

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 827

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

14 49-15-11. (1) The Mississippi Department of Marine
15 Resources is hereby established and full power is vested in the
16 department to manage, control, supervise, enforce and direct any
17 matters pertaining to saltwater aquatic life and marine resources
18 under the jurisdiction of the commission.

19 (2) The Executive Director of the Department of Marine
20 Resources shall have the authority to internally reorganize the
21 Department of Marine Resources. For a period of six (6) months



22 after April 16, 2014, the personnel actions of the executive
23 director shall be exempt from State Personnel Board rules,
24 regulations and procedures in order to give the executive director
25 flexibility in making an orderly, effective and timely
26 reorganization of the Department of Marine Resources.

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

- 29 (a) Office of Coastal Resources Management;
- 30 (b) Office of Finance and Administration;
- 31 (c) Office of Marine Fisheries;
- 32 (d) Office of Marine Patrol; and
- 33 (e) Office of Coastal Restoration and Resiliency.

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

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

- 39 (a) Chief Financial Officer who shall have a minimum of
40 a Master's degree in Business Administration, Accounting or
41 related field and a minimum of five (5) years' experience in
42 business management or accounting practice or who shall be a
43 Certified Public Accountant.

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



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

51 (5) The executive director shall have an annual audit of the
52 department, including the accounts established in Section
53 49-15-17, performed by an independent certified public accountant
54 and shall file the audit report with the commission, the Chairman
55 of the Senate Ports and Marine Resources Committee, the Chairman
56 of the House Marine Resources Committee, the State Auditor and the
57 Legislative Budget Office.

58 (6) Whenever the terms "Mississippi Marine Conservation
59 Commission," "Marine Conservation Commission," "Bureau of Marine
60 Resources" and "Mississippi Marine Resources Council" appear in
61 any state law, they shall mean the "Mississippi Advisory
62 Commission on Marine Resources * * *," which shall operate only
63 as an advisory commission to the Department of Marine Resources.

64 **SECTION 2.** Section 49-15-301, Mississippi Code of 1972, is
65 amended as follows:

66 49-15-301. (1) The Mississippi Advisory Commission on
67 Marine Resources is hereby established and full power is vested in
68 the advisory commission to * * * advise the Executive Director of
69 the Department of Marine Resources on all matters pertaining to
70 all saltwater aquatic life and marine resources. The advisory
71 commission shall * * * advise the Executive Director of the



72 Department of Marine Resources on the administration of the
73 Coastal Wetlands Protection Law and the Public Trust Tidelands
74 Act. * * * Notwithstanding any other provision of law to the
75 contrary, the commission shall only be * * * an advisory
76 commission to the Department of Marine Resources and shall not
77 have independent authority to take official action on behalf of
78 the Mississippi Department of Marine Resources and its actions are
79 purely advisory in nature. Whenever the terms "Mississippi
80 Commission on Marine Resources," "Commission on Marine Resources"
81 and "commission" when referring to the Mississippi Commission on
82 Marine Resources appear in any state law, they shall mean the
83 "Mississippi Advisory Commission on Marine Resources."

84 (2) * * * The reconstituted Mississippi Advisory Commission
85 on Marine Resources shall consist of five (5) members to be
86 appointed as follows:

87 (a) The Governor shall appoint five (5) members who
88 shall be residents of Jackson, Harrison and Hancock Counties with
89 the advice and consent of the Senate. The Governor shall appoint
90 at least one (1) member from each county but not more than two (2)
91 members from any one (1) county. The members designated in
92 subparagraphs (i), (ii) and (iv) must be a resident of the county
93 where the business he is appointed to represent is located.

94 (b) The advisory commission shall be composed as
95 follows:



96 (i) One (1) member shall be a commercial seafood
97 processor.

98 (ii) One (1) member shall be a commercial
99 fisherman.

100 (iii) One (1) member shall be a recreational
101 sports fisherman.

102 (iv) One (1) member shall be a charter boat
103 operator.

104 (v) One (1) member shall be a member of an
105 incorporated nonprofit environmental organization.

106 (c) Of the initial members appointed by the Governor,
107 the members designated in subparagraphs (i), (ii) and (iii) shall
108 serve for an initial term of two (2) years and one (1) member
109 shall be appointed from each county. The members designated in
110 subparagraphs (iv) and (v) shall serve an initial term of four (4)
111 years. All terms after the initial terms shall be for a period of
112 four (4) years.

