

**\*\*\*Pending\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 2756**

**By Representative(s) Committee**

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

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

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

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

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

31 general circulation in counties affected by that regulation. A  
32 regulation shall become effective at 6:00 a.m. on the day after  
33 its publication;

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

49 (d) To set standards of measure;

50 (e) To set requirements for employment of \* \* \*  
51 commission employees whose compensation shall be governed by the  
52 rules and regulations of the State Personnel Board;

53 (f) To acquire and dispose of commission equipment and  
54 facilities;

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

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

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

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

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

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

80 (m) To utilize the resources of the Gulf Coast Research  
81 Laboratory to the fullest extent possible; \* \* \*

82 (n) To develop a resource management plan to  
83 preserve \* \* \* seafood resources and to ensure a safe supply of  
84 these resources;

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

88 (p) To suspend the issuance of licenses when necessary  
89 to impose a moratorium to conserve a fishery resource;

90 (q) To promote, construct, monitor and maintain  
91 artificial fishing reefs in the marine waters of the State of  
92 Mississippi and in adjacent federal waters; to accept grants and  
93 donations of money or materials from public and private sources  
94 for such reefs; and to apply for any federal permits necessary for

95 the construction or maintenance of artificial fishing reefs in  
96 federal waters; and

97 (r) To restrict the possession of unauthorized fishing  
98 devices in areas where their use is prohibited.

99 (2) The commission shall not adopt rules, regulations or  
100 ordinances pertaining to marine resources which are more stringent  
101 than federal regulations. In any case where federal laws and  
102 regulations are silent on a matter pertaining to marine resources,  
103 the laws and regulations of the State of Mississippi shall  
104 control. The commission shall review all marine resource  
105 ordinances for compliance with the no more stringent standard and  
106 revise any ordinances more stringent than this standard no later  
107 than December 31, 1992. This subsection shall not apply to rules,  
108 regulations or ordinances pertaining to the wild stock of marine  
109 fin fish.

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

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

120 SECTION 3. Section 49-15-29, Mississippi Code of 1972, is  
121 amended as follows:

122 49-15-29. (1) The commission shall assess and collect,  
123 license fees and taxes as authorized under this chapter.

124 (2) All commercial licenses provided for under this chapter  
125 that relate to \* \* \* seafood shall be purchased from May 1 through  
126 April 30 at the fees herein provided. The licenses shall expire

127 on April 30 following the date of issuance.

128       (3) When an application for an original or renewal license  
129 of any kind authorized by this chapter is received by the  
130 commission, the commission shall determine whether the vessel or  
131 related equipment subject to that license is owned and operated in  
132 compliance with applicable federal and state laws. If the  
133 commission determines that a vessel or its owner is not in  
134 compliance with applicable federal and state laws, then no license  
135 shall be issued or renewed for the operation of that vessel for a  
136 period of one (1) year. All licenses shall be made available for  
137 purchase at any building which is regularly operated by the  
138 department or commission on the Mississippi Gulf Coast.

139       (4) The commission may authorize any person, other than a  
140 salaried employee of the state to issue any license under this  
141 chapter which the commission deems appropriate. The authorized  
142 person may collect and retain for issuance of the license the sum  
143 of One Dollar (\$1.00) in addition to the license fee provided in  
144 this chapter. The commission shall establish the qualifications  
145 of persons authorized to issue licenses under this section and  
146 shall also establish the procedure for the issuance of that  
147 license by the authorized person and the procedure for collection  
148 of license fees by and from the authorized person.

149       SECTION 4. Section 49-15-46, Mississippi Code of 1972, is  
150 amended as follows:

151       49-15-46. (1) Each in-state vessel used to catch, take,  
152 carry or transport oysters from the reefs of the State of  
153 Mississippi, or engaged in transporting any oysters in any of the  
154 waters within the territorial jurisdiction of the State of  
155 Mississippi, for commercial use, shall annually, before beginning  
156 operations, be licensed by the commission and pay the following  
157 license fee:

158       (a) Fifty Dollars (\$50.00) on all vessels or boats

159 utilized for tonging oysters or gathering oysters by hand; or

160 (b) One Hundred Dollars (\$100.00) on all vessels or  
161 boats utilized for dredging oysters.

162 (2) Each out-of-state vessel used to catch, take, carry or  
163 transport oysters from the reefs of the State of Mississippi, or  
164 engaged in transporting any oysters in any of the waters within  
165 the territorial jurisdiction of the State of Mississippi, for  
166 commercial use, must annually, before beginning operations, be  
167 licensed by the commission and pay the following license fee:

168 (a) One Hundred Dollars (\$100.00) on all vessels or  
169 boats utilized for tonging oysters or gathering oysters by hand;  
170 or

171 (b) Two Hundred Dollars (\$200.00) on all vessels or  
172 boats utilized for dredging oysters.

