

## **Senate Amendments to House Bill No. 1031**

**TO THE CLERK OF THE HOUSE:**

**THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:**

### **AMENDMENT NO. 1**

**Amend by striking all after the enacting clause and inserting in lieu thereof the following:**

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.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

SS08\HB1031A.J

Eugene S. Clarke  
Secretary of the Senate