

By: Representatives Ellington, Wells-Smith,
Read

To: Conservation and
Water Resources

HOUSE BILL NO. 1240
(As Passed the House)

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.