SENATE BILL NO. 2496

AN ACT TO AMEND SECTION 49-27-9, MISSISSIPPI CODE OF 1972, TO SPECIFY THAT CERTAIN ACTIVITY BY CONDOMINIUMS IS RESIDENTIAL TYPE REGULATED ACTIVITY; TO AMEND SECTION 29-15-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT COMMON LAW AND STATUTORY LITTORAL RIGHTS REGULATED AS RESIDENTIAL ACTIVITY SHALL NOT BE REQUIRED TO PAY LEASE FEES TO THE STATE; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 49-27-9, Mississippi Code of 1972, is amended as follows:

49-27-9. (1) No regulated activity shall affect any coastal wetlands without a permit unless excluded in Section 49-27-7. Any person proposing to conduct or cause to be conducted a regulated activity shall file an application for a permit with the commission in such form and with such information as the commission may prescribe. An application fee in an amount of Fifty Dollars ($50.00) for residential type regulated activity and Five Hundred Dollars ($500.00) for commercial and industrial type related activity shall accompany each application and shall be payable to the commission. All regulated activities conducted by the owners of a residential condominium development or by the owner's association of a residential condominium development undertaken in order to accomplish access and utilization of a condominium's waterfront, shall be considered as a residential type regulated activity. No permit shall be required for a regulated activity as defined in Section 49-27-5(c)(v) if such activity is an activity by a water dependent industry, nor shall a permit be required pursuant to Section 49-27-5(c)(v) of any
individual who seeks to construct a home, fishing camp or similar
structure on his own property.

(2) If the commission determines that the activity, area or
entity is exempt or requires no permit, and that the activity,
area or entity complies with the notification requirement and the
coastal wetland policy as required under Section 49-27-7, the
commission may reduce the application fee by fifty percent (50%).

SECTION 2. Section 29-15-5, Mississippi Code of 1972, is
amended as follows:

29-15-5. Tidelands and submerged lands are held by the state
in trust for use of all the people, and are so held in their
character as the beds and shores of the sea and its tidally
affected arms and tributaries for the purposes defined by common
law and statutory law. Littoral and riparian property owners have
common law and statutory rights under the Coastal Wetlands
Protection Law which extend into the waters and beyond the low
tide line, and the state's responsibilities as trustee extends to
such owners as well as to the other members of the public. No
littoral or riparian property owner exercising his common law or
statutory rights by engaging in a residential type regulated
activity under the Coastal Wetlands Protection Act shall be
required to pay any lease fees to the State of Mississippi.

SECTION 3. This act shall take effect and be in force from
and after its passage.