

By: Hewes

To: Ports and Marine
Resources

SENATE BILL NO. 2599

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.