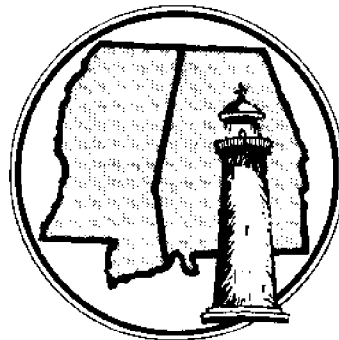


**LAWS PASSED DURING THE 1975
SESSION OF THE MISSISSIPPI
LEGISLATURE**

University of Mississippi Law Center

**Mississippi-Alabama
Sea-Grant Consortium
MASGP 77-009**



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MASGP - 77-009

FOREWORD

This volume represents those laws that were passed during the 1975 Session of the Mississippi Legislature that would affect the use and development of the state's marine and coastal zone. It should be used to bring up to date the ten volume compilation of the state's laws that was published by this office during 1974. This project was completed under the auspices of the Mississippi-Alabama Sea Grant Consortium and the University of Mississippi.

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Oxford, Mississippi
September 1, 1975

TABLE OF CONTENTS

	<u>Page</u>
GENERAL ADMINISTRATION-----	1
ENVIRONMENTAL CONTROL -----	14
LIVING RESOURCES -----	32
INDUSTRIAL AND AGRICULTURAL RESOURCES -----	45
MINERAL AND NON-LIVING RESOURCES -----	46
RECREATION-----	49

GENERAL ADMINISTRATION

I. Chapter 308, S. B. 2495, establishes the Mississippi Catfish Marketing Act of 1975. The Act provides for agreements to be made with other governmental agencies in order to carry out the provisions of the Act. (For details, see LIVING RESOURCES, I.)

II. Chapter 311, S. B. 2456, amends MISS. CODE ANN. § 9-5-49 (1972), by providing for new terms of the Chancery Court in the Sixteenth District which includes Jackson County. Jackson County Chancery Court will have the following terms:

- First Monday in January, three weeks;
- First Monday in February, three weeks;
- First Monday in March, three weeks;
- First Monday in April, three weeks;
- First Monday in May, three weeks;
- First Monday in June, three weeks;
- First Monday in July, three weeks;
- First Monday in August, three weeks;
- First Monday in September, three weeks;
- First Monday in October, three weeks;
- First Monday in November, three weeks; and
- First Monday in December, two weeks. [§ 1].

New terms in Jackson County will commence on the first Monday of May, 1975. [§2].

[Approved February 26, 1975, and effective from that date unless specified otherwise.]

III. Chapter 318, H. B. 262, establishes the "Mississippi Pesticide Application Act of 1975." The Act provides for cooperation with any other agency or institution to carry out the Act. (For details see ENVIRONMENTAL CONTROL, I.)

IV. Chapter 319, H. B. 277, provides that the Commissioner of Agriculture and Commerce may cooperate with and enter into agreements with any other agency of this state, the U. S. Government, or its agencies, or any public or private agencies for the purpose of carrying out the provisions of the Mississippi Pesticide Law of 1975. (For details, see ENVIRONMENTAL CONTROL, II.)

V. Chapter 321, H. B. 544, provides that the Mississippi Marine Conservation Commission may arrange, negotiate, or contract for the use of available federal, state and local facilities which would aid in the propagation, protection, and conservation of the Seafood of Mississippi. (For details, see LIVING RESOURCES, II.)

VI. Chapter 337, S. B. 2486, is an Act to amend MISS. CODE ANN. § 55-11-7 and § 55-11-17 (1972), to clarify the duties of the State Highway Department with respect to the Harrison County Parkway and to provide that the proceeds of any tax be transferred to the Commission upon receipt.

§ 55-11-7 of the CODE is amended as follows: The Commission shall have full authority and jurisdiction to create a public parkway of the area, or any part thereof, in Harrison County, extending from Point Cadet on the east

to Third Street in Henderson's Point addition on the west, lying between the presently existing and used public highway extending through and across said county known as Front Street, or U. S. Highway No. 90, and the road protection or seawall right-of-way. [§ 1].

§ 55-11-17 of the CODE is amended as follows: The Board of Supervisors of Harrison County and the municipalities of Biloxi, Gulfport, Long Beach, and Pass Christian, through their governing authorities, are authorized to cooperate in carrying out the provisions of this chapter and to appropriate and expend funds for that purpose out of any general fund or general improvements funds. A special ad valorem tax may be levied. In addition, funds may be accepted from the U. S. Government. [§ 2].

VII. Chapter 342, S. B. 2828, provides for increasing assessments against oil and gas produced in order to pay for expenses incurred in the administration and enforcement of oil and gas conservation laws. (For details, see MINERAL AND NON-LIVING RESOURCES, I.)

VIII. Chapter 352, H. B. 550, amended MISS. CODE ANN. § 9-7-9 (1972) by providing for new terms of the Circuit Court in the Second District.

Terms for Hancock County:

First Monday in February, two weeks;

First Monday in August, two weeks;

First Monday in November, two weeks (at this term a

grand jury need not be empaneled unless directed by the presiding circuit judge).

Terms for Harrison County, First District, at Gulfport:

Second Monday in January, three weeks;
First Monday in February, four weeks;
First Monday in March, four weeks;
First Monday in April, four weeks;
First Monday in May, four weeks;
First Monday in June, four weeks;
Second Monday in July, three weeks;
First Monday in August, four weeks;
Second Monday in September, three weeks;
First Monday in October, four weeks;
First Monday in November, four weeks;
First Monday in December, two weeks.

(A grand jury shall be empaneled at the March and September terms, but need not be empaneled at the remaining terms unless directed by the presiding circuit judge.)

Terms for Harrison County, Second District, at Biloxi:

Second Monday in January, three weeks;
First Monday in February, four weeks;
First Monday in March, four weeks;
First Monday in April, four weeks;
First Monday in May, four weeks;
First Monday in June, four weeks;
Second Monday in July, three weeks;

First Monday in August, four weeks;

Second Monday in September, three weeks;

First Monday in October, four weeks;

First Monday in November, four weeks;

First Monday in December, two weeks.

(A grand jury shall be empaneled at the February and August terms but need not be empaneled at the remaining terms unless directed by the presiding circuit judge.)

[Approved March 14, 1975, and effective July 1, 1975.]

IX. Chapter 396, S.B. 2011, amends MISS. CODE ANN. § 17-1-17 (1972) to provide that zoning regulations, restrictions and boundaries may be amended, supplemented, changed, modified or repealed upon at least fifteen days' notice of a hearing, said notice to be given in an official paper or a paper of general circulation in such municipality or county specifying a time and place for the hearing. It may provide that the hearing shall be held before the city engineer or an advisory committee, and if so held, the governing body may act upon recommendation of city engineer or committee. However, any party aggrieved with such recommendation shall be entitled to a public hearing before the city governing body. The governing authorities of a municipality which had a population in excess of 140,000 according to the 1960 census or of a municipality which is the county seat of a county bordering on the Gulf of Mexico and the State of Alabama may enact an ordinance restricting the public hearing to the record as made before the city engineer or committee.

In case of protest against change signed by owners of twenty percent or more, either of the area included or adjacent area, amendment will not become effective except by a favorable vote of two-thirds of the legislative body of the municipality or county.

[Approved March 24, 1975, and effective from that date.]

