,
8 TO EXTEND FROM JUNE 30, 1999, TO JULY 1, 2003, THE DATE UPON WHICH
9 SECTIONS 51-3-101 THROUGH 51-3-105 SHALL BE REPEALED; AND FOR
10 RELATED PURPOSES.

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

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

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

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

21 51-3-103. (1) (a) The council shall consist of the
22 following members:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

113 51-3-105. (1) The council shall meet at least semiannually
114 for the purpose of reviewing the implementation of the state water
115 management plan and shall:

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

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

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

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

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

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

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

141 (i) Operations of each of these programs;

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

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

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

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

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

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

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

159 51-3-106. Sections 51-3-101 through 51-3-105, Mississippi
160 Code of 1972, shall stand repealed after July 1, 2003.

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