

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2544

BY: Senator(s) Thompson

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

20 **SECTION 1.** Section 49-15-5, Mississippi Code of 1972, is
21 amended as follows:

22 49-15-5. All seafoods existing or living in waters within
23 the territorial jurisdiction of the State of Mississippi not held
24 in private ownership legally acquired, and all beds and bottoms of
25 rivers, streams, bayous, lagoons, lakes, bays, sounds and inlets
26 bordering on or connecting with the Gulf of Mexico or Mississippi
27 Sound within such territorial jurisdiction, including all oysters
28 and other shell fish and parts thereof grown thereon, either
29 naturally or cultivated, shall be, continue, and remain the



30 property of the State of Mississippi, to be held in trust for the
31 people thereof until title thereto shall be legally divested in
32 the manner and form hereinafter authorized, and the same shall be
33 under the exclusive control of the * * * department until the
34 right of private ownership shall vest therein as hereinafter
35 provided.

36 **SECTION 2.** Section 49-15-7, Mississippi Code of 1972, is
37 amended as follows:

38 49-15-7. All shells of dead oysters, clams and other
39 shellfish; and all of the oyster shells, clam shells, mussel
40 shells, dead reef shells, and cay shells, being upon or under the
41 bottom of, or under the tidewaters within the territorial
42 jurisdiction of the State of Mississippi, and all beds, banks and
43 accumulations of such shells within such territorial jurisdiction
44 on or under the bottoms of such waters, or surrounded by such
45 waters, being the property of the State of Mississippi are hereby
46 further declared to be the property of the State of Mississippi
47 under the jurisdiction of the * * * department.

48 **SECTION 3.** Section 49-15-27, Mississippi Code of 1972, is
49 amended as follows:

50 49-15-27. The department is hereby granted full and complete
51 authority to lease the bottoms within its jurisdiction upon the
52 following terms and conditions:

53 (1) All areas within the department's jurisdiction, not
54 designated * * * state-owned reefs by this chapter, or hereinafter



55 designated tonging reefs by the department * * *, and all areas
56 not within the boundaries of riparian property owners may be
57 leased by the department.

58 (2) All individual lessees shall be residents of the State
59 of Mississippi, or if a firm or corporation, such firm or
60 corporation shall be organized under the laws of the State of
61 Mississippi.

62 (3) No individual, corporation, partnership or association
63 may lease less than one (1) acre nor more than * * * one thousand
64 (1,000) acres; however, in the case of an individual there shall
65 not be counted towards such limitation any lands leased by a
66 corporation, partnership or association in which such individual
67 owns ten percent (10%) or less interest and, in the case of a
68 corporation, partnership or association, there shall not be
69 counted toward such limitation any lands leased by an individual
70 stockholder, partner or associate thereof who owns ten percent
71 (10%) or less interest in such corporation, partnership or
72 association.

73 (4) Individuals, firms or corporations desiring to lease
74 bottoms shall make application to the department in writing,
75 describing the area to be leased. The application fee for each
76 lease application shall be Fifty Dollars (\$50.00). Applications
77 must include a plat showing the proposed lease area and
78 description of cultch material type and amount to be deployed on
79 the leased area.



80 (5) The department shall consider bottom leasing
81 applications in the order in which each is filed and * * * shall
82 either (a) make a lease with the applicant or (b) issue a written
83 notice declining the application with reasons for same
84 within * * * thirty (30) days * * * of the date of the
85 application. Such lease * * * shall be for the area described in
86 the application upon payment of the annual rent in advance.

87 (6) Such leases shall be for an initial term of * * *
88 fifteen (15) years, with the right of lessee to renew the lease
89 for an additional * * * fifteen (15) years, and continue to renew
90 at * * * fifteen-year intervals, at the same ground rental rate so
91 long as lessee actively cultivates and gathers oysters, and
92 complies with the provisions of this chapter. No lease may be
93 transferred without approval by the department of the transfer.

94 (7) The lease shall ensure the maximum culture and
95 propagation of oysters.

96 (* * *8) The department shall fix a ground rental at not
97 less than * * * Two Dollars (\$2.00) and no more than Fifteen
98 Dollars (\$15.00) per acre.

