4/4/16 2:31 P.M.

Chapter No. 325
16/SS01/R768
LR / TB/LR

SENATE BILL NO. 2600

Originated in Senate _____ Secretary

SENATE BILL NO. 2600

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

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

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

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

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

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

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

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

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

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

PASSED BY THE SENATE
February 25, 2016

Tate Reeves

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 24, 2016

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

April 4, 2016
2:31pm