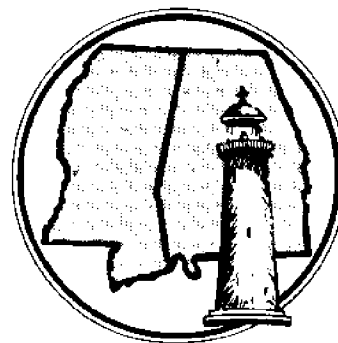


**LAWS PASSED DURING THE 1976
SESSION OF THE MISSISSIPPI
LEGISLATURE**

University of Mississippi Law Center

**Mississippi-Alabama
Sea-Grant Consortium
MASGP 77-010**



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FOREWORD

This volume represents those laws that were passed during the 1976 Session of the Mississippi Legislature that would affect the use and development of the state's marine and coastal zone. It should be used to bring up to date the ten volume compilation of the state's laws that was published by this office during 1974. This project was completed under the auspices of the Mississippi-Alabama Sea Grant Consortium and the University of Mississippi.

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GENERAL ADMINISTRATION

I. Chapter 313, House Bill No. 592, approved and effective from March 16, 1976, amends MISS. CODE ANN. § 9-7-9 (1972) to provide an additional term of court in the Second Circuit Court District in Hancock County on the first Monday of April, for two (2) weeks. A grand jury need not be impanelled for the April term and the October term unless directed by the circuit judge presiding at such time.

II. Chapter 322, House Bill No. 1138, approved and effective from April 6, 1976, provides for division of board of education in the described coastal counties.

H.B. 1138, Section 1, describes the counties to which this bill applies as any county bordering on the Mississippi Sound and containing four (4) municipal separate school districts. The members of the county board of education established by Section 37-5-1 shall be elected from and shall be a resident and qualified elector in a special district apportioned by the board of supervisors. There shall be five (5) board of education districts established in the territory outside the municipal separate school districts with division of the territory as nearly equal as possible according to population, incumbency and other factors heretofore pronounced by the courts.

The boundaries determined for the new five (5) board of education districts shall be placed in the board of supervisors' minutes and published by the board of supervisors in some newspaper of general circulation within said

county for at least three (3) consecutive weeks. The new district lines will be effective after giving notice of publication and recording upon the minutes of the board of supervisors of said county.

All incumbents now holding office within the district as presently constituted shall continue holding their respective offices provided they reside within the new district for the remainder of the term of office to which they have been elected. All members from the respective district shall be elected from the new board of education district in the same manner provided by law for the election of members of the county board of education. Any vacancies in the office, caused by redistricting or other reason, shall be filled in the manner presently provided by law for the filling of vacancies.

III. Chapter 329, House Bill No. 412, approved and effective from April 8, 1976, amends Section 61-5-17 to increase the permissible interest rate on city airport bonds from six percent to seven percent.

H.B. 412, Section 1, sets forth amendment of Section 61-5-17 which allows the governing body of a municipality to pay the cost of certain airport developments from the proceeds of the sale of bonds or notes of the municipality. The municipality may issue general or special obligation bonds, revenue bonds, or other forms of bonds in the manner prescribed by the laws of this state or the charter of the municipality.

Such bonds may be sold at public or private sale at not less than par and shall bear interest at a rate not to exceed six percent (6%) per annum; however, any of said bonds issued prior to March 31, 1977, may bear an overall maximum interest rate to maturity not to exceed seven percent (7%) per annum.

Any bonds or notes issued by a municipality pursuant to this section which are payable, as to principal and interest, solely from the revenues of an airport or air navigation facility and which so state on their face, shall not constitute a debt of such municipality within the meaning of any constitutional or statutory debt limitation or restriction.

For the purposes of any suit, action or proceeding involving the security, validity or enforceability of any bond or note issued by a municipality, if the bond or note states on its face that it was issued pursuant to the provisions of this section and for a purpose authorized or accomplished by this section, such bond or note shall be conclusively deemed to have been issued pursuant to this section.

