

By: Huggins (By Request)

To: Public Health and
Welfare

SENATE BILL NO. 2439

1 AN ACT TO AMEND SECTION 49-15-15, MISSISSIPPI CODE OF 1972,
2 TO DELETE CERTAIN REFERENCES TO RETAIL SEAFOOD REGULATION BY THE
3 STATE DEPARTMENT OF HEALTH; AND FOR RELATED PURPOSES.

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

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

7 49-15-15. (1) In addition to any other powers and duties
8 authorized by law, the commission shall have the following powers
9 and duties regarding the regulation of seafood:

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

13 (b) To adopt, promulgate, amend or repeal, after due
14 notice and public hearing, in accordance with the Mississippi
15 Administrative Procedures Law and subject to the limitations in
16 subsection (2) of this section, rules and regulations authorized
17 under this chapter, including, but not limited to, rules and
18 regulations necessary for the protection, conservation or
19 propagation of all seafood in the waters under the territorial
20 jurisdiction of the State of Mississippi and for the regulation of
21 gill net and purse seine fishermen. All public hearings under

22 this chapter concerning the regulation of marine resources shall
23 be held in Hancock, Harrison or Jackson Counties. Each rule or
24 regulation promulgated under this chapter shall immediately be
25 advertised one (1) time in a newspaper or newspapers having
26 general circulation in counties affected by that regulation. A
27 regulation shall become effective at 6:00 a.m. on the day after
28 its publication;

29 (c) To regulate all seafood sanitation and processing
30 programs. In the three (3) coastal counties, the sanitation
31 program regulating processing plants and seafood sold in retail
32 stores operating in conjunction with a processing plant or seafood
33 market that primarily deals with seafood is under the exclusive
34 authority of the commission. The commission may also inspect and
35 regulate those areas of any seafood processing plant which process
36 freshwater species at any site where the department inspects
37 seafood processing plants; * * *

38 (d) To set standards of measure;

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

42 (f) To acquire and dispose of commission equipment and
43 facilities;

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

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

52 (i) To arrange, negotiate or contract for the use of

53 available federal, state and local facilities which would aid in
54 the propagation, protection and conservation of the seafood of the
55 State of Mississippi;

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

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

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

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

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

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

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

78 (q) To promote, construct, monitor and maintain
79 artificial fishing reefs in the marine waters of the State of
80 Mississippi and in adjacent federal waters; to accept grants and

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

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

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