

By: Senator(s) Thompson

To: Ports and Marine Resources

SENATE BILL NO. 2648
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 49-15-17, 49-15-27, 49-15-37,
2 49-15-38, 49-15-46, AS AMENDED BY HOUSE BILL NO. 1007, 2024
3 REGULAR SESSION, AND 49-15-47, MISSISSIPPI CODE OF 1972, TO
4 PROVIDE TECHNICAL REVISIONS TO THE POWERS AND DUTIES OF THE
5 MISSISSIPPI DEPARTMENT OF MARINE RESOURCES RELATING TO OYSTER
6 CULTIVATION LEASES, THE SEAFOOD FUND, THE OYSTER PRODUCTION
7 PRESERVE ACCOUNT AND THE COASTAL PRESERVE ACCOUNT; TO AUTHORIZE
8 THE DEPARTMENT OF MARINE RESOURCES TO RECONFIGURE OYSTER LEASE
9 AREAS AND TO REVISE PERMITTED AREAS AND TO PROVIDE PROTEST
10 PROCEDURES BY OYSTER LEASE APPLICANTS; TO PRESCRIBE CRIMINAL
11 PENALTIES FOR ANY PERSON VIOLATING THE PROVISIONS OF THE OYSTER
12 BOTTOM LEASE PROGRAM; TO AMEND SECTION 51-11-105, MISSISSIPPI CODE
13 OF 1972, TO REMOVE THE UNITED STATES ARMY CORPS OF ENGINEERS FROM
14 THE EXISTING LOWER PEARL RIVER RESTORATION PROJECT AGREEMENT; TO
15 REPEAL SECTION 27-19-56.27, MISSISSIPPI CODE OF 1972, WHICH
16 AUTHORIZES A SPECIAL LICENSE TAG FOR SUPPORTERS OF THE MISSISSIPPI
17 SEAFOOD INDUSTRY; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 49-15-17, Mississippi Code of 1972, is
20 amended as follows:

21 49-15-17. (1) (a) All monies received or obtained by the
22 department under the provisions of this chapter shall be paid over
23 by the department to the State Treasurer and shall be deposited
24 into the fund known as the "Seafood Fund." All revenues collected
25 through the department, to include, but not limited to, commercial



26 saltwater licenses and taxes, permits, fines and penalties, and
27 confiscated catches, shall be deposited into the department
28 operating account (Seafood Fund) and expended for the operation of
29 the department, as authorized by the Legislature.

30 (b) There is established a special account to be known
31 as the "Artificial Reef Program Account" within the Seafood Fund.
32 Any funds received from any public or private source for the
33 purpose of promoting, constructing, monitoring or maintaining
34 artificial reefs in the marine waters of the state or in federal
35 waters adjacent to the marine waters of the state shall be
36 credited to the account. Any unexpended funds remaining in the
37 account at the end of the fiscal year shall not lapse into the
38 Seafood Fund, but shall remain in the account. The department may
39 expend any funds in the account, subject to appropriation by the
40 Legislature, to accomplish the purpose of the account.

41 (c) There is established a special account to be known
42 as the "Coastal Preserve Account" within the Seafood Fund. Any
43 funds received from any public or private source for the purpose
44 of management, improvement and acquisition of coastal preserves in
45 the state and money required to be deposited pursuant to Sections
46 27-19-56.10 and 27-19-56.27, shall be credited to the account.
47 Any unexpended funds remaining in the account at the end of the
48 fiscal year shall not lapse into the Seafood Fund, but shall
49 remain in the account. The department may expend any funds in the



50 account, subject to appropriation by the Legislature, for the
51 management, improvement and acquisition of coastal preserves.

52 (d) There is established a special account to be known
53 as the "Mississippi Seafood Marketing Program Account" within the
54 Seafood Fund. Monies required to be deposited into the account
55 under Section 27-19-56.27 and any funds received from any public
56 or private source for the purpose of promoting the Mississippi
57 seafood industry must be credited to the account. Any unexpended
58 funds remaining in the account at the end of the fiscal year do
59 not lapse into the Seafood Fund, but remain in the account. The
60 department may expend any funds in the account, subject to
61 appropriation by the Legislature, to accomplish the purposes of
62 this account, including, but not limited to, providing funds for
63 cobia stock enhancement programs.

