

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 666**

**By Senator(s) Committee**

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

32  
33           SECTION 1. Section 19-5-51, Mississippi Code of 1972, is  
34 amended as follows:

35           19-5-51. Any board of supervisors may, in its discretion, by  
36 appropriate resolution spread upon its minutes, offer a bounty not  
37 to exceed Five Dollars (\$5.00) for each nutria, beaver or bobcat  
38 destroyed, where such board finds and determines that nutria,  
39 beaver or bobcats are in such quantities that the preservation of  
40 trees and other properties requires such bounties to be offered.  
41 Upon presentation to the sheriff of the complete tail of a nutria,  
42 beaver or bobcat, the sheriff shall execute a receipt therefor.  
43 Upon filing of such receipt with the chancery clerk, the amount of  
44 such bounty may be allowed by the board of supervisors as are  
45 other accounts against the county.

46           There is further provided a bounty on beaver not to exceed  
47 Five Dollars (\$5.00) for each beaver to be paid in the following  
48 manner: upon the presentation of the tail of any beaver, any  
49 conservation officer of the state shall issue a receipt in such  
50 form as prescribed by the Mississippi Commission on Wildlife,  
51 Fisheries and Parks to the person presenting such tail. The  
52 Mississippi Department of Wildlife, Fisheries and Parks shall

53 redeem such receipts by paying to such person a sum not to exceed  
54 Five Dollars (\$5.00) for each such receipt as bounty. The  
55 redemption of such receipts shall be paid only from funds  
56 especially appropriated for this purpose and it is expressly  
57 provided that no such bounty shall be paid from any regular  
58 receipts, funds and appropriations of the Mississippi Department  
59 of Wildlife, Fisheries and Parks.

60 For the purposes of carrying out the purposes of this  
61 section, the Mississippi Department of Wildlife, Fisheries and  
62 Parks and the State Forestry Commission are authorized, empowered  
63 and directed, when requested by the board of supervisors or any  
64 property owner, to utilize funds, personnel and equipment under  
65 reasonable terms and conditions.

66 No bounty shall be paid when funds, personnel or equipment of  
67 the Mississippi Department of Wildlife, Fisheries and Parks, the  
68 State Forestry Commission or the county are employed in capturing  
69 and killing such animals.

70 SECTION 2. Section 25-1-51, Mississippi Code of 1972, is  
71 amended as follows:

72 25-1-51. (1) No law enforcement officer, conservation  
73 officer, or other person charged with the duty and responsibility  
74 of enforcing the statutory laws of this state or any municipality  
75 herein, whether employed full time or part time in such capacity,  
76 or any member of his or her household can knowingly own, acquire,  
77 bid upon, or otherwise participate as a purchaser or prospective  
78 purchaser, either directly or indirectly, at a sale concerning any  
79 real, personal, or mixed property which has been confiscated and  
80 is being sold, or has been sold, or is subject to being sold  
81 pursuant to the laws and statutes of this state. All officers  
82 seizing any property shall turn the same over to the sheriff of  
83 the county in which said property was seized. All real, personal,  
84 or mixed properties confiscated under authority of law and subject  
85 to sale as contraband properties shall be sold by the sheriff of  
86 the county in which said property was confiscated or is stored,  
87 after the sheriff shall first have given public notice by

88 publication for not less than one (1) week in a newspaper  
89 published in said county or, if no newspaper is published in said  
90 county, said notice shall be published not less than one (1) time  
91 in a newspaper having general circulation in said county. The  
92 published notice shall contain a description of the property and  
93 other pertinent data which the sheriff may deem necessary and  
94 proper in compliance with this section. The cost of public notice  
95 shall be charged against and added to the cost of the property  
96 advertised and sold by virtue of said notice. The net proceeds of  
97 all such property sold shall be deposited in the county general  
98 fund within the manner provided by law. The sheriff shall keep a  
99 public record of all property seized, the disposition thereof, and  
100 the proceeds from the sale thereof.

101 (2) The failure of the sheriff to sell any property seized  
102 by him or turned over to him within ninety (90) days and any  
103 violation of the above paragraph by such prohibited person, or any  
104 other person acting for or in behalf of such prohibited person,  
105 shall be deemed to be a misdemeanor and shall be punishable by a  
106 fine of not less than One Hundred Dollars (\$100.00) nor more than  
107 Five Hundred Dollars (\$500.00), which fine shall be subject to  
108 collection from such prohibited person's bondsmen if such  
109 prohibited person be under bond and fails to pay said assessed  
110 fine when it shall have become final and collectible.

111 In addition thereto, upon a showing in an action begun not  
112 later than one (1) year from the date of the legal sale of the  
113 confiscated property that such prohibited person has knowingly  
114 acquired title to such confiscated property in violation of  
115 paragraph (1) hereof, the owner of such property at the time it  
116 was confiscated, or his or her heirs, legatees, administrator, or  
117 executor shall be immediately entitled to the return of such  
118 property; and the sum paid therefor by such prohibited person, or  
119 in his or her behalf, shall be forfeited. The sum so forfeited  
120 shall be applied in the same manner as it would be applied had the  
121 confiscated property been sold to or acquired by other than such  
122 prohibited person.

123 SECTION 3. Section 25-1-87, Mississippi Code of 1972, is  
124 amended as follows:

125 25-1-87. All motor vehicles owned or leased by the State of  
126 Mississippi or any agency, department or political subdivision  
127 thereof, which shall include counties and municipalities, when  
128 such agency or department or political subdivision, which shall  
129 include counties and municipalities, is supported wholly or in  
130 part by public taxes or by appropriations from public funds, shall  
131 have painted on both sides in letters at least three (3) inches in  
132 height, and on the rear in letters not less than one and one-half  
133 (1-1/2) inches in height, the name of the state agency or  
134 department, or political subdivision, which shall include counties  
135 and municipalities, in a color which is in contrast with the color  
136 of the vehicle; provided, however, that a permanent decal may be  
137 used in lieu of paint, and provided further, that any municipality  
138 may affix a permanent decal or design at least twelve (12) inches  
139 in height and twelve (12) inches in width on both sides of the  
140 vehicle with the name of the municipality within or across the  
141 permanent decal or design, and the permanent design or decal shall  
142 be in a color or colors which are in contrast with the color of  
143 the vehicle. No privilege license tag shall be issued for such  
144 vehicle until the name has been painted thereon or a permanent  
145 design or decal affixed thereto as required by this section. A  
146 permanent decal may be used in lieu of paint. The provisions of  
147 this paragraph shall not apply to vehicles used by the Chief  
148 Executive of the State of Mississippi, to vehicles owned or leased  
149 by the Department of Economic and Community Development, to  
150 vehicles owned or leased by the Office of the Attorney General, to  
151 vehicles owned or leased by the Mississippi State Board of Medical  
152 Licensure and used only by the Investigative Division of the  
153 board, to one (1) vehicle owned or leased by the Commissioner of  
154 the Mississippi Department of Corrections, to not more than three  
155 (3) vehicles owned or leased by the Department of Corrections and  
156 used only by Community Services Division officers, to not more  
157 than one (1) vehicle owned or leased by the Mississippi Department

158 of Transportation and used only by an investigator employed by the  
159 Mississippi Department of Transportation or to not more than one  
160 (1) vehicle owned or leased by the Mississippi State Tax  
161 Commission; and upon receipt of a written request from the State  
162 Adjutant General, the Commissioner of Public Safety, the Director  
163 of the Alcoholic Beverage Control Division of the Mississippi  
164 State Tax Commission, the Executive Director of the Mississippi  
165 Department of Wildlife, Fisheries and Parks, the Director of the  
166 Bureau of Narcotics, the Executive Officer of the Board of  
167 Pharmacy, the Executive Director of the Mississippi Gaming  
168 Commission, the State Auditor or a president or chancellor of a  
169 state institution of higher learning, the Governor may authorize  
170 the use of specified unmarked vehicles only in instances where  
171 such identifying marks will hinder official investigations, and  
172 the governing authorities of any municipality may authorize the  
173 use of specified, unmarked police vehicles when identifying marks  
174 would hinder official criminal investigations by the police. The  
175 written request or the order or resolution authorizing such shall  
176 contain the manufacturer's serial number, the state inventory  
177 number, where applicable, and shall set forth why the vehicle  
178 should be exempt from the provisions of this paragraph. In the  
179 event the request is granted, the Governor shall furnish the State  
180 Department of Audit with a copy of his written authority for the  
181 use of the unmarked vehicles, or the governing authority, as the  
182 case may be, shall enter its order or resolution on the minutes  
183 and shall furnish the State Department of Audit with a certified  
184 copy of its order or resolution for the use of the unmarked police  
185 vehicle. The state property auditors of the State Department of  
186 Audit shall personally examine vehicles owned or leased by the  
187 State of Mississippi or any agency, department or commission  
188 thereof and report violations of the provisions of this paragraph  
189 to the State Auditor and the Chairman of the Joint Legislative  
190 Committee on Performance Evaluation and Expenditure Review. Any  
191 vehicle found to be in violation of this paragraph shall be  
192 reported immediately to the department head charged with such

193 vehicle, and five (5) days shall be given for compliance; and if  
194 not complied with, such vehicles shall be impounded by the State  
195 Auditor until properly marked or exempted.

196       Upon notification to the State Tax Commission by the State  
197 Auditor that any municipality or political subdivision is not in  
198 compliance with this section, the State Tax Commission shall  
199 withhold any sales tax due for distribution to any such  
200 municipality and any excise tax on gasoline, diesel fuel, kerosene  
201 and oil due any such county and for any months thereafter, and  
202 shall continue to withhold such funds until compliance with this  
203 section is certified to the State Tax Commission by the State  
204 Department of Audit.

205       County-owned motor vehicles operated by the sheriff's  
206 department shall not be subject to the provisions of this section,  
207 but shall be subject to the provisions of Section 19-25-15.  
208 County-owned motor vehicles operated by a family court established  
209 pursuant to Section 43-23-1 et seq., shall not be subject to the  
210 provisions of this section.

211       State-owned or leased motor vehicles operated by the  
212 Department of Mental Health or by facilities operated by the  
213 Department of Mental Health and used for transporting patients  
214 living in group homes or alternative living arrangements shall not  
215 be subject to the provisions of this section.

216       Up to four (4) passenger automobiles owned or leased by  
217 economic development districts or economic development authorities  
218 shall not be subject to the provisions of this section.

219       State-owned or leased motor vehicles operated by the  
220 Agricultural and Livestock Theft Bureau of the Department of  
221 Agriculture and Commerce and used to investigate livestock theft  
222 shall not be subject to the provisions of this section.

223       Up to three (3) motor vehicles owned or leased by the  
224 Pascagoula Municipal Separate School District for use by district  
225 security officers shall not be subject to the provisions of this  
226 section.

227       Up to two (2) motor vehicles owned or leased by the

228 Department of Human Services for use only by the Program Integrity  
229 Division shall not be subject to the provisions of this section.

230 The motor vehicles of a public airport shall not be subject  
231 to the provisions of this section upon a finding by the governing  
232 authority of such airport that marking a motor vehicle as required  
233 in this section will compromise security at such airport.

234 SECTION 4. Section 27-7-93, Mississippi Code of 1972, is  
235 amended as follows:

236 27-7-93. (1) The Chairman of the State Tax Commission shall  
237 determine annually the total amount designated by individuals to  
238 be paid to the fund, along with all interest earned thereon, and  
239 shall report such amount to the State Treasurer who shall pay such  
240 amount into the "Wildlife Heritage Fund," established in Section  
241 49-5-77.

242 (2) The Mississippi Commission on Wildlife, Fisheries and  
243 Parks may expend such monies deposited into the fund pursuant to  
244 subsection (1) of this section only to implement the "Mississippi  
245 Natural Heritage Law of 1978," Sections 49-5-141 through 49-5-157,  
246 Mississippi Code of 1972, by providing for the protection and  
247 management of nongame species, threatened or endangered wildlife  
248 or plants, and unique geological formations such as waterfalls,  
249 caves and canyons, and by purchasing, leasing, registering,  
250 dedicating and maintaining natural areas.

251 SECTION 5. Section 27-65-101, Mississippi Code of 1972, is  
252 amended as follows:

253 27-65-101. (1) The exemptions from the provisions of this  
254 chapter which are of an industrial nature or which are more  
255 properly classified as industrial exemptions than any other  
256 exemption classification of this chapter shall be confined to  
257 those persons or property exempted by this section or by the  
258 provisions of the Constitution of the United States or the State  
259 of Mississippi. No industrial exemption as now provided by any  
260 other section except Section 57-3-33 shall be valid as against the  
261 tax herein levied. Any subsequent industrial exemption from the  
262 tax levied hereunder shall be provided by amendment to this

263 section. No exemption provided in this section shall apply to  
264 taxes levied by Section 27-65-15 or 27-65-21.

265 The tax levied by this chapter shall not apply to the  
266 following:

267 (a) Sales of boxes, crates, cartons, cans, bottles and  
268 other packaging materials to manufacturers and wholesalers for use  
269 as containers or shipping materials to accompany goods sold by  
270 said manufacturers or wholesalers where possession thereof will  
271 pass to the customer at the time of sale of the goods contained  
272 therein and sales to anyone of containers or shipping materials  
273 for use in ships engaged in international commerce.

274 (b) Sales of raw materials, catalysts, processing  
275 chemicals, welding gases or other industrial processing gases  
276 (except natural gas) to a manufacturer for use directly in  
277 manufacturing or processing a product for sale or rental or  
278 repairing or reconditioning vessels or barges of fifty (50) tons  
279 load displacement and over. This exemption shall not apply to any  
280 property used as fuel except to the extent that such fuel  
281 comprises by-products which have no market value.

282 (c) The gross proceeds of sales of dry docks, offshore  
283 drilling equipment for use in oil exploitation or production,  
284 vessels or barges of fifty (50) tons load displacement and over,  
285 when sold by the manufacturer or builder thereof.

286 (d) Sales to commercial fishermen of commercial fishing  
287 boats of over five (5) tons load displacement and not more than  
288 fifty (50) tons load displacement as registered with the U.S.  
289 Coast Guard and licensed by the Mississippi \* \* \* Commission on  
290 Marine Resources.

291 (e) The gross income from repairs to vessels and barges  
292 engaged in foreign trade or interstate transportation.

293 (f) Sales of petroleum products to vessels or barges  
294 for consumption in marine international commerce or interstate  
295 transportation businesses.

296 (g) Sales and rentals of rail rolling stock (and  
297 component parts thereof) for ultimate use in interstate commerce



298 and gross income from services with respect to manufacturing,  
299 repairing, cleaning, altering, reconditioning or improving such  
300 rail rolling stock (and component parts thereof).

301 (h) Sales of raw materials, catalysts, processing  
302 chemicals, welding gases or other industrial processing gases  
303 (except natural gas) used or consumed directly in manufacturing,  
304 repairing, cleaning, altering, reconditioning or improving such  
305 rail rolling stock (and component parts thereof). This exemption  
306 shall not apply to any property used as fuel.

307 (i) Machinery or tools or repair parts therefor or  
308 replacements thereof, fuel or supplies used directly in  
309 manufacturing, converting or repairing ships of three thousand  
310 (3,000) tons load displacement and over, but not to include office  
311 and plant supplies or other equipment not directly used on the  
312 ship being built, converted or repaired.

313 (j) Sales of tangible personal property to persons  
314 operating ships in international commerce for use or consumption  
315 on board such ships. This exemption shall be limited to cases in  
316 which procedures satisfactory to the commissioner, ensuring  
317 against use in this state other than on such ships, are  
318 established.

319 (k) Sales of materials used in the construction of a  
320 building, or any addition or improvement thereon, and sales of any  
321 machinery and equipment not later than three (3) months after the  
322 completion of construction of the building, or any addition  
323 thereon, to be used therein, to qualified businesses, as defined  
324 in Section 57-51-5, which are located in a county or portion  
325 thereof designated as an enterprise zone pursuant to Sections  
326 57-51-1 through 57-51-15.

327 (l) Sales of materials used in the construction of a  
328 building, or any addition or improvement thereon, and sales of any  
329 machinery and equipment not later than three (3) months after the  
330 completion of construction of the building, or any addition  
331 thereon, to be used therein, to qualified businesses, as defined  
332 in Section 57-54-5.

333           (m) Income from storage and handling of perishable  
334 goods by a public storage warehouse.

335           (n) The value of natural gas lawfully injected into the  
336 earth for cycling, repressuring or lifting of oil, or lawfully  
337 vented or flared in connection with the production of oil;  
338 however, if any gas so injected into the earth is sold for such  
339 purposes, then the gas so sold shall not be exempt.

340           (o) The gross collections from self-service commercial  
341 laundering, drying, cleaning and pressing equipment.

342           (p) Sales of materials used in the construction of a  
343 building, or any addition or improvement thereon, and sales of any  
344 machinery and equipment not later than three (3) months after the  
345 completion of construction of the building, or any addition  
346 thereon, to be used therein, to qualified companies, certified as  
347 such by the Mississippi Department of Economic and Community  
348 Development under Section 57-53-1.

349           (q) Sales of component materials used in the  
350 construction of a building, or any addition or improvement  
351 thereon, sales of machinery and equipment to be used therein, and  
352 sales of manufacturing or processing machinery and equipment which  
353 is permanently attached to the ground or to a permanent foundation  
354 and which is not by its nature intended to be housed within a  
355 building structure, not later than three (3) months after the  
356 initial start-up date, to permanent business enterprises engaging  
357 in manufacturing or processing in less developed areas (as such  
358 term is defined in Section 57-73-5), which businesses are  
359 certified by the State Tax Commission as being eligible for the  
360 exemption granted in this paragraph (q).

361           (r) Sales of component materials used in the  
362 construction of a building, or any addition or improvement  
363 thereon, and sales of any machinery and equipment not later than  
364 three (3) months after the completion of the building, addition or  
365 improvement thereon, to be used therein, for any company  
366 establishing or transferring its national or regional headquarters  
367 from within or outside the State of Mississippi and creating a

368 minimum of thirty-five (35) jobs at the new headquarters in this  
369 state. The Tax Commission shall establish criteria and prescribe  
370 procedures to determine if a company qualifies as a national or  
371 regional headquarters for the purpose of receiving the exemption  
372 provided in this paragraph.

373 (s) The gross proceeds from the sale of semitrailers,  
374 trailers, boats, travel trailers, motorcycles and all-terrain  
375 cycles if exported from this state within forty-eight (48) hours  
376 and registered and first used in another state.

377 (t) Gross income from the storage and handling of  
378 natural gas in underground salt domes and in other underground  
379 reservoirs, caverns, structures and formations suitable for such  
380 storage.

381 (u) Sales of machinery and equipment to nonprofit  
382 organizations if the organization: (i) is tax-exempt pursuant to  
383 Section 501(c)(4) of the Internal Revenue Code of 1986, as  
384 amended; (ii) assists in the implementation of the national  
385 contingency plan or area contingency plan, and which is created in  
386 response to the requirements of Title IV, Subtitle B of the Oil  
387 Pollution Act of 1990, P.L. 101-380; and (iii) engages primarily  
388 in programs to contain, clean up and otherwise mitigate spills of  
389 oil or other substances occurring in the United States coastal and  
390 tidal waters. For purposes of this exemption, "machinery and

403 developed areas (as such areas are designated in accordance with  
404 Section 57-73-21), which businesses are certified by the State Tax  
405 Commission as being eligible for the exemption granted in this  
406 paragraph, shall be exempt from one-half (1/2) of the taxes  
407 imposed on such transactions under this chapter.

408 SECTION 6. Section 29-7-1, Mississippi Code of 1972, is  
409 amended as follows:

410 29-7-1. (1) The Mississippi Commission on Environmental  
411 Quality shall be the mineral lease commission, and shall exercise  
412 the duties and responsibilities of the mineral lease commission  
413 through the \* \* \* Mississippi Department of Environmental Quality,  
414 insofar as practicable under the provisions of Chapter 2 of Title  
415 49, Mississippi Code of 1972.

416 (2) The words "mineral lease commission," whenever they may  
417 appear in the laws of the State of Mississippi, shall be construed  
418 to mean the Mississippi Commission on Environmental Quality.

419 (3) The term "commission" means the Mississippi Commission  
420 on Environmental Quality.

421 SECTION 7. Section 29-7-3, Mississippi Code of 1972, is  
422 amended as follows:

423 29-7-3. There shall be no development or extraction of oil,  
424 gas, or other minerals from state-owned lands by any private party  
425 without first obtaining a mineral lease therefor from the  
426 commission. The commission \* \* \* is hereby authorized and  
427 empowered, for and on behalf of the state, to lease any and all of  
428 the state land now owned (including that submerged or whereover  
429 the tide may ebb and flow) or hereafter acquired, to some  
430 reputable person, association, or company for oil and/or gas  
431 and/or other minerals in and under and which may be produced  
432 therefrom, excepting, however, sixteenth section school land, lieu  
433 lands, and such forfeited tax land and property the title to which  
434 is subject to any lawful redemption, for such consideration and  
435 upon such terms and conditions as the commission \* \* \* deems just  
436 and proper.

437 The commission may promulgate rules and regulations governing

438 all aspects of the process of leasing state lands within its  
439 jurisdiction for mineral development, including the setting of any  
440 necessary fees, delay rental payments, shut-in royalty payments,  
441 and such other provisions as may be required.

442 There shall not be conducted any seismographic or other  
443 mineral exploration or testing activities on any state-owned lands  
444 within the mineral leasing jurisdiction of the commission without  
445 first obtaining a permit therefor from the commission. The  
446 commission shall have the authority to promulgate rules and  
447 regulations governing all aspects of seismographic or other  
448 mineral exploration activity on state lands within its  
449 jurisdiction, including the establishing of fees and issuance of  
450 permits for the conduct of such mineral exploration activities.  
451 Provided, however, that persons obtaining permits from the  
452 commission for seismographic or other mineral exploration or  
453 testing activities on state-owned wildlife management areas, lakes  
454 and fish hatcheries, shall be subject to rules and regulations  
455 promulgated therefor by the Mississippi Commission on Wildlife,  
456 Fisheries and Parks which shall also receive all permit fees for  
457 such testing on said lands.

458 Further, provided that each permit within the Mississippi  
459 Sound or tidelands shall be reviewed by the Mississippi Commission  
460 on Marine Resources and such special conditions as it may specify  
461 will be included in the permit. Information or data obtained in  
462 any mineral exploration activity on any and all state lands shall  
463 be disclosed to the state through the Department of Environmental  
464 Quality, upon demand. Such information or data shall be treated  
465 as confidential for a period of ten (10) years from the date of  
466 receipt thereof and shall not be disclosed to the public or to any  
467 firm, individual or agency other than officials or authorized  
468 employees of this state. Any person who makes unauthorized  
469 disclosure of such confidential information or data shall be  
470 guilty of a misdemeanor, and upon conviction thereof, be fined not  
471 more than Five Thousand Dollars (\$5,000.00) or imprisoned in the  
472 county jail not more than one (1) year, or both.

473 Whenever any such land or property is leased for oil and gas  
474 and/or other minerals, such lease contract shall provide for a  
475 lease royalty to the state of at least three-sixteenths (3/16) of  
476 such oil and gas or other minerals, same to be paid in the manner  
477 prescribed by the commission. Of the monies received in  
478 connection with the execution of such leases, five-tenths of one  
479 percent (5/10 of 1%) shall be retained in a special fund to be  
480 appropriated by the Legislature, One Hundred Thousand Dollars  
481 (\$100,000.00) of which amount to be used by the department for the  
482 administration of the Mineral Lease Division of the Department of  
483 Environmental Quality and the remainder of such amount shall be  
484 deposited into the Education Trust Fund, created in Section 206A,  
485 Mississippi Constitution of 1890; and two percent (2%) shall be  
486 paid into a special fund to be designated as the "Gulf and  
487 Wildlife Protection Fund," to be appropriated by the Legislature,  
488 one-half (1/2) thereof to be apportioned as follows: an amount  
489 which shall not exceed One Million Dollars (\$1,000,000.00) shall  
490 be used by the Mississippi Department of Wildlife, Fisheries and  
491 Parks solely for the purpose of clean-up, remedial or abatement  
492 actions involving pollution as a result of the exploration or  
493 production of oil or gas, and any amount in excess of such One  
494 Million Dollars (\$1,000,000.00) shall be deposited into the  
495 Education Trust Fund, created in Section 206A, Mississippi  
496 Constitution of 1890. The remaining one-half (1/2) of such Gulf  
497 and Wildlife Protection Fund to be apportioned as follows: an  
498 amount which shall not exceed One Million Dollars (\$1,000,000.00)  
499 shall be used by the Mississippi Commission on Wildlife, Fisheries  
500 and Parks for use first in the prudent management, preservation,  
501 protection and conservation of existing waters, lands and wildlife  
502 of this state and then, provided such purposes are accomplished,  
503 for the acquisition of additional waters and lands and any amount  
504 in excess of such One Million Dollars (\$1,000,000.00) shall be  
505 deposited into the Education Trust Fund, created in Section 206A,  
506 Mississippi Constitution of 1890. However, in the event that the  
507 Legislature is not in session to appropriate funds from the Gulf

508 and Wildlife Protection Fund for the purpose of clean-up, remedial  
509 or abatement actions involving pollution as a result of the  
510 exploration or production of oil or gas, then the Mississippi  
511 Department of Wildlife, Fisheries and Parks may make expenditures  
512 from this special fund account solely for said purpose. The  
513 commission may lease the submerged beds for sand and gravel on  
514 such a basis as it may deem proper, but where the waters lie  
515 between this state and an adjoining state, there must be a cash  
516 realization to this state, including taxes paid for such sand and  
517 gravel, equal to that being had by such adjoining state, in all  
518 cases the requisite consents therefor being lawfully obtained from  
519 the United States.