99 (* * *9) The department shall keep an accurate chart of the
100 areas within its jurisdiction and shall mark on such chart those
101 areas which are under lease. All leases shall be marked by
102 appropriate poles, stakes or buoys of such material as will not
103 injure watercraft, at the expense of the leaseholder. The
104 department shall keep an accurate book, designated "Mississippi



105 Oyster Farms" which shall contain copies of all leases. If any
106 lease be cancelled or expire, such fact shall be noted on the face
107 of such lease. Lessees shall be "oyster farmers" for the purposes
108 of any grants, aid, subsidies or other assistance from the federal
109 government or other governmental or private agencies.

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

114 (* * *11) All leases made by the department under the
115 authority of this section shall be subject to the paramount right
116 of the state and any of its political subdivisions authorized by
117 law, to promote and develop ports, harbors, channels, industrial
118 or recreational projects, and all such leases shall contain a
119 provision that in the event such authorized public body shall
120 require the area so leased or any part thereof for such public
121 purposes, that the lease shall be terminated on reasonable notice
122 fixed by the department in such lease. On the termination of any
123 lease, the lessees shall have the right to remove any oysters
124 within the leased area within such time as may be fixed by the
125 department and in accordance with such reasonable rules and
126 regulations as the department may adopt.

127 Any person convicted of taking oysters from leased land or
128 from waters that are not of a safe sanitary quality without a
129 permit as provided in Section 49-15-37 shall, on the first



130 offense, forfeit all equipment used, exclusive of any boat or
131 boats; and be fined not to exceed Two Thousand Dollars (\$2,000.00)
132 or sentenced not to exceed one (1) year in the county jail, or
133 both. Subsequent convictions shall be punishable by forfeiture of
134 all equipment, including any boat or boats; and a fine not to
135 exceed Five Thousand Dollars (\$5,000.00) or not to exceed two (2)
136 years in prison, or both such fine and imprisonment.

137 The department is enjoined to cooperate with the Jackson
138 County Port Authority, the Harrison County Development Commission,
139 the municipal port commission and other port and harbor agencies,
140 so that oyster beds shall not be planted in close proximity to
141 navigable channels. The department or lessee shall have no right
142 of action as against any such public body for damages accruing to
143 any natural reef or leased reef by any necessary improvement of
144 such channel in the interest of shipping, commerce, navigation or
145 other purpose authorized by law.

146 (12) A lessee has the exclusive use of the water bottoms
147 leased and all oysters and cultch grown or placed thereon.
148 However, this exclusive right is subordinate to the rights and
149 responsibilities of the state, any political subdivision of the
150 state, the United States, or any agency or agent thereof, to take
151 action in furtherance of coastal protection, conservation or
152 restoration.

153 **SECTION 4.** Section 49-15-36, Mississippi Code of 1972, is
154 amended as follows:



155 49-15-36. (1) The Department of Marine Resources shall have
156 full jurisdiction and control of all * * * designated state-owned
157 reefs and oyster bottoms of the State of Mississippi.

158 (2) * * * State-owned reefs may be opened for harvest of
159 oysters during the season on a rotating basis. If the department
160 determines that a particular reef has been overharvested or that a
161 high percentage of sublegal size oysters exist on a particular
162 reef and that harvest could damage future oyster crops, the
163 department may close designated reef areas and keep them closed
164 during the season.

165 (3) The department shall promulgate regulations regarding
166 the closing of oyster reefs to protect the public health. When
167 that testing indicates the oysters on the closed reef are suitable
168 for consumption, the reef shall be opened for the taking of
169 oysters as soon as notice of that opening may be made to
170 interested parties. The authority to open or close oyster reefs
171 under this chapter shall be solely within the discretion of the
172 department. The Gulf Coast Research Laboratory or other certified
173 laboratory shall cooperate with the department and shall conduct
174 necessary tests to determine the condition of oyster reefs at the
175 request of the department. The department may limit the sale of
176 oysters for human consumption.