64 (e) There is established a special account to be known
65 as the "Oyster Production Preserve Account" within the Seafood
66 Fund. Monies required to be deposited from oyster leasing and
67 licensing payments under Section * * * 49-15-27, sack fees, * * *
68 and any funds received from any public or private source for the
69 purpose of oyster production and propagation in this state, which
70 includes plantings of oysters and cultch materials, shall be
71 credited to the account. Any unexpended funds remaining in the
72 account at the end of the fiscal year shall not lapse into the
73 Seafood Fund, but shall remain in the account. The department may
74 expend any funds in the account, subject to specific appropriation



75 by the Legislature, for the management, improvement and
76 acquisition of permittable property for oyster production and
77 propagation in the state, which includes plantings of oysters and
78 cultch materials. The Department of Marine Resources shall
79 develop an annual report to the Legislature which describes the
80 annual expenditures from this fund for the purpose of furthering
81 oyster production and propagation in this state to be included in
82 the department's annual budget request to the Legislative Budget
83 Office and to be transmitted to the Chairmen of the Senate and
84 House Committees on Ports and Marine Resources.

85 (2) The fund shall be treated as a special trust fund and
86 interest earned on the principal shall be credited to the fund.

87 (3) The department shall keep accurate reports of monies
88 handled as a part of the permanent records of the department, and
89 the State Treasurer shall furnish the department such forms as may
90 be needed, and the department shall account for such forms in
91 reports to the Treasurer.

92 **SECTION 2.** Section 49-15-27, Mississippi Code of 1972, is
93 amended as follows:

94 49-15-27. The department is hereby granted full and complete
95 authority to lease the bottoms within its jurisdiction upon the
96 following terms and conditions:

97 (1) All areas within the department's jurisdiction, not
98 designated state-owned reefs by this chapter, including natural



99 reefs and all areas not within the boundaries of riparian property
100 owners may be leased by the department.

101 (2) All individual lessees shall be residents of the State
102 of Mississippi, or if a firm or corporation, such firm or
103 corporation shall be organized under the laws of the State of
104 Mississippi and owned by a resident of the State of Mississippi.

105 (3) No individual, corporation, partnership or association
106 may lease less than one (1) acre nor more than two thousand five
107 hundred (2,500) acres total; however, in the case of an individual
108 there shall be counted towards such limitation any lands leased by
109 a corporation, partnership or association in which such individual
110 owns ten percent (10%) or less interest and, in the case of a
111 corporation, partnership or association, there shall be counted
112 toward such limitation any lands leased by an individual
113 stockholder, partner or associate thereof who owns ten percent
114 (10%) or less interest in such corporation, partnership or
115 association.

116 (4) Individuals, firms or corporations desiring to lease
117 bottoms shall make application to the department in writing,
118 describing the area to be leased. Applications must include a
119 plat showing the proposed lease area and description of cultch
120 material type and amount to be deployed on the leased area.

121 (5) (a) Any person who qualifies and who desires to lease a
122 part of the bottom or bed of any of the waters of this state as
123 provided in this section shall present to the department a written



124 application, and pay an application fee in the amount of Fifty
125 Dollars (\$50.00). This application shall contain the name and
126 address of the applicant and a reasonably definite description of
127 the location and amount of land covered by water desired by the
128 applicant. * * * The department shall * * * establish a system to
129 determine qualifications of applicants. The department shall
130 prioritize applications based on the following criteria, each of
131 which shall be weighted equally:

132 (i) Experience in oyster reef development;

133 (ii) Experience in oyster cultivation and
134 harvesting;

135 (iii) Whether lease applicant is registered with
136 the U.S. Food & Drug Administration Interstate Certified Shellfish
137 Shippers List for Mississippi, and the length of time the
138 applicant has been registered;

139 (iv) Amount of acreage to be leased; and

140 (v) Evidence of applicant's financial ability to
141 perform cultivation and propagation requirements.

