

*****Pending*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 1304

By Senator(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

18 SECTION 1. Section 49-15-29, Mississippi Code of 1972, is
19 amended as follows:

20 49-15-29. (1) The commission shall assess and collect,
21 license fees and taxes as authorized under this chapter.

22 (2) All commercial licenses provided for under this chapter
23 that relate to * * * seafood shall be purchased from May 1 through
24 April 30 at the fees * * * provided in this chapter. The licenses
25 shall expire on April 30 following the date of issuance.

26 (3) When an application for an original or renewal license
27 of any kind authorized by this chapter is received by the
28 commission, the commission shall determine whether the vessel or
29 related equipment subject to that license is owned and operated in
30 compliance with applicable federal and state laws. If the
31 commission determines that a vessel or its owner is not in
32 compliance with applicable federal and state laws, then no license
33 shall be issued or renewed for the operation of that vessel for a
34 period of one (1) year. All licenses shall be made available for
35 purchase at any building which is regularly operated by the
36 department or commission on the Mississippi Gulf Coast.

37 (4) The commission may authorize any person, other than a
38 salaried employee of the state to issue any license under this

39 chapter which the commission deems appropriate. The authorized
40 person may collect and retain for issuance of the license the sum
41 of One Dollar (\$1.00) in addition to the license fee provided in
42 this chapter. The commission shall establish the qualifications
43 of persons authorized to issue licenses under this section and
44 shall also establish the procedure for the issuance of that
45 license by the authorized person and the procedure for collection
46 of license fees by and from the authorized person.

47 SECTION 2. Section 49-15-34, Mississippi Code of 1972, is
48 amended as follows:

49 49-15-34. (1) The commission shall require all boats used
50 under regulation of this chapter which are also used in waters of
51 other states and required by those states to pay licenses or fees
52 for the same purposes as licenses and fees are required under this
53 chapter to purchase a license which reflects that the licensed
54 boats are used inside and outside the territorial waters of
55 Mississippi. Upon the issuance of that license, the licensed
56 boat, if used exclusively for commercial fishing or charter boats
57 which have been licensed and authorized by the United States Coast
58 Guard under 46 CFR Sections 24-26 and 46 CFR Sections 175-187,
59 shall be deemed to be in the business of interstate
60 transportation, but this shall in no way affect the collection of
61 other licenses and fees by the commission which would otherwise be
62 due under this chapter. The commission shall assess and collect
63 an annual license fee of Twenty Dollars (\$20.00) on each boat
64 engaged in operations under this subsection.

65 (2) Notwithstanding the provisions of this chapter, the
66 commission shall establish a transport permit to land seafood in
67 this state which is legally taken outside of the Mississippi
68 territorial waters without obtaining a license under this chapter.
69 The commission by regulation shall require the registration * * *
70 of those landings. The commission may establish a permit fee in
71 an amount not to exceed the amount of the license fee established

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72 in Section 49-15-28(1). This subsection shall not be construed to
73 supersede Section 49-15-71.

74 SECTION 3. Section 49-15-38, Mississippi Code of 1972, is
75 amended as follows:

76 49-15-38. (1) (a) Unless otherwise permitted by the
77 commission, no oysters shall be taken from the reefs of this state
78 unless culled upon the natural reefs, and all oysters less than
79 three (3) inches from end to end, and all dead shells, shall be
80 replaced, scattered and broadcast immediately on the natural reefs
81 from which they are taken. It is unlawful for any captain or
82 person in charge of any vessel, or any canner, packer, commission
83 man, dealer or other person to purchase, sell or to have in that
84 person's possession or under that person's control any oysters off
85 the public reefs or private bedding grounds not culled according
86 to this section, or any oysters under the legal size. A ten
87 percent (10%) tolerance shall be allowed in relation to any
88 culling.

89 (b) The commission may authorize the culling of oysters
90 of a lesser measure. That authorization shall be in response to
91 special circumstances or extreme natural conditions affecting the
92 habitat, including, but not limited to, flooding. The department
93 may establish checkpoints in any area within its jurisdiction to
94 conduct inspections, collect fees and issue tags in the
95 enforcement of * * * this chapter and regulations adopted by the
96 commission.

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

100 (3) Any person, firm or corporation failing or refusing
101 to * * * pay the shell retention fee required under Section
102 49-15-46 to the department when called for by the department, is
103 guilty of a misdemeanor and, upon conviction, shall be fined not
104 more than One Hundred Dollars (\$100.00) for each barrel of shells

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105 for which they fail or refuse * * * to tender the shell retention
106 fee. In addition to the fine, the violator shall pay the
107 reasonable value of the oyster shells and shall be ineligible to
108 be licensed for any activity set forth in this chapter for a
109 period of two (2) years from the date of conviction.

