

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 972**

**BY: Committee**

**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.

