

**Adopted  
AMENDMENT NO 2 PROPOSED TO**

**Senate Bill No. 2783**

**BY: Representative Ladner**

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

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

15           49-15-27. The commission, with the approval of the Executive  
16 Director of the Department of Marine Resources, is hereby granted  
17 full and complete authority to \* \* \* authorize the leasing of the  
18 bottoms within its jurisdiction upon the following terms and  
19 conditions:

20           (1) All areas within the commission's jurisdiction, not  
21 designated tonging reefs by this chapter, or hereinafter  
22 designated tonging reefs by the commission; all areas not



23 designated natural reefs by the commission, and all areas not  
24 within the boundaries of riparian property owners may be leased by  
25 the \* \* \* Secretary of State.

26 (2) The commission, with the approval of the Executive  
27 Director of the Department of Marine Resources, has the authority  
28 to re-designate natural/public reefs and establish a regulatory  
29 program for the purpose of private leases; however, only those  
30 reefs classified as nonproducing reefs on July 1, 2019, may be  
31 placed under a private lease. For the purposes of the section, a  
32 "nonproducing reef" is any reef that has not had any oysters taken  
33 for harvest within three (3) years of July 1, 2019.

34 ( \* \* \* 3) All individual lessees shall be residents of the  
35 State of Mississippi, or if a firm or corporation, such firm or  
36 corporation shall be organized under the laws of the State of  
37 Mississippi and owned by a majority of Mississippi residents.

38 ( \* \* \* 4) No individual, corporation, partnership or  
39 association may lease less than five (5) acres nor more than five  
40 hundred (500) acres; however, in the case of an individual there  
41 shall not be counted towards such limitation any lands leased by a  
42 corporation, partnership or association in which such individual  
43 owns ten percent (10%) or less interest and, in the case of a  
44 corporation, partnership or association, there shall not be  
45 counted toward such limitation any lands leased by an individual  
46 stockholder, partner or associate thereof who owns ten percent



47 (10%) or less interest in such corporation, partnership or  
48 association.

49 ( \* \* \*5) Individuals, firms or corporations desiring to  
50 lease bottoms shall make application to the commission in writing,  
51 describing the area to be leased.

52 ( \* \* \*6) The commission shall consider bottom leasing  
53 applications in the order in which each is filed and the Secretary  
54 of State may award, within sixty (60) days, a lease to the area  
55 described in the application upon payment of the rent in advance.

56 ( \* \* \*7) Such leases shall be for a term of five (5) years,  
57 with the right of lessee to renew the lease for an additional five  
58 (5) years, and continue to renew at five-year intervals, at the  
59 same ground rental rate so long as lessee actively cultivates and  
60 gathers oysters, and complies with the provisions of this chapter.  
61 No lease may be transferred without approval by the commission of  
62 the transfer.

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

65 ( \* \* \*9) The commission shall keep an accurate chart of the  
66 areas within its jurisdiction and shall mark on such chart those  
67 areas which are under lease. All leases shall be marked by  
68 appropriate poles, stakes or buoys of such material as will not  
69 injure watercraft, at the expense of the leaseholder. The  
70 commission shall keep an accurate book, designated "Mississippi  
71 Oyster Farms" which shall contain copies of all leases. If any



72 lease be cancelled or expire, such fact shall be noted on the face  
73 of such lease. Lessees shall be "oyster farmers" for the purposes  
74 of any grants, aid, subsidies or other assistance from the federal  
75 government or other governmental or private agencies.

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

80 ( \* \* \*11) All leases made by the commission under the  
81 authority of this section shall be subject to the paramount right  
82 of the state and any of its political subdivisions authorized by  
83 law, to promote and develop ports, harbors, channels, industrial  
84 or recreational projects, and all such leases shall contain a  
85 provision that in the event such authorized public body shall  
86 require the area so leased or any part thereof for such public  
87 purposes, that the lease shall be terminated on reasonable notice  
88 fixed by the commission in such lease. On the termination of any  
89 lease, the lessees shall have the right to remove any oysters  
90 within the leased area within such time as may be fixed by the  
91 commission and in accordance with such reasonable rules and  
92 regulations as the commission may adopt.

93 Any person convicted of taking oysters from leased land or  
94 from waters that are not of a safe sanitary quality without a  
95 permit as provided in Section 49-15-37 shall, on the first  
96 offense, forfeit all equipment used, exclusive of any boat or



97 boats; and be fined not to exceed Two Thousand Dollars (\$2,000.00)  
98 or sentenced not to exceed one (1) year in the county jail, or  
99 both. Subsequent convictions shall be punishable by forfeiture of  
100 all equipment, including any boat or boats; and a fine not to  
101 exceed Five Thousand Dollars (\$5,000.00) or not to exceed two (2)  
102 years in prison, or both such fine and imprisonment.

103 The commission is enjoined to cooperate with the Jackson  
104 County Port Authority, the Harrison County Development Commission,  
105 the municipal port commission and other port and harbor agencies,  
106 so that oyster beds shall not be planted in close proximity to  
107 navigable channels. The commission or lessee shall have no right  
108 of action as against any such public body for damages accruing to  
109 any natural reef or leased reef by any necessary improvement of  
110 such channel in the interest of shipping, commerce, navigation or  
111 other purpose authorized by law.

112 **SECTION 2.** Section 49-15-78, Mississippi Code of 1972, is  
113 amended as follows:

114 49-15-78. (1) (a) It is unlawful for a person to use a  
115 gill net, trammel net, entanglement net, or like contrivances for  
116 the taking of \* \* \* finfish in marine waters within one-half (1/2)  
117 mile of the shoreline.

118 (b) For the purposes of this section, the phrase "like  
119 contrivances" means any net that is similar in form, function,  
120 purpose or use to a gill net, trammel net or entanglement net.



121           (c) It is unlawful for a person to use a haul seine net  
122 for the taking of fish in marine waters within one-half (1/2) mile  
123 of the shoreline of Cat Island.

124           (d) The provisions of this section shall not apply to  
125 hand seines, cast nets or brill nets.

126           (2) A violation of this section is punishable by the  
127 penalties provided in Section 49-15-100 \* \* \*.

128           **SECTION 3.** This act shall take effect and be in force from  
129 and after July 1, 2019.

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

1           AN ACT TO AMEND SECTION 49-15-27, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE COMMISSION ON MARINE RESOURCES, WITH THE APPROVAL  
3 OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF MARINE RESOURCES,  
4 TO RE-DESIGNATE NATURAL/PUBLIC REEFS AND ESTABLISH A REGULATORY  
5 PROGRAM FOR THE PURPOSE OF PRIVATE LEASES; TO LIMIT THE AMOUNT OF  
6 REEFS THAT MAY BE PLACED UNDER A PRIVATE LEASE; TO AMEND SECTION  
7 49-15-78, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE USE OF A HAUL  
8 SEINE NET FOR THE TAKING OF FISH IN MARINE WATERS WITHIN ONE-HALF  
9 MILE OF THE SHORELINE OF CAT ISLAND; TO PROVIDE THE DEFINITION FOR  
10 THE PHRASE "LIKE CONTRIVANCES"; TO EXEMPT CAST NETS, BRILL NETS  
11 AND HAND SEINES; AND FOR RELATED PURPOSES.

