

By: Senator(s) Gollott

To: Ports and Marine Resources

SENATE BILL NO. 2412

1 AN ACT TO AMEND SECTION 49-27-23, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THAT THE COMMISSION ON MARINE RESOURCES MAY MODIFY
3 PERMITS; TO AMEND SECTIONS 49-27-29 AND 49-27-35, MISSISSIPPI CODE
4 OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 49-27-23, Mississippi Code of 1972, is
7 amended as follows:

8 49-27-23. The commission may grant, issue, reissue, modify,
9 deny, suspend or revoke permits and may prescribe limitations and
10 conditions on permits. When taking such action on any permit, the
11 commission shall consider the effect of the proposed activity with
12 reference to the public policy expressed in Section 49-27-3 of
13 this chapter. A permittee under this chapter must obtain a permit
14 from the Mississippi Commission on Environmental Quality if
15 required by that commission under Sections 49-17-29 through
16 49-17-43, and nothing in this chapter is intended to waive the
17 requirements and standards of such commission. A Mississippi
18 Commission on Environmental Quality permit granted to an applicant
19 under this chapter shall be proof of the applicant's meeting any
20 water quality standard considered by the commission under this
21 chapter. Any conflict under this chapter between the
22 commission * * * and the Commission on Environmental Quality shall
23 be resolved in favor of the Commission on Environmental Quality.
24 The commission may undertake studies regarding water quality and
25 submit the results of such studies to the Commission on
26 Environmental Quality.

27 **SECTION 2.** Section 49-27-29, Mississippi Code of 1972, is
28 amended as follows:

29 49-27-29. In granting or modifying any permit, the
30 commission may impose conditions or limitations on the proposed
31 activity designed to carry out the public policy set forth in this
32 chapter. Upon the expiration of a coastal wetlands permit issued
33 under this chapter, the commission may extend the permit in time.

34 **SECTION 3.** Section 49-27-35, Mississippi Code of 1972, is
35 amended as follows:

36 49-27-35. The commission shall state, upon its record, its
37 findings and reasons for all actions taken pursuant to Sections
38 49-27-23 through 49-27-37. When a permit is granted or modified,
39 the commission shall describe the public interest to be served by
40 granting or modifying the permit. When a permit or modification
41 is denied, the commission shall describe the public interest which
42 would be adversely affected by granting or modifying the permit.

43 **SECTION 4.** This act shall take effect and be in force from
44 and after its passage.