520 The Department of Environmental Quality is authorized to  
521 employ competent engineering personnel to survey the territorial  
522 waters of this state in the Mississippi Sound and the Gulf of  
523 Mexico and to prepare a map or plat of such territorial waters,  
524 divided into blocks of not more than six thousand (6,000) acres  
525 each with coordinates and reference points based upon longitude  
526 and latitude surveys. The commission is authorized to adopt such  
527 survey, plat or map for leasing of such submerged lands for  
528 mineral development; and such leases may, after the adoption of  
529 such plat or map, be made by reference to the map or plat, which  
530 shall be on permanent file with the commission and a copy thereof  
531 on file in the Office of the State Oil and Gas Board.

532 SECTION 8. Section 29-7-17, Mississippi Code of 1972, is  
533 amended as follows:

534 29-7-17. (1) Any person found by the commission to be  
535 violating any of the provisions of Section 29-7-3, or any rule or  
536 regulation or written order of the commission in pursuance  
537 thereof, or any condition or limitation of a permit shall be  
538 subject to a civil penalty of not more than Ten Thousand Dollars  
539 (\$10,000.00) for each violation, such penalty to be assessed and  
540 levied by the commission after a hearing as hereinafter provided.

541 Each day upon which a violation occurs shall be deemed a separate  
542 and additional violation. Appeals from the imposition of a civil

543 penalty may be taken to the appropriate chancery court in the same  
544 manner as appeals from the orders of the commission. If the  
545 appellant desires to stay the execution of a civil penalty  
546 assessed by the commission, he shall give bond with sufficient  
547 resident sureties of one or more guaranty or surety companies  
548 authorized to do business in this state, payable to the State of  
549 Mississippi, in an amount equal to double the amount of any civil  
550 penalty assessed by the commission, as to which the stay of  
551 execution is desired, on the condition that if the judgment shall  
552 be affirmed the appellant shall pay all costs of the assessment  
553 entered against him.

554 (2) In lieu of, or in addition to, the penalty provided in  
555 subsection (1) of this section, the commission shall have power to  
556 institute and maintain in the name of the state any and all  
557 proceedings necessary or appropriate to enforce the provisions of  
558 Section 29-7-3, rules and regulations promulgated, and orders and  
559 permits made and issued thereunder, in the appropriate circuit,  
560 chancery, county or justice court of the county in which venue may  
561 lie. The commission may obtain mandatory or prohibitory  
562 injunctive relief, either temporary or permanent, and it shall not  
563 be necessary in such cases that the state plead or prove: (i)  
564 that irreparable damage would result if the injunction did not  
565 issue; (ii) that there is no adequate remedy at law; or (iii) that  
566 a written complaint or commission order has first been issued for  
567 the alleged violation.

568 (3) Any person who violates any of the provisions of, or  
569 fails to perform any duty imposed by, Section 29-7-3 or any rule  
570 or regulation issued hereunder, or who violates any order or  
571 determination of the commission promulgated pursuant to such  
572 section, and causes the death of fish, shellfish, or other  
573 wildlife shall be liable, in addition to the penalties provided in  
574 subsections (1), (2), (4) and (5) of this section, to pay to the  
575 state an additional amount equal to the sum of money reasonably  
576 necessary to restock such waters or replenish such wildlife as  
577 determined by the commission after consultation with the



578 Mississippi Commission on Wildlife, Fisheries and Parks. Such  
579 amount may be recovered by the commission on behalf of the state  
580 in a civil action brought in the appropriate county or circuit  
581 court of the county in which venue may lie.

582 (4) Any person who, through misadventure, happenstance or  
583 otherwise causes damage to or destruction of state-owned lands or  
584 structures or other property thereon necessitating remedial or  
585 clean-up action shall be liable for the cost of such remedial or  
586 clean-up action and the commission may recover the cost of same by  
587 a civil action brought in the circuit court of the county in which  
588 venue may lie. This penalty may be recovered in lieu of or in  
589 addition to the penalties provided in subsections (1), (2), (3)  
590 and (5) of this section.

591 (5) It shall be unlawful for any person to conduct  
592 unauthorized mineral exploration, development, or extraction  
593 activity or to violate the provisions of Section 29-7-3 or the  
594 rules and regulations of the commission which relate to mineral  
595 exploration, development, or extraction activity and, upon  
596 conviction thereof, such person shall be guilty of a misdemeanor,  
597 and fined not less than Five Hundred Dollars (\$500.00) nor more  
598 than Five Thousand Dollars (\$5,000.00) for each offense. Each day  
599 on which such violation occurs or continues shall constitute a  
600 separate offense.

601 (6) In lieu of or in addition to the penalties prescribed  
602 hereinabove, any person convicted by a court of law or found  
603 guilty by the commission of unlawful mineral extraction activity  
604 on state-owned lands shall repay to the state the fair market  
605 value of the minerals unlawfully extracted.

606 (7) Proceedings before the commission on civil violations  
607 prescribed hereinabove shall be conducted in the manner set forth  
608 in Sections 49-17-31, 49-17-33 and 49-17-35, with appeals  
609 therefrom to be perfected in the manner set forth in Section  
610 49-17-41.

611 SECTION 9. Section 37-101-19, Mississippi Code of 1972, is  
612 amended as follows:

613 37-101-19. The Board of Trustees of State Institutions of  
614 Higher Learning is hereby authorized and empowered to establish  
615 and maintain a marine research laboratory on lands belonging to  
616 the State of Mississippi, said lands being a part of the Magnolia  
617 State Park in Jackson County, Mississippi, and to be assigned for  
618 the use of such laboratory by the Mississippi Department of Marine  
619 Resources.

620 The marine research laboratory may, in the discretion of the  
621 Board of Trustees of State Institutions of Higher Learning, be  
622 operated by the Mississippi Academy of Science, Inc., under the  
623 supervision and control of the Board of Trustees of State  
624 Institutions of Higher Learning.

625 The Board of Trustees of State Institutions of Higher  
626 Learning is hereby authorized and empowered to expend annually out  
627 of its regular appropriation for the support and maintenance of  
628 institutions of higher learning a sum not exceeding Five Thousand  
629 Dollars (\$5,000.00) for the support and maintenance of the marine  
630 research laboratory.

631 SECTION 10. Section 39-5-41, Mississippi Code of 1972, is  
632 amended as follows:

633 39-5-41. The Mississippi Department of Wildlife, Fisheries  
634 and Parks is hereby authorized and empowered to transfer title to  
635 the Dancing Rabbit Creek Treaty property to the Department of  
636 Archives and History.

637 SECTION 11. Section 49-1-1, Mississippi Code of 1972, is  
638 amended as follows:

639 49-1-1. Wherever used in this chapter, or in any other  
640 statute, or rule or regulation affecting the former State Game and  
641 Fish Commission and any of its functions or duties:

642 (a) \* \* \* "Commission" means the Mississippi Commission  
643 on Wildlife, Fisheries and Parks.

644 (b) \* \* \* "Department" means the Mississippi Department  
645 of Wildlife, Fisheries and Parks.

646 (c) \* \* \* "Director" means the Executive Director of  
647 the Mississippi Department of Wildlife, Fisheries and Parks.

648           (d) "Executive director" means the Executive Director  
649 of the Mississippi Department of Wildlife, Fisheries and Parks.

650           SECTION 12. Section 49-1-19, Mississippi Code of 1972, is  
651 amended as follows:

652           49-1-19. (1) No member of the commission, the executive  
653 director, administrative officer, employee, supervisor or  
654 conservation officer shall be active in any manner for or on  
655 behalf of his own candidacy or the candidacy of any candidate for  
656 any public office during his term of office or employment with  
657 said department. Violation of this subsection shall constitute a  
658 Class II violation and upon conviction thereof the violator shall  
659 be punished as provided in Section 49-7-143 for each offense. A  
660 conviction shall render vacant the office or position of the  
661 violator.

662           (2) While retaining the right to vote as he may please and  
663 to express privately his opinions on all political subjects, no  
664 executive director \* \* \* or conservation officer shall use his  
665 official authority or influence for the purpose of interfering  
666 with an election or affecting the results thereof, nor for the  
667 purpose of coercing the political action of any person or body.

668           SECTION 13. Section 49-1-33, Mississippi Code of 1972, is  
669 amended as follows:

670           49-1-33. Whenever the \* \* \* commission \* \* \* shall desire to  
671 construct or cause to be constructed any dam or similar structure  
672 in or across any lake, stream, river or other waters under its  
673 control in order to prevent or control the deterioration or drying  
674 up of such waters, and the construction of such dam or other  
675 structure could cause the level of such waters to be raised and  
676 thereby cause the land or property adjoining or adjacent to such  
677 lake, stream, river, or other waters to be overflowed, inundated  
678 or flooded, the \* \* \* commission shall have the power and  
679 authority to acquire, hold and own any such land or property so  
680 overflowed, inundated or flooded from the owner thereof by  
681 purchase, grant, donation, or otherwise. The \* \* \* commission is  
682 hereby authorized and empowered to exercise the right of eminent

683 domain to condemn any such land or property in the manner and  
684 method now or hereafter provided by law for the exercise of such  
685 right of eminent domain by railway, telegraph and telephone  
686 companies, and/or the \* \* \* Mississippi Transportation Commission.

687 SECTION 14. Section 49-1-35, Mississippi Code of 1972, is  
688 amended as follows:

689 49-1-35. The commission \* \* \* may publish an official  
690 magazine concerning the activities of the department \* \* \* and  
691 other matters of interest to Mississippi hunters, fishermen,  
692 boaters and other outdoorsmen. The commission may charge and  
693 collect a fee for subscriptions and \* \* \* make such other rules  
694 and regulations as may be necessary for the publishing of such  
695 magazine. The subscription rates shall be as follows: for a  
696 one-year subscription, not less than Five Dollars (\$5.00) nor more  
697 than Nine Dollars (\$9.00); for a two-year subscription, not less  
698 than Nine Dollars and Fifty Cents (\$9.50) nor more than Seventeen  
699 Dollars and Fifty Cents (\$17.50); and for a three-year  
700 subscription, not less than Fourteen Dollars and Fifty Cents  
701 (\$14.50) nor more than Twenty-six Dollars and Fifty Cents  
702 (\$26.50). The department \* \* \* may establish a fund to be known  
703 as the MS Outdoors Fund. The proceeds from subscriptions shall be  
704 deposited in such fund. Monies in such fund shall be deposited in  
705 an interest-bearing account in an approved state depository.  
706 Proceeds from this account, along with the interest earned on the  
707 same, for each fiscal year's magazine shall be transferred to the  
708 Bureau of Administration's operating account to defray the  
709 publishing expenses of MS Outdoors and related expenses.

710 SECTION 15. Section 49-1-41, Mississippi Code of 1972, is  
711 amended as follows:

712 49-1-41. The \* \* \* commission may issue a permit, revocable  
713 at pleasure, to any person authorizing the holder to collect and  
714 possess wild animals or wild birds, or birds' nests or eggs for  
715 scientific purposes, but no permit shall authorize the collection,  
716 possession, purchase or sale of migratory birds, or their nests or  
717 eggs, included in the terms of the Migratory Bird Treaty Act of

718 July 3, 1918, and the federal regulations thereunder, for  
719 scientific exhibition, or propagating purposes, contrary to the  
720 provisions of said act and/or regulations. Before such a permit  
721 is issued for scientific purposes the applicant must pay the sum  
722 of One Dollar (\$1.00) for the permit; but duly accredited  
723 representatives of public educational or scientific institutions,  
724 or government departments of the United States engaged in the  
725 scientific study of birds and animals may be granted any permit  
726 required under this act without enforcement or charge, and no  
727 scientific permittee shall be required to obtain a hunting  
728 license.

729 Permits to take, possess, purchase or sell rare or endangered  
730 species shall not be issued except, at the discretion of the  
731 commission, to a duly accredited representative of a school,  
732 college or university, museum or other scientific institution, or  
733 a representative of a federal or state agency for scientific or  
734 propagation purposes devoted to perpetuating the species.

735 Permits to take game or fur-bearing animals or game birds  
736 during the closed season shall not be issued except to a duly  
737 accredited representative of a school, college or university,  
738 museum or other scientific institution, or a representative of a  
739 state game commission to restock the covers of the state which he  
740 represents.

741 A person holding a valid permit issued pursuant to the  
742 provisions of this section may buy, sell, possess and transport,  
743 for scientific purposes, the animals and birds legally taken, and  
744 sell them alive for propagation or stocking purposes, to a person  
745 holding such a permit.

746 When transported by a common carrier, or contained in a  
747 package, such a specimen, or any package in which same is  
748 transported, shall have clearly and conspicuously marked on the  
749 outside the name and address of the consignor and consignee, an  
750 accurate statement of the number and kinds of animals or birds or  
751 specimens, or parts thereof, or birds' nests or eggs contained  
752 therein, and that such specimens are for scientific or propagation

753 purposes.

754 Each person receiving a permit under this section must file  
755 with the commission within fifteen (15) days after the expiration  
756 of his permit, a report of his operations under the permit, which  
757 report shall set forth the name and address of the permittee,  
758 number of his permit, number of specimens of each species taken  
759 thereunder, or otherwise acquired, disposition of same, names and  
760 addresses of persons acquiring same from the permittee, and number  
761 of each species in captivity and the number on hand for  
762 propagation purposes at the expiration of the permit.

763 The commission may prescribe \* \* \* rules and regulations  
764 governing the possession, purchase, sale and transportation of  
765 animals and birds for propagation purposes or raised in captivity  
766 under this section.

767 SECTION 16. Section 49-1-47, Mississippi Code of 1972, is  
768 amended as follows:

769 49-1-47. The \* \* \* commission is hereby authorized to  
770 execute and deliver deeds or other documents to make clear any  
771 ambiguity that may exist in any deed or conveyance to it, or to  
772 make the deed or conveyance to the \* \* \* commission conform to the  
773 intent of the parties as to the estate or rights or easements  
774 conveyed. Such deeds or documents shall be based upon an order of  
775 the commission setting forth the facts, shall be submitted to and  
776 approved by the Attorney General and executed and delivered for  
777 the commission by the director.

778 SECTION 17. Section 49-1-51, Mississippi Code of 1972, is  
779 amended as follows:

780 49-1-51. All funds collected by the department \* \* \*  
781 under \* \* \* this chapter shall be used by the \* \* \* commission for  
782 the purpose of carrying out all purposes of this chapter.

783 SECTION 18. Section 49-1-53, Mississippi Code of 1972, is  
784 amended as follows:

785 49-1-53. The department may, with any funds owned by it,  
786 purchase equipment and/or office furnishings sufficient to carry  
787 on its work; and, if the Department of Finance and Administration

788 cannot assign suitable offices for the department in either of the  
789 state capitols, in the city of Jackson, then the Department of  
790 Finance and Administration shall rent suitable offices to properly  
791 house the department which shall then be authorized to pay such  
792 rental out of any of its funds. \* \* \*

793 SECTION 19. Section 49-1-55, Mississippi Code of 1972, is  
794 amended as follows:

795 49-1-55. (1) The Mississippi Commission on Wildlife,  
796 Fisheries and Parks' Mississippi Museum of Natural Science is  
797 hereby designated as Mississippi's official State Natural Science  
798 Museum.

799 The museum will henceforth be named "Mississippi Museum of  
800 Natural Science, The Fannye A. Cook Memorial, a Division of the  
801 Mississippi Department of Wildlife, Fisheries and Parks."

802 (2) The Legislature shall annually appropriate from the  
803 General Fund a sum to defray not less than one hundred percent  
804 (100%) of the expenses of the museum.

805 SECTION 20. Section 49-2-1, Mississippi Code of 1972, is  
806 amended as follows:

807 49-2-1. It is hereby declared to be the intent of the  
808 Legislature to conserve, manage, develop and protect our natural  
809 resources and wildlife for the benefit of this and succeeding  
810 generations by reorganizing the natural resource and wildlife  
811 conservation functions of state government into the Mississippi  
812 Department of Environmental Quality and the Mississippi Department  
813 of Wildlife, Fisheries and Parks thereby providing more effective  
814 organizations through which the methods of conserving, managing,  
815 developing and protecting our natural resources and wildlife can  
816 be analyzed, coordinated and implemented.

817 SECTION 21. Section 49-2-19, Mississippi Code of 1972, is  
818 amended as follows:

819 49-2-19. All employees of the department \* \* \*, when  
820 authorized by the executive director, shall be entitled to  
821 transportation, traveling and subsistence expenses while away from  
822 the office on official business of the department, in accordance

823 with \* \* \* Section 25-3-41, Mississippi Code of 1972.

824 SECTION 22. Section 49-3-13, Mississippi Code of 1972, is  
825 amended as follows:

826 49-3-13. The laboratory personnel shall cooperate fully with  
827 the colleges and universities of the state, the Mississippi State  
828 Department of Agriculture and Commerce, and the Mississippi  
829 Department of Wildlife, Fisheries and Parks in an effort to fully  
830 effectuate the purpose of this chapter. All state agencies and  
831 departments are hereby authorized and directed to give the  
832 laboratory and its personnel their full cooperation in every  
833 possible manner.

834 SECTION 23. Section 49-4-1, Mississippi Code of 1972, is  
835 amended as follows:

836 49-4-1. It is hereby declared to be the intent of the  
837 Legislature to conserve, manage, develop and protect our natural  
838 resources and wildlife for the benefit of this and succeeding  
839 generations by reorganizing the natural resource and wildlife  
840 conservation functions of state government into the Mississippi  
841 Department of Environmental Quality and the Mississippi Department  
842 of Wildlife, Fisheries and Parks thereby providing more effective  
843 organizations through which the methods of conserving, managing,  
844 developing and protecting our natural resources and wildlife can  
845 be analyzed, coordinated and implemented.

846 SECTION 24. Section 49-4-19, Mississippi Code of 1972, is  
847 amended as follows:

848 49-4-19. All employees of the department \* \* \*, when  
849 authorized by the executive director, shall be entitled to  
850 transportation, traveling and subsistence expenses while away from  
851 the office on official business of the department, in accordance  
852 with \* \* \* Section 25-3-41, Mississippi Code of 1972.

853 SECTION 25. The following shall be codified as Section  
854 49-5-2, Mississippi Code of 1972:

855 49-5-2. For purposes of this chapter, the following words  
856 shall have the meanings ascribed herein unless the context  
857 otherwise requires:



858           (a) "Commission" means the Mississippi Commission on  
859 Wildlife, Fisheries and Parks.

860           (b) "Department" means the Mississippi Department of  
861 Wildlife, Fisheries and Parks.

862           (c) "Executive director" means the Executive Director  
863 of the Mississippi Department of Wildlife, Fisheries and Parks.

864           SECTION 26. Section 49-5-1, Mississippi Code of 1972, is  
865 amended as follows:

866           49-5-1. (1) All lands belonging to the State of Mississippi  
867 whether held in fee or in trust by the state, are hereby declared  
868 forest reserves and wild life refuges so long as the state so owns  
869 them, and no wild life shall be taken thereon except under  
870 regulations of the \* \* \* commission.

871           (2) Every public park, golf course and play ground,  
872 containing as much as fifty (50) acres, shall constitute, and is  
873 hereby declared to be a sanctuary or preserve for the protection  
874 and propagation of bird and animal life.

875           (3) The Secretary of State, by and with the consent and  
876 approval of the Attorney General and the \* \* \* commission, is  
877 hereby authorized and empowered to lease, for a term not exceeding  
878 twenty (20) years, the cut-over, swamp and overflowed lands  
879 belonging to the state and unsuitable for cultivation, for the  
880 purpose of establishing game and fish preserves, but the lease of  
881 such land for game preserve purposes shall not be applied to  
882 tracts of land of less than one thousand (1,000) acres of  
883 contiguous lands.

884           Such a lease shall provide that the lessee or lessees of the  
885 cut-over, swamp or overflowed land shall not cut any timber for  
886 commercial purposes or permit waste thereof or of the lands and  
887 shall not include the right to mine the oil, gas and minerals on  
888 or under the said land. As a consideration for the lease, the  
889 Secretary of State, by and with the consent of the Attorney  
890 General and the \* \* \* commission, shall contract that the lessee  
891 or lessees shall at all times protect the state's interest in and  
892 to the timber growing on the leased lands.

893           However, nothing in this subsection shall prevent the state  
894 from selling at any time any timber or any of said lands so  
895 leased, or leasing and/or drilling such lands for gas, oil, and/or  
896 minerals.

897           Furthermore, nothing in this subsection shall prevent the  
898 homesteading of any lands so leased.

899           SECTION 27. Section 49-5-11, Mississippi Code of 1972, is  
900 amended as follows:

901           49-5-11. In addition to the powers and duties now conferred  
902 upon the \* \* \* commission \* \* \* may, in its discretion, purchase  
903 by negotiation, contract by option to purchase, provided the  
904 option is exercised within a period of ten (10) years from the  
905 time executed, the land necessary and requisite for the  
906 construction and maintenance \* \* \* of game and fish management  
907 projects or game and fish hunting and fishing refuge.

908           SECTION 28. Section 49-5-13, Mississippi Code of 1972, is  
909 amended as follows:

910           49-5-13. (1) The commission \* \* \* may adopt rules and  
911 regulations regulating public hunting and fishing in any wildlife  
912 conservation management projects or wildlife conservation hunting  
913 and fishing refuges constructed under \* \* \* this chapter, and may  
914 prescribe and collect fees for the privilege of hunting and  
915 fishing in such projects and shall have general authority to  
916 operate such wildlife conservation management areas or refuges.

917           (2) The commission \* \* \* may adopt such rules and  
918 regulations that may be necessary for the management and control  
919 of such wildlife conservation management areas or refuges.

920           (3) The Department of Finance and Administration may lease  
921 any lands other than woodlands owned by the state within wildlife  
922 conservation management areas as long as such lands are not within  
923 the boundaries of the used portions of such areas and so long as  
924 such lands are leased as provided for in subsections (4) and (5)  
925 of this section. The rental from any such lease is to be paid to  
926 the commission \* \* \* and expended as hereinafter provided.

927           (4) The commission \* \* \* shall recommend to the Department

928 of Finance and Administration the number of acres of land within  
929 wildlife conservation management areas which should be leased to  
930 private entities. The Department of Finance and Administration  
931 shall have the authority to lease for agricultural purposes that  
932 land so recommended for not less than one (1) nor more than five  
933 (5) years. The Department of Finance and Administration shall  
934 lease the lands for cash rent only. The Department of Finance and  
935 Administration shall reserve and exclude from any such lands the  
936 hunting rights on the lands at all times after the crops are  
937 harvested and until the lands are again planted.

938 (5) It shall be the duty of the Department of Finance and  
939 Administration to lease such lands at public contract upon the  
940 submission of two (2) or more sealed bids to the Department of  
941 Finance and Administration after having advertised such land for  
942 rent in a newspaper of general circulation published in the county  
943 in which the land is located, or if no newspaper be published in  
944 said county, then in a newspaper having a general circulation  
945 therein, for a period of not less than two (2) successive weeks.  
946 The first publication shall be made not less than ten (10) days  
947 prior to the date of such public contract, and the last  
948 publication shall be made not more than seven (7) days prior to  
949 such date. The Department of Finance and Administration shall  
950 have the authority to reject any and all bids. If all bids on a  
951 tract or parcel of land are rejected, the Department of Finance  
952 and Administration may then advertise for new bids on that tract  
953 or parcel of land. Successful bidders shall take possession of  
954 their leaseholds at such time authorized by the Department of  
955 Finance and Administration. Provided, however, rent shall be due  
956 no later than the day upon which the lessee shall assume  
957 possession of the leasehold, and shall be due on the anniversary  
958 date for each following year of the lease. The Department of  
959 Finance and Administration shall have the rights and remedies for  
960 the security and collection of such rents given by law to  
961 landlords. Upon the execution of the leases as authorized by this  
962 section, the leased land shall be liable to be taxed as other

963 lands are taxed during the continuance of the lease, but in case  
964 of sale thereon for taxes, only the title of the leaseholder or  
965 his heirs or assigns shall pass by the sale.

