

By: Senator(s) Gollott, Moran, Seymour

To: Ports and Marine Resources

SENATE BILL NO. 2285

1 AN ACT TO AMEND SECTION 49-15-46, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE OYSTER SHELL RETENTION FEES; AND FOR RELATED  
3 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 utilized for tonging oysters or gathering oysters by hand;

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



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

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

22 (2) Each captain of each commercial vessel, used for either  
23 tonging or dredging, shall purchase a license entitled "captain  
24 license - oyster" for a fee not to exceed Ten Dollars (\$10.00) and  
25 may designate one (1) alternate captain for each license.

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

29 (4) 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 (5) 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 (4) of this section for  
46 commercially harvested oysters or by regulation of the commission.

47 (6) 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 - \* \* \* One  
51 Dollar (\$1.00) per sack paid to the department on the day of  
52 harvest;

53 (b) Initial oyster processor, dealer or factory first  
54 purchasing the oysters - \* \* \* One Dollar (\$1.00) per sack paid to  
55 the department no later than the tenth day of the month following  
56 the purchase, on forms submitted by the department;

57 (c) Commercial harvesters transporting their catch out  
58 of the state - \* \* \* One Dollar and Fifty Cents (\$1.50) per sack  
59 paid to the department on the day of harvest, in addition to the  
60 fees paid in subsection (6) (a); and

61 (d) Commercial harvesters not selling their oysters to  
62 a Mississippi dealer - \* \* \* One Dollar (\$1.00) per sack paid to  
63 the department on the day of harvest, in addition to fees paid in  
64 subsection (6) (a).

65 Funds received from the shell retention fee shall be paid  
66 into a special fund in the State Treasury to be appropriated by



67 the Legislature for use by the commission to further oyster  
68 production in this state, which includes plantings of oysters  
69 and/or cultch materials.

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

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

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

