

By: Representatives Byrd, Barnett

To: Marine Resources

HOUSE BILL NO. 1021

1 AN ACT TO AMEND SECTION 49-15-15, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE LOCATION DATA ASSOCIATED WITH ARTIFICIAL REEFS
3 BY CORPORATIONS AND PRIVATE INDIVIDUALS SHALL BE EXEMPT FROM THE
4 PROVISIONS OF THE PUBLIC RECORDS ACT; TO BRING FORWARD SECTION
5 49-15-17, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES A SPECIAL
6 ACCOUNT TO BE KNOWN AS THE "ARTIFICIAL REEF PROGRAM ACCOUNT"
7 WITHIN THE SEAFOOD FUND, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
8 AND FOR RELATED PURPOSES.

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

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

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

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

18 (b) To adopt, promulgate, amend or repeal, after due
19 notice and public hearing, in accordance with the Mississippi
20 Administrative Procedures Law and subject to the limitations in
21 subsection (2) of this section, rules and regulations authorized



22 under this chapter, including, but not limited to, rules and
23 regulations necessary for the protection, conservation or
24 propagation of all seafood in the waters under the territorial
25 jurisdiction of the State of Mississippi and for the regulation of
26 gill net and purse seine fishermen. All public hearings under
27 this chapter concerning the regulation of marine resources shall
28 be held in Hancock, Harrison or Jackson Counties. Each rule or
29 regulation promulgated under this chapter shall immediately be
30 advertised one (1) time in a newspaper or newspapers having
31 general circulation in counties affected by that regulation. A
32 regulation shall become effective at 6:00 a.m. on the day after
33 its publication;

34 (c) To regulate all seafood sanitation and processing
35 programs. In the three (3) coastal counties, the sanitation
36 program regulating processing plants and seafood sold in retail
37 stores operating in conjunction with a processing plant or seafood
38 market that primarily deals with seafood is under the exclusive
39 authority of the commission. The commission may also inspect and
40 regulate those areas of any seafood processing plant which process
41 freshwater species at any site where the department inspects
42 seafood processing plants. To effectively and efficiently
43 implement the state seafood sanitation program, the State Health
44 Officer, the Commissioner of Agriculture and the executive
45 director of the department may enter into a memorandum of
46 understanding, which at a minimum, clearly specifies the



responsibilities of each agency in implementing the seafood sanitation program, as well as the sharing of information and communication and coordination between the agencies;

(d) To set standards of measure;

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

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

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

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

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

(j) To authorize the operation of double rigs in the waters lying between the mainland coast and the island chain, and those rigs shall not exceed a length of twenty-five (25) feet at



71 the corkline, and to prescribe the length at the lead line for
72 each rig, net or try-trawl;

73 (k) To destroy or dispose of equipment or nets which
74 have been lawfully seized by the commission and which are not sold
75 under Section 49-15-201 et seq.;

76 (l) To open, close and regulate fishing seasons for the
77 taking of shrimp, oysters, fish taken for commercial purposes and
78 crabs and set size, catching and taking regulations for all types
79 of seafood and culling regulations for oysters, except as
80 otherwise specifically provided by law;

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

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

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

88 (p) To suspend the issuance of licenses when necessary
89 to impose a moratorium to conserve a fishery resource;

90 (q) To promote, construct, monitor and maintain
91 artificial fishing reefs in the marine waters of the State of
92 Mississippi and in adjacent federal waters; to accept grants and
93 donations of money or materials from public and private sources
94 for such reefs; to set permit fees and establish guidelines for
95 the construction of artificial reefs in federal waters by



96 corporations and private individuals; and to apply for any federal
97 permits necessary for the construction or maintenance of
98 artificial fishing reefs in federal waters. The location data
99 associated with artificial reefs by corporations and private
100 individuals shall * * * be exempt from the provisions of Section
101 25-61-1 et seq.; and

102 (r) To require, in addition to other licensing
103 requirements, the successful completion of educational or training
104 programs on shellfish sanitation as a prerequisite to receiving
105 commercial licenses authorized under this chapter in order to
106 ensure compliance with the Interstate Shellfish Sanitation
107 Conference's educational requirements for shellfish processors,
108 dealers and harvesters by January 1, 2014.

109 (2) The commission shall not adopt rules, regulations or
110 ordinances pertaining to marine resources which are more stringent
111 than federal regulations. In any case where federal laws and
112 regulations are silent on a matter pertaining to marine resources,
113 the laws and regulations of the State of Mississippi shall
114 control. The commission shall review all marine resource
115 ordinances for compliance with the no more stringent standard and
116 revise any ordinances more stringent than this standard no later
117 than December 31, 1992. This subsection shall not apply to rules,
118 regulations or ordinances pertaining to the wild stock of marine
119 fin fish.



120 **SECTION 2.** Section 49-15-17, Mississippi Code of 1972, is
121 brought forward as follows:

122 49-15-17. (1) (a) All monies received or obtained by the
123 commission under the provisions of this chapter shall be paid over
124 by the commission to the State Treasurer and shall be deposited
125 into the fund known as the "Seafood Fund." All revenues collected
126 through the department, to include, but not limited to, commercial
127 saltwater licenses and taxes, permits, fines and penalties, and
128 confiscated catches, shall be deposited into the department
129 operating account (Seafood Fund) and expended for the operation of
130 the department, as authorized by the Legislature.

131 (b) There is established a special account to be known
132 as the "Artificial Reef Program Account" within the Seafood Fund.
133 Any funds received from any public or private source for the
134 purpose of promoting, constructing, monitoring or maintaining
135 artificial reefs in the marine waters of the state or in federal
136 waters adjacent to the marine waters of the state shall be
137 credited to the account. Any unexpended funds remaining in the
138 account at the end of the fiscal year shall not lapse into the
139 Seafood Fund, but shall remain in the account. The department may
140 expend any funds in the account, subject to appropriation by the
141 Legislature, to accomplish the purpose of the account.

142 (c) There is established a special account to be known
143 as the "Coastal Preserve Account" within the Seafood Fund. Any
144 funds received from any public or private source for the purpose



of management, improvement and acquisition of coastal preserves in the state and money required to be deposited pursuant to Sections 27-19-56.10 and 27-19-56.27, shall be credited to the account.

Any unexpended funds remaining in the account at the end of the fiscal year shall not lapse into the Seafood Fund, but shall remain in the account. The department may expend any funds in the account, subject to appropriation by the Legislature, for the management, improvement and acquisition of coastal preserves.

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

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

(3) The secretary of the commission shall keep accurate reports of monies handled as a part of the permanent records of the commission, and the State Treasurer shall furnish the



170 secretary of the commission such forms as may be needed, and the
171 secretary shall account for such forms in his reports to the
172 Treasurer.

173 **SECTION 3.** This act shall take effect and be in force from
174 and after July 1, 2018.