966 SECTION 29. Section 49-5-15, Mississippi Code of 1972, is  
967 amended as follows:

968 49-5-15. The \* \* \* commission may contract with any county  
969 or counties in which such a game and fish management project or  
970 game and fish hunting and fishing refuge may be located or any  
971 municipality located in such county, for the joint support and  
972 maintenance thereof so that the cost of acquisition, construction  
973 and maintenance of such project may be borne jointly by such  
974 agencies. The commission may use any revenues \* \* \* from the sale  
975 of timber, mineral leases on such land, any donations made to such  
976 a project by any agency of the federal government or the State of  
977 Mississippi or fees collected \* \* \* for permits granted for  
978 hunting and fishing thereon toward financing same.

979 SECTION 30. Section 49-5-16, Mississippi Code of 1972, is  
980 amended as follows:

981 49-5-16. The \* \* \* commission may enter into agreements with  
982 counties in which game and fish wildlife management areas are  
983 located, and to accept monies from the counties, the federal  
984 government, or from any other sources, for the construction and  
985 operation of lodges on lands owned by the \* \* \* commission. The  
986 lodges shall be controlled and operated by the commission.

987 SECTION 31. Section 49-5-17, Mississippi Code of 1972, is  
988 amended as follows:

989 49-5-17. Bonds may be issued by any municipality or county  
990 as now authorized by Section 55-9-1 to secure funds \* \* \* to  
991 purchase the required lands and to construct game and fish  
992 management projects, all of which shall be done under the  
993 direction of the \* \* \* commission. Such bonds shall be retired by  
994 the proceeds of ad valorem taxes levied by such counties and  
995 municipalities, and the \* \* \* commission may pledge to the payment  
996 of such bonds any funds accruing to it under \* \* \* this chapter.

997 SECTION 32. Section 49-5-19, Mississippi Code of 1972, is

998 amended as follows:

999           49-5-19. Notices or sign boards not less than one foot  
1000 square, warning all persons against hunting, trapping, or fishing,  
1001 or trespassing thereon for that purpose, shall be conspicuously  
1002 posted by the executive director \* \* \*, or under his direction,  
1003 close to and along the entire boundary of any refuge, sanctuary,  
1004 rest ground, lake or stream, or portion thereof, closed to hunting  
1005 or fishing by order of the commission, in such number as the  
1006 executive director may deem necessary.

1007           No order of the commission closing any area to hunting,  
1008 trapping or fishing shall become effective until such order has  
1009 been published in the manner required by \* \* \* Section 49-1-45 and  
1010 copy of the order, certified by the secretary of the commission,  
1011 shall be filed in the office of the sheriff of the county or  
1012 counties in which such closed area is located.

1013           No person shall take or destroy any animal, bird, or fish, or  
1014 bird's nest or egg, or eggs or spawn of fish in any refuge,  
1015 sanctuary, rest ground, or other area closed to hunting, trapping  
1016 or fishing by order of the commission, but it shall be lawful for  
1017 a duly accredited employee of the state or of the federal  
1018 government to take predatory animals or birds on any such closed  
1019 area.

1020           SECTION 33. Section 49-5-21, Mississippi Code of 1972, is  
1021 amended as follows:

1022           49-5-21. (1) The department \* \* \* shall transfer all funds  
1023 under its control into a special fund in the State Treasury to be  
1024 segregated and known as the "Fisheries and Wildlife Fund," which  
1025 fund can only be expended as authorized by the Legislature for the  
1026 purposes for which the department \* \* \* was created. All funds  
1027 derived from the sale of licenses, fees, fines and other  
1028 revenues \* \* \* received by the department \* \* \* as \* \* \* provided  
1029 by law, shall be deposited in the Fisheries and Wildlife  
1030 Fund \* \* \*. The interest obtained thereon from any investment or  
1031 deposit made pursuant to Section 27-105-33, Mississippi Code of  
1032 1972, shall be credited by the State Treasurer to the \* \* \*

1033 Fisheries and Wildlife Fund and shall not be paid into the General  
1034 Fund of Mississippi.

1035 (2) The department \* \* \* may expend such sums as are  
1036 authorized by the Legislature from the Fisheries and Wildlife  
1037 Fund \* \* \* for paying salaries of its employees, operating and  
1038 maintaining equipment and for any other purpose the department is  
1039 authorized to expend funds by law, which amount shall be available  
1040 for expenditure.

1041 The money herein authorized shall be paid by the State  
1042 Treasurer out of the Fisheries and Wildlife Fund on warrants  
1043 issued by the Executive Director of the Department of Finance and  
1044 Administration \* \* \* upon requisition signed by the Executive  
1045 Director of the Mississippi Department of Wildlife, Fisheries and  
1046 Parks.

1047 (3) The department \* \* \* shall prepare and submit annually  
1048 to the Legislature a budget for its proposed operation. The  
1049 budget \* \* \* required shall reflect all anticipated revenues from  
1050 all sources, including all grants and matching funds, together  
1051 with all proposed expenditures. The budget shall be prepared in  
1052 the same manner as is now required of other departments of this  
1053 state. The department \* \* \* shall be subject to budgetary control  
1054 and audit in the same manner as is provided by law for other  
1055 departments and agencies. Nothing in this section shall be  
1056 construed as requiring legislative appropriation of such Fisheries  
1057 and Wildlife Fund, but it is intended that expenditure of such  
1058 funds shall be under authority of the budget approved as herein  
1059 provided and as authorized by the Legislature.

1060 SECTION 34. Section 49-5-23, Mississippi Code of 1972, is  
1061 amended as follows:

1062 49-5-23. Consent is hereby given to the making by the  
1063 congress of the United States, or under its authority, of all such  
1064 rules and regulations as the federal government shall determine to  
1065 be needful in respect to game animals, game and nongame birds, and  
1066 fish on such lands in the State of Mississippi as shall have been,  
1067 or may hereafter be, purchased by the United States under the

1068 terms of the act of congress of March 1, 1911, entitled "An Act to  
1069 enable any State to cooperate with any other State or with the  
1070 United States for the protection of the watersheds of navigable  
1071 streams and to appoint a Commission for the acquisition of lands  
1072 for the purpose of conserving the navigability of navigable  
1073 rivers," and acts of congress supplementary thereto and amendatory  
1074 thereof, and in or on the waters thereof.

1075 The executive director \* \* \* shall have the right and  
1076 authority to enter into a cooperative agreement with the United  
1077 States government, or with the proper authorities thereof, for the  
1078 protection and management of the wild life resources of the  
1079 national forest lands within the State of Mississippi and for the  
1080 restocking of the same with desirable species of game, birds, and  
1081 other animals, and fish.

1082 SECTION 35. Section 49-5-25, Mississippi Code of 1972, is  
1083 amended as follows:

1084 49-5-25. The State of Mississippi hereby assents to the  
1085 provisions of the acts of Congress entitled "An Act to Provide  
1086 that the United States Shall Aid the State in Wildlife Restoration  
1087 Projects, and for Other Purposes," approved September 2, 1937  
1088 (Public No. 415, 75th Congress, 1st Session), and the \* \* \*  
1089 commission \* \* \* may perform such acts as may be necessary to the  
1090 conduct and establishment of cooperative wildlife restoration  
1091 projects, as defined in that act of Congress, in compliance with  
1092 the act and rules and regulations promulgated by the Secretary of  
1093 Interior thereunder; and no monies accruing to the State of  
1094 Mississippi from license fees paid by hunters shall be diverted  
1095 for any other purpose than the administration of the \* \* \*  
1096 department.

1097 SECTION 36. Section 49-5-27, Mississippi Code of 1972, is  
1098 amended as follows:

1099 49-5-27. The State of Mississippi hereby assents to the  
1100 provisions of the act of Congress entitled "An Act to Provide that  
1101 the United States Shall Aid the States in Fish Restoration and  
1102 Management Projects," approved August 9, 1950 (Public Laws 681,

1103 81st Congress), and the \* \* \* commission \* \* \* may perform such  
1104 acts as may be necessary to the conduct and establishment of  
1105 cooperative fish restoration projects, as defined in that act of  
1106 Congress in compliance with the act and rules and regulations  
1107 promulgated by the Secretary of the Department of Interior  
1108 thereunder; and no funds accruing to the State of Mississippi from  
1109 license fees paid by fishermen shall be diverted for any other  
1110 purpose than the administration of the department and for the  
1111 protection, propagation, preservation and investigation of fish  
1112 and game.

1113 SECTION 37. Section 49-5-35, Mississippi Code of 1972, is  
1114 amended as follows:

1115 49-5-35. The department \* \* \* is authorized to cooperate  
1116 with the United States Bureau of Biological Survey in the taking,  
1117 killing and destruction of predatory animals within the state that  
1118 are destructive to game birds, animals and livestock. The  
1119 department \* \* \* may pay its proportionate share of the salary and  
1120 expenses of the designated representative of the Bureau of  
1121 Biological Survey out of any funds to the credit of the Fisheries  
1122 and Wildlife Fund for the purpose of carrying out this section.

1123 SECTION 38. Section 49-5-37, Mississippi Code of 1972, is  
1124 amended as follows:

1125 49-5-37. The sum of Twenty-five Thousand Dollars  
1126 (\$25,000.00), or so much thereof as may be necessary is hereby  
1127 appropriated out of any money in the treasury of the department,  
1128 for the purpose of eradicating rabies among foxes in any county in  
1129 the State of Mississippi, when the Board of Health or the \* \* \*  
1130 commission \* \* \* determines that the disease is prevalent in any  
1131 county or district.

1132 SECTION 39. Section 49-5-61, Mississippi Code of 1972, is  
1133 amended as follows:

1134 49-5-61. (1) The Mississippi Commission on Wildlife,  
1135 Fisheries and Parks shall be the Wildlife Heritage Committee and  
1136 shall exercise the duties and authority granted to such committee  
1137 pursuant to Sections 49-5-69 through 49-5-98, and pursuant to any



1138 other laws of the State of Mississippi.

1139 (2) Wherever the term "Wildlife Heritage Committee" appears  
1140 in the laws of the State of Mississippi, it shall be construed to  
1141 mean the Mississippi Commission on Wildlife, Fisheries and Parks,  
1142 unless the context clearly means to refer to the former Wildlife  
1143 Heritage Committee.

1144 SECTION 40. Section 49-5-69, Mississippi Code of 1972, is  
1145 amended as follows:

1146 49-5-69. The commission is hereby authorized to make and  
1147 execute agreements, contracts, and other instruments necessary or  
1148 convenient in the exercise of the powers and functions of the  
1149 committee under Sections 49-5-61 through 49-5-85, including  
1150 contracts with any firm, person, corporation, governmental agency  
1151 or other entity and each and any Mississippi governmental agency  
1152 is hereby authorized to enter into contracts and otherwise  
1153 cooperate with the committee to facilitate the purpose of Sections  
1154 49-5-61 through 49-5-85.

1155 SECTION 41. Section 49-5-73, Mississippi Code of 1972, is  
1156 amended as follows:

1157 49-5-73. The commission may employ fiscal consultants,  
1158 engineers, attorneys, real estate counselors, appraisers and such  
1159 other consultants and employees as may be required in the judgment  
1160 of the commission and to fix and pay their compensation from funds  
1161 available to the commission.

1162 SECTION 42. Section 49-5-75, Mississippi Code of 1972, is  
1163 amended as follows:

1164 49-5-75. The commission may make such rules and regulations,  
1165 inaugurate such studies and surveys and establish such programs as  
1166 it may deem necessary to carry out the provisions and purposes of  
1167 Sections 49-5-61 through 49-5-85.

1168 SECTION 43. Section 49-5-77, Mississippi Code of 1972, is  
1169 amended as follows:

1170 49-5-77. (1) The commission is hereby empowered and  
1171 authorized to establish a fund to be known as the Wildlife  
1172 Heritage Fund to be deposited in an approved state depository and

1173 expended by appropriation approved by the Legislature as provided  
1174 by law. The interest obtained from any investment or deposit of  
1175 monies in such fund shall be deposited by the commission into such  
1176 fund.

1177 (2) The commission is empowered and authorized, in addition  
1178 to such sums as may be appropriated from time to time by the  
1179 Legislature, to accept from any person, firm, corporation or  
1180 agency of government, national, state or local any gifts or  
1181 devise, lands, money for the purpose of acquiring by lease, or  
1182 purchase any area for hunting or fishing use or for the  
1183 preservation of any species of wildlife or fish. Such lands and  
1184 waters as are acquired under the provisions of Sections 49-5-61  
1185 through 49-5-85 and Section 49-5-78 shall be under the  
1186 administration and control of the commission until a proper plan  
1187 shall be developed for the land or water. The commission shall  
1188 enter into an agreement with an appropriate agency in the  
1189 executive branch to develop a plan for the land or water. After  
1190 the plan is developed, the land or water shall be transferred to  
1191 the administration and control of the department \* \* \* or other  
1192 appropriate agency in the executive branch to be managed by the  
1193 agency according to the plan.

1194 (3) The commission is authorized and empowered to accept and  
1195 earmark for any purpose, not inconsistent with the provisions of  
1196 Sections 49-5-61 through 49-5-85, any gift or devise, lands or  
1197 money from any person, firm, corporation or governmental unit on  
1198 such terms and conditions as the donor may designate.

1199 SECTION 44. Section 49-5-78, Mississippi Code of 1972, is  
1200 amended as follows:

1201 49-5-78. Included in the hunting and \* \* \* fishing license  
1202 fees authorized in Section 49-7-8, there shall be collected for  
1203 each nonresident license and renewal thereof, except nonresident  
1204 temporary fishing permits, a fee of Five Dollars (\$5.00), which  
1205 shall be paid into the Wildlife Heritage Fund established under  
1206 the provisions of subsection (1) of Section 49-5-77. The funds  
1207 generated from such additional fees shall be used from time to

1208 time by the commission to purchase, and take title in the name of  
1209 the State of Mississippi, real estate to be used as hunting and/or  
1210 fishing areas by the people of the State of Mississippi. In  
1211 purchasing this real estate, the commission shall have all of the  
1212 powers, and shall be subject to all of the restrictions prescribed  
1213 in Sections 29-1-1 and 49-5-71. Transfer of title to any real  
1214 estate purchased under \* \* \* this section shall be by warranty  
1215 deed or deeds vesting title in fee simple, excepting mineral  
1216 rights where necessary, in the name of the State of Mississippi.  
1217 Any real estate purchased under \* \* \* this section shall be  
1218 subject to the provisions of subsection (2) of Section 49-5-77  
1219 regarding the development of plans for and the management of real  
1220 estate which is acquired by the department.

1221 SECTION 45. Section 49-5-81, Mississippi Code of 1972, is  
1222 amended as follows:

1223 49-5-81. The commission may enter into agreements with the  
1224 department for the purpose of providing camping and other  
1225 recreational facilities on any such land acquired under \* \* \*  
1226 Section 49-5-71.

1227 SECTION 46. Section 49-5-83, Mississippi Code of 1972, is  
1228 amended as follows:

1229 49-5-83. Monies expended from the Wildlife Heritage Fund  
1230 shall be spent only after proper resolution entered upon its  
1231 minutes by the commission and upon warrants signed by the chairman  
1232 of the commission and countersigned by the executive director of  
1233 the department. Such funds shall be audited at any time the  
1234 Governor shall so direct or by the State Auditor on an annual  
1235 basis.

1236 SECTION 47. Section 49-5-86, Mississippi Code of 1972, is  
1237 amended as follows:

1238 49-5-86. For purposes of Sections 49-5-86 through 49-5-98,  
1239 the following words and terms shall have the meaning ascribed  
1240 herein unless the context otherwise requires:

1241 (a) \* \* \* "General obligation bonds" means bonds of the  
1242 State of Mississippi, to the repayment of which, both as to

1243 principal and interest, the full faith, credit and taxing power of  
1244 the State of Mississippi are irrevocably pledged until the  
1245 principal and interest are paid in full.

1246 (b) \* \* \* "Bond commission" means the State Bond  
1247 Commission.

1248 (c) "Commission" means the Mississippi Commission on  
1249 Wildlife, Fisheries and Parks.

1250 (d) \* \* \* "Committee" or "Wildlife Heritage Committee"  
1251 means the Mississippi Commission on Wildlife, Fisheries and Parks.

1252 SECTION 48. Section 49-5-87, Mississippi Code of 1972, is  
1253 amended as follows:

1254 49-5-87. (1) The commission shall have the power and is  
1255 hereby authorized to purchase and take title in the name of the  
1256 State of Mississippi, the following described land under the terms  
1257 and conditions hereinafter provided, to wit:

1258 Land presently owned by the Pascagoula Hardwood Company  
1259 totaling some thirty-one thousand nine hundred sixteen (31,916)  
1260 acres, more or less, situated as follows:

1261 (a) Seventeen thousand two hundred seventy-eight  
1262 (17,278) acres, more or less, in George County, Mississippi; and

1263 (b) Fourteen thousand six hundred twenty-eight (14,628)  
1264 acres, more or less, in Jackson County, Mississippi.

1265 (2) The purchase price of such land shall not exceed its  
1266 fair market value of Sixteen Million Five Hundred Thousand Dollars  
1267 (\$16,500,000.00) as of December 1, 1975, as determined by three  
1268 (3) appraisals made by appraisers selected by the commission.

1269 (3) Transfer of title to such property shall be by warranty  
1270 deed or deeds vesting title in fee simple, excepting mineral  
1271 rights where necessary, in the name of the State of Mississippi.

1272 (4) The commission is hereby authorized and empowered to  
1273 exercise on the lands described in subsection (1) of this section  
1274 the same rights, powers and privileges as authorized and empowered  
1275 under the provisions of "The Nongame and Endangered Species  
1276 Conservation Act," being Sections 49-5-101 through 49-5-119.

1277 (5) Individual leaseholders of the lands described in

1278 subsection (1) of this section, shall not be dispossessed of such  
1279 lands prior to April 15, 1978, unless found to be in violation of  
1280 the law and/or land management principles of Sections 49-5-101  
1281 through 49-5-119, or any other law, rule or regulation relating to  
1282 the management of the lands.

1283 SECTION 49. Section 49-5-88, Mississippi Code of 1972, is  
1284 amended as follows:

1285 49-5-88. The commission shall have power and is hereby  
1286 authorized, at one time or from time to time, to declare by  
1287 resolution the necessity for issuance of negotiable general  
1288 obligation bonds of the State of Mississippi to provide funds to  
1289 be used exclusively and only for the purpose of acquiring all or  
1290 any part of the land described in Section 49-5-87, but in no event  
1291 shall the amount of bonds issued exceed a total of Thirteen  
1292 Million Five Hundred Thousand Dollars (\$13,500,000.00).

1293 The state bond commission shall not direct the issuance of  
1294 bonds under the provisions of Sections 49-5-86 through 49-5-98  
1295 when appropriations by the legislature and bonds issued, or  
1296 requested to be issued, would exceed an aggregate total in excess  
1297 of Thirteen Million Five Hundred Thousand Dollars  
1298 (\$13,500,000.00).

1299 SECTION 50. Section 49-5-89, Mississippi Code of 1972, is  
1300 amended as follows:

1301 49-5-89. Upon the adoption of a resolution by the commission  
1302 declaring the necessity for issuance of any part or all of the  
1303 general obligation bonds authorized by Sections 49-5-86 through  
1304 49-5-98 and set forth in Section 49-5-88, the commission shall  
1305 deliver a certified copy of its resolution or resolutions to the  
1306 state bond commission. Upon receipt of same, the state bond  
1307 commission shall, in its discretion, act as the issuing agent,  
1308 prescribe the form of the bonds, advertise for and accept bids,  
1309 issue and sell the bonds so authorized to be sold, and do any and  
1310 all other things necessary and advisable in connection with the  
1311 issuance and sale of such bonds. For the payment of said bonds  
1312 and the interest thereon, the full faith, credit and taxing power

1313 of the State of Mississippi are hereby irrevocably pledged. If  
1314 the legislature shall find that there are funds available in the  
1315 general fund of the treasury of the State of Mississippi in  
1316 amounts sufficient to pay maturing principal and accruing interest  
1317 of said general obligation bonds, and if the legislature shall  
1318 appropriate such available funds for the purpose of paying such  
1319 maturing principal and accruing interest, then the maturing  
1320 principal and accruing interest of said bonds shall be paid from  
1321 appropriations made from the general fund of the treasury of the  
1322 State of Mississippi by the legislature thereof; but if there are  
1323 not available sufficient funds in the general fund of the treasury  
1324 of the State of Mississippi to pay the maturing principal and  
1325 accruing interest of said bonds, or if such funds are available  
1326 and the legislature should fail to appropriate a sufficient amount  
1327 thereof to pay such principal and accruing interest as the same  
1328 becomes due, then and in that even there shall annually be levied  
1329 upon all taxable property within the State of Mississippi an ad  
1330 valorem tax at a rate sufficient to provide the funds required to  
1331 pay the said bonds at maturity and the interest thereon as the  
1332 same accrues.

1333       Such bonds shall bear date or dates, be in such denomination  
1334 or denominations, bear interest at such rate or rates, be payable  
1335 at such place or places within or without the State of  
1336 Mississippi, shall mature absolutely at such time or times, be  
1337 redeemable prior to maturity at such time or times and upon such  
1338 terms, with or without premium, shall bear such registration  
1339 privileges, and shall be substantially in such form, all as shall  
1340 be determined by resolution of the state bond commission.  
1341 Provided, however, that such bonds shall mature in annual  
1342 installments beginning not more than two (2) years from date  
1343 thereof and extending not more than twenty (20) years from date  
1344 thereof. Such bonds shall be signed by the chairman of the state  
1345 bond commission, or by his facsimile signature, and the official  
1346 seal of the state bond commission shall be affixed thereto,  
1347 attested by the secretary of the state bond commission. The

1348 interest coupons to be attached to such bonds may be executed by  
1349 the facsimile signatures of said officers. Whenever any such  
1350 bonds shall have been signed by the officials herein designated to  
1351 sign the bonds, who were in the office at the time of such signing  
1352 but who may have ceased to be such officers prior to the sale and  
1353 delivery of such bonds, or who may not have been in office on the  
1354 date such bonds may bear, the signatures of such officers upon  
1355 such bonds and coupons shall nevertheless be valid and sufficient  
1356 for all purposes and have the same effect as if the person so  
1357 officially signing such bonds had remained in office until the  
1358 delivery of the same to the purchaser, or had been in office on  
1359 the date such bonds may bear.

1360 SECTION 51. Section 49-5-97, Mississippi Code of 1972, is  
1361 amended as follows:

1362 49-5-97. The funds which are transferred from the sale of  
1363 bonds under Sections 49-5-86 through 49-5-98 to the special fund  
1364 in the State Treasury known as the "Wildlife Heritage Committee  
1365 Land Purchase Fund" may be withdrawn only in the following manner:

1366 The funds shall be paid by the State Treasurer upon warrants  
1367 issued by the Department of Finance and Administration, which  
1368 warrants shall be issued upon requisition by the chairman of the  
1369 commission pursuant to a resolution adopted by the commission  
1370 authorizing the requisition.

1371 All expenditures ordered by the commission shall be entered  
1372 upon its minutes, and the commission shall submit a full report of  
1373 its work and all the transactions carried on by it and a complete  
1374 statement of all its expenditures at the next regular session of  
1375 the Legislature.

1376 SECTION 52. Section 49-5-98, Mississippi Code of 1972, is  
1377 amended as follows:

1378 49-5-98. The Attorney General of the State of Mississippi  
1379 shall represent the commission in issuing, selling and validating  
1380 bonds herein provided for, and the commission may expend any sum  
1381 not exceeding Fifteen Thousand Dollars (\$15,000.00) from the  
1382 proceeds derived from the sale of the bonds authorized hereunder

1383 to pay the cost of attorney's fees, validating, printing, and cost  
1384 of delivery of bonds authorized under Sections 49-5-86 through  
1385 49-5-98.

