

By: Dearing

To: Highways and
Transportation

SENATE BILL NO. 2357
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 65-1-51, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE MISSISSIPPI TRANSPORTATION COMMISSION TO ACQUIRE BY
3 GIFT, PURCHASE OR OTHERWISE, WETLANDS CREDITS FROM AN APPROVED
4 ORGANIZATION WITH A PLAN ESTABLISHING A WETLAND MITIGATION BANK;
5 AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 65-1-51, Mississippi Code of 1972, is
8 amended as follows:[JWB1]

9 65-1-51. The Mississippi Transportation Commission may
10 acquire by gift, purchase or otherwise, and may have the
11 Mississippi Department of Transportation improve and maintain
12 strips of land necessary for the restoration, preservation and
13 enhancement of scenic beauty adjacent to the state highway
14 rights-of-way. The commission may acquire and have the
15 Transportation Department develop publicly owned and controlled
16 rest and recreation areas and sanitary and other facilities within
17 or adjacent to the highway right-of-way reasonably necessary to
18 accommodate the traveling public.

19 The Mississippi Transportation Commission, in its discretion,
20 may acquire by gift, purchase or otherwise, including the exercise
21 of eminent domain, public or privately owned wetlands and other
22 lands suitable for creation as wetlands for the purpose of
23 mitigating wetland losses and replacing those wetlands purchased
24 and damaged or eliminated by development and use, on a basis not
25 to exceed that required by the Federal Highway Administration as a
26 condition for receiving federal aid funds, provided that some
27 governmental agency or approved organization agrees, without

28 compensation, to accept title to the lands acquired and maintain
29 such lands as wetlands in perpetuity. However, the commission
30 shall replace those coastal wetlands purchased and damaged or
31 eliminated by development and use on the basis required by the
32 "Coastal Wetlands Protection Law" and regulations promulgated
33 thereunder by the Mississippi Commission on Marine Resources.

34 The Mississippi Transportation Commission, in its discretion,
35 may acquire by gift, purchase or otherwise, wetlands credits from
36 an approved organization with a plan establishing a wetland
37 mitigation bank. The commission shall, if possible, acquire
38 credits on wetlands within the State of Mississippi before
39 acquiring credits on wetlands located outside the State of
40 Mississippi.

41 SECTION 2. This act shall take effect and be in force from
42 and after July 1, 2000.