

By: Representatives Ladner, Byrd

To: Marine Resources; Ways
and Means

HOUSE BILL NO. 1269

1 AN ACT TO AMEND SECTION 49-15-46, MISSISSIPPI CODE OF 1972,
2 TO ESTABLISH LICENSING AND FEES FOR VESSELS ENGAGED IN OFF-BOTTOM
3 OYSTER AQUACULTURE OPERATIONS; 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 vessel used to catch, take, carry or
8 transport oysters from the reefs of the State of Mississippi, or
9 engaged in transporting any oysters in any of the waters within
10 the territorial jurisdiction of the State of Mississippi, for
11 commercial use, shall annually, before beginning operations, be
12 licensed by the commission and pay the following license fee:

13 (a) Fifty Dollars (\$50.00) on each in-state vessel or
14 boat * * * used for tonging oysters or gathering oysters by hand;

15 (b) One Hundred Dollars (\$100.00) on each in-state
16 vessel or boat * * * used for dredging oysters;



17 (c) One Hundred Dollars (\$100.00) on each out-of-state
18 vessel or boat * * * used for tonging oysters or gathering oysters
19 by hand; * * *

20 (d) Two Hundred Dollars (\$200.00) on each out-of-state
21 vessel or boat * * * used for dredging oysters * * *;

22 (e) Fifty Dollars (\$50.00) on each in-state vessel or
23 boat used for off-bottom oyster aquaculture operations; or

24 (f) One Hundred Dollars (\$100.00) on each out-of-state
25 vessel or boat used for off-bottom oyster aquaculture operations.

26 (2) Each captain of each commercial vessel, used for either
27 tonging * * *, dredging, or off-bottom oyster aquaculture shall
28 purchase a license entitled "captain license - oyster" for a fee
29 not to exceed Ten Dollars (\$10.00) and may designate one (1)
30 alternate captain for each license.

31 (3) The commission may authorize the transfer of a vessel
32 license to a different vessel provided that the owner of both
33 vessels is the same titled owner.

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



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

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

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

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

61 (c) Commercial harvesters transporting their catch out
62 of the state - Fifty Cents (50¢) per sack paid to the department
63 on the day of harvest, in addition to the fees paid in subsection
64 (6) (a); and



65 (d) Commercial harvesters not selling their oysters to
66 a Mississippi dealer - Fifteen Cents (15¢) per sack paid to the
67 department on the day of harvest, in addition to fees paid in
68 subsection (6) (a).

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

74 (7) During open seasons, oysters may be taken only by hands,
75 tongs and dredges.

76 (8) Vessels licensed under Section 49-15-46 may keep in
77 whole, for personal consumption up to thirty-six (36) blue crabs
78 (portunidae family), per day. This exemption for personal
79 consumption does not apply to fish or crabs that are otherwise
80 illegal to possess or catch.

81 **SECTION 2.** This act shall take effect and be in force from
82 and after July 1, 2019.