113 (d) Any vacancy in the office of an appointed member of
114 the advisory commission shall be filled by appointment by the
115 Governor for the balance of the unexpired term.

116 (3) Each member shall have a demonstrated history of
117 involvement in the matter of jurisdiction for which he is
118 appointed to represent and his employment and activities must not
119 conflict with the matter of jurisdiction represented. A member
120 shall not have a record of conviction of violation of fish and



121 game or seafood laws or regulations within the five (5) years
122 preceding his appointment or a record of any felony conviction.
123 After July 1, 1999, if a member is convicted of a violation of the
124 seafood laws during his term, his office shall be deemed vacant
125 and the Governor shall fill the vacancy as provided in this
126 section.

127 (4) The advisory commission shall elect a chairman who shall
128 preside at all meetings of the commission, and the advisory
129 commission shall also elect a vice chairman who shall serve in the
130 absence or inability of the chairman.

131 (5) Each member shall be paid actual and necessary expenses
132 incurred in attending meetings of the advisory commission and in
133 performing his duties away from his domicile under assignment by
134 the advisory commission. In addition, members shall receive the
135 per diem authorized in Section 25-3-69 * * *.

136 (6) The advisory commission shall adopt rules and
137 regulations governing times and places of meetings * * *. * * *

138 (7) The advisory commission shall not take any action * * *
139 without the approval of the Department of Marine Resources, and
140 such action shall be included in the minutes of the advisory
141 commission. A majority of the members shall constitute a quorum
142 of the advisory commission.

143 (8) The advisory commission * * * shall advise the
144 Department of Marine Resources * * * on how to devise a plan to
145 make licenses available in each coastal county.



146 (9) (a) There is hereby created a Marine Resources
147 Technical Advisory Council composed of the Executive Director of
148 the Gulf Coast Research Lab, or his designee; the Executive
149 Director of the Department of Environmental Quality, or his
150 designee; and the Executive Director of the Department of
151 Wildlife, Fisheries and Parks, or his designee.

152 (b) The council shall give technical assistance to
153 the * * * department.

154 (10) For purposes of this section the following definitions
155 apply:

156 (a) "Charter boat operator" means an individual who
157 operates a vessel for hire, guiding sports fishermen for a fee and
158 is duly licensed to engage in such activity in the State of
159 Mississippi.

160 (b) "Commercial fisherman" means a fisherman who sells,
161 barters or exchanges any or all of his catch or who is paid for
162 attempting to catch marine species, and is duly licensed to engage
163 in commercial fishing.

164 (c) "Commercial seafood processor" means an individual
165 who engages in the business of purchasing seafood products and
166 preparing them for resale and who is duly licensed to engage in
167 such commercial activity in the State of Mississippi.

168 (d) "Incorporated environmental nonprofit organization"
169 means an organization duly incorporated in any state as a



170 nonprofit organization and whose stated goals and purposes are the
171 conservation of natural resources.

172 (e) "Recreational sports fisherman" means an individual
173 who catches or harvests marine species only for recreation or
174 personal consumption and not for sale. The individual must
175 possess a saltwater sports fishing license, be a member of an
176 incorporated nonprofit sports fishing organization and not possess
177 a commercial fishing or seafood processor license.

178 **SECTION 3.** Section 49-15-303, Mississippi Code of 1972, is
179 amended as follows:

180 49-15-303. The advisory commission shall have the following
181 powers and duties:

182 (a) To * * * advise the department regarding marine
183 resources within the jurisdiction of the department;

184 (b) To * * * advise the executive director on whether
185 to execute contracts, grants and cooperative agreements with any
186 public or private institution, federal or state agency or any
187 subdivision thereof to carry out the duties of the commission; and

188 (c) To advise the department on whether to adopt, amend
189 or repeal any rules and regulations necessary for the operation of
190 the * * * department necessary for the protection, conservation
191 and propagation of seafood, and necessary for the management of
192 commercial and recreational taking of seafood * * *.

