

By: Representative Ellington

To: Conservation and Water Resources

HOUSE BILL NO. 1084

1 AN ACT TO AMEND SECTION 49-15-46, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE COMMERCIAL OYSTER HARVESTER NOT SELLING OYSTERS TO
3 MISSISSIPPI DEALER TO PAY SHELL RETENTION FEE; AND FOR RELATED
4 PURPOSES.

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

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

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

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

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

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

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

27 or



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

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

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

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

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

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

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



60 on the day of harvest, in addition to the fees paid in paragraph
61 (5) (a); and

62 (d) Commercial harvesters not selling their oysters to
63 a Mississippi dealer - Fifteen Cents (15¢) per sack paid to the
64 department on the day of harvest, in addition to fees paid in
65 paragraph (5) (a).

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

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

73 **SECTION 2.** This act shall take effect and be in force from
74 and after July 1, 2002.