142 The department shall then order an examination to determine
143 whether the water bottoms applied for are leasable * * *.

144 (b) If the applicant is found to be qualified and the
145 area is found to be leasable, the department shall * * * determine
146 the acreage upon which the rent shall be fixed and enter into a
147 lease with the applicant * * *, who shall pay the prorated annual
148 rent in advance for the remainder of the calendar year. If the



149 applicant is not eligible for a lease, the department shall issue
150 a written notice declining the application with specific reasons
151 for same * * *.

152 (c) The department has the authority to lease an area
153 to an applicant who has no experience in oyster cultivation as
154 long as the applicant can demonstrate their financial stability
155 and the area applied for has not been requested by another
156 applicant with demonstrated experience.

157 (d) The department has the authority to reconfigure the
158 lease areas from that requested by the applicant in the manner
159 that promotes maximum utilization of the state's resources. In
160 the event the area requested by the applicant has to be
161 reconfigured, the applicant has the right to refuse the
162 reconfigured area and withdraw their application and receive a
163 refund of their application fee.

164 * * *

165 (* * *e) The department shall require that the bottoms
166 of water areas to be leased be as definable as possible, taking
167 into consideration such factors as the shape of the body of water,
168 permitted areas, and the condition of the bottom as to hardness or
169 softness which would render it desirable or undesirable for the
170 purpose of oyster cultivation.

171 * * *

172 (* * *f) A lease applicant may withdraw a lease
173 application and receive a full refund from the department of all



174 application fees, by submitting a written request for withdrawal
175 to the department within ninety (90) days after the
176 department * * * received the application.

177 (6) Such leases shall be for an initial term of fifteen (15)
178 years, with the lessee having the right of first renewal of the
179 lease for an additional fifteen (15) years, and continue to renew
180 at fifteen-year intervals, at the same ground rental rate so long
181 as lessee actively cultivates and gathers oysters, and complies
182 with the provisions of this chapter. No lease may be transferred
183 without approval by the department of the transfer.

184 (7) The terms of every lease issued hereunder shall ensure
185 the maximum cultivation and propagation of oysters. Throughout
186 the term of every lease issued hereunder, each lessee shall add
187 cultch and make other necessary efforts to ensure the maximum
188 cultivation and propagation of oysters. The department shall
189 promulgate regulations to set forth guidelines for lessees to
190 follow to ensure the maximum cultivation and propagation of
191 oysters under the lease. The lessee shall submit a written report
192 with supporting documentation to the department of efforts to
193 cultivate and propagate oysters for the previous year. If the
194 department finds a lessee is not making efforts to cultivate and
195 propagate oysters, and the lessee fails to take remedial steps to
196 address same, such lease shall be subject to termination as
197 provided for hereunder.



198 (8) The department shall fix a ground rental rate at Three
199 Dollars (\$3.00) per acre per year. The annual rental payments
200 shall be due by December 31 for the next calendar year.

201 (9) Any lessee who pays the rent on or after the first day
202 of January shall pay the rent due plus an additional ten percent
203 (10%) penalty. The failure of the lessee to pay the rent
204 punctually on or before the first of each March, ipso facto and
205 without demand or putting in default, terminates and cancels the
206 lease and forfeits to the department all the works, improvements,
207 betterments, and oysters on the leased water bottom. The
208 department may at once enter on the water bottom and take
209 possession thereof. Such water bottom shall then be open for
210 lease in accordance with subsections (5) through (8) of this
211 section. Ten (10) days thereafter the department shall enter the
212 termination, cancellation, and forfeiture on its books and give
213 public notice thereof by publication in one (1) local paper in the
214 county where the formerly leased water bottoms are located. On or
215 before the first day of each February, the department shall issue
216 a written notice of delinquency by certified mail to each lessee
217 who has not yet paid the rent. The department shall also publish
218 notice of such delinquency on its website.

