

By: Representative Ellington

To: Conservation and
Water Resources

HOUSE BILL NO. 1169
(As Passed the House)

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38 (b) This subsection shall stand repealed on July 1,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