

By: Senator(s) Hewes

To: Ports and Marine
Resources

SENATE BILL NO. 2801

1 AN ACT TO AMEND SECTIONS 49-15-15 AND 49-15-16, MISSISSIPPI
2 CODE OF 1972, TO CLARIFY THE POWERS OF THE COMMISSION ON MARINE
3 RESOURCES TO PROTECT AND CONSERVE FISHERIES; AND FOR RELATED
4 PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
5 MISSISSIPPI:

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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 suspend the issuance of licenses when necessary
84 to impose a moratorium to conserve a fishery resource.

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

96 SECTION 2. Section 49-15-16, Mississippi Code of 1972, is
97 amended as follows:

98 49-15-16. The commission * * * may develop a limited entry

99 fisheries management program for all resource groups. The
100 commission may require a license for each resource group and shall
101 establish the fees for such licenses. The commission may
102 establish a means test or any other criteria to determine
103 eligibility for licenses under the limited entry program. The
104 commission may impose a moratorium on the issuance of licenses for
105 a fishery resource.

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