

By: Representative Owen

To: Conservation and Water Resources

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1458

1 AN ACT TO AMEND SECTION 51-11-105, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE MONIES IN THE LOWER PEARL RIVER RESTORATION FUND TO
3 BE UTILIZED TO HIRE AN ADMINISTRATOR OR APPOINT THE COUNTY
4 ADMINISTRATOR FOR THE FUND; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 51-11-105, Mississippi Code of 1972, is
7 amended as follows:

8 51-11-105. The following provisions related to the Lower
9 Pearl River Restoration Project ("project") are contingent upon
10 the development of an agreement, or an amendment to the existing
11 agreement, between the United States Army, Corps of Engineers
12 ("USACOE"), the Mississippi Department of Environmental Quality
13 ("MDEQ"), the Department of Wildlife, Fisheries and Parks ("DWFP")
14 and the district, removing the district from the agreement, and
15 possibly adding a new cooperating partner or partners and possibly
16 removing the MDEQ and/or the DWFP from the agreement.

17 From and after July 1, 2018, the project, currently being
18 managed as a joint effort of the USACOE, the MDEQ, the DWFP, and
19 the district, shall continue as per existing agreements, which may



20 be amended to reflect the dissolution of the district and its
21 removal from those agreements. The obligations of the district
22 under the current agreements for the project may be assumed by the
23 MDEQ, or other entity, as the designated state entity for the
24 continuing obligation of maintenance of the water control
25 structures as set forth in the original agreements. The parties
26 to the agreement may identify necessary maintenance activities
27 needed to preserve the integrity of project structures and other
28 ordinary maintenance activities, including hiring an administrator
29 or appointing the county administrator for the Lower Pearl
30 Restoration Trust Fund as prescribed in this section, as the
31 parties may agree need to be performed. Funding to perform those
32 maintenance activities shall come from the Lower Pearl trust
33 account currently on deposit with a depository or depositories in
34 the name of the Pearl River Basin Development District, which
35 funds are a special fund set aside solely for the operation and
36 maintenance of the project. From and after July 1, 2018, the
37 parties to the agreement, may assume ownership, in trust, of those
38 funds, and the funds shall be known as the "Lower Pearl River
39 Restoration Trust Fund." Monies from this fund shall be a special
40 fund set aside for the purpose(s) (a) set forth in the amended or
41 reformed agreement between the parties and (b) to hire an
42 administrator or appoint the county administrator of the fund and
43 shall not lapse into the State General Fund, and may not be



44 expended for any purpose other than operation and maintenance
45 activities under the purview of the project.

46 **SECTION 2.** This section shall stand repealed from and after
47 its passage.

