

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2648: Mississippi Department of Marine Resources; authorize oyster lease reconfiguration and make technical amendments.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

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

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

20 49-15-17. (1) (a) All monies received or obtained by the
21 department under the provisions of this chapter shall be paid over
22 by the department to the State Treasurer and shall be deposited
23 into the fund known as the "Seafood Fund." All revenues collected
24 through the department, to include, but not limited to, commercial
25 saltwater licenses and taxes, permits, fines and penalties, and
26 confiscated catches, shall be deposited into the department
27 operating account (Seafood Fund) and expended for the operation of
28 the department, as authorized by the Legislature.

29 (b) There is established a special account to be known
30 as the "Artificial Reef Program Account" within the Seafood Fund.



31 Any funds received from any public or private source for the
32 purpose of promoting, constructing, monitoring or maintaining
33 artificial reefs in the marine waters of the state or in federal
34 waters adjacent to the marine waters of the state shall be
35 credited to the account. Any unexpended funds remaining in the
36 account at the end of the fiscal year shall not lapse into the
37 Seafood Fund, but shall remain in the account. The department may
38 expend any funds in the account, subject to appropriation by the
39 Legislature, to accomplish the purpose of the account.

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

51 (d) There is established a special account to be known
52 as the "Mississippi Seafood Marketing Program Account" within the
53 Seafood Fund. Monies required to be deposited into the account
54 under Section 27-19-56.27 and any funds received from any public
55 or private source for the purpose of promoting the Mississippi



56 seafood industry must be credited to the account. Any unexpended
57 funds remaining in the account at the end of the fiscal year do
58 not lapse into the Seafood Fund, but remain in the account. The
59 department may expend any funds in the account, subject to
60 appropriation by the Legislature, to accomplish the purposes of
61 this account, including, but not limited to, providing funds for
62 cobia stock enhancement programs.

63 (e) There is established a special account to be known
64 as the "Oyster Production Preserve Account" within the Seafood
65 Fund. Monies required to be deposited from oyster leasing and
66 licensing payments under Section * * * 49-15-27, sack fees, * * *
67 and any funds received from any public or private source for the
68 purpose of oyster production and propagation in this state, which
69 includes plantings of oysters and cultch materials, shall be
70 credited to the account. Any unexpended funds remaining in the
71 account at the end of the fiscal year shall not lapse into the
72 Seafood Fund, but shall remain in the account. The department may
73 expend any funds in the account, subject to specific appropriation
74 by the Legislature, for the management, improvement and
75 acquisition of permittable property for oyster production and
76 propagation in the state, which includes plantings of oysters and
77 cultch materials. The Department of Marine Resources shall
78 develop an annual report to the Legislature which describes the
79 annual expenditures from this fund for the purpose of furthering
80 oyster production and propagation in this state to be included in



81 the department's annual budget request to the Legislative Budget
82 Office and to be transmitted to the Chairmen of the Senate and
83 House Committees on Ports and Marine Resources.

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

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

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

93 49-15-27. The department is hereby granted full and complete
94 authority to lease the bottoms within its jurisdiction upon the
95 following terms and conditions:

96 (1) All areas within the department's jurisdiction, not
97 designated state-owned reefs by this chapter, including natural
98 reefs and all areas not within the boundaries of riparian property
99 owners may be leased by the department.

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

104 (3) No individual, corporation, partnership or association
105 may lease less than one (1) acre nor more than two thousand five



106 hundred (2,500) acres total; however, in the case of an individual
107 there shall be counted towards such limitation any lands leased by
108 a corporation, partnership or association in which such individual
109 owns ten percent (10%) or less interest and, in the case of a
110 corporation, partnership or association, there shall be counted
111 toward such limitation any lands leased by an individual
112 stockholder, partner or associate thereof who owns ten percent
113 (10%) or less interest in such corporation, partnership or
114 association.

