

The Mississippi Department of Marine Resources (MDMR) does hereby give public notice that on August 17, 2021 at the regularly scheduled meeting of the Mississippi Advisory Commission on Marine Resources (MACMR), the Commission recommended approval of and the Executive Director approved a Notice of Intent to update, modify and change below listed sections of Title 22 Part 12. Said Notice of Intent was filed with the Mississippi Secretary of State's office on August 23, 2021. A complete copy of Title 22 Part 12 and the proposed changes are available are available at www.dmr.ms.gov. Public comments on the proposed regulation changes will be accepted through September 17, 2021. All comments should be mailed to the MDMR, Attn: Chief Kyle Wilkerson, 1141 Bayview Avenue, Biloxi, MS 39530 or emailed to: Chief Kyle Wilkerson at publiccomments@dmr.ms.gov and delivered by 5:00 PM on September 17, 2021.

Complete description of proposed changes:

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

PART 12 VESSEL SEAFOOD TRANSPORT IN THE STATE OF MISSISSIPPI

CHAPTER 01: INTRODUCTION

Rule 1.1 This Part establishes regulations of vessel seafood transport.

MISS. CODE ANN. §§49-15-28, 49-15-34.

CHAPTER 02: TRANSPORT PERMIT REQUIRED

Rule 2.1 A transport permit is required for each vessel desiring to land seafood in the state, which is legally taken outside of the Mississippi territorial waters without obtaining a license under Miss. Code Ann. §49-15-1 *et seq.*

Rule 2.2 A transport permit fee of one hundred dollars (\$100.00) shall be paid upon issuance of said transport permit.

MISS. CODE ANN. §§49-15-28, 49-15-34.

CHAPTER 03: PENALTIES

Rule 3.1 Any unlawful act under this Part committed by any person, firm, or corporation shall be deemed a violation of the provisions of this Part and shall constitute a misdemeanor. In the case of continuing violations, each day shall constitute a separate offense.

MISS. CODE ANN. §§49-15-28, 49-15-34, and 49-15-63.

CHAPTER 04: CHAPTERS AND SUBCHAPTERS DECLARED SEPERABLE

Rule 4.1 Each chapter and subchapter of this Part is hereby declared separable, and if any chapter or subchapter or part thereof shall be held invalid or unconstitutional, the balance of said Title 22 Part 12 shall remain in full force and effect.

Rule 4.2 Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate and punished as such.

MISS. CODE ANN. §49-15-301.

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
PART 12 RULES AND REGULATIONS FOR VESSEL SEAFOOD TRANSPORT
IN THE STATE OF MISSISSIPPI

~~Chapter 01 Introduction~~ **CHAPTER 01: INTRODUCTION**

Purpose

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MISS. CODE ANN. §§49-15-28, 49-15-34.

~~Chapter 02 Justification and Authority~~ **CHAPTER 02: TRANSPORT PERMIT REQUIRED**

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401 ~~Miss. Code Ann. § 49-15-34 (2), as amended authorizes the MCMR to establish a permit fee in an amount not to exceed the amount of the license fee established in Miss. Code Ann. § 49-15-28 (1), as amended.~~

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Chapter 06 Administrative Procedures Act

~~100 Pursuant to the amendments to the Administrative Procedures Act, § 25-43-1.101, *et seq.*, of the Mississippi Code Ann. of 1972, as amended, and the rules and regulations promulgated pursuant thereto by the Secretary of State; the former Ordinance 12.002 has been modified and the MCMR and Mississippi Department of Marine Resources have adopted the terminology and numbering system developed by the Secretary of State. Therefore,~~

references to “ordinance” or to “Part” appearing in these regulations or the underlying statutes are used interchangeably and refer to the same instrument.

~~**TITLE 22 — MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**~~
~~**PART 12 RULES AND REGULATIONS FOR VESSEL SEAFOOD TRANSPORT**~~
~~**IN THE STATE OF MISSISSIPPI**~~, shall take effect and be in force from and after the 1st day of January 2007

Adopted this the 19th day of December 2006

~~**MISSISSIPPI COMMISSION ON MARINE RESOURCES**~~

By: /s/ Vernon Asper
 Vernon Asper, Ph.D., Chairman

~~**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**~~

By: /s/ William W. Walker
 William W. Walker, Ph.D., Executive Director

Mississippi Secretary of State
125 S. Congress Street, Jackson, MS 39201

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Department of Marine Resources		CONTACT PERSON TJ Moran	TELEPHONE NUMBER 228-523-4184	
ADDRESS 1141 Bayview Ave.		CITY Biloxi	STATE MS	ZIP 39530
EMAIL TJ.Moran@dmr.ms.gov	SUBMIT DATE 8/23/21	Name or number of rule(s): Title 22 Part 12		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES Part was updated to remove wording already codified in Mississippi Code. References to the Mississippi Code were placed in the regulation. The structure and format were changed to comply with the Secretary of States Guidelines.

Specific legal authority authorizing the promulgation of rule: Mississippi Code Ann. § 49-15-15 et seq.

List all rules repealed, amended, or suspended by the proposed rule: Title 22, Part 12.

ORAL PROCEEDING:

An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

Presently, an oral proceeding is not scheduled on this rule.

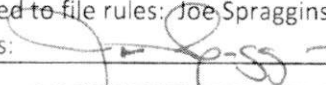
If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Joe Spraggins, Executive Director

Signature of person authorized to file rules: 

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
	FILED AUG 23 2021 Mississippi Secretary of State	
Accepted for filing by	Accepted for filing by 	Accepted for filing by

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

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