

By: Senator(s) Wiggins, Tindell, Moran,
Gollott, Watson

To: Ports and Marine
Resources; Accountability,
Efficiency, Transparency

SENATE BILL NO. 2579

1 AN ACT TO CREATE THE DEPARTMENT OF MARINE RESOURCES
2 ACCOUNTABILITY AND REORGANIZATION ACT; TO AMEND SECTION 49-15-11,
3 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE REORGANIZATION OF THE
4 DEPARTMENT OF MARINE RESOURCES; TO CREATE CERTAIN OFFICES WITHIN
5 THE DEPARTMENT; TO PROVIDE QUALIFICATIONS FOR CERTAIN AGENCY
6 PERSONNEL; TO EXEMPT PERSONNEL ACTIONS FOR ONE YEAR FROM THE STATE
7 PERSONNEL BOARD TO PROVIDE FOR AN EFFECTIVE AND TIMELY
8 REORGANIZATION; TO REQUIRE AN ANNUAL AUDIT OF THE DEPARTMENT OF
9 MARINE RESOURCES; TO AMEND SECTION 49-15-17, MISSISSIPPI CODE OF
10 1972, TO ABOLISH THE ARTIFICIAL REEF PROGRAM ACCOUNT WITHIN THE
11 SEAFOOD FUND; TO CREATE A LEGISLATIVE OVERSIGHT COMMITTEE ON THE
12 COMMISSION OF MARINE RESOURCES AND THE DEPARTMENT OF MARINE
13 RESOURCES; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 49-15-11, Mississippi Code of 1972, is
16 amended as follows:

17 49-15-11. (1) The Mississippi Department of Marine
18 Resources is hereby established and full power is vested in the
19 department to manage, control, supervise, enforce and direct any
20 matters pertaining to saltwater aquatic life and marine resources
21 under the jurisdiction of the commission.

22 (2) The Executive Director of the Department of Marine
23 Resources shall have the authority to internally reorganize the



24 Department of Marine Resources. For a period of one (1) year
25 after July 1, 2014, the personnel actions of the executive
26 director shall be exempt from State Personnel Board rules,
27 regulations and procedures in order to give the executive director
28 flexibility in making an orderly, effective and timely
29 reorganization of the Department of Marine Resources.

30 (3) The department shall be composed of the following
31 offices:

- 32 (a) Office of Coastal Resources;
- 33 (b) Office of Finance and Administration;
- 34 (c) Office of Marine Fisheries;
- 35 (d) Office of Marine Patrol; and
- 36 (e) Office of Restoration and Resiliency.

37 Each office shall be composed of the administrative units as
38 set forth in the reorganization plan developed by the executive
39 director.

40 (4) The following agency personnel shall be appointed by the
41 executive director:

42 (a) Chief Financial Officer who shall have a minimum of
43 a Master's Degree in Business Administration, Accounting or
44 related field and a minimum of five (5) years' experience in
45 business management or accounting practice.

46 (b) Chief of Marine Patrol who shall be a certified law
47 enforcement officer with a minimum of ten (10) years of law



48 enforcement experience, five (5) of which must be directly related
49 to marine resource conservation.

50 (c) Chief Scientific Officer who shall have a minimum
51 of a Master's degree in Coastal Sciences or related field with a
52 minimum of five (5) years of experience in coastal resource
53 management or equivalent experience.

54 (5) The executive director shall have an annual audit of the
55 department performed by an independent certified public accountant
56 and shall file the audit report with the commission, the
57 Legislative Oversight Committee of the commission and the
58 department and with the department budget presented to the
59 Legislature.

60 (* * *6) Whenever the terms "Mississippi Marine
61 Conservation Commission," "Marine Conservation Commission,"
62 "Bureau of Marine Resources" and "Mississippi Marine Resources
63 Council" appear in any state law, they shall mean the "Mississippi
64 Commission on Marine Resources."

