

By: Representative Ford

To: Conservation and Water
ResourcesCOMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 778

1 AN ACT TO REENACT SECTIONS 51-3-101 THROUGH 51-3-105,
2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE MISSISSIPPI WATER
3 RESOURCES ADVISORY COUNCIL; TO AMEND REENACTED SECTION 51-3-103,
4 MISSISSIPPI CODE OF 1972, TO REVISE THE MEMBERSHIP OF THE COUNCIL;
5 TO AMEND REENACTED SECTION 51-3-105, MISSISSIPPI CODE OF 1972, TO
6 CLARIFY DUTIES OF THE COUNCIL REGARDING AMENDMENTS TO THE STATE
7 WATER MANAGEMENT PLAN; TO AMEND REENACTED SECTION 51-3-106,
8 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL OF THE
9 MISSISSIPPI WATER RESOURCES ADVISORY COUNCIL; AND FOR RELATED
10 PURPOSES.

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

12 **SECTION 1.** Section 51-3-101, Mississippi Code of 1972, is
13 reenacted as follows:

14 51-3-101. There is created the Mississippi Water Resources
15 Advisory Council, hereinafter referred to as "council," for the
16 purpose of making recommendations to the Governor and the
17 Legislature on management of the state's water and water-related
18 land resources.

19 **SECTION 2.** Section 51-3-103, Mississippi Code of 1972, is
20 reenacted and amended as follows:

21 51-3-103. (1) (a) The council shall consist of the
22 following members:

23 The directors of the following agencies, or their designees:
24 the Department of Environmental Quality; the Department of
25 Wildlife, Fisheries and Parks; * * * the State Department of
26 Health; * * * the State Forestry Commission; * * * the Soil and
27 Water Conservation Commission; the Mississippi Development
28 Authority; the Department of Marine Resources; and the following
29 office holders or their designees: the President of the
30 Mississippi Water Resources Association; * * * the Director of the
31 Mississippi Water Resources Research Institute; and the Secretary



32 of the Mississippi State Board of Registered Professional
33 Geologists. In addition, the Governor shall appoint one (1)
34 representative of each of the following organizations: the
35 Mississippi Association of Supervisors, the Mississippi
36 Engineering Society, the Mississippi Geological Society, the
37 Mississippi Economic Council, the Mississippi Farm Bureau
38 Federation, the Mississippi Manufacturers Association, the
39 Mississippi Municipal Association, the Delta Council, a regional
40 water management district, an environmental organization with
41 statewide membership and one (1) individual from each of the
42 state's congressional districts.

43 Members of the council not appointed by the Governor as
44 provided above shall serve a term concurrent with their term of
45 office in their respective position. Nonappointed members may
46 designate another member of their respective board, council or
47 commission to serve as an alternate.

48 Members of the council appointed by the Governor shall serve
49 staggered four-year terms. The initial terms of appointed members
50 shall be as follows: Four (4) members shall be appointed for
51 terms of two (2) years; five (5) members shall be appointed for a
52 term of three (3) years; and five (5) members shall be appointed
53 for terms of four (4) years. Thereafter, all terms of the
54 appointed members of the council shall be for four (4) years. The
55 terms of members shall begin and end on July 1, of the appropriate
56 year, regardless of the date of appointment.

57 (b) In addition to the voting members of the council,
58 as described above, the council may invite, as participating but
59 nonvoting members, representatives of any other state and federal
60 organizations, or individuals possessing expertise in the field of
61 water resources management or who have a viable interest in the
62 wise management of the water resources of the state.

63 (c) Original appointments to the council shall be made
64 no later than October 1, 1995. The Governor shall require



adequate disclosure of potential conflicts of interest by members of the council. Vacancies on the council shall be filled by appointment in the same manner as the original appointments.