X. Chapter 397, S. B. 2020, permits the selling and leasing of Sixteenth Section land, or land in lieu thereof, for industrial purposes. (For details, see MINERAL AND NON-LIVING RESOURCES, II.)

XI. Chapter 419, S. B. 2747, provides that the State Oil and Gas Board has jurisdiction and authority over all persons and property necessary to administer effectively laws relating to the conservation of oil and gas. (For details, see MINERAL AND NON-LIVING RESOURCES, III.)

XII. Chapter 435, S. B. 2262, is an Act to amend MISS. CODE ANN. § 27-65-29 (1972), to exempt from taxation sales of periodicals or publications of scientific, literary or educational organizations exempt from federal income taxation under § 501(c)(3) of the Internal Revenue Code of 1954, as amended.

Pertinent exemptions from taxes levied under this chapter include:

(a) Industrial

(1) Sales of raw materials, catalysts, processing chemicals, welding gases or other industrial processing gases (except natural gas) to a manufacturer for use directly in manufacturing or processing a product for sale or rental or repairing or reconditioning vessels or barges of fifty tons load displacement and over.

(2) The gross proceeds of sales of dry docks, offshore drilling equipment for use in oil exploitation or production, vessels or barges of fifty tons load displacement and over, when sold by the manufacturer or builder thereof.

(3) Sales to commercial fishermen of commercial fishing boats of over five tons load displacement and not more than fifty tons load displacement as registered with the U. S. Coast Guard and licensed by the Mississippi Marine Conservation Commission.

(4) The gross income from repairs to vessels and barges engaged in foreign trade or interstate transportation.

(5) Sales of petroleum products to vessels or barges for consumption in marine international commerce or interstate transportation businesses.

(b) Agricultural

(1) The gross proceeds of sales of lint cotton, seed cotton, baled cotton whether compressed or not, and cottonseed and soybeans in their original condition. Retail sales of seeds, livestock feed, poultry feed, fish feed and fertilizers. Sale of defoliant, insecticides, fungicides, herbicides, and baby chicks used in growing agricultural products for market. Bagging and ties for baling cotton, hay baling wire and twine, boxes, bags and cans used in growing or preparing agricultural products for market when possession thereof will pass to the customer at the time of sale of the products contained therein.

Sales of ice to producers for use in the refrigeration of vegetables for market.

(2) The sales of producers of livestock, poultry, fish, or other products of farm, grove or garden, when such products are sold in the original state or condition of preparation for sale before such products are subjected to any other process within a class of business or sold by a producer through an established store, defined in the privilege tax law. However, this exemption shall not apply to ornamental plants which bear no fruit of commercial value.

(3) The gross proceeds of retail sales of mules, horses, and other livestock.

[Approved March 31, 1975, and effective from that date.]

XIII. Chapter 436, S. B. 2186, permits the State Forestry Commission to enter into agreements with counties for timber improvement purposes. (For details, see INDUSTRIAL AND AGRICULTURAL RESOURCES, I.)

XIV. Chapter 445, H. B. 1115, amends § 5, Chapter 435, Laws of 1972, to provide that the Mississippi Coast Coliseum Commission shall have jurisdiction and authority over all matters relating to establishing, promoting, developing, locating, constructing, maintaining and operating a multipurpose coliseum and related facilities within Harrison County, Mississippi. The Coliseum and related facilities shall include a multipurpose coliseum or arena facility, a convention center, and/or a fine arts center. Such Commission is authorized to acquire lands by purchase, gift, or the exercise of eminent domain. [§ 1].

§ 6, Chapter 435, Laws of 1972, is amended to authorize the Commission to employ a director and such other employees as are necessary to perform and carry out the duties of the Commission. [§ 2]

§ 9, Chapter 435, Laws of 1972, is amended to provide that funds for the operation of the project may be obtained by the levying of a tax which may be cited as a "Coliseum Tax". [§ 3].

§ 10, Chapter 435, Laws of 1972, is amended to provide for the issuance of bonds for the Coliseum. [§ 4]

[Approved April 20, 1975, and effective from that date, except for § 2 which is effective from July 1, 1976.]

XV. Chapter 456, H. B. 717, amends MISS. CODE ANN. § 59-5-45 (1972) to authorize the sale of state port, harbor or waterway bonds at a rate of interest not to exceed seven percent.

[Approved April 3, 1975, and effective from that date.]

XVI. Chapter 468, H. B. 63, amends § 59-21-11, MISS. CODE ANN. (1972) to require that the owners of motorboats are required to be numbered and shall apply within ten days of acquisition of such boat to the Mississippi Boat and Water Safety Commission for a certificate of number. [§ 1]

§ 59-21-13 of the CODE is amended to require that an application for a renewal of a certificate of number shall be made within the last ninety days before the expiration date on the certificate. The Commission shall mail a notice of expiration at least sixty days before expiration. [§ 2]

§ 59-21-17 of the CODE is amended to state what information is included on the certificate of number. Included in such information is the pro-

vision that upon request, information on ownership and identity of numbered vessels shall be available to federal, state, and local officials, as needed, in any enforcement or assistance programs. [§ 3].

§ 59-21-21 of the CODE is amended to provide when the owner of a numbered vessel removes his residence to another state, the certificate of number shall be surrendered to the Commission within ninety days.

If the owner changes his address or transfers his vessel, such shall be reported to the Commission within fifteen days. [§ 4].

§ 59-21-25 of the CODE states the fees for awarding of certificates. [§ 5].

[Approved April 5, 1975, and effective from that date.]

XVII. Chapter 471, H.B. 914, provides for the selling of bonds for the purpose of purchasing land on behalf of the Wildlife Heritage Committee. (For details, see LIVING RESOURCES, VII.)

XVIII. Chapter 484, S.B. 2976, is an Act to bring forward § 5-1-3, MISS. CODE ANN. (1972), to reaffirm and re-establish legislative intent and to delineate the reasons therefor. This Act also directs the attorney general to submit the reapportionment proposal to the U. S. District Court.

§ 5-1-3 of the CODE is amended to provide that the number of Senators shall be fifty-two and shall be elected from thirty-three districts. Coastal Counties and district representation includes:

District 31	Hancock and Pearl River	1 Senator
District 32	Harrison	3 Senators
District 33	Jackson	2 Senators

[Approved April 7, 1975, and effective from that date.]

XIX. Chapter 491, H. B. 450, amends MISS. CODE ANN. § 9-9-17 (1972), to provide for two county judges for Jackson County in order to relieve the crowded condition of the docket in both the County Court and the Youth Court.

The Board of Supervisors may, in its discretion, levy a tax upon all taxable property in the county to be used for payment of salaries of judges, clerks, reporters, officers and employees of the Youth Court Division.

[Approved April 7, 1975, and effective from that date.]

XX. Chapter 496, H. B. 1210, provides for the financing and construction of areawide waste disposal systems in metropolitan areas. (For details, see ENVIRONMENTAL CONTROL IV.)

XXI. Chapter 498, H. B. 1383, creates a Tourism Study Commission for the purpose of conducting a study of all tourist areas of the state and for determining the best location for tourist attraction centers. (For details, see RECREATION, II).

XXII. Chapter 510, H. B. 1290, is an Act to amend § 5-1-1 . MISS. CODE ANN. (1972), so as to apportion the membership of the House of Representatives of Mississippi in compliance with the one-person, one-vote requirement of the Federal Constitution.