65 **SECTION 2.** Section 49-15-17, Mississippi Code of 1972, is
66 amended as follows:

67 49-15-17. (1) (a) All monies received or obtained by the
68 commission under the provisions of this chapter shall be paid over
69 by the commission to the State Treasurer and shall be deposited
70 into the fund known as the "Seafood Fund." All revenues collected
71 through the department, to include, but not limited to, commercial
72 saltwater licenses and taxes, permits, fines and penalties, and



73 confiscated catches, shall be deposited into the department
74 operating account (Seafood Fund) and expended for the operation of
75 the department, as authorized by the Legislature.

76 (b) * * * The "Artificial Reef Program Account" within
77 the Seafood Fund is abolished. * * * Any unexpended funds
78 remaining in the account * * * shall * * * be deposited into the
79 Seafood Fund * * *.

80 (c) There is established a special account to be known
81 as the "Coastal Preserve Account" within the Seafood Fund. Any
82 funds received from any public or private source for the purpose
83 of management, improvement and acquisition of coastal preserves in
84 the state and money required to be deposited pursuant to Sections
85 27-19-56.10 and 27-19-56.27, shall be credited to the account.
86 Any unexpended funds remaining in the account at the end of the
87 fiscal year shall not lapse into the Seafood Fund, but shall
88 remain in the account. The department may expend any funds in the
89 account, subject to appropriation by the Legislature, for the
90 management, improvement and acquisition of coastal preserves.

91 (d) There is established a special account to be known
92 as the "Mississippi Seafood Marketing Program Account" within the
93 Seafood Fund. Monies required to be deposited into the account
94 under Section 27-19-56.27 and any funds received from any public
95 or private source for the purpose of promoting the Mississippi
96 seafood industry must be credited to the account. Any unexpended
97 funds remaining in the account at the end of the fiscal year do



98 not lapse into the Seafood Fund, but remain in the account. The
99 department may expend any funds in the account, subject to
100 appropriation by the Legislature, to accomplish the purposes of
101 this account including, but not limited to, providing funds for
102 cobia stock enhancement programs.

103 (2) The fund shall be treated as a special trust fund and
104 interest earned on the principal shall be credited to the fund.

105 (3) The secretary of the commission shall keep accurate
106 reports of monies handled as a part of the permanent records of
107 the commission, and the State Treasurer shall furnish the
108 secretary of the commission such forms as may be needed, and the
109 secretary shall account for such forms in his reports to the
110 Treasurer.

111 **SECTION 3.** The President of the Senate and the Speaker of
112 the House of Representatives shall each appoint two (2) members of
113 their respective legislative houses to serve as members of the
114 Commission on Marine Resources and Department of Marine Resources
115 Oversight Committee. The members of the committee shall be
116 entitled (a) to attend meetings of the Commission, (b) to receive
117 all budgets, reports, audits and all financial and other
118 information distributed to the commissioners, (c) to meet and
119 confer with the commissioners and staff of the department, and (d)
120 to perform such other activities as may be necessary or proper in
121 discharging their responsibilities of oversight and liaison with
122 their respective houses of the Legislature. The members of the



123 committee shall have no jurisdiction or vote on any matter within
124 the jurisdiction of the commission or the department. The members
125 of the Oversight Committee shall be bound by the same limitations
126 as to confidentiality of information regarding products, processes
127 or the internal affairs of private businesses, as are imposed upon
128 the commissioners and staff of the department. When the
129 Legislature is not in session, members shall be paid per diem and
130 all actual and necessary expenses, including mileage expenses,
131 from their respective contingent expense funds at the rate
132 authorized for committee meetings when the Legislature is not in
133 session; however, no per diem and expenses will be paid when the
134 Legislature is in session. The terms of the members of the
135 oversight committee shall expire at the end of their terms of
136 office.

137 **SECTION 4.** This act shall take effect and be in force from
138 and after its passage.