1386 SECTION 53. Section 49-5-103, Mississippi Code of 1972, is  
1387 amended as follows:

1388 49-5-103. The Legislature finds and declares all of the  
1389 following:

1390 (a) That it is the policy of the Mississippi Department  
1391 of Wildlife, Fisheries and Parks to manage certain nongame  
1392 wildlife for human enjoyment, for scientific purposes, and to  
1393 insure their perpetuation as members of ecosystems;

1394 (b) That species or subspecies of wildlife indigenous  
1395 to this state which may be found to be endangered within the state  
1396 should be accorded protection in order to maintain and to the  
1397 extent possible enhance their numbers;

1398 (c) That the state should assist in the protection of  
1399 species or subspecies of wildlife which are deemed to be  
1400 endangered by prohibiting the taking, possession, transportation,  
1401 exportation, processing, sale or offer for sale or shipment within  
1402 this state of species or subspecies of wildlife listed on the  
1403 United States' Lists of Endangered Fish and Wildlife as set forth  
1404 herein unless such actions will assist in preserving or  
1405 propagating the species or subspecies; and

1406 (d) That funding may be made available to the  
1407 department annually by appropriations from the General Fund or  
1408 from other sources separate and apart from the Fisheries and  
1409 Wildlife Fund for management of nongame and endangered species.

1410 SECTION 54. Section 49-5-105, Mississippi Code of 1972, is  
1411 amended as follows:

1412 49-5-105. The words and phrases when used in Sections  
1413 49-5-101 through 49-5-119 shall, for the purposes of such  
1414 sections, have the meanings respectively ascribed to them in this  
1415 section, except in those instances where the context clearly  
1416 indicates a different meaning.

1417 (a) "Commission" means the Mississippi Commission on



1418 Wildlife, Fisheries and Parks.

1419 (b) "Director" means the Executive Director of the  
1420 Mississippi Department of Wildlife, Fisheries and Parks.

1421 (c) "Ecosystem" means a system of living organisms and  
1422 their environment, each influencing the existence of the other and  
1423 both necessary for the maintenance of life.

1424 (d) "Endangered species" means any species or  
1425 subspecies of wildlife whose prospects of survival or recruitment  
1426 within the state are in jeopardy or are likely within the  
1427 foreseeable future to become so, due to any of the following  
1428 factors: (1) the destruction, drastic modification, or severe  
1429 curtailment of its habitat, or (2) its over-utilization for  
1430 scientific, commercial or sporting purposes, or (3) the effect on  
1431 it of disease, pollution, or predation, or (4) other natural or  
1432 man-made factors affecting its prospects of survival or  
1433 recruitment within the state, or (5) any combination of the  
1434 foregoing factors. The term shall also be deemed to include any  
1435 species or subspecies of fish and wildlife appearing on the United  
1436 States' List of Endangered Native Fish and Wildlife as it appears  
1437 on July 1, 1974, (Part 17 of Title 50 of the Code of Federal  
1438 Regulations, Appendix D) as well as any species or subspecies of  
1439 fish and wildlife appearing on the United States' List of  
1440 Endangered Foreign Fish and Wildlife (Part 17 of Title 50 of the  
1441 Code of Federal Regulations, Appendix A), as such list may be  
1442 modified hereafter.

1443 (e) "Management" means the collection and application  
1444 of biological information for the purposes of increasing the  
1445 number of individuals within species and populations of wildlife  
1446 up to the optimum carrying capacity of their habitat and  
1447 maintaining such levels. The term includes the entire range of  
1448 activities that constitute a modern scientific resource program  
1449 including, but not limited to, research, census, law enforcement,  
1450 habitat acquisition and improvement, and education. Also,  
1451 included within the term, when and where appropriate, is the  
1452 periodic or total protection of species or populations as well as

1453 regulated taking.

1454 (f) "Nongame species" means any wild mammal, bird,  
1455 amphibian, reptile, fish, mollusk, crustacean or other wild animal  
1456 not otherwise legally classified by statute or regulation of this  
1457 state.

1458 (g) "Optimum carrying capacity" means that point at  
1459 which a given habitat can support healthy populations of wildlife  
1460 species, having regard to the total ecosystem, without diminishing  
1461 the ability of the habitat to continue that function.

1462 (h) "Person" means any individual, firm, corporation,  
1463 association or partnership.

1464 (i) "Take" means to harass, hunt, capture, or kill or  
1465 attempt to harass, hunt, capture, or kill wildlife.

1466 (j) "Wildlife" means any wild mammal, bird, reptile,  
1467 amphibian, fish, mollusk, crustacean or other wild animal or any  
1468 part, product, egg or offspring or the dead body or parts thereof.

1469 SECTION 55. Section 49-5-145, Mississippi Code of 1972, is  
1470 amended as follows:

1471 49-5-145. (1) The Legislature states that the purpose of  
1472 Sections 49-5-141 through 49-5-157 is to establish a registration  
1473 procedure by which owners of natural areas may voluntarily agree  
1474 to manage and protect the areas according to rules set forth by  
1475 the Mississippi Commission on Wildlife, Fisheries and Parks.

1476 (2) The Legislature states that the purpose of Sections  
1477 49-5-141 through 49-5-157 is also to establish a dedication  
1478 procedure by which owners of natural areas may voluntarily agree  
1479 to convey any or all of their right, title and interest in the  
1480 property to the State of Mississippi to be managed and protected  
1481 by an appropriate agency designated by the Mississippi Commission  
1482 on Wildlife, Fisheries and Parks for the people of Mississippi.

1483 SECTION 56. Section 49-5-147, Mississippi Code of 1972, is  
1484 amended as follows:

1485 49-5-147. For the purposes of Sections 49-5-141 through  
1486 49-5-157, the following words shall have the meaning ascribed  
1487 herein unless the context shall otherwise require:

1488 (a) "Commission" means the Mississippi Commission on  
1489 Wildlife, Fisheries and Parks.

1490 (b) "Committee" or "Wildlife Heritage Committee" means  
1491 the Mississippi Commission on Wildlife, Fisheries and Parks.

1492 (c) "Dedicate" means the transfer to the Mississippi  
1493 Commission on Wildlife, Fisheries and Parks of any estate,  
1494 interest or right in any natural area to be held for the people of  
1495 Mississippi in a manner provided in Section 49-5-155.

1496 (d) "Natural area" means an area of land, water or air,  
1497 or combination thereof, which contains an element of the state's  
1498 natural diversity, including, but not limited to, individual plant  
1499 or animal life, natural geological areas, habitats of endangered  
1500 or threatened species, ecosystems or any other area of unique  
1501 ecological, scientific or educational interest.

1502 (e) "Natural area preserve" means a natural area which  
1503 is voluntarily dedicated.

1504 (f) "Register" means the act of agreement between the  
1505 owner of a natural area and the Mississippi Commission on  
1506 Wildlife, Fisheries and Parks for designation of the natural area  
1507 and for its placement on the register of natural areas by  
1508 voluntary agreement between the owner of the natural area and the  
1509 commission.

1510 (g) "Register of natural areas" means a listing of  
1511 natural areas which are being managed by the owner of the natural  
1512 area according to the rules and regulations of the Mississippi  
1513 Commission on Wildlife, Fisheries and Parks.

1514 SECTION 57. Section 49-5-149, Mississippi Code of 1972, is  
1515 amended as follows:

1516 49-5-149. The commission shall have the following powers and  
1517 duties:

1518 (a) To utilize inventory data compiled by the  
1519 Mississippi Wildlife Heritage Program concerning the natural areas  
1520 of the state;

1521 (b) To accept on behalf of the people of Mississippi  
1522 any right, title or interest to any natural area;

1523           (c) To establish and maintain a register of natural  
1524 areas;

1525           (d) To select natural areas for placement on the  
1526 register of natural areas or for dedication as a natural area  
1527 preserve, or both;

1528           (e) To provide for the management of natural area  
1529 preserves by designating an appropriate agency to manage the  
1530 preserve in accordance with the provisions set forth in the  
1531 articles of dedication which establish the natural area as a  
1532 natural area preserve;

1533           (f) To cooperate with any agency of the United States,  
1534 the State of Mississippi and any other state, any political  
1535 subdivision of this state and with private persons or  
1536 organizations to implement the provisions of Sections 49-5-141  
1537 through 49-5-157;

1538           (g) To discharge any other duty or action necessary to  
1539 implement the provisions of Sections 49-5-141 through 49-5-157.

1540       SECTION 58. Section 49-5-151, Mississippi Code of 1972, is  
1541 amended as follows:

1542       49-5-151. The commission shall publish and revise at least  
1543 annually a register of natural areas using the inventory of  
1544 natural areas compiled by the Mississippi Wildlife Heritage  
1545 Program.

1546       SECTION 59. Section 49-5-153, Mississippi Code of 1972, is  
1547 amended as follows:

1548       49-5-153. (1) The owner of any natural area on the registry  
1549 may, if the commission so agrees, register the natural area by  
1550 executing a voluntary agreement with the commission for the owner  
1551 to manage and protect the natural area according to the rules and  
1552 regulations promulgated by the commission and to give the  
1553 commission first option to purchase the natural area. If the  
1554 owner agrees to register the area, he shall be given a certificate  
1555 of registration and shall be committed to manage the area  
1556 according to the terms of the agreement with the commission. The  
1557 agreement may be terminated by either party after thirty (30) days

1558 written notice. The owner, upon termination, shall surrender the  
1559 certificate; provided, however, the first option to purchase shall  
1560 remain with the commission unless the commission shall relinquish  
1561 the option in writing.

1562 (2) Any property acquired by the commission or any other  
1563 agency of the state or political subdivision thereof pursuant to  
1564 any other authority in law may be registered according to \* \* \*  
1565 this section.

1566 SECTION 60. Section 49-5-155, Mississippi Code of 1972, is  
1567 amended as follows:

1568 49-5-155. (1) The owner of any natural area may dedicate  
1569 that area as a natural area preserve by executing with the  
1570 commission articles of dedication. The articles shall transfer  
1571 such portion of the owner's estate as agreed upon by the owner and  
1572 the commission to the commission for the people of Mississippi.

1573 (2) The commission may acquire articles of dedication for  
1574 consideration or by donation, devise or bequest. The articles of  
1575 dedication shall be recorded in the office of the chancery clerk  
1576 of the county in which any or all of the natural area is located  
1577 before the area shall become a natural area preserve.

1578 (3) The commission may dedicate any property owned by the  
1579 commission as natural area preserve by filing and recording  
1580 articles of dedication in the office of the chancery clerk of the  
1581 county in which any or all of the area is located.

1582 (4) The articles of dedication shall contain:

1583 (a) Provisions for the management, custody and use of  
1584 the natural area preserve;

1585 (b) Provisions which define the rights and privileges  
1586 of the owner and the committee or the managing agency; and

1587 (c) Such other provisions as the owner or commission  
1588 shall deem necessary to discharge the provisions of Sections  
1589 49-5-141 through 49-5-157 or to complete the transfer.

1590 (5) The commission shall agree to no articles of dedication  
1591 which do not provide for the protection, preservation and  
1592 management of the natural area in a manner consistent with the

1593 intent and purposes of Sections 49-5-141 through 49-5-157.

1594 (6) Any interest in real property owned by the commission in  
1595 a natural area preserve shall be exempt from all ad valorem  
1596 taxation levied by the State of Mississippi or any county or  
1597 municipality or other political subdivision of this state. Any  
1598 person who shall convey any interest in real property to the  
1599 commission for the purposes set forth in Sections 49-5-141 through  
1600 49-5-157 shall be entitled to have the assessment of such property  
1601 reduced by the amount of the value of the interest conveyed to the  
1602 commission. The authorities responsible for determining and  
1603 making the assessment shall also determine the value of the  
1604 interest conveyed to the commission. This reduction in the  
1605 assessment of such property shall terminate when the interest  
1606 conveyed to the commission terminates.

1607 (7) The commission shall be the agency of the State of  
1608 Mississippi primarily responsible for acquisition of natural area  
1609 preserves, but no provision of Sections 49-5-141 through 49-5-157  
1610 shall be construed to limit the commission's authority to acquire  
1611 other property. Any property acquired by the commission or any  
1612 other agency of the state or political subdivision thereof  
1613 pursuant to any other authority in law may be dedicated according  
1614 to \* \* \* this section.

1615 (8) No provisions of Sections 49-5-141 through 49-5-157  
1616 shall be construed to limit the authority of any other agency to  
1617 acquire and dedicate natural areas according to the provisions of  
1618 Sections 49-5-141 through 49-5-157.

1619 SECTION 61. Section 49-5-157, Mississippi Code of 1972, is  
1620 amended as follows:

1621 49-5-157. (1) A natural area preserve is held in trust by  
1622 the State of Mississippi for present and future generations and  
1623 shall be managed and protected according to the rules and  
1624 regulations set forth by the commission. A natural area preserve  
1625 is hereby declared to be at the highest, best and most important  
1626 use for the public.

1627 (2) The commission shall inspect or provide for the

1628 inspection of at least annually, each natural area preserve to  
1629 insure that the terms of the articles of dedication are being  
1630 respected.

1631 SECTION 62. Section 49-7-16, Mississippi Code of 1972, is  
1632 amended as follows:

1633 49-7-16. (1) Any person, whether a resident or nonresident  
1634 of this state, who is a fur dealer, or who regularly buys  
1635 fur-bearing animals from trappers or hunters, shall be required to  
1636 obtain a license under this section. Application for such license  
1637 shall be made to any of the officials authorized to issue licenses  
1638 under Chapter 7 of Title 49, Mississippi Code of 1972. The  
1639 license fee shall be Fifty Dollars (\$50.00) for residents,  
1640 together with the fee provided in Section 49-7-17 \* \* \*. The  
1641 license shall be good for one (1) year from the date of issuance  
1642 unless suspended or revoked earlier, and it is renewable upon  
1643 payment of the fee. The license shall be carried on the person of  
1644 the holder whenever he is engaged in the business of fur dealer or  
1645 engaged in buying fur-bearing animals.

1646 (2) Dealers or those persons who regularly buy fur-bearing  
1647 animals from trappers or hunters are authorized to possess  
1648 inventories of dried or stretched furs and skins at any time.  
1649 However, dealers or other fur buyers are authorized to buy,  
1650 transport, sell or offer for sale inventories of fur for only  
1651 ninety (90) days beyond the close of the trapping season set by  
1652 the commission \* \* \*. The commission shall, in its discretion,  
1653 extend the ninety-day period for buying, transporting, selling or  
1654 offering for sale inventories of fur.

1655 (3) The commission may require tagging of furs to account  
1656 for harvest of a species in a specific location. Dealers shall be  
1657 required to maintain accurate records of purchases. Such dealer  
1658 records and fur houses shall be open to conservation officers on  
1659 request for inspection without warrant.

1660 (4) Persons acquiring fur for the sole purpose of tanning,  
1661 dressing, manufacturing or otherwise preparing finished fur  
1662 products are authorized to buy, sell, possess and transport

1663 inventories of fur and finished fur products at any time for these  
1664 and related purposes.

1665 SECTION 63. Section 49-7-23, Mississippi Code of 1972, is  
1666 amended as follows:

1667 49-7-23. The executive director \* \* \* may designate  
1668 constables as deputy conservation officers, and constables so  
1669 designated may be permitted to sell hunting and fishing licenses  
1670 and may retain the fee provided in Section 49-7-17 for issuing  
1671 each such license.

1672 SECTION 64. Section 49-7-25, Mississippi Code of 1972, is  
1673 amended as follows:

1674 49-7-25. Each officer authorized to issue licenses shall  
1675 keep in a book to be supplied to him by the commission, a correct  
1676 and complete list, in numerical order, of all licenses, resident  
1677 or nonresident, issued by him. He shall enter \* \* \* at the close  
1678 of each week the name and residence of each individual to whom a  
1679 license was issued during that week, and shall on or before the  
1680 tenth day of each month, forward to the executive director \* \* \*,  
1681 on blanks furnished to him by the executive director, a complete  
1682 list of all licenses so granted, with the name and address of each  
1683 licensee, and shall pay over to the executive director all sums  
1684 collected by him for licenses during the preceding month, and at  
1685 the end of the license year shall render a final report and return  
1686 to the executive director all license stubs and all unused or  
1687 mutilated license blanks. Thereupon the executive director shall  
1688 cause the account of the officer to be audited and a final  
1689 statement furnished such officer on the condition of the account.

1690 SECTION 65. Section 49-7-32, Mississippi Code of 1972, is  
1691 amended as follows:

1692 49-7-32. The \* \* \* commission may establish closed seasons  
1693 on the running, hunting, chasing or pursuing with dogs of raccoon,  
1694 fox or other wild animals or wild birds during turkey season in  
1695 designated areas.

1696 SECTION 66. Section 49-7-42, Mississippi Code of 1972, is  
1697 amended as follows:



1698           49-7-42. It is lawful at all times for any person, upon the  
1699 issuance of a permit by the \* \* \* commission, to train bird dogs  
1700 through the use of release pens and tamed and identified quail.  
1701 The tamed quail shall be identified through the use of tags or  
1702 dye. Permits shall be issued upon approval of the \* \* \*  
1703 commission and upon payment of the sum of Three Dollars (\$3.00)  
1704 each. The permits shall be displayed openly upon each release  
1705 pen. A permit shall be valid for a period of one (1) year from  
1706 the date of issuance. The training of bird dogs and the taking of  
1707 birds \* \* \* shall be conducted under the rules and  
1708 regulations \* \* \* of the \* \* \* commission. The \* \* \* tamed and  
1709 identified quail may be recaptured through the use of release pens  
1710 when the pens have been properly identified by a permit attached  
1711 thereto.

1712           SECTION 67. Section 49-7-43, Mississippi Code of 1972, is  
1713 amended as follows:

1714           49-7-43. The executive director \* \* \* shall have authority  
1715 to close all hunting and fishing within the lands contracted for  
1716 with the federal government pursuant to the provisions of Section  
1717 49-5-23 for such period of time as may, in the opinion of the  
1718 executive director, be necessary; shall have authority from time  
1719 to time to prescribe the season for hunting or fishing therein, to  
1720 fix the amount of fees required for special hunting licenses and  
1721 to issue such licenses, to prescribe the number of animals and  
1722 game, fish and birds that shall be taken therefrom and the size  
1723 thereof, and to prescribe the conditions under which the same may  
1724 be taken.

1725           Any person violating any of the rules so promulgated by the  
1726 executive director \* \* \*, or who shall hunt or fish upon such  
1727 lands at any time, other than those times specified by the  
1728 executive director \* \* \*, shall, upon conviction therefor be fined  
1729 not less than Twenty-five Dollars (\$25.00) nor more than One  
1730 Hundred Dollars (\$100.00), or imprisoned for not less than ten  
1731 (10) days nor more than thirty (30) days for each and every  
1732 offense.

1733 SECTION 68. Section 49-7-47, Mississippi Code of 1972, is  
1734 amended as follows:

1735 49-7-47. (1) The commission \* \* \* may control, regulate and  
1736 manage the taking of all alligators and alligator turtles.

1737 (2) \* \* \* Residents and nonresidents shall be required to  
1738 purchase a combination hunting and fishing license to hunt, kill  
1739 or catch any alligator or alligator turtle for sporting purposes.

1740 (3) \* \* \* Residents and nonresidents shall be required to  
1741 obtain a special permit to hunt, kill, catch or possess any  
1742 alligator or alligator turtle for commercial purposes. The  
1743 commission \* \* \* may establish a reasonable fee for an annual  
1744 special sporting permit, not to exceed Two Hundred Dollars  
1745 (\$200.00), and may prescribe regulations governing commercial  
1746 trade in alligators and alligator turtles. Any reasonable fee  
1747 established for an annual special commercial permit shall not  
1748 exceed Five Hundred Dollars (\$500.00). Such permit shall be good  
1749 from the date of its issuance to June 30 following its date.

1750 (4) Any person violating this section is guilty, upon  
1751 conviction, of a Class I offense and is punishable as provided in  
1752 Section 49-7-141.

1753 SECTION 69. Section 49-7-91, Mississippi Code of 1972, is  
1754 amended as follows:

1755 49-7-91. (1) It is unlawful for any person, firm, or  
1756 corporation to fish commercially at any time in Muddy Bayou, in  
1757 Warren County, Mississippi.

1758 (2) The department \* \* \* may enforce \* \* \* this section  
1759 and \* \* \* seize and confiscate all commercial nets and seines used  
1760 in Muddy Bayou, in Warren County, Mississippi, or on any part of  
1761 the bayou, either along the length or at its two (2) openings in  
1762 and to Eagle Lake and Steele Bayou.

1763 (3) Any person \* \* \* violating \* \* \* this section is \* \* \*  
1764 guilty of a misdemeanor and shall be fined not less than Ten  
1765 Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00), or  
1766 be imprisoned not more than three (3) months, or both; and in  
1767 addition \* \* \* the department shall seize and confiscate all

1768 commercial nets and seines used for such purpose, and dispose of  
1769 the same at private sale and place the proceeds \* \* \* to the  
1770 credit of the State Game and Fish Fund.

1771 SECTION 70. Section 49-7-101, Mississippi Code of 1972, is  
1772 amended as follows:

1773 49-7-101. (1) Unless a different or other penalty or  
1774 punishment is specially prescribed, a person who violates any of  
1775 the provisions of this chapter or any law or regulation for the  
1776 protection of wild animals, birds, or fish, or who fails to  
1777 perform any duty imposed by such laws or regulations, or who  
1778 violates or fails to comply with any lawful order, rule or  
1779 regulation adopted by the commission is guilty of a Class III  
1780 violation and, upon conviction thereof, shall be punished by a  
1781 fine of not less than Twenty-five Dollars (\$25.00) nor more than  
1782 One Hundred Dollars (\$100.00). In addition thereto, such person  
1783 is liable, in the discretion of the court, to an additional  
1784 penalty of Twenty-five Dollars (\$25.00) for each animal, bird, or  
1785 fish, or part thereof, or each nest or egg of any bird taken,  
1786 possessed, or transported in violation of such law or regulation.

1787 (2) Any person unlawfully killing a doe deer \* \* \* is guilty  
1788 of a Class II violation and shall be punished as provided in  
1789 Section 49-7-143.

1790 (3) Any person killing a wild turkey hen, except when  
1791 permitted by the commission \* \* \* is guilty of a Class II  
1792 violation and shall be punished as provided in Section 49-7-143.

1793 (4) Any person killing any turkey out of season, and any  
1794 person baiting turkeys \* \* \* is guilty of a Class II violation and  
1795 shall be punished as provided in Section 49-7-143.

1796 (5) Any person unlawfully trapping quail or any other game  
1797 bird within this state is \* \* \* guilty of a Class II violation  
1798 and shall be punished as provided in Section 49-7-143.

1799 (6) Any person transporting, shipping, or carrying quail or  
1800 any other game bird within, or from within to a point without this  
1801 state, without first having secured permission from the executive  
1802 director \* \* \* to so do, shall, except as otherwise provided by

1803 Section 49-1-1 et seq., be fined not less than One Hundred Dollars  
1804 (\$100.00).

1805 SECTION 71. Section 49-7-133, Mississippi Code of 1972, is  
1806 amended as follows:

1807 49-7-133. The \* \* \* commission may negotiate with the  
1808 Louisiana Conservation Commission and the Arkansas Game and Fish  
1809 Commission to effectuate a reciprocity agreement with one or both  
1810 of these commissions providing that the hunting and fishing  
1811 licenses and the rules and regulations governing hunting and  
1812 fishing shall be acceptable and recognized by the game and fish  
1813 commissions or the conservation commission of each of the states  
1814 participating in the reciprocity agreement, when hunters or  
1815 fishermen hold a current license issued by the state game and fish  
1816 commissions or the conservation commission of the state in which  
1817 he is domiciled, when fishing in the Mississippi River or in  
1818 bodies of water between the Mississippi River and the levee  
1819 nearest the river, in places where there is a levee; and in the  
1820 Mississippi River or in lakes formed by the Mississippi River, or  
1821 in old Mississippi River runs in places where there is no levee;  
1822 and when hunting waterfowl and other migratory species in the  
1823 Mississippi River, or between the Mississippi River and the levee  
1824 nearest the Mississippi River, or in the Mississippi River or in  
1825 lakes formed by the Mississippi River, or in old Mississippi River  
1826 runs in places where there is no levee.

1827 For all counties lying wholly or partially within the  
1828 Mississippi levee district, and bordering upon the Mississippi  
1829 River, and having a population of more than five thousand (5,000)  
1830 according to the 1950 census, the commission is authorized to  
1831 effectuate a reciprocity agreement, with the Game and Fish  
1832 Commissions of Arkansas and Louisiana, and/or with the Game and  
1833 Fish Commissions of the Counties of Desha and Chicot in the State  
1834 of Arkansas, which shall permit hunting waterfowl and other  
1835 migratory species, deer, squirrels, turkeys, quail and rabbits in  
1836 the Mississippi River, or between the Mississippi River and the  
1837 levee nearest the Mississippi River, or in the Mississippi River

1838 or in lakes formed by the Mississippi River, or in old Mississippi  
1839 River runs and in places where there is no levee.

