MISSISSIPPI LEGISLATURE  REGULAR SESSION 2001
By: Representatives Bowles, Miles, Ward  To: Game and Fish

HOUSE BILL NO. 583

AN ACT TO AMEND SECTION 25-43-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI COMMISSION ON WILDLIFE, FISHERIES AND PARKS SHALL BE REQUIRED TO PRESENT ALL NEW REGULATIONS OR RULES OR CHANGES TO RULES OR REGULATIONS TO CERTAIN LEGISLATIVE COMMITTEES; TO AMEND SECTION 49-4-4, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 25-43-7, Mississippi Code of 1972, is amended as follows:

25-43-7. (1) Prior to the adoption, amendment or repeal of any rule, the agency shall give at least thirty (30) days' notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the manner in which interested persons may present their views thereon. The notice shall be filed with the office of the Secretary of State and mailed by the agency to all persons who have made timely request of the agency for advance notice of its rule-making proceedings. The Secretary of State shall furnish copies at the request of any person and shall be reimbursed by the requesting person for the expense of providing such service.

(2) In accordance with the provisions of this chapter and in addition to the provisions of subsection (1) of this section, before the Commission on Wildlife, Fisheries and Parks may adopt, amend or repeal any of its rules or regulations, the commission shall present all of the proposed new rules or regulations or the proposed repeal or amendment of any rules or regulations to both the Game and Fish Committee of the Mississippi House of Representatives and the Wildlife and Fisheries Committee of the
Mississippi Senate no later than thirty (30) days after the first
day of the next regular session of the Mississippi Legislature.

(3) If an agency finds that an imminent peril to the public
health, safety or welfare requires adoption of a rule upon fewer
than thirty (30) days' notice and states in writing its reasons
for that finding, it may proceed without prior notice of hearing
or upon any abbreviated notice and hearing that it finds
practicable to adopt an emergency rule. The rule may be effective
for a period of not longer than one hundred twenty (120) days,
renewable once for a period not exceeding ninety (90) days, but
the adoption of an identical rule under subsection (1) of this
section is not precluded. Rules adopted pursuant to this
subsection (3) by the Commission on Wildlife, Fisheries and Parks
may remain effective until thirty (30) days after the first day of
the next regular session of the Mississippi Legislature.

(4) No rule hereafter adopted is valid unless adopted in
substantial compliance with this section. A proceeding to contest
any rule on the ground of noncompliance with the procedural
requirements of this section must be commenced within one (1) year
from the effective date of the rule.

SECTION 2. Section 49-4-4, Mississippi Code of 1972, is
amended as follows:

49-4-4. (1) There is hereby created the Mississippi
Commission on Wildlife, Fisheries and Parks, to be composed of
five (5) persons appointed by the Governor, with the advice and
consent of the Senate, for a term of five (5) years. One (1)
person shall be appointed from each congressional district. The
initial terms of the members shall be one (1), two (2), three (3),
four (4) and five (5) years, respectively. Thereafter, all terms
shall be for five (5) years. An appointment to fill a vacancy
which arises for reasons other than by expiration of a term of
office shall be made from the respective congressional district
for the unexpired term only. The members serving on the
predecessor Commission on Wildlife Conservation on June 30, 1989, shall continue to serve as members of the successor Commission on Wildlife, Fisheries and Parks until the expiration of the term of their appointment to the predecessor commission.

(2) The commission shall elect from its membership a chairman who shall preside over meetings and a vice chairman who shall preside in the absence of the chairman or when the chairman shall be excused.

(3) The commission shall adopt rules and regulations governing times and places for meetings and governing the manner of conducting its business. Each member of the commission shall take the oath prescribed by Section 268 of the Constitution, and shall 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 before assuming the duties of office. Any member who shall not attend three (3) consecutive regular meetings of the commission shall be subject to removal by a majority vote of the commission members.

(4) The members of the commission shall receive no annual salary but shall receive per diem compensation as authorized by law for each day devoted to the discharge of official duties and shall be entitled to reimbursement for all actual and necessary expenses incurred in the discharge of their duties, including mileage as authorized by law.

The commission shall be composed of persons with extensive knowledge of or practical experience in at least one (1) of the matters of jurisdiction of the commission. In addition, one (1) of the commissioners shall be knowledgeable and experienced in marine fisheries management, and at least three (3) of the commissioners shall be knowledgeable and experienced in the management of game and freshwater fisheries.

(5) The commission shall have the power to adopt, amend and repeal such regulations and rules, in accordance with the
provisions of Section 25-43-7, as may be necessary for the
operation of the department.

(6) The commission shall have the power and authority to
issue all licenses and permits under the jurisdiction of the
department.

(7) In the furtherance of its duties and responsibilities,
the commission may conduct hearings, gather testimony and perform
other functions required to carry out its powers and duties as
prescribed by statute.

SECTION 3. This act shall take effect and be in force from
and after July 1, 2001.