219 (10) The department shall keep an accurate chart of the
220 areas within its jurisdiction and shall mark on such chart those
221 areas which are under lease. All leases shall be marked by
222 appropriate poles, stakes or buoys of such material as will not



223 injure watercraft, at the expense of the leaseholder. The
224 department shall keep an accurate book, designated "Mississippi
225 Oyster Farms" which shall contain copies of all leases. The
226 department shall maintain a map of designated state-owned, leased
227 areas, and areas available for lease on the department's website.
228 If any lease be cancelled or expire, such fact shall be noted on
229 the face of such lease. Lessees shall be "oyster farmers" for the
230 purposes of any grants, aid, subsidies or other assistance from
231 the federal government or other governmental or private agencies.

232 (11) All funds derived from leasing shall be paid into the
233 Seafood Fund under Section 49-15-17, for use by the department to
234 further oyster production in this state, which includes plantings
235 of oysters and cultch materials.

236 (12) All leases made by the department under the authority
237 of this section shall be subject to the paramount right of the
238 state and any of its political subdivisions authorized by law, to
239 promote and develop ports, harbors, channels, industrial or
240 recreational projects, and all such leases shall contain a
241 provision that in the event such authorized public body shall
242 require the area so leased or any part thereof for such public
243 purposes, that the lease shall be terminated on reasonable notice
244 fixed by the department in such lease. On the termination of any
245 lease, the lessees shall have the right to remove any oysters
246 within the leased area within such time as may be fixed by the



247 department and in accordance with such reasonable rules and
248 regulations as the department may adopt.

249 Any person convicted of taking oysters from leased land or
250 from waters that are not of a safe sanitary quality without a
251 permit as provided in Section 49-15-37 shall, on the first
252 offense, forfeit all equipment used, exclusive of any boat or
253 boats; and be fined not to exceed Two Thousand Dollars (\$2,000.00)
254 or sentenced not to exceed one (1) year in the county jail, or
255 both. Subsequent convictions shall be punishable by forfeiture of
256 all equipment, including any boat or boats; and a fine not to
257 exceed Five Thousand Dollars (\$5,000.00) or not to exceed two (2)
258 years in prison, or both such fine and imprisonment.

259 The department is enjoined to cooperate with the Jackson
260 County Port Authority, the Harrison County Development Commission,
261 the municipal port commission and other port and harbor agencies,
262 so that oyster beds shall not be planted in close proximity to
263 navigable channels. The department or lessee shall have no right
264 of action as against any such public body for damages accruing to
265 any natural reef or leased reef by any necessary improvement of
266 such channel in the interest of shipping, commerce, navigation or
267 other purpose authorized by law.

268 (13) A lessee has the exclusive use of the water bottoms
269 leased and all oysters and cultch grown or placed thereon.
270 However, this exclusive right is subordinate to the rights and
271 responsibilities of the state, any political subdivision of the



272 state, the United States, or any agency or agent thereof, to take
273 action in furtherance of coastal protection, conservation or
274 restoration.

275 (14) In order to protect the health and safety of the
276 residents of the State of Mississippi, the terms and conditions
277 relating to the leasing of bottoms provided in this section shall
278 be fully applicable to any lease executed by the Mississippi
279 Department of Marine Resources prior to April 17, 2023, and the
280 department shall revise any lease issued prior to April 17, 2023,
281 as necessary in order to comply with the provisions of this
282 section.

283 **SECTION 3.** Section 49-15-37, Mississippi Code of 1972, is
284 amended as follows:

285 49-15-37. The department may employ boats, crews and
286 laborers to cultivate the state-owned reefs of the state, and
287 dredge the oysters in the Mississippi Sound from places where they
288 are too thick, and spread them on reefs where they are too thin,
289 and carry shells from the factories and spread them in places
290 where the oyster beds can be improved and enlarged. The
291 department may open state-owned reefs to the public for harvest.
292 The department may purchase other materials as may be equally
293 suitable for the propagation of oysters. The department in
294 cultivating the reefs, transplanting and spreading oysters and
295 shells and other suitable materials, may expend any funds
296 available for that purpose, as provided by Section 49-15-17(1)(e).



