

By: Senator(s) Gollott

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2940

1 AN ACT TO AMEND SECTION 49-15-15, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THE AUTHORITY OF THE MISSISSIPPI COMMISSION ON MARINE
3 RESOURCES TO PROVIDE A FIVE-YEAR EXEMPTION FROM THE PUBLIC RECORDS
4 ACT FOR LOCATION DATA OF PRIVATE OR CORPORATE ARTIFICIAL REEFS; TO
5 ESTABLISH REGULATORY PROGRAMS FOR COMMERCIAL FISHERIES, INCLUDING,
6 BUT NOT LIMITED TO, ISSUING PERMITS AND ENDORSEMENTS AND APPROVING
7 AND TAGGING GEAR TYPES; AND FOR RELATED PURPOSES.

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

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

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

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

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



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

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



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

49 (d) To set standards of measure;

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

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

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

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

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

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



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

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

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

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

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

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

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

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



95 apply for any federal permits necessary for the construction or
96 maintenance of artificial fishing reefs in federal waters. The
97 location data associated with artificial reefs by corporations and
98 private individuals must be within an approved Department of
99 Marine Resources Fish Haven Site, shall not be published by the
100 commission or the department on the website or in written
101 publications of the department * * * and shall be exempt from the
102 Public Records Act for a period of five (5) years after creation
103 of the reef;

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

111 (s) To establish program requirements for permits and
112 endorsements for particular user groups, and for the approval and
113 tagging of gear types. The fee for such program requirements
114 shall not exceed Ten Dollars (\$10.00) per item.

115 (2) The commission shall not adopt rules, regulations or
116 ordinances pertaining to marine resources which are more stringent
117 than federal regulations. In any case where federal laws and
118 regulations are silent on a matter pertaining to marine resources,
119 the laws and regulations of the State of Mississippi shall



120 control. The commission shall review all marine resource
121 ordinances for compliance with the no more stringent standard and
122 revise any ordinances more stringent than this standard no later
123 than December 31, 1992. This subsection shall not apply to rules,
124 regulations or ordinances pertaining to the wild stock of marine
125 fin fish.

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

