

By: Moody

To: Conservation and
Water Resources

HOUSE BILL NO. 673
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 49-15-15, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THE AUTHORITY OF THE STATE DEPARTMENT OF HEALTH TO
3 ENTER INTO AGREEMENTS WITH CERTAIN AGENCIES, REGARDING THE STATE
4 SEAFOOD SANITATION PROGRAM; AND FOR RELATED PURPOSES.

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

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

8 49-15-15. (1) In addition to any other powers and duties
9 authorized by law, the commission shall have the following powers
10 and duties regarding the regulation of seafood:

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

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

28 regulation shall become effective at 6:00 a.m. on the day after
29 its publication;

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

46 (d) To set standards of measure;

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

50 (f) To acquire and dispose of commission equipment and
51 facilities;

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

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

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

64 (j) To authorize the operation of double rigs in the

65 waters lying between the mainland coast and the island chain, and
66 those rigs shall not exceed a length of twenty-five (25) feet at
67 the cork line, and to prescribe the length at the lead line for
68 each rig, net or try-trawl;

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

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

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

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

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

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

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

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

98 control. The commission shall review all marine resource
99 ordinances for compliance with the no more stringent standard and
100 revise any ordinances more stringent than this standard no later
101 than December 31, 1992. This subsection shall not apply to rules,
102 regulations or ordinances pertaining to the wild stock of marine
103 fin fish.

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