177 (4) (a) The department may issue special permits for the
178 purpose of catching oysters outside the open season or in areas
179 not normally open to harvest to those nonprofit organizations that



180 are tax exempt under Section 501(c) of the United States Internal
181 Revenue Code and which have on file with the Department of Revenue
182 a tax exemption letter issued by the United States Internal
183 Revenue Service.

184 (b) The department shall promulgate rules and
185 regulations governing the taking of oysters by the nonprofit
186 organization and shall issue such regulations to all organizations
187 upon request and at the issuance of the special permit.

188 (5) The department shall establish a reasonable period of
189 time for depuration of oysters replanted from restricted waters.
190 That period of time shall be consistent with the maintenance of
191 the public health and may vary from time to time and from one reef
192 to another in accordance with environmental conditions.

193 * * *

194 **SECTION 5.** Section 49-15-37, Mississippi Code of 1972, is
195 amended as follows:

196 49-15-37. * * * The department may employ boats, crews and
197 laborers * * * to cultivate the * * * state-owned reefs of the
198 state, and * * * dredge the oysters in the Mississippi Sound from
199 places where they are too thick, and * * * spread them on reefs
200 where they are too thin, and * * * carry shells from the factories
201 and spread them in places where the oyster beds can be improved
202 and enlarged. The department may purchase other materials as may
203 be equally suitable for the propagation of oysters. The
204 department in cultivating the reefs, transplanting and spreading



205 oysters and shells and other suitable materials, may expend any
206 funds available for that purpose. In taking seed oysters, care
207 shall be used to not injure or destroy the merchantable oysters on
208 the reefs from which they are taken. The seed oysters shall be
209 tonged from the "conner" or seed reefs, unless it is practicable
210 and safe to dredge those oysters. The * * * department
211 may, * * *, establish new bedding grounds at those places within
212 the boundaries of the state as it may determine, on advice of the
213 director, or on advice of technical governmental experts, or
214 competent aquatic biologists. On existing * * * state-owned reefs
215 in which oysters exist and in waters not of a safe sanitary
216 quality as determined by the department, the * * * department
217 shall prohibit any person, firm or corporation from taking oysters
218 from those areas. The * * * department shall from time to time
219 remove the oysters from the areas and relay or replant them in an
220 approved area for a period of time under Section 49-15-36 before
221 they may be harvested. The * * * department may transport the
222 oysters to an onshore, molluscan deuration facility for the
223 purpose of proving deuration technology and for other
224 experimental purposes. In connection with the testing of onshore,
225 molluscan deuration technology, the * * * department may sell or
226 dispose of the relaid oysters in a manner consistent with all
227 applicable state and federal laws and regulations. Any funds
228 received from the sale of the oysters shall be used in a like
229 manner as those funds received under Section 49-15-38.



230 If the * * * department finds that onshore, molluscan
231 depuration technology proves to be successful, the * * *
232 department may issue permits to private enterprise which may
233 locate depuration facilities in Hancock, Harrison and Jackson
234 Counties. The * * * department shall promulgate rules and
235 regulations for the taking of oysters from reefs for transport to
236 an onshore, molluscan depuration facility and for the operation of
237 the facilities. Each depuration facility operated by private
238 enterprise shall return oyster shells to the oyster reefs for
239 replanting under the proper supervision of the department and
240 under Section 49-15-38.

241 The * * * department may issue permits to persons to remove
242 oysters by dredging or otherwise from water bottoms which are not
243 of a safe sanitary quality for oysters for human consumption even
244 though those areas may have been reserved for tonging only in
245 Section 49-15-39. These areas * * * may be designated as seed
246 grounds, and permits to persons shall be issued only for the
247 purpose of transplanting oysters to privately leased Mississippi
248 territorial waters. The * * * department may permit the
249 transplanting of these seed oysters by a duly authorized public
250 agency.

