

Senate Amendments to House Bill No. 1439

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:

7 **SECTION 1.** Section 49-15-9, Mississippi Code of 1972, is
8 amended as follows:
9 49-15-9. The sole right of planting, cultivating in racks or
10 other structures, and gathering oysters and erecting bathhouses
11 and other structures in front of any land bordering on the Gulf of
12 Mexico or Mississippi Sound or waters tributary thereto belongs to
13 the riparian owner and extends not more than seven hundred fifty
14 (750) yards from the shore, except for state-owned lands on Deer
15 Island, which shall be not more than four hundred (400) yards from
16 shore, measuring from the average low water mark, and except for
17 state-owned lands along the Hancock County shoreline from Bayou
18 Caddy to the Mississippi-Louisiana state boundary, which shall not
19 extend out further than three hundred (300) yards from the average
20 low watermark, but where the distance from shore to shore is less
21 than fifteen hundred (1500) yards, the owners of either shore may
22 plant and gather to a line equidistant between the two (2) shores,
23 but no person shall plant in any natural channel so as to

24 interfere with navigation, and such riparian rights shall not
25 include any reef or natural oyster bed and does not extend beyond
26 any channel. A riparian owner shall comply with the Coastal
27 Wetlands Protection Act in exercising the use of these riparian
28 rights. Stakes of such frail materials as will not injure any
29 watercraft may be set up to designate the bounds of the
30 plantation, but navigation shall not be impeded thereby. The
31 riparian owner shall clearly mark such cultivation racks and other
32 structures. The department may adopt regulations to require that
33 the racks are adequately marked to ensure the safety of users of
34 public waters. Any oysters planted by such riparian owner are the
35 private property of such riparian owner, subject to the right of
36 the department to adopt reasonable rules and regulations as to the
37 planting and gathering of such oysters. All bathhouses, piers,
38 wharfs, docks and pavilions, or other structures owned by the
39 riparian owner are likewise the private property of such owner,
40 who shall be entitled to the exclusive use, occupancy and
41 possession thereof, and may abate any private or public nuisance
42 committed by any person or persons in the area of his riparian
43 ownership and may, for such purposes, resort to any remedial
44 action authorized by law. The governing authorities of any
45 municipality and the board of supervisors of any county are
46 authorized to adopt reasonable rules and regulations to protect
47 riparian owners in the enjoyment of their riparian rights, and for
48 such purposes may regulate the use of beaches, landings, and
49 riparian areas abutting or fronting on roads, streets or highways.

50 **SECTION 2.** This act shall take effect and be in force from
51 and after July 1, 2024.

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

1 AN ACT TO AMEND SECTION 49-15-9, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT RIPARIAN RIGHTS FOR THE HANCOCK COUNTY SHORELINE FROM
3 BAYOU CADDY TO THE MISSISSIPPI-LOUISIANA STATE BOUNDARY SHALL NOT
4 INCLUDE STATE-OWNED LAND WHICH SHALL NOT EXTEND FURTHER THAN 300
5 YARDS FROM THE AVERAGE LOW WATERMARK; AND FOR RELATED PURPOSES.

SS26\HB1439A.J

Amanda White
Secretary of the Senate