

By: Huggins (By Request)

To: Public Health and  
Welfare

SENATE BILL NO. 2439  
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 49-15-15, MISSISSIPPI CODE OF 1972,  
2 TO DELETE CERTAIN REFERENCES TO RETAIL SEAFOOD REGULATION BY THE  
3 STATE DEPARTMENT OF HEALTH; AND FOR RELATED PURPOSES.

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

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

7 49-15-15. (1) In addition to any other powers and duties  
8 authorized by law, the commission shall have the following powers  
9 and duties regarding the regulation of seafood:

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

13 (b) To adopt, promulgate, amend or repeal, after due  
14 notice and public hearing, in accordance with the Mississippi  
15 Administrative Procedures Law and subject to the limitations in  
16 subsection (2) of this section, rules and regulations authorized  
17 under this chapter, including, but not limited to, rules and  
18 regulations necessary for the protection, conservation or  
19 propagation of all seafood in the waters under the territorial  
20 jurisdiction of the State of Mississippi and for the regulation of  
21 gill net and purse seine fishermen. All public hearings under  
22 this chapter concerning the regulation of marine resources shall  
23 be held in Hancock, Harrison or Jackson Counties. Each rule or  
24 regulation promulgated under this chapter shall immediately be  
25 advertised one (1) time in a newspaper or newspapers having  
26 general circulation in counties affected by that regulation. A

27 regulation shall become effective at 6:00 a.m. on the day after  
28 its publication;

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

38 (d) To set standards of measure;

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

42 (f) To acquire and dispose of commission equipment and  
43 facilities;

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

47 (h) To enter into advantageous interstate and  
48 intrastate agreements with proper officials, which directly or  
49 indirectly result in the protection, propagation and conservation  
50 of the seafood of the State of Mississippi, or continue any such  
51 agreements now in existence;

52 (i) To arrange, negotiate or contract for the use of  
53 available federal, state and local facilities which would aid in  
54 the propagation, protection and conservation of the seafood of the  
55 State of Mississippi;

56 (j) To authorize the operation of double rigs in the  
57 waters lying between the mainland coast and the island chain, and  
58 those rigs shall not exceed a length of twenty-five (25) feet at  
59 the cork line, and to prescribe the length at the lead line for  
60 each rig, net or try-trawl;

61 (k) To destroy or dispose of equipment or nets which  
62 have been lawfully seized by the commission and which are not sold  
63 under Section 49-15-65;

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

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

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

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

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

(q) To promote, construct, monitor and maintain artificial fishing reefs in the marine waters of the State of Mississippi and in adjacent federal waters; to accept grants and donations of money or materials from public and private sources for such reefs; and to apply for any federal permits necessary for the construction or maintenance of artificial fishing reefs in federal waters.

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

SECTION 2. This act shall take effect and be in force from

97 and after July 1, 2000.