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

120 (5) (a) Any person who qualifies and who desires to lease a
121 part of the bottom or bed of any of the waters of this state as
122 provided in this section shall present to the department a written
123 application, and pay an application fee in the amount of Fifty
124 Dollars (\$50.00). This application shall contain the name and
125 address of the applicant and a reasonably definite description of
126 the location and amount of land covered by water desired by the
127 applicant. * * * The department shall * * * establish a system to
128 determine qualifications of applicants. The department shall
129 prioritize applications based on the following criteria, each of
130 which shall be weighted equally:



- 131 (i) Experience in oyster reef development;
132 (ii) Experience in oyster cultivation and
133 harvesting;
134 (iii) Whether lease applicant is registered with
135 the U.S. Food & Drug Administration Interstate Certified Shellfish
136 Shippers List for Mississippi, and the length of time the
137 applicant has been registered;
138 (iv) Amount of acreage to be leased; and
139 (v) Evidence of applicant's financial ability to
140 perform cultivation and propagation requirements.

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

143 (b) If the applicant is found to be qualified and the
144 area is found to be leasable, the department shall * * * determine
145 the acreage upon which the rent shall be fixed and enter into a
146 lease with the applicant * * *, who shall pay the prorated annual
147 rent in advance for the remainder of the calendar year. If the
148 applicant is not eligible for a lease, the department shall issue
149 a written notice declining the application with specific reasons
150 for same * * *.

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



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

163 * * *

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

170 * * *

171 (* * *f) A lease applicant may withdraw a lease
172 application and receive a full refund from the department of all
173 application fees, by submitting a written request for withdrawal
174 to the department within ninety (90) days after the
175 department * * * received the application.

176 (6) Such leases shall be for an initial term of fifteen (15)
177 years, with the lessee having the right of first renewal of the
178 lease for an additional fifteen (15) years, and continue to renew
179 at fifteen-year intervals, at the same ground rental rate so long
180 as lessee actively cultivates and gathers oysters, and complies



181 with the provisions of this chapter. No lease may be transferred
182 without approval by the department of the transfer.

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

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

200 (9) Any lessee who pays the rent on or after the first day
201 of January shall pay the rent due plus an additional ten percent
202 (10%) penalty. The failure of the lessee to pay the rent
203 punctually on or before the first of each March, ipso facto and
204 without demand or putting in default, terminates and cancels the
205 lease and forfeits to the department all the works, improvements,



206 betterments, and oysters on the leased water bottom. The
207 department may at once enter on the water bottom and take
208 possession thereof. Such water bottom shall then be open for
209 lease in accordance with subsections (5) through (8) of this
210 section. Ten (10) days thereafter the department shall enter the
211 termination, cancellation, and forfeiture on its books and give
212 public notice thereof by publication in one (1) local paper in the
213 county where the formerly leased water bottoms are located. On or
214 before the first day of each February, the department shall issue
215 a written notice of delinquency by certified mail to each lessee
216 who has not yet paid the rent. The department shall also publish
217 notice of such delinquency on its website.

218 (10) The department shall keep an accurate chart of the
219 areas within its jurisdiction and shall mark on such chart those
220 areas which are under lease. All leases shall be marked by
221 appropriate poles, stakes or buoys of such material as will not
222 injure watercraft, at the expense of the leaseholder. The
223 department shall keep an accurate book, designated "Mississippi
224 Oyster Farms" which shall contain copies of all leases. The
225 department shall maintain a map of designated state-owned, leased
226 areas, and areas available for lease on the department's website.
227 If any lease be cancelled or expire, such fact shall be noted on
228 the face of such lease. Lessees shall be "oyster farmers" for the
229 purposes of any grants, aid, subsidies or other assistance from
230 the federal government or other governmental or private agencies.



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

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

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



256 exceed Five Thousand Dollars (\$5,000.00) or not to exceed two (2)
257 years in prison, or both such fine and imprisonment.

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

267 (13) A lessee has the exclusive use of the water bottoms
268 leased and all oysters and cultch grown or placed thereon.
269 However, this exclusive right is subordinate to the rights and
270 responsibilities of the state, any political subdivision of the
271 state, the United States, or any agency or agent thereof, to take
272 action in furtherance of coastal protection, conservation or
273 restoration.

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



280 as necessary in order to comply with the provisions of this
281 section.

