

By: Representative Ford

To: Conservation and Water Resources

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 778

1 AN ACT TO REENACT SECTIONS 51-3-101 THROUGH 51-3-105,  
2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE MISSISSIPPI WATER  
3 RESOURCES ADVISORY COUNCIL; TO AMEND REENACTED SECTION 51-3-103,  
4 MISSISSIPPI CODE OF 1972, TO REVISE THE MEMBERSHIP OF THE COUNCIL;  
5 TO AMEND REENACTED SECTION 51-3-105, MISSISSIPPI CODE OF 1972, TO  
6 CLARIFY DUTIES OF THE COUNCIL REGARDING AMENDMENTS TO THE STATE  
7 WATER MANAGEMENT PLAN; TO AMEND REENACTED SECTION 51-3-106,  
8 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL OF THE  
9 MISSISSIPPI WATER RESOURCES ADVISORY COUNCIL; AND FOR RELATED  
10 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 directors of the following agencies, or their designees:  
24 the Department of Environmental Quality; the Department of  
25 Wildlife, Fisheries and Parks; \* \* \* the State Department of  
26 Health; \* \* \* the State Forestry Commission; \* \* \* the Soil and  
27 Water Conservation Commission; the Mississippi Development  
28 Authority; the Department of Marine Resources; and the following  
29 office holders or their designees: the President of the  
30 Mississippi Water Resources Association; \* \* \* the Director of the  
31 Mississippi Water Resources Research Institute; and the Secretary



32 of the Mississippi State Board of Registered Professional  
33 Geologists. In addition, the Governor shall appoint one (1)  
34 representative of each of the following organizations: the  
35 Mississippi Association of Supervisors, the Mississippi  
36 Engineering Society, the Mississippi Geological Society, the  
37 Mississippi Economic Council, the Mississippi Farm Bureau  
38 Federation, the Mississippi Manufacturers Association, the  
39 Mississippi Municipal Association, the Delta Council, a regional  
40 water management district, an environmental organization with  
41 statewide membership and one (1) individual from each of the  
42 state's congressional districts.

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

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

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

63 (c) Original appointments to the council shall be made  
64 no later than October 1, 1995. The Governor shall require



65 adequate disclosure of potential conflicts of interest by members  
66 of the council. Vacancies on the council shall be filled by  
67 appointment in the same manner as the original appointments.

68 (d) The Governor shall appoint from the membership of  
69 the council a chairperson to preside over meetings and vice  
70 chairperson to preside in the absence of the chairperson or when  
71 the chairperson shall be excused. The council shall adopt  
72 procedures governing the manner of conducting its business. A  
73 majority of the members shall constitute a quorum to do business.

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

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

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

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



96 (5) The council may exercise those duties and powers  
97 necessary to carry out the purposes of Section 51-3-101 through  
98 51-3-105, including, but not limited to, the following functions:

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

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

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

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

113 **SECTION 3.** Section 51-3-105, Mississippi Code of 1972, is  
114 reenacted and amended as follows:

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

118 (a) Recommend any amendments necessary to update the  
119 plan; or

120 (b) Recommend that no amendments are necessary and the  
121 reasons supporting the determination.

122 The review shall be conducted as the council determines  
123 appropriate, and shall include the participation of the Department  
124 of Environmental Quality; Department of Marine Resources;  
125 Department of Wildlife, Fisheries and Parks; Mississippi  
126 Development Authority; Department of Agriculture and Commerce;  
127 Soil and Water Conservation Commission; the State Department of  
128 Health; and the Forestry Commission. Any joint water management



129 district or other regional organization that provides the duties  
130 of a joint water management district shall be notified and may  
131 participate in this review. Any interested person may, upon  
132 written application to the council, seek an amendment to the state  
133 water management plan. The first review of the state water  
134 management plan shall be completed by January 1, 1999.

135 (2) (a) Before January 1 of each year, the council shall  
136 submit to the Governor, the Commission on Environmental Quality,  
137 the Senate Environmental Protection, Conservation and Water  
138 Resources Committee and the House Conservation and Water Resources  
139 Committee, a report on the status of the state's water resources.

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

143 (i) Operations of each of these programs;

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

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

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

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

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

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

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



161           51-3-106. Sections 51-3-101 through 51-3-105, Mississippi  
162 Code of 1972, shall stand repealed after July 1, 2004.

163           **SECTION 5.** This act shall take effect and be in force from  
164 and after July 1, 2003.