1840 SECTION 72. Section 49-7-135, Mississippi Code of 1972, is  
1841 amended as follows:

1842 49-7-135. The executive director \* \* \* may proceed  
1843 immediately to negotiate with the Game and Fish Commission of the  
1844 State of Louisiana to effectuate a reciprocity agreement with such  
1845 commission providing that the current hunting and fishing licenses  
1846 issued to hunters or fishermen of the respective states shall be  
1847 accepted and recognized by the game and fish commissions of each  
1848 of the states for the purpose of hunting for migratory water fowl  
1849 or fishing by the hunters or fishermen of either state in the  
1850 Pearl River between top bank and top bank along the course where  
1851 the Pearl River forms a boundary line between the State of  
1852 Louisiana and the State of Mississippi.

1853 SECTION 73. Section 49-7-137, Mississippi Code of 1972, is  
1854 amended as follows:

1855 49-7-137. (1) The Department of Finance and Administration  
1856 may \* \* \* lease for hunting, fishing and conservation purposes to  
1857 the Quitman County Conservation League, Incorporated, a nonprofit  
1858 domestic corporation, all wood lands owned by the State of  
1859 Mississippi in Quitman County, Mississippi, and being a part of  
1860 Camp "B" at the O'Keefe Farm of the Mississippi State  
1861 Penitentiary.

1862 (2) Any such lease shall be for a period and term of not  
1863 more than one (1) year, but the same may continue from year to  
1864 year until terminated by one of the parties thereto.

1865 (3) Any such lease shall be upon such terms and conditions  
1866 as may be imposed by the Department of Finance and Administration  
1867 and the Board of Commissioners of the Mississippi State  
1868 Penitentiary and the same shall have no force and effect until  
1869 approved in writing by said board of commissioners and may be  
1870 terminated at the pleasure of the board of commissioners, or the  
1871 Department of Finance and Administration.

1872 (4) Such lease shall provide that the use of such wood lands

1873 by the Quitman County Conservation League, Incorporated, shall be  
1874 under the supervision of the \* \* \* commission \* \* \*. Any lease on  
1875 this land shall provide that any citizen of this state shall be  
1876 entitled to hunt and fish on these lands providing they shall  
1877 comply with all laws and regulations pertaining to fishing and  
1878 hunting and provided such person meets the membership  
1879 qualifications and pays the membership fee in the amount of Three  
1880 Dollars (\$3.00) as set by the Quitman County conservation league.

1881 SECTION 74. Section 49-7-169, Mississippi Code of 1972, is  
1882 amended as follows:

1883 49-7-169. The \* \* \* commission may enter into reciprocal  
1884 agreements with other states having a state migratory waterfowl  
1885 stamp.

1886 SECTION 75. Section 49-7-201, Mississippi Code of 1972, is  
1887 amended as follows:

1888 49-7-201. (1) There is hereby established a beaver control  
1889 program which shall be developed by the Beaver Control Advisory  
1890 Board created in Section 49-7-203 and administered by the  
1891 Mississippi Commission on Wildlife, Fisheries and Parks with the  
1892 advice of the board or administered by a federal agency pursuant  
1893 to an agreement with the commission for such purpose. The program  
1894 shall be limited to the control or eradication of beavers only on  
1895 private lands or public lands, excluding federally-owned lands but  
1896 including lands whereupon easements are granted to a federal  
1897 entity. The commission may employ such personnel as is necessary  
1898 to implement its duties to administer the program and set the  
1899 salary of such personnel subject to State Personnel Board  
1900 guidelines.

1901 (2) Any state, local or private funds available to the  
1902 commission to fund the program shall be used to match federal  
1903 funds available for such purpose. The commission may execute such  
1904 agreements with any agency of the federal government as are  
1905 necessary to obtain federal matching funds to finance the beaver  
1906 control program.

1907 (3) Nonfederal funds to help finance the program may be

1908 obtained by the commission from the following sources:

1909 (a) Appropriations by the Legislature;

1910 (b) Contributions from participating counties;

1911 (c) Charges on participating landowners; and/or

1912 (d) Contributions from any other sources for such

1913 purpose.

1914 (4) (a) Any county in the state desiring to participate in

1915 the program during its fiscal year shall contribute Two Thousand

1916 Dollars (\$2,000.00) for such purpose from any funds available in

1917 its general fund. Such county shall commit such funds to the

1918 program for the ensuing fiscal year by adopting and submitting a

1919 resolution to that effect on or before August 1 to the

1920 commission \* \* \*. The commission shall establish the due date for

1921 the payment of contributions by counties.

1922 (b) The sum of county contributions may be matched by

1923 nonfederal funds available to the state for the beaver control

1924 program.

1925 (5) Participating landowner means any person, corporation or

1926 association owning land in this state and taking part in the

1927 beaver control program.

1928 SECTION 76. Section 49-7-203, Mississippi Code of 1972, is

1929 amended as follows:

1930 49-7-203. (1) There is hereby created the Beaver Control

1931 Advisory Board which shall be composed of the administrative heads

1932 of the Mississippi Department of Wildlife, Fisheries and Parks,

1933 State Forestry Commission, Department of Agriculture and Commerce,

1934 Mississippi Department of Transportation and Mississippi State

1935 Cooperative Extension Services.

1936 (2) The Executive Director of the Mississippi Department of

1937 Wildlife, Fisheries and Parks shall be the chairman of the board

1938 and shall preside over meetings.

1939 (3) The members of the board shall serve without

1940 compensation but shall be entitled to reimbursement for all actual

1941 and necessary expenses incurred in the discharge of their duties,

1942 including mileage as authorized by law.

1943           (4) The board shall have the following duties and  
1944 responsibilities:

1945                   (a) To adopt rules and regulations governing times and  
1946 places for meetings and governing the manner of conducting its  
1947 business;

1948                   (b) To develop a beaver control program to be  
1949 administered by the Mississippi Department of Wildlife, Fisheries  
1950 and Parks or by a federal agency pursuant to an agreement with the  
1951 commission for such purpose;

1952                   (c) To designate the areas of the state having the  
1953 greatest need for beaver control or eradication and establish a  
1954 list of priority areas on an annual basis;

1955                   (d) To recommend to the Mississippi Commission on  
1956 Wildlife, Fisheries and Parks such fees as may be necessary to  
1957 charge participating landowners; and

1958                   (e) To function in an advisory capacity to the  
1959 Mississippi Commission on Wildlife, Fisheries and Parks regarding  
1960 the implementation of the beaver control program.

1961           SECTION 77. Section 49-7-251, Mississippi Code of 1972, is  
1962 amended as follows:

1963           49-7-251. (1) Except as otherwise provided in Section  
1964 49-7-257, when any property is seized pursuant to Section  
1965 49-7-103, 49-15-21(2) or 59-21-33, Mississippi Code of 1972,  
1966 proceedings under this section shall be instituted promptly.  
1967 Provided, however, that the seizing law enforcement agency may, in  
1968 the sound exercise of discretion, decide not to bring a forfeiture  
1969 action if the interests of bona fide lienholders or secured  
1970 creditors equal or exceed the value of the seized property, or if  
1971 other factors would produce a negative economic result. Provided  
1972 further, that no property shall be subject to forfeiture which has  
1973 been stolen from its owner if the owner can be identified and  
1974 prosecution for the theft has been initiated.

1975           (2) A petition for forfeiture shall be filed promptly in the  
1976 name of the State of Mississippi, the county or the municipality  
1977 and may be filed in the county in which the seizure is made, the



1978 county in which the criminal prosecution is brought or the county  
1979 in which the owner of the seized property is found. Forfeiture  
1980 proceedings may be brought in the circuit court or the county  
1981 court if a county court exists in the county and the value of the  
1982 seized property is within the jurisdictional limits of the county  
1983 court as set forth in Section 9-9-21, Mississippi Code of 1972. A  
1984 copy of such petition shall be served upon the following persons  
1985 by service of process in the same manner as in civil cases:

1986 (a) The owner of the property, if address is known;

1987 (b) Any secured party who has registered his lien or  
1988 filed a financing statement as provided by law, if the identity of  
1989 such secured party can be ascertained by the Mississippi  
1990 Department of Wildlife, Fisheries and Parks or the local law  
1991 enforcement agency by making a good faith effort to ascertain the  
1992 identity of such secured party as described in subsections (3),  
1993 (4), (5), (6) and (7) of this section;

1994 (c) Any other bona fide lienholder or secured party or  
1995 other person holding an interest in the property in the nature of  
1996 a security interest of whom the Mississippi Department of  
1997 Wildlife, Fisheries and Parks or the local law enforcement agency  
1998 has actual knowledge; and

1999 (d) Any person in possession of property subject to  
2000 forfeiture at the time that it was seized.

2001 (3) If the property is a motor vehicle susceptible of  
2002 titling under the Mississippi Motor Vehicle Title Law and if there  
2003 is any reasonable cause to believe that the vehicle has been  
2004 titled, the Mississippi Department of Wildlife, Fisheries and  
2005 Parks or the local law enforcement agency shall make inquiry of  
2006 the State Tax Commission as to what the records of the State Tax  
2007 Commission show as to who is the record owner of the vehicle and  
2008 who, if anyone, holds any lien or security interest which affects  
2009 the vehicle.

2010 (4) If the property is a motor vehicle and is not titled in  
2011 the State of Mississippi, then the Mississippi Department of  
2012 Wildlife, Fisheries and Parks or the local law enforcement agency

2013 shall attempt to ascertain the name and address of the person in  
2014 whose name the vehicle is licensed, and if the vehicle is licensed  
2015 in a state which has in effect a certificate of title law, the  
2016 Mississippi Department of Wildlife, Fisheries and Parks or the  
2017 local law enforcement agency shall make inquiry of the appropriate  
2018 agency of that state as to what the records of the agency show as  
2019 to who is the record owner of the vehicle and who, if anyone,  
2020 holds any lien, security interest or other instrument in the  
2021 nature of a security device which affects the vehicle.

2022 (5) If the property is of a nature that a financing  
2023 statement is required by the laws of this state to be filed to  
2024 perfect a security interest affecting the property and if there is  
2025 any reasonable cause to believe that a financing statement  
2026 covering the security interest has been filed under the laws of  
2027 this state, the Mississippi Department of Wildlife, Fisheries and  
2028 Parks or the local law enforcement agency shall make inquiry of  
2029 the appropriate office designated in Section 75-9-401, Mississippi  
2030 Code of 1972, as to what the records show as to who is the record  
2031 owner of the property and who, if anyone, has filed a financing  
2032 statement affecting the property.

2033 (6) If the property is an aircraft or part thereof and if  
2034 there is any reasonable cause to believe that an instrument in the  
2035 nature of a security device affects the property, then the  
2036 Mississippi Department of Wildlife, Fisheries and Parks or the  
2037 local law enforcement agency shall make inquiry of the Executive  
2038 Director of the Department of Economic and Community Development  
2039 as to what the records of the Federal Aviation Administration show  
2040 as to who is the record owner of the property and who, if anyone,  
2041 holds an instrument in the nature of a security device which  
2042 affects the property.

2043 (7) In the case of all other personal property subject to  
2044 forfeiture, if there is any reasonable cause to believe that an  
2045 instrument in the nature of a security device affects the  
2046 property, then the Mississippi Department of Wildlife, Fisheries  
2047 and Parks or the local law enforcement agency shall make a good

2048 faith inquiry to identify the holder of any such instrument.

2049 (8) In the event the answer to an inquiry states that the  
2050 record owner of the property is any person other than the person  
2051 who was in possession of it when it was seized, or states that any  
2052 person holds any lien, encumbrance, security interest, other  
2053 interest in the nature of a security interest, mortgage or deed of  
2054 trust which affects the property, the Mississippi Department of  
2055 Wildlife, Fisheries and Parks or the local law enforcement agency  
2056 shall cause any record owner and also any lienholder, secured  
2057 party, other person who holds an interest in the property in the  
2058 nature of a security interest which affects the property to be  
2059 named in the petition of forfeiture and to be served with process  
2060 in the same manner as in civil cases.

2061 (9) If the owner of the property cannot be found and served  
2062 with a copy of the petition of forfeiture, or if no person was in  
2063 possession of the property subject to forfeiture at the time that  
2064 it was seized and the owner of the property is unknown, the  
2065 Mississippi Department of Wildlife, Fisheries and Parks or the  
2066 local law enforcement agency shall file with the clerk of the  
2067 court in which the proceeding is pending an affidavit to such  
2068 effect, whereupon the clerk of the court shall publish notice of  
2069 the hearing addressed to "the Unknown Owner of . . . .", filling in  
2070 the blank space with a reasonably detailed description of the  
2071 property subject to forfeiture. Service by publication shall  
2072 contain the other requisites prescribed in Section 11-33-41,  
2073 Mississippi Code of 1972, and shall be served as provided in  
2074 Section 11-33-37, Mississippi Code of 1972, for publication of  
2075 notice for attachments at law.

2076 (10) No proceedings instituted pursuant to the provisions of  
2077 this section shall proceed to hearing unless the judge conducting  
2078 the hearing is satisfied that this section has been complied with.

2079 Any answer received from an inquiry required by subsections (3)  
2080 through (7) of this section shall be introduced into evidence at  
2081 the hearing.

2082 SECTION 78. Section 49-7-253, Mississippi Code of 1972, is

2083 amended as follows:

2084           49-7-253. (1) Except as otherwise provided in Section  
2085 49-7-257, an owner of property that has been seized pursuant to  
2086 Section 49-7-103, 49-15-21(2) or 59-21-33, Mississippi Code of  
2087 1972, shall file an answer within thirty (30) days after the  
2088 completion of service of process. If an answer is not filed, the  
2089 court shall hear evidence that the property is subject to  
2090 forfeiture and forfeit the property to the Mississippi Department  
2091 of Wildlife, Fisheries and Parks or the local law enforcement  
2092 agency. If an answer is filed, a time for hearing on forfeiture  
2093 shall be set within thirty (30) days of filing the answer or at  
2094 the succeeding term of court, if court would not be in progress  
2095 within thirty (30) days after filing the answer. Provided,  
2096 however, that upon request by the Mississippi Department of  
2097 Wildlife, Fisheries and Parks, the local law enforcement agency or  
2098 the owner of the property, the court may postpone said forfeiture  
2099 hearing to a date past the time any criminal action is pending  
2100 against said owner.

2101           (2) If the owner of the property has filed an answer denying  
2102 that the property is subject to forfeiture, then the burden is on  
2103 the petitioner to prove that the property is subject to  
2104 forfeiture. However, if an answer has not been filed by the owner  
2105 of the property, the petition for forfeiture may be introduced  
2106 into evidence and is prima facie evidence that the property is  
2107 subject to forfeiture. The standard of proof placed upon the  
2108 petitioner in regard to property forfeited under the provisions of  
2109 this article shall be by a preponderance of the evidence.

2110           (3) At the hearing any claimant of any right, title or  
2111 interest in the property may prove his lien, encumbrance, security  
2112 interest or other interest in the nature of a security interest to  
2113 be bona fide and created without knowledge or consent that the  
2114 property was to be used so as to cause the property to be subject  
2115 to forfeiture.

2116           (4) If it is found that the property is subject to  
2117 forfeiture, then the judge shall forfeit the property to the

2118 Mississippi Department of Wildlife, Fisheries and Parks or the  
2119 local law enforcement agency. However, if proof at the hearing  
2120 discloses that the interest of any bona fide lienholder, secured  
2121 party, other person holding an interest in the property in the  
2122 nature of a security interest is greater than or equal to the  
2123 present value of the property, the court shall order the property  
2124 released to him. If such interest is less than the present value  
2125 of the property and if the proof shows that the property is  
2126 subject to forfeiture, the court shall order the property  
2127 forfeited to the Mississippi Department of Wildlife, Fisheries and  
2128 Parks or the local law enforcement agency.

2129 SECTION 79. Section 49-7-255, Mississippi Code of 1972, is  
2130 amended as follows:

2131 49-7-255. (1) All other property which is forfeited under  
2132 Sections 49-7-251 through 49-7-257, and except as provided in  
2133 subsections (2), (5) and (6) of this section, shall be liquidated  
2134 and, after deduction of court costs and the expenses of  
2135 liquidation, the proceeds shall be divided and deposited as  
2136 follows:

2137 (a) In the event only one (1) law enforcement agency  
2138 participates in the underlying criminal case out of which the  
2139 forfeiture arises, fifty percent (50%) of the proceeds shall be  
2140 forwarded to the State Treasurer and deposited in the General Fund  
2141 of the state and fifty percent (50%) of the proceeds shall be  
2142 deposited and credited to the budget of the participating law  
2143 enforcement agency.

2144 (b) In the event more than one (1) law enforcement  
2145 agency participates in the underlying criminal case out of which  
2146 the forfeiture arises, fifty percent (50%) of the proceeds shall  
2147 be deposited and credited to the budget of the law enforcement  
2148 agency whose officers initiated the criminal case and fifty  
2149 percent (50%) shall be divided equitably between or among the  
2150 other participating law enforcement agencies, and shall be  
2151 deposited and credited to the budgets of the participating law  
2152 enforcement agencies. In the event that the other participating

2153 law enforcement agencies cannot agree on the division of their  
2154 fifty percent (50%), a petition shall be filed by any one (1) of  
2155 them in the court in which the civil forfeiture case is brought  
2156 and the court shall make an equitable division.

2157 (2) All money which is forfeited under Sections 49-7-251  
2158 through 49-7-257 shall be divided, deposited and credited in the  
2159 same manner as set forth in subsection (1) of this section.

2160 (3) All property forfeited, deposited and credited to the  
2161 Mississippi Department of Wildlife, Fisheries and Parks under  
2162 Sections 49-7-251 through 49-7-257 shall be forwarded to the State  
2163 Treasurer and deposited in a special fund for use by the  
2164 Mississippi Department of Wildlife, Fisheries and Parks upon  
2165 appropriation by the Legislature.

2166 (4) All other property that has been forfeited shall, except  
2167 as otherwise provided, be sold at a public auction for cash by the  
2168 chief law enforcement officer of the initiating law enforcement  
2169 agency, or his designee, to the highest and best bidder after  
2170 advertising the sale for at least once each week for three (3)  
2171 consecutive weeks, the last notice to appear not more than ten  
2172 (10) days nor less than five (5) days prior to such sale, in a  
2173 newspaper having a general circulation in the jurisdiction in  
2174 which said law enforcement agency is located. Such notices shall  
2175 contain a description of the property to be sold and a statement  
2176 of the time and place of sale. It shall not be necessary to the  
2177 validity of such sale either to have the property present at the  
2178 place of sale or to have the name of the owner thereof stated in  
2179 such notice. The proceeds of the sale shall be disposed of as  
2180 follows:

2181 (a) To any bona fide lienholder, secured party, or  
2182 other party holding an interest in the property in the nature of a  
2183 security interest, to the extent of his interest; and

2184 (b) The balance, if any, remaining after deduction of  
2185 all storage, court costs and expenses of liquidation shall be  
2186 divided, forwarded and deposited in the same manner set out in  
2187 subsection (1) of this section.

2188           (5) Any state, county or municipal law enforcement agency  
2189 may maintain, repair, use and operate for official purposes all  
2190 property or money that has been forfeited to the agency if it is  
2191 free from any interest of a bona fide lienholder, secured party or  
2192 other party who holds an interest in the property in the nature of  
2193 a security interest. Such state, county or municipal law  
2194 enforcement agency may purchase the interest of a bona fide  
2195 lienholder, secured party or other party who holds an interest so  
2196 that the property can be released for its use. If the property is  
2197 a motor vehicle susceptible of titling under the Mississippi Motor  
2198 Vehicle Title Law, the law enforcement agency shall be deemed to  
2199 be the purchaser, and the certificate of title shall be issued to  
2200 it as required by subsection (7) of this section.

2201           (6) The Mississippi Department of Wildlife, Fisheries and  
2202 Parks may maintain, repair, use and operate for official purposes  
2203 all property, other than money that has been forfeited to the  
2204 Mississippi Department of Wildlife, Fisheries and Parks if it is  
2205 free from any interest of a bona fide lienholder, secured party,  
2206 or other party who holds an interest in the property in the nature  
2207 of a security interest. In such case, the Mississippi Department  
2208 of Wildlife, Fisheries and Parks may purchase the interest of a  
2209 bona fide lienholder, secured party, or other party who holds an  
2210 interest so that such property can be released for use by the  
2211 department.

2212           The Mississippi Department of Wildlife, Fisheries and Parks  
2213 may maintain, repair, use and operate such property with money  
2214 appropriated to the department for current operations. If the  
2215 property is a motor vehicle susceptible of titling under the  
2216 Mississippi Motor Vehicle Title Law, the Mississippi Department of  
2217 Wildlife, Fisheries and Parks is deemed to be the purchaser and  
2218 the certificate of title shall be issued to it as required by  
2219 subsection (7) of this section.

2220           (7) The State Tax Commission shall issue a certificate of  
2221 title to any person who purchases property under the provisions of  
2222 this section when a certificate of title is required under the

2223 laws of this state.

2224 SECTION 80. Section 49-13-3, Mississippi Code of 1972, is  
2225 amended as follows:

2226 49-13-3. As used in this chapter, the term:

2227 (a) "Commission" means the Mississippi Commission on  
2228 Wildlife, Fisheries and Parks.

2229 (b) "Department" means the Mississippi Department of  
2230 Wildlife, Fisheries and Parks.

2231 (c) \* \* \* "Pen-raised quail" means a quail that has  
2232 been hatched from an egg laid by a quail confined in a pen or coop  
2233 and has itself been wholly raised in a pen or coop by a duly  
2234 licensed quail breeder holding a permit as provided by law from  
2235 the Mississippi Commission on Wildlife, Fisheries and Parks.

2236 (d) \* \* \* "Quail" \* \* \* means all species of quail  
2237 native to North America and coturnix quail.

2238 SECTION 81. Section 49-13-7, Mississippi Code of 1972, is  
2239 amended as follows:

2240 49-13-7. A commercial quail breeder's license must first be  
2241 obtained from the \* \* \* commission, or its agents. The license  
2242 shall be applied for each year and shall be valid from April 1 to  
2243 March 31 next following, upon payment of Twenty-five Dollars  
2244 (\$25.00) for each \* \* \* license. The license must bear a number  
2245 as designated by the \* \* \* commission, and shall be conspicuously  
2246 exhibited at all times at the place where quail are bred.

2247 SECTION 82. Section 49-13-9, Mississippi Code of 1972, is  
2248 amended as follows:

2249 49-13-9. The sale or transfer or ownership of any pen-raised  
2250 quail carcasses must originate with a sale or transfer made by a  
2251 licensed commercial quail breeder.

2252 Each licensed quail producer shall display the license on the  
2253 premises in easy view and shall keep a record of each bird sale or  
2254 gift.

2255 The record of bird transfer should include the following  
2256 entries: kind and number of quail, date of ownership transfer and  
2257 name and address of purchaser or gift recipient. The record of



2258 transfer of ownership must be kept current and available at all  
2259 times for inspection by a representative of the department.  
2260 Record discrepancies may cause the licensed quail producer to be  
2261 charged with a misdemeanor.

2262 Any individual or owner of a business establishment  
2263 possessing quail from a licensed producer shall be subject to  
2264 having the birds confiscated and may be charged with a misdemeanor  
2265 if a record of transfer of ownership does not appear on the record  
2266 book of the licensed producer from whom the person in question  
2267 states that he purchased or received the birds.

2268 SECTION 83. Section 49-13-17, Mississippi Code of 1972, is  
2269 amended as follows:

2270 49-13-17. In case of the resale or disposition of quail  
2271 carcasses originally purchased or received from a licensed quail  
2272 producer and in turn sold or donated by another person, a record  
2273 of each subsequent change of ownership must be made. The  
2274 following information must be recorded by the present owner about  
2275 the owner who receives the quail: name and address of the person  
2276 or business to which the quail carcasses were transferred, the  
2277 date of the transfer and the kind and number of quail transferred.

2278 The record of the quail transfer of ownership must be kept by the  
2279 person or business selling or donating the quail for a period of  
2280 one (1) year following the ownership transfer and shall, upon  
2281 request, be available for inspection by a representative of the  
2282 department.

