

By: Hewes

To: Ports and Marine
Resources

SENATE BILL NO. 2881

1 AN ACT TO AMEND SECTION 49-15-15, MISSISSIPPI CODE OF 1972 TO
2 AUTHORIZE THE COMMISSION ON MARINE RESOURCES TO DEVELOP AND
3 IMPLEMENT A MARINE FISHERIES HARVEST INFORMATION PROGRAM; AND FOR
4 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:[LTR1]

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

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

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

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

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

45 (d) To set standards of measure;

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

49 (f) To acquire and dispose of commission equipment and
50 facilities;

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

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

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

63 (j) To authorize the operation of double rigs in the
64 waters lying between the mainland coast and the island chain, and

those rigs shall not exceed a length of twenty-five (25) feet at the cork line, and to prescribe the length at the lead line for each rig, net or try-trawl;

(k) To destroy or dispose of equipment or nets which have been lawfully seized by the commission and which are not sold 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; * * *

(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; and

(r) To develop and implement a marine fisheries harvest information program, including but not limited to a trip ticket system.

(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

98 regulations are silent on a matter pertaining to marine resources,
99 the laws and regulations of the State of Mississippi shall
100 control. The commission shall review all marine resource
101 ordinances for compliance with the no more stringent standard and
102 revise any ordinances more stringent than this standard no later
103 than December 31, 1992. This subsection shall not apply to rules,
104 regulations or ordinances pertaining to the wild stock of marine
105 fin fish.

106 SECTION 2. This act shall take effect and be in force from
107 and after its passage.