

By: Representative Ellington

To: Conservation and Water Resources

HOUSE BILL NO. 731

1 AN ACT TO AMEND SECTION 49-15-46, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE A SHELL RETENTION FEE FOR OYSTERS NOT SOLD TO A
3 MISSISSIPPI DEALER; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 49-15-46, Mississippi Code of 1972, is
6 amended as follows:

7 49-15-46. (1) Each in-state vessel used to catch, take,
8 carry or transport oysters from the reefs of the State of
9 Mississippi, or engaged in transporting any oysters in any of the
10 waters within the territorial jurisdiction of the State of
11 Mississippi, for commercial use, shall annually, before beginning
12 operations, be licensed by the commission and pay the following
13 license fee:

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

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

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

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



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

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

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

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

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

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

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



60 (d) Commercial harvesters not selling their oysters to
61 a Mississippi dealer Thirty Cents (30¢) per sack paid to the
62 department on the day of harvest.

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

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

70 SECTION 2. This act shall take effect and be in force from
71 and after July 1, 2001.

