

By: Senator(s) Gollott, Jackson (11th)

To: Ports and Marine Resources

SENATE BILL NO. 2600

1 AN ACT TO AMEND SECTION 49-15-36, MISSISSIPPI CODE OF 1972,
2 TO REMOVE THE REQUIREMENT THAT WATERS OF OYSTER REEFS BE TESTED
3 WITHIN A CERTAIN PERIOD OF TIME AFTER A CLOSURE BY THE COMMISSION
4 ON MARINE RESOURCES; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 49-15-36, Mississippi Code of 1972, is
7 amended as follows:

8 49-15-36. (1) The commission shall have full jurisdiction
9 and control of all public and natural oyster reefs and oyster
10 bottoms of the State of Mississippi. The commission may delegate
11 this authority to the executive director of the department.

12 (2) Public reefs may be opened for harvest of oysters during
13 the season on a rotating basis. If the commission determines that
14 a particular reef has been over-harvested or that a high
15 percentage of sublegal size oysters exist on a particular reef and
16 that harvest could damage future oyster crops, the commission may
17 close designated reef areas and keep them closed during the
18 season.



19 (3) The commission shall promulgate regulations regarding
20 the closing of oyster reefs to protect the public health. * * *
21 When that testing indicates the oysters on the closed reef are
22 suitable for consumption, the reef shall be opened for the taking
23 of oysters as soon as notice of that opening may be made to
24 interested parties. The authority to open or close oyster reefs
25 under this chapter shall be solely within the discretion of the
26 commission, acting through the department. The Gulf Coast
27 Research Laboratory or other certified laboratory shall cooperate
28 with the department and shall conduct necessary tests to determine
29 the condition of oyster reefs at the request of the department.
30 The department may limit the sale of oysters for human
31 consumption, but all matters concerning the harvesting of oysters
32 shall be within the jurisdiction of the commission.

33 (4) (a) The commission may issue special permits for the
34 purpose of catching oysters outside the open season or in areas
35 not normally open to harvest to those nonprofit organizations that
36 are tax exempt under Section 501(c) of the United States Internal
37 Revenue Code and which have on file with the * * * Department of
38 Revenue a tax exemption letter issued by the United States
39 Internal Revenue Service.

40 (b) The commission shall promulgate rules and
41 regulations governing the taking of oysters by the nonprofit
42 organization and shall issue such regulations to all organizations
43 upon request and at the issuance of the special permit.



44 (5) The commission shall establish a reasonable period of
45 time for depuration of oysters replanted from restricted waters.
46 That period of time shall be consistent with the maintenance of
47 the public health and may vary from time to time and from one reef
48 to another in accordance with environmental conditions.

49 **SECTION 2.** This act shall take effect and be in force from
50 and after July 1, 2016.