110 (4) The * * * planting of oyster shells as provided under
111 this chapter shall be under the direction and supervision of the
112 executive director of the department. Planting and replanting of
113 oyster shells shall be coordinated by the Gulf Coast Research
114 Laboratory. The governing authorities of each county and
115 municipality bordering upon the Mississippi Sound may assist the
116 commission and the Gulf Coast Research Laboratory in the planting
117 and replanting of oyster shells. * * *

118 SECTION 4. Section 49-15-46, Mississippi Code of 1972, is
119 amended as follows:

120 49-15-46. (1) Each in-state vessel used to catch, take,
121 carry or transport oysters from the reefs of the State of
122 Mississippi, or engaged in transporting any oysters in any of the
123 waters within the territorial jurisdiction of the State of
124 Mississippi, for commercial use, shall annually, before beginning
125 operations, be licensed by the commission and pay the following
126 license fee:

127 (a) Fifty Dollars (\$50.00) on all vessels or boats
128 utilized for tonging oysters or gathering oysters by hand; or

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

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

137 (a) One Hundred Dollars (\$100.00) on all vessels or

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138 boats utilized for tonging oysters or gathering oysters by hand;
139 or

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

142 (3) All oysters harvested in the State of Mississippi shall
143 be tagged. Tags shall be issued by the department and shall bear
144 the catcher's name, the date and origin of the catch, the shell
145 stock dealer's name and permit number. The department shall
146 number all tags issued and shall maintain a record of those tags.
147 The commission, in its discretion, may adopt any regulations
148 regarding the tagging of oysters and other shellfish.

149 (4) Each person catching or taking oysters from the waters
150 of the State of Mississippi for personal use shall obtain a permit
151 from the commission and pay an annual recreational oyster permit
152 fee of Ten Dollars (\$10.00). Oysters caught under a recreational
153 permit shall not be offered for sale. The limits on the allowable
154 catch of oysters for recreational purposes shall be three (3)
155 sacks per week. The department shall issue tags of a
156 distinguishing color to designate recreationally harvested
157 oysters, which shall be tagged on the same day of harvest in the
158 manner prescribed in subsection (3) of this section for
159 commercially harvested oysters or by regulation of the commission.

160 (5) The commission shall assess and collect a shell
161 retention fee * * * for the shells taken from waters within the
162 territorial jurisdiction of the State of Mississippi * * * as
163 follows:

164 (a) Resident commercial harvesters - Fifteen Cents
165 (15¢) per sack paid to the department on the day of harvest;

166 (b) Nonresident commercial harvesters - Fifteen Cents
167 (15¢) per sack paid to the department on the day of harvest;

168 (c) Recreational harvesters - Fifteen Cents (15¢) per
169 sack paid to the department on the day of harvest;

170 (d) Initial oyster processor, dealer or factory first

171 purchasing the oysters - Fifteen Cents (15¢) per sack paid to the
172 department no later than the tenth day of the month following the
173 purchase, on forms submitted by the department.

174 Funds received from the shell retention fee shall be paid
175 into a special fund in the State Treasury to be appropriated by
176 the Legislature for use by the commission to further oyster
177 production in this state, which includes plantings of oysters
178 and/or cultch materials.

179 During open seasons, oysters may be taken only by hands,
180 tongs and dredges.

181 SECTION 5. Section 49-15-64.5, Mississippi Code of 1972, is
182 amended as follows:

183 49-15-64.5. (1) (a) Each freight boat, ice boat and
184 catching boat used in catching or transporting saltwater shrimp
185 taken from the waters of the State of Mississippi for sale in
186 their fresh state, or for canning, packing, freezing or drying,
187 shall first obtain from the commission an annual privilege license
188 and pay a license fee at the following rates:

189 (i) Fifty Dollars (\$50.00) for resident boats or
190 vessels under thirty (30) feet in length in overall measurements
191 and One Hundred Dollars (\$100.00) for nonresident boats or vessels
192 under thirty (30) feet in length in overall measurements;

193 (ii) Seventy-five Dollars (\$75.00) for resident
194 boats or vessels between thirty (30) and forty-five (45) feet in
195 length in overall measurements and One Hundred Dollars (\$100.00)
196 for nonresident boats or vessels between thirty (30) and
197 forty-five (45) feet in length in overall measurements;

198 (iii) One Hundred Dollars (\$100.00) for resident
199 boats or vessels greater than forty-five (45) feet in length in
200 overall measurements and Two Hundred Dollars (\$200.00) for
201 nonresident boats or vessels greater than forty-five (45) feet in
202 length in overall measurements.

203 (b) Beginning September 15, 1994, no nonresident shall

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204 be issued a commercial fishing license under this chapter for the
205 taking of saltwater shrimp using any type of net if that
206 nonresident's state of domicile prohibits the issuing of
207 commercial fishing licenses to residents of this state to engage
208 in like activity.

209 (2) Each recreational vessel engaging in shrimping with a
210 net having a corkline length of sixteen (16) feet or less shall
211 pay an annual resident license fee of Fifteen Dollars (\$15.00) or
212 an annual nonresident license fee of Thirty Dollars (\$30.00).

213 (3) Every freight boat, ice boat and catching boat used in
214 catching or transporting saltwater shrimp taken from the waters of
215 the State of Mississippi for sale in their fresh state, or for
216 canning, packing, freezing, drying or as bait shall register the
217 name of the captain of the vessel at the time that the vessel
218 obtains the annual privilege license provided for in this section.

