

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 Joe Jewell	TELEPHONE NUMBER 228-523-4072	
ADDRESS 1141 Bayview Avenue		CITY Biloxi	STATE MS	ZIP 39530
EMAIL Joe.jewell@dmr.ms.gov	SUBMIT 7-22-2015	Name or number of rule(s): Title 22 Part 9		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Title 22 Mississippi Department of Marine Resources – Part 9 Rules and Regulations for Statistical Reporting and Confidentiality of Statistical Data for Marine Resources. Chapter 6 Section 100: Requires each seafood dealer/processor to complete a commercial trip ticket and a completed Mississippi trip ticket shall only be required for the initial point of sale of the seafood product. Chapter 6 Section 102 is deleted. 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List all rules repealed, amended, or suspended by the proposed rule: Title 22, Part 9: (see above summary description; complete description attached).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
<input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____	Action proposed: <input type="checkbox"/> New rule(s) <input type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference Proposed final effective date: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	Date Proposed Rule Filed: <u>6/18/15</u> Action taken: <input type="checkbox"/> Adopted with no changes in text <input checked="" type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed Effective date: <input type="checkbox"/> 30 days after filing <input checked="" type="checkbox"/> Other (specify): <u>Sept. 1, 2015</u>

Printed name and Title of person authorized to file rules: Jamie M. Miller, Executive Director

Signature of person authorized to file rules: *Jamie M. Miller*

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by	<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by	<div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> Accepted for filing by <u>#21407</u> <i>AF</i>

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

Complete description of proposed changes:

Title 22 Mississippi Department of Marine Resources – Part 9 Rules and Regulations for Statistical Reporting and Confidentiality of Statistical Data for Marine Resources.

Chapter 06 Seafood Reporting Requirements

- 100 ~~Unless otherwise specified, each~~ Each seafood dealer/processor is hereby required to complete Mississippi trip tickets provided by the MDMR. Commercial fishermen, who sell their catch to individuals other than a Mississippi dealer/processor, are hereby required to complete Mississippi trip tickets provided by the MDMR and be in possession of a fresh product permit. A completed Mississippi trip ticket is only required for the initial point of sale of the seafood product. Commercial fishermen who sell their catch to anyone other than a Mississippi licensed dealer/processor or transport their catch out-of-state are required to purchase and possess a Dealer/Processor License and are required to comply with all regulations governing Mississippi dealers/processors. All trip tickets shall be returned to the MDMR or electronically submitted on or before the 10th of each month for actual transactions from every commercial fisherman during the preceding month. A trip ticket summary form that states the total trips taken in a given month shall be submitted by the 10th of each month by the seafood dealer/processor or commercial fisherman. The fisherman is required to provide to the dealer complete and accurate information necessary for the completion of the fisherman portion of the trip ticket. This may include, but is not limited to, commercial fisherman's name, valid license number, date and area of harvest, trip and fishing time, proper vessel identification, gear, quantity, and size of gear used, and applicable mesh size (if any) of gear used, seafood dealer's name, date of purchase, dealer license number, port and county product was landed, species being purchased, weight or any other applicable standard, condition of product, count or market grade of purchased seafood product, and price paid per unit (pound or number) per species. The seafood dealer/processor or fisherman is required to verify the accuracy of the tickets by signing each ticket.
- ~~102 Seafood dealers/processors that purchase only shrimp species from commercial fishermen shall be exempt from trip ticket requirement, however, said dealer must provide to the MDMR or authorized port agent the total catch in pounds by species and size count, ex-vessel price by sizes, condition landed (heads on, heads off), and the registration or documentation number of the vessel, and the name of the vessel if applicable for the shrimp caught by trip. If the seafood dealer obtains species other than shrimp from a commercial fisherman a trip ticket must be completed in accordance with the Mississippi trip ticket seafood reporting requirements. Upon request, dealers/processors shall provide fishermen a completed trip ticket at the time of transaction.~~