The number of Representatives shall be 122 and shall be elected from 46 districts. Coastal counties will have the following district representation:

District 43 shall be composed of Pearl River and Stone Counties. One Representative (designated Post No. 1) shall be a resident of Pearl River County

and elected districtwide. One Representative (designated Post No. 2) shall be a resident of either county and elected districtwide.

District 44 shall be composed of Hancock County. One Representative (designated Post No. 1) shall be elected districtwide.

District 45 shall be composed of Harrison County. One Representative (designated Post No. 1) shall be a resident of Supervisor District 1 and shall be elected by Supervisor District 1. One Representative (designated Post No. 2) shall be a resident of Supervisor District 2 and elected by that district. One Representative (designated Post No. 3) shall be a resident of Supervisor District 3 and elected by that district. One Representative (designated Post No. 4) shall be a resident of Supervisor District 4 and elected by that district. One Representative (designated Post No. 5) shall be a resident of Supervisor District 5 and elected by that district. Two Representatives (designated Post No. 6 and No. 7) shall be residents of the county and elected by the county-at-large.

District 46 shall be composed of Jackson and George Counties. One Representative (designated Post No. 1) shall be a resident of Supervisor District 1, Jackson County, and elected by both counties. One Representative (designated Post No. 2) shall be a resident of Supervisor District 2, Jackson County, and elected by both counties. One Representative (designated Post No. 3) shall be a resident of Supervisor District 3, Jackson County, and elected by both counties. One Representative (designated Post No. 4) shall be a resident of Supervisor District 4, Jackson County, and elected by both counties. One Representative (designated Post 5) shall be a resident of Supervisor District 5, Jackson County, and elected by both counties. One Representative (designated

Post 6) shall be a resident of George County and elected by both counties.

[Approved April 8, 1975, and effective from that date.]

ENVIRONMENTAL CONTROL

I. Chapter 318, H. B. 262, establishes an Act to provide for the use and application of restricted use pesticides and to provide for the certification of private, public, and commercial applicators who are not now required to be licensed. The name of the Act is the "Mississippi Pesticide Application Act of 1975," [§ 1], and will be administered by the Commissioner of the Mississippi Department of Agriculture and Commerce, or his agent. [§ 2].

The purpose of the Act is to provide a means for the state certification of applicators of restricted use pesticides required under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and to regulate in the public interest the use and application of such pesticides. The Division of Plant Industry is designated as the agency responsible for administering a plan of certification of said applicators. Such agency will cooperate with the U. S. Environmental Protection Agency. [§ 3].

Pertinent definitions for use in the Act include:

(a) restricted use pesticide - any pesticide classified for restricted use by the Environmental Protection Agency or the Commissioner of the Mississippi Department of Agriculture and Commerce.

(b) certification - the recognition by a state that a person is competent and thus authorized to use or supervise the use of restricted use pesticides.

(c) commercial applicator - a certified applicator (whether or not he is a private applicator with respect to some uses) who uses or supervises the use of any pesticide which is classified for restricted

use for any purpose or on any property other than as provided by the definition of private applicator.

(d) person - any individual, partnership, association, corporation, or organized group of persons, whether incorporated or not.

(e) private applicator - a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned, rented, or controlled by him or his employee or, if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another, subject to regulations adopted under authority granted by the Act.

(f) public applicator - any individual who applies restricted use pesticides as an employee of state agency, municipal corporation, public utility, or other governmental agency. This term does not include employees who work under direct "on-the-job" supervision of a public applicator. [§ 4].

The Commissioner is authorized to adopt regulations to carry out provisions of the Act. However, such provisions will not be effective until approved by the advisory board created under the provisions of MISS. CODE ANN. § 69-25-3 (1972). [§ 5].

After October 21, 1976, it will be unlawful for any person to engage in the application or use of any pesticide which is restricted by EPA, or the Commissioner without having been certified or licensed by the Commissioner. Exceptions are those persons regulated under MISS. CODE ANN. § 69-19-1 through § 69-19-11, § 69-21-1 through § 69-21-27, § 69-21-101 through

§ 69-21-125, and § 69-23-1 through § 69-23-23 (1972). These sections regulate those persons performing professional services, i. e. , entomological, plant pathological, horticultural, floricultural, and tree surgery work. Crop spraying is also regulated by these sections. [§ 6].

Any nonresident commercial applicator applying for a license under the Act is required to designate the Secretary of State as his agent for purposes of service of process unless such nonresident has an appointed resident agent for such purpose. [§ 7].

The Commissioner with the approval of the advisory board is authorized to suspend for not more than thirty days any license issued under the Act if applicant or licensee has violated the Act. After an opportunity for a hearing, such license may be denied, suspended, revoked or modified. Violations include:

- (1) Making false or fraudulent claims through any media misrepresenting the effect of materials or methods to be used;
- (2) Operating in a faulty, careless, or negligent manner;
- (3) Refusing, or after notice, neglecting to comply with provisions of the Act;
- (4) Refusing or neglecting to keep and maintain required records;
- (5) Making false or fraudulent records, invoices, or reports;
- (6) Using fraud or misrepresentation in making application for license or renewal;

- (7) Aiding or abetting any person in evading provisions of the Act;
- (8) Impersonating any state or federal official;
- (9) Convicted of a violation under FIFRA; or
- (10) Convicted for using restricted use pesticide inconsistent with its labeling.

After a hearing, any affected person may petition the chancery court of the residence of such person, or the Chancery Court of Hinds County for a review. [§ 8].

Commercial applicators are required to maintain records with respect to the application of pesticides. [§ 9].

Those persons licensed and certified under CODE sections listed in § 6 above, are exempt from the licensing provisions of the Act. [§10(1)]. The Commissioner may exempt any other person who is exempted by federal regulation. [§ 10(2)]. The Commissioner may also exempt public applicators from § 7 and § 9 of the Act. [§ 10(3)].

The Mississippi Extension Service shall conduct courses of instruction and training in order to carry out the provisions of the Act. [§ 11]. In addition, the Commissioner may cooperate with any other agency or institution to carry out the provisions of the Act and to encourage the training of applicators. [§ 12].

The Commissioner is authorized to enforce the provisions of the Act [§ 13] and to enjoin a violation of the Act. [§ 14]. Any person violating the provisions of the Act shall be guilty of a misdemeanor, and upon conviction

shall be punishable by fine of not more than \$500.00 or by imprisonment not to exceed six months or both. [§ 15]. The Commissioner is also authorized to promulgate regulations. [§ 16(1)].

Training, examination, and certification of applicators may begin after passage in order for applicants to be certified by October 21, 1976. [§ 16(2)]. The requirement that applicators be certified shall not be effective until October 21, 1976, or at a later date if permitted by EPA. [§ 16(3)].

The Act provides for the appointment of an advisory committee by the Commissioner. The purpose of the Committee will be to advise and assist the Commissioner in developing regulations and plans for implementing the provisions of the Act and a pesticide regulatory program to meet the requirements of FIFIRA. [§ 17].

[Approved March 4, 1975, and effective October 1, 1975].

II. Chapter 319, H. B. 277, is an Act to provide that the Commissioner of Agriculture and Commerce may issue experimental use permits for the testing of pesticides; provides for the licensing of dealers of restricted use pesticides; amending MISS. CODE ANN. § 69-23-1 through § 69-23-17 and § 69-23-21 (1972), to provide for registration and regulation of pesticides; and related purposes.

