

By: Senator(s) Hewes

To: Ports and Marine Resources

SENATE BILL NO. 2756

1 AN ACT TO AMEND SECTIONS 49-15-15, 49-15-305 AND 49-15-307,
2 MISSISSIPPI CODE OF 1972, TO CLARIFY THE DUTIES OF THE COMMISSION,
3 DEPARTMENT AND EXECUTIVE DIRECTOR OF MARINE RESOURCES; AND FOR
4 RELATED PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE
5 OF MISSISSIPPI:

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

9 49-15-15. (1) In addition to any other powers and duties
10 authorized by law, the commission shall have the following powers
11 and duties regarding the regulation of seafood:

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

15 (b) To adopt, promulgate, amend or repeal, after due
16 notice and public hearing, in accordance with the Mississippi
17 Administrative Procedures Law and subject to the limitations in
18 subsection (2) of this section, rules and regulations authorized
19 under this chapter, including, but not limited to, rules and
20 regulations necessary for the protection, conservation or
21 propagation of all shrimp, oysters, commercial fish and crabs in
22 the waters under the territorial jurisdiction of the State of
23 Mississippi and for the regulation of gill net and purse seine
24 fishermen. All public hearings under this chapter concerning the
25 regulation of marine resources shall be held in Hancock, Harrison
26 or Jackson counties. Each rule or regulation promulgated under
27 this chapter shall immediately be advertised one (1) time in a
28 newspaper or newspapers having general circulation in counties

29 affected by that regulation. A regulation shall become effective
30 at 6:00 a.m. on the day after its publication;

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

46 (d) To set standards of measure;

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

51 (f) To acquire and dispose of commission equipment and
52 facilities;

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

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

61 (i) To arrange, negotiate or contract for the use of
62 available federal, state and local facilities which would aid in
63 the propagation, protection and conservation of the seafood of the
64 State of Mississippi;

65 (j) To authorize the operation of double rigs in the

66 waters lying between the mainland coast and the island chain, and
67 those rigs shall not exceed a length of twenty-five (25) feet at
68 the cork line, and to prescribe the length at the lead line for
69 each rig, net or try-trawl;

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

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

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

80 (n) To develop a resource management plan to preserve
81 our seafood resources and to ensure a safe supply of these
82 resources; and

83 (o) To prescribe types and forms of scientific permits
84 for public educational or scientific institutions, federal and
85 state agencies.

86 (2) The commission shall not adopt rules, regulations or
87 ordinances pertaining to marine resources which are more stringent
88 than federal regulations. In any case where federal laws and
89 regulations are silent on a matter pertaining to marine resources,
90 the laws and regulations of the State of Mississippi shall
91 control. The commission shall review all marine resource
92 ordinances for compliance with the no more stringent standard and
93 revise any ordinances more stringent than this standard no later
94 than December 31, 1992. This subsection shall not apply to rules,
95 regulations or ordinances pertaining to the wild stock of marine
96 fin fish.

97 SECTION 2. Section 49-15-305, Mississippi Code of 1972, is
98 amended as follows:

99 49-15-305. (1) The commission shall submit three (3)
100 nominees for the position of executive director to the Governor.
101 The Governor shall appoint the executive director from the list of
102 nominees with the advice and consent of the Senate. The
103 commission may remove the executive director from office for good
104 cause. The executive director shall be knowledgeable and
105 experienced in marine resources management.

106 (2) The executive director of the department shall have the
107 following powers and duties:

108 (a) To supervise and direct all administrative,
109 inspection and technical activities and personnel of the
110 department;

111 (b) To employ qualified professional personnel in the
112 subject matter or fields, and such other technical and clerical
113 staff as may be required for the operation of the department;

114 (c) To coordinate all studies in the State of
115 Mississippi concerned with the supply, development, use and
116 conservation of marine resources;

117 (d) To prepare and deliver to the Legislature and the
118 Governor on or before January 1 of each year, and at such other
119 times as may be required by the Legislature or Governor, a full
120 report of the work of the department, including a detailed
121 statement of expenditures of the department and any
122 recommendations the department may have;

123 (e) To enter into cooperative agreements with any
124 federal or state agency or subdivision thereof, or any public or
125 private institution located inside or outside the State of
126 Mississippi, or any person, corporation or association in
127 connection with studies and investigations pertaining to marine
128 resources, provided the agreements do not have a financial cost in
129 excess of the amounts appropriated for such purposes by the
130 Legislature; and

131 (f) To carry out all regulations and rules adopted by

132 the department and enforce all licenses and permits issued by the
133 department.

134 SECTION 3. Section 49-15-307, Mississippi Code of 1972, is
135 amended as follows:

136 49-15-307. The department shall have the following powers
137 and duties:

138 (a) To formulate the policy of the department regarding
139 marine resources within the jurisdiction of the department;

140 (b) To apply for, receive and expend any federal or
141 state funds or contributions, gifts, devises, bequests or funds
142 from any other source;

143 (c) To commission or conduct studies designed to
144 determine alternative methods of managing and conserving the
145 marine resources of this state in a manner to insure efficiency
146 and sustained productivity; * * *

147 (d) To issue permits and licenses authorized by law or
148 regulation;

149 (e) To equip and supply check stations, remote duty
150 stations and personnel or extended duty;

151 (f) To develop programs to enhance the marketing of the
152 state's recreational and commercial marine resources;

153 (g) To provide gear, insignias, and otherwise equip
154 personnel subject to the amount appropriated for such purposes;
155 and

156 (h) To discharge such other duties, responsibilities
157 and powers as are necessary to implement the provisions of this
158 article.

159 SECTION 4. This act shall take effect and be in force from
160 and after its passage.