

Senate Amendments to House Bill No. 972

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

12 SECTION 1. (1) The Department of Marine Resources shall
13 conduct a pilot program for bottom land leasing for oyster
14 production. The Department of Marine Resources shall lease to
15 oyster and/or seafood processors who only operate in the waters
16 adjacent to Hancock County the following areas of bottom lands for
17 oyster production:

18 (a) Area 1: The tonging area in Hancock County from
19 the Bay St. Louis Railroad Bridge to Long Point, which is five
20 hundred (500) feet offshore to one (1) mile offshore.

21 (b) Area 2: Telegraph Reef.

22 (2) (a) Before approving any leases for the two (2) areas,
23 which shall include any natural reefs within the areas, the
24 Department of Marine Resources must make an affirmative finding
25 that the lessee is an oyster and/or seafood processor who only
26 operates in the waters adjacent to Hancock County.

27 (b) The lease shall be for a term of five (5) years,
28 and the lessee shall have the first right to renew the lease for

29 an additional five (5) years. Before such renewal, the Department
30 of Marine Resources may adjust the acreage and price of the lease
31 to reflect the total number of acres of oyster production.

32 (c) Each lease shall set a price at Two Dollars (\$2.00)
33 per acre for at least the first five (5) years of the lease.

34 (d) All funds derived from leasing shall be paid to the
35 Department of Marine Resources for deposit into the Seafood Fund
36 under Section 49-15-17, for use by the Department of Marine
37 Resources to further oyster production in this state, which
38 includes plantings of oysters and cultch materials.

39 **SECTION 2.** Section 49-15-36, Mississippi Code of 1972, is
40 amended as follows:

41 49-15-36. (1) The * * * Department of Marine Resources
42 shall have full jurisdiction and control of all public and natural
43 oyster reefs and oyster bottoms of the State of Mississippi. * * *

44 (2) Public reefs may be opened for harvest of oysters during
45 the season on a rotating basis. If the * * * department
46 determines that a particular reef has been overharvested or that a
47 high percentage of sublegal size oysters exist on a particular
48 reef and that harvest could damage future oyster crops, the * * *
49 department may close designated reef areas and keep them closed
50 during the season.

51 (3) The * * * department shall promulgate regulations
52 regarding the closing of oyster reefs to protect the public
53 health. When that testing indicates the oysters on the closed
54 reef are suitable for consumption, the reef shall be opened for

55 the taking of oysters as soon as notice of that opening may be
56 made to interested parties. The authority to open or close oyster
57 reefs under this chapter shall be solely within the discretion of
58 the * * * department. The Gulf Coast Research Laboratory or other
59 certified laboratory shall cooperate with the department and shall
60 conduct necessary tests to determine the condition of oyster reefs
61 at the request of the department. The department may limit the
62 sale of oysters for human consumption * * *.

63 (4) (a) The * * * department may issue special permits for
64 the purpose of catching oysters outside the open season or in
65 areas not normally open to harvest to those nonprofit
66 organizations that are tax exempt under Section 501(c) of the
67 United States Internal Revenue Code and which have on file with
68 the Department of Revenue a tax exemption letter issued by the
69 United States Internal Revenue Service.

70 (b) The * * * department shall promulgate rules and
71 regulations governing the taking of oysters by the nonprofit
72 organization and shall issue such regulations to all organizations
73 upon request and at the issuance of the special permit.

74 (5) The * * * department shall establish a reasonable period
75 of time for depuration of oysters replanted from restricted
76 waters. That period of time shall be consistent with the
77 maintenance of the public health and may vary from time to time
78 and from one reef to another in accordance with environmental
79 conditions.

80 (6) The department is authorized to conduct a pilot program
81 for bottom land leasing for oyster production as provided in House
82 Bill No. 972 (2022 Regular Session).

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

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

1 AN ACT TO CREATE A PILOT PROGRAM FOR BOTTOM LAND LEASING FOR
2 OYSTER PRODUCTION; TO AUTHORIZE THE DEPARTMENT OF MARINE RESOURCES
3 TO LEASE CERTAIN AREAS OF BOTTOM LAND FOR OYSTER PRODUCTION TO
4 OYSTER AND/OR SEAFOOD PROCESSORS WHO ONLY OPERATE IN THE WATERS
5 ADJACENT TO HANCOCK COUNTY; TO PROVIDE THE PRICE AND LENGTH OF THE
6 LEASE; TO PROVIDE THAT FUNDS DERIVED FROM THE LEASE SHALL BE
7 DEPOSITED INTO THE SEAFOOD FUND TO FURTHER OYSTER PRODUCTION IN
8 THIS STATE, WHICH INCLUDES PLANTINGS OF OYSTERS AND CULTCH
9 MATERIALS; TO AMEND SECTION 49-15-36, MISSISSIPPI CODE OF 1972, IN
10 CONFORMITY; AND FOR RELATED PURPOSES.

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Eugene S. Clarke
Secretary of the Senate