Upon the condition that the state of Mississippi is certified by the Administrator of the U. S. Environmental Protection Agency to issue experimental use permits for the testing of pesticides, the Commissioner of Agriculture and Commerce may prescribe regulations for the issuance of such experimental permits. The Commissioner may issue such permits if he

determines that the applicant needs the permit to obtain information necessary to register a pesticide under the provisions of this Act. [§ 1].

It shall be unlawful for any person to act as a licensed pesticide dealer without being licensed by the Commissioner. A license shall be required for each location in this state from which such pesticides are distributed. Any dealer who does not have a pesticide outlet licensed within this state and who distributes such pesticides directly into this state shall obtain a license for his principal out-of-state location. [§ 2(1)]. Application for a license shall include the name of the pesticide dealer manager, the address of each outlet, the name of the resident agent if dealer is a non-resident, and any other information required by the Commissioner. [§ 2(2)].

Provisions of this section shall not apply to a licensed pesticide applicator who sells pesticides only as an integral part of his pesticide application service where such pesticides are applied by the commercial applicator or to any federal, state, county, or municipal agency which provide pesticides only for its own programs. [§ 2(3)].

The Commissioner may set standards and qualifications for licensing of pesticide dealers and dealer managers to determine their competency. [§ 2(4)]. Licenses for pesticide dealers will expire on December 31 of each year and must be renewed annually. [§ 2(5)]. The Commissioner may prescribe rules and regulations for licensing of pesticide dealers and may cancel, suspend, or revoke such license if there is a failure or refusal to comply with this Act. [§ 2(6)].

This Act amends MISS, CODE ANN. § 69-23-1 (1972) and shall be

cited as the Mississippi Pesticide Law of 1975. [§ 3].

Pertinent definitions for use with this Act include:

(a) pesticide - any substance or mixture of substances intended for preventing, destroying, repelling, mitigating, or attracting any pests. Also includes adjuvants intended to enhance the effectiveness of pesticides and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

(b) insecticide - any substance or mixture of substances intended for preventing, destroying, repelling, mitigating, or attracting insects which may be present in any environment whatsoever.

(c) labeling - all labels and other written, printed or graphic matter on the pesticide or any of its containers or wrappers, accompanying the pesticide, or to which reference is made on the label in accompanying literature. [§ 4].

This Act amends MISS. CODE ANN. § 69-23-5 (1972) as follows: It shall be unlawful for any person to distribute, sell or offer for sale within this state or deliver for transportation or transport in interstate commerce or between points within this state through any point outside the state any of the following:

(a) Any pesticide which has not been registered pursuant to the provisions of § 69-23-7 and/or FIFRA or any pesticide if any of the claims made for it or any of the directions for its use differ from its composition or representations made in connection with its registration.

(b) Any pesticide which does not contain the registrant's or

manufacturer's unbroken container and proper label.

(c) Any pesticide which contains any substance or substances highly toxic to man, determined as provided in § 69-23-9, unless properly labeled as provided by this section.

(d) Any pesticide which has not been colored or discolored pursuant to the provisions of this chapter.

(e) Any pesticide which is adulterated or misbranded.

(f) Any pesticide in containers which are unsafe due to damage. [§ 5(1)].

It shall also be unlawful:

(a) For any person to alter labeling or add or take away any substance from pesticide in a manner that may defeat the purposes of this chapter.

(b) For any person to use for his own advantage or to reveal to other than authorized persons any privileged information obtained by authority of this chapter and marked as confidential by the registrant.

(c) For any person to distribute any pesticide labeled for restricted use to anyone not certified to use or purchase such pesticide;

(d) For any person to use or cause to be used any pesticide inconsistent with its labeling;

(e) For any person to cause pesticides to endanger man or his environment. [§ 5(2)].

This Act amends MISS. CODE ANN. § 69-23-7 (1972) as follows:

Every pesticide which is distributed, sold or offered for sale within this

state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered in the Commissioner's office. Registrations are to be renewed annually. [§ 6(1)]. Fees are affixed according to number of brands or grades registered. [§ 6(2)]. The Commissioner may, in some instances, require the submission of the complete formula of any pesticide, [§ 6(3)] and will determine whether the article is eligible for registration. [§ 6(4)]. However, registration is not required for pesticides shipped from one plant within the state to another plant in the state operated by the same person. [§ 6(5)].

MISS. CODE ANN. § 69-23-9 (1972) is amended as follows: The Commissioner is authorized, after opportunity for hearing:

(a) To declare as a pest any form of plant or animal life or virus which is injurious to plants, man, domestic animals, articles or substances;

(b) To determine whether pesticides registered under authority of § 24(c) of FIFRA are highly toxic to man in conformity with federal regulations;

(c) To determine standards of coloring or discoloring for and to subject pesticides to the requirements of § 69-23-5(1). [§ 7(1)].

The Commissioner is authorized, after due public hearing, to make appropriate rules and regulations for carrying out the chapter. [§ 7(2)]. The Commissioner is also authorized, after public hearing, to adopt regulations applicable to and in conformity with the primary standards established by this chapter as have been prescribed by the U. S. government with respect to pesti-

cides. [§ 7(3)]. However, any action taken by the Commissioner must be approved by the advisory board created under § 69-25-3 in order to be effective. [§7(4)].

This Act also amends MISS. CODE ANN. § 69-23-11 (1972) as follows: The Commissioner or his employees may have access to all places where pesticides are kept for sale, distribution, or use. Samples may be taken and delivered to the State Chemist. [§ 8(1)]. The State Chemist shall analyze samples and make required reports to all involved. [§ 8(2)]. If it appears that a pesticide fails to comply with this chapter and criminal proceedings are contemplated, affected persons shall be notified. [§ 8(3)].

MISS. CODE ANN. § 69-23-13 (1972) is amended to state that jurisdiction in all matters pertaining to the distribution, sale and transportation of pesticides is vested exclusively in the Commissioner. [§ 9].

MISS. CODE ANN. § 69-23-15 (1972) is amended as follows: The penalties provided for violation of § 69-23-5(1) shall not apply to:

(a) Any carrier while lawfully engaged in transporting a pesticide within this state if such carrier shall, upon request, permit the Commissioner or his employees to copy all records involved in the transaction and movement of the articles;

(b) Public officials of Mississippi and the Federal Government engaged in the performance of their official duties in administering state or federal pesticide laws or regulations or while engaged in pesticide research;

(c) The manufacturer or shipper of a pesticide for experimental use only if under supervision of this state or the Federal Government or if such person holds a valid experimental use permit as provided for by § 1 of this Act or EPA. [§ 10(1)].

No article shall be deemed in violation of this chapter when intended solely for export to a foreign country, and when prepared or packaged according to the specifications or directions of the purchaser. [§ 10(2)].

This Act also amends MISS. CODE ANN. § 69-23-17 (1972) as follows: The Commissioner is authorized to cooperate with, and enter into agreements with, any other agency of this state, the U. S. Government, or its agencies or any public or private agency for purposes of carrying out the provisions of this chapter and FIFRA and securing uniformity of regulations. [§ 11].

MISS. CODE ANN. § 69-23-21 (1972) is amended as follows: Any pesticide that is distributed, sold or offered for sale within this state or delivered for transportation or transported to intrastate commerce or between points within this state through any point outside this state shall be liable to be proceeded against in any circuit court in any county in Mississippi where it may be found and seized for confiscation by process of libel for condemnation if:

(a) it is adulterated or misbranded;

(b) if it has not been registered under the provisions of § 69-23-7;

(c) if it fails to bear on its label the information required by this chapter; or

(d) if it is a white powder pesticide and is not colored as required under this chapter. [§ 12(1)].

