

By: Representative Ellington

To: Conservation and  
Water Resources

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1169

1 AN ACT TO AMEND SECTION 49-15-39, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE HARVESTING OF OYSTERS FROM A TOWED BOAT UNDER  
3 CERTAIN CIRCUMSTANCES; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 49-15-39, Mississippi Code of 1972, is  
6 amended as follows:

7 49-15-39. (1) It is unlawful for any person to catch or  
8 take oysters by means of dredging in any of the waters designated  
9 as tonging reefs by the commission.

10 (2) The commission shall designate certain areas as tonging  
11 reefs. The commission shall mark the boundaries of the areas  
12 designated by appropriate poles, stakes or buoys of material that  
13 will not injure watercraft, and the boundaries, when designated by  
14 the commission, shall be final unless shown to be incorrect by a  
15 proceeding which may be brought by any person interested in the  
16 chancery court of the county adjacent to the area.

17 (3) If any boat or vessel catches or takes oysters by means  
18 of dredges, drags or scoops, other than hand tongs, from any of  
19 the areas described in this section, or with a dredge or dredges  
20 in the water, then all oysters on board the boat or vessel are  
21 hereby declared to be contraband and shall be taken and  
22 confiscated by the department or any marine law enforcement  
23 officer without court procedure. The captain and crew of the boat  
24 or vessel, promptly upon being ordered so to do, shall transport  
25 the oysters to a point on the public reefs of the state where the  
26 boat or vessel is found and there scatter the oysters according to

27 the instructions of the enforcement officers. Any person who  
28 violates this section shall be punished as provided in Section  
29 49-15-63.

30 (4) (a) The harvesting of oysters by any boat which is  
31 being towed by another boat is authorized if the towed boat and  
32 persons on that boat are properly licensed to conduct oyster  
33 harvesting, the towed boat is manned and the towed boat is engaged  
34 in harvesting of oysters. Nothing in this section shall authorize  
35 the transfer of harvested oysters from the towing boat to the  
36 towed boat or shall authorize any increase in the bag limit for  
37 the taking of oysters.

38 (b) This subsection shall stand repealed on July 1,  
39 2000.

40 SECTION 2. This act shall take effect and be in force from  
41 and after July 1, 1999.