

4/4/16

2:25 P.m.

Chapter No. 324
16/SS01/R771
LR 17B/LR

SENATE BILL NO. 2597

Originated in Senate



Secretary

SENATE BILL NO. 2597

AN ACT TO AMEND SECTION 49-15-40, MISSISSIPPI CODE OF 1972, TO REVISE THE AUTHORITY OF THE COMMISSION ON MARINE RESOURCES RELATING TO OYSTER AQUACULTURE FACILITY DEVELOPMENTS AND OYSTER PRODUCTION TECHNOLOGIES; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 49-15-40, Mississippi Code of 1972, is amended as follows:

49-15-40. (1) The commission may support projects in the nature of digging or constructing canals or ditches to bring additional water to existing oyster reefs or beds in need of that water, or for the purpose of creating or establishing new oyster reefs or beds. All reefs created or established under this section shall be public reefs. The commission may expend any monies as it deems necessary and expedient to participate in the digging of those canals. The commission may also enter into interstate or intrastate efforts to support these projects and may seek and utilize aid from all federal, state and local sources in this endeavor. To aid in the construction of any canals or

ditches, the commission may exercise the right of eminent domain in the manner provided by law.

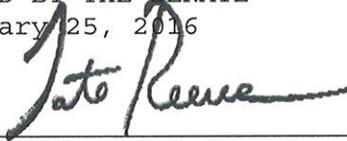
(2) The commission may construct, operate and maintain * * * onshore, molluscan * * * facilities using any federal or special funds, other than general funds, for the purpose of testing and proving * * * technology * * * relating to oysters and other * * * shellfish. In connection with the construction, operation and maintenance of the * * * facilities, the commission may contract with any persons it deems necessary for the operation, testing, maintenance and evaluation of the * * * facilities, subject to the approval of the State Personnel Board. The commission may locate the * * * facilities on any available public properties, subject to the approval of the governing body of that jurisdiction and all other applicable state laws. Once * * * the technology has been tested and proven * * *, the commission may conduct any other tests and experiments with oysters or other shellfish as may be necessary to enhance production or quality of shellfish.

(3) The commission may lease to political subdivisions of the State of Mississippi up to one thousand (1,000) acres of water bottoms for development of oyster reefs and those political subdivisions may permit residents of the State of Mississippi to harvest oysters from the reefs. The political subdivision may charge and receive a fee for each sack of oysters harvested. The commission shall consider and approve the application of a political subdivision after determining that (a) no conflicts

exist with sites requested in applications filed before the application of the political subdivision; (b) a fair and reasonable rental payment has been set; and (c) the lease will insure the maximum culture and propagation of oysters.

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

PASSED BY THE SENATE
February 25, 2016



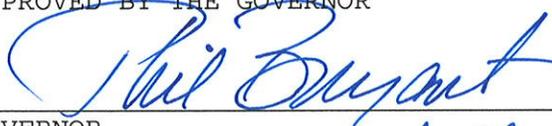
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 24, 2016



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

April 4, 2016
2:25pm