297 In taking seed oysters, care shall be used to not injure or
298 destroy the merchantable oysters on the reefs from which they are
299 taken. The seed oysters shall be tonged from the "conner" or seed
300 reefs, unless it is practicable and safe to dredge those oysters.
301 The department may establish new bedding grounds at those places
302 within the boundaries of the state as it may determine, on advice
303 of the director, or on advice of technical governmental experts,
304 or competent aquatic biologists. On existing state-owned reefs in
305 which oysters exist and in waters not of a safe sanitary quality
306 as determined by the department, the department shall prohibit any
307 person, firm or corporation from taking oysters from those areas.
308 The department shall from time to time remove the oysters from the
309 areas and relay or replant them in an approved area for a period
310 of time under Section 49-15-36 before they may be harvested. Any
311 funds received from the sale of the oysters shall be used in a
312 like manner as those funds received under Section * * *
313 49-15-17(1) (e).

314 The department may issue permits to persons to remove oysters
315 by dredging or otherwise from water bottoms which are not of a
316 safe sanitary quality for oysters for human consumption. These
317 areas may be designated as seed grounds, and permits to persons
318 shall be issued only for the purpose of transplanting oysters to
319 privately leased Mississippi territorial waters. The department
320 may permit the transplanting of these seed oysters by a duly
321 authorized public agency.



322 The department may, upon determining the water bottom from
323 which oysters are to be removed is not of a safe, sanitary quality
324 for oyster production for human consumption and has been unsafe
325 for a period of at least one (1) year immediately preceding
326 certification, and upon complying with the following requirements,
327 permit the dredging of oysters from restricted public areas and
328 relaying the oysters to private leased grounds in the State of
329 Mississippi:

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

332 (b) Permittee must be bonded in compliance with the
333 permit system established by the department;

334 (c) Permittee must fulfill all permit requirements as
335 established by the department;

336 (d) Permittee shall not move oysters from one
337 restricted area to another restricted area;

338 (e) Permittee shall move oysters only to an area leased
339 by the department; and

340 (f) Permittee shall not move oysters from the
341 restricted area without the presence of an employee of the
342 department at all times, from the dredging of the oysters from the
343 restricted areas to their deposit on private leased grounds or to
344 an onshore, molluscan depuration facility.

345 Harvesting of oysters shall be permitted only during daylight
346 hours and with the most efficient gear possible consistent with



347 conservation requirements of not damaging the reefs. This shall
348 include permission to use two (2) dredges per boat on restricted
349 areas and on private leased grounds.

350 Any person obtaining a permit to remove oysters from seed
351 grounds shall post a penal bond of One Hundred Dollars (\$100.00)
352 per leased acre with the department to be forfeited upon any
353 violation of this section. The bond may be approved by the
354 director of the department if the director finds the bond to be
355 secured by sufficient property or sureties.

356 The department shall regulate the amount and time of taking
357 of oysters from seed areas and shall supervise the removal,
358 planting and harvesting of oysters from the areas. The time set
359 for the taking of oysters from restricted seed areas for relaying
360 or replanting and the time set for the taking of oysters from
361 private leased grounds shall be separated by not less than a
362 period of time determined under Section 49-15-36 during which
363 neither activity may be allowed.

364 **SECTION 4.** Section 49-15-38, Mississippi Code of 1972, is
365 amended as follows:

366 49-15-38. (1) (a) Unless otherwise permitted by the
367 department, no oysters shall be taken from state-owned reefs
368 unless culled, and all oysters less than three (3) inches from end
369 to end, and all dead shells, shall be replaced, scattered and
370 broadcast immediately on the reefs from which they are taken. It
371 is unlawful for any captain or person in charge of any vessel, or



372 any canner, packer, commission man, dealer or other person to
373 purchase, sell or to have in that person's possession or under
374 that person's control any oysters off the state-owned reefs or
375 private bedding grounds not culled according to this section, or
376 any oysters under the legal size. A ten percent (10%) tolerance
377 shall be allowed in relation to any culling.