193 * * *



194 **SECTION 4.** Section 49-15-304, Mississippi Code of 1972, is
195 amended as follows:

196 49-15-304. The department, with the advice of the advisory
197 commission, may adopt, modify or repeal rules or regulations to
198 utilize, manage, conserve, preserve and protect the flora, fauna,
199 tidelands, coastal wetlands, coastal preserves, marine waters and
200 any other matter pertaining to marine resources under its
201 jurisdiction. Rules and regulations adopted by the * * *
202 department shall be consistent with the public policy expressed in
203 Section 29-15-3 (public trust tidelands), Section 39-7-3
204 (antiquities and historic preservation), Section 49-15-1
205 (seafood), Section 49-17-3 (pollution control), Section 49-27-3
206 (coastal wetlands protection) and Section 57-15-6 (coastal zone
207 management). The * * * department may make exceptions to and
208 grant variances from any rules and regulations adopted by
209 the * * * department. The * * * department shall give due
210 consideration to permissible uses of the natural resources within
211 its jurisdiction when promulgating rules and regulations.

212 **SECTION 5.** Section 49-15-305, Mississippi Code of 1972, is
213 amended as follows:

214 49-15-305. (1) * * * The Governor shall appoint the
215 Executive Director * * * of the Department of Marine Resources,
216 with the advice and consent of the Senate, for a term concurrent
217 with that of the Governor. The * * * Governor may remove the
218 executive director from office for good cause and appoint a new



219 executive director as provided in this subsection (1). The
220 executive director shall be knowledgeable and experienced in
221 marine resources management.

222 (2) The executive director of the department shall have the
223 following powers and duties:

224 (a) To supervise and direct all administrative,
225 inspection and technical activities and personnel of the
226 department;

227 (b) To employ qualified professional personnel in the
228 subject matter or fields, and any other technical and clerical
229 staff as may be required for the operation of the department;

230 (c) To coordinate all studies in the State of
231 Mississippi concerned with the supply, development, use and
232 conservation of marine resources;

233 (d) To prepare and deliver to the Legislature and the
234 Governor on or before January 1 of each year, and at any other
235 times as may be required by the Legislature or Governor, a full
236 report of the work of the department, including a detailed
237 statement of expenditures of the department and any
238 recommendations the department may have;

239 (e) To enter into cooperative agreements with any
240 federal or state agency or subdivision thereof, or any public or
241 private institution located inside or outside the State of
242 Mississippi, or any person, corporation or association in
243 connection with studies and investigations pertaining to marine



244 resources, provided the agreements do not have a financial cost in
245 excess of the amounts appropriated for the purposes by the
246 Legislature; and

247 (f) To carry out all regulations and rules adopted by
248 the * * * department and enforce all licenses and permits issued
249 by the department.

250 **SECTION 6.** Section 49-15-307, Mississippi Code of 1972, is
251 amended as follows:

252 49-15-307. The department shall have the following powers
253 and duties:

254 (a) To implement the policy of the * * * department
255 regarding marine resources within the jurisdiction of the
256 department;

257 (b) To apply for, receive and expend any federal or
258 state funds or contributions, gifts, devises, bequests or funds
259 from any other source;

260 (c) To commission or conduct studies designed to
261 determine alternative methods of managing and conserving the
262 marine resources of this state in a manner to * * * ensure
263 efficiency and sustained productivity;

264 (d) To issue permits and licenses authorized by law or
265 regulation;

266 (e) To equip and supply check stations, remote duty
267 stations and personnel for extended duty;



268 (f) To develop programs to enhance the marketing of the
269 state's recreational and commercial marine resources;

270 (g) To provide gear, insignias, and otherwise equip
271 personnel subject to the amount appropriated for those purposes;
272 and

273 (h) To discharge any other duties, responsibilities and
274 powers as are necessary to implement this chapter.

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

277 49-15-15. (1) In addition to any other powers and duties
278 authorized by law, the department, with the advice of the advisory
279 commission, shall have the following powers and duties regarding
280 the regulation of seafood:

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

284 (b) To adopt, promulgate, amend or repeal, after due
285 notice and public hearing, in accordance with the Mississippi
286 Administrative Procedures Law and subject to the limitations in
287 subsection (2) of this section, rules and regulations authorized
288 under this chapter, including, but not limited to, rules and
289 regulations necessary for the protection, conservation or
290 propagation of all seafood in the waters under the territorial
291 jurisdiction of the State of Mississippi and for the regulation of
292 gill net and purse seine fishermen. All public hearings under



293 this chapter concerning the regulation of marine resources shall
294 be held in Hancock, Harrison or Jackson Counties. Each rule or
295 regulation promulgated under this chapter shall immediately be
296 advertised one (1) time in a newspaper or newspapers having
297 general circulation in counties affected by that regulation. A
298 regulation shall become effective at 6:00 a.m. on the day after
299 its publication;

