

By: Senator(s) Moran

To: Ports and Marine Resources

SENATE BILL NO. 2159

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, 2023.