378 (b) The department may authorize the culling of oysters
379 of a lesser measure. That authorization shall be in response to
380 special circumstances or extreme natural conditions affecting the
381 habitat, including, but not limited to, flooding. The department
382 may establish checkpoints in any area within its jurisdiction to
383 conduct inspections, collect fees and issue tags in the
384 enforcement of this chapter and regulations adopted by the
385 commission.

386 (2) The department shall acquire and replant shells, seed
387 oysters and other materials, when funding is available, for the
388 purpose of growing oysters.

389 (3) Any person, firm or corporation failing or refusing to
390 pay the shell retention fee required under Section 49-15-46 to the
391 department when called for by the department, is guilty of a
392 misdemeanor and, upon conviction, shall be fined not more than One
393 Hundred Dollars (\$100.00) for each * * * sack of shells for which
394 they fail or refuse to tender the shell retention fee. In
395 addition to the fine, the violator shall pay the reasonable value
396 of the oyster shells and shall be ineligible to be licensed for



397 any activity set forth in this chapter for a period of two (2)
398 years from the date of conviction.

399 (4) The planting of oyster shells as provided under this
400 chapter shall be under the direction and supervision of the
401 executive director of the department.

402 **SECTION 5.** Section 49-15-46, Mississippi Code of 1972, as
403 amended by House Bill No. 1007, 2024 Regular Session, is amended
404 as follows:

405 49-15-46. (1) Each vessel used to catch, take, carry or
406 transport oysters from the reefs of the State of Mississippi, or
407 engaged in transporting any oysters in any of the waters within
408 the territorial jurisdiction of the State of Mississippi, for
409 commercial use, shall annually, before beginning operations, be
410 licensed by the department and pay the following license fee:

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

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

415 (c) One Hundred Dollars (\$100.00) on each out-of-state
416 vessel or boat used for tonging oysters or gathering oysters by
417 hand, or the license fee charged by the out-of-state licensing
418 entity to Mississippi vessels or boats for tonging or gathering
419 oysters, whichever is greater; or

420 (d) Two Hundred Dollars (\$200.00) on each out-of-state
421 vessel or boat used for dredging oysters, or the license fee



422 charged by the out-of-state licensing entity to Mississippi
423 vessels or boats for dredging oysters, whichever is greater.

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

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

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

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

434 (4) All oysters harvested in the State of Mississippi shall
435 be tagged. Tags may be issued by the department or printed by the
436 catcher in compliance with procedures and regulations adopted by
437 the department. Such tags shall bear the catcher's name, the date
438 and origin of the catch, the shell stock dealer's name and permit
439 number. The department shall number all tags issued and shall
440 maintain a record of those tags. The department, in its
441 discretion, may adopt any regulations regarding the tagging of
442 oysters and other shellfish.

443 (5) Each person catching or taking oysters from the waters
444 of the State of Mississippi for personal use shall obtain a permit
445 from the department and pay an annual recreational oyster permit
446 fee of Ten Dollars (\$10.00). Oysters caught under a recreational



447 permit shall not be offered for sale. The limits on the allowable
448 catch of oysters for recreational purposes shall be three (3)
449 sacks per week. The department shall issue tags of a
450 distinguishing color to designate recreationally harvested
451 oysters, which shall be tagged on the same day of harvest in the
452 manner prescribed in subsection (4) of this section for
453 commercially harvested oysters or by regulation of the department.

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

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

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

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

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



471 Funds received from the shell retention fee shall be paid
472 into * * * the Oyster Production Preserve Account within the
473 Seafood Fund pursuant to Section 49-15-17(1)(e) for use by the
474 department to further oyster production in this state, which
475 includes plantings of oysters and/or cultch materials.

