

By: Senator(s) Gollott, Jackson (11th)

To: Ports and Marine Resources

SENATE BILL NO. 2597

1 AN ACT TO AMEND SECTION 49-15-40, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE AUTHORITY OF THE COMMISSION ON MARINE RESOURCES
3 RELATING TO OYSTER AQUACULTURE FACILITY DEVELOPMENTS AND OYSTER
4 PRODUCTION TECHNOLOGIES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 49-15-40, Mississippi Code of 1972, is
7 amended as follows:

8 49-15-40. (1) The commission may support projects in the
9 nature of digging or constructing canals or ditches to bring
10 additional water to existing oyster reefs or beds in need of that
11 water, or for the purpose of creating or establishing new oyster
12 reefs or beds. All reefs created or established under this
13 section shall be public reefs. The commission may expend any
14 monies as it deems necessary and expedient to participate in the
15 digging of those canals. The commission may also enter into
16 interstate or intrastate efforts to support these projects and may
17 seek and utilize aid from all federal, state and local sources in
18 this endeavor. To aid in the construction of any canals or



19 ditches, the commission may exercise the right of eminent domain
20 in the manner provided by law.

21 (2) The commission may construct, operate and maintain * * *
22 onshore, molluscan * * * facilities using any federal or special
23 funds, other than general funds, for the purpose of testing and
24 proving * * * technology * * * relating to oysters and other * * *
25 shellfish. In connection with the construction, operation and
26 maintenance of the * * * facilities, the commission may contract
27 with any persons it deems necessary for the operation, testing,
28 maintenance and evaluation of the * * * facilities, subject to the
29 approval of the State Personnel Board. The commission may locate
30 the * * * facilities on any available public properties, subject
31 to the approval of the governing body of that jurisdiction and all
32 other applicable state laws. Once * * * the technology has been
33 tested and proven * * *, the commission may conduct any other
34 tests and experiments with oysters or other shellfish as may be
35 necessary to enhance production or quality of shellfish.

36 (3) The commission may lease to political subdivisions of
37 the State of Mississippi up to one thousand (1,000) acres of water
38 bottoms for development of oyster reefs and those political
39 subdivisions may permit residents of the State of Mississippi to
40 harvest oysters from the reefs. The political subdivision may
41 charge and receive a fee for each sack of oysters harvested. The
42 commission shall consider and approve the application of a
43 political subdivision after determining that (a) no conflicts



44 exist with sites requested in applications filed before the
45 application of the political subdivision; (b) a fair and
46 reasonable rental payment has been set; and (c) the lease will
47 insure the maximum culture and propagation of oysters.

48 **SECTION 2.** This act shall take effect and be in force from
49 and after July 1, 2016.

