

By: Ellington

To: Conservation and  
Water Resources

HOUSE BILL NO. 1081

1 AN ACT TO AMEND SECTION 49-15-28, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE COMMERCIAL FISHERMEN TO OBTAIN A SEAFOOD DEALERS  
3 LICENSE TO SELL THEIR CATCH; TO AMEND SECTION 49-15-46,  
4 MISSISSIPPI CODE OF 1972, TO REQUIRE A SHELL FEE FOR OYSTERS  
5 SHIPPED OUT OF STATE; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 49-15-28, Mississippi Code of 1972, is  
8 amended as follows:[LTR1]

9 49-15-28. (1) Each person buying or handling seafood  
10 secured from commercial fishermen, or from other wholesale  
11 dealers, for the purpose of resale, whether handling on a  
12 commission basis or otherwise, and every resident person shipping  
13 seafood out of the State of Mississippi on consignment or  
14 order, \* \* \* shall be considered a wholesale dealer and shall  
15 obtain a license and pay an annual license fee of One Hundred  
16 Dollars (\$100.00). The privilege of a wholesaler shall also  
17 include the privilege of a retailer without additional license.  
18 Where seafood is sold at retail in grocery stores and meat markets  
19 which pay a city, county or state privilege license for that  
20 operation, those grocery stores and meat markets shall not be  
21 liable for the payment of the tax above levied.

22 (2) Any factory or person engaged in the canning,  
23 processing, freezing, drying or shipping of oysters, fish,  
24 saltwater crabs or saltwater shrimp shall be considered a seafood  
25 processor and shall obtain a license and pay an annual privilege  
26 tax of Two Hundred Dollars (\$200.00). It is unlawful for any  
27 factory or person to engage in the canning, processing, freezing,

28 drying or shipping of oysters, fish, saltwater crabs or saltwater  
29 shrimp without first having obtained that license. The privilege  
30 of a processor shall also include the privileges of a wholesaler  
31 without additional license. The privilege tax license shall be  
32 nontransferable and a license shall be required for each factory  
33 or place of business. This license shall not apply to, nor shall  
34 the payment of the annual privilege tax of Two Hundred Dollars  
35 (\$200.00) be due by, a dealer in fresh seafood who merely  
36 preserves the seafood for future sale to prevent spoilage and is  
37 in competition with other retailers who are not required to pay  
38 this tax.

39 (3) All licensed commercial fishermen not selling directly  
40 to a licensed seafood dealer or processor must obtain a seafood  
41 dealer or processor license.

42 SECTION 2. Section 49-15-46, Mississippi Code of 1972, is  
43 amended as follows:[LTR2]

44 49-15-46. (1) Each in-state vessel used to catch, take,  
45 carry or transport oysters from the reefs of the State of  
46 Mississippi, or engaged in transporting any oysters in any of the  
47 waters within the territorial jurisdiction of the State of  
48 Mississippi, for commercial use, shall annually, before beginning  
49 operations, be licensed by the commission and pay the following  
50 license fee:

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

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

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

61 (a) One Hundred Dollars (\$100.00) on all vessels or  
62 boats utilized for tonging oysters or gathering oysters by hand;  
63 or

64 (b) Two Hundred Dollars (\$200.00) on all vessels or

65 boats utilized for dredging oysters.

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

71 The commission, in its discretion, may adopt any regulations  
72 regarding the tagging of oysters and other shellfish.

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

84 (5) The commission shall assess and collect a shell  
85 retention fee for the shells taken from waters within the  
86 territorial jurisdiction of the State of Mississippi as follows:

87 (a) Commercial and recreational harvesters - Fifteen  
88 Cents (15¢) per sack paid to the department on the day of harvest;  
89 and

90 (b) Initial oyster processor, dealer or factory first  
91 purchasing the oysters - Fifteen Cents (15¢) per sack paid to the  
92 department no later than the tenth day of the month following the  
93 purchase, on forms submitted by the department.

94 (c) Commercial harvesters transporting their catch out  
95 of the state - Fifty Cents (50¢) per sack paid to the department  
96 on the day of harvest.

97 Funds received from the shell retention fee shall be paid

98 into a special fund in the State Treasury to be appropriated by  
99 the Legislature for use by the commission to further oyster  
100 production in this state, which includes plantings of oysters  
101 and/or cultch materials.

102 During open seasons, oysters may be taken only by hands,  
103 tongs and dredges.

104 SECTION 3. This act shall take effect and be in force from  
105 and after July 1, 2000.