173 (3) All oysters harvested in the State of Mississippi shall  
174 be tagged. Tags shall be issued by the department and shall bear  
175 the catcher's name, the date and origin of the catch, the shell  
176 stock dealer's name and permit number. The department shall  
177 number all tags issued and shall maintain a record of those tags.

178 The commission may adopt regulations regarding the tagging of  
179 oysters and other shellfish.

180 (4) Each person catching or taking oysters from the waters  
181 of the State of Mississippi for personal use shall obtain a permit  
182 from the commission and pay an annual recreational oyster permit  
183 fee of Ten Dollars (\$10.00). Oysters caught under a recreational  
184 permit shall not be offered for sale. The limits on the allowable  
185 catch of oysters for recreational purposes shall be three (3)  
186 sacks per week. The department shall issue tags of a  
187 distinguishing color to designate recreationally harvested  
188 oysters, which shall be tagged on the same day of harvest in the  
189 manner prescribed in subsection (3) of this section for  
190 commercially harvested oysters or by regulation of the commission.

191 (5) The commission shall assess and collect a shell  
192 retention fee \* \* \* for the shells taken from waters within the  
193 territorial jurisdiction of the State of Mississippi, as follows:

194 (a) Commercial and recreational harvesters - Fifteen  
195 Cents (15¢) per sack paid to the department on the day of harvest;  
196 and

197 (b) Initial oysters processor, dealer or factory first  
198 purchasing the oysters - Fifteen Cents (15¢) per sack paid to the  
199 department no later than the tenth day of the month following the  
200 purchase, or forms submitted by the department.

201 Funds received from the shell retention fee shall be paid into a  
202 special fund in the State Treasury to be appropriated by the  
203 Legislature for use by the commission to further oyster production  
204 in this state, including planting of oysters and other cultch  
205 materials, or both.

206 During open seasons, oysters may be taken only by hand, tongs  
207 and dredges.

208 SECTION 5. Section 49-15-303, Mississippi Code of 1972, is  
209 amended as follows:

210 49-15-303. The commission shall have the following powers  
211 and duties:

212 (a) To formulate the policy of the department regarding  
213 marine resources within the jurisdiction of the department;

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

218 (c) To adopt, amend or repeal any rules and regulations  
219 necessary for the operation of the commission and the department  
220 necessary for the protection, conservation and propagation of  
221 seafood, and necessary for the management of commercial and  
222 recreational taking of seafood; and

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

225 SECTION 6. Section 49-15-305, Mississippi Code of 1972, is  
226 amended as follows:

227 49-15-305. (1) The commission shall submit three (3)  
228 nominees for the position of executive director to the Governor.  
229 The Governor shall appoint the executive director from the list of  
230 nominees with the advice and consent of the Senate. The  
231 commission may remove the executive director from office for good  
232 cause. The executive director shall be knowledgeable and  
233 experienced in marine resources management.

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

236 (a) To supervise and direct all administrative,  
237 inspection and technical activities and personnel of the  
238 department;

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

242 (c) To coordinate all studies in the State of  
243 Mississippi concerned with the supply, development, use and  
244 conservation of marine resources;

245 (d) To prepare and deliver to the Legislature and the  
246 Governor on or before January 1 of each year, and at any other  
247 times as may be required by the Legislature or Governor, a full  
248 report of the work of the department, including a detailed  
249 statement of expenditures of the department and any  
250 recommendations the department may have;

251 (e) To enter into cooperative agreements with any  
252 federal or state agency or subdivision thereof, or any public or  
253 private institution located inside or outside the State of  
254 Mississippi, or any person, corporation or association in



255 connection with studies and investigations pertaining to marine  
256 resources, provided the agreements do not have a financial cost in  
257 excess of the amounts appropriated for the purposes by the  
258 Legislature; and

259 (f) To carry out all regulations and rules adopted by  
260 the commission and enforce all licenses and permits issued by the  
261 department.

262 SECTION 7. Section 49-15-307, Mississippi Code of 1972, is  
263 amended as follows:

264 49-15-307. The department shall have the following powers  
265 and duties:

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

268 (b) To apply for, receive and expend any federal or  
269 state funds or contributions, gifts, devises, bequests or funds  
270 from any other source;

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

275 (d) To issue permits and licenses authorized by law or  
276 regulation;

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

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

281 (g) To provide gear, insignias, and otherwise equip  
282 personnel subject to the amount appropriated for those purposes;  
283 and

284 (h) To discharge any other duties, responsibilities and  
285 powers as are necessary to implement \* \* \* this article.

286 SECTION 8. This act shall take effect and be in force from

287 and after July 2, 1999.

**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 49-15-29, MISSISSIPPI CODE OF  
5 1972, TO MAKE TECHNICAL REVISION RELATING TO COMMERCIAL LICENSES;  
6 TO AMEND SECTION 49-15-46, MISSISSIPPI CODE OF 1972, TO CLARIFY  
7 TAKING OF OYSTERS BY HAND AND TO REVISE THE FEES CHARGED FOR  
8 OYSTERS SHELL RETENTION; AND FOR RELATED PURPOSES.