

By: Ellington

To: Conservation and  
Water Resources

## HOUSE BILL NO. 1317

1 AN ACT TO AMEND SECTION 49-15-13, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE DEPARTMENT OF MARINE RESOURCES TO REMOVE DERELICT  
3 VESSELS FROM MANMADE CANAL WITH A NAVIGABLE CONNECTION TO COASTAL  
4 WETLANDS; TO AUTHORIZE THE COMMISSION ON MARINE RESOURCES TO  
5 INSTITUTE CERTAIN LEGAL PROCEEDINGS AND TO COMPROMISE OR SETTLE  
6 CLAIMS UNDER THOSE PROCEEDINGS; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 49-15-13, Mississippi Code of 1972, is  
9 amended as follows:[LTR1]

10 49-15-13. (1) (a) The department may remove from the  
11 coastal wetlands, as defined in Section 49-27-5(a), Mississippi  
12 Code of 1972, or from any private or manmade canal with a  
13 navigable connection to coastal wetlands, any vessel which is  
14 derelict, having been relinquished, deserted or left by the owner  
15 with the intention of abandoning the vessel. Any vessel submerged  
16 in or on the coastal wetlands or submerged in any private or  
17 manmade canal with a navigable connection to coastal wetlands, in  
18 excess of ninety (90) days is \* \* \*declared abandoned and a  
19 derelict vessel. For the purposes of this section, no vessel  
20 submerged more than one hundred (100) years will be considered  
21 derelict.

22 (b) Any owner or operator of a derelict vessel shall be  
23 liable to the State of Mississippi for the restoration of all  
24 affected coastal wetlands and all costs associated with the  
25 removal of the vessel, unless otherwise determined by the  
26 commission under this section.

27 (2) (a) If the last known owner or operator of a derelict  
28 vessel is known, the owner or operator shall be notified by

29 certified mail to remove the derelict vessel and restore the  
30 affected coastal wetlands within thirty (30) days of the date of  
31 the notice. Failure to remove the vessel may result in the  
32 imposition of the damages provided in subsection (3).

33 (b) When the owner or operator of the derelict vessel  
34 is unknown or cannot be located after diligent search and inquiry,  
35 notice shall be given by publishing in a newspaper having general  
36 circulation in the county where the derelict vessel is located the  
37 intent to remove and dispose of the derelict vessel. The notice  
38 shall be published once a week for three consecutive weeks. The  
39 derelict vessel may be removed ten (10) days after the last date  
40 of publication.

41 (c) The municipality or county where the vessel is  
42 located may remove the derelict vessel or request the department  
43 to contract for the removal of the derelict vessel. The cost of  
44 the removal of the derelict vessel shall be paid by the  
45 municipality or the county where the vessel is located. If the  
46 county or municipality can not pay the cost of removal, the  
47 department may pay the cost of removal, if funds are available.

48 (d) Any derelict vessel salvaged may be destroyed or  
49 otherwise disposed of without additional notice to the owner or  
50 operator and the value thereof, if any, applied as an offset to  
51 the cost of the removal of the derelict vessel and restoration of  
52 the affected coastal wetlands.

53 (e) If an owner or operator is subsequently identified,  
54 the owner or operator shall be liable for double the cost of the  
55 removal of the derelict vessel and the restoration of the affected  
56 coastal wetlands, attorneys fees and all costs of court. Upon  
57 recovery of these damages, the county, municipality or department,  
58 as the case may be, shall be reimbursed the costs of the removal  
59 of the derelict vessel and restoration of the coastal wetlands.

60 (f) In addition to providing notice by publication or  
61 to the known owner or operator, notice shall be sent by mail to  
62 the Mississippi Department of Archives and History for a  
63 determination as to whether the vessel to be removed is of  
64 archaeological, historical or architectural significance under the  
65 state antiquities law. The Department of Archives and History

66 shall respond within thirty (30) days to the notice and advise  
67 whether or not the vessel should be preserved.

68 (3) The commission may institute and maintain any legal  
69 proceedings necessary to enforce this section. The chancery court  
70 of the county where the vessel is located shall have jurisdiction  
71 and by writ of mandatory injunction, order the removal of the  
72 derelict vessel by the owner or operator. The chancery court  
73 shall allow a reasonable time for completion of the restoration of  
74 the coastal wetlands and removal of the derelict vessel. The  
75 chancery court may, in its discretion, order as damages a sum not  
76 to exceed Five Hundred Dollars (\$500.00) per day for each day such  
77 violation has existed and may further order as damages a sum not  
78 to exceed Five Hundred Dollars (\$500.00) per day for each day that  
79 the violation exists beyond the date set by the court in its  
80 injunction for the removal of the vessel and the restoration of  
81 the coastal wetlands. Additionally, the owner or operator shall  
82 be liable for reasonable attorneys fees and all costs of court.  
83 If the commission determines that the expeditious removal of any  
84 derelict vessel is in the best interest of the state, the  
85 department may compromise or settle any legal proceeding filed  
86 under this section.

87 (4) Any reimbursed cost of removal and any fines and damages  
88 collected in excess of the cost of the removal of the derelict  
89 vessel and the restoration of the affected coastal wetlands shall  
90 be deposited in a special fund in the State Treasury to be known  
91 as the "Derelict Vessel Fund." The fund shall be administered by  
92 the department. Any funds deposited in the fund shall be used to  
93 cover the administrative costs and removal costs incurred by the  
94 department for the removal of derelict vessels. Any remaining  
95 funds shall be used as a match for municipal and county funds to  
96 cover the costs of removing additional derelict vessels.

97 (5) The department is authorized to enter into contracts  
98 with individuals, firms and corporations for the removal of

99 derelict vessels. The salvage value, if any, of the derelict  
100 vessel may be used to offset the cost of the removal of the vessel  
101 and the restoration of the coastal wetlands.

102 (6) The commission shall adopt rules and regulations  
103 necessary and appropriate to carry out the provisions of this  
104 section. The commission may also enter into interstate or  
105 intrastate efforts toward this end, and may seek and utilize aid  
106 from all federal, state and local sources in this endeavor.

107 (7) The State of Mississippi, the department and their  
108 employees and representatives shall not be liable for any damage  
109 resulting from the removal, sale or disposal of any vessel  
110 declared a derelict vessel pursuant to this section.

111 SECTION 2. This act shall take effect and be in force from  
112 and after its passage.