(d) The Governor shall appoint from the membership of the council a chairperson to preside over meetings and vice chairperson to preside in the absence of the chairperson or when the chairperson shall be excused. The council shall adopt procedures governing the manner of conducting its business. A majority of the members shall constitute a quorum to do business.

(e) Members of the council shall serve without compensation. At the direction of the chairman of the council and contingent upon the availability of sufficient funds, each member may receive reimbursement for reasonable expenses, including travel expenses in accordance with rates established pursuant to Section 25-3-41, incurred in attending meetings of the council.

(2) The council shall convene by November 15, 1995.

(3) The Department of Environmental Quality shall provide any technical, clerical and other support services and personnel as the council may require in the performance of its functions. The department shall administer any funds made available to the council for its use and may at the request and on behalf of the council, contract for services using any funds available to the council. The department may provide supplies and office space as required for the council's routine operations. The council shall not employ any permanent staff, rent or occupy independent office space or otherwise establish a full-time office.

(4) In conducting its activities under Sections 51-3-101 through 51-3-107, the council may elicit the support of and participation by any state agency as may be necessary or appropriate. All state agencies shall provide support or participation as requested.



(5) The council may exercise those duties and powers necessary to carry out the purposes of Section 51-3-101 through 51-3-105, including, but not limited to, the following functions:

(a) Conduct, or cause to be conducted any studies, analyses or evaluations related to the state water management plan.

(b) Apply and contract for and accept any grants, public or private funds, gifts or proceeds in furtherance of the activities of the council.

(c) Authorize the Executive Director of the Department of Environmental Quality to enter into all contracts or execute all instruments, on behalf of the council, and do all acts necessary, desirable or convenient to carry out any power expressly granted to the council in this chapter.

(d) Expend or distribute any funds or assets in its custody or under its control appropriate in carrying out the purposes of Sections 51-3-101 through 51-3-105.

SECTION 3. Section 51-3-105, Mississippi Code of 1972, is reenacted and amended as follows:

51-3-105. (1) The council shall meet at least semiannually for the purpose of reviewing the implementation of the state water management plan and shall:

(a) Recommend any amendments necessary to update the plan; or

(b) Recommend that no amendments are necessary and the reasons supporting the determination.

The review shall be conducted as the council determines appropriate, and shall include the participation of the Department of Environmental Quality; Department of Marine Resources; Department of Wildlife, Fisheries and Parks; Mississippi Development Authority; Department of Agriculture and Commerce; Soil and Water Conservation Commission; the State Department of Health; and the Forestry Commission. Any joint water management



district or other regional organization that provides the duties of a joint water management district shall be notified and may participate in this review. Any interested person may, upon written application to the council, seek an amendment to the state water management plan. The first review of the state water management plan shall be completed by January 1, 1999.

(2) (a) Before January 1 of each year, the council shall submit to the Governor, the Commission on Environmental Quality, the Senate Environmental Protection, Conservation and Water Resources Committee and the House Conservation and Water Resources Committee, a report on the status of the state's water resources.

(b) The report may contain recommendations regarding the functions and programs of each of the agencies with water-related programs, including but not limited to:

(i) Operations of each of these programs;

(ii) Duplications or omissions in the programs and/or missions of the agencies;

(iii) Changes in the organizational concepts, institutions, laws and management resources necessary to properly regulate and manage the state's water resources;

(iv) Methods to better coordinate activities of the various local, state and federal agencies;

(v) Activities that do not conform with the state water management plan;

(vi) Methods or ways to increase the efficiency of the state's management of its water resources; and

(vii) Other actions that should be considered to ensure the continued availability and quality of abundant surface water and groundwater necessary for the future growth and environmental enhancement of the state.

SECTION 4. Section 51-3-106, Mississippi Code of 1972, is amended as follows:



161 51-3-106. Sections 51-3-101 through 51-3-105, Mississippi
162 Code of 1972, shall stand repealed after July 1, 2004.

163 **SECTION 5.** This act shall take effect and be in force from
164 and after July 1, 2003.