2283 SECTION 84. Section 49-13-19, Mississippi Code of 1972, is  
2284 amended as follows:

2285 49-13-19. Each person, firm or corporation, holding a  
2286 commercial quail breeder's license shall keep permanent records in  
2287 a suitable, permanently bound book of all birds' carcasses sold,  
2288 to whom sold, the date of the sale, the address of the vendee or  
2289 consignee and the number of carcasses sold, which record, as well  
2290 as the premises of such licensed breeder, shall be subject to  
2291 examination and inspection by any agent of the department or peace  
2292 officer for violations of this chapter, without the issuance of

2293 any warrant upon displaying his credentials of authority to such  
2294 breeder.

2295 SECTION 85. Section 49-13-23, Mississippi Code of 1972, is  
2296 amended as follows:

2297 49-13-23. Any person, firm or corporation violating any  
2298 provision of this chapter is guilty of a misdemeanor, and upon  
2299 conviction \* \* \* shall be punished by a fine of not less than One  
2300 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars  
2301 (\$500.00). Multiple violations of \* \* \* this chapter shall be  
2302 assessed fines near the maximum allowable limits. Also, a person  
2303 with multiple violations of \* \* \* this chapter may, at the  
2304 discretion of the \* \* \* commission, have his commercial quail  
2305 breeder's license suspended by operation of law for a period of  
2306 one (1) year.

2307 SECTION 86. Section 49-15-7, Mississippi Code of 1972, is  
2308 amended as follows:

2309 49-15-7. All shells of dead oysters, clams and other  
2310 shellfish; and all of the oyster shells, clam shells, mussel  
2311 shells, dead reef shells, and cay shells, being upon or under the  
2312 bottom of, or under the tidewaters within the territorial  
2313 jurisdiction of the State of Mississippi, and all beds, banks and  
2314 accumulations of such shells within such territorial jurisdiction  
2315 on or under the bottoms of such waters, or surrounded by such  
2316 waters, being the property of the State of Mississippi are hereby  
2317 further declared to be the property of the State of Mississippi  
2318 under the jurisdiction of the \* \* \* commission.

2319 SECTION 87. Section 49-15-45, Mississippi Code of 1972, is  
2320 amended as follows:

2321 49-15-45. (1) Any municipality bounded by the Gulf of  
2322 Mexico or Mississippi Sound, which has wholly or partly within its  
2323 corporate limits, or in the waters adjacent thereto, a public  
2324 oyster reef reserved for catching oysters exclusively by use of  
2325 hand tongs, is hereby authorized to aid and cooperate with  
2326 the \* \* \* commission in enforcing all laws regulating the  
2327 catching, taking and transporting of oysters, including all of the

2328 provisions of this chapter, and all regulations and ordinances of  
2329 such commission relating to such oyster reefs.

2330 (2) Such municipality may, in its discretion, extend its  
2331 corporate limits by continuing its boundaries at right angles to  
2332 the shore line, into the waters of the Mississippi Sound or Gulf  
2333 of Mexico or waters tributary thereto to any line within the  
2334 boundaries of the State of Mississippi, and may, by ordinance  
2335 spread upon its minutes, provide that all violations of such laws  
2336 and ordinances regulating the catching, taking and transporting of  
2337 oysters shall be violations of the municipal ordinances and  
2338 punishable as such.

2339 (3) In carrying out the provisions of this section such  
2340 municipality may purchase, equip and maintain a suitable patrol  
2341 boat and employ and pay the salaries of a crew to operate same and  
2342 officers to enforce such laws and ordinances.

2343 (4) Neither prosecutions nor convictions by such  
2344 municipality shall bar further prosecution and conviction by the  
2345 commission or its officers for the same offense.

2346 (5) All fines collected by such municipality in enforcing  
2347 the provisions of this chapter shall be paid into the general fund  
2348 of the municipality and all costs and expenses incurred in  
2349 connection with this chapter shall be paid out of the general fund  
2350 of the municipality.

2351 (6) Officers employed or deputized by the municipality to  
2352 carry out the provisions of this section shall have the right to  
2353 make arrests without warrant for any violations of the laws,  
2354 ordinances or regulations referred to in subsection (1) hereof,  
2355 committed in the presence or in the view of such arresting  
2356 officer.

2357 (7) Nothing herein contained shall be construed to authorize  
2358 any municipality to adopt any ordinances regulating catching,  
2359 taking or transporting oysters. The authority vested in such  
2360 municipality under this section being limited to enforcement of  
2361 statutes passed by the Legislature and ordinances and regulations  
2362 adopted by the \* \* \* commission \* \* \*.

2363 SECTION 88. Section 49-15-69, Mississippi Code of 1972, is  
2364 amended as follows:

2365 49-15-69. (1) Any resident citizen of the State of  
2366 Mississippi (a) who is not over sixteen (16) years of age; or (b)  
2367 who is sixty-five (65) years of age or more; or (c) who has been  
2368 adjudged to have a service-connected one hundred percent (100%)  
2369 disability, shall not be required to purchase or possess a license  
2370 or permit, except as provided by subsection (2) of this section,  
2371 or to pay any fee or charge when fishing for or taking for  
2372 personal, noncommercial use the following: (a) crabs, (b)  
2373 shrimps, or (c) oysters.

2374 (2) The \* \* \* commission is hereby directed to promulgate  
2375 and publish rules and regulations to implement the policy set  
2376 forth in subsection (1) of this section. Such rules shall provide  
2377 that persons exempted under subsection (1) of this section shall  
2378 apply to the department for certification as to age or disability  
2379 and shall be required to carry a certification card issued by the  
2380 commission while engaged in taking above-mentioned marine life.

2381 SECTION 89. Section 49-27-7, Mississippi Code of 1972, is  
2382 amended as follows:

2383 49-27-7. \* \* \* This chapter shall not apply to the following  
2384 activities, areas and entities:

2385 (a) The accomplishment of emergency decrees of any duly  
2386 appointed health officer of a county or municipality or of the  
2387 state, acting to protect the public health;

2388 (b) The conservation, repletion and research activities  
2389 of the Commission on Marine Resources, the Mississippi Gulf Coast  
2390 Research Laboratory, the Commission on Wildlife, Fisheries and  
2391 Parks, and the Mississippi-Alabama Sea Grant Consortium when  
2392 acting through the Mississippi Universities Marine Center;

2393 (c) Hunting, erecting duck blinds, fishing,  
2394 shellfishing and trapping when and where otherwise permitted by  
2395 law;

2396 (d) Swimming, hiking, boating or other recreation that  
2397 causes no material harm to the flora and fauna of the wetlands;

2398           (e) The exercise of riparian rights by the owner of the  
2399 riparian rights, if the construction and maintenance of piers,  
2400 boathouses and similar structures are constructed on pilings that  
2401 permit a reasonably unobstructed ebb and flow of the tide. The  
2402 riparian owner may reasonably alter the wetland at the end of his  
2403 pier in order to allow docking of his vessels;

2404           (f) The normal maintenance and repair of bulkheads,  
2405 piers, roads and highways existing on the date of enactment of  
2406 this chapter, and all interstate highways planned but not yet  
2407 under construction; and financed in part by Federal Interstate  
2408 Highway Trust Funds;

2409           (g) Wetlands developed in the future by federal, state  
2410 or county governments for the establishment of a superport or a  
2411 pipeline buoy terminal for deep-draft, ocean-going vessels,  
2412 including but not limited to, wetlands adjacent to Petit Bois  
2413 Island and the Bayou Casotte Channel in Jackson County,  
2414 Mississippi;

2415           (h) The Biloxi Bridge and Park Commission, Biloxi Port  
2416 Commission, Long Beach Port Commission, Pass Christian Port  
2417 Commission, Pascagoula Port Commission, and any municipal or local  
2418 port authorities;

2419           (i) Wetlands used under the terms of the use permit  
2420 granted by Chapter 395, Laws of 1954;

2421           (j) Any activity affecting wetlands that is associated  
2422 with or is necessary for the exploration, production or  
2423 transportation of oil or gas when such activity is conducted under  
2424 a current and valid permit granted by a duly constituted agency of  
2425 the State of Mississippi;

2426           (k) Activities of any mosquito control commission which  
2427 is a political subdivision or agency of the State of Mississippi;

2428           (l) The Fisherman's Wharf \* \* \* in Biloxi and the  
2429 Buccaneer State Park \* \* \* in Hancock County \* \* \*;

2430           (m) Wetlands conveyed by the state for industrial  
2431 development thereon pursuant to Section 211, Mississippi  
2432 Constitution of 1890, and pursuant to Section 29-3-61, Mississippi

2433 Code of 1972;

2434 (n) The activities of the Hancock County Port and  
2435 Harbor Commission affecting wetlands within its jurisdiction;

2436 (o) The activities of the Harrison County Development  
2437 Commission affecting wetlands within its jurisdiction;

2438 (p) The activities of the Jackson County Port Authority  
2439 affecting wetlands within its jurisdiction;

2440 (q) The activities of the Mississippi State Port at  
2441 Gulfport affecting wetlands within its jurisdiction; and

2442 (r) In the case of regulated activities which, in the  
2443 judgment of the director or his delegate, after an on-site  
2444 inspection, have no harmful impact on the environment and which  
2445 make no substantial change in the wetlands, the director may issue  
2446 a certificate of waiver, and no permit shall be required.

2447 All activities, areas and entities exempt from the regulatory  
2448 provisions, whether by name or reference, when carrying out what  
2449 would otherwise be regulated activities in coastal wetlands shall  
2450 at all times adhere to the policy as set forth in Section  
2451 49-27-3. \* \* \* Each entity shall notify the commission of all  
2452 such activities so that the commission may be fully advised of all  
2453 activities in the coastal wetlands.

2454 SECTION 90. Section 51-9-107, Mississippi Code of 1972, is  
2455 amended as follows:

2456 51-9-107. All powers of the district shall be exercised by a  
2457 board of directors, to be composed of the following:

2458 (a) Each member of the Pearl River Industrial  
2459 Commission whose county becomes a part of the Pearl River Valley  
2460 Water Supply District shall be a member of the board of directors  
2461 of the Pearl River Valley Water Supply District. Such directors  
2462 shall serve on this board during their term of office on the Pearl  
2463 River Industrial Commission. In addition the board of supervisors  
2464 of each county which becomes a part of the district shall appoint  
2465 one (1) additional member.

2466 (b) The Mississippi Commission on Environmental  
2467 Quality, the Mississippi Commission on Wildlife, Fisheries and

2468 Parks, Forestry Commission and the State Board of Health of the  
2469 State of Mississippi shall each appoint one (1) director from that  
2470 department to serve on the Board of Directors of the Pearl River  
2471 Valley Water Supply District to serve at the pleasure of the  
2472 respective board appointing him.

2473 (c) Each director shall take and subscribe to the oath  
2474 of office required by Section 268 of the Constitution of the State  
2475 of Mississippi before a chancery clerk, that he will faithfully  
2476 discharge the duties of the office, which oath shall be filed with  
2477 the said clerk and by him preserved.

2478 (d) Each director shall receive per diem compensation in  
2479 the amount as provided in Section 25-3-69 for attending each  
2480 meeting of the board and for each day spent in attending to the  
2481 necessary business of the district and shall be reimbursed for  
2482 actual expenses thus incurred upon express authorization of the  
2483 board, including travel expenses, as provided in Section 25-3-41.

2484 (e) The board of directors shall annually elect from its  
2485 number a president and a vice president of the district, and such  
2486 other officers as in the judgment of the board are necessary. The  
2487 president shall be the chief executive officer of the district and  
2488 the presiding officer of the board, and shall have the same right  
2489 to vote as any other director. The vice president shall perform  
2490 all duties and exercise all powers conferred by this article upon  
2491 the president when the president is absent or fails or declines to  
2492 act, except the president's right to vote. The board shall also  
2493 appoint a secretary and a treasurer who may or may not be members  
2494 of the board, and it may combine those offices. The treasurer  
2495 shall give bond in the sum of not less than Fifty Thousand Dollars  
2496 (\$50,000.00) as set by the board of directors and each director  
2497 shall give bond in the sum of not less than Ten Thousand Dollars  
2498 (\$10,000.00), and the premiums on said bonds shall be an expense  
2499 of the district. The condition of each such bond shall be that  
2500 the treasurer or director will faithfully perform all duties of  
2501 office and account for all money which shall come into his custody  
2502 as treasurer or director of the district.

2503 SECTION 91. Section 51-9-127, Mississippi Code of 1972, is  
2504 amended as follows:

2505 51-9-127. (1) The board of directors of the district shall  
2506 have the power to adopt and promulgate all reasonable regulations  
2507 to secure, maintain, and preserve the sanitary condition of all  
2508 water in and to flow into any reservoir owned by the district, to  
2509 prevent waste of water or the unauthorized use thereof, and to  
2510 regulate residence, hunting, fishing, boating, camping,  
2511 circulation of vehicular traffic on land, the parking of such  
2512 vehicles, and all recreational and business privileges in, along,  
2513 or around any such reservoir, any body of land, or any easement  
2514 owned by the district.

2515 (2) All such regulations prescribed by the board of  
2516 directors, after publication in a daily newspaper of statewide  
2517 circulation and in a newspaper of general circulation in each  
2518 county comprising the area of the district, shall have the full  
2519 force and effect of law; and violation thereof shall be punishable  
2520 by fine not to exceed One Thousand Dollars (\$1,000.00), as may be  
2521 prescribed in such regulations, or by imprisonment not to exceed  
2522 fifteen (15) days, or both the amount of the fine and the term of  
2523 the imprisonment, within the maximum limit set by this statute and  
2524 within the maximum limit prescribed in such regulations, to be  
2525 determined by the court.

2526 All such rules and regulations so prescribed and the  
2527 penalties fixed thereunder relating to hunting, fishing, and  
2528 boating shall not conflict with, exceed, alter, or suspend any  
2529 regulations, rules, or penalties prescribed by general statute or  
2530 by the Mississippi \* \* \* Commission on Wildlife, Fisheries and  
2531 Parks \* \* \*; and all fines and penalties levied and collected  
2532 under this article shall be remitted and accounted for in  
2533 accordance with the general statutes relating thereto.

2534 (3) In the event of a violation of any regulation adopted to  
2535 prevent pollution of the waters in any reservoir owned by the  
2536 district, or the threat of continuous violation thereof, the  
2537 district shall have authority to sue for and obtain damages and



2538 other appropriate relief, including injunctive relief.

2539 SECTION 92. Section 51-11-5, Mississippi Code of 1972, is  
2540 amended as follows:

2541 51-11-5. All powers of the Pearl River Basin Development  
2542 District, hereinafter referred to in this chapter as the district,  
2543 shall be exercised by a board of directors to be selected and  
2544 composed as follows:

2545 (a) The Mississippi Commission on Environmental  
2546 Quality, the Mississippi Commission on Wildlife, Fisheries and  
2547 Parks, the Forestry Commission, and the State Board of Health of  
2548 the State of Mississippi shall each appoint one (1) director to  
2549 serve on the board of directors of the district, each such  
2550 director to serve at the pleasure of the respective state agency  
2551 appointing him but not to exceed a six-year term.

2552 (b) The board of supervisors of each county which  
2553 elects to become a member of the district shall appoint two (2)  
2554 directors from that county, each of whom shall serve for a term of  
2555 six (6) years or until his successor is appointed by the board of  
2556 supervisors of that county and qualified. In making its initial  
2557 appointment of directors, the board of supervisors of each member  
2558 county shall appoint one (1) of its two (2) directors to serve for  
2559 a term of three (3) years or until his successor is appointed and  
2560 qualified.

2561 (c) The Governor of the State of Mississippi shall  
2562 appoint one (1) director residing within the district, who shall  
2563 serve for a term of six (6) years or until his successor is  
2564 appointed by the Governor and qualified.

2565 (d) Each director shall take and subscribe to the  
2566 general oath of office required by Section 268 of the Constitution  
2567 of the State of Mississippi before a chancery clerk, that he will  
2568 faithfully discharge the duties of the office, which oath shall be  
2569 filed with the said clerk and by him preserved.

2570 (e) Each director shall receive a per diem in the  
2571 amount as provided in Section 25-3-69 for attending each day's  
2572 meeting of the board of directors and for each day spent in

2573 attending to the necessary business of the district and, in  
2574 addition, he shall receive reimbursement for actual expenses,  
2575 including travel expenses, as provided in Section 25-3-41.

2576 (f) The board of directors shall annually elect from  
2577 its number a president and vice president of the district and such  
2578 other officers as, in the judgment of the board of directors, are  
2579 necessary. The president shall be the chief executive officer of  
2580 the district and the presiding officer of the board of directors,  
2581 and shall have the same right to vote as any other director. The  
2582 vice president shall perform all duties and exercise all powers  
2583 conferred by this chapter upon the president when the president is  
2584 absent or fails or declines to act, except the president's right  
2585 to vote. The board of directors shall also appoint a secretary  
2586 and a treasurer who shall be members of the board of directors,  
2587 and it may combine those officers. The treasurer shall give bond  
2588 in the sum of not less than Fifty Thousand Dollars (\$50,000.00) as  
2589 set by the board of directors, and each director may be required  
2590 to give bond in the sum of not less than Ten Thousand Dollars  
2591 (\$10,000.00), with sureties qualified to do business in this  
2592 state, and the premiums on said bonds shall be an expense of the  
2593 district. Each such bond shall be payable to the State of  
2594 Mississippi; the condition of each such bond shall be that the  
2595 treasurer or director will faithfully perform all duties of his  
2596 office and account for all money or other assets which shall come  
2597 into his custody as treasurer or director of the district.

2598 (g) A majority of the total membership of the board of  
2599 directors shall constitute a quorum at a regular meeting, or at  
2600 any special meeting duly called and held for a specific purpose.  
2601 All business of the district shall be transacted by the  
2602 affirmative vote of a majority of the total membership of the  
2603 board of directors.

2604 (h) The State Auditor of Public Accounts shall annually  
2605 audit the books and records of the district and make a report  
2606 thereof to the Governor and the Legislature.

2607 SECTION 93. Section 51-11-9, Mississippi Code of 1972, is

2608 amended as follows:

2609           51-11-9. (1) Within twenty (20) days after the passage of  
2610 this chapter, the Mississippi Commission on Environmental Quality,  
2611 the Mississippi Commission on Wildlife, Fisheries and Parks, the  
2612 Forestry Commission, and the State Board of Health of the State of  
2613 Mississippi shall appoint their respective members to the proposed  
2614 district board of directors as provided in Section 51-11-5. These  
2615 four (4) appointive members, upon taking the oath as provided,  
2616 shall meet in the office of the Mississippi Department of  
2617 Environmental Quality in Jackson, Mississippi, within ten (10)  
2618 days, and adopt by a majority vote a resolution setting forth  
2619 their intentions of creating the district and shall forthwith send  
2620 a certified copy of said resolution to:

2621           (a) The Governor;

2622           (b) Executive officers of the Mississippi Commission on  
2623 Environmental Quality, Mississippi Commission on Wildlife,  
2624 Fisheries and Parks, Forestry Commission, and State Board of  
2625 Health; and

2626           (c) The president of the board of supervisors and the  
2627 chancery clerk of each county which is part of the Pearl River  
2628 Basin. After receipt of said resolution, each of the four (4)  
2629 state agencies hereinabove named may adopt its own resolution  
2630 favorable or unfavorable to the creation of said district; and the  
2631 respective boards of supervisors may, at their next regular  
2632 meeting or at any subsequent meeting, likewise adopt a resolution  
2633 favorable or unfavorable to creating said district. All said  
2634 resolutions adopted shall be certified by adopting body's  
2635 secretary, clerk, or executive officer, and certified copies shall  
2636 be filed with each state agency and political subdivision named in  
2637 this section.

2638           (2) The board of supervisors of any county which is part of  
2639 the Pearl River Basin and which desires to become a member of the  
2640 district shall, upon receipt of the certified resolution to be  
2641 adopted by the four (4) initial directors, declare said board's  
2642 intentions by adopting a resolution expressing its desire to have

2643 said district created and stating that its county desires to be a  
2644 member thereof and that said board desires and intends to levy a  
2645 special ad valorem tax not to exceed one-half (1/2) mill on all  
2646 taxable property within said county for the use and benefit of the  
2647 Pearl River Basin Development District, if and in the event that  
2648 other funds of that county are not available and appropriated to  
2649 pay for that county's required contribution to said district. The  
2650 said resolution shall be published once each week for three (3)  
2651 consecutive weeks in some newspaper published in the county and  
2652 having a general circulation therein. If within twenty-one (21)  
2653 days after the date of the first publication of said resolution no  
2654 petition signed by twenty per cent (20%) of the qualified electors  
2655 of the county is filed with the board of supervisors requesting  
2656 the calling of an election on the question of the county's  
2657 participation in the district and the levying of the special ad  
2658 valorem tax not to exceed one-half (1/2) mill as aforesaid, then  
2659 the board of supervisors may proceed to have the county made a  
2660 member of said district and to levy the special ad valorem tax not  
2661 to exceed one-half (1/2) mill if and when required; but if within  
2662 twenty-one (21) days after the date of the first publication of  
2663 said resolution a petition is filed, signed by at least twenty  
2664 percent (20%) of the qualified electors of said county, requesting  
2665 an election on the proposition of said county's becoming a member  
2666 of the proposed district and the levying of the special ad valorem  
2667 tax not to exceed one-half (1/2) mill as herein provided, then  
2668 said election shall be held and conducted as now provided by law  
2669 for such election. If such an election is held and a majority of  
2670 those voting therein vote for the proposition, the board shall, by  
2671 appropriate resolution, bring the county into the district and  
2672 levy the special ad valorem tax not to exceed one-half (1/2) mill  
2673 as provided by this chapter, if required. If the majority of  
2674 those voting in such election shall vote against the proposition,  
2675 then the county shall not become a member of the district nor levy  
2676 the one-half (1/2) mill tax, and no further election shall be so  
2677 conducted until the lapse of two (2) years after the last

2678 election.

2679 (3) Whenever an aggregate of six (6) counties shall have  
2680 become members of the Pearl River Basin Development District in  
2681 the manner provided in this section, the said district shall be  
2682 created as an agency of the state and a body politic and corporate  
2683 with all the powers granted to it by statute; at which time the  
2684 Governor shall appoint the four (4) (directors to be appointed by  
2685 him.

2686 (4) Any eligible county may become a member of the district  
2687 subsequent to its creation, in the manner that the original  
2688 counties became members. New member counties shall have the same  
2689 power and authority and be entitled to equal consideration of the  
2690 district's board of directors, not inconsistent with the purpose  
2691 of this chapter.

2692 SECTION 94. Section 51-11-19, Mississippi Code of 1972, is  
2693 amended as follows:

2694 51-11-19. (1) The board of directors of the district shall  
2695 have the power to adopt and promulgate all reasonable regulations  
2696 so as to secure, maintain, and preserve the sanitary condition of  
2697 all water in and to flow into any reservoir owned by the district,  
2698 to prevent waste of water or the unauthorized use thereof, and to  
2699 regulate residence, hunting, fishing, boating, camping,  
2700 circulation of vehicular traffic on land, the parking of such  
2701 vehicles, and all recreational and business privileges in, along,  
2702 or around any such reservoir, any body of land, or any easement  
2703 owned by the district.

2704 (2) All such regulations prescribed by the board of  
2705 directors, after publication in a daily newspaper of statewide  
2706 circulation and in a newspaper of general circulation in each  
2707 county comprising the area of the district, shall have the full  
2708 force and effect of law, and violation thereof shall be punishable  
2709 by fine, not to exceed One Thousand Dollars (\$1,000.00), as may be  
2710 prescribed in such regulations, or by imprisonment, not to exceed  
2711 fifteen (15) days, to be determined by the court, or both.

2712 (3) In the event of a violation of any regulation adopted to

2713 prevent pollution of the waters in any reservoir owned by the  
2714 district, or the threat of continuous violation thereof, the  
2715 district shall have authority to sue for and obtain damages and/or  
2716 other appropriate relief, including injunctive relief.

2717 (4) All such rules and regulations so prescribed and the  
2718 penalties fixed thereunder, by the authority of this section,  
2719 shall not conflict with, exceed, alter, or suspend any  
2720 regulations, rules, or penalties prescribed by general statute, by  
2721 the Mississippi \* \* \* Commission on Wildlife, Fisheries and Parks  
2722 or the Mississippi State Board of Health \* \* \*. All fines and  
2723 penalties levied and collected under this chapter shall be  
2724 remitted and accounted for in accordance with the general statutes  
2725 relating thereto.