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

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

483 **SECTION 6.** Section 49-15-47, Mississippi Code of 1972, is
484 amended as follows:

485 49-15-47. (1) It is unlawful for any person, firm or
486 corporation to discharge solid or human waste from any vessel
487 while the vessel is used to harvest or transport oysters in the
488 marine waters of the state.

489 (2) Each vessel used to harvest or transport oysters is
490 required to have an approved functional marine sanitation device
491 (MSD), portable toilet or other sewage disposal receptacle
492 designed to contain human sewage. The approved marine sanitation
493 device (MSD), portable toilet or other sewage disposal receptacle
494 shall:

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



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

498 (c) Be emptied only into an approved sewage disposal
499 system.

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

501 (e) Not be cleaned with equipment used for washing or
502 processing food.

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

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

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

508 (4) * * * Any person, firm or corporation violating the
509 provisions of this chapter, shall, on conviction, be fined not
510 less than Five Thousand Dollars (\$5,000.00), and the license of
511 the convicted party shall be revoked for one (1) year. For
512 conviction of a second offense, the fine shall be not less than
513 Ten Thousand Dollars (\$10,000.00), and the license of the
514 convicted party shall be revoked for two (2) years. For a
515 conviction of a third offense, the fine shall be not less than One
516 Hundred Thousand Dollars (\$100,000.00), and the license of the
517 convicted party shall be permanently revoked.

518 (5) Upon issuance of a citation for a violation of this
519 section, the vessel shall be removed from the oyster reef and any
520 oysters on board the vessel shall be confiscated and disposed of



521 by the department. The vessel shall not be permitted to harvest
522 from any state-owned or private reefs until the vessel is properly
523 equipped as determined by an inspection by the department.

524 **SECTION 7.** Section 51-11-105, Mississippi Code of 1972, is
525 amended as follows:

526 51-11-105. The following provisions related to the Lower
527 Pearl River Restoration Project ("project") are contingent upon
528 the development of an agreement, or an amendment to the existing
529 agreement, between * * * the Mississippi Department of
530 Environmental Quality ("MDEQ"), the Department of Wildlife,
531 Fisheries and Parks ("DWFP") and the district, removing the
532 district from the agreement, and possibly adding a new cooperating
533 partner or partners and possibly removing the MDEQ and/or the DWFP
534 from the agreement.

535 From and after July 1, 2018, the project, currently being
536 managed as a joint effort of * * * the MDEQ, the DWFP, and the
537 district, shall continue as per existing agreements, which may be
538 amended to reflect the dissolution of the district and its removal
539 from those agreements. The obligations of the district under the
540 current agreements for the project may be assumed by the MDEQ, or
541 other entity, as the designated state entity for the continuing
542 obligation of maintenance of the water control structures as set
543 forth in the original agreements. The parties to the agreement
544 may identify necessary maintenance activities needed to preserve
545 the integrity of project structures and other ordinary maintenance



546 activities as the parties may agree need to be performed. Funding
547 to perform those maintenance activities shall come from the Lower
548 Pearl trust account currently on deposit with a depository or
549 depositories in the name of the Pearl River Basin Development
550 District, which funds are a special fund set aside solely for the
551 operation and maintenance of the project. From and after July 1,
552 2018, the parties to the agreement, may assume ownership, in
553 trust, of those funds, and the funds shall be known as the "Lower
554 Pearl River Restoration Trust Fund." Monies from this fund shall
555 be a special fund set aside for the purpose(s) set forth in the
556 amended or reformed agreement between the parties and shall not
557 lapse into the State General Fund, and may not be expended for any
558 purpose other than operation and maintenance activities under the
559 purview of the project.

560 **SECTION 8.** Section 27-19-56.27, Mississippi Code of 1972,
561 which provides for a special license tag for supporters of the
562 Mississippi seafood industry, is repealed.

563 **SECTION 9.** This act shall take effect and be in force from
564 and after its passage.

