

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

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

COMMITTEE SUBSTITUTE
FOR
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



Department of Marine Resources. For a period of one (1) year after * * * passage of this act, the personnel actions of the executive director shall be exempt from State Personnel Board rules, regulations and procedures in order to give the executive director flexibility in making an orderly, effective and timely reorganization of the Department of Marine Resources.

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

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

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

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

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

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



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

(5) The executive director shall have an annual audit of the department performed by an independent certified public accountant and shall file the audit report with the commission, the Legislative Oversight Committee, the State Auditor and the Legislative Budget Office.

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

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

49-15-17. (1) (a) All monies received or obtained by the commission under the provisions of this chapter shall be paid over by the commission to the State Treasurer and shall be deposited into the fund known as the "Seafood Fund." All revenues collected through the department, to include, but not limited to, commercial saltwater licenses and taxes, permits, fines and penalties, and confiscated catches, shall be deposited into the department operating account (Seafood Fund) and expended for the operation of the department, as authorized by the Legislature.



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

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

89 (d) There is established a special account to be known
90 as the "Mississippi Seafood Marketing Program Account" within the
91 Seafood Fund. Monies required to be deposited into the account
92 under Section 27-19-56.27 and any funds received from any public
93 or private source for the purpose of promoting the Mississippi
94 seafood industry must be credited to the account. Any unexpended
95 funds remaining in the account at the end of the fiscal year do
96 not lapse into the Seafood Fund, but remain in the account. The
97 department may expend any funds in the account, subject to
98 appropriation by the Legislature, to accomplish the purposes of



99 this account including, but not limited to, providing funds for
100 cobia stock enhancement programs.

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

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

109 **SECTION 3.** The President of the Senate and the Speaker of
110 the House of Representatives shall each appoint one (1) member of
111 their respective legislative houses to serve as members of the
112 Commission on Marine Resources and Department of Marine Resources
113 Oversight Committee. The members of the committee shall be
114 entitled (a) to attend meetings of the Commission, (b) to receive
115 all budgets, reports, audits and all financial and other
116 information distributed to the commissioners, (c) to meet and
117 confer with the commissioners and staff of the department, and (d)
118 to perform such other activities as may be necessary or proper in
119 discharging their responsibilities of oversight and liaison with
120 their respective houses of the Legislature. The members of the
121 committee shall have no jurisdiction or vote on any matter within
122 the jurisdiction of the commission or the department. The members
123 of the Oversight Committee shall be bound by the same limitations



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

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

