

*****Adopted***
AMENDMENT No. 1 PROPOSED TO**

House Bill NO. 1098

By Senator(s) Committee

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

6 SECTION 1. It is the intent of the Legislature to confirm
7 the law of Mississippi regarding the public water status of the
8 navigable tributaries and navigable oxbow lakes of the Mississippi
9 River as interpreted by the courts of this state.

10 SECTION 2. The Legislature recognizes that a controversy has
11 arisen over the status of waters that are no longer public
12 waterways under the criteria established under Section 51-1-4.
13 The Legislature also recognizes that the public waterway criteria
14 and the method and process of determining which waters are public
15 waterways has passed judicial scrutiny, with the Mississippi
16 Supreme Court finding that the section suffers no constitutional
17 or other infirmity under the Mississippi Constitution of 1890 or
18 under federal law.

19 The Legislature recognizes that this controversy is pending
20 before the courts and it would be contrary to sound public policy
21 and justice for the Legislature to intervene in what is a judicial
22 question involving private property rights and public use of
23 waters.

24 The Legislature recognizes that settlement negotiations are
25 ongoing and encourages the parties of the lawsuit to consider the

26 nonexclusive proposal that will allow the public to fish and to
27 travel on the waters deemed private at no charge and will afford
28 the landowners the liability protection under state law for
29 landowners who open water to the public for fishing purposes.

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

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

1 AN ACT TO EXPRESS LEGISLATIVE INTENT ON THE PUBLIC WATERWAY
2 STATUS OF CERTAIN NAVIGABLE WATERS; TO EXPRESS LEGISLATIVE INTENT
3 ON WATERS NO LONGER CLASSIFIED AS PUBLIC WATERWAYS UNDER SECTION
4 51-1-4, MISSISSIPPI CODE OF 1972.