

By: Representative Read

To: Conservation and Water Resources

HOUSE BILL NO. 116

1 AN ACT TO AMEND SECTION 49-2-5, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT AT LEAST A MAJORITY OF THE MEMBERS OF THE COMMISSION  
3 ON ENVIRONMENTAL QUALITY NOT RECEIVE SIGNIFICANT INCOME FROM  
4 PERSONS REGULATED UNDER THE FEDERAL CLEAN AIR ACT; AND FOR RELATED  
5 PURPOSES.

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

7 **SECTION 1.** Section 49-2-5, Mississippi Code of 1972, is  
8 amended as follows:

9 49-2-5. (1) There is hereby created the Mississippi  
10 Commission on Environmental Quality, to be composed of seven (7)  
11 persons appointed by the Governor, with the advice and consent of  
12 the Senate, for a term of seven (7) years. One (1) person shall  
13 be appointed from each congressional district as constituted  
14 January 1, 1978, and two (2) members shall be appointed from the  
15 state at large. The initial terms of the members from  
16 congressional districts shall be for one (1), two (2), three (3),  
17 four (4) and five (5) years respectively, and the initial terms of  
18 the members from the state at large shall be one (1) for six (6)  
19 years and one (1) for seven (7) years. Thereafter, all terms



20 shall be for seven (7) years. The members serving on the  
21 predecessor Commission on Natural Resources on June 30, 1989,  
22 shall continue to serve as members of the successor Commission on  
23 Environmental Quality until the expiration of the term of their  
24 appointment to the predecessor commission.

25 (2) The commission shall elect from its membership a  
26 chairman who shall preside over meetings and a vice chairman who  
27 shall preside in the absence of the chairman or when the chairman  
28 shall be excused.

29 (3) The commission shall adopt rules and regulations  
30 governing times and places for meetings, and governing the manner  
31 of conducting its business. Each member of the commission shall  
32 take the oath prescribed by Section 268 of the Constitution and  
33 shall enter into bond in the amount of Thirty Thousand Dollars  
34 (\$30,000.00) to be approved by the Secretary of State, conditioned  
35 according to law and payable to the State of Mississippi before  
36 assuming the duties of office. Any member who shall not attend  
37 three (3) consecutive regular meetings of the commission shall be  
38 subject to removal by a majority vote of the commission members.

39 (4) The members of the commission shall receive no annual  
40 salary, but shall receive per diem compensation as authorized by  
41 law for each day devoted to the discharge of official duties, and  
42 shall be entitled to reimbursement for all actual and necessary  
43 expenses incurred in the discharge of their duties, including  
44 mileage as authorized by law.



45           The commission shall be composed of persons with extensive  
46 knowledge of or practical experience in at least one (1) of the  
47 matters of jurisdiction of the commission.

48           (5) The commission is authorized and empowered to use and  
49 expend any funds received by it from any source for the purposes  
50 of this chapter. Such funds shall be expended in accordance with  
51 the statutes governing the expenditure of state funds.

52           (6) At least a majority of the members of the commission  
53 shall represent the public interest and shall not derive any  
54 significant portion of their income from persons subject to  
55 permits under the federal Clean Air Act or enforcement order under  
56 the federal Clean Air Act. In the event of any potential conflict  
57 of interest by a member of the commission, such member shall  
58 disclose the potential conflict to the other members of the  
59 commission and shall recuse himself or herself from participating  
60 in or voting on any matter related to such conflict of interest.

61           **SECTION 2.** This act shall take effect and be in force from  
62 and after July 1, 2016.