251 The * * * department may, upon certification of the
252 department that the water bottom from which oysters are to be
253 removed is not of a safe, sanitary quality for oyster production
254 for human consumption and has been unsafe for a period of at least



255 one (1) year immediately preceding certification, and upon
256 complying with the following requirements, permit the dredging of
257 oysters from restricted public areas and relaying the oysters to
258 private leased grounds in the State of Mississippi:

259 (a) Permittee must hold valid lease of oyster bedding
260 grounds in the State of Mississippi;

261 (b) Permittee must be bonded in compliance with the
262 permit system established by the * * * department;

263 (c) Permittee must fulfill all permit requirements as
264 established by the * * * department;

265 (d) Permittee shall not move oysters from one
266 restricted area to another restricted area;

267 (e) Permittee shall move oysters only to an area leased
268 by the * * * department; and

269 (f) Permittee shall not move oysters from the
270 restricted area without the presence of an employee of the
271 department at all times, from the dredging of the oysters from the
272 restricted areas to their deposit on private leased grounds or to
273 an onshore, molluscan depuration facility.

274 Harvesting of oysters shall be permitted only during daylight
275 hours and with the most efficient gear possible consistent with
276 conservation requirements of not damaging the reefs. This shall
277 include permission to use two (2) dredges per boat on restricted
278 areas and on private leased grounds.



279 Any person obtaining a permit to remove oysters from seed
280 grounds shall post a penal bond of One Hundred Dollars (\$100.00)
281 per leased acre with the * * * department to be forfeited upon any
282 violation of this section. The bond may be approved by the
283 director of the department if the director finds the bond to be
284 secured by sufficient property or sureties.

285 The * * * department shall regulate the amount and time of
286 taking of oysters from seed areas and shall supervise the removal,
287 planting and harvesting of oysters from the areas. The time set
288 for the taking of oysters from restricted seed areas for relaying
289 or replanting and the time set for the taking of oysters from
290 private leased grounds shall be separated by not less than a
291 period of time determined under Section 49-15-36 during which
292 neither activity may be allowed.

293 The * * * department shall regulate the taking of oysters
294 from restricted seed areas and the subsequent depuration of the
295 oysters to protect public health, while at the same time fostering
296 the utilization of the state's oyster resources. The regulations
297 shall include the setting of the period of depuration for the
298 oysters by the use of appropriate techniques and provide for an
299 employee of the department to be present when the oysters are
300 taken from restricted seed areas, and transported, held and
301 deposited on private lease grounds. Any person, firm, corporation
302 or private lease holder engaged in the depuration of oysters shall
303 pay to the department an amount equal to the regular compensation



304 of the employee of the department for the time the employee
305 actually spends performing the duties, not to exceed Two Hundred
306 Dollars (\$200.00) per twenty-four-hour period.

307 Only persons who have been residents of Mississippi for at
308 least five (5) years shall be eligible to obtain permits for
309 removal of oysters from seed grounds.

310 The * * * department shall designate certain reefs in the
311 state as * * * state-owned reefs and shall remove oysters from
312 water bottoms which are not of a safe, sanitary quality for oyster
313 production for human consumption and shall transport the oysters
314 to the * * * state-owned reefs.

315 **SECTION 6.** Section 49-15-38, Mississippi Code of 1972, is
316 amended as follows:

317 49-15-38. (1) (a) Unless otherwise permitted by the * * *
318 department, no oysters shall be taken from the reefs of this state
319 unless culled upon the natural reefs, and all oysters less than
320 three (3) inches from end to end, and all dead shells, shall be
321 replaced, scattered and broadcast immediately on the natural reefs
322 from which they are taken. It is unlawful for any captain or
323 person in charge of any vessel, or any canner, packer, commission
324 man, dealer or other person to purchase, sell or to have in that
325 person's possession or under that person's control any oysters off
326 the * * * state-owned reefs or private bedding grounds not culled
327 according to this section, or any oysters under the legal size. A



328 ten percent (10%) tolerance shall be allowed in relation to any
329 culling.

330 (b) The * * * department may authorize the culling of
331 oysters of a lesser measure. That authorization shall be in
332 response to special circumstances or extreme natural conditions
333 affecting the habitat, including, but not limited to, flooding.
334 The department may establish checkpoints in any area within its
335 jurisdiction to conduct inspections, collect fees and issue tags
336 in the enforcement of this chapter and regulations adopted by the
337 commission.

338 (2) The * * * department shall acquire and replant shells,
339 seed oysters and other materials, when funding is available, for
340 the purpose of growing oysters.

