AN ACT TO AMEND SECTION 51-1-4, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN LAKES AND OTHER BODIES OF WATER SHALL BE PUBLIC WATERWAYS, REGARDLESS OF THE MEAN ANNUAL FLOW OF WATER INTO OR THROUGH THE LAKES; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 51-1-4, Mississippi Code of 1972, is amended as follows:

51-1-4. (1) Such portions of all natural flowing streams in this state having a mean annual flow of not less than one hundred (100) cubic feet per second, as determined and designated on appropriate maps by the Mississippi Department of Environmental Quality, shall be public waterways of the state on which the citizens of this state and other states shall have the right of free transport in the stream and its bed and the right to fish and engage in water sports. Such persons exercising the rights granted by this section shall do so at their own risk, and such persons shall not be entitled to recover any damages against any owner of property along such public waterways or anyone using such property with permission of the owner for any injury to or death of persons or damage to property arising out of the exercise of rights granted by this section, other than those damages which may be recovered for intentional or malicious torts or for gross or willful negligence against the owner of property, or anyone using such property with permission of the owner.

(2) Nothing contained in this section shall authorize anyone utilizing such public waterways, under the authority granted by this section, to trespass upon adjacent lands or, to launch or land any commercial or pleasure craft along or from the
shore of such waterways except at places established by public or
private entities for such purposes.

(3) Nothing * * * contained in this section shall authorize
any person utilizing those public waterways, under the authority
granted by this section, to disturb the banks or beds of such
waterways or the discharge of any object or substance into such
waters or upon or across any lands adjacent thereto or to hunt or
fish or go on or across any adjacent lands under floodwaters
beyond the natural banks of the bed of the public waterway.

Floodwater which has overflowed the banks of a public waterway is
not a part of the public waterway.

(4) Nothing * * * contained in this section shall be
construed to prohibit the construction of dams and reservoirs by
the State of Mississippi or any of its agencies or political
subdivisions, or riparian owners, in the manner now or hereafter
authorized by law, or in any way to affect the rights of riparian
landowners along such waterways except as specifically provided
hereinabove or to amend or repeal any law relating to pollution or
water conservation, or to affect in any manner the title to the
banks and beds of any such stream or the title to any minerals
thereunder, or to restrict the mining or extraction of such
minerals or the right of ingress and egress thereto.

(5) The provisions of this section limiting the liability of
owners of property along public waterways and persons using such
property with permission of the owners shall not be construed to
limit any rights of claimants for damages under federal statutes
or acts applying to navigable streams or waterways or any other
civil causes of action subject to admiralty or maritime
jurisdiction, nor shall those provisions be construed to limit the
rights of any parties involved in litigation founded upon the
commercial or business usage of any navigable streams or
waterways.
(6) This section shall apply only to natural flowing streams.

(7) Notwithstanding the provisions of subsections (1) and (6) of this section, each of the following lakes or other bodies of water shall be a public waterway for the purposes of this section, regardless of the mean annual flow of water into or through the lake or other body of water:

(a) A lake or other body of water that was a public waterway on or after July 1, 2000, by reason of being part of the main channel of a river, but that is no longer part of the main channel of the river because of a change in the course of the river; and

(b) A lake or other body of water that was a public waterway on or after July 1, 2000, by reason of being an intermediary water body in a river or stream along the course of the river or stream into its receiving body of water, but that is no longer fed by the river or stream because of a change in the course of the river or stream.

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