

By: Representative Owen

To: Conservation and Water Resources

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 FOR THE FUND; AND FOR RELATED
4 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 for the Lower Pearl Restoration Trust Fund as prescribed in this
30 section, as the parties may agree need to be performed. Funding
31 to perform those maintenance activities shall come from the Lower
32 Pearl trust account currently on deposit with a depository or
33 depositories in the name of the Pearl River Basin Development
34 District, which funds are a special fund set aside solely for the
35 operation and maintenance of the project. From and after July 1,
36 2018, the parties to the agreement, may assume ownership, in
37 trust, of those funds, and the funds shall be known as the "Lower
38 Pearl River Restoration Trust Fund." Monies from this fund shall
39 be a special fund set aside for the purpose(s) (a) set forth in
40 the amended or reformed agreement between the parties and (b) to
41 hire an administrator of the fund and shall not lapse into the
42 State General Fund, and may not be expended for any purpose other
43 than operation and maintenance activities under the purview of the
44 project.



45 **SECTION 2.** This section shall stand repealed from and after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

