

By: Representatives Eure, Bennett, Willis,
Crawford

To: Marine Resources

HOUSE BILL NO. 879
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 49-15-27, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE AUTHORITY OF THE MISSISSIPPI COMMISSION ON MARINE
3 RESOURCES TO LEASE BOTTOMS FOR OYSTER CULTIVATION; TO INCREASE
4 FROM 100 TO 500 ACRES, THE MAXIMUM ACREAGE OF BOTTOMS ALLOWED TO
5 BE LEASED BY ANY INDIVIDUAL, CORPORATION, PARTNERSHIP OR
6 ASSOCIATION; TO INCREASE LEASE TERMS FROM ONE YEAR TO FIVE YEARS
7 AND PROVIDE FOR ADDITIONAL FIVE-YEAR RENEWAL LEASES; TO REMOVE THE
8 TOTAL LIMITATION OF NUMBER OF YEARS FOR RENEWAL; AND FOR RELATED
9 PURPOSES.

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

11 **SECTION 1.** Section 49-15-27, Mississippi Code of 1972, is
12 amended as follows:

13 49-15-27. The commission is hereby granted full and complete
14 authority to lease the bottoms within its jurisdiction upon the
15 following terms and conditions:

16 (1) All areas within the commission's jurisdiction, not
17 designated tonging reefs by this chapter, or hereinafter
18 designated tonging reefs by the commission; all areas not
19 designated natural reefs by the commission, and all areas not
20 within the boundaries of riparian property owners may be leased by
21 the commission.



22 (2) All individual lessees shall be residents of the State
23 of Mississippi, or if a firm or corporation, such firm or
24 corporation shall be organized under the laws of the State of
25 Mississippi.

26 (3) No individual, corporation, partnership or association
27 may lease less than five (5) acres nor more than * * * five
28 hundred (500) acres; * * * however, * * * in the case of an
29 individual there shall not be counted towards such limitation any
30 lands leased by a corporation, partnership or association in which
31 such individual owns ten percent (10%) or less interest and, in
32 the case of a corporation, partnership or association, there shall
33 not be counted toward such limitation any lands leased by an
34 individual stockholder, partner or associate thereof who owns ten
35 percent (10%) or less interest in such corporation, partnership or
36 association.

37 (4) Individuals, firms or corporations desiring to lease
38 bottoms shall make application to the commission in writing,
39 describing the area to be leased * * *.

40 (5) The commission shall consider * * * bottom leasing
41 applications in the order in which each is filed and may award,
42 within sixty (60) days, a lease to the area described in the
43 application upon payment of the rent in advance.

44 (6) Such leases shall be for a term of * * * five (5) years,
45 with the right of lessee to renew the lease * * * for an
46 additional * * * five (5) years, and * * * continue to renew at



47 five-year intervals, at the same ground rental rate so long as
48 lessee actively cultivates and gathers oysters, and complies with
49 the provisions of this chapter * * *. No lease may be transferred
50 without approval by the commission of the transfer.

51 (7) The commission shall fix a ground rental at not less
52 than Five Dollars (\$5.00) per acre.

53 (8) The commission shall keep an accurate chart of the areas
54 within its jurisdiction and shall mark on such chart those areas
55 which are under lease. All leases shall be marked by appropriate
56 poles, stakes or buoys of such material as will not injure
57 watercraft, at the expense of the leaseholder. The commission
58 shall keep an accurate book, designated "Mississippi Oyster Farms"
59 which shall contain copies of all leases. If any lease be
60 cancelled or expire, such fact shall be noted on the face of such
61 lease. Lessees shall be "oyster farmers" for the purposes of any
62 grants, aid, subsidies or other assistance from the federal
63 government or other governmental or private agencies.

64 (9) All funds derived from leasing shall be paid into the
65 Seafood Fund under Section 49-15-17, for use by the commission to
66 further oyster production in this state, which includes plantings
67 of oysters and cultch materials.

68 (10) All leases made by the commission under the authority
69 of this section shall be subject to the paramount right of the
70 state and any of its political subdivisions authorized by law, to
71 promote and develop ports, harbors, channels, industrial or



72 recreational projects, and all such leases shall contain a
73 provision that in the event such authorized public body shall
74 require the area so leased or any part thereof for such public
75 purposes, that the lease shall be terminated on reasonable notice
76 fixed by the commission in such lease. On the termination of any
77 lease, the lessees shall have the right to remove any oysters
78 within the leased area within such time as may be fixed by the
79 commission and in accordance with such reasonable rules and
80 regulations as the commission may adopt.

81 Any person convicted of taking oysters from leased land or
82 from waters that are not of a safe sanitary quality without a
83 permit as provided in Section 49-15-37 shall, on the first
84 offense, forfeit all equipment used, exclusive of any boat or
85 boats; and be fined not to exceed Two Thousand Dollars (\$2,000.00)
86 or sentenced not to exceed one (1) year in the county jail, or
87 both. Subsequent convictions shall be punishable by forfeiture of
88 all equipment, including any boat or boats; and a fine not to
89 exceed Five Thousand Dollars (\$5,000.00) or not to exceed two (2)
90 years in prison, or both such fine and imprisonment.

91 * * *

92 The commission is enjoined to cooperate with the Jackson
93 County Port Authority, the Harrison County Development Commission,
94 the municipal port commission and other port and harbor agencies,
95 so that oyster beds shall not be planted in close proximity to
96 navigable channels. The commission or lessee shall have no right



97 of action as against any such public body for damages accruing to
98 any natural reef or leased reef by any necessary improvement of
99 such channel in the interest of shipping, commerce, navigation or
100 other purpose authorized by law.

101 **SECTION 2.** This act shall take effect and be in force from
102 and after July 1, 2015.