300 (c) To regulate all seafood sanitation and processing
301 programs. In the three (3) coastal counties, the sanitation
302 program regulating processing plants and seafood sold in retail
303 stores operating in conjunction with a processing plant or seafood
304 market that primarily deals with seafood is under the exclusive
305 authority of the * * * department. The * * * department may also
306 inspect and regulate those areas of any seafood processing plant
307 which process freshwater species at any site * * *. To
308 effectively and efficiently implement the state seafood sanitation
309 program, the State Health Officer, the Commissioner of Agriculture
310 and the executive director of the department may enter into a
311 memorandum of understanding, which at a minimum, clearly specifies
312 the responsibilities of each agency in implementing the seafood
313 sanitation program, as well as the sharing of information and
314 communication and coordination between the agencies;

315 (d) To set standards of measure;



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

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

321 (g) To keep proper records of the commission, including
322 an official ordinance book which contains all rules and
323 regulations promulgated by the department, with the advice of the
324 advisory commission, under this chapter;

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

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

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



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

342 (l) To open, close and regulate fishing seasons for the
343 taking of shrimp, oysters, fish taken for commercial purposes and
344 crabs and set size, catching and taking regulations for all types
345 of seafood and culling regulations for oysters, except as
346 otherwise specifically provided by law;

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

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

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

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

356 (q) To promote, construct, monitor and maintain
357 artificial fishing reefs in the marine waters of the State of
358 Mississippi and in adjacent federal waters; to accept grants and
359 donations of money or materials from public and private sources
360 for such reefs; to set permit fees and establish guidelines for
361 the construction of artificial reefs in federal waters; and to
362 apply for any federal permits necessary for the construction or
363 maintenance of artificial fishing reefs in federal waters. The



364 location data associated with artificial reefs by corporations and
365 private individuals shall not be published by the commission or
366 the department on the website or in written publications of the
367 department. Location data of the artificial reefs may be
368 requested in writing by any individual and shall be provided by
369 the department in a timely manner; and

370 (r) To require, in addition to other licensing
371 requirements, the successful completion of educational or training
372 programs on shellfish sanitation as a prerequisite to receiving
373 commercial licenses authorized under this chapter in order to
374 ensure compliance with the Interstate Shellfish Sanitation
375 Conference's educational requirements for shellfish processors,
376 dealers and harvesters by January 1, 2014.

377 (2) The * * * department shall not adopt rules, regulations
378 or ordinances pertaining to marine resources which are more
379 stringent than federal regulations. In any case where federal
380 laws and regulations are silent on a matter pertaining to marine
381 resources, the laws and regulations of the State of Mississippi
382 shall control. The * * * department shall review all marine
383 resource ordinances for compliance with the no more stringent
384 standard and revise any ordinances more stringent than this
385 standard no later than December 31, 1992. This subsection shall
386 not apply to rules, regulations or ordinances pertaining to the
387 wild stock of marine fin fish.



388 **SECTION 8.** Section 49-15-25, Mississippi Code of 1972, is
389 amended as follows:

390 49-15-25. The * * * department may appoint an advisory
391 council of persons who may fairly be regarded as representative of
392 all the various segments of the industry. This council shall aid
393 the * * * department in formulating policies and discussing
394 problems related to the administration of this chapter and the
395 advancement and protection of the industry.

396 **SECTION 9.** This act shall take effect and be in force from
397 and after July 1, 2020.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 49-15-11, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A PERSON WHO IS A CERTIFIED PUBLIC ACCOUNTANT
3 QUALIFIES FOR THE CHIEF FINANCIAL OFFICER POSITION OF THE
4 DEPARTMENT OF MARINE RESOURCES; TO AMEND SECTIONS 49-15-301,
5 49-15-303, 49-15-304, 49-15-305, 49-15-307, 45-15-15 AND 49-15-25,
6 MISSISSIPPI CODE OF 1972, TO RECONSTITUTE THE MISSISSIPPI
7 COMMISSION ON MARINE RESOURCES AS THE MISSISSIPPI ADVISORY
8 COMMISSION ON MARINE RESOURCES AND TO PRESCRIBE ITS POWERS AND
9 DUTIES TO ADVISE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT AND IN
10 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

