

By: Senator(s) Harkins, Jordan, Jackson
(11th)

To: Accountability,
Efficiency, Transparency

COMMITTEE SUBSTITUTE
FOR
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 NONPROFIT ENTITIES IN ORDER TO CREATE OR MAINTAIN EFFICIENT, SAFE,
4 AND RELIABLE WATER AND SEWER SYSTEMS FOR CITIZENS; TO PROVIDE FOR
5 THE MEMBERSHIP OF THE COMMISSION; TO REQUIRE ANY LOCAL GOVERNMENT
6 OR NONPROFIT ENTITY WHICH VIOLATES THE MAXIMUM CONTAMINANT LEVEL
7 UNDER THE SAFE DRINKING WATER ACT TO PROVIDE THE COMMISSION A COPY
8 OF ALL DOCUMENTS RELATING TO SUCH VIOLATIONS; TO AUTHORIZE THE
9 COMMISSION TO PROMULGATE RULES AND REGULATIONS NECESSARY TO
10 EFFECTUATE THE PURPOSE OF THIS ACT; AND FOR RELATED PURPOSES.

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

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



22 in order to create and maintain efficient, safe, and reliable
23 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 nonvoting, 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 nonvoting 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 thirty (30) days
47 of 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 and may meet
52 in a virtual setting, provided such meeting is available for
53 public viewing. A majority of the members of the commission shall
54 constitute a quorum. In the adoption of rules, resolutions, and
55 reports, and in the election of a chairman, vice chairman and any
56 other officers determined to be necessary, an affirmative vote of
57 a majority of the members present shall be required.

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

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

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

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



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

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

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

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

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

92 (3) Any local government or nonprofit entity which violates
93 the Maximum Contaminant Level allowed under the Safe Drinking
94 Water Act shall provide a copy of all documents and information
95 provided to the Environmental Protection Agency or other state or



96 federal agency related to the violation to the commission,
97 including any voluntary or required remediation plan.

98 (4) The commission shall be responsible for providing
99 oversight over any state funds, excluding funds provided by the
100 state from the federal American Rescue Plan Act of 2021, Public
101 Law 117-2, provided to a local government or nonprofit entity that
102 has been charged with a Maximum Contaminant Level violation.
103 Oversight shall include requiring a plan from the local government
104 or nonprofit entity for expenditure of any state funds and
105 authorizing all expenditures through official action before state
106 funds are obligated or spent. State funds overseen by the
107 commission and granted to the local government or nonprofit entity
108 may not be used for administrative purposes or consulting fees.
109 The commission may authorize a reimbursement process if necessary
110 to maintain oversight over state funds.

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

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

116 **SECTION 4.** The members of the commission, nor any person or
117 persons acting on their behalf, while acting within the scope of
118 their authority, shall not be subject to personal liability
119 resulting from carrying out any of the powers granted herein in



120 accordance with his or her good-faith belief that he or she is
121 acting in the best interests of the commission.

122 **SECTION 5.** This act being necessary for the welfare of the
123 state and its inhabitants shall be liberally construed to effect
124 the purposes thereof. If any section, provision, paragraph,
125 sentence, phrase or word of this act shall be held invalid by any
126 court of competent jurisdiction, the remainder of this act shall
127 not be affected thereby.

128 **SECTION 6.** This act shall take effect and be in force from
129 and after July 1, 2022, and shall stand repealed on June 30, 2022.

