

By: Hewes

To: Ports and Marine
ResourcesSENATE BILL NO. 2598
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 49-15-13, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE DEPARTMENT OF MARINE RESOURCES TO REMOVE DERELICT
3 VESSELS FROM MANMADE CANAL WITH A NAVIGABLE CONNECTION TO COASTAL
4 WETLANDS; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 49-15-13, Mississippi Code of 1972, is
7 amended as follows:[LTR1]

8 49-15-13. (1) (a) The department may remove from the
9 coastal wetlands, as defined in Section 49-27-5(a), Mississippi
10 Code of 1972, or from any private or manmade canal with a
11 navigable connection to coastal wetlands, any vessel which is
12 derelict, having been relinquished, deserted or left by the owner
13 with the intention of abandoning the vessel. Any vessel submerged
14 in or on the coastal wetlands or submerged in any private or
15 manmade canal with a navigable connection to coastal wetlands, in
16 excess of ninety (90) days is hereby declared abandoned and a
17 derelict vessel. For the purposes of this section, no vessel
18 submerged more than one hundred (100) years will be considered
19 derelict.

20 (b) Any owner or operator of a derelict vessel shall be
21 liable to the State of Mississippi for the restoration of all
22 affected coastal wetlands and all costs associated with the
23 removal of the vessel.

24 (2) (a) If the last known owner or operator of a derelict
25 vessel is ascertainable, the owner or operator shall be notified
26 by certified mail to remove the derelict vessel and restore the
27 affected coastal wetlands within thirty (30) days of the date of

the notice. Failure to remove the vessel may result in the imposition of the damages provided in subsection (3).

(b) When the owner or operator of the derelict vessel is unknown or cannot be located after diligent search and inquiry, notice shall be given by publishing in a newspaper having general circulation in the county where the derelict vessel is located the intent to remove and dispose of the derelict vessel. The notice shall be published once a week for three consecutive weeks. The derelict vessel may be removed ten (10) days after the last date of publication. The municipality or county where the vessel is located may remove the derelict vessel or request the department to contract for the removal of the derelict vessel. The cost of the removal of the derelict vessel shall be paid by the municipality or the county where the vessel is located. If the county or municipality can not pay the cost of removal, the department may pay the cost of removal, if funds are available. Any derelict vessel salvaged may be destroyed or otherwise disposed of without additional notice to the owner or operator and the value thereof, if any, applied as an offset to the cost of the removal of the derelict structure and restoration of the affected coastal wetlands.

(c) If an owner or operator is subsequently identified, the owner or operator shall be liable for double the cost of the removal of the derelict vessel and the restoration of the affected coastal wetlands, attorneys fees and all costs of court. Upon recovery of these damages, the county, municipality or department, as the case may be, shall be reimbursed the costs of the removal of the derelict vessel and restoration of the coastal wetlands.

(d) In addition to providing notice by publication or to the known owner or operator, notice shall be sent by mail to the Mississippi Department of Archives and History for a determination as to whether the vessel to be removed is of archaeological, historical or architectural significance under the state antiquities law. The Department of Archives and History shall respond within thirty (30) days to the notice and advise whether or not the vessel should be preserved.

(3) The chancery court of the county where the vessel is

65 located shall have jurisdiction and by writ of mandatory
66 injunction order the removal of the derelict vessel by the owner
67 or operator and shall allow a reasonable time for completion of
68 the restoration of the coastal wetlands and removal of the
69 derelict vessel and may, in its discretion, order as damages a sum
70 not to exceed Five Hundred Dollars (\$500.00) per day for each day
71 such violation has existed. The chancery court may further order
72 as damages a sum not to exceed Five Hundred Dollars (\$500.00) per
73 day for each day that the violation exists beyond the date set by
74 the court in its injunction for the removal of the vessel and the
75 restoration of the coastal wetlands. Additionally, the owner or
76 operator shall be liable for reasonable attorneys fees and all
77 costs of court.

78 (4) Any reimbursed cost of removal and any fines and damages
79 collected in excess of the cost of the removal of the derelict
80 vessel and the restoration of the affected coastal wetlands shall
81 be deposited in a special fund in the State Treasury to be known
82 as the "Derelict Vessel Fund." The fund shall be administered by
83 the department. Any funds deposited in the fund shall be used to
84 cover the administrative costs and removal costs incurred by the
85 department for the removal of derelict vessels. Any remaining
86 funds shall be used as a match for municipal and county funds to
87 cover the costs of removing additional derelict vessels.

88 (5) The department is authorized to enter into contracts
89 with individuals, firms and corporations for the removal of
90 derelict vessels. The salvage value, if any, of the derelict
91 vessel may be used to offset the cost of the removal of the vessel
92 and the restoration of the coastal wetlands.

93 (6) The commission shall adopt rules and regulations
94 necessary and appropriate to carry out the provisions of this
95 section. The commission may also enter into interstate or
96 intrastate efforts toward this end, and may seek and utilize aid
97 from all federal, state and local sources in this endeavor.

98 (7) The State of Mississippi, the department and their
99 employees and representatives shall not be liable for any damage
100 resulting from the removal, sale or disposal of any vessel
101 declared a derelict vessel pursuant to this section.

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