341 (3) Any person, firm or corporation failing or refusing to
342 pay the shell retention fee required under Section 49-15-46 to the
343 department when called for by the department, is guilty of a
344 misdemeanor and, upon conviction, shall be fined not more than One
345 Hundred Dollars (\$100.00) for each barrel of shells for which they
346 fail or refuse to tender the shell retention fee. In addition to
347 the fine, the violator shall pay the reasonable value of the
348 oyster shells and shall be ineligible to be licensed for any
349 activity set forth in this chapter for a period of two (2) years
350 from the date of conviction.



351 (4) The planting of oyster shells as provided under this
352 chapter shall be under the direction and supervision of the
353 executive director of the department. * * *

354 **SECTION 7.** Section 49-15-39, Mississippi Code of 1972, is
355 amended as follows:

356 49-15-39. (1) It is unlawful for any person to catch or
357 take oysters by means of dredging in any of the waters designated
358 as tonging reefs by the * * * department.

359 (2) The * * * department shall designate certain areas as
360 tonging reefs. The * * * department shall mark the boundaries of
361 the areas designated by appropriate poles, stakes or buoys of
362 material that will not injure watercraft. The * * * department
363 may authorize the taking of oysters on reefs designated as tonging
364 reefs by dredge, drag or scoop if the * * * department finds that
365 the dredging, dragging or scooping is necessary to manage the
366 resource properly. Any dredging, dragging or scooping authorized
367 under this section shall be for a specific time period as provided
368 by the * * * department.

369 (3) Unless otherwise authorized under this section, any boat
370 or vessel which catches or takes oysters by means of dredges,
371 drags or scoops, other than hand tongs, from any of the areas
372 described in this section, or with a dredge or dredges in the
373 water, shall have all oysters on board the boat or vessel declared
374 to be contraband. The oysters shall be taken and confiscated by
375 the department or any marine law enforcement officer without court



376 procedure. The captain and crew of the boat or vessel, promptly
377 upon being ordered so to do, shall transport the oysters to a
378 point on the * * * state-owned reefs where the boat or vessel is
379 found and there scatter the oysters according to the instructions
380 of the enforcement officers.

381 (4) A violation of this section is punishable by a fine of
382 Five Hundred Dollars (\$500.00). For a second offense when the
383 offense is committed within a period of three (3) years from the
384 first offense, the violation is punishable by a fine of One
385 Thousand Dollars (\$1,000.00). For a third or subsequent offense
386 when the offense is committed within a period of three (3) years
387 from the first offense, the violation is punishable by a fine of
388 Two Thousand Dollars (\$2,000.00).

389 (5) In addition, upon conviction of a third or subsequent
390 offense within three (3) years of the first offense, it shall be
391 the duty of the court to revoke the license of the convicted party
392 and of the vessel used in the offense, and no license shall be
393 issued to that person or for the vessel to engage in the catching
394 or taking of any seafood from the waters of this state for a
395 period of one (1) year following the conviction.

396 (6) The fine imposed under this section shall not be
397 suspended or reduced.

398 **SECTION 8.** Section 49-15-40, Mississippi Code of 1972, is
399 amended as follows:



400 49-15-40. (1) The * * * department may support projects in
401 the nature of digging or constructing canals or ditches to bring
402 additional water to existing oyster reefs or beds in need of that
403 water, or for the purpose of creating or establishing new oyster
404 reefs or beds. * * * The * * * department may expend any monies
405 as it deems necessary and expedient to participate in the digging
406 of those canals. The * * * department may also enter into
407 interstate or intrastate efforts to support these projects and may
408 seek and utilize aid from all federal, state and local sources in
409 this endeavor. * * *

410 (2) The * * * department may construct, operate and maintain
411 onshore, molluscan facilities using any federal or special funds,
412 other than general funds, for the purpose of testing and proving
413 technology relating to oysters and other shellfish. In connection
414 with the construction, operation and maintenance of the
415 facilities, the * * * department may contract with any persons it
416 deems necessary for the operation, testing, maintenance and
417 evaluation of the facilities, subject to the approval of the State
418 Personnel Board. The * * * department may locate the facilities
419 on any available public properties, subject to the approval of the
420 governing body of that jurisdiction and all other applicable state
421 laws. Once the technology has been tested and proven, the * * *
422 department may conduct any other tests and experiments with
423 oysters or other shellfish as may be necessary to enhance
424 production or quality of shellfish.