Proper proceedings will be followed after condemnation [§ 12(2)(3)].

[Approved March 4, 1975, and effective July 1, 1975].

III. Chapter 417, S.B. 2370, amends MISS. CODE ANN. § 41-27-9 (1972) to provide that every county Mosquito Control Commission shall have the power to eliminate all breeding and producing places of mosquitoes within its county by whatever means it deems is necessary to exterminate such mosquitoes.

IV. Chapter 496, H.B. 1210, is an Act providing for the financing and construction of areawide waste disposal systems in certain metropolitan areas. The purpose of the Act is to authorize a cooperative effort by public agencies for the safe and economical construction and operation of systems for the collection, transportation, treatment and disposal of wastes, including sewerage systems and sewage disposal systems, in order to prevent and control the pollution of the waters in this state. The Act is to be cited as the "Metropolitan Waste Disposal Act."

Pertinent definitions used in the Act include:

(a) Person - includes the State of Mississippi, a municipality as defined herein, any public agency as defined herein or any other city, town or political subdivision or governmental agency of Mississippi or of the United States, or any individual, copartnership, association, firm, trust, estate or any other entity whatsoever.

(b) Waterworks - all works, plants or other facilities necessary for the purpose of collecting, storing, treating and transporting water for domestic, municipal, commercial, industrial, agricultural and manufacturing purposes, including open channels.

(c) Water supply system - pipelines, conduits, pumping stations, and all other structures, devices and appliances appurtenant thereto, including land and right-of-way thereto, for use of transporting water to a point of ultimate use.

(d) Waste - sewage, industrial waste, municipal waste, recreational waste and agricultural waste, waste heat and any other waste that may cause impairment of the quality of the waters in the state.

(e) Sewerage system - pipelines or conduits, canals, pumping stations and force mains, and all other structures, devices, facilities and appliances appurtenant thereto, used for collecting or conducting waste to an ultimate point for treatment or disposal.

(f) Treatment facilities - any plant, disposal field, lagoon, pumping station, constructed drainage ditch or surface water intercepting ditch, canal, incinerator, area devoted to sanitary landfills or other works not specifically mentioned herein, installed for the purpose of treating, neutralizing, stabilizing or disposing of waste or facilities to provide cooling water to collect, control and dispose of waste heat.

(g) Sewage disposal system - a system for disposing of waste, including but not limited to sewerage systems and treatment facilities as already defined.

(h) Municipality - any incorporated city having a population in excess of 150,000 according to the most recently completed federal decennial census, whether operating under a general law or under special charter.

(i) Metropolitan area - all of the area or territory lying within the corporate limits of a municipality as already defined, whether or not such area or territory be contiguous, and all area or territory lying within the corporate limits of a municipality as already defined, whether or not such area or territory be contiguous, and all area or territory lying not more than ten miles from the outer boundary of any of the areas or territories comprising a municipality, and all of an incorporated city or town, any part of which lies within the aforementioned ten-mile limit.

(j) Public agency - any incorporated city or town lying wholly or partially within a metropolitan area, any state board or commission owning or operating properties within a metropolitan area, a district or a political subdivision of Mississippi, lying wholly or partially within a metropolitan area and having the power to own and operate waterworks, water supply systems, sewerage systems, treatment facilities or sewage disposal systems or other facilities or systems for the collection, transportation, treatment and disposal of waste.

(k) Metropolitan area plan - a comprehensive plan for water quality management and the control and abatement of pollution within the metropolitan area, consistent with applicable water quality standards established pursuant to the Federal Water Pollution Control Act. [§ 2].

A municipality is authorized and empowered to acquire, construct, im-

prove, enlarge, extend, repair, operate and maintain one or more sewage disposal systems and make contracts with any person or public agency, under the terms of which the municipality will, within or without the municipality, but within its metropolitan area, collect, transport, treat or dispose of waste for such person or public agency. A municipality may also enter into contracts with any person to purchase or sell, by installments over such term as may be deemed desirable, or otherwise, any waste collection, transportation, treatment or sewage disposal facilities or system. [§ 3].

A municipality shall have the power and right to acquire and to own, maintain, use and operate any and all property of any kind, real, personal or mixed, or any interest therein within or without the boundaries of its metropolitan area necessary or convenient to the exercise of the purposes of and the power granted by this Act. [§ 4].

A municipality is authorized to make such applications and enter into such contracts for financial assistance in comprehensive planning as may be appropriate under the Federal Water Pollution Control Act. [§ 5].

A municipality may enter into a contract with any person or public agency situated wholly or partly within its metropolitan area, whether or not lying wholly or partially within its boundaries, for any of the purposes authorized by this Act. [§ 6].

Payments by a public agency to the municipality for waste collection, transportation, treatment and sewage disposal services and facilities may be made from the income of the public agency's waterworks system or water supply system or its sewerage system, treatment facilities or sewage disposal

system or of both such systems or of its combined waterworks, water supply, treatment facilities, sewage and sewage disposal systems, as may be prescribed in the contract between the municipality and the public agency, or as otherwise authorized by law. [§ 7].

Any public agency having taxing powers, other than a county or municipality, is authorized to levy a special ad valorem tax upon all taxable property within its geographical limits to pay all or a portion of the payments to be made by that public agency under a contract to a municipality. [§ 8].

If payments by a public agency to a municipality are made by revenues as provided in § 7 above, such agency may from time to time adjust rates to pay for such services. [§ 9].

A municipality is authorized to issue bonds in order to acquire, construct, improve, enlarge, extend, or repair sewage disposal systems. [§ 10-14].

A municipality is authorized and empowered, in the discretion of its governmental authorities, to exercise the following powers and authority within the area and territories comprising the metropolitan area of which it is a part:

(a) to operate and manage sewerage systems, sewage disposal systems and related facilities serving the metropolitan area in conformance with the metropolitan area plan;

(b) to construct, operate and maintain sewerage systems, sewage treatment facilities and sewage disposal systems in the manner and the extent required by the metropolitan area plan;

(c) to accept and utilize grants and other funds from any source for waste treatment management purposes;

(d) to establish and maintain rates and charges of use of the services of the systems;

(e) to incur short and long-term indebtedness under the provisions of this Act or other applicable statutes;

(f) to adopt rules and regulations necessary to carry out the implementation of the metropolitan area plan and to assure the payment by each participating person or public agency of its proportionate share of treatment costs;

(g) to refuse to receive any waste from any public agency or subdivision thereof, or any other person which does not comply with the provisions of the metropolitan area plan applicable to the particular area within which such public agency or subdivision thereof or any other person is located;

(h) to accept industrial waste for treatment and to require the pretreatment of same when, within the opinion of the municipality, such pretreatment is necessary;

(i) to adopt all necessary and reasonable rules and regulations to carry out and effectuate any waste treatment plan adopted for the metropolitan area;

(j) to require by ordinance or by contract with a public agency or other person that all waste within the metropolitan area be disposed of through sewerage systems, treatment facilities and sewage disposal systems which comprise a part of the metropolitan area plan, to the extent that the same may be available, but no public agency shall be precluded from constructing,

operating and maintaining its own sewerage system if the same be a part of the metropolitan area plan. [§ 15].

This Act is cumulative of other statutes now, or hereafter enacted, relating to the issuance of bonds; the collection, transportation, treatment or disposal of wastes; and the design, construction, acquisition, or approval of facilities for such purposes. The municipality may exercise all presently held powers in the furtherance of this Act. [§ 16].

