MISSISSIPPI LEGISLATURE  
REGULAR SESSION 2001

By: Representative Compretta

To: Conservation and Water Resources

HOUSE BILL NO. 46

AN ACT TO AMEND SECTION 49-15-301, MISSISSIPPI CODE OF 1972, TO REVISE THE MEMBERSHIP OF THE MISSISSIPPI COMMISSION ON MARINE RESOURCES AND TO ABOLISH THE MARINE RESOURCES TECHNICAL ADVISORY COUNCIL; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 49-15-301, Mississippi Code of 1972, is amended as follows:

49-15-301. (1) The Mississippi Commission on Marine Resources is hereby established and full power is vested in the commission to regulate all matters pertaining to all saltwater aquatic life and marine resources. The commission shall administer the Coastal Wetlands Protection Law and the Public Trust Tidelands Act. The power and duties of the commission shall be exercised through the Department of Marine Resources.

(2) On July 1, 2002, the commission shall be reconstituted. The term of *** the member of the Commission on Wildlife, Fisheries and Parks shall expire July 1, 2001. *** The reconstituted Mississippi Commission on Marine Resources shall consist of seven (7) members to be appointed as follows:

(a) The Governor shall appoint seven (7) members who shall be residents of Jackson, Harrison and Hancock Counties with the advice and consent of the Senate. The Governor shall appoint at least two (2) members from each named county ***. The Governor shall appoint the newly created at large member from Jackson, Harrison or Hancock County.

(b) The commission shall be composed as follows:

(i) One (1) member shall be a commercial seafood processor.
(ii) One (1) member shall be a commercial fisherman.

(iii) One (1) member shall be a recreational sports fisherman.

(iv) One (1) member shall be a charter boat operator.

(v) One (1) member shall be a member of an incorporated nonprofit environmental organization.

(vi) One (1) member shall be from the nonseafood industry.

(vii) The at large member shall be from any background chosen by the Governor.

(c) Of the initial members appointed by the Governor, the members designated in subparagraphs (b)(i), (ii), (iii), (iv), (v), (vi) and (vii) shall serve for an initial term of two (2) years. All terms after the initial terms shall be for a period of four (4) years.

(d) Any vacancy in the office of an appointed member of the commission shall be filled by appointment by the Governor for the balance of the unexpired term.

(3) Each member shall have a demonstrated history of involvement in the matter of jurisdiction for which he is appointed to represent and his employment and activities must not conflict with the matter of jurisdiction represented. A member shall not have a record of conviction of violation of fish and game or seafood laws or regulations within the five (5) years preceding his appointment or a record of any felony conviction. After July 1, 1999, if a member is convicted of a violation of the seafood laws during his term, his office shall be deemed vacant and the Governor shall fill the vacancy as provided in this section.

(4) The commission shall elect a chairman who shall preside at all meetings of the commission, and the commission shall also
(5) Each member shall be paid actual and necessary expenses incurred in attending meetings of the commission and in performing his duties away from his domicile under assignment by the commission. In addition, members shall receive the per diem authorized in Section 25-3-69, Mississippi Code of 1972.

(6) The commission shall adopt rules and regulations governing times and places of meetings and shall adopt bylaws governing the manner of conducting its business. Each member shall take the oath prescribed by Section 268 of the Mississippi Constitution of 1890 and shall, before assuming office, enter into bond in the amount of Thirty Thousand Dollars ($30,000.00), to be approved by the Secretary of State conditioned according to law and payable to the State of Mississippi.

(7) The commission shall not take any action, except by vote in meeting assembled, and such action shall be included in the minutes of the commission. A majority of the members shall constitute a quorum of the commission.

(8) The commission, through the Department of Marine Resources, shall devise a plan to make licenses available in each coastal county.

(9) For purposes of this section the following definitions apply:

(a) "Charter boat operator" means an individual who operates a vessel for hire guiding sports fishermen for a fee and is duly licensed to engage in such activity in the State of Mississippi.

(b) "Commercial fisherman" means a fisherman who sells, barters or exchanges any or all of his catch or who is paid for attempting to catch marine species, and is duly licensed to engage in commercial fishing.
(c) "Commercial seafood processor" means an individual who engages in the business of purchasing seafood products and preparing them for resale and who is duly licensed to engage in such commercial activity in the State of Mississippi.

(d) "Incorporated environmental nonprofit organization" means an organization duly incorporated in any state as a nonprofit organization and whose stated goals and purposes are the conservation of natural resources.

(e) "Recreational sports fisherman" means an individual who catches or harvests marine species only for recreation or personal consumption and not for sale. The individual must possess a saltwater sports fishing license, be a member of an incorporated nonprofit sports fishing organization and not possess a commercial fishing or seafood processor license.

SECTION 2. This act shall take effect and be in force from and after July 1, 2001.