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

284 49-15-37. The department may employ boats, crews and
285 laborers to cultivate the state-owned reefs of the state, and
286 dredge the oysters in the Mississippi Sound from places where they
287 are too thick, and spread them on reefs where they are too thin,
288 and carry shells from the factories and spread them in places
289 where the oyster beds can be improved and enlarged. The
290 department may open state-owned reefs to the public for harvest.
291 The department may purchase other materials as may be equally
292 suitable for the propagation of oysters. The department in
293 cultivating the reefs, transplanting and spreading oysters and
294 shells and other suitable materials, may expend any funds
295 available for that purpose, as provided by Section 49-15-17(1)(e).
296 In taking seed oysters, care shall be used to not injure or
297 destroy the merchantable oysters on the reefs from which they are
298 taken. The seed oysters shall be tonged from the "conner" or seed
299 reefs, unless it is practicable and safe to dredge those oysters.
300 The department may establish new bedding grounds at those places
301 within the boundaries of the state as it may determine, on advice
302 of the director, or on advice of technical governmental experts,
303 or competent aquatic biologists. On existing state-owned reefs in
304 which oysters exist and in waters not of a safe sanitary quality



305 as determined by the department, the department shall prohibit any
306 person, firm or corporation from taking oysters from those areas.
307 The department shall from time to time remove the oysters from the
308 areas and relay or replant them in an approved area for a period
309 of time under Section 49-15-36 before they may be harvested. Any
310 funds received from the sale of the oysters shall be used in a
311 like manner as those funds received under Section * * *
312 49-15-17(1) (e).

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

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



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

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

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

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

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

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

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

349 Any person obtaining a permit to remove oysters from seed
350 grounds shall post a penal bond of One Hundred Dollars (\$100.00)
351 per leased acre with the department to be forfeited upon any
352 violation of this section. The bond may be approved by the



353 director of the department if the director finds the bond to be
354 secured by sufficient property or sureties.

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

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

365 49-15-38. (1) (a) Unless otherwise permitted by the
366 department, no oysters shall be taken from state-owned reefs
367 unless culled, and all oysters less than three (3) inches from end
368 to end, and all dead shells, shall be replaced, scattered and
369 broadcast immediately on the reefs from which they are taken. It
370 is unlawful for any captain or person in charge of any vessel, or
371 any canner, packer, commission man, dealer or other person to
372 purchase, sell or to have in that person's possession or under
373 that person's control any oysters off the state-owned reefs or
374 private bedding grounds not culled according to this section, or
375 any oysters under the legal size. A ten percent (10%) tolerance
376 shall be allowed in relation to any culling.



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

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

388 (3) Any person, firm or corporation failing or refusing to
389 pay the shell retention fee required under Section 49-15-46 to the
390 department when called for by the department, is guilty of a
391 misdemeanor and, upon conviction, shall be fined not more than One
392 Hundred Dollars (\$100.00) for each * * * sack of shells for which
393 they fail or refuse to tender the shell retention fee. In
394 addition to the fine, the violator shall pay the reasonable value
395 of the oyster shells and shall be ineligible to be licensed for
396 any activity set forth in this chapter for a period of two (2)
397 years from the date of conviction.

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



401 **SECTION 5.** Section 49-15-46, Mississippi Code of 1972, is
402 amended as follows:

403 49-15-46. (1) Each vessel used to catch, take, carry or
404 transport oysters from the reefs of the State of Mississippi, or
405 engaged in transporting any oysters in any of the waters within
406 the territorial jurisdiction of the State of Mississippi, for
407 commercial use, shall annually, before beginning operations, be
408 licensed by the department and pay the following license fee:

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

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

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

418 (d) Two Hundred Dollars (\$200.00) on each out-of-state
419 vessel or boat used for dredging oysters, or the license fee
420 charged by the out-of-state licensing entity to Mississippi
421 vessels or boats for dredging oysters, whichever is greater.

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



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

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

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

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

439 (5) Each person catching or taking oysters from the waters
440 of the State of Mississippi for personal use shall obtain a permit
441 from the department and pay an annual recreational oyster permit
442 fee of Ten Dollars (\$10.00). Oysters caught under a recreational
443 permit shall not be offered for sale. The limits on the allowable
444 catch of oysters for recreational purposes shall be three (3)
445 sacks per week. The department shall issue tags of a
446 distinguishing color to designate recreationally harvested
447 oysters, which shall be tagged on the same day of harvest in the
448 manner prescribed in subsection (4) of this section for
449 commercially harvested oysters or by regulation of the department.



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

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

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

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

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

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

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



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

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

481 49-15-47. (1) It is unlawful for any person, firm or
482 corporation to discharge solid or human waste from any vessel
483 while the vessel is used to harvest or transport oysters in the
484 marine waters of the state.

