

*****Pending*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 1240

By Senator(s) Committee

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

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

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

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

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

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

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

51 (d) To set standards of measure;

52 (e) To set requirements for employment of
53 nonenforcement commission employees whose compensation shall be
54 governed by the rules and regulations of the State Personnel
55 Board;

56 (f) To acquire and dispose of commission equipment and
57 facilities;

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

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

99\SS26\HB1240A.J *SS26/HB1240AJ*

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

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

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

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

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

85 (n) To develop a resource management plan to preserve
86 our seafood resources and to ensure a safe supply of these
87 resources;

88 (o) 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 (p) To restrict the possession of unauthorized fishing
96 devices in areas where their use is prohibited;

97 (q) To prescribe types and forms of scientific permits
98 for public educational or scientific institutions, federal and

99\SS26\HB1240A.J *SS26/HB1240AJ*

99 state agencies and consultants performing marine resource studies;
100 and

101 (r) To suspend the issuance of licenses when necessary
102 to impose a moratorium to conserve a fishery resource.

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

114 SECTION 2. Section 49-15-17, Mississippi Code of 1972, is
115 amended as follows:

116 49-15-17. (1) (a) All monies received or obtained by the
117 commission under the provisions of this chapter shall be paid over
118 by the commission to the State Treasurer and shall be deposited
119 into the fund known as the "Seafood Fund." All revenues collected
120 through the department, to include, but not limited to, commercial
121 saltwater licenses and taxes, permits, fines and penalties, and
122 confiscated catches, shall be deposited into the department
123 operating account (Seafood Fund) and expended for the operation of
124 the department, as authorized by the Legislature.

125 (b) There is established a special account to be known
126 as the "Artificial Reef Program Account" within the seafood fund.
127 Any funds received from any public or private source for the
128 purpose of promoting, constructing, monitoring or maintaining
129 artificial reefs in the marine waters of the state or in federal
130 waters adjacent to the marine waters of the state shall be
131 credited to the account. Any unexpended funds remaining in the

99\SS26\HB1240A.J *SS26/HB1240AJ*

132 account at the end of the fiscal year shall not lapse into the
133 seafood fund, but shall remain in the account. The department may
134 expend any funds in the account, subject to appropriation by the
135 Legislature, to accomplish the purpose of the account.

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

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

144 SECTION 3. This act shall take effect and be in force from
145 and after July 1, 1999.

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

1 AN ACT TO AMEND SECTION 49-15-15, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE COMMISSION ON MARINE RESOURCES TO PROMOTE,
3 CONSTRUCT, MONITOR AND MAINTAIN ARTIFICIAL FISHING REEFS IN THE
4 MARINE WATERS OF THE STATE; TO PERFORM RELATED DUTIES; TO RESTRICT
5 THE POSSESSION OF UNAUTHORIZED FISHING DEVICES IN CERTAIN AREAS;
6 TO CLARIFY DUTIES OF THE COMMISSION; TO AMEND SECTION 49-15-17,
7 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR AN ARTIFICIAL REEF
8 PROGRAM ACCOUNT WITHIN THE SPECIAL FUND KNOWN AS THE SEAFOOD FUND
9 FOR THE DEPARTMENT OF MARINE RESOURCES TO EXPEND FOR SPECIFIC
10 PURPOSES; AND FOR RELATED PURPOSES.