

## REPORT OF CONFERENCE COMMITTEE

### MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled **BILL**:

S.B. No. 2756: Marine Resources; clarify duties of commission, department and executive director.

We, therefore, respectfully submit the following report and recommendation:

**1. That the House recede from its Amendment No. 1.**

**2. That the Senate and House adopt the following amendment:**

**Amend by striking all after the enacting clause and inserting in lieu thereof the following:**

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

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

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

16 (b) To adopt, promulgate, amend or repeal, after due  
17 notice and public hearing, in accordance with the Mississippi  
18 Administrative Procedures Law and subject to the limitations in  
19 subsection (2) of this section, rules and regulations authorized  
20 under this chapter, including, but not limited to, rules and  
21 regulations necessary for the protection, conservation or  
22 propagation of all seafood in the waters under the territorial  
23 jurisdiction of the State of Mississippi and for the regulation of  
24 gill net and purse seine fishermen. All public hearings under  
25 this chapter concerning the regulation of marine resources shall  
26 be held in Hancock, Harrison or Jackson counties. Each rule or  
27 regulation promulgated under this chapter shall immediately be  
28 advertised one (1) time in a newspaper or newspapers having  
29 general circulation in counties affected by that regulation. A  
30 regulation shall become effective at 6:00 a.m. on the day after

31 its publication;

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

47 (d) To set standards of measure;

48 (e) To set requirements for employment of \* \* \*  
49 commission employees whose compensation shall be governed by the  
50 rules and regulations of the State Personnel 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  
81 preserve \* \* \* seafood resources and to ensure a safe supply of  
82 these resources;

83 (o) To prescribe types and forms of scientific permits  
84 for public educational or scientific institutions, federal and  
85 state agencies and consultants performing marine resource studies;

86 (p) To suspend the issuance of licenses when necessary  
87 to impose a moratorium to conserve a fishery resource; and

88 (q) 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.

95 (2) The commission shall not adopt rules, regulations or  
96 ordinances pertaining to marine resources which are more stringent  
97 than federal regulations. In any case where federal laws and  
98 regulations are silent on a matter pertaining to marine resources,  
99 the laws and regulations of the State of Mississippi shall  
100 control. The commission shall review all marine resource

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

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

108 49-15-16. The commission \* \* \* may develop a limited entry  
109 fisheries management program for all resource groups. The  
110 commission may require a license for each resource group and shall  
111 establish the fees for such licenses. The commission may  
112 establish a means test or any other criteria to determine  
113 eligibility for licenses under the limited entry program. The  
114 commission may impose a moratorium on the issuance of licenses for  
115 a fishery resource.

116 SECTION 3. Section 49-15-17, Mississippi Code of 1972, is  
117 amended as follows:

118 49-15-17. (1) (a) All monies received or obtained by the  
119 commission under the provisions of this chapter shall be paid over  
120 by the commission to the State Treasurer and shall be deposited  
121 into the fund known as the "Seafood Fund." All revenues collected  
122 through the department, to include, but not limited to, commercial  
123 saltwater licenses and taxes, permits, fines and penalties, and  
124 confiscated catches, shall be deposited into the department  
125 operating account (Seafood Fund) and expended for the operation of  
126 the department, as authorized by the Legislature.

127 (b) There is established a special account to be known  
128 as the "Artificial Reef Program Account" within the seafood fund.  
129 Any funds received from any public or private source for the  
130 purpose of promoting, constructing, monitoring or maintaining  
131 artificial reefs in the marine waters of the state or in federal  
132 waters adjacent to the marine waters of the state shall be  
133 credited to the account. Any unexpended funds remaining in the  
134 account at the end of the fiscal year shall not lapse into the  
135 seafood fund, but shall remain in the account. The department may

136 expend any funds in the account, subject to appropriation by the  
137 Legislature, to accomplish the purpose of the account.

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

140 (3) The secretary of the commission shall keep accurate  
141 reports of monies handled as a part of the permanent records of  
142 the commission, and the State Treasurer shall furnish the  
143 secretary of the commission such forms as may be needed, and the  
144 secretary shall account for such forms in his reports to the  
145 treasurer.

