

By: Dearing

To: Highways and  
TransportationCOMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2357

1 AN ACT TO AMEND SECTION 65-1-51, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE MISSISSIPPI TRANSPORTATION COMMISSION TO ACQUIRE BY  
3 GIFT, PURCHASE OR OTHERWISE, WETLANDS CREDITS FROM AN APPROVED  
4 ORGANIZATION WITH A PLAN ESTABLISHING A WETLAND MITIGATION BANK;  
5 AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 65-1-51, Mississippi Code of 1972, is  
8 amended as follows:[JWB1]

9 65-1-51. The Mississippi Transportation Commission may  
10 acquire by gift, purchase or otherwise, and may have the  
11 Mississippi Department of Transportation improve and maintain  
12 strips of land necessary for the restoration, preservation and  
13 enhancement of scenic beauty adjacent to the state highway  
14 rights-of-way. The commission may acquire and have the  
15 Transportation Department develop publicly owned and controlled  
16 rest and recreation areas and sanitary and other facilities within  
17 or adjacent to the highway right-of-way reasonably necessary to  
18 accommodate the traveling public.

19 The Mississippi Transportation Commission, in its discretion,  
20 may acquire by gift, purchase or otherwise, including the exercise  
21 of eminent domain, public or privately owned wetlands and other  
22 lands suitable for creation as wetlands for the purpose of  
23 mitigating wetland losses and replacing those wetlands purchased  
24 and damaged or eliminated by development and use, on a basis not  
25 to exceed that required by the Federal Highway Administration as a  
26 condition for receiving federal aid funds, provided that some  
27 governmental agency or approved organization agrees, without

28 compensation, to accept title to the lands acquired and maintain  
29 such lands as wetlands in perpetuity. However, the commission  
30 shall replace those coastal wetlands purchased and damaged or  
31 eliminated by development and use on the basis required by the  
32 "Coastal Wetlands Protection Law" and regulations promulgated  
33 thereunder by the Mississippi Commission on Marine Resources.

34 The Mississippi Transportation Commission, in its discretion,  
35 may acquire by gift, purchase or otherwise, wetlands credits from  
36 an approved organization with a plan establishing a wetland  
37 mitigation bank. The commission shall, if possible, purchase  
38 credits on wetlands within the State of Mississippi before  
39 purchasing credits on wetlands located outside the State of  
40 Mississippi.

41 SECTION 2. This act shall take effect and be in force from  
42 and after July 1, 2000.