[Approved April 7, 1975, and effective from that date.]

LIVING RESOURCES

I. Chapter 308, S.B. 2495, establishes an Act to allow for the orderly marketing and easy consumer identification in the retail market place of catfish products produced or processed in Mississippi. The name of the Act is the "Mississippi Catfish Marketing Act of 1975," [§ 1] and will be administered by the Commissioner of Agriculture and Commerce. [§ 2].

Pertinent definitions used in the Act include:

(a) Capable of use as human food - applies to any catfish or part or product thereof unless it is denatured or otherwise identified as required by regulation by the Commissioner to deter use as human food, or unless it is naturally inedible by humans.

(b) Catfish - any species of the scientific order, Siluriformes, or family, Anarhichadidae.

(c) Direct retail sale - the sale of catfish products individually or in small quantities directly to the consumer.

(d) Distributor - any person offering for sale, exchange, or barter any catfish product destined for direct retail sale in Mississippi.

(e) Label - a display of written, printed or graphic matter upon a catfish product, or any of its containers or wrappers, offered for direct retail sale.

(f) Pay pond - a circumscribed body of water owned by a person and operated solely for recreational fishing purposes on a commercial basis for profits.

(g) Person - includes any individual, partnership, corporation, and

association or other legal entity.

(h) Processor - any person engaged in handling, storing, preparing, manufacturing, packing, or holding catfish products.

(i) Producer - any person engaged in the business of harvesting catfish, by any method, intended for direct retail sale.

(j) Product - any catfish product capable of use as human food which is made wholly or in part from catfish, except products which contain only a small amount of catfish or historically have not been, in the judgment of the Commissioner, considered as products of the commercial catfish industry.

(k) Product Name - the name of the catfish item intended for retail sale which identifies it as to kind, class, or specific use.

(l) Retailer - any person offering for sale catfish products to individual consumers and representing the last sale prior to human consumption, except that restaurants and other eating establishments are excluded. [§ 3].

No catfish product can be offered for direct retail sale for human consumption by a processor, distributor or retailer unless such product is labelled as follows:

(a) "Farm-Raised Catfish, a Product of Mississippi" if the product has been produced in fresh water according to the customary techniques of commercial aquaculture; except that appropriate state name may be inserted to accomodate similar catfish produced in any other state;

(b) "River or Lake Catfish, a Product of Mississippi" if the product has been produced in any freshwater lake, river, or stream of the state, but

has not been produced according to the customary techniques of commercial aquaculture, except appropriate state name may be inserted if produced elsewhere;

(c) "Imported Catfish" provided the catfish is produced from freshwater, either according to the customary techniques of aquaculture or from freshwater lakes, rivers or streams of a country other than the U. S. ;

(d) "Ocean Catfish" provided the product is produced from marine or estuarine waters. [§ 4(1)].

Any person selling river or lake catfish exclusively and directly to the consumer may have a sign on his premises reasonably visible identifying such product rather than labeling each individual package. [§ 4(2)].

Any retailer selling unwrapped catfish products may place a reasonably visible sign on the display case giving notice that such catfish is either "farm-raised," "river or lake," "imported," or "ocean." [§ 4(3)]. Any advertising of catfish products shall state whether such is "farm-raised," "river or lake," "imported," or "ocean." [§ 4(4)]. Labeling requirements do not apply to catfish products exported out of the U. S. [§ 4(5)]. All distributors, processors, or wholesalers of catfish products shall provide information to each person, firm, or corporation to whom they distribute or sell catfish products for resale as to whether such catfish product is "farm-raised," "river or lake," "imported," or "ocean." [§ 5].

The Commissioner is authorized to promulgate such rules and regulations necessary for enforcement of the Act. [§ 6]. Any person violating any provisions of the Act will upon conviction be subject to a fine of not more than

\$500.00. However, no person will be subject to such penalty for receiving for transportation any article in violation of the Act if made in good faith, unless such person refuses to furnish, on request, name and address of the person from whom he received such articles, and copies, if any, pertaining to delivery of the article. [§ 7(1)]. The Commissioner is not required to prosecute minor violations if he believes that the interest will be adequately served by a written notice of warning. [§ 7(2)]. It is the duty of each prosecuting attorney to whom any violation is reported to institute proceedings without delay. Before the Commissioner reports a violation, an opportunity will be given to the affected person to present his view to the Commissioner. [§ 7(3)]. The Commissioner is authorized to apply for, and the court to grant, a temporary or permanent injunction restraining any violation. [§ 7(4)]. Any person adversely affected by an act, order, or ruling made by the Commissioner may, within 45 days, bring action in Hinds County Circuit Court for judicial review. [§ 7(5)].

Agreements may be made with other governmental agencies in order to carry out the Act. [§ 8].

The Commissioner is required to publish, at least biannually, information concerning the sale of catfish products. [§ 9].

[Approved February 14, 1975, and effective September 13, 1975.]

II. Chapter 321, H. B. 544, is an Act to amend MISS. CODE ANN. § 49-15-15 and § 49-15-29 (1972), to require vessels involved in interstate transportation to be licensed; to clarify the definition of such vessels, and for related purposes.

§ 49-15-15 of the CODE is amended as follows: The express purpose

of this section is to furnish the Mississippi Marine Conservation Commission with jurisdiction and authority over all marine aquatic life. [§ 1].

The Commission shall have full jurisdiction and control of all public and natural oyster reefs and oyster bottoms of the State of Mississippi. [§ 2].

In connection with its jurisdiction and authority, the Commission:

(a) Shall set standards of measure.

(b) Shall open, close and regulate fishing seasons for the taking of shrimp, oysters, and crabs taken for commercial purposes. However, the shrimp season shall open on the first Wednesday in June, 1974, and on the first Wednesday in June each year thereafter. By a majority vote of the Commission, this date may be moved forward or backward after determining the count of shrimp per pound. The Commission may also, by majority vote, close designated areas where shrimp count is found to be in excess of 68 per pound.

(c) Shall set size, catching, and taking regulations for all types of seafood and culling regulations for oysters. Unless otherwise permitted by the Commission, no oyster shall be taken from the reefs of this state when culled upon the natural reefs. In addition, all oysters which shall measure less than three inches from end to end, and all dead shells, shall be immediately replaced and scattered from the natural reefs from which they are taken. It shall be unlawful for any captain or person in charge of any vessel, or any canner, packer, commission man, dealer, or other person to purchase, sell, or to have in his possession, or under his control any oysters off the public reefs or

private bedding grounds not culled according to the provisions of this section or under the legal size. A 10% tolerance shall be allowed in relation to any culling. The Commission, in its discretion, may authorize the culling of a lesser measure. Such authorization shall be in response to special circumstances or extreme natural conditions affecting the habitat, including but not limited to flooding.

(d) For the purpose of growing oysters, may acquire and dispose of shells, seed oysters, and other materials. However, 50% of all oyster shells produced from oysters taken from the public reefs of Mississippi and 50% of all oyster shells produced from the oysters processed within Mississippi are declared non-transferable property of Mississippi. All persons, firms, or corporations dealing in or canning oysters taken from Mississippi's public reefs shall deliver 50% of the oyster shells to the Commission. At its option, the Commission may set a reasonable price to be paid for the shells taken from Mississippi but processed in other states, in lieu of delivery of such shells. Such funds shall be used by the Commission to further oyster production in Mississippi. Any person failing to deliver shells or not paying fee, shall, upon conviction, be fined not less than ten cents nor more than fifty cents for each barrel of shells they fail or refuse to deliver or to tender the required fee. In addition, they shall be ineligible to be licensed for any of the activities set forth in this Act. The provisions for replanting oyster shells taken from Mississippi reefs may be waived upon written notice by the director upon concurrence of the senior marine biologist.

