

By: Senator(s) Hewes

To: Ports and Marine
Resources

SENATE BILL NO. 2995

1 AN ACT TO AMEND SECTION 49-15-38, MISSISSIPPI CODE OF 1972,
2 TO REVISE REQUIREMENTS FOR RETENTION OF OYSTER SHELLS; TO AMEND
3 SECTION 49-15-46, MISSISSIPPI CODE OF 1972, TO REVISE OYSTER SHELL
4 RETENTION FEES; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE
5 LEGISLATURE OF THE STATE OF MISSISSIPPI:
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7 SECTION 1. Section 49-15-38, Mississippi Code of 1972, is
8 amended as follows:

9 49-15-38. (1) (a) Unless otherwise permitted by the
10 commission, no oysters shall be taken from the reefs of this state
11 unless culled upon the natural reefs, and all oysters less than
12 three (3) inches from end to end, and all dead shells, shall be
13 replaced, scattered and broadcast immediately on the natural reefs
14 from which they are taken. It is unlawful for any captain or
15 person in charge of any vessel, or any canner, packer, commission
16 man, dealer or other person to purchase, sell or to have in that
17 person's possession or under that person's control any oysters off
18 the public reefs or private bedding grounds not culled according
19 to this section, or any oysters under the legal size. A ten
20 percent (10%) tolerance shall be allowed in relation to any
21 culling.

22 (b) The commission may authorize the culling of oysters
23 of a lesser measure. That authorization shall be in response to
24 special circumstances or extreme natural conditions affecting the
25 habitat, including, but not limited to, flooding. The department
26 may establish checkpoints in any area within its jurisdiction to
27 conduct inspections, collect fees and issue tags in the
28 enforcement of * * * this chapter and regulations adopted by the
29 commission.

30 (2) The commission shall acquire and replant shells, seed
31 oysters and other materials, when funding is available, for the
32 purpose of growing oysters. * * *

33 (3) Any person, firm or corporation failing or refusing
34 to * * * pay the shell retention fee required under Section
35 49-15-46 to the department when called for by the department, is
36 guilty of a misdemeanor and, upon conviction, shall be fined not
37 more than One Hundred Dollars (\$100.00) for each barrel of shells
38 they fail or refuse * * * to tender the shell retention fee. In
39 addition to the fine, the violator shall pay the reasonable value
40 of the oyster shells and shall be ineligible to be licensed for
41 any activity set forth in this chapter for a period of two (2)
42 years from the date of conviction.

43 (4) The * * * planting of oyster shells as provided under
44 this chapter shall be under the direction and supervision of the
45 executive director of the department. Planting and replanting of
46 oyster shells shall be coordinated by the Gulf Coast Research
47 Laboratory. The governing authorities of each county and
48 municipality bordering upon the Mississippi Sound may assist the
49 commission and the Gulf Coast Research Laboratory in the planting
50 and replanting of oyster shells. * * *

51 SECTION 2. Section 49-15-46, Mississippi Code of 1972, is
52 amended as follows:

53 49-15-46. (1) Each in-state vessel used to catch, take,
54 carry or transport oysters from the reefs of the State of
55 Mississippi, or engaged in transporting any oysters in any of the
56 waters within the territorial jurisdiction of the State of
57 Mississippi, for commercial use, shall annually, before beginning
58 operations, be licensed by the commission and pay the following
59 license fee:

60 (a) Fifty Dollars (\$50.00) on all vessels or boats
61 utilized for tonging oysters; or

62 (b) One Hundred Dollars (\$100.00) on all vessels or
63 boats utilized for dredging oysters.

64 (2) Each out-of-state vessel used to catch, take, carry or
65 transport oysters from the reefs of the State of Mississippi, or
66 engaged in transporting any oysters in any of the waters within
67 the territorial jurisdiction of the State of Mississippi, for
68 commercial use, must annually, before beginning operations, be
69 licensed by the commission and pay the following license fee:

70 (a) One Hundred Dollars (\$100.00) on all vessels or
71 boats utilized for tonging oysters; or

72 (b) Two Hundred Dollars (\$200.00) on all vessels or
73 boats utilized for dredging oysters.

74 (3) All oysters harvested in the State of Mississippi shall
75 be tagged. Tags shall be issued by the department and shall bear
76 the catcher's name, the date and origin of the catch, the shell
77 stock dealer's name and permit number. The department shall
78 number all tags issued and shall maintain a record of those tags.

79 (4) Each person catching or taking oysters from the waters
80 of the State of Mississippi for personal use shall obtain a permit
81 from the commission and pay an annual recreational oyster permit
82 fee of Ten Dollars (\$10.00). Oysters caught under a recreational
83 permit shall not be offered for sale. The limits on the allowable
84 catch of oysters for recreational purposes shall be three (3)
85 sacks per week. The department shall issue tags of a
86 distinguishing color to designate recreationally harvested
87 oysters, which shall be tagged on the same day of harvest in the
88 manner prescribed in subsection (3) of this section for
89 commercially harvested oysters or by regulation of the commission.

90 (5) The commission shall assess and collect a shell
91 retention fee * * * for the shells taken from waters within the
92 territorial jurisdiction of the State of Mississippi * * * as
93 follows:

94 (a) Resident Harvesters Twenty Cents (20¢) per sack
95 paid to the department the day of harvest;

96 (b) Non-resident Harvesters One Dollar (\$1.00) per sack
97 paid to the department the day of harvest;

98 (c) Recreational Harvesters Twenty Cents (20¢) per sack
99 paid to the department the day of harvest;

100 (d) Initial oyster processor, dealer or factory first
101 purchasing the oysters Twenty Cents (20¢) per sack paid to the
102 department no later than the tenth day of the month following the
103 purchase, on forms submitted by the department.

104 Funds received from the shell retention fee shall be paid
105 into a special fund in the State Treasury to be appropriated by
106 the Legislature for use by the commission to further oyster
107 production in this state.

108 SECTION 3. This act shall take effect and be in force from
109 and after July 1, 1999.