IV. Chapter 333, Senate Bill No. 2636, approved and effective from April 12, 1976, authorizes the merger or consolidation of domestic nonprofit, nonshare corporations. S.B. No. 2636, Section 1, excludes both nonprofit nonshare corporations chartered for rural waterworks or sewage disposal system purposes and utility districts from coverage under the Act.

V. Chapter 338, House Bill No. 560, approved and effective from April 13, 1976, amends MISS. CODE ANN. (1972), §§ 45-7-41 and 45-7-45 to allow the Board of supervisors of certain counties to compensate each of their county patrol officers in an amount not in excess of \$700 per month.

H.B. 560, Section 1, amends Section 45-7-41(1) and includes in paragraph (a) thereof, "the board of supervisors of any county bordering on the Gulf of Mexico having created a port authority under the provisions of Sections 59-9-1 to 59-9-85 may employ not more than five county patrol officers."

H.B. No. 560, Section 2, amends Section 45-7-45 and provides in subsection (1) thereof for payment of county patrol officers by the board of supervisors of any county specified in subsection (1) of Section 45-7-41 in an amount not to exceed Three Thousand Five Hundred Dollars (\$3,500.00) per month for any one (1) county with a maximum of Seven Hundred Dollars (\$700.00) payable to any one (1) patrol officer. The board may also pay a reimbursement for expenses in an amount not to exceed Five Hundred Dollars (\$500.00) per month for any one (1) county with a maximum of One Hundred Dollars (\$100.00) per month to any one (1) patrol officer.

The board of supervisors of any county specified in Section 45-7-41 may furnish patrol officers either a means of transportation or else reimburse them for their actual and proven transportation expenses. They may also furnish suitable uniforms and may acquire radio and other equipment as may be used by the patrol officers in the proper performance of their duties.

All salaries and expenses provided for herein shall be paid from the general fund of said county.

VI. Chapter 341, House Bill No. 269, authorizes counties, municipal and private companies to participate in applicable approved regional solid waste disposal and recovery systems. (For details, see ENVIRONMENTAL CONTROL, I).

VII. Chapter 355, H.B. No. 397, approved April 22, 1976, and effective from that date, amends MISS. CODE ANN. (1972), §§ 21-8-1 through 21-8-11, 21-8-13, and 21-8-17 through 21-8-39 to make the mayor-council form of government applicable to all municipalities in the state.

The statute sets forth the procedural prerequisites in establishing the mayor-council form of government as well as the organization and operation of city government under such a plan.

VIII. Chapter 379, House Bill No. 441 approved and effective from April 26, 1976, amends MISS. CODE ANN. (1972), § 21-23-5 to allow the appointment of a justice court judge whose district is part of the municipality as police justice for the municipality in certain cases.

H.B. 441, Section 1 amends Section 21-23-5 to allow any municipality having a population of less than ten thousand (10,000), upon a discretionary determination by governing authorities, to have a police justice. If appointed, he may be a licensed attorney of such county or a justice court judge whose district, in whole or in part, lies within the geographical boundaries of the municipality. In all municipalities where a police justice is not appointed, the mayor, or mayor pro tempore, shall be the police justice without receiving additional compensation from the municipality for such service.

IX. Chapter 383, Senate Bill No. 2509 provides additional revenue for the funding of the Hunter Education and Training Penalty Assessment Fund and makes provision for appointment of hunter safety officers. (For details see LIVING RESOURCES, I).

X. Chapter 399, House Bill No. 472, approved and effective from May 2, 1972, amends MISS. CODE ANN. § 19-11-1 (1972) to allow little theater associations and economic and industrial associations to incorporate under nonprofit laws.

H.B. 472, Section 1 amends § 79-11-1 which contains an enumeration of all groups to which the statute applies in subsection 1. Among those groups are included: "corporations to own and operate rural waterworks systems, rural sewage disposal systems . . . industrial development associations" allowed upon application of any three (3) members, all of whom shall be adult resident citizens of the State of Mississippi, authorized by the organization, as stated in its minutes, to apply for the charter.

Subsection 2 sets forth the requirements for the charter of incorporation and subsequent procedure. Before any such corporation shall construct, operate or maintain a water transmission or distribution system for the sale of water to the public, it shall obtain a certificate of public convenience and necessity from the Public Service Commission pursuant to the provisions of §§ 77-3-1 through 77-3-87.

