

By: Representative Moak

To: Conservation and
Water Resources

HOUSE BILL NO. 1156

1 AN ACT TO AMEND SECTION 51-3-21, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE COMMISSION ON ENVIRONMENTAL QUALITY TO ESTABLISH A
3 PROGRAM TO MONITOR CHANGES IN SURFACE WATER QUALITY, WHICH SHALL
4 BE ADMINISTERED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY; AND
5 FOR RELATED PURPOSES.

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

7 SECTION 1. Section 51-3-21, Mississippi Code of 1972, is
8 amended as follows:

9 51-3-21. (1) The commission, through its Office of Land and
10 Water Resources, shall proceed as rapidly as possible to study
11 existing water resources in the state; means and methods of
12 conserving and augmenting those waters; existing and contemplated
13 needs and uses of water for protection and procreation of fish and
14 wildlife, irrigation, mining, power development, and domestic,
15 municipal, and industrial uses; and all other related subjects,
16 including drainage, reclamation, flood-plain or flood-hazard area
17 zoning, and selection of reservoir sites. Not later than July 1,
18 1997, the commission shall formulate, as a functional element of a
19 comprehensive state plan, an integrated, coordinated plan for the
20 use and development of the waters of the state, based on the above
21 studies. This plan, with any amendments, supplements and
22 additions as may be necessary from time to time, shall be known as
23 the "state water management plan."

24 (2) In the formulation of the state water management plan,
25 the commission shall give due consideration to:

26 (a) The attainment of maximum beneficial use of water
27 for the purposes * * * referred to in subsection (1) of this

28 section.

29 (b) The maximum economic development of the water
30 resources consistent with other uses.

31 (c) The control of * * * waters for * * * purposes such
32 as environmental protection, drainage, flood control and water
33 storage.

34 (d) The quantity of water available for application to
35 a beneficial use.

36 (e) The prevention of wasteful, uneconomical,
37 impractical or unreasonable uses of water resources, including
38 free-flowing wells, existing or otherwise, regardless of size.

39 (f) Presently exercised domestic or exempted uses and
40 permit rights.

41 (g) The preservation and enhancement of the water
42 quality of the state and the provisions of the state water quality
43 plan.

44 (h) The state water resources policy as expressed by
45 this chapter.

46 (i) The allocation of surface water and groundwater in
47 those situations in which the Governor has declared that an
48 emergency situation exists which creates an imminent and
49 substantial endangerment threatening the public health and safety
50 or the lives and property of the people of this state.

51 (3) During the process of formulating or revising the state
52 water management plan, the commission shall consult with and
53 carefully evaluate the recommendations of concerned federal, state
54 and local agencies, particularly the governing boards of the water
55 management districts and local governments, and other interested
56 persons. The commission may conduct any public meetings or
57 hearings * * * it * * * deems necessary or appropriate to insure
58 maximum public involvement in the formulation and adoption of the
59 state water management plan.

60 (4) Each * * * governing board of the water management

61 districts is directed to cooperate with the commission in
62 conducting surveys and investigations of water resources, to
63 furnish the commission with all available data of a technical
64 nature, and to advise and assist the commission in the formulation
65 and drafting of those portions of the state plan applicable to
66 that water management district or local government.

67 (5) For the purposes of this plan the commission * * *, in
68 consultation with the affected governing board, may divide each
69 water management district into sections which shall conform as
70 nearly as practicable to hydrologically controllable areas and
71 describe all water resources within each area.

72 (6) The commission shall give careful consideration to the
73 requirements of public recreation and to the protection and
74 procreation of fish and wildlife. The commission may prohibit or
75 restrict other future uses on certain designated bodies of water
76 which may be inconsistent with these objectives.

77 (7) The commission may designate certain uses in connection
78 with a particular source of supply which, because of the nature of
79 the activity or the amount of water required, would constitute an
80 undesirable use for which the permit board may deny a permit.

81 (8) The commission may designate certain uses in connection
82 with a particular source of supply which, because of the nature of
83 the activity or the amount of water required, would result in an
84 enhancement or improvement of the water resources of the area.
85 These uses shall be preferred over other uses in the event of
86 competing applications under the permitting system authorized by
87 this chapter.

88 (9) The commission may add to the state water management
89 plan any other information, directions or objectives it deems
90 necessary or desirable for the guidance of governing boards or
91 other agencies in the administration and enforcement of this
92 chapter.

93 (10) The commission may delegate to any joint water

94 management district authority to assist the commission in
95 preparation, administration and implementation of the state water
96 management plan or any related activity * * * in that district.

97 (11) The commission shall create a program, to be
98 administered by the Department of Environmental Quality, to
99 establish a system of surface water collection points throughout
100 the state in order to monitor any changes in water quality.

101 SECTION 2. This act shall take effect and be in force from
102 and after July 1, 1999.