

By: Representative Warren

To: Conservation and Water
Resources

HOUSE BILL NO. 767

1 AN ACT TO REENACT SECTIONS 51-3-101, 51-3-103, 51-3-105,
2 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE MEMBERSHIP AND
3 DUTIES OF THE MISSISSIPPI WATER RESOURCES ADVISORY COUNCIL; TO
4 AMEND SECTION 51-3-106, MISSISSIPPI CODE OF 1972, TO EXTEND THE
5 DATE OF REPEAL FOR THE REENACTED SECTIONS; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** Section 51-3-101, Mississippi Code of 1972, is
9 reenacted as follows:

10 51-3-101. There is created the Mississippi Water Resources
11 Advisory Council, hereinafter referred to as "council," for the
12 purpose of making recommendations to the Governor and the
13 Legislature on management of the state's water and water-related
14 land resources.

15 **SECTION 2.** Section 51-3-103, Mississippi Code of 1972, is
16 reenacted as follows:

17 51-3-103. (1) (a) The council shall consist of the
18 following members:

19 The executive directors of the following agencies, or their
20 designees: the Department of Environmental Quality; the
21 Department of Wildlife, Fisheries and Parks; the State Department
22 of Health; the State Forestry Commission; the Soil and Water
23 Conservation Commission; the Mississippi Development Authority;
24 the Department of Marine Resources; the President of the
25 Mississippi Water Resources Association, or his designee; the
26 Director of the Mississippi State Board of Registered Professional
27 Geologists, or his designee; and the Director of the Mississippi
28 Water Resources Research Institute, or his designee. In addition,
29 the Governor shall appoint one (1) representative of each of the

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

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

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

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

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

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

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

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

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

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

91 (5) The council may exercise those duties and powers
92 necessary to carry out the purposes of Sections 51-3-101 through
93 51-3-105, including, but not limited to, the following functions:

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

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

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

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

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

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

113 (a) Recommend any amendments necessary to update the
114 plan; or

115 (b) Recommend that no amendments are necessary and the
116 reasons supporting the determination.

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

127 the council, seek an amendment to the state water management plan.
128 The first review of the state water management plan shall be
129 completed by January 1, 1999.

130 (2) (a) Before January 1 of each year, the council shall
131 submit to the Governor, the Commission on Environmental Quality,
132 the Senate Environmental Protection, Conservation and Water
133 Resources Committee and the House Conservation and Water Resources
134 Committee, a report on the status of the state's water resources.

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

138 (i) Operations of each of these programs;

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

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

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

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

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

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

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

156 51-3-106. Sections 51-3-101 through 51-3-105 shall stand
157 repealed after July 1, 2009.

158 **SECTION 5.** This act shall take effect and be in force from
159 and after July 1, 2007.