All charters granted accordingly are designated as nonprofit, nonshare corporations.

XI. Chapter 400, House Bill No. 520, approved May 2, 1976, and effective from July 1, 1976, amends MISS. CODE ANN. (1972) §§ 59-17-31 and 59-5-37 to authorize purchase of liability insurance by the Mississippi Agricultural and Industrial Board or the State Port Authority or State Inland Port Authority. The authority is also granted the power to sue and be sued in its own name. It may be sued only to the extent of such insurance and a judgment creditor shall have recourse only to the proceeds or rights to proceeds of such liability insurance.

H.B. No. 520, Sections 1 and 2, incorporate this addition to Sections 59-17-31 and 59-5-37 respectively.

XII. Chapter 404, House Bill No. 640, approved and effective from May 2, 1976, amends MISS. CODE ANN. § 97-17-93 (1972) to provide for posting of land subject to flooding.

H.B. 640, Section 1, contains requirements of an owner's or occupant's notice forbidding persons from entering onto land. Penalty for violation is prescribed as not exceeding One Hundred Dollars (\$100.00) for every offense.

H.B. 640, Section 2, describes the requirements of posting land under cultivation wherever the border is contiguous to a body of water or waterway, other than artificial lake or pond entirely landlocked. Publication three (3) consecutive times each year in a newspaper having general circulation in the county where land is located with a description of the property, an explanation that it is subject to periodic flooding and notification that the land is still posted should be made. Proof of publication shall be filed in the sheriff's office in the

county where the land is located with effectiveness from that date. Penalty for violation of such posting is the same as that for violation of Section 1.

H.B. 640, Section 3, makes provisions of this section supplementary to provisions of any other statute of this state.

XIII. Chapter 415, House Bill No. 1255, approved and effective from May 2, 1976, amends MISS. CODE ANN. (1972) § 59-5-45 to authorize the sale of state port, harbor, or waterway bonds at a rate of interest not to exceed seven percent (7%) for bonds issued prior to March 31, 1977.

XIV. Chapter 416, House Bill No. 1308, approved and effective from May 2, 1976, amends MISS. CODE ANN. (1972) §§ 59-9-23, 59-9-41, 59-9-43, and 59-9-45.

H.B. 1308, Section 1, amends Section 59-9-23 to extend to twenty (20) miles the distance which transportation facilities are includable in development for industrial purposes by the county port authority or county development commission. Transportation facilities owned by the county may be operated by said county or others on behalf of such county or may be leased to others by said county. The Public Service Commission shall have no jurisdiction over the transportation facilities or the financing thereof, nor the rates so long as said county regulates such rates.

H.B. 1308, Section 2, amends MISS. CODE ANN. (1972) § 59-9-41 to require compliance with Section 59-9-51 in the issuing of revenue bonds.

H.B. 1308, Section 3, amends MISS. CODE ANN. (1972) § 59-9-43 to require notice of the sale of any such bonds, other than revenue bonds to be

published.

H.B. No. 1308, Section 4, amends MISS. CODE ANN. (1972) § 59-9-45 to extend qualities and incidents of negotiable instruments under the Mississippi Uniform Commercial Code to any bonds, interest coupons, interim certificates or other obligations issued under the provisions of §§ 59-9-37 and 59-9-41 provided it shall not be necessary to file any financing statements or continuation statements to perfect or protect the security holders of such bonds or to give notice to third parties of the existence of such security.

XV. Chapter 419, House Bill No. 1307, authorizes issuance of industrial development revenue bonds. (For details, see INDUSTRIAL AND AGRICULTURAL RESOURCES, II).

XVI. Chapter 429, Senate Bill No. 2307, approved and effective from May 6, 1976, amends MISS. CODE ANN (1972) § 57-31-5 to authorize a county development authority to borrow money and issue negotiable promissory notes evidencing the same, and authorizing such authority to pledge rents, revenues, and earnings from any project not otherwise pledged to secure payment of such notes, and/or to secure such notes by the execution of a deed of trust upon any real estate belonging to the authority.

