

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 1439**

**BY: Committee**

**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.

