

By: Representative Warren

To: Conservation and Water Resources

HOUSE BILL NO. 767  
(As Sent to Governor)

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.