

By: Representatives Frierson, Read, Janus

To: Marine Resources

HOUSE BILL NO. 660

1 AN ACT TO AMEND SECTION 49-15-301, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE DEFINITION OF "CHARTER BOAT OPERATOR"; AND FOR  
3 RELATED PURPOSES.

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

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

7 49-15-301. (1) The Mississippi Commission on Marine  
8 Resources is hereby established and full power is vested in the  
9 commission to regulate all matters pertaining to all saltwater  
10 aquatic life and marine resources. The commission shall  
11 administer the Coastal Wetlands Protection Law and the Public  
12 Trust Tidelands Act. The power and duties of the commission shall  
13 be exercised through the Department of Marine Resources.

14 (2) On July 1, 2002, the commission shall be reconstituted.  
15 The terms of the nonseafood industry member and the member of the  
16 Commission on Wildlife, Fisheries and Parks shall expire July 1,  
17 2002. The remaining five (5) members serving on July 1, 2002  
18 shall compose the reconstituted commission and shall continue to  
19 serve until the expiration of their terms. The reconstituted  
20 Mississippi Commission on Marine Resources shall consist of five  
21 (5) members to be appointed as follows:

22 (a) The Governor shall appoint five (5) members who  
23 shall be residents of Jackson, Harrison and Hancock Counties with  
24 the advice and consent of the Senate. The Governor shall appoint  
25 at least one (1) member from each county but not more than two (2)  
26 members from any one (1) county. The members designated in  
27 subparagraphs (i), (ii) and (iv) must be a resident of the county

28 where the business he is appointed to represent is located.

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

30 (i) One (1) member shall be a commercial seafood  
31 processor.

32 (ii) One (1) member shall be a commercial  
33 fisherman.

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

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

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

40 (c) Of the initial members appointed by the Governor,  
41 the members designated in subparagraphs (i),(ii) and (iii) shall  
42 serve for an initial term of two (2) years and one (1) member  
43 shall be appointed from each county. The members designated in  
44 subparagraphs (iv) and (v) shall serve an initial term of four (4)  
45 years. All terms after the initial terms shall be for a period of  
46 four (4) years.

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

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

61           (4) The commission shall elect a chairman who shall preside  
62 at all meetings of the commission, and the commission shall also  
63 elect a vice-chairman who shall serve in the absence or inability  
64 of the chairman.

65           (5) Each member shall be paid actual and necessary expenses  
66 incurred in attending meetings of the commission and in performing  
67 his duties away from his domicile under assignment by the  
68 commission. In addition, members shall receive the per diem  
69 authorized in Section 25-3-69, Mississippi Code of 1972.

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

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

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

85           (9) (a) There is hereby created a marine resources  
86 technical advisory council composed of the Executive Director of  
87 the Gulf Coast Research Lab, or his designee; the Executive  
88 Director of the Department of Environmental Quality, or his  
89 designee; and the Executive Director of the Department of  
90 Wildlife, Fisheries and Parks, or his designee.

91           (b) The council shall give technical assistance to the  
92 commission.

93 (10) For purposes of this section the following definitions  
94 apply:

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

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

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

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

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

117 **SECTION 2.** This act shall take effect and be in force from  
118 and after July 1, 2005.