425 * * *

426 **SECTION 9.** Section 49-15-41, Mississippi Code of 1972, is
427 brought forward as follows:

428 49-15-41. It shall be unlawful for any person to fish, catch
429 or take oysters from the waters of Mississippi during the hours
430 between sunset and sunrise of each day.

431 Violation of this section shall be punishable by a fine not
432 to exceed Ten Thousand Dollars (\$10,000.00) or imprisonment not to
433 exceed one (1) year in the county jail, or both.

434 **SECTION 10.** Section 49-15-42, Mississippi Code of 1972, is
435 brought forward as follows:

436 49-15-42. (1) All oysters caught in Mississippi territorial
437 waters shall be tagged and unloaded in Mississippi. Before
438 tagging and unloading, the oysters must be sacked or packaged in
439 containers or by other methods approved by the department.
440 However, a person is exempt from the unloading requirement if he
441 is transporting the oysters to a state that has a reciprocity
442 agreement with Mississippi exempting Mississippi residents from
443 the unloading requirements of that state.

444 (2) The driver of any vehicle used in the transporting of
445 oysters in the shell from outside the territorial limits of the
446 State of Mississippi, whether the vehicle is a boat or motor
447 vehicle, shall possess an invoice, statement or other bill of
448 lading which bears the name of the person, firm or corporation
449 from whom the oysters were purchased, the name of the purchaser



450 and the number of barrels or bushels of oysters which the vehicle
451 or vessel contains.

452 **SECTION 11.** Section 49-15-43, Mississippi Code of 1972, is
453 brought forward as follows:

454 49-15-43. Oysters for sale either wholesale or retail may be
455 packaged in glass jars covered with a screw-type top or lid of the
456 type customarily and heretofore used in the seafood industry in
457 the State of Mississippi, but this section shall automatically be
458 repealed if and when such type packaging becomes prohibited by any
459 agency of the United States Government for shipment in interstate
460 commerce.

461 **SECTION 12.** Section 49-15-44, Mississippi Code of 1972, is
462 amended as follows:

463 49-15-44. The * * * department shall prohibit the sale or
464 possession of illegal oysters. It is unlawful for any person,
465 firm or corporation to possess or to engage in the sale of oysters
466 not certified in this state, or to shuck or repack for sale any
467 illegal oysters, unless that person, firm or corporation possesses
468 a bill of sale, valid permit or affidavit of another state,
469 properly dated, evidencing the legality of the sale or possession
470 of the oysters in that state. Any person in possession of illegal
471 oysters shall be subject to civil or criminal prosecution and
472 shall be fined not less than One Hundred Dollars (\$100.00) or
473 punished as provided in Section 49-15-63.



474 **SECTION 13.** Section 49-15-45, Mississippi Code of 1972, is
475 amended as follows:

476 49-15-45. (1) Any municipality bounded by the Gulf of
477 Mexico or Mississippi Sound, which has wholly or partly within its
478 corporate limits, or in the waters adjacent thereto, a public
479 oyster reef reserved for catching oysters exclusively by use of
480 hand tongs, is hereby authorized to aid and cooperate with
481 the * * * department in enforcing all laws regulating the
482 catching, taking and transporting of oysters, including all of the
483 provisions of this chapter, and all regulations and ordinances of
484 such * * * department relating to such oyster reefs.

485 * * *

486 **SECTION 14.** Section 49-15-46, Mississippi Code of 1972, is
487 brought forward as follows:

488 49-15-46. (1) Each vessel used to catch, take, carry or
489 transport oysters from the reefs of the State of Mississippi, or
490 engaged in transporting any oysters in any of the waters within
491 the territorial jurisdiction of the State of Mississippi, for
492 commercial use, shall annually, before beginning operations, be
493 licensed by the department and pay the following license fee:

494 (a) Fifty Dollars (\$50.00) on each in-state vessel or
495 boat used for tonging oysters or gathering oysters by hand;

496 (b) One Hundred Dollars (\$100.00) on each in-state
497 vessel or boat used for dredging oysters;



498 (c) One Hundred Dollars (\$100.00) on each out-of-state
499 vessel or boat used for tonging oysters or gathering oysters by
500 hand; or

501 (d) Two Hundred Dollars (\$200.00) on each out-of-state
502 vessel or boat used for dredging oysters.