(e) Shall set forth enforcement procedure and penalties for violations.

(f) May set forth requirements for employment of nonenforcement Commission employees whose compensation shall be governed by the rules and regulations of the Mississippi Classification Commission.

(g) May acquire and dispose of Commission equipment and facilities.

(h) Shall arrange for keeping of proper records of the Commission.

(i) May enter into advantageous interstate and intrastate agreements with proper officials, which agreements directly or indirectly result in the protection, propagation and conservation of the seafood of Mississippi, or continue any such agreements now in existence.

(j) May arrange, negotiate, or contract for the use of available federal, state and local facilities which would aid in the propagation, protection and conservation of the seafood of Mississippi.

(k) Is authorized to enact all regulations necessary for the protection, conservation or propagation of all shrimp, oysters, commercial fish and crabs in waters under the territorial jurisdiction of Mississippi. However, it is unlawful to take, catch, or possess within Mississippi's territorial waters, shrimp weighing in the raw state less than one pound to each sixty-eight shrimp, except where a valid permit or affidavit of another state identifies the catch as having been taken in non-Mississippi waters. This provision may be changed by a two-thirds vote of the Commission.

(l) Shall establish minimum specifications for crab traps and shall require buoys of adequate size which are identified as to the owner of such buoys and traps.

(m) Shall prohibit the operation of double rigs in the waters lying be-

tween the mainland coast and the island chain.

(n) Shall establish open season for menhaden not later than the third Monday in April and ending no sooner than the second Tuesday in October.

(o) Shall require all boats used under regulation of this Act which are also used in waters of other states to purchase a license which reflects that such boats are used within and without territorial waters of Mississippi. Such boats will then be deemed to be in the business of interstate transportation. [§ 1(3)].

The Commission shall maintain an official ordinance book containing all regulations promulgated under authority herein granted. Each such regulation shall immediately be advertised one time in a newspaper having general circulation in counties affected by the regulation. Such regulation shall not become effective less than seven days after publication except in cases of emergency declared as such by two-thirds of the Commission. [§ 1(4)].

The director shall have published an abstract copy of this chapter and subsequent amendments as well as all regulations promulgated by the Commission to distribute to all interested persons and to each licensee. New regulations and amendments shall be supplied to each licensee within a reasonable time after their promulgation. [§ 1(5)].

Upon a permit issued by the Mississippi Marine Resources Council, the Commission is empowered to support projects in the nature of digging canals or ditches in order to bring additional water to existing oyster reefs or beds, or to create new oyster reefs or beds. All reefs so created will be public reefs. The Commission may enter into interstate or intrastate efforts in digging of

canals and may exercise the right of eminent domain. [§ 1(6)].

This Act amends § 49-15-29 of the CODE as follows:

The Commission is authorized and directed to assess and collect, under the direction and subject to its regulation, licenses and taxes. If anyone fails, refuses, or neglects to pay such taxes, no further license or permit under this chapter shall be issued until such default is made good.

[Approved March 4, 1975, and effective July 2, 1975.]

III. Chapter 327, H. B. 244, is an Act to amend MISS. CODE ANN. § 49-7-31 and § 49-7-33 (1972) to provide for squirrel season in certain counties; to provide that dogs may not be used during turkey seasons; and for related purposes:

§ 49-7-31 of the CODE is amended as follows:

The open season for game birds and game animals shall be:

(a) Quail or bobwhite - Open on Thanksgiving Day and run through February 28, not to exceed 90 days.

(b) Wild turkeys - The Game and Fish Commission shall, at its discretion, fix the season.

(c) Squirrels - In the counties of George, Greene, Perry, Wayne, Jackson, and Harrison, the season shall open on November 1 or the Saturday falling nearest to November 1 and end on a date set by the Commission. In other coastal counties, the season dates shall be set by the Commission.

(d) Deer - Open on Saturday before Thanksgiving and run through December 1, and may, in the discretion of the Commission, open on Saturday before Christmas and run through January 1. The commission may open the

the season not to exceed sixty days in the aggregate between November 10 and January 15 in any county after public notice and hearing. Additional seasons may be opened after January 1 not to exceed 15 days in the aggregate. The killing of doe or of deer destroying crops may be allowed in some counties.

(e) Fur-bearing animals - Commission will fix season between November 1 and March 1. However, oposums and raccoon is set for October 1 to February 28.

(f) Rabbits - May be hunted during open season on any other game hunted with guns or when destroying crops.

(g) Predatory animals - no closed season.

(h) Migratory birds - Season shall be prescribed by Federal Migratory Bird Treaty regulations.

(i) Nongame gross fish - By hand or grappling tongs shall be from May 1 to October 1. [§ 1(1)].

Each season provided for in this section shall open on Saturday except as provided for quail and migratory birds. [§ 1(2)].

§ 49-7-33 of the CODE is amended as follows:

The Game and Fish Commission may establish closed seasons on the running or hunting with dogs of raccoon, fox or other wild animals or birds during turkey season in designated areas. [§ 2(1)].

The Commission is authorized to regulate the killing of fox. [§ 2(2)].

[Approved March 6, 1975, and effective from that date.]

IV. Chapter 345, H. B. 755, states that it is unlawful for any person knowingly to purchase or to authorize or requisition the purchase of beef other than that raised and produced in the U. S. when such purchase is to be paid by the State Government or any of its political subdivisions out of public funds of any nature. Exempt are canned meats not available which are processed in the U. S. [§ 1].

Violation of this Act is a misdemeanor and upon conviction shall be punished by imprisonment for not more than 30 days, fined not less than \$100 nor more than \$500. [§ 2].

Approved March 12, 1975, and effective from that date.

V. Chapter 375, H. B. 621, amends § 49-7-41, MISS. CODE ANN. (1972) to provide that it is unlawful for any person to take or kill in one day, or in one season, more game birds, game animals, or game fish than specified below, or to possess at one time more migratory game birds than allowed under the federal migratory bird treaty act and regulations, or more than two days' bag limit of any other game.

Wild turkey - two gobblers in each open season and not more than three per license year; hen are not to be killed in any season, unless so permitted by the Game and Fish Commission in localities where there are surplus turkeys.

Quail, partridge, or bobwhite - twelve in one day.

Squirrels - eight in one day.

Deer - one buck with horns visible above the natural hairline in one season. Does and fawns are not to be killed or molested in any season except in localities prescribed and open by order of the Commission. Spotted fawns

are not to be taken or molested in any season. Furthermore, the bag limit on antlerless deer shall not exceed two per season or two per license year as the Commission may prescribe.

Game Fish - limit to be set at the discretion of the Commission provided that the limit on black bass shall not exceed fifteen per day nor one hundred per day on all other game fish, with not more than two days' bag limit in possession.

[Approved March 20, 1975, and effective July 1, 1975.]

VI. Chapter 391, H. B. 609, provides that it shall be lawful at all times for any person, upon the issuance of a permit by the Game and Fish Commission, to train bird dogs through the use of release pen and tamed and identified quail. Such quails are to be identified by tags or dye. Rules and regulations pertinent to this Act may be promulgated by the Commission.