146 SECTION 4. Section 49-15-303, Mississippi Code of 1972, is  
147 amended as follows:

148 49-15-303. The commission shall have the following powers  
149 and duties:

150 (a) To formulate the policy of the department regarding  
151 marine resources within the jurisdiction of the department;

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

156 (c) To adopt, amend or repeal any rules and regulations  
157 necessary for the operation of the commission and the department  
158 necessary for the protection, conservation and propagation of  
159 seafood, and necessary for the management of commercial and  
160 recreational taking of seafood; and

161 (d) To discharge \* \* \* other duties and powers as are  
162 necessary to implement state policy regarding marine resources.

163 SECTION 5. Section 49-15-305, Mississippi Code of 1972, is  
164 amended as follows:

165 49-15-305. (1) The commission shall submit three (3)  
166 nominees for the position of executive director to the Governor.  
167 The Governor shall appoint the executive director from the list of  
168 nominees with the advice and consent of the Senate. The  
169 commission may remove the executive director from office for good  
170 cause. The executive director shall be knowledgeable and

171 experienced in marine resources management.

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

174 (a) To supervise and direct all administrative,  
175 inspection and technical activities and personnel of the  
176 department;

177 (b) To employ qualified professional personnel in the  
178 subject matter or fields, and any other technical and clerical  
179 staff as may be required for the operation of the department;

180 (c) To coordinate all studies in the State of  
181 Mississippi concerned with the supply, development, use and  
182 conservation of marine resources;

183 (d) To prepare and deliver to the Legislature and the  
184 Governor on or before January 1 of each year, and at any other  
185 times as may be required by the Legislature or Governor, a full  
186 report of the work of the department, including a detailed  
187 statement of expenditures of the department and any  
188 recommendations the department may have;

189 (e) To enter into cooperative agreements with any  
190 federal or state agency or subdivision thereof, or any public or  
191 private institution located inside or outside the State of  
192 Mississippi, or any person, corporation or association in  
193 connection with studies and investigations pertaining to marine  
194 resources, provided the agreements do not have a financial cost in  
195 excess of the amounts appropriated for the purposes by the  
196 Legislature; and

197 (f) To carry out all regulations and rules adopted by  
198 the commission and enforce all licenses and permits issued by the  
199 department.

200 SECTION 6. Section 49-15-307, Mississippi Code of 1972, is  
201 amended as follows:

202 49-15-307. The department shall have the following powers  
203 and duties:

204 (a) To implement the policy of the commission regarding  
205 marine resources within the jurisdiction of the department;

206 (b) To apply for, receive and expend any federal or  
207 state funds or contributions, gifts, devises, bequests or funds  
208 from any other source;

209 (c) To commission or conduct studies designed to  
210 determine alternative methods of managing and conserving the  
211 marine resources of this state in a manner to insure efficiency  
212 and sustained productivity; \* \* \*

213 (d) To issue permits and licenses authorized by law or  
214 regulation;

215 (e) To equip and supply check stations, remote duty  
216 stations and personnel for extended duty;

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

219 (g) To provide gear, insignias, and otherwise equip  
220 personnel subject to the amount appropriated for those purposes;  
221 and

222 (h) To discharge any other duties, responsibilities and  
223 powers as are necessary to implement \* \* \* this chapter.

224 SECTION 7. This act shall take effect and be in force from  
225 and after its passage.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 49-15-15, 49-15-16, 49-15-303,  
2 49-15-305 AND 49-15-307, MISSISSIPPI CODE OF 1972, TO CLARIFY THE  
3 DUTIES OF THE COMMISSION, DEPARTMENT AND EXECUTIVE DIRECTOR OF  
4 MARINE RESOURCES; TO AMEND SECTION 49-15-17, MISSISSIPPI CODE OF  
5 1972, TO PROVIDE FOR AN ARTIFICIAL REEF PROGRAM ACCOUNT WITHIN THE  
6 SEAFOOD SPECIAL FUND; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE:

CONFEREES FOR THE HOUSE:

X  
Billy Hewes III

X  
Jim Ellington

X  
T. O. Moffatt

X  
Billy Broomfield

X  
Tommy A. Gollott

X  
Les Barnett