

By: Dawkins

To: Environment Prot,  
Cons and Water Res;  
Judiciary

SENATE BILL NO. 3061

1 AN ACT TO CREATE SECTION 49-17-44.1, MISSISSIPPI CODE OF  
2 1972, TO PROVIDE THAT AN APPLICANT FOR A WATER POLLUTION CONTROL  
3 PERMIT FOR A CONCENTRATED ANIMAL FEEDING OPERATION SHALL PROVIDE A  
4 BOND OR OTHER FINANCIAL SECURITY; AND FOR RELATED PURPOSES.

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

6 SECTION 1. The following shall be codified as Section  
7 49-17-44.1, Mississippi Code of 1972:

8 49-17-44.1. (1) The permit board shall require any  
9 applicant for a water pollution control permit for a concentrated  
10 animal feeding operation to provide a bond or other acceptable  
11 financial security instrument payable to the Commission on  
12 Environmental Quality and conditioned upon full and satisfactory  
13 performance of the requirements of the Mississippi Air and Water  
14 Pollution Control Law and any water pollution control permit  
15 issued under that law. Any bond shall be executed by the  
16 permittee and a corporate surety licensed to do business in the  
17 state. The commission shall establish by regulation the  
18 acceptable forms of financial security and the amount of financial  
19 security required for the various types and sizes of facilities.  
20 The purpose of the bond or other financial security shall be the  
21 protection of the public health, welfare and the environment.

22 (2) (a) There is established a special account within the  
23 Pollution Emergency Fund created under Section 49-17-68. The  
24 proceeds of any forfeiture shall be deposited into the special  
25 account. The proceeds may be expended under the authority of this  
26 section without additional action of the Legislature.

27 (b) The commission shall file an annual report

28 detailing the receipts and expenditure of the bond forfeiture  
29 account with the Chairmen of the House and Senate Appropriations  
30 Committees.

31 (c) Expenditures may be made from the account upon  
32 requisition by the executive director of the department.

33 (d) Any unexpended funds remaining in the fund at the  
34 end of the fiscal year shall not lapse. Interest earned on the  
35 principal shall be credited by the Treasurer to the account.

36 (e) The account may receive monies from any available  
37 public or private source, including, but not limited to, proceeds  
38 from bond or other financial security forfeitures, interest, and  
39 funds from other judicial actions.

40 (3) Funds in the account may be used by the commission or  
41 any receiver appointed by a court to address noncompliance or for  
42 mitigation, abatement, clean-up or other remedial actions  
43 involving pollution at the facility for which the bond or  
44 financial security was forfeited.

45 (4) An appeal from any decision of the commission under this  
46 section may be taken as provided in Section 49-17-41, Mississippi  
47 Code of 1972.

48 (5) This section is applicable to applications for new  
49 concentrated animal feeding operations and to existing permits  
50 upon application for reissuance or transfer of a permit.

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