2726 SECTION 95. Section 51-13-107, Mississippi Code of 1972, is  
2727 amended as follows:

2728 51-13-107. (1) Within twenty (20) days after the passage of  
2729 this article, the Mississippi Commission on Environmental Quality,  
2730 State Board of Health, Mississippi Commission on Wildlife,  
2731 Fisheries and Parks, and the Forestry Commission of the State of  
2732 Mississippi shall appoint their respective members to the proposed  
2733 district board of directors as provided in Section 51-13-105. The  
2734 four (4) appointive members, upon taking the oath as provided,  
2735 shall meet in the Office of the Mississippi Department of  
2736 Environmental Quality in Jackson, Mississippi, within ten (10)  
2737 days and adopt by a majority vote a resolution setting forth their  
2738 intentions of creating the district and shall forthwith send a  
2739 certified copy of said resolution to: (1) each member of the  
2740 Tombigbee Valley Authority as now constituted, (2) the Governor,  
2741 (3) executive officers of the Mississippi Commission on  
2742 Environmental Quality, Board of Health, Mississippi Commission on  
2743 Wildlife, Fisheries and Parks, and Forestry Commission, and (4)  
2744 the president of the board of supervisors and chancery clerk of  
2745 each county through which any part of the Tombigbee River or any  
2746 of its tributaries lie. The four (4) state agencies herein named  
2747 and the Tombigbee Valley Authority may, within ten (10) days from

2748 receipt of said resolution, adopt its own resolution favorable or  
2749 unfavorable to the creation of said district; and the respective  
2750 boards of supervisors may at their next regular meeting likewise  
2751 adopt a resolution favorable or unfavorable to creating said  
2752 district. All of said resolutions adopted shall be certified by  
2753 its secretary, clerk, or executive officer and shall be filed with  
2754 each state agency, political subdivision, or other agency named in  
2755 Section 55-13-105.

2756 (2) Every board of supervisors of those counties desiring to  
2757 become members of the district, through which the Tombigbee River  
2758 or any of its tributaries lie, shall, upon receipt of the  
2759 certified resolutions mentioned in this section, declare said  
2760 board's intentions by adopting a resolution expressing its desire  
2761 to have said district created and to levy an ad valorem tax not to  
2762 exceed one-half (1/2) mill on all the taxable property within the  
2763 Tombigbee Watershed area of said county for the use and benefit of  
2764 the Tombigbee River Valley Water Management District. The said  
2765 resolution shall be published once each week for three (3)  
2766 consecutive weeks in some newspaper published in the county and  
2767 having a general circulation therein, and if no petition signed by  
2768 twenty percent (20%) of the qualified electors of the county is  
2769 filed with the board requesting the calling of an election on the  
2770 question of the county's participation in the district and the  
2771 levying of the one-half (1/2) mill tax levy aforesaid, the board  
2772 may proceed to have the county become a member of said district  
2773 and to levy the one-half (1/2) mill tax levy but if, within  
2774 twenty-one (21) days after the date of the first publication of  
2775 said resolution, a petition signed by at least twenty percent  
2776 (20%) of the qualified electors of said county, requesting an  
2777 election on the proposition of said county becoming a member of  
2778 the proposed district and the levying of the one-half (1/2) mill  
2779 tax as herein provided, is filed, said election shall be held and  
2780 conducted as now provided by law for such elections. If such an  
2781 election is held and a majority of those voting therein vote for  
2782 the proposition, the board shall, by appropriate resolution, bring

2783 the county into the district and levy the one-half (1/2) mill tax  
2784 as otherwise provided by law. If the majority of those voting in  
2785 such election shall vote against the proposition, then the county  
2786 shall not become a member of the district nor levy the one-half  
2787 (1/2) mill tax; and no further election shall be so conducted  
2788 until the lapse of two (2) years after the last election.

2789 (3) Whenever an aggregate of six (6) counties have become  
2790 members of the Tombigbee River Valley Water Management District in  
2791 the manner provided in this section, the said district shall be  
2792 created as an agency of the state and a body politic and corporate  
2793 with all of the powers granted it by statute.

2794 SECTION 96. Section 53-7-11, Mississippi Code of 1972, is  
2795 amended as follows:

2796 53-7-11. No later than ninety (90) days following the  
2797 effective date of this section the commission shall promulgate  
2798 proposed substantive and procedural rules and regulations  
2799 pertaining to surface mining and reclamation operations to  
2800 implement the provisions of this chapter. However, before  
2801 adopting such rules and regulations, the commission shall hold a  
2802 public hearing. Notice of the date, time, place and purpose of  
2803 the hearing shall be given thirty (30) days prior to the scheduled  
2804 date of the hearing as follows:

2805 (a) By mail to all operators known by the commission to  
2806 be actively engaged in surface mining;

2807 (b) By mail to persons who request notification of such  
2808 proposed regulations;

2809 (c) By mail to the State Soil and Water Conservation  
2810 Commission and to each of the local soil and water conservation  
2811 districts;

2812 (d) By mail to the Mississippi Department of  
2813 Environmental Quality, Mississippi Department of Wildlife,  
2814 Fisheries and Parks, Mississippi Forestry Commission, Board of  
2815 Trustees of the Mississippi Department of Archives and History,  
2816 Mississippi Transportation Commission, \* \* \* Mississippi  
2817 Agricultural and Forestry Experiment Station and to any other



2818 state agency whose jurisdiction the commission feels the surface  
2819 mining operations may affect; and

2820 (e) To other interested parties by publication once  
2821 weekly for three (3) consecutive weeks in at least three (3)  
2822 newspapers having general circulation in the State of Mississippi.

2823 Any person shall be entitled to submit written comments or to  
2824 appear and offer evidence at such public hearing. The commission  
2825 shall consider all comments and relevant data presented at such  
2826 hearing before promulgation and publication of permanent rules and  
2827 regulations under this chapter.

2828 SECTION 97. Section 53-7-29, Mississippi Code of 1972, is  
2829 amended as follows:

2830 53-7-29. (1) The commission shall file a copy of each  
2831 application and notice of intent for public inspection with the  
2832 chancery clerk at the county courthouse of the county where any  
2833 and all portion of the mining is proposed to occur after deleting  
2834 the confidential information according to Section 53-7-75.

2835 (2) The commission shall immediately submit copies,  
2836 excluding all confidential information, of the permit application  
2837 or notice of intent to the State Soil and Water Conservation  
2838 Commission, Mississippi Department of Wildlife, Fisheries and  
2839 Parks, Mississippi Forestry Commission, Mississippi Department of  
2840 Environmental Quality, Board of Trustees of the Department of  
2841 Archives and History, Mississippi Transportation Commission, \* \* \*  
2842 State Oil and Gas Board and the Mississippi Agricultural and  
2843 Forestry Experiment Station, to any other state agency whose  
2844 jurisdiction the commission feels the particular mining operation  
2845 may affect and to any person who requests the notification thereof  
2846 upon payment of a reasonable fee established by the commission.  
2847 Each such agency shall review the permit application and notice of  
2848 intent and submit, within thirty (30) days of receipt of the  
2849 application, such comments, recommendations and evaluations as the  
2850 agency deems necessary and proper based only upon the effect of  
2851 the proposed operation on matters within the agency's  
2852 jurisdiction. Such comments shall include an enumeration of

2853 permits or licenses required under the agency's jurisdiction.  
2854 Such comments and recommendations shall be made a part of the  
2855 record and one (1) copy shall be furnished to the operator.

2856 SECTION 98. Section 53-7-45, Mississippi Code of 1972, is  
2857 amended as follows:

2858 53-7-45. (1) All applicants for a Class I permit and  
2859 operators of a Class I operation requesting an amendment shall  
2860 publish notice that the application or request for amendment has  
2861 been filed, describing by name the specific type of application or  
2862 request and setting forth the ownership, location and boundaries  
2863 of the permit area sufficient so that the proposed or existing  
2864 area of operation may be easily located by local residents, and  
2865 the location where the application is available for public  
2866 inspection. Such notice shall be placed in a newspaper of general  
2867 circulation in the county of the proposed or existing operation  
2868 one (1) time within ten (10) days after filing the application or  
2869 request for amendment.

2870 (2) Public hearings may be held at the office of the  
2871 commission in Hinds County, Mississippi, or in the county in which  
2872 the greater portion of the affected area is located, in the  
2873 discretion of the commission. The commission shall give thirty  
2874 (30) days' notice of the date, time and place of any such hearing  
2875 to (a) the operator involved, (b) the local soil and water  
2876 conservation districts, local governing bodies, the State Soil and  
2877 Water Conservation Commission, the Mississippi Department of  
2878 Environmental Quality, the Mississippi Department of Wildlife,  
2879 Fisheries and Parks, Mississippi Forestry Commission, Board of  
2880 Trustees of the Mississippi Department of Archives and History,  
2881 Mississippi Transportation Commission, \* \* \* Mississippi  
2882 Agricultural and Forestry Experiment Station and to any other  
2883 state agency whose jurisdiction the commission feels the mining  
2884 operation may affect, (c) the owners of record of all surface  
2885 areas in the permit area and within five hundred (500) feet  
2886 thereof, notifying them of the subject matter of such hearing, and  
2887 (d) other interested parties by publication once weekly for three

2888 (3) consecutive weeks in the newspaper of general circulation in  
2889 the county where such operation may be conducted or is being  
2890 conducted. The last publication of such notice shall be not less  
2891 than ten (10) days prior to the date of the hearing.

2892 (3) The commission shall issue and furnish all of the  
2893 parties to the administrative proceedings with its written  
2894 findings based on the record, granting or denying the application  
2895 in whole or in part and stating the reasons therefor, not later  
2896 than thirty (30) days of said hearings.

2897 (4) (a) Any party to the administrative proceedings whose  
2898 interest is or may be adversely affected by any ruling, order,  
2899 decision or other act of the commission may appeal by filing a  
2900 petition in the chancery court in the county in which the greater  
2901 portion of the land in question is located.

2902 (b) The petition must be filed within twenty (20) days  
2903 after the date of the commission's action, or, in case of a  
2904 ruling, order or decision, within twenty (20) days after its  
2905 effective date.

2906 (c) The court shall hear such complaint solely on the  
2907 record made before the commission. The findings of the  
2908 commission, if supported by substantial evidence on the record  
2909 considered as a whole, shall be upheld.

2910 (d) The court may, under such conditions as it may  
2911 prescribe, grant such temporary relief as it deems appropriate  
2912 pending final determination of the proceedings.

2913 (e) The commencement of an appeal under this section  
2914 shall not, unless specifically ordered by the court, operate as a  
2915 stay of the action, order or decision of the commission.

2916 (f) Any action arising under this chapter shall be  
2917 given precedence by the court.

2918 SECTION 99. Section 53-7-49, Mississippi Code of 1972, is  
2919 amended as follows:

2920 53-7-49. (1) With the assistance of the Mississippi  
2921 Commission on Wildlife, Fisheries and Parks, the \* \* \* commission  
2922 shall identify and designate as unsuitable certain lands for all

2923 or certain types of surface mining; provided that the commission  
2924 shall develop rules and regulations to provide reasonable notice  
2925 to prospective operators of areas which might be designated as  
2926 unsuitable for surface mining. The commission may designate areas  
2927 as unsuitable for surface mining lands when the commission  
2928 determines:

2929 (a) Such operations will result in significant damage  
2930 to important areas of historic, cultural or archaeological value  
2931 or to important natural systems;

2932 (b) Such operations will affect renewal resource lands  
2933 resulting in a substantial loss or reduction of long-range  
2934 productivity of water supply or food or fiber products, such lands  
2935 to include aquifers and aquifer recharge areas;

2936 (c) Such operations are located in areas of unstable  
2937 geological formations and may reasonably be expected to endanger  
2938 life and property;

2939 (d) Such operations will damage ecologically sensitive  
2940 areas;

2941 (e) Such operations will significantly and adversely  
2942 affect any national park, national monument, national historic  
2943 landmark, property listed on the national register of historic  
2944 places, national forest, national wilderness area, national  
2945 wildlife refuge, national wild or scenic river area, state park,  
2946 state wildlife refuge, state forest, recorded state historical  
2947 landmark, state historic site, state archaeological landmark, or  
2948 city or county park;

2949 (f) Such operations would endanger any public road,  
2950 public building, cemetery, school, church or similar structure or  
2951 existing dwelling outside the permit area; or

2952 (g) The commission determines that reclamation pursuant  
2953 to the requirements of this chapter is not feasible.

2954 SECTION 100. The following shall be codified as Section  
2955 55-3-2, Mississippi Code of 1972:

2956 55-3-2. For purposes of Chapter 3, Title 55, Mississippi  
2957 Code of 1972, the following words shall have the meanings ascribed

2958 herein unless the context otherwise requires:

2959 (a) "Commission" means the Mississippi Commission on  
2960 Wildlife, Fisheries and Parks.

2961 (b) "Department" means the Mississippi Department of  
2962 Wildlife, Fisheries and Parks.

2963 (c) "Executive director" means the Executive Director  
2964 of the Mississippi Department of Wildlife, Fisheries and Parks.

2965 SECTION 101. Section 55-3-5, Mississippi Code of 1972, is  
2966 amended as follows:

2967 55-3-5. The department is authorized to survey, or cause to  
2968 be surveyed, all areas of land owned by the state for the purpose  
2969 of determining the adaptability of such areas for use as state  
2970 parks, state forests and/or game and fish preserves to be  
2971 developed for the control of stream flow and erosion, recreation,  
2972 game and fish refuges or preserves, forest preserves, and for  
2973 other similar uses.

2974 SECTION 102. Section 55-3-7, Mississippi Code of 1972, is  
2975 amended as follows:

2976 55-3-7. The \* \* \* commission \* \* \* shall investigate and  
2977 determine whether or not the public interests may be served by the  
2978 utilization of any lands owned by the State of Mississippi, for  
2979 state forests, parks, game and fish preserves, recreation centers,  
2980 and for other public purposes, and the findings of the commission  
2981 shall be submitted to the board of supervisors of the county  
2982 wherein such lands lie. Thereupon the clerk of the board of  
2983 supervisors shall post, or cause to be posted, in three (3) public  
2984 places in said county, one (1) of which shall be the courthouse of  
2985 said county, a notice setting out the findings of the commission  
2986 and describing the lands involved and reciting that a hearing will  
2987 be had before said board at its first regular meeting held after  
2988 the expiration of twenty-one (21) days from the date of posting  
2989 such notice, and that at such meeting any objections to the  
2990 proposed transfer and dedication will be heard. Furthermore, the  
2991 chancery clerk shall send by registered mail, with a return  
2992 receipt requested, a copy of such notice to each person shown by

2993 the assessment rolls to have been the owner or of any of the lands  
2994 concerned should such lands have been sold for taxes. However,  
2995 any irregularity in the giving of such notice, either by posting  
2996 or by mail, shall not invalidate any transfer or dedication made.  
2997 After such hearing, the board of supervisors shall spread its  
2998 findings upon its minutes, and if the transfer and dedication be  
2999 approved, a certified copy of such findings shall be forwarded to  
3000 the commission. The commission upon receipt of such resolution  
3001 shall forward the same, together with its findings as to the  
3002 description of such transfer and dedication, to the Governor. If  
3003 he finds that the board of supervisors of the county wherein such  
3004 lands lie has approved such transfer and dedication, he may, in  
3005 his discretion, set aside and dedicate any lands owned by the  
3006 state for such purposes above mentioned. After the Governor has  
3007 proclaimed, set aside and dedicated any lands for such purposes,  
3008 the same shall not thereafter be sold. However, no lands  
3009 forfeited to the state for nonpayment of taxes thereon shall be so  
3010 transferred and dedicated until after the expiration of eighteen  
3011 (18) months after the date of maturity of such tax titles in the  
3012 state.

3013 SECTION 103. Section 55-3-9, Mississippi Code of 1972, is  
3014 amended as follows:

3015 55-3-9. If in the opinion of the \* \* \* commission \* \* \*, it  
3016 is necessary to consolidate state lands for more economical  
3017 administration as state parks and state forests, the Secretary of  
3018 State, by and with the approval of the Governor, is authorized to  
3019 exchange with individuals or corporations any state lands for  
3020 other lands owned by individuals or corporations. The owner of  
3021 such private lands shall make application for such exchange. In  
3022 event such exchange is applied for, the Secretary of State is  
3023 authorized to issue a patent, as provided by the existing  
3024 statutes, to any landowner, upon the execution and delivery by the  
3025 landowner of a deed conveying to the state land of equivalent  
3026 value.

3027 SECTION 104. Section 55-3-11, Mississippi Code of 1972, is

3028 amended as follows:

3029           55-3-11. The State Forestry Commission shall have the  
3030 control and management of any and all forests or public parks set  
3031 aside and dedicated as provided for in Section 55-3-7, and shall  
3032 have authority to issue grazing or farming permits or leases on  
3033 said parks, and to make sales of timber and other forest products  
3034 of the soil from same. The Mississippi Commission on Wildlife,  
3035 Fisheries and Parks shall have the control and management of any  
3036 and all lands set aside and dedicated for a fish and game refuge  
3037 and/or preserve. The State Forestry Commission and the  
3038 Mississippi Commission on Wildlife, Fisheries and Parks shall  
3039 cooperate in the utilization of any lands so dedicated both for  
3040 forestry and game and fish conservation purposes.

3041           In the case of state forests and/or state parks the State  
3042 Forestry Commission, and, in the case of fish and game preserves,  
3043 the Mississippi Commission on Wildlife, Fisheries and Parks, is  
3044 hereby vested with authority to institute proceedings against  
3045 trespassers and others in the name of the State of Mississippi,  
3046 and to do all things necessary and proper to obtain the most  
3047 complete and advantageous developments of state forests, parks,  
3048 and fish and game preserves.

3049           SECTION 105. Section 55-3-19, Mississippi Code of 1972, is  
3050 amended as follows:

3051           55-3-19. Where the federal government and the state  
3052 government or any subdivision thereof are cooperating in the  
3053 establishment of a major park and forest and game reserve, and  
3054 where the property owners in the territory therein involved have  
3055 agreed to convey as much as fifty percent (50%) of the area  
3056 required for said purposes, the State Forestry Commission,  
3057 together with the Mississippi Commission on Wildlife, Fisheries  
3058 and Parks or any subdivision of the state, are hereby empowered to  
3059 exercise the right of eminent domain in the manner now provided by  
3060 law to obtain the necessary lands needed.

3061           SECTION 106. Section 55-3-45, Mississippi Code of 1972, is  
3062 amended as follows:

3063           55-3-45. The commission may appoint for each state park a  
3064 local advisory committee to furnish counsel and advice to the  
3065 executive director and to park personnel concerning the operation  
3066 and development of said park. The committee is to serve without  
3067 pay.

3068           SECTION 107. Section 55-3-49, Mississippi Code of 1972, is  
3069 amended as follows:

3070           55-3-49. The department through its executive director,  
3071 shall inaugurate a positive program of preventive maintenance for  
3072 all parks under its jurisdiction.

3073           SECTION 108. Section 55-3-51, Mississippi Code of 1972, is  
3074 amended as follows:

3075           55-3-51. The department shall give due and careful attention  
3076 to the proper development of historical sites designated within  
3077 its jurisdiction. However, the department \* \* \* shall not accept  
3078 for its supervision, control, responsibility or jurisdiction any  
3079 historic sites hereafter offered to it without prior legislative  
3080 approval.

3081           SECTION 109. Section 55-3-57, Mississippi Code of 1972, is  
3082 amended as follows:

3083           55-3-57. Each employee of the department, when required by  
3084 resolution of a majority of the commission, shall give a bond for  
3085 the faithful performance of his duties as an employee of the  
3086 commission, which bond shall be made payable to the State of  
3087 Mississippi and shall be in the penal sum of One Thousand Dollars  
3088 (\$1,000.00). In case of forfeiture of any bond provided for  
3089 herein, and recovery on same, the amount received shall go to the  
3090 department, to be used by it in furtherance of the management and  
3091 development of the state parks.

3092           SECTION 110. Section 55-3-59, Mississippi Code of 1972, is  
3093 amended as follows:

3094           55-3-59. Any person violating any of the rules and  
3095 regulations promulgated by the commission is guilty of a  
3096 misdemeanor, and upon conviction, \* \* \* shall be liable to a fine  
3097 of not less than Five Dollars (\$5.00) nor more than One Hundred



3098 Dollars (\$100.00), or be subject to imprisonment for not less than  
3099 ten (10) days nor more than thirty (30) days, or shall be liable  
3100 to both such fine and imprisonment in the discretion of the court.

3101 SECTION 111. Section 55-3-63, Mississippi Code of 1972, is  
3102 amended as follows:

3103 55-3-63. There are hereby authorized to be established state  
3104 parks to be under the jurisdiction of the department, on land to  
3105 be provided for this purpose by the United States:

3106 (a) On Sardis Lake in Panola County, Mississippi;

3107 (b) On Sardis Lake in Lafayette County, Mississippi,  
3108 reasonably close and accessible to the University of Mississippi  
3109 near the Sardis Dam Reservoir on the south side of Sardis Lake;  
3110 and

3111 (c) On Enid Lake in Yalobusha County, Mississippi.

3112 SECTION 112. Section 55-3-65, Mississippi Code of 1972, is  
3113 amended as follows:

3114 55-3-65. The Governor of the State of Mississippi is hereby  
3115 authorized to enter into an indenture and agreement with the  
3116 Tennessee Valley Authority as the agent of the United States of  
3117 America whereby the State of Mississippi will acquire certain  
3118 lands located in Tishomingo County, Mississippi, in the Pickwick  
3119 Reservoir Area for use as a state park or parks, game management  
3120 areas, and/or wildlife refuges. The department is hereby  
3121 authorized and empowered to establish, maintain and operate a  
3122 state park or parks, game management areas, and/or wildlife  
3123 refuges on said lands thus acquired.

3124 The department is authorized to build a lodge or lodges,  
3125 cabins, boating, recreational, camping, and any and all other  
3126 facilities suitable or convenient for the purpose of establishing  
3127 such a state park or parks, game management areas, and/or wildlife  
3128 refuges not to be limited by the enumeration of purposes above.  
3129 All state and local agencies of government are authorized to  
3130 assist and cooperate with the commission for the purposes of this  
3131 section.

3132 SECTION 113. Section 55-3-67, Mississippi Code of 1972, is

3133 amended as follows:

3134           55-3-67. There is hereby authorized to be established an  
3135 historical monument near Meridian, Mississippi, in Lauderdale  
3136 County, at the burial site of Samuel Dale, which area shall be  
3137 under the jurisdiction of the department.

3138           SECTION 114. Section 55-3-69, Mississippi Code of 1972, is  
3139 amended as follows:

3140           55-3-69. The \* \* \* commission \* \* \*, in cooperation with the  
3141 University Research Center, is authorized and directed to  
3142 supervise the preparation, maintenance and upgrading of a  
3143 comprehensive long-range statewide plan for the development of  
3144 outdoor recreation resources of the state, which plan will be  
3145 prepared by the staff of the \* \* \* commission.

3146           SECTION 115. Section 55-3-71, Mississippi Code of 1972, is  
3147 amended as follows:

3148           55-3-71. The executive director \* \* \* is designated as the  
3149 authorized representative of the State of Mississippi under the  
3150 federal Land and Water Conservation Fund Act, and the executive  
3151 director is hereby directed to utilize the plan specified in  
3152 Section 55-3-69 in carrying out the authority vested in said  
3153 office, it being the intention that any action taken by the  
3154 authorized representative be pursuant to and in compliance with  
3155 said plan.

3156           SECTION 116. Section 55-3-73, Mississippi Code of 1972, is  
3157 amended as follows:

3158           55-3-73. The commission may enter into contracts and  
3159 agreements with the United States or any appropriate agency  
3160 thereof, keep financial records and other records relating  
3161 thereto, and furnish to appropriate officials and agencies of the  
3162 United States such reports and information as may be reasonable  
3163 and necessary to enable such appropriate officials of the United  
3164 States government and agencies thereof to perform their duties  
3165 under such federal programs. In connection with obtaining for the  
3166 State of Mississippi the benefits of any such program, the  
3167 department shall coordinate its activities with and represent the

3168 interest of all agencies and departments of the state and of the  
3169 municipal, county and other governmental units and subdivisions of  
3170 the State of Mississippi having interest in the planning,  
3171 development and maintenance of outdoor recreation resources and  
3172 facilities within the state.

3173 SECTION 117. Section 55-3-75, Mississippi Code of 1972, is  
3174 amended as follows:

3175 55-3-75. Projects may be undertaken only after the  
3176 department has determined that sufficient funds are available for  
3177 meeting the state's share of project costs.

