

By: Senator(s) Moran, Thompson

To: Ports and Marine Resources

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2477

1 AN ACT TO AMEND SECTION 49-15-15, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE MISSISSIPPI DEPARTMENT OF MARINE RESOURCES TO  
3 UTILIZE THE RESOURCES OF ALL STATE INSTITUTIONS OF HIGHER  
4 LEARNING; 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 department, with the advice of the advisory  
10 commission, shall have the following powers and duties regarding  
11 the regulation of seafood:

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

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



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

31 (c) To regulate all seafood sanitation and processing  
32 programs. In the three (3) coastal counties, the sanitation  
33 program regulating processing plants and seafood sold in retail  
34 stores operating in conjunction with a processing plant or seafood  
35 market that primarily deals with seafood is under the exclusive  
36 authority of the department. The department may also inspect and  
37 regulate those areas of any seafood processing plant which process  
38 freshwater species at any site. 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 department, with the advice of the  
55 advisory commission, under this chapter;

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

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

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



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

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

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

78 (m) To utilize the resources of the Gulf Coast Research  
79 Laboratory to the fullest extent possible and the resources of all  
80 state institutions of higher learning as necessary;

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

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

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

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



93 the construction of artificial reefs in federal waters; and to  
94 apply for any federal permits necessary for the construction or  
95 maintenance of artificial fishing reefs in federal waters. The  
96 location data associated with artificial reefs by corporations and  
97 private individuals shall not be published by the commission or  
98 the department on the website or in written publications of the  
99 department. Location data of the artificial reefs may be  
100 requested in writing by any individual and shall be provided by  
101 the department in a timely manner; 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 department 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 department 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.** This act shall take effect and be in force from  
121 and after July 1, 2022.