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

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

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

494 (c) Be emptied only into an approved sewage disposal
495 system.

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

497 (e) Not be cleaned with equipment used for washing or
498 processing food.



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

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

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

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

514 (5) Upon issuance of a citation for a violation of this
515 section, the vessel shall be removed from the oyster reef and any
516 oysters on board the vessel shall be confiscated and disposed of
517 by the department. The vessel shall not be permitted to harvest
518 from any state-owned or private reefs until the vessel is properly
519 equipped as determined by an inspection by the department.

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

522 51-11-105. The following provisions related to the Lower
523 Pearl River Restoration Project ("project") are contingent upon



524 the development of an agreement, or an amendment to the existing
525 agreement, between * * * the Mississippi Department of
526 Environmental Quality ("MDEQ"), the Department of Wildlife,
527 Fisheries and Parks ("DWFP") and the district, removing the
528 district from the agreement, and possibly adding a new cooperating
529 partner or partners and possibly removing the MDEQ and/or the DWFP
530 from the agreement.

531 From and after July 1, 2018, the project, currently being
532 managed as a joint effort of * * * the MDEQ, the DWFP, and the
533 district, shall continue as per existing agreements, which may be
534 amended to reflect the dissolution of the district and its removal
535 from those agreements. The obligations of the district under the
536 current agreements for the project may be assumed by the MDEQ, or
537 other entity, as the designated state entity for the continuing
538 obligation of maintenance of the water control structures as set
539 forth in the original agreements. The parties to the agreement
540 may identify necessary maintenance activities needed to preserve
541 the integrity of project structures and other ordinary maintenance
542 activities as the parties may agree need to be performed. Funding
543 to perform those maintenance activities shall come from the Lower
544 Pearl trust account currently on deposit with a depository or
545 depositories in the name of the Pearl River Basin Development
546 District, which funds are a special fund set aside solely for the
547 operation and maintenance of the project. From and after July 1,
548 2018, the parties to the agreement, may assume ownership, in



549 trust, of those funds, and the funds shall be known as the "Lower
550 Pearl River Restoration Trust Fund." Monies from this fund shall
551 be a special fund set aside for the purpose(s) set forth in the
552 amended or reformed agreement between the parties and shall not
553 lapse into the State General Fund, and may not be expended for any
554 purpose other than operation and maintenance activities under the
555 purview of the project.

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

559 **SECTION 9.** This act shall take effect and be in force from
560 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 SECTIONS 49-15-17, 49-15-27, 49-15-37,
2 49-15-38, 49-15-46 AND 49-15-47, MISSISSIPPI CODE OF 1972, TO
3 PROVIDE TECHNICAL REVISIONS TO THE POWERS AND DUTIES OF THE
4 MISSISSIPPI DEPARTMENT OF MARINE RESOURCES RELATING TO OYSTER
5 CULTIVATION LEASES, THE SEAFOOD FUND, THE OYSTER PRODUCTION
6 PRESERVE ACCOUNT AND THE COASTAL PRESERVE ACCOUNT; TO AUTHORIZE
7 THE DEPARTMENT OF MARINE RESOURCES TO RECONFIGURE OYSTER LEASE
8 AREAS AND TO REVISE PERMITTED AREAS AND TO PROVIDE PROTEST
9 PROCEDURES BY OYSTER LEASE APPLICANTS; TO PRESCRIBE CRIMINAL
10 PENALTIES FOR ANY PERSON VIOLATING THE PROVISIONS OF THE OYSTER
11 BOTTOM LEASE PROGRAM; TO AMEND SECTION 51-11-105, MISSISSIPPI CODE
12 OF 1972, TO REMOVE THE UNITED STATES ARMY CORPS OF ENGINEERS FROM
13 THE EXISTING LOWER PEARL RIVER RESTORATION PROJECT AGREEMENT; TO
14 REPEAL SECTION 27-19-56.27, MISSISSIPPI CODE OF 1972, WHICH
15 AUTHORIZES A SPECIAL LICENSE TAG FOR SUPPORTERS OF THE MISSISSIPPI
16 SEAFOOD INDUSTRY; AND FOR RELATED PURPOSES.



X (SIGNED)
Thompson

X (SIGNED)
England

X (SIGNED)
Brumfield

X (SIGNED)
Anderson (122nd)

X (SIGNED)
McKnight

X (SIGNED)
Fondren

