

By: Representative Compretta

To: Conservation and Water Resources

HOUSE BILL NO. 975

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

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

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

8 49-15-301. (1) The Mississippi Commission on Marine
9 Resources is hereby established and full power is vested in the
10 commission to regulate all matters pertaining to all saltwater
11 aquatic life and marine resources. The commission shall
12 administer the Coastal Wetlands Protection Law and the Public
13 Trust Tidelands Act. The power and duties of the commission shall
14 be exercised through the Department of Marine Resources.

15 (2) On July 1, 2002, the commission shall be reconstituted,
16 and the terms of * * * all members of the Commission on that date,
17 shall expire. * * * The reconstituted Mississippi Commission on
18 Marine Resources shall consist of seven (7) members to be
19 appointed as follows:

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

26 (b) The commission shall be composed as follows:

27 (i) One (1) member shall be a commercial seafood
28 processor.



- 29 (ii) One (1) member shall be a commercial
30 fisherman.
- 31 (iii) One (1) member shall be a recreational
32 sports fisherman.
- 33 (iv) One (1) member shall be a charter boat
34 operator.
- 35 (v) One (1) member shall be a member of an
36 incorporated nonprofit environmental organization.
- 37 (vi) One (1) member shall be from a nonseafood
38 industry.
- 39 (vii) The at large member shall be from any
40 background chosen by the Governor.

41 (c) * * * The * * * members of the reconstituted
42 commission appointed by the Governor, * * * shall serve for an
43 initial term of two (2) years * * *. All terms after the initial
44 terms shall be for a period of four (4) years.

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

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

59 (4) The commission shall elect a chairman who shall preside
60 at all meetings of the commission, and the commission shall also



61 elect a vice chairman who shall serve in the absence or inability
62 of the chairman.

63 (5) Each member shall be paid actual and necessary expenses
64 incurred in attending meetings of the commission and in performing
65 his duties away from his domicile under assignment by the
66 commission. In addition, members shall receive the per diem
67 authorized in Section 25-3-69.

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

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

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

83 * * *

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

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

90 (b) "Commercial fisherman" means a fisherman who sells,
91 barter or exchanges any or all of his catch or who is paid for
92 attempting to catch marine species, and is duly licensed to engage
93 in commercial fishing.



94 (c) "Commercial seafood processor" means an individual
95 who engages in the business of purchasing seafood products and
96 preparing them for resale and who is duly licensed to engage in
97 such commercial activity in the State of Mississippi.

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

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

108 **SECTION 2.** This act shall take effect and be in force from
109 and after July 1, 2002.