219 The individual registered as the captain of the vessel may be
220 substituted after notification to and the approval of the deputy
221 director or the deputy director's designated representative. The
222 captain shall purchase a license entitled "captain license." This
223 license shall be purchased at the same time the vessel license is
224 purchased. The fee for a captain license shall be a minimum of
225 Ten Dollars (\$10.00).

226 (4) During open seasons and in open areas, saltwater shrimp
227 may be taken only with shrimp trawls, trawls, butterfly nets,
228 skimmer nets, beach seines and cast nets.

229 SECTION 6. Section 49-15-80, Mississippi Code of 1972, is
230 brought forward as follows:

231 49-15-80. (1) (a) All vessels to be used in catching or
232 transporting fish in the waters of the State of Mississippi for
233 commercial purposes shall, before beginning operations, obtain an
234 annual license from the commission and pay a license fee according
235 to the following schedule:

236 (i) Twenty-five Dollars (\$25.00) on boats used for

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237 commercial hook and line fishing. All vessels engaged in
238 commercial hook and line fishing shall be issued a separate annual
239 license by the commission at a fee of One Hundred Dollars
240 (\$100.00) and crew members shall not be subject to the additional
241 licensing requirements outlined in this section.

242 (ii) A resident fee of One Hundred Dollars
243 (\$100.00) or a nonresident fee of Three Hundred Dollars (\$300.00),
244 on boats using trammel nets, gill nets or seines not more than one
245 thousand two hundred (1,200) feet in length.

246 (b) Beginning September 15, 1994, no nonresident shall
247 be issued a commercial fishing license under this chapter for the
248 taking of fish using any type of net if that nonresident's state
249 of domicile prohibits the issuing of commercial fishing licenses
250 to residents of this state to engage in like activity.

251 (2) Each factory or manufacturing establishment engaging in
252 the manufacture of oil, fish scrap, fish meal, fertilizer or other
253 products from menhaden, shall pay a license fee of Five Hundred
254 Dollars (\$500.00).

255 (3) Each boat or vessel engaging in the catching, taking or
256 transporting menhaden in the waters of the State of Mississippi,
257 the sum of One Hundred Dollars (\$100.00) and shall pay Fifty
258 Dollars (\$50.00) on each net, seine, trawl or purse net used in
259 catching or taking menhaden in the waters of the State of
260 Mississippi.

261 SECTION 7. Section 49-15-42, Mississippi Code of 1972, is
262 amended as follows:

263 49-15-42. (1) All oysters caught in Mississippi territorial
264 waters shall be tagged, unloaded and sold to a licensed and
265 certified shell stock dealer in Mississippi. Before tagging and
266 unloading, the oysters must be sacked or packaged in containers or
267 by other methods approved by the department. However, a person is
268 exempt from the unloading requirement if he is transporting the
269 oysters to a state that has a reciprocity agreement with

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270 Mississippi exempting Mississippi residents from the unloading
271 requirements of that state.

272 (2) The driver of any vehicle used in the transporting of
273 oysters in the shell from outside the territorial limits of the
274 State of Mississippi, whether the vehicle is a boat or motor
275 vehicle, shall possess an invoice, statement or other bill of
276 lading which bears the name of the person, firm or corporation
277 from whom the oysters were purchased, the name of the purchaser
278 and the number of barrels or bushels of oysters which the vehicle
279 or vessel contains.

280 SECTION 8. This act shall take effect and be in force from
281 and after July 1, 1999.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO REVISE LAWS REGULATING THE HARVEST OF SEAFOOD; TO
2 AMEND SECTION 49-15-29, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT
3 ALL COMMERCIAL SEAFOOD LICENSES SHALL EXPIRE ON THE SAME DATE; TO
4 AMEND SECTION 49-15-34, MISSISSIPPI CODE OF 1972, TO DELETE THE
5 REQUIREMENT THAT THE COMMISSION ON MARINE RESOURCES SHALL INSPECT
6 CERTAIN SEAFOOD LANDINGS; TO AMEND SECTION 49-15-38, MISSISSIPPI
7 CODE OF 1972, TO REVISE REQUIREMENTS FOR THE RETENTION OF OYSTER
8 SHELLS; TO AMEND SECTION 49-15-46, MISSISSIPPI CODE OF 1972, TO
9 REVISE THE FEE(S) CHARGED FOR OYSTER SHELL RETENTION; TO AMEND
10 SECTION 49-15-64.5, MISSISSIPPI CODE OF 1972, TO CLARIFY WHAT
11 METHODS MAY BE USED IN THE TAKING OF SALTWATER SHRIMP; TO BRING
12 FORWARD SECTION 49-15-80, MISSISSIPPI CODE OF 1972; TO AMEND
13 SECTION 49-15-42, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT
14 OYSTERS CAUGHT IN MISSISSIPPI WATERS MUST BE SOLD TO A LICENSED
15 AND CERTIFIED SHELL STOCK DEALER IN MISSISSIPPI; AND FOR RELATED
16 PURPOSES.