

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 673

By Senator(s) Committee

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

7

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

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

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

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

28 advertised one (1) time in a newspaper or newspapers having
29 general circulation in counties affected by that regulation. A
30 regulation shall become effective at 6:00 a.m. on the day after
31 its publication;

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

41 (d) To set standards of measure;

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

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

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

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

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

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

63 each rig, net or try-trawl;

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

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

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

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

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

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

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

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

98fin fish.

99 SECTION 2. This act shall take effect and be in force from
100and after July 1, 2000.

**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,
2TO DELETE CERTAIN REFERENCES TO RETAIL SEAFOOD REGULATION BY THE
3STATE DEPARTMENT OF HEALTH; AND FOR RELATED PURPOSES.