HOUSE BILL NO. 1042

AN ACT TO CREATE A NEW CODE SECTION TO ALLOW THE DEPARTMENT
OF ENVIRONMENTAL QUALITY AND THE DEPARTMENT OF WILDLIFE, FISHERIES
AND PARKS TO ENTER INTO COOPERATIVE AGREEMENTS TO CLEAN THE RIVERS
OF THIS STATE; TO AMEND SECTIONS 49-2-7, 49-4-8 AND 49-4-9,
MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) The Department of Environmental Quality and
the Department of Wildlife, Fisheries and Parks shall enter into
cooperative agreements to remove dead fish or animals,
contaminants or other waste from any river in this state.
The departments may enter into agreements with local
agencies, public or private institutions or any person,
corporation or association to receive assistance to implement the
provisions of this section.

(2) Any person found to have caused the dead fish or animal,
contaminants or other waste to be in any river of the state shall
be liable for all costs incurred in removing such debris from the
river.

SECTION 2. Section 49-2-7, Mississippi Code of 1972, is
amended as follows:

49-2-7. The Department of Environmental Quality shall be the
Mississippi Department of Natural Resources with the exception of
the Office of Parks and Recreation, and shall retain all powers
and duties granted by law to the Mississippi Department of Natural
Resources with the exception of the Office of Parks and
Recreation, and wherever the term "Mississippi Department of
Natural Resources" appears in any law the same shall mean the
Department of Environmental Quality. The Executive Director of
the Department of Environmental Quality may assign to the
appropriate offices any powers and duties deemed appropriate to
carry out the lawful duties of the department.

The department shall be composed of the following offices:
   (a) Office of Geology and Energy Resources;
   (b) Office of Land and Water Resources; and
   (c) Office of Pollution Control.

Each office shall be composed of the administrative units set
forth in the consolidation plan adopted by the commission, subject
to changes by the executive director, with approval of the
commission, as hereinafter set forth.

The department is designated as the single state department
to receive and expend any federal funds being received or expended
by any agency transferred to the department by Chapter 484, Laws
of 1978, and to receive and expend any federal funds made
available for matters within the jurisdiction of the department.

The department shall be responsible for conserving, managing,
developing and protecting the natural resources of the State of
Mississippi within the jurisdiction of the department, with the
exception of functions of the Office of Recreation and Parks. The
department shall coordinate all functions of state government
related to natural resources within the jurisdiction of the
department. The department shall not exercise any of its
authority or powers granted under the provisions of this section
in a manner which would be inconsistent with the provisions of
Section 29-1-1.

The department is authorized to enter into cooperative
agreements with the Department of Wildlife, Fisheries and Parks to
clean any river in the state.

SECTION 3. Section 49-4-8, Mississippi Code of 1972, is
amended as follows:

49-4-8. The Department of Wildlife, Fisheries and Parks
shall have the following powers and duties:
(a) To conserve, manage, develop and protect the wildlife of the State of Mississippi.
(b) To take charge and have full jurisdiction and control over all state parks.
(c) To cooperate with other entities and agencies in developing and implementing such plans as necessary for the conservation, protection, beautification and improvement of the quality of the environment and living natural resources.
(d) To enter into cooperative agreements with the Department of Environmental Quality to clean any river in this state.

SECTION 4. Section 49-4-9, Mississippi Code of 1972, is amended as follows:

49-4-9. Effective July 1, 1979, the Department of Wildlife, Fisheries and Parks shall have the following powers and duties:
(a) To formulate the policy of the department regarding wildlife and fisheries within the jurisdiction of the department;
(b) To apply for, receive and expend any federal or state funds or contributions, gifts, devises, bequests or funds from any other source;
(c) To commission or conduct studies designed to determine alternative methods of managing and conserving the wildlife and fisheries resources of this state in a manner to insure efficiency and sustained productivity;
(d) To receive the advice and counsel of the advisory committees created for the Division of Parks and Recreation and the Division of Wildlife and Fisheries; and
(e) To enter into cooperative agreements with the Department of Environmental Quality to clean any river in this state.
(f) To discharge such other duties, responsibilities and powers as are necessary to implement the provisions of this chapter.
SECTION 5. Section 1 of this act shall be codified in Chapter 49, Title 4, Mississippi Code of 1972.

SECTION 6. This act shall take effect and be in force from and after July 1, 2001.