

*****Adopted***
AMENDMENT No. 1 PROPOSED TO**

House Bill NO. 1266

By Senator(s) Hewes

AMEND by inserting after line 90 the following new section and renumbering the succeeding section:

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

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

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

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

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

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

or

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

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

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

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

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

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

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

Funds received from the shell retention fee shall be paid

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

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

FURTHER, amend the title on line 5 after the semicolon by inserting the following:

TO AMEND SECTION 49-15-46, MISSISSIPPI CODE OF 1972, TO REQUIRE A SHELL FEE FOR OYSTERS SHIPPED OUT OF STATE;