

By: Ellington

To: Conservation and  
Water Resources

HOUSE BILL NO. 1085  
(As Passed the House)

1 AN ACT TO AMEND SECTION 49-15-15, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE COMMISSION ON MARINE RESOURCES TO DEVELOP AND  
3 IMPLEMENT A MARINE FISHERIES HARVEST INFORMATION PROGRAM; AND FOR  
4 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:[LTR1]

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 and the executive director of the department shall enter  
41 into a memorandum of understanding, which at a minimum, clearly  
42 specifies the responsibilities of each agency in implementing the  
43 seafood sanitation program, as well as the sharing of information  
44 and communication and coordination between the agencies;

45 (d) To set standards of measure;

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

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

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

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

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

63 (j) To authorize the operation of double rigs in the  
64 waters lying between the mainland coast and the island chain, and

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

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

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

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

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

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

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

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

92 (r) To develop and implement a marine fisheries harvest  
93 information program, including but not limited to a trip ticket  
94 system.

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. This act shall take effect and be in force from  
107 and after its passage.