

By: Senator(s) Gollott, Moran

To: Ports and Marine Resources; Appropriations

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2783

1 AN ACT TO AMEND SECTION 49-15-27, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE COMMISSION ON MARINE RESOURCES TO RE-DESIGNATE
3 NATURAL/PUBLIC REEFS AND ESTABLISH A REGULATORY PROGRAM FOR THE
4 PURPOSE OF PRIVATE LEASES; TO LIMIT THE AMOUNT OF REEFS THAT MAY
5 BE PLACED UNDER A PRIVATE LEASE; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 49-15-27, Mississippi Code of 1972, is
8 amended as follows:

9 49-15-27. The commission is hereby granted full and complete
10 authority to lease the bottoms within its jurisdiction upon the
11 following terms and conditions:

12 (1) All areas within the commission's jurisdiction, not
13 designated tonging reefs by this chapter, or hereinafter
14 designated tonging reefs by the commission; all areas not
15 designated natural reefs by the commission, and all areas not
16 within the boundaries of riparian property owners may be leased by
17 the commission.

18 (2) The commission has the authority to re-designate
19 natural/public reefs and establish a regulatory program for the



20 purpose of private leases; however, not more than thirty percent
21 (30%) of any reef that is classified as a producing reef on July
22 1, 2018, may be placed under a private lease.

23 (* * *3) All individual lessees shall be residents of the
24 State of Mississippi, or if a firm or corporation, such firm or
25 corporation shall be organized under the laws of the State of
26 Mississippi.

27 (* * *4) No individual, corporation, partnership or
28 association may lease less than five (5) acres nor more than five
29 hundred (500) acres; however, in the case of an individual there
30 shall not be counted towards such limitation any lands leased by a
31 corporation, partnership or association in which such individual
32 owns ten percent (10%) or less interest and, in the case of a
33 corporation, partnership or association, there shall not be
34 counted toward such limitation any lands leased by an individual
35 stockholder, partner or associate thereof who owns ten percent
36 (10%) or less interest in such corporation, partnership or
37 association.

38 (* * *5) Individuals, firms or corporations desiring to
39 lease bottoms shall make application to the commission in writing,
40 describing the area to be leased.

41 (* * *6) The commission shall consider bottom leasing
42 applications in the order in which each is filed and may award,
43 within sixty (60) days, a lease to the area described in the
44 application upon payment of the rent in advance.



45 (* * *7) Such leases shall be for a term of five (5) years,
46 with the right of lessee to renew the lease for an additional five
47 (5) years, and continue to renew at five-year intervals, at the
48 same ground rental rate so long as lessee actively cultivates and
49 gathers oysters, and complies with the provisions of this chapter.
50 No lease may be transferred without approval by the commission of
51 the transfer.

52 (* * *8) The commission shall fix a ground rental at not
53 less than Five Dollars (\$5.00) per acre.

54 (* * *9) The commission shall keep an accurate chart of the
55 areas within its jurisdiction and shall mark on such chart those
56 areas which are under lease. All leases shall be marked by
57 appropriate poles, stakes or buoys of such material as will not
58 injure watercraft, at the expense of the leaseholder. The
59 commission shall keep an accurate book, designated "Mississippi
60 Oyster Farms" which shall contain copies of all leases. If any
61 lease be cancelled or expire, such fact shall be noted on the face
62 of such lease. Lessees shall be "oyster farmers" for the purposes
63 of any grants, aid, subsidies or other assistance from the federal
64 government or other governmental or private agencies.

65 (* * *10) All funds derived from leasing shall be paid into
66 the Seafood Fund under Section 49-15-17, for use by the commission
67 to further oyster production in this state, which includes
68 plantings of oysters and cultch materials.



69 (* * *11) All leases made by the commission under the
70 authority of this section shall be subject to the paramount right
71 of the state and any of its political subdivisions authorized by
72 law, to promote and develop ports, harbors, channels, industrial
73 or recreational projects, and all such leases shall contain a
74 provision that in the event such authorized public body shall
75 require the area so leased or any part thereof for such public
76 purposes, that the lease shall be terminated on reasonable notice
77 fixed by the commission in such lease. On the termination of any
78 lease, the lessees shall have the right to remove any oysters
79 within the leased area within such time as may be fixed by the
80 commission and in accordance with such reasonable rules and
81 regulations as the commission may adopt.

82 Any person convicted of taking oysters from leased land or
83 from waters that are not of a safe sanitary quality without a
84 permit as provided in Section 49-15-37 shall, on the first
85 offense, forfeit all equipment used, exclusive of any boat or
86 boats; and be fined not to exceed Two Thousand Dollars (\$2,000.00)
87 or sentenced not to exceed one (1) year in the county jail, or
88 both. Subsequent convictions shall be punishable by forfeiture of
89 all equipment, including any boat or boats; and a fine not to
90 exceed Five Thousand Dollars (\$5,000.00) or not to exceed two (2)
91 years in prison, or both such fine and imprisonment.

92 The commission is enjoined to cooperate with the Jackson
93 County Port Authority, the Harrison County Development Commission,



94 the municipal port commission and other port and harbor agencies,
95 so that oyster beds shall not be planted in close proximity to
96 navigable channels. The commission or lessee shall have no right
97 of action as against any such public body for damages accruing to
98 any natural reef or leased reef by any necessary improvement of
99 such channel in the interest of shipping, commerce, navigation or
100 other purpose authorized by law.

101 **SECTION 2.** This act shall take effect and be in force from
102 and after July 1, 2019.