VII. Chapter 471, H. B. 914, is an Act to authorize and empower the Mississippi Wildlife Heritage Committee to cause full faith and credit bonds of the State of Mississippi to be issued and sold with the State Bond Commission acting as issuing agent for the purpose of purchasing certain land not in excess of \$15,000,000.00. The Wildlife Heritage Committee is authorized to take title in its name on behalf of the state.

The Committee is authorized to purchase the following described land:

Land presently owned by the Pascagoula Hardwood Company totaling some 40,793 acres, more or less, situated as follows:

- (b) 16,683 acres, more or less, in Jackson County, Mississippi;
- (c) 2,117 acres, more or less, in Jones County, Mississippi; and
- (d) 1,420 acres, more or less, in Perry County, Mississippi.

The Committee is authorized to exercise on their land the rights, powers, and privileges as authorized under the provisions of "The Nongame and Endangered Species Conservation Act."

The Committee is authorized to issue negotiable general obligation bonds to provide funds to be used exclusively for the purpose of acquiring all or any part of the above described land. However, in no event shall the amount of bonds issued exceed fifteen million dollars.

[Approved April 3, 1975, and effective from that date.]

INDUSTRIAL AND AGRICULTURAL RESOURCES

I. Chapter 436, S. B. 2186, amends MISS. CODE ANN. § 29-3-49 (1972), to state that it shall be the duty of the State Forestry Commission to enter into agreements for timber improvement purposes with the County Board of Supervisors of any such county upon request of said board. Such agreements shall provide for the carrying out of a long term program of timber improvement, including any or all of the following: the deadening of undesirable hardwoods, the planting of trees, the cutting and maintaining of fire lanes, and the establishment of marked boundaries on all lands classified as forest lands. However, the Commission may have the option to contract with a private contractor, subject to the approval of the Board of Supervisors, to perform this work under the supervision of the Commission. The Commission will be reimbursed by the County for all costs incurred in the performing of such duties.

[Approved March 31, 1975, and effective from that date.]

MINERAL AND NON-LIVING RESOURCES

I. Chapter 342, S. B. 2828, is an Act to amend § 53-1-73 MISS. CODE ANN. (1972), to increase assessments against oil and gas produced for the purpose of increasing funds to pay expenses incurred in the administration and enforcement of oil and gas conservation laws. [§ 1].

[Approved March 10, 1975, and effective from that date.]

II. Chapter 397, S. B. 2020, is an Act to amend MISS. CODE ANN. § 29-3-29 (1972) to permit the selling or leasing of sixteenth section school land, or land granted in lieu thereof, for industrial purposes. However, all minerals in, on, and under any such land so conveyed shall be reserved. (Exception in Lowndes County only.)

[Approved March 24, 1975, and effective from that date.]

III. Chapter 419, S. B. 2747, amends § 53-1-17 and § 75-57-13, MISS. CODE ANN. (1972) to provide that the State Oil and Gas Board has jurisdiction and authority over all persons and property necessary to administer and enforce effectively the provisions of this chapter and all other laws relating to the conservation of oil and gas.

The Board has the authority to make reasonable rules, regulations, and orders for, but not limited to, the following purposes:

(1) To require that the drilling, casing and plugging of wells be done in such a manner as to prevent the escape of oil or gas out of one stratum to another; to prevent the intrusion of water into an oil or gas stratum from a separate stratum; to prevent the pollution of fresh water supplies by oil, gas,

or salt water; and generally to prevent waste. The duty is imposed upon the Board to make adequate rules and regulations, subject to the approval of the Mississippi Air and Water Pollution Control Commission, requiring the disposal of waste products brought to the surface from any oil, gas, or condensate well in Mississippi, to prevent seepage, overflow, or any irreparable damage to the topsoil or surface.

(2) To require reports showing location of oil and gas wells and completion of such wells.

(3) To require a reasonable bond for duties outlined in (1) and (2), including duty to plug each dry or abandoned well.

(4) To prevent the drowning by water of any stratum or part thereof capable of producing oil or gas in paying quantities and to prevent the premature and irregular encroachment of water which reduces the total ultimate recovery of oil or gas from any pool.

(5) To require the operation of wells with efficient gas-oil ratios, and to fix the limits of such ratios.

(6) To prevent "blowouts," "caving," and "seepage" in the sense that conditions indicated by such terms are generally understood in the oil and gas business.

(7) To prevent the creation of unnecessary fire hazards.

(8) To identify the ownership of all oil and gas wells producing leases, refineries, tanks, plants, structures, and storage and transportation equipment and facilities.

(9) To regulate the shooting, perforating and chemical treatment of wells.

(10) To regulate secondary recovery methods, including the introduction of gas, air, water or other substances into producing formations.

(11) To regulate the spacing of wells and to establish drilling units.

(12) To allocate and apportion the production of oil or gas, or both, from any pool or field to prevent waste.

(13) To prevent, so far as practicable, reasonably avoidable drainage from each developed unit which is not equalized by counter-drainage.

(14) To require all of those making settlement with the owners of gas or oil interests to render statements to such owners showing the quality and gravity purchased and the price per barrel of oil or one thousand cubic feet of gas.

(15) To require, either generally or with respect to particular areas, certificates of clearance in connection with the transportation or delivery of oil, gas, or other product thereof.

(16) To promulgate rules and regulations governing safety of storage of liquified petroleum gases in underground storage wells. However, the Board's jurisdiction shall cease upon reaching header or flow line beyond associated wellhead facilities. [§ 1].

§ 75-57-13 of the CODE is amended to provide that subsequent to the issuance of a permit by the Mississippi State Oil and Gas Board permitting the creation of such spaces, those liquified compressed gases, known as butane or propane, or mixtures thereof, may be stored in artificially formed underground storage spaces where such cavities are dissolved in salt beds. [§ 2].

[Approved March 26, 1975, and effective from that date.]

RECREATION

I. Chapter 374, H. B. 497, amends MISS. CODE ANN. § 65-3-35 (1972) to designate certain additional highways as scenic routes. Such routes include U. S. Highway 90 from Mississippi Highway No. 607 in Hancock County, Mississippi to the Alabama state line; that portion of Mississippi Highway No. 607 beginning at a point of intersection with Interstate Highway 10 and running southeasterly to the point of intersection with U. S. Highway 90.

[Approved March 20, 1975, and effective from that date.]

II. Chapter 498, H. B. 1383, repeals Chapter 554, Laws of 1974, which created the Tourism Study Commission, effective April 30, 1975.

However, this Act creates a Tourism Study Commission which shall be organized for the purpose of conducting a study of all tourist areas of the state and their relation to each other, a study for the best location of tourist attraction centers, including feasibility studies, preliminary engineering studies, and cost estimate analyses. [§ 1].

The Commission shall consist of six members of the Senate, six members of the House of Representatives, and five members to be appointed by the Governor. The Executive Director of the Mississippi Agricultural and Industrial Board and the Executive Director of the State Park Commission shall serve as nonvoting ex officio members. [§ 2].

The Commission is required to submit a detailed report of its findings to the Legislature prior to March 1, 1976. [§ 3].

In carrying out the provisions of this Act, the Commission may utilize

the services, facilities, and personnel of all departments, agencies, and offices of the state, including the state universities and colleges. The Commission may establish such subcommittees as it deems desirable to study and report to the Commission with respect to any particular matters which fall within the duties imposed by this Act. [§ 5].

[Approved April 7, 1975, and effective May 1, 1975.]

