

By: Representative Peranich

To: Public Buildings,  
Grounds and Lands;  
Conservation and Water  
Resources

## HOUSE BILL NO. 1126

1 AN ACT TO PROVIDE THAT LAND OR PROPERTY ACQUIRED FOR  
2 ENVIRONMENTAL MITIGATION SHALL BE LOCATED IN THE SAME COUNTY WHERE  
3 THE LAND ENTITLED TO ENVIRONMENTAL PROTECTION IS LOCATED; TO  
4 PROVIDE THAT, IN CASE OF DISAGREEMENT BETWEEN THE RELEVANT  
5 PARTIES, THE APPROPRIATE STATE AGENCY, GOVERNMENTAL SUBDIVISION OR  
6 THE UNITED STATES ARMY CORPS OF ENGINEERS SHALL MAKE THE FINAL  
7 DETERMINATION OF THE LOCATION OF THE LAND OR PROPERTY ACQUIRED FOR  
8 ENVIRONMENTAL MITIGATION; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** (1) When any state, public or private land or  
11 property is entitled to environmental protection under state or  
12 federal law, and the land or property is obtained or taken and  
13 used for a purpose which requires other land or property to be  
14 acquired and substituted for the land or property entitled to  
15 protection in order to mitigate damage to such land or property  
16 and/or the environment, the substituted land or property shall be  
17 located in the county in which the land or property entitled to  
18 protection is found, to the greatest extent practicable. Such  
19 substituted land or property shall be referred to as "the land or  
20 property acquired for environmental mitigation."

21 (2) The entity responsible for obtaining the land or  
22 property acquired for environmental mitigation shall coordinate  
23 with the owner of the land or property entitled to environmental  
24 protection, with the appropriate state agency or governmental  
25 subdivision, or the United States Army Corps of Engineers, as the  
26 case may be. In any case in which there is a disagreement among  
27 the parties regarding the location of the land or property  
28 acquired for environmental mitigation, the agency or other  
29 governmental subdivision, or the United States Army Corps of  
30 Engineers, as the case may be, shall make the final determination



31 of the location of the land or property acquired for environmental  
32 mitigation.

33       **SECTION 2.** This act shall take effect and be in force from  
34 and after July 1, 2002.