XVII. Chapter 434, Senate Bill No. 2872, requires waterfowl hunters to acquire a Mississippi State migratory waterfowl stamp furnished by the State Game and Fish Commission to bonded agents for issuance or sale before hunting waterfowl in Mississippi. (For details, see LIVING RESOURCES, III.)

XVIII. Chapter 443, House Bill No. 1484, approved and effective from

May 10, 1976, amends MISS. CODE ANN. (1972) § 59-7-109 to allow an increase in the interest rate not to exceed seven percent (7%) per annum on port bonds issued prior to March 31, 1977.

XIX. Chapter 444, House Bill No. 7, approved May 14, 1976, amends MISS. CODE ANN. (1972) § 35-3-21 to increase amount of assistance boards of supervisors in certain counties may give to operate veterans' service offices.

H.B. No. 7, Section 1, establishes the amounts the boards of supervisors of the various classes of counties may expend out of the general county fund or special veterans fund to maintain veterans' service offices. In any county which borders on the Gulf of Mexico and has two (2) judicial districts, the board of supervisors are further authorized, in their discretion to maintain two such offices, one (1) in each judicial district, and may pay the same fee authorized for one (1) office in each such office.

XX. Chapter 448, House Bill No. 837, approved May 20, 1976, and effective from July 1, 1976, amends MISS. CODE ANN. (1972) § 59-7-125 to define a quorum for the County Port Commission as three members of the port commission.

Members of the board of supervisors shall be ex officio members of the port commission, serving in such capacity without bond as nonvoting members, not includable for the determination of a quorum for conducting business by the port commission unless and until the board of supervisors by order entered on its minutes expressly provides that members of the board of supervisors shall be voting members of the port commission and the number of members re-

quired for a quorum to conduct business of the port commission which in no case may be less than three (3).

XXI. Chapter 452, Senate Bill No. 2346, designates the State Board of Health as Drink Water Supply Regulatory Agency and authorizes the board to prescribe means of adequately protecting the health of users of water supplies. (For details, see MINERAL AND NON-LIVING RESOURCES, I.)

XXII. Chapter 458, House Bill No. 173, approved and effective from May 21, 1976, amends MISS. CODE ANN. (1972) § 21-27-7 to allow municipalities to erect, purchase, maintain and operate waterworks upon sixty percent approval of those voting.

H. B. No. 173, Section 1, empowers the governing authorities of municipalities to erect, purchase, maintain, and operate waterworks and to regulate the same, prescribing the rates at which water shall be supplied to the inhabitants. A sixty percent vote of those qualified electors voting is required to approve municipal action with only a majority requirement in a designated county. The municipality owned waterworks is prohibited from supplying water free of charge or in any amount less than fixed charges to any person, firm, or corporation except as is expressly authorized by law.

XXIII. Chapter 460, House Bill No. 863, approved and effective from May 21, 1976, amends MISS. CODE ANN. (1972) § 19-7-31 and provides for the establishment and maintenance of public law libraries in certain counties by the Boards of Supervisors.

H. B. 863, Section 1, allows the boards of supervisors of described

counties to establish and maintain public law libraries of varying size with designated appropriations or in sums in the boards discretion. The board may employ a suitable person as librarian, and in certain counties, additional court costs may be levied at the board's discretion to support and maintain said libraries.

XXIV. Chapter 461, House Bill No. 906, approved May 21, 1976, and effective from July 1, 1976, amends MISS. CODE ANN. (1972) § 27-1-32 to allow the board of supervisors of any county in the state with a total assessed valuation of less than One Hundred Fifty Million Dollars (\$150,000,000.00) to assess supplemental tax of not more than one (1) mill on all taxable property, if fees to be collected by the offices of sheriff, assessor, tax collector, or assessor and tax collector shall be insufficient to pay the operating budget of any one (1) of said offices. In counties having total assessed valuation of less than Twenty-five Million Dollars (\$25,000,000.00) the levy may not exceed two (2) mills on all taxable property.

