

By: Representative Dedeaux

To: Conservation and Water Resources; Game and Fish

HOUSE BILL NO. 1042

1 AN ACT TO CREATE A NEW CODE SECTION TO ALLOW THE DEPARTMENT
2 OF ENVIRONMENTAL QUALITY AND THE DEPARTMENT OF WILDLIFE, FISHERIES
3 AND PARKS TO ENTER INTO COOPERATIVE AGREEMENTS TO CLEAN THE RIVERS
4 OF THIS STATE; TO AMEND SECTIONS 49-2-7, 49-4-8 AND 49-4-9,
5 MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

7 SECTION 1. (1) The Department of Environmental Quality and
8 the Department of Wildlife, Fisheries and Parks shall enter into
9 cooperative agreements to remove dead fish or animals,
10 contaminants or other waste from any river in this state.

11 The departments may enter into agreements with local
12 agencies, public or private institutions or any person,
13 corporation or association to receive assistance to implement the
14 provisions of this section.

15 (2) Any person found to have caused the dead fish or animal,
16 contaminants or other waste to be in any river of the state shall
17 be liable for all costs incurred in removing such debris from the
18 river.

19 SECTION 2. Section 49-2-7, Mississippi Code of 1972, is
20 amended as follows:

21 49-2-7. The Department of Environmental Quality shall be the
22 Mississippi Department of Natural Resources with the exception of
23 the Office of Parks and Recreation, and shall retain all powers
24 and duties granted by law to the Mississippi Department of Natural
25 Resources with the exception of the Office of Parks and
26 Recreation, and wherever the term "Mississippi Department of
27 Natural Resources" appears in any law the same shall mean the
28 Department of Environmental Quality. The Executive Director of

29 the Department of Environmental Quality may assign to the
30 appropriate offices any powers and duties deemed appropriate to
31 carry out the lawful duties of the department.

32 The department shall be composed of the following offices:

33 (a) Office of Geology and Energy Resources;

34 (b) Office of Land and Water Resources; and

35 (c) Office of Pollution Control.

36 Each office shall be composed of the administrative units set
37 forth in the consolidation plan adopted by the commission, subject
38 to changes by the executive director, with approval of the
39 commission, as hereinafter set forth.

40 The department is designated as the single state department
41 to receive and expend any federal funds being received or expended
42 by any agency transferred to the department by Chapter 484, Laws
43 of 1978, and to receive and expend any federal funds made
44 available for matters within the jurisdiction of the department.

45 The department shall be responsible for conserving, managing,
46 developing and protecting the natural resources of the State of
47 Mississippi within the jurisdiction of the department, with the
48 exception of functions of the Office of Recreation and Parks. The
49 department shall coordinate all functions of state government
50 related to natural resources within the jurisdiction of the
51 department. The department shall not exercise any of its
52 authority or powers granted under the provisions of this section
53 in a manner which would be inconsistent with the provisions of
54 Section 29-1-1.

55 The department is authorized to enter into cooperative
56 agreements with the Department of Wildlife, Fisheries and Parks to
57 clean any river in the state.

58 SECTION 3. Section 49-4-8, Mississippi Code of 1972, is
59 amended as follows:

60 49-4-8. The Department of Wildlife, Fisheries and Parks
61 shall have the following powers and duties:

62 (a) To conserve, manage, develop and protect the
63 wildlife of the State of Mississippi.

64 (b) To take charge and have full jurisdiction and
65 control over all state parks.

66 (c) To cooperate with other entities and agencies in
67 developing and implementing such plans as necessary for the
68 conservation, protection, beautification and improvement of the
69 quality of the environment and living natural resources.

70 (d) To enter into cooperative agreements with the
71 Department of Environmental Quality to clean any river in this
72 state.

73 SECTION 4. Section 49-4-9, Mississippi Code of 1972, is
74 amended as follows:

75 49-4-9. Effective July 1, 1979, the Department of Wildlife,
76 Fisheries and Parks shall have the following powers and duties:

77 (a) To formulate the policy of the department regarding
78 wildlife and fisheries within the jurisdiction of the department;

79 (b) To apply for, receive and expend any federal or
80 state funds or contributions, gifts, devises, bequests or funds
81 from any other source;

82 (c) To commission or conduct studies designed to
83 determine alternative methods of managing and conserving the
84 wildlife and fisheries resources of this state in a manner to
85 insure efficiency and sustained productivity;

86 (d) To receive the advice and counsel of the advisory
87 committees created for the Division of Parks and Recreation and
88 the Division of Wildlife and Fisheries; and

89 (e) To enter into cooperative agreements with the
90 Department of Environmental Quality to clean any river in this
91 state.

92 (f) To discharge such other duties, responsibilities
93 and powers as are necessary to implement the provisions of this
94 chapter.

95 SECTION 5. Section 1 of this act shall be codified in
96 Chapter 49, Title 4, Mississippi Code of 1972.

97 SECTION 6. This act shall take effect and be in force from
98 and after July 1, 2001.