

By: Representatives Ellington, Wells-Smith,  
Read

To: Conservation and  
Water Resources

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1240

1 AN ACT TO AMEND SECTION 49-15-15, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE COMMISSION ON MARINE RESOURCES TO PROMOTE,  
3 CONSTRUCT, MONITOR AND MAINTAIN ARTIFICIAL FISHING REEFS IN THE  
4 MARINE WATERS OF THE STATE, TO PERFORM RELATED DUTIES, AND TO  
5 RESTRICT THE POSSESSION OF UNAUTHORIZED FISHING DEVICES IN CERTAIN  
6 AREAS; TO AMEND SECTION 49-15-17, MISSISSIPPI CODE OF 1972, TO  
7 PROVIDE FOR AN ARTIFICIAL REEF PROGRAM ACCOUNT WITHIN THE SPECIAL  
8 FUND KNOWN AS THE SEAFOOD FUND FOR THE DEPARTMENT OF MARINE  
9 RESOURCES TO EXPEND FOR SPECIFIC PURPOSES; AND FOR RELATED  
10 PURPOSES.

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

12 SECTION 1. Section 49-15-15, Mississippi Code of 1972, is  
13 amended as follows:

14 49-15-15. (1) In addition to any other powers and duties  
15 authorized by law, the commission shall have the following powers  
16 and duties regarding the regulation of seafood:

17 (a) To exercise full jurisdiction and authority over  
18 all marine aquatic life and to regulate any matters pertaining to  
19 seafood, including cultivated seafood;

20 (b) To adopt, promulgate, amend or repeal, after due  
21 notice and public hearing, in accordance with the Mississippi  
22 Administrative Procedures Law and subject to the limitations in  
23 subsection (2) of this section, rules and regulations authorized  
24 under this chapter, including, but not limited to, rules and  
25 regulations necessary for the protection, conservation or  
26 propagation of all shrimp, oysters, commercial fish and crabs in  
27 the waters under the territorial jurisdiction of the State of  
28 Mississippi and for the regulation of gill net and purse seine  
29 fishermen. All public hearings under this chapter concerning the  
30 regulation of marine resources shall be held in Hancock, Harrison

31 or Jackson counties. Each rule or regulation promulgated under  
32 this chapter shall immediately be advertised one (1) time in a  
33 newspaper or newspapers having general circulation in counties  
34 affected by that regulation. A regulation shall become effective  
35 at 6:00 a.m. on the day after its publication;

36 (c) To regulate all seafood sanitation and processing  
37 programs. In the three (3) coastal counties, the sanitation  
38 program regulating processing plants and seafood sold in retail  
39 stores operating in conjunction with a processing plant or seafood  
40 market that primarily deals with seafood is under the exclusive  
41 authority of the commission. The commission may also inspect and  
42 regulate those areas of any seafood processing plant which process  
43 freshwater species at any site where the department inspects  
44 seafood processing plants. To effectively and efficiently  
45 implement the state seafood sanitation program, the State Health  
46 Officer and the executive director of the department shall enter  
47 into a memorandum of understanding, which at a minimum, clearly  
48 specifies the responsibilities of each agency in implementing the  
49 seafood sanitation program, as well as the sharing of information  
50 and communication and coordination between the agencies;

51 (d) To set standards of measure;

52 (e) To set requirements for employment of  
53 nonenforcement commission employees whose compensation shall be  
54 governed by the rules and regulations of the State Personnel  
55 Board;

56 (f) To acquire and dispose of commission equipment and  
57 facilities;

58 (g) To keep proper records of the commission, including  
59 an official ordinance book which contains all rules and  
60 regulations promulgated by the commission under this chapter;

61 (h) To enter into advantageous interstate and  
62 intrastate agreements with proper officials, which directly or  
63 indirectly result in the protection, propagation and conservation  
64 of the seafood of the State of Mississippi, or continue any such  
65 agreements now in existence;