In any Class 1 county bordering on the State of Alabama traversed by U.S. Highway 90 and having an assessed valuation according to the 1972 assessment rolls of One Hundred Thirty-two million Seven Hundred Seventy-two Thousand Sixty-seven Dollars (\$132,772,067.00) may, in its discretion, levy not more than one (1) mill on all taxable property of the county for the purpose of supplementing the budget of the tax collector, tax assessor, and sheriff.

XXV. Chapter 468, Senate Bill No. 2206, approved May 25, 1976, and effective from July 1, 1976, amends MISS. CODE ANN. (1972) § 25-31-5 to

authorize the number of legal assistants to the district attorney in certain circuit court districts. The Second Circuit Court District, which includes both Hancock and Harrison Counties, is designated three legal assistants. Jackson County, in the Nineteenth Circuit Court District, is allowed two (2) legal assistants.

Each full-time district attorney whose district has a population in excess of one hundred sixty thousand (160,000) according to the latest federal census and who is authorized by this section to employ legal assistants may designate one (1) such assistant as a full-time legal assistant with a salary of Fifteen Thousand Dollars (\$15,000.00) per annum.

XXVI. Chapter 474, Senate Bill No. 2506 empowers the Mississippi Board of Water Commissioners to declare and delineate capacity use areas of the state where it finds that the use of groundwater requires coordination and limited regulation for the protection of the interest and rights of residents or property owners of such areas or of the public interest. (For details, see MINERAL AND NON-LIVING RESOURCES, III.)

ENVIRONMENTAL CONTROL

I. Chapter 341, House Bill No. 269, approved and effective from April 14, 1976, provides for the transportation of solid wastes across Mississippi state lines, establishes ownership of solid wastes and amends MISS. CODE ANN. (1972) § 17-17-13 to further regulate disposition of solid wastes.

H.B. 269, Section 1, authorizes counties, municipal and private companies to participate in applicable approved regional solid waste disposal and recovery systems.

H.B. 269, Section 2, grants authority to the local government or persons involved to authorize hauling of solid wastes across state lines whenever the location of processing plants shall so require. This section also allows solid wastes from out-of-state to be brought into the State of Mississippi for processing or disposal in approved systems subject to the same standards and regulations as solid wastes generated within the state. If solid wastes are to be disposed of by land fill in the State of Mississippi the generator or transporter of such wastes shall furnish information regarding quantities and characteristics of wastes necessary to determine adequate disposal conditions and techniques to the State Board of Health. The Mississippi State Board of Health representative shall be authorized to inspect generating, treating, and disposal facilities to determine proper treatment and/or disposal during reasonable working hours.

H.B. No. 269, Section 3, determines the ownership of the solid wastes involved to be in the local government and/or commercial enterprises involved

at the point of collection. Absent any contractual provisions to the contrary, the solid wastes involved shall become the property of the operator of an approved system upon delivery to such operator whether delivery be at a transfer station or at a processing plant.

H.B. No. 269, Section 4, states that nothing in this act shall be construed to prohibit local governments from the construction or operation of approved sanitary landfills or solid waste disposal systems.

H.B. No. 269, Section 5, states that nothing in the act shall be construed to prohibit private enterprise or other agencies from the construction or operation of recycling plants or to prohibit sale or gift of solid wastes to private enterprise or other agencies by local governments.

H.B. No. 269, Section 6, amends Section 17-17-13 to provide an exemption from the chapter for individuals or firms disposing of solid wastes from his own household or business upon his own land provided such wastes are not hazardous as defined in Section 17-17-3(i) and such household or business is located in the State of Mississippi.

II. Chapter 438, House Bill No. 1449, approved and effective from May 6, 1975, amends MISS. CODE ANN. (1972) § 49-23-5 to limit outdoor advertising.

H.B. No. 1449, Section 1, prohibits erection or maintenance of outdoor advertising within six hundred sixty (660) feet of the nearest edge of the right-of-way and visible from the main travelled way of the interstate or primary highways in this state, except for directional and other official signs and notices; signs advertising the sale or lease of property upon which they are

located; signs advertising the principal activities conducted on the property upon which they are located; signs located in areas which are zoned industrial or commercial under authority of law; and signs located in unzoned commercial or industrial areas; and signs which identify the presence of pipelines, utility lines or fail lines.