503 (2) Each molluscan shellfish aquaculture operation shall
504 annually, before beginning operations, be licensed by the
505 department and pay the following license fee:

506 (a) Fifty Dollars (\$50.00) on each resident molluscan
507 shellfish aquaculture operation; or

508 (b) One Hundred Dollars (\$100.00) on each nonresident
509 molluscan shellfish aquaculture operation.

510 (3) The department may authorize the transfer of a vessel
511 license to a different vessel provided that the owner of both
512 vessels is the same titled owner.

513 (4) All oysters harvested in the State of Mississippi shall
514 be tagged. Tags shall be issued by the department and shall bear
515 the catcher's name, the date and origin of the catch, the shell
516 stock dealer's name and permit number. The department shall
517 number all tags issued and shall maintain a record of those tags.
518 The department, in its discretion, may adopt any regulations
519 regarding the tagging of oysters and other shellfish.

520 (5) Each person catching or taking oysters from the waters
521 of the State of Mississippi for personal use shall obtain a permit
522 from the department and pay an annual recreational oyster permit



523 fee of Ten Dollars (\$10.00). Oysters caught under a recreational
524 permit shall not be offered for sale. The limits on the allowable
525 catch of oysters for recreational purposes shall be three (3)
526 sacks per week. The department shall issue tags of a
527 distinguishing color to designate recreationally harvested
528 oysters, which shall be tagged on the same day of harvest in the
529 manner prescribed in subsection (4) of this section for
530 commercially harvested oysters or by regulation of the department.

531 (6) The department shall assess and collect a shell
532 retention fee for the shells taken from waters within the
533 territorial jurisdiction of the State of Mississippi as follows:

534 (a) Commercial and recreational harvesters - Fifteen
535 Cents (15¢) per sack paid to the department on the day of harvest;

536 (b) Initial oyster processor, dealer or factory first
537 purchasing the oysters - Fifteen Cents (15¢) per sack paid to the
538 department no later than the tenth day of the month following the
539 purchase, on forms submitted by the department;

540 (c) Commercial harvesters transporting their catch out
541 of the state - Fifty Cents (50¢) per sack paid to the department
542 on the day of harvest, in addition to the fees paid in paragraph
543 (a) of this subsection; and

544 (d) Commercial harvesters not selling their oysters to
545 a Mississippi dealer - Fifteen Cents (15¢) per sack paid to the
546 department on the day of harvest, in addition to fees paid in
547 paragraph (a) of this subsection.



548 Funds received from the shell retention fee shall be paid
549 into a special fund in the State Treasury to be appropriated by
550 the Legislature for use by the department to further oyster
551 production in this state, which includes plantings of oysters
552 and/or cultch materials.

553 (7) During open seasons, oysters may be taken only by hands,
554 tongs and dredges.

555 (8) Vessels licensed under Section 49-15-46 may keep in
556 whole, for personal consumption up to thirty-six (36) blue crabs
557 (portunidae family), per day. This exemption for personal
558 consumption does not apply to fish or crabs that are otherwise
559 illegal to possess or catch.

560 **SECTION 15.** Section 49-15-47, Mississippi Code of 1972, is
561 amended as follows:

562 49-15-47. (1) It is unlawful for any person, firm or
563 corporation to discharge solid or human waste from any vessel
564 while the vessel is used to harvest or transport oysters in the
565 marine waters of the state.

566 (2) Each vessel used to harvest or transport oysters is
567 required to have an approved functional marine sanitation device
568 (MSD), portable toilet or other sewage disposal receptacle
569 designed to contain human sewage. The approved marine sanitation
570 device (MSD), portable toilet or other sewage disposal receptacle
571 shall:

572 (a) Be used only for the purpose intended.



573 (b) Be secured while on board and located to prevent
574 contamination of shell stock by spillage or leakage.