66 (i) To arrange, negotiate or contract for the use of  
67 available federal, state and local facilities which would aid in

68 the propagation, protection and conservation of the seafood of the  
69 State of Mississippi;

70 (j) To authorize the operation of double rigs in the  
71 waters lying between the mainland coast and the island chain, and  
72 those rigs shall not exceed a length of twenty-five (25) feet at  
73 the cork line, and to prescribe the length at the lead line for  
74 each rig, net or try-trawl;

75 (k) To destroy or dispose of equipment or nets which  
76 have been lawfully seized by the commission and which are not sold  
77 under Section 49-15-65;

78 (l) To open, close and regulate fishing seasons for the  
79 taking of shrimp, oysters, fish taken for commercial purposes and  
80 crabs and set size, catching and taking regulations for all types  
81 of seafood and culling regulations for oysters, except as  
82 otherwise specifically provided by law;

83 (m) To utilize the resources of the Gulf Coast Research  
84 Laboratory to the fullest extent possible; \* \* \*

85 (n) To develop a resource management plan to preserve  
86 our seafood resources and to ensure a safe supply of these  
87 resources;

88 (o) To promote, construct, monitor and maintain  
89 artificial fishing reefs in the marine waters of the State of  
90 Mississippi and in adjacent federal waters; to accept grants and  
91 donations of money or materials from public and private sources  
92 for such reefs; and to apply for any federal permits necessary for  
93 the construction or maintenance of artificial fishing reefs in  
94 federal waters; and

95 (p) To restrict the possession of unauthorized fishing  
96 devices in areas where their use is prohibited.

97 (2) The commission shall not adopt rules, regulations or  
98 ordinances pertaining to marine resources which are more stringent  
99 than federal regulations. In any case where federal laws and  
100 regulations are silent on a matter pertaining to marine resources,

101 the laws and regulations of the State of Mississippi shall  
102 control. The commission shall review all marine resource  
103 ordinances for compliance with the no more stringent standard and  
104 revise any ordinances more stringent than this standard no later  
105 than December 31, 1992. This subsection shall not apply to rules,  
106 regulations or ordinances pertaining to the wild stock of marine  
107 fin fish.

108 SECTION 2. Section 49-15-17, Mississippi Code of 1972, is  
109 amended as follows:

110 49-15-17. (1) (a) All monies received or obtained by the  
111 commission under the provisions of this chapter shall be paid over  
112 by the commission to the State Treasurer and shall be deposited  
113 into the fund known as the "Seafood Fund." All revenues collected  
114 through the department, to include, but not limited to, commercial  
115 saltwater licenses and taxes, permits, fines and penalties, and  
116 confiscated catches, shall be deposited into the department  
117 operating account (Seafood Fund) and expended for the operation of  
118 the department, as authorized by the Legislature.

119 (b) There is established a special account to be known  
120 as the "Artificial Reef Program Account" within the seafood fund.  
121 Any funds received from any public or private source for the  
122 purpose of promoting, constructing, monitoring or maintaining  
123 artificial reefs in the marine waters of the state or in federal  
124 waters adjacent to the marine waters of the state shall be  
125 credited to the account. Any unexpended funds remaining in the  
126 account at the end of the fiscal year shall not lapse into the  
127 seafood fund, but shall remain in the account. The department may  
128 expend any funds in the account, subject to appropriation by the  
129 Legislature, to accomplish the purpose of the account.

130 (2) The fund shall be treated as a special trust fund and  
131 interest earned on the principal shall be credited to the fund.

132 (3) The secretary of the commission shall keep accurate  
133 reports of monies handled as a part of the permanent records of

134 the commission, and the State Treasurer shall furnish the  
135 secretary of the commission such forms as may be needed, and the  
136 secretary shall account for such forms in his reports to the  
137 treasurer.

138 SECTION 3. This act shall take effect and be in force from  
139 and after its passage.