

By: Representative Ladner

To: Marine Resources

HOUSE BILL NO. 1077

1 AN ACT TO AMEND SECTION 49-15-46, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE LICENSING OF VESSELS FOR MOLLUSCAN SHELLFISH
3 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 * * * department and pay the following license
13 fee:

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

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



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

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

23 * * *

24 (2) Each molluscan shellfish aquaculture operation shall
25 annually, before beginning operations, be licensed by the
26 department and pay the following license fee:

27 (a) Fifty Dollars (\$50.00) on each resident molluscan
28 shellfish aquaculture operation; or

29 (b) One Hundred Dollars (\$100.00) on each nonresident
30 molluscan shellfish aquaculture operation.

31 (3) The * * * department may authorize the transfer of a
32 vessel license to a different vessel provided that the owner of
33 both 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 * * * department may adopt any regulations regarding the
40 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 * * * department and pay an annual recreational oyster
44 permit fee of Ten Dollars (\$10.00). Oysters caught under a
45 recreational permit shall not be offered for sale. The limits on
46 the allowable catch of oysters for recreational purposes shall be
47 three (3) 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 * * *
52 department.

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

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

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

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

66 (d) Commercial harvesters not selling their oysters to
67 a Mississippi dealer - Fifteen Cents (15¢) per sack paid to the



68 department on the day of harvest, in addition to fees paid in
69 subsection (6) (a).

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

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

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

82 **SECTION 2.** This act shall take effect and be in force from
83 and after July 1, 2022.

