

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 2598

By Representative(s) Committee

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. (1) (a) The department may remove from the coastal wetlands, as defined in Section 49-27-5(a), Mississippi Code of 1972, or from any private or manmade canal with a navigable connection to coastal wetlands, any vessel which is derelict, and has been determined by the department to be a public safety or environmental hazard, having been relinquished, deserted or left by the owner with the intention of abandoning the vessel.

Any vessel submerged in or on the coastal wetlands or submerged in any private or manmade canal with a navigable connection to coastal wetlands, in excess of ninety (90) days is declared abandoned and a derelict vessel. For the purposes of this section, no vessel submerged more than one hundred (100) years will be considered derelict.

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

(2) (a) If the last known owner or operator of a derelict vessel is ascertainable, the owner or operator shall be notified by certified mail to remove the derelict vessel and restore the

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.

(c) 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.

(d) 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 vessel and restoration of the affected coastal wetlands.

(e) 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.

(f) 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 located shall have jurisdiction and by writ of mandatory injunction, order the removal of the derelict vessel by the owner or operator. The chancery court shall allow a reasonable time for completion of the restoration of the coastal wetlands and removal of the derelict vessel. The chancery court may, in its discretion, order as damages a sum not to exceed Five Hundred Dollars (\$500.00) per day for each day such violation has existed.

The chancery court may further order as damages a sum not to exceed Five Hundred Dollars (\$500.00) per day for each day that the violation exists beyond the date set by the court in its injunction for the removal of the vessel and the restoration of the coastal wetlands. Additionally, the owner or operator shall be liable for reasonable attorneys fees and all costs of court.

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

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

(6) The commission shall adopt rules and regulations necessary and appropriate to carry out the provisions of this section. The commission may also enter into interstate or

intrastate efforts toward this end, and may seek and utilize aid from all federal, state and local sources in this endeavor.

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

SECTION 2. The provisions of Section 1 of this act shall be codified in Chapter 27, Title 49, Mississippi Code of 1972.

SECTION 3. This act shall take effect and be in force from and after its passage.

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

1 AN ACT RECODIFY A SECTION REGARDING REMOVAL OF DERELICT
2VESSELS TO THE COASTAL WETLANDS PROTECTION LAW; TO CREATE A NEW
3CODE SECTION TO BE CODIFIED IN CHAPTER 27, TITLE 49, MISSISSIPPI
4CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF MARINE RESOURCES TO
5REMOVE DERELICT VESSELS FROM MANMADE CANAL WITH A NAVIGABLE
6CONNECTION TO COASTAL WETLANDS; AND FOR RELATED PURPOSES.