3178 SECTION 118. Section 55-3-77, Mississippi Code of 1972, is  
3179 amended as follows:

3180 55-3-77. The commission may enter into and administer  
3181 agreements with the United States or any appropriate agency  
3182 thereof for the planning, acquisition, or development of projects  
3183 involving participating federal aid funds on behalf of any county,  
3184 municipality or other governmental unit, provided that such  
3185 county, municipality or other governmental unit gives necessary  
3186 assurances to the department that it has available sufficient  
3187 funds to meet its share of the cost of the project and that the  
3188 acquired or developed areas will be operated and maintained at its  
3189 expense for public outdoor recreation use.

3190 SECTION 119. Section 55-3-79, Mississippi Code of 1972, is  
3191 amended as follows:

3192 55-3-79. There is hereby created a Mississippi Outdoor  
3193 Recreation Fund. Any federal funds received under Sections  
3194 55-3-69 through 55-3-77 shall be deposited in the State Treasury  
3195 and credited to the Mississippi Outdoor Recreation Fund for the  
3196 purpose of carrying out the provisions of said sections. The  
3197 funds in this account shall be disbursed by the department in the  
3198 usual manner that state funds are disbursed.

3199 SECTION 120. Section 55-5-61, Mississippi Code of 1972, is  
3200 amended as follows:

3201 55-5-61. The Mississippi Transportation Commission shall  
3202 designate one (1) employee of the Transportation Department who is

3203 an engineer or who has engineering experience, and the Mississippi  
3204 Commission on Wildlife, Fisheries and Parks shall appoint one (1)  
3205 member of the Mississippi Department of Wildlife, Fisheries and  
3206 Parks staff, who shall advise with and assist the commission in  
3207 carrying out its functions and duties under Sections 55-5-51  
3208 through 55-5-63.

3209 SECTION 121. Section 55-9-1, Mississippi Code of 1972, is  
3210 amended as follows:

3211 55-9-1. The board of supervisors of any county in which  
3212 there are located, or in which there is a desire to locate,  
3213 recreational centers, stadiums, lakes, waterfowl or game  
3214 management areas or parks or any one or more of the aforesaid, or  
3215 the board of supervisors of any county adjoining a county in which  
3216 there are located, or in which there is a desire to locate, such  
3217 recreational centers, stadiums, lakes, waterfowl or game  
3218 management areas or parks or any one or more of the aforesaid, or  
3219 the governing authority of any municipality having a population of  
3220 thirty-five hundred (3500) or more located in any of said  
3221 counties, are hereby empowered, in addition to all other powers  
3222 given them by law, to (a) issue bonds for the purpose of securing  
3223 money to build and equip recreational centers, stadiums, lakes,  
3224 waterfowl or game management areas or parks or any one or more of  
3225 the aforesaid, operating alone or as a unit, or in conjunction  
3226 with the Mississippi Department of Wildlife, Fisheries and Parks  
3227 or other agency of the State of Mississippi, and to (b) acquire by  
3228 lease, purchase, eminent domain, donation, or otherwise, sites  
3229 therefor. The county and the municipalities, or either of them,  
3230 either with or without assistance from some agency of the State of  
3231 Mississippi or the United States government, may enter jointly or  
3232 separately into the construction of such recreational centers,  
3233 stadiums, lakes, waterfowl or game management areas or parks, and  
3234 into the acquisition of sites therefor, from the sale of bonds  
3235 issued separately by the counties and the municipalities for such  
3236 purposes. Such recreational centers, stadiums, lakes, waterfowl  
3237 or game management areas or parks, or sites therefor, may be

3238 located on land owned by the county or counties, municipality or  
3239 municipalities, or by the State of Mississippi, or on lands leased  
3240 to the county or counties, municipality or municipalities, or by  
3241 the State of Mississippi, or on lands leased to the county or  
3242 counties or municipality or municipalities jointly, or to either  
3243 of them, or may be located on lands owned by the United States  
3244 Forestry Service. Any bonds issued hereunder by a county shall be  
3245 subject to and compliance had with Sections 19-9-1 through  
3246 19-9-31, Mississippi Code of 1972, and any bonds issued hereunder  
3247 by a municipality shall be subject to and in compliance with  
3248 Sections 21-33-301 through 21-33-329, Mississippi Code of 1972.

3249 Bonds issued under the provisions of this section may be full  
3250 faith and credit bonds, and may be retired in whole or in part by  
3251 the proceeds or a part of same earned by such recreational  
3252 facilities or parks.

3253 The governing authority of any such county or municipality  
3254 without the issuance of bonds, or in addition to the issuance of  
3255 bonds, may use any available surplus funds for constructing,  
3256 equipping, maintaining and operating such recreational centers,  
3257 stadiums, lakes, waterfowl or game management areas or parks.

3258 SECTION 122. Section 55-15-1, Mississippi Code of 1972, is  
3259 amended as follows:

3260 55-15-1. (1) The Mississippi Department of Wildlife,  
3261 Fisheries and Parks shall be the Brice's Crossroads-Tupelo  
3262 Battlefield Commission, and shall exercise the duties and  
3263 responsibilities of the Brice's Crossroads-Tupelo Battlefield  
3264 Commission \* \* \*.

3265 (2) The words "Brice's Crossroads-Tupelo Battlefield  
3266 Commission" wherever they may appear in the laws of the State of  
3267 Mississippi shall be construed to mean the Mississippi Department  
3268 of Wildlife, Fisheries and Parks.

3269 SECTION 123. Section 55-15-43, Mississippi Code of 1972, is  
3270 amended as follows:

3271 55-15-43. (1) The Mississippi Department of Wildlife,  
3272 Fisheries and Parks shall be the Confederate Monumental Park

3273 Commission, and shall exercise the duties and responsibilities of  
3274 the Confederate Monumental Park Commission \* \* \*.

3275 (2) The words "Confederate Monumental Park Commission,"  
3276 wherever they may appear in the laws of the State of Mississippi,  
3277 shall be construed to mean the Mississippi Department of Wildlife,  
3278 Fisheries and Parks.

3279 SECTION 124. Section 55-17-1, Mississippi Code of 1972, is  
3280 amended as follows:

3281 55-17-1. (1) There is hereby authorized to be established  
3282 the International Gardens of Mississippi which shall be situated  
3283 in Copiah County, Mississippi, on lands selected by the Joint  
3284 Legislative International Gardens Commission created by House  
3285 Concurrent Resolution No. 61 of the 1970 Regular Legislative  
3286 Session. The site chosen shall be purchased by and the  
3287 International Gardens of Mississippi shall be developed and  
3288 maintained with funds to be furnished by the county or counties  
3289 involved.

3290 The Mississippi Department of Wildlife, Fisheries and Parks  
3291 shall, in the development of said gardens, abide by the intent of  
3292 House Concurrent Resolution No. 121 of the 1968 Regular  
3293 Legislative Session, the intent and recommendations and reports of  
3294 the Joint Legislative International Gardens Commission, and the  
3295 final report concerning the proposed gardens as prepared by  
3296 Mississippi State University for the Legislature wherever  
3297 reasonable, practical and possible.

3298 (2) The Mississippi Department of Wildlife, Fisheries and  
3299 Parks may accept financial aid from the United States government,  
3300 foundations, organizations, and public and private corporations  
3301 unless expressly forbidden by the laws of the State of  
3302 Mississippi. Aid, assistance, advice and gifts may be accepted  
3303 from foreign nations or other states of the United States.

3304 However, until completion of the improvements to the existing  
3305 state parks designated in House Bill 660, Regular Session of 1972,  
3306 no funds made available to the State of Mississippi under the  
3307 Federal Land and Water Conservation Act of 1965 shall be used in

3308 the International Gardens of Mississippi.

3309 SECTION 125. Section 55-17-5, Mississippi Code of 1972, is  
3310 amended as follows:

3311 55-17-5. The Mississippi Commission on Wildlife, Fisheries  
3312 and Parks shall \* \* \* appoint, with the approval of the special  
3313 advisory committee for the International Gardens of Mississippi,  
3314 as established by Section 55-17-3, a Park Director of the  
3315 International Gardens of Mississippi, who shall have  
3316 administrative and supervisory authority of said gardens, under  
3317 the general supervision and direction of the Mississippi  
3318 Department of Wildlife, Fisheries and Parks.

3319 SECTION 126. Section 57-11-19, Mississippi Code of 1972, is  
3320 amended as follows:

3321 57-11-19. The Mississippi Department of Wildlife, Fisheries  
3322 and Parks, \* \* \* the Mississippi Arts Commission, the Mississippi  
3323 Department of Education, the Department of Human Services, the  
3324 Mississippi Extension Service, the Mississippi Department of  
3325 Agriculture and Commerce \* \* \*, the Mississippi Department of  
3326 Economic and Community Development, and the Mississippi Fair  
3327 Commission may cooperate with the marketing council in carrying  
3328 out the purposes of Sections 57-11-15 through 57-11-21.

3329 SECTION 127. Section 57-15-9, Mississippi Code of 1972, is  
3330 amended as follows:

3331 57-15-9. The council, exercising its duties and  
3332 responsibilities, shall also act in an advisory capacity to the  
3333 Governor and all related state agencies, including the Board of  
3334 Trustees of State Institutions of Higher Learning, the Gulf Coast  
3335 Research Laboratory and the Universities Marine Center which are  
3336 conducting oceanographic research. All state boards and agencies  
3337 engaged in activities in the field of marine resources and  
3338 technology shall utilize this commission as a clearinghouse on all  
3339 present and future joint federal-state programs whether presently  
3340 administered by an existing agency or not; to advise on the best  
3341 programs available to the State of Mississippi for the development  
3342 of its marine resources, and how to apply for, receive or hold any

3343 and all such authorizations, licenses and grants necessary and  
3344 proper therefor; to advise on the utilization of all facilities in  
3345 the State of Mississippi for marine research and development, such  
3346 as the future maximum utilization of the NASA-Mississippi Test  
3347 Facility, but not limiting the provisions of this chapter  
3348 exclusively thereto; and to advise on all in-depth studies  
3349 necessary to carry out the provisions of this chapter. This  
3350 chapter shall not, however, abrogate the authority of the  
3351 Mississippi \* \* \* Commission on Marine Resources, the Board of  
3352 Trustees of State Institutions of Higher Learning or the Gulf  
3353 Coast Research Laboratory, the Universities Marine Center, or of  
3354 the individual institutions under the board's control to apply for  
3355 grants, and to carry out oceanographic research. Said council is  
3356 hereby authorized to receive services, gifts, contributions,  
3357 property and equipment from public and private sources to be  
3358 utilized in the discharge of the council's functions, all to be  
3359 done within the purview of this chapter.

3360 SECTION 128. Section 59-21-25, Mississippi Code of 1972, is  
3361 amended as follows:

3362 59-21-25. (1) Fees for the award of certificates of number  
3363 for original, transfer, renewal, livery, dealer and duplicate  
3364 shall be as follows:

- 3365 (a) Less than 16 feet.....\$ 5.00
- 3366 (b) 16 feet but less than 26 feet.....\$15.00
- 3367 (c) 26 feet and over.....\$30.00
- 3368 (d) Dealer number.....\$25.00
- 3369 (e) Duplicate.....\$ 5.00

3370 (2) All fees for numbers and renewal of number shall be  
3371 payable to the Mississippi Department of Wildlife, Fisheries and  
3372 Parks to be deposited by the department in the State Treasury in a  
3373 special fund to be designated as the Fisheries and Wildlife Fund,  
3374 which shall be disbursed upon the recommendation of the department  
3375 as may be appropriated by the Legislature. The State Treasurer  
3376 shall release to the department such sums as are required to  
3377 defray all administrative costs of the boat registration fee



3378 division of the department and to improve the law enforcement  
3379 capability of the department on the inland and marine waters of  
3380 the State of Mississippi and as may be budgeted by the department  
3381 for the purpose of paying the cost of the administration of this  
3382 chapter for education on water safety, improvement of water safety  
3383 and motorboating facilities in the state, and advertising and  
3384 promoting the waterways of the state. Any and all revenue over  
3385 and above the actual administrative cost of implementing this act  
3386 shall be used to fund salaries of additional conservation officers  
3387 in all eighty-two (82) counties.

3388 SECTION 129. Section 65-1-37, Mississippi Code of 1972, is  
3389 amended as follows:

3390 65-1-37. The Mississippi Transportation Commission is hereby  
3391 authorized and empowered to have the Mississippi Department of  
3392 Transportation construct, repair and maintain the driveways and  
3393 streets on the grounds of the universities and colleges under the  
3394 jurisdiction of the Board of Trustees of the State Institutions of  
3395 Higher Learning, state, and/or county supported junior colleges,  
3396 the state hospitals, and institutions under the jurisdiction of  
3397 the Board of Trustees of Mental Institutions, the Board of  
3398 Trustees of the Columbia Training School and Oakley Training  
3399 School, \* \* \* the Mississippi Schools for the Deaf and Blind, and  
3400 the Mississippi Department of Wildlife, Fisheries and Parks in the  
3401 manner provided herein, including bypasses to connect said  
3402 driveways and streets with roads on the state highway system, and  
3403 the main thoroughfare running east and west through the grounds of  
3404 the Mississippi Penitentiary, provided said institutions obtain  
3405 the necessary rights-of-way, said institutions being hereby  
3406 authorized so to do.

3407 The Transportation Commission and the governing boards of  
3408 said institutions shall enter into an agreement prior to  
3409 undertaking any of the work mentioned in the first paragraph of  
3410 this section, and said agreement shall be based on the  
3411 Transportation Department's furnishing equipment, equipment  
3412 operators, skilled labor, supervision, and engineering services,

3413 and the governing bodies of the aforementioned institutions shall  
3414 furnish material, supplies and common labor. This agreement shall  
3415 further provide for reimbursement of the Mississippi \* \* \*  
3416 Department of Transportation, in full, for the expenditures  
3417 incurred in the construction, repair and maintenance of driveways  
3418 and streets at the institutions hereinabove mentioned, such  
3419 reimbursement to be made directly to the Mississippi  
3420 Transportation Commission \* \* \* from the institutions. Upon the  
3421 execution of an agreement as set out herein, the Mississippi  
3422 Department of Transportation may provide all the necessary  
3423 engineering, supervision, skilled labor, equipment, and equipment  
3424 operators to perform such work.

3425 SECTION 130. Section 65-1-51, Mississippi Code of 1972, is  
3426 amended as follows:

3427 65-1-51. The Mississippi Transportation Commission may  
3428 acquire by gift, purchase, or otherwise, and \* \* \* have the  
3429 Mississippi Department of Transportation improve and maintain  
3430 strips of land necessary for the restoration, preservation and  
3431 enhancement of scenic beauty adjacent to the state highway  
3432 rights-of-way. The commission may acquire and have the  
3433 Transportation Department develop publicly owned and controlled  
3434 rest and recreation areas and sanitary and other facilities within  
3435 or adjacent to the highway right-of-way reasonably necessary to  
3436 accommodate the traveling public.

3437 The Transportation Commission, in its discretion, is hereby  
3438 authorized to acquire by gift, purchase, or otherwise, including  
3439 the exercise of eminent domain, public or privately owned wetlands  
3440 and other lands suitable for creation as wetlands for the purpose  
3441 of mitigating wetland losses and replacing those wetlands  
3442 purchased and damaged or eliminated by development and use, on a  
3443 basis not to exceed that required by the Federal Highway  
3444 Administration as a condition for receiving federal aid funds,  
3445 provided that some governmental agency agrees, without  
3446 compensation, to accept title to the lands acquired and maintain  
3447 such lands as wetlands in perpetuity. However, the commission

3448 shall replace those coastal wetlands purchased and damaged or  
3449 eliminated by development and use on the basis required by the  
3450 "Coastal Wetlands Protection Law" and regulations promulgated  
3451 thereunder by the Mississippi Commission on Marine Resources.

3452 SECTION 131. Section 75-27-7, Mississippi Code of 1972, is  
3453 amended as follows:

3454 75-27-7. The term "barrel" shall mean a unit of thirty-one  
3455 (31) gallons. However, the term "barrel," when used in reference  
3456 to seafood or parts thereof, shall be the measure defined by  
3457 ordinance of the Mississippi \* \* \* Commission on Marine Resources  
3458 under authority of Sections 49-15-1 through 49-15-67, Mississippi  
3459 Code of 1972. The term "ton" shall mean a unit of two thousand  
3460 (2,000) pounds avoirdupois weight. The term "cord" shall mean the  
3461 amount that is contained in a space of one hundred twenty-eight  
3462 (128) cubic feet when such is ranked and well stowed.

3463 SECTION 132. Section 89-19-7, Mississippi Code of 1972, is  
3464 amended as follows:

3465 89-19-7. (1) Any action to enforce a conservation easement  
3466 may be brought by:

3467 (a) An owner of an interest in the real property  
3468 burdened by the easement;

3469 (b) A holder of the easement;

3470 (c) A person having a third-party right of enforcement;

3471 or

3472 (d) The Attorney General of the State of Mississippi;

3473 (e) The Mississippi Department of Wildlife, Fisheries  
3474 and Parks; or

3475 (f) A person otherwise authorized and empowered by law.

3476 (2) This chapter does not, and shall not be construed to,  
3477 affect the power of a court to modify or terminate a conservation  
3478 easement in accordance with the principles of law and equity. In  
3479 such proceeding, the holder of the conservation easement shall be  
3480 compensated for the value of the easement.

3481 SECTION 133. Section 89-19-15, Mississippi Code of 1972, is  
3482 amended as follows:

3483           89-19-15. Whenever any instrument conveying a conservation  
3484 easement is recorded after the effective date of this section, the  
3485 clerk of the court recording it shall mail certified copies  
3486 thereof, together with notice as to the date and place of  
3487 recordation, to the Attorney General of the State of Mississippi  
3488 and the Mississippi Department of Wildlife, Fisheries and Parks.  
3489 The requirement that certified copies be mailed to the Attorney  
3490 General and the Mississippi Department of Wildlife, Fisheries and  
3491 Parks shall be stated in any instrument which conveys a  
3492 conservation easement after the effective date of this section.  
3493 The holder of any conservation easement created prior to the date  
3494 hereof wishing to qualify such easement for the benefits provided  
3495 under this chapter shall provide to the Attorney General and the  
3496 Mississippi Department of Wildlife, Fisheries and Parks, within  
3497 one (1) year after the effective date of this section, a certified  
3498 copy of the instrument creating such easement, indicating the date  
3499 and place of the recordation.

3500           SECTION 134. Section 97-3-19, Mississippi Code of 1972, is  
3501 amended as follows:

3502           97-3-19. (1) The killing of a human being without the  
3503 authority of law by any means or in any manner shall be murder in  
3504 the following cases:

3505                   (a) When done with deliberate design to effect the  
3506 death of the person killed, or of any human being;

3507                   (b) When done in the commission of an act eminently  
3508 dangerous to others and evincing a depraved heart, regardless of  
3509 human life, although without any premeditated design to effect the  
3510 death of any particular individual;

3511                   (c) When done without any design to effect death by any  
3512 person engaged in the commission of any felony other than rape,  
3513 kidnapping, burglary, arson, robbery, sexual battery, unnatural  
3514 intercourse with any child under the age of twelve (12), or  
3515 nonconsensual unnatural intercourse with mankind, or felonious  
3516 abuse and/or battery of a child in violation of subsection (2) of  
3517 Section 97-5-39, or in any attempt to commit such felonies.

3518           (2) The killing of a human being without the authority of  
3519 law by any means or in any manner shall be capital murder in the  
3520 following cases:

3521           (a) Murder which is perpetrated by killing a peace  
3522 officer or fireman while such officer or fireman is acting in his  
3523 official capacity or by reason of an act performed in his official  
3524 capacity, and with knowledge that the victim was a peace officer  
3525 or fireman. For purposes of this paragraph, the term "peace  
3526 officer" means any state or federal law enforcement officer  
3527 including but not limited to a federal park ranger, the sheriff of  
3528 or police officer of a city or town, a conservation officer, a  
3529 parole officer, a judge, prosecuting attorney or any other court  
3530 official, an agent of the Alcoholic Beverage Control Division of  
3531 the State Tax Commission, an agent of the Bureau of Narcotics,  
3532 personnel of the Mississippi Highway Patrol, and the employees of  
3533 the Department of Corrections who are designated as peace officers  
3534 by the Commissioner of Corrections pursuant to Section 47-5-54,  
3535 and the superintendent and his deputies, guards, officers and  
3536 other employees of the Mississippi State Penitentiary;

3537           (b) Murder which is perpetrated by a person who is  
3538 under sentence of life imprisonment;

3539           (c) Murder which is perpetrated by use or detonation of  
3540 a bomb or explosive device;

3541           (d) Murder which is perpetrated by any person who has  
3542 been offered or has received anything of value for committing the  
3543 murder, and all parties to such a murder, are guilty as  
3544 principals;

3545           (e) When done with or without any design to effect  
3546 death, by any person engaged in the commission of the crime of  
3547 rape, burglary, kidnapping, arson, robbery, sexual battery,  
3548 unnatural intercourse with any child under the age of twelve (12),  
3549 or nonconsensual unnatural intercourse with mankind, or in any  
3550 attempt to commit such felonies;

3551           (f) When done with or without any design to effect  
3552 death, by any person engaged in the commission of the crime of

3553 felonious abuse and/or battery of a child in violation of  
3554 subsection (2) of Section 97-5-39, or in any attempt to commit  
3555 such felony;

3556 (g) Murder which is perpetrated on educational property  
3557 as defined in Section 97-37-17;

3558 (h) Murder which is perpetrated by the killing of any  
3559 elected official of a county, municipal, state or federal  
3560 government with knowledge that the victim was such public  
3561 official.

3562 SECTION 135. This act shall take effect and be in force from  
3563 and after its passage.

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

1 AN ACT TO AMEND SECTIONS 19-5-51, 25-1-51, 25-1-87, 27-7-93,  
2 227-65-101, 29-7-1, 29-7-3, 29-7-17, 37-101-19, 39-5-41, 49-1-1,  
3 349-1-19, 49-1-33, 49-1-35, 49-1-41, 49-1-47, 49-1-51, 49-1-53,  
4 449-1-55, 49-2-1, 49-2-19, 49-3-13, 49-4-1, 49-4-19, 49-5-1,  
5 549-5-11, 49-5-13, 49-5-15, 49-5-16, 49-5-17, 49-5-19, 49-5-21,  
6 649-5-23, 49-5-25, 49-5-27, 49-5-35, 49-5-37, 49-5-61, 49-5-69,  
7 749-5-73, 49-5-75, 49-5-77, 49-5-78, 49-5-81, 49-5-83, 49-5-86,  
8 849-5-87, 49-5-88, 49-5-89, 49-5-97, 49-5-98, 49-5-103, 49-5-105,  
9 949-5-145 through 49-5-157, 49-7-16, 49-7-23, 49-7-25, 49-7-32,  
10 1049-7-42, 49-7-43, 49-7-47, 49-7-91, 49-7-101, 49-7-133, 49-7-135,  
11 1149-7-137, 49-7-169, 49-7-201, 49-7-203, 49-7-251, 49-7-253,  
12 1249-7-255, 49-13-3, 49-13-7, 49-13-9, 49-13-17, 49-13-19, 49-13-23,  
13 1349-15-7, 49-15-45, 49-15-69, 49-27-7, 51-9-107, 51-9-127, 51-11-5,  
14 1451-11-9, 51-11-19, 51-13-107, 53-7-11, 53-7-29, 53-7-45, 53-7-49,  
15 1555-3-5, 55-3-7, 55-3-9, 55-3-11, 55-3-19, 55-3-45, 55-3-49,  
16 1655-3-51, 55-3-57, 55-3-59, 55-3-63, 55-3-65, 55-3-67, 55-3-69,  
17 1755-3-71, 55-3-73, 55-3-75, 55-3-77, 55-3-79, 55-5-61, 55-9-1,  
18 1855-15-1, 55-15-43, 55-17-1, 55-17-5, 57-11-19, 57-15-9, 59-21-25,  
19 1965-1-37, 65-1-51, 75-27-7, 89-19-7, 89-19-15 AND 97-3-19,  
20 MISSISSIPPI CODE OF 1972, TO UPDATE REFERENCES TO CERTAIN STATE  
21 AGENCIES, COMMISSIONS, DEPARTMENTS, OFFICES, DIVISIONS, BUREAUS,  
22 COMMITTEES AND OFFICERS AND EMPLOYEES WHOSE NAMES HAVE BEEN  
23 CHANGED OR WHOSE POWERS AND DUTIES HAVE BEEN TRANSFERRED TO THE  
24 MISSISSIPPI COMMISSION ON WILDLIFE, FISHERIES AND PARKS, THE  
25 MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS OR THE  
26 MISSISSIPPI COMMISSION ON MARINE RESOURCES; TO CREATE SECTIONS  
27 49-5-2 AND 55-3-2, MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN  
28 TERMS; AND FOR RELATED PURPOSES.