

By: Moody

To: Conservation and
Water Resources

HOUSE BILL NO. 673

1 AN ACT TO AMEND SECTION 49-15-15, MISSISSIPPI CODE OF 1972,
2 TO DELETE AN UPDATED REFERENCE TO THE AUTHORITY OF THE STATE
3 DEPARTMENT OF HEALTH REGARDING THE STATE SEAFOOD SANITATION
4 PROGRAM IN THE CONTEXT OF THE REGULATION OF SEAFOOD BY THE
5 COMMISSION ON MARINE RESOURCES; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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; * * *

40 (d) To set standards of measure;

41 (e) To set requirements for employment of commission
42 employees whose compensation shall be governed by the rules and
43 regulations of the State Personnel Board;

44 (f) To acquire and dispose of commission equipment and
45 facilities;

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

49 (h) To enter into advantageous interstate and
50 intrastate agreements with proper officials, which directly or
51 indirectly result in the protection, propagation and conservation
52 of the seafood of the State of Mississippi, or continue any such
53 agreements now in existence;

54 (i) To arrange, negotiate or contract for the use of
55 available federal, state and local facilities which would aid in
56 the propagation, protection and conservation of the seafood of the
57 State of Mississippi;

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

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

66 (l) To open, close and regulate fishing seasons for the
67 taking of shrimp, oysters, fish taken for commercial purposes and
68 crabs and set size, catching and taking regulations for all types
69 of seafood and culling regulations for oysters, except as
70 otherwise specifically provided by law;

71 (m) To utilize the resources of the Gulf Coast Research
72 Laboratory to the fullest extent possible;

73 (n) To develop a resource management plan to preserve
74 seafood resources and to ensure a safe supply of these resources;

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

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

80 (q) To promote, construct, monitor and maintain
81 artificial fishing reefs in the marine waters of the State of

82 Mississippi and in adjacent federal waters; to accept grants and
83 donations of money or materials from public and private sources
84 for such reefs; and to apply for any federal permits necessary for
85 the construction or maintenance of artificial fishing reefs in
86 federal waters.

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

98 SECTION 2. This act shall take effect and be in force from
99 and after July 1, 2000.