

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Department of Marine Resources		CONTACT PERSON Evelyn Thompson	TELEPHONE NUMBER 228 523-4188	
ADDRESS 1141 Bayview Avenue		CITY Biloxi	STATE MS	ZIP 39530
EMAIL Evelyn.thompson@dmr.ms.gov	SUBMIT DATE 8/23/12	Name or number of rule(s): Title 22, Part 17		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Title 22 Mississippi Department of Marine Resources Part 17 Regulation of Shellfish Landing, Unloading, Transporting, Processing, Buying, Selling, Opening, and Other Shellfish Related Activities in the State of Mississippi; Chapters, Sections and Sub-Sections affected by this proposed change are listed on the attached page.

Specific legal authority authorizing the promulgation of rule: Mississippi Code Ann. § 49-15-15, APA, § 25-43-1.101 *et seq.*

List all rules repealed, amended, or suspended by the proposed rule: Title 22, Part 17: (see above summary description complete description attached).

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: _____ 30 days after filing <input checked="" type="checkbox"/> _____ Other (specify): November 1, 2012	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: Dr. William W. Walker, Executive Director
 Signature of person authorized to file rules: /s/ [Signature]

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
		
Accepted for filing by _____	Accepted for filing by <u>CB19074E</u>	Accepted for filing by _____

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached. →

Molluscan Changes:

Title Part title added the word molluscan twice, Chapter 01 Section 100 added word molluscan three times; Chapter 02 Section 100 added word molluscan twice; Chapter 03 Section 100 added word molluscan three times; Chapter 03 Section 101 added word molluscan twice, Chapter 03 Section 102 added word molluscan twice, Chapter 03 Section 107 added word molluscan, Chapter 03 Section 109 added word molluscan twice, Chapter 03 Section 110 added word molluscan twice, Chapter 03 Section 111 added word molluscan, Chapter 03 Section 113 added word molluscan, Chapter 03 Section 113 added word molluscan three times, Chapter 03 Section 116 added word molluscan twice; Chapter 04 Section 100 added word molluscan; Chapter 05 title added molluscan, Chapter 05 Section 100 added word molluscan; Chapter 07 Section 100 added word molluscan three times; Chapter 08 title added molluscan, Chapter 08 Section 100 added word molluscan; Chapter 09 Section 100 added word molluscan, Chapter 09 Section 101 added word molluscan, Chapter 09 Section 105 added word molluscan five times; Chapter 10 title added molluscan twice, Chapter 10 Section 100 added word molluscan twice, Chapter 10 Section 101 added word molluscan twice, Chapter 10 Section 102 added word molluscan twice, Chapter 10 Section 103 added word molluscan; Chapter 11 title added molluscan, Chapter 11 Section 100 added word molluscan twice, Chapter 11 Sub-Section 100.08 added word molluscan; Chapter 11 Section 101 added word molluscan, Chapter 11 Section 103 added word molluscan, Chapter 11 Section 104 added word molluscan, Chapter 11 Section 105 added word molluscan twice, Chapter 11 Sub-Section 105.04 added word molluscan; Chapter 12 title added word molluscan, Chapter 12 Section 100 added word molluscan twice; Chapter 13 Section 101 added word molluscan twice, Chapter 13 Section 104 added word molluscan, Chapter 13 Section 105 added word molluscan, Chapter 13 Section 106 added word molluscan, Chapter 13 Section 107 added word molluscan twice, Chapter 13 Section 108 added word molluscan, Chapter 13 Section 109 added word molluscan, Chapter 13 Section 110 added word molluscan, Chapter 13 Section 111 added word molluscan; Chapter 14 Section 101 added word molluscan, Chapter 14 Section 102 added word molluscan, Chapter 14 Section 103 added word molluscan, Chapter 14 Section 104 added word molluscan, Chapter 14 Section 105 added word molluscan, Chapter 14 Section 106 added word molluscan; Chapter 15 title added molluscan, Chapter 15 Section 100 added word molluscan twice, Chapter 15 Sub-Section 100.02 added word molluscan twice; Chapter 16 title added molluscan; Chapter 19 Section 100 added word molluscan four times; Chapter 20 Section 102 added word molluscan twice, Signature Page added word molluscan twice to Title Part title.

Editorial Changes:

Chapter 02 Section 109 corrected statute citing § 49-15-46 (34); Chapter 03 Section 104~~2~~ through 115~~6~~ renumbered because definitions for Adequately Iced and Molluscan Shellfish were added, Chapter 03 Section 111 deleted Shellfish definition, Chapter 03 Section 108 added definition for molluscan shellfish; Chapter 07 Section 100 add the preposition "by"; Chapter 09 Section 101 added statement "firm or corporation" for consistency with the rest of document; Chapter 10 Section 100 and Section 102 corrected statute citing 49-15-15 (1) (c), Chapter 10 Section 102 add the preposition "by", Chapter 10 Section 103 add the preposition "by"; Chapter 13 Section 108~~6~~ through 115~~2~~ renumbered because Section 107 with two sub-sections and Section 109 were deleted, Chapter 19 Section 100 deleted "insure" added "ensure".

Regulatory Changes:

Chapter 03 Section 101 Added definition for Adequately iced; Chapter 6 Section 101 Added ISSC web address: website: <http://www.issc.org>; Chapter 11 Section 106 added labeling and tagging requirements authority; Chapter 13 Section 100, Sub-Section 103.02 deleted specific temperature and added time/temp reference language to ISSC's NSSP Model Ordinance, Section 105 deleted four hour requirement and added Dealers and Processors language, Sub-Section 105.01 added adequately iced definition and added time/temp reference language to ISSC's NSSP Model Ordinance, Sub-Section 105.02 deleted specific temperature and added time/temp reference language to ISSC's NSSP Model Ordinance, Deleted Sections 106 and 107, Deleted Sub-Sections 107.01 and 107.02, Newly numbered Section 106 added adequately iced definition and added time/temp reference language to ISSC's NSSP Model Ordinance, Deleted Section 109, Newly Numbered Section 112 added time/temp reference language to ISSC's NSSP Model Ordinance; Chapter 14 Section 100 Deleted Temperature requirement and added records documentation and time/temp reference language to ISSC's NSSP Model Ordinance, Section 101 Deleted Shellfish storage in ice language and added refrigeration language with reference to time/temp reference language to ISSC's NSSP Model Ordinance, Section 102 Deleted four hour language and added reference to time/temp reference language to ISSC's NSSP Model Ordinance, Section 103 Deleted two hour language and added reference to time/temp reference language to ISSC's NSSP Model Ordinance, Section 104 Deleted four hour language and added reference to time/temp reference language to ISSC's NSSP Model Ordinance, Sub-Section 106.01 added adequately iced definition and added time/temp reference language to ISSC's NSSP Model Ordinance, Sub-Section 106.02 Deleted specific Temperature and added time/temp reference language to ISSC's NSSP Model Ordinance, and Section 108 added time/temp reference language to ISSC's NSSP Model Ordinance.

FILED
AUG 23 2012
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