

By: Representative Ellington

To: Conservation and
Water Resources

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, AND TO PERFORM RELATED DUTIES; TO
5 AMEND SECTION 49-15-17, MISSISSIPPI TO PROVIDE FOR AN ARTIFICIAL
6 REEF DEVELOPMENT ACCOUNT WITHIN THE SPECIAL FUND KNOWN AS THE
7 SEAFOOD FUND FOR THE COMMISSION ON MARINE RESOURCES TO EXPEND FOR
8 SPECIFIC PURPOSES; AND FOR RELATED PURPOSES.

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

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

12 49-15-15. (1) In addition to any other powers and duties
13 authorized by law, the commission shall have the following powers
14 and duties regarding the regulation of seafood:

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

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

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

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

49 (d) To set standards of measure;

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

54 (f) To acquire and dispose of commission equipment and
55 facilities;

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

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

64 (i) To arrange, negotiate or contract for the use of
65 available federal, state and local facilities which would aid in
66 the propagation, protection and conservation of the seafood of the

67 State of Mississippi;

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

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

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

81 (m) To utilize the resources of the Gulf Coast Research
82 Laboratory to the fullest extent possible; * * *

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

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

93 (2) The commission shall not adopt rules, regulations or
94 ordinances pertaining to marine resources which are more stringent
95 than federal regulations. In any case where federal laws and
96 regulations are silent on a matter pertaining to marine resources,
97 the laws and regulations of the State of Mississippi shall
98 control. The commission shall review all marine resource
99 ordinances for compliance with the no more stringent standard and

100 revise any ordinances more stringent than this standard no later
101 than December 31, 1992. This subsection shall not apply to rules,
102 regulations or ordinances pertaining to the wild stock of marine
103 fin fish.

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

106 49-15-17. (1) (a) All monies received or obtained by the
107 commission under the provisions of this chapter shall be paid over
108 by the commission to the State Treasurer and shall be deposited
109 into the fund known as the "Seafood Fund." All revenues collected
110 through the department, to include, but not limited to, commercial
111 saltwater licenses and taxes, permits, fines and penalties, and
112 confiscated catches, shall be deposited into the department
113 operating account (Seafood Fund) and expended for the operation of
114 the department, as authorized by the Legislature.

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

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

128 (3) The secretary of the commission shall keep accurate
129 reports of monies handled as a part of the permanent records of
130 the commission, and the State Treasurer shall furnish the
131 secretary of the commission such forms as may be needed, and the
132 secretary shall account for such forms in his reports to the

133 treasurer.

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