Subsection 2 of Section 1 prohibits the erection of outdoor advertising at or beyond six hundred sixty (660) feet of the nearest edge of the right-of-way outside of urban areas, with the purpose of their message being read from the main traveled ways of the interstate or primary highways in this state, except the following: directional and other official signs and notices; signs advertising the sale or lease of property upon which they are located; signs advertising the principal activities conducted on the property upon which they are located.

Subsection 3 of Section 1 allows continued existence of those signs lawfully in existence on October 22, 1965, as determined by the State Highway Commission, subject to the concurrence of the United States Secretary of Transportation, to be landmark signs of historic or artistic significance, including signs on farm structures or natural surfaces, the preservation of which would be consistent with the purposes of this section.

LIVING RESOURCES

I. Chapter 383, Senate Bill No. 2509, approved and effective from April 27, 1976, provides additional revenue for the funding of the Hunter Education and Training Program, creates the Hunter Training Penalty Assessment Fund and makes provision for appointment of hunter safety officers.

S.B. 2509, Section 1, Subsection 1, establishes a penalty assessment on all offenses involving a violation of the game and fish statutes or regulations of this state in addition to any other fine or penalty imposed by statute or regulation. The proceeds of the assessment will provide funds for the Hunter Education and Training Program. The assessment is in the following amounts:

- a. If a fine is imposed, Two Dollars (\$2.00) for each Twenty-five Dollars (\$25.00) of the fine, or fraction thereof. When a fine is suspended in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.
- b. If a sentence is suspended, Two Dollars (\$2.00) if jail only, otherwise based on amount of fine levied, as in paragraph (a).
- c. If bail is forfeited, Two dollars (\$2.00) for each Twenty-five Dollars (\$25.00) of bail or fraction thereof.
- d. If multiple offenses are involved, the penalty assessment shall be based on the total fine or bail for all offenses calculated as provided in paragraphs (a) or (c) or Two Dollars (\$2.00) for each jail sentence.

S.B. 2509, Section 1, Subsection 2, disallows the payment of administrative expenses necessary for the implementation of this Act from the penalty assessments of subsection (1) of this section.

S.B. 2509, Section 2, requires the appointment by the commission of three (3) hunter safety officers, one from each of the Supreme Court Districts in Mississippi.

S.B. 2509, Section 3, provides for the determination of the amount due as provided in Section 1 of this Act, the collection of the penalty assessment by the court, the transmission of said funds to the county treasurer and then to the State Treasury for deposit in the Hunter Training Penalty Assessment Fund, and for payments out of the fund.

II. Chapter 417, House Bill No. 1395, approved and effective from May 2, 1976, to amend and re-enact Chapter 471, Regular Session, 1975, to empower the Mississippi Wildlife Heritage Committee to acquire certain land.

H.B. No. 1395, Section 1, defines terms used in the Act. H.B. No. 1395, Section 2, describes property to be purchased under the Act. This description includes fourteen thousand six hundred, twenty-eight (14,628) acres, more or less, in Jackson County, Mississippi.

H.B. No. 1395, Section 3, empowers the Mississippi Wildlife Heritage Committee to declare by resolution the necessity for issuance of negotiable general obligation bonds to acquire land described in Section 2 of this Act, not exceeding Thirteen Million Five Hundred Thousand Dollars (\$13,500,000.00).

The remainder of the Act explains the procedure in the issuance and sale of bonds.

III. Chapter 434, Senate Bill No. 2872, approved May 6, 1976, and

effective after July 1, 1976, requires waterfowl hunters to acquire a Mississippi state migratory waterfowl stamp before hunting waterfowl in Mississippi and outlines penalties for the violations of this requirement.

S.B. No. 2872, Section 1, defines "Migratory fowl" as "any wild goose, brandt or wild duck."

S.B. 2872, Section 2, requires any person who hunts or takes any migratory waterfowl within Mississippi to first procure a state waterfowl stamp and have that stamp in his possession when so hunting or taking. The State Game and Fish Commission shall furnish the stamps to bonded agents for issuance or sale. The stamp shall be validated by signature of the licensee across the face of the stamp.

