

By: Representatives Byrd, Sykes

To: Marine Resources

HOUSE BILL NO. 536

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; AND FOR RELATED PURPOSES.

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

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

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

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

14 (b) To adopt, promulgate, amend or repeal, after due  
15 notice and public hearing, in accordance with the Mississippi  
16 Administrative Procedures Law and subject to the limitations in  
17 subsection (2) of this section, rules and regulations authorized  
18 under this chapter, including, but not limited to, rules and  
19 regulations necessary for the protection, conservation or



20 propagation of all seafood in the waters under the territorial  
21 jurisdiction of the State of Mississippi and for the regulation of  
22 gill net and purse seine fishermen. All public hearings under  
23 this chapter concerning the regulation of marine resources shall  
24 be held in Hancock, Harrison or Jackson Counties. Each rule or  
25 regulation promulgated under this chapter shall immediately be  
26 advertised one (1) time in a newspaper or newspapers having  
27 general circulation in counties affected by that regulation. A  
28 regulation shall become effective at 6:00 a.m. on the day after  
29 its publication;

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



44 sanitation program, as well as the sharing of information and  
45 communication and coordination between the agencies;

46 (d) To set standards of measure;

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

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

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

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

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

64 (j) To authorize the operation of double rigs in the  
65 waters lying between the mainland coast and the island chain, and  
66 those rigs shall not exceed a length of twenty-five (25) feet at  
67 the corkline, and to prescribe the length at the lead line for  
68 each rig, net or try-trawl;



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

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

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

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

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

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

86 (q) To promote, construct, monitor and maintain  
87 artificial fishing reefs in the marine waters of the State of  
88 Mississippi and in adjacent federal waters; to accept grants and  
89 donations of money or materials from public and private sources  
90 for such reefs; to set permit fees and establish guidelines for  
91 the construction of artificial reefs in federal waters by  
92 corporations and private individuals; and to apply for any federal  
93 permits necessary for the construction or maintenance of



94 artificial fishing reefs in federal waters. The location data  
95 associated with artificial reefs by corporations and private  
96 individuals shall \* \* \* be exempt from the provisions of Section  
97 25-61-1 et seq.; and

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

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

116 **SECTION 2.** This act shall take effect and be in force from  
117 and after July 1, 2019.

