

By: Senator(s) Robertson, Gollott

To: Ports and Marine Resources; Judiciary

SENATE BILL NO. 2496

1 AN ACT TO AMEND SECTION 49-27-9, MISSISSIPPI CODE OF 1972, TO
2 SPECIFY THAT CERTAIN ACTIVITY BY CONDOMINIUMS IS RESIDENTIAL TYPE
3 REGULATED ACTIVITY; TO AMEND SECTION 29-15-5, MISSISSIPPI CODE OF
4 1972, TO PROVIDE THAT COMMON LAW AND STATUTORY LITTORAL RIGHTS
5 REGULATED AS RESIDENTIAL ACTIVITY SHALL NOT BE REQUIRED TO PAY
6 LEASE FEES TO THE STATE; AND FOR RELATED PURPOSES.

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

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

10 49-27-9. (1) No regulated activity shall affect any coastal
11 wetlands without a permit unless excluded in Section 49-27-7. Any
12 person proposing to conduct or cause to be conducted a regulated
13 activity shall file an application for a permit with the
14 commission in such form and with such information as the
15 commission may prescribe. An application fee in an amount of
16 Fifty Dollars (\$50.00) for residential type regulated activity and
17 Five Hundred Dollars (\$500.00) for commercial and industrial type
18 related activity shall accompany each application and shall be
19 payable to the commission. All regulated activities conducted by
20 the owners of a residential condominium development or by the
21 owner's association of a residential condominium development
22 undertaken in order to accomplish access and utilization of a
23 condominium's waterfront, shall be considered as a residential
24 type regulated activity. No permit shall be required for a
25 regulated activity as defined in Section 49-27-5(c)(v) if such
26 activity is an activity by a water dependent industry, nor shall a
27 permit be required pursuant to Section 49-27-5(c)(v) of any

28 individual who seeks to construct a home, fishing camp or similar
29 structure on his own property.

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

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

37 29-15-5. Tidelands and submerged lands are held by the state
38 in trust for use of all the people, and are so held in their
39 character as the beds and shores of the sea and its tidally
40 affected arms and tributaries for the purposes defined by common
41 law and statutory law. Littoral and riparian property owners have
42 common law and statutory rights under the Coastal Wetlands
43 Protection Law which extend into the waters and beyond the low
44 tide line, and the state's responsibilities as trustee extends to
45 such owners as well as to the other members of the public. No
46 littoral or riparian property owner exercising his common law or
47 statutory rights by engaging in a residential type regulated
48 activity under the Coastal Wetlands Protection Act shall be
49 required to pay any lease fees to the State of Mississippi.

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