S.B. No. 2872, Section 3, establishes fee for the stamp at Two Dollars (\$2.00) with the expiration date on the last day of June following the issuance.

S.B. No. 2872, Sections 4, 5, and 6, outline use of the funds derived from the sale of the stamps.

S.B. No. 2872, Section 7, establishes the penalty for violation of this Act as a misdemeanor with a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

INDUSTRIAL AND AGRICULTURAL RESOURCES

I. Chapter 416, House Bill No. 1308, extends to Twenty (20) miles the distance which transportation facilities are includable in development for industrial purposes by the county port authority or county development commission. (For details see GENERAL ADMINISTRATION, XIV.)

II. Chapter 419, House Bill No. 1307, approved and effective from May 5, 1976, amends MISS. CODE ANN. (1972) §§ 57-2-5, 57-2-9 and 57-3-21 to authorize issuance of industrial development revenue bonds to finance industrial and commercial enterprises for distribution of products of agriculture, mining, and industry and to provide further for security of such bonds.

MINERAL AND NON-LIVING RESOURCES

I. Chapter 452, Senate Bill No. 2346, approved and effective from May 20, 1976, designates the State Board of Health as the Drink Water Supply Regulatory Agency and authorizes the board to prescribe means of adequately protecting the health of users of water supplies.

S.B. No. 2346, known and cited as the "Mississippi Drinking Water Act of 1976," provides definitions of terms, outlines responsibilities of the Mississippi State Board of Health, enumerates the powers of the director, discusses application of requirements, and sets forth penalties for violations arising under the Act. The Act also requires a public water supply system to give public notification in certain enumerated instances.

II. Chapter 458, House Bill No. 173, allows municipalities to erect, purchase, maintain and operate waterworks upon sixty percent approval of those voting. (For details, see GENERAL ADMINISTRATION, XXII.)

III. Chapter 474, Senate Bill No. 2506, approved May 25, 1976, and effective from July 1, 1976, provides for the regulation of groundwaters in Mississippi.

S.B. No. 2506, Section 1, asserts groundwaters as among the basic resources of this state with the control of development and use of water an exercise of the police powers. The Act covers groundwater occurring beneath the surface of the state. It does not, however, apply to activities associated with exploration and production of oil and gas conducted under current and valid permits, or to wells constructed by individuals and intended for domestic use,

or to wells for agricultural purposes; provided that the exemption of the foregoing shall not continue in the event of an affirmative finding that public health, welfare and safety will be endangered.

S.B. No. 2506, Section 2, defines related terms. S.B. No. 2506, Section 3, empowers the Mississippi Board of Water Commissioners to declare and delineate capacity use areas of the state where it finds that the use of groundwater requires coordination and limited regulation for protection of the interest and rights of residents or property owners of such areas or of the public interest. "Capacity use area" is defined and the board procedure in establishing such an area is set forth. S.B.No. 2506, Section 4, authorizes the board to prepare regulations for an area declared a capacity use area. Appropriation regulation provisions are set forth. At least one hearing is required upon the proposed regulations.

S.B. No. 2506, Section 5, outlines the procedure in obtaining the permit required of those persons in a capacity use area who withdraw, obtain or utilize groundwaters in excess of fifty thousand (50,000) gallons per day for any purpose. The board's powers in relation to the permit are enumerated. S.B. No. 2506, Section 6, sets forth additional regulation of permits and permit applicants.

S.B. No. 2506, Section 7, describes the violation of this Act as a misdemeanor with a penalty of a fine not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each violation. Each day during which such violation exists or continues constitutes a separate offense.

S.B. No. 2506, Section 8, describes the method for designation of the boundaries of any capacity use area and procedure for any alteration in the

original description or lines. S.B. No. 2506, Section 9, authorizes the board to conduct such investigations as may reasonably be necessary to carry out its duties prescribed in this Act and to formulate comprehensive plans for the development, conservation, and utilization of water resources of the state.

S.B. No. 2506, Section 10, allows the board to adopt and modify from time to time rules and regulations to implement the provisions of this Act.

