

By: Senator(s) Hewes

To: Ports and Marine
Resources

SENATE BILL NO. 2977

1 AN ACT TO AMEND SECTIONS 49-15-15 AND 49-15-303, MISSISSIPPI
2 CODE OF 1972, TO CLARIFY THE POWER OF THE COMMISSION ON MARINE
3 RESOURCES TO PROMULGATE RULES AND REGULATIONS; AND FOR RELATED
4 PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
5 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 seafood in the waters under the territorial
22 jurisdiction of the State of Mississippi and for the regulation of
23 gill net and purse seine fishermen. All public hearings under
24 this chapter concerning the regulation of marine resources shall
25 be held in Hancock, Harrison or Jackson counties. Each rule or
26 regulation promulgated under this chapter shall immediately be
27 advertised one (1) time in a newspaper or newspapers having
28 general circulation in counties affected by that regulation. A

29 regulation shall become effective at 6:00 a.m. on the day after
30 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; and

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

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

94 SECTION 2. Section 49-15-303, Mississippi Code of 1972, is
95 amended as follows:

96 49-15-303. The commission shall have the following powers
97 and duties:

98 (a) To formulate the policy of the department regarding

99 marine resources within the jurisdiction of the department;

100 (b) To enter into and authorize the executive director
101 to execute contracts, grants and cooperative agreements with any
102 public or private institution, federal or state agency or any
103 subdivision thereof to carry out the duties of the commission;

104 (c) To adopt, amend or repeal such rules and
105 regulations necessary for the operation of the commission and the
106 department necessary for the protection, conservation and
107 propagation of seafood, and necessary for the management of
108 commercial and recreational taking of seafood; and

109 (d) To discharge such other duties and powers as are
110 necessary to implement state policy regarding marine resources.

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