575 (c) Be emptied only into an approved sewage disposal
576 system.

577 (d) Be cleaned before being returned to the vessel.

578 (e) Not be cleaned with equipment used for washing or
579 processing food.

580 (3) The use of other receptacles for sewage disposal may be
581 approved by the department if the receptacles are:

582 (a) Constructed of impervious, cleanable materials and
583 have tight-fitting lids; and

584 (b) Meet the requirements listed in subsection (2).

585 (4) The * * * department shall promulgate administrative
586 penalties for violations of this section, which may include, but
587 not be limited to, revocation of the license of the oyster vessel
588 for up to one (1) year for the first offense, revocation up to two
589 (2) years for the second offense, and permanent revocation for the
590 third offense.

591 (5) Upon issuance of a citation for a violation of this
592 section, the vessel shall be removed from the oyster reef and any
593 oysters on board the vessel shall be confiscated and disposed of
594 by the department. The vessel shall not be permitted to harvest
595 from any * * * state-owned or private reefs until the vessel is
596 properly equipped as determined by an inspection by the
597 department.



598 **SECTION 16.** Section 49-15-49, Mississippi Code of 1972, is
599 brought forward as follows:

600 49-15-49. The Mississippi Department of Marine Resources'
601 oyster check station located at the Pass Christian Harbor, Pass
602 Christian, Mississippi, shall be named the Colonel George J.
603 Wright, Sr., building. The Department of Finance and
604 Administration shall prepare or have prepared a distinctive plaque
605 to be placed in a prominent place within the Colonel George J.
606 Wright, Sr., building, which states the background,
607 accomplishments and public health service to the state and nation
608 of Colonel George J. Wright, Sr.

609 **SECTION 17.** Section 49-15-40.1, Mississippi Code of 1972,
610 which authorizes the Mississippi Department of Marine Resources to
611 conduct a pilot program for bottom land leasing for oyster
612 production in waters adjacent to Hancock County, is hereby
613 repealed.

614 **SECTION 18.** This act shall take effect and be in force from
615 and after July 1, 2023.

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

1 AN ACT RELATING TO THE REGULATION OF SEAFOOD AND OYSTERS BY
2 THE MISSISSIPPI DEPARTMENT OF MARINE RESOURCES; TO BRING FORWARD
3 OR AMEND SECTIONS 49-15-5, 49-15-7, 49-15-27, 49-15-36, 49-15-37,
4 49-15-38, 49-15-39, 49-15-40, 49-15-41, 49-15-42, 49-15-43,
5 49-15-44, 49-15-45, 49-15-46, 49-15-47, AND 49-15-49, MISSISSIPPI
6 CODE OF 1972, TO CLARIFY THE AUTHORITY OF THE MISSISSIPPI
7 DEPARTMENT OF MARINE RESOURCES TO LEASE REEFS AND BOTTOM LAND FOR
8 OYSTER GROWING/HARVESTING AND TO CLARIFY THE AUTHORITY OF THE



9 DEPARTMENT TO REGULATE THE TAKING OF OYSTERS AND THE ESTABLISHMENT
10 OF NEW OYSTER BEDS; TO DELETE THE AUTHORITY OF LOCAL GOVERNING
11 AUTHORITIES TO ASSIST THE DEPARTMENT IN PLANTING OYSTER SHELLS; TO
12 DELETE THE PROVISIONS THAT ALL REEFS ARE PUBLIC; TO DELETE THE
13 AUTHORITY OF THE DEPARTMENT TO EXERCISE EMINENT DOMAIN IN
14 CONSTRUCTING CANALS; TO CLARIFY THE AUTHORITY OF MUNICIPALITIES
15 RELATIVE TO THE WATERS OF THE MISSISSIPPI SOUND; TO REPEAL SECTION
16 49-15-40.1, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE
17 MISSISSIPPI DEPARTMENT OF MARINE RESOURCES TO CONDUCT A PILOT
18 PROGRAM FOR BOTTOM LAND LEASING FOR OYSTER PRODUCTION IN WATERS
19 ADJACENT TO HANCOCK COUNTY; AND FOR RELATED PURPOSES.

