

By: Senator(s) Gollott, Hewes, Dawkins

To: Ports and Marine Resources

SENATE BILL NO. 2429

1 AN ACT TO AMEND SECTION 49-15-15, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE COMMISSION ON MARINE RESOURCES TO ESTABLISH  
3 GUIDELINES FOR THE CONSTRUCTION OF CERTAIN ARTIFICIAL REEFS IN  
4 FEDERAL WATERS; TO AUTHORIZE THE COMMISSION ON MARINE RESOURCES TO  
5 CHARGE A PERMIT FEE; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 49-15-15, Mississippi Code of 1972, is  
8 amended as follows:

9 49-15-15. (1) In addition to any other powers and duties  
10 authorized by law, the commission shall have the following powers  
11 and duties regarding 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 commission. The commission may also inspect and  
37 regulate those areas of any seafood processing plant which process  
38 freshwater species at any site where the department inspects  
39 seafood processing plants. To effectively and efficiently  
40 implement the state seafood sanitation program, the State Health  
41 Officer, the Commissioner of Agriculture and the executive  
42 director of the department may enter into a memorandum of  
43 understanding, which at a minimum, clearly specifies the  
44 responsibilities of each agency in implementing the seafood  
45 sanitation program, as well as the sharing of information and  
46 communication and coordination between the agencies;

47 (d) To set standards of measure;

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

51 (f) To acquire and dispose of commission equipment and  
52 facilities;

53 (g) To keep proper records of the commission, including  
54 an official ordinance book which contains all rules and  
55 regulations promulgated by the 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 cork line, 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 49-15-65;

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;

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

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

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

87 (q) To promote, construct, monitor and maintain  
88 artificial fishing reefs in the marine waters of the State of  
89 Mississippi and in adjacent federal waters; to accept grants and  
90 donations of money or materials from public and private sources  
91 for such reefs; to establish guidelines for the construction of  
92 artificial reefs in federal waters by corporations and private  
93 individuals and to set permit fees of not less than Five Hundred

94 Dollars (\$500.00) per deployment; and to apply for any federal  
95 permits necessary for the construction or maintenance of  
96 artificial fishing reefs in federal waters.

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

108 **SECTION 2.** This act shall take effect and be in force from  
109 and after July 1, 2007.