

By: Senator(s) Harkins

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2814

1 AN ACT TO CREATE THE MISSISSIPPI WATER QUALITY COMMISSION FOR
 2 THE PURPOSE OF PROVIDING OVERSIGHT TO LOCAL GOVERNMENTS AND
 3 NON-PROFIT ENTITIES IN ORDER TO CREATE OR MAINTAIN EFFICIENT,
 4 SAFE, AND RELIABLE WATER AND SEWER SYSTEMS FOR CITIZENS; TO
 5 PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION; TO REQUIRE ANY LOCAL
 6 GOVERNMENT OR NON-PROFIT ENTITY RESPONSIBLE FOR THE ADMINISTRATION
 7 OF A WATER OR SEWER SYSTEM TO NOTIFY THE COMMISSION UPON RECEIVING
 8 A VIOLATION NOTICE OF ANY RELATED STATE OR FEDERAL LAW; TO
 9 AUTHORIZE THE COMMISSION TO PROMULGATE RULES AND REGULATIONS
 10 NECESSARY TO EFFECTUATE THE PURPOSE OF THIS ACT; AND FOR RELATED
 11 PURPOSES.

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

13 **SECTION 1.** (1) It is hereby determined and declared to be
 14 the policy of the state, that, for the benefit of citizens
 15 throughout the state, it is essential for local governments and
 16 other non-profit entities to provide efficient, safe, and reliable
 17 water and sewer systems which are compliant with all relevant
 18 state and federal laws, including the Safe Drinking Water Act.

19 (2) There is hereby created the Mississippi Water Quality
 20 Commission for the purpose of providing oversight where state
 21 resources are provided to local governments and non-profit



22 entities in order to create and maintain efficient, safe, and
23 reliable water and sewer systems for citizens.

24 **SECTION 2.** (1) The commission shall be composed of the
25 following seven (7) members:

26 (a) Three (3) members appointed by the Governor, with
27 the advice and consent of the Senate;

28 (b) Two (2) members appointed by the Lieutenant
29 Governor, with the advice and consent of the Senate;

30 (c) The Executive Director of the Mississippi
31 Department of Health, or his designee, who shall serve in a
32 non-voting, ex-officio capacity; and

33 (d) The Executive Director of the Mississippi
34 Department of Environmental Quality, or his designee, who shall
35 serve in a non-voting ex-officio capacity.

36 (2) To be eligible for appointment, all members must be
37 residents of the State of Mississippi. At least one (1)
38 appointment by the Governor and one (1) appointment by the
39 Lieutenant Governor shall have experience in a management role
40 with an investor-owned utility possessing a Certificate of Public
41 Convenience and Necessity from the Mississippi Public Service
42 Commission. During the appointment process, the Governor and
43 Lieutenant Governor shall attempt to see that all portions of
44 society and its diversity are represented in members of the
45 commission.



46 (3) All appointments shall be made within sixty (60) days of
47 the effective date of this act. At the first meeting, the
48 commission shall elect from among its membership a chairman, a
49 vice chairman and any other officers determined to be necessary
50 and shall adopt rules for keeping records.

51 (4) The commission shall meet at least monthly. A majority
52 of the members of the commission shall constitute a quorum. In
53 the adoption of rules, resolutions, and reports, and in the
54 election of a chairman, vice chairman and any other officers
55 determined to be necessary, an affirmative vote of a majority of
56 the members present shall be required.

57 (5) The initial terms of the members of the commission shall
58 be as follows:

59 (a) The Governor shall appoint one (1) member for a
60 term of four (4) years, one (1) for a term of two (2) years and
61 one (1) member for a term of one (1) year.

62 (b) The Lieutenant Governor shall appoint one (1)
63 member for a term of four (4) years and one (1) member for a term
64 of three (3) years.

65 (6) Except as provided in subsection (5) of this section,
66 appointments shall be for a term of four (4) years. Each member
67 shall hold office until his successor has been appointed and
68 qualified. Vacancies shall be filled by appointment by the
69 appropriate appointing authority, subject to the advice and



70 consent of the Senate, for the length of the unexpired term only.
71 Any member of the commission shall be eligible for reappointment.

72 (7) Members of the commission shall receive per diem
73 authorized by Section 25-3-69, plus actual and necessary expenses
74 and mileage as authorized by Section 25-3-41, for each day
75 actually spent in attending the meetings of the commission. The
76 expenses of the commission shall be paid out of any funds
77 available for the operation of the Mississippi Department of
78 Environmental Quality.

79 (8) The Executive Director of the Mississippi Department of
80 Environmental Quality shall provide the staff and other support
81 necessary for the commission to perform its duties.

82 **SECTION 3.** (1) Any local government or non-profit entity
83 responsible for the administration of a water or sewer system, or
84 both, in the state shall immediately notify the commission upon
85 receiving a violation notice of any related state or federal law,
86 including the Safe Drinking Water Act.

87 (2) The commission shall provide public notice of any such
88 violation of a relevant state or federal law, including the Safe
89 Drinking Water Act, provided to the commission by a local
90 government or non-profit entity.

91 (3) Any local government or non-profit entity charged with
92 such a violation shall provide a copy of all documents and
93 information provided to the state or federal agency issuing the
94 violation to the commission, including any remediation plan.



95 (4) The commission shall be responsible for providing
96 oversight over any state funds provided to a local government or
97 non-profit entity charged with such a violation related to
98 remediation of the violation or creating or maintaining an
99 efficient, safe, and reliable water or sewer system, or both.

100 (5) The commission may accept and expend such monies as may
101 be appropriated by the Legislature or such monies as may be
102 received from any source, for effectuating its purposes.

103 (6) The commission shall promulgate rules, regulations and
104 procedures to effectuate the purposes of this act.

105 **SECTION 4.** The members of the commission, nor any person or
106 persons acting on their behalf, while acting within the scope of
107 their authority, shall not be subject to personal liability
108 resulting from carrying out any of the powers granted herein in
109 accordance with his or her good-faith belief that he or she is
110 acting in the best interests of the commission.

111 **SECTION 5.** This act being necessary for the welfare of the
112 state and its inhabitants shall be liberally construed to effect
113 the purposes thereof. If any section, provision, paragraph,
114 sentence, phrase, or word of this act shall be held invalid by any
115 court of competent jurisdiction, the remainder of this act shall
116 not be affected thereby.

117 **SECTION 6.** This act shall take effect and be in force from
118 and after its passage.

