

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2887**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

8           **SECTION 1.** Section 49-15-313, Mississippi Code of 1972, is  
9 amended as follows:  
10           49-15-313. (1) Any resident between the ages of sixteen  
11 (16) and sixty-five (65) years, as defined in Section 49-7-3,  
12 fishing in the marine waters of the state, shall obtain a  
13 saltwater sports fishing license for a fee of Four Dollars  
14 (\$4.00). This license shall be valid in any waters south of  
15 Interstate 10. Any resident citizen who is blind, paraplegic or a  
16 multiple amputee, or who has been adjudged by the Veterans  
17 Administration as having a total service-connected disability, or  
18 has been adjudged totally disabled by the Social Security  
19 Administration shall not be required to purchase or have in his  
20 possession a saltwater sports fishing license while engaged in  
21 such activities. Any resident exempt under this section shall  
22 have on his person while fishing proof of residency and age or  
23 disability.  
24           (2) The commission shall prescribe the forms, types and fees  
25 for nonresident saltwater sports fishing licenses except that the  
26 fee for a nonresident saltwater sports fishing license shall not

27 be less than Twenty Dollars (\$20.00). The commission shall  
28 require a nonresident to purchase a nonresident freshwater fishing  
29 license and a nonresident saltwater sports fishing license if the  
30 nonresident's state requires both licenses for a nonresident to  
31 fish in its marine waters.

32 (3) All resident vessels engaged in charter boat fishing,  
33 party boat fishing, head boat fishing, \* \* \* guide boat fishing,  
34 or ecotourism shall be issued a separate annual license by the  
35 commission at a fee of One Hundred Dollars (\$100.00). All  
36 nonresident vessels engaged in charter boat fishing, party boat  
37 fishing, head boat fishing, \* \* \* guide boat fishing, or  
38 ecotourism shall be issued a separate annual license by the  
39 commission for a fee as provided under Section 49-15-30,  
40 Mississippi Code of 1972, but the fee shall be at least Four  
41 Hundred Dollars (\$400.00). In addition to other requirements for  
42 charter license eligibility, captains must show proof of  
43 participation in a Department of Transportation approved random  
44 drug testing program and proof of liability insurance as a charter  
45 boat captain. Crew members and customers of the licensed vessels  
46 shall not be required to purchase an individual resident or  
47 nonresident saltwater fishing license while sponsored by the  
48 licensed vessels. An operator of a licensed vessel shall be  
49 required to report the number of customers to the department as  
50 required by the commission and the information shall be kept  
51 confidential and shall not be released, except to other fisheries  
52 management agencies or as statistical data. All nonresident  
53 vessels engaged in saltwater sport fishing tournaments, not to  
54 exceed an aggregate of twenty (20) days per calendar year, shall  
55 not be required to purchase an annual license as provided under  
56 this subsection.

57 (4) The saltwater sports fishing license is required for all  
58 recreational methods of finfish harvest.

59           (5) Any resident who purchases a lifetime sportsman's  
60 license, in accordance with Section 49-7-153, shall be entitled to  
61 fish in the marine salt waters of the state and shall be exempt  
62 from the purchase of a sport saltwater fishing license.

63           (6) Any person authorized to issue a license may collect and  
64 retain, for each saltwater fishing license issued, the additional  
65 fee authorized under Section 49-7-17.

66           (7) The fees collected from the sale of resident and  
67 nonresident saltwater sports fishing licenses shall be deposited  
68 into the Seafood Fund and shall be used solely for the management  
69 of marine resources.

70           (8) Participants in the Very Special Fishing Olympics are  
71 exempt from this section.

72           (9) July 4 of each year is designated as "Free Saltwater  
73 Sports Fishing Day." Any person may saltwater sport fish without  
74 a license on the "Free Saltwater Sports Fishing Day."

75           (10) The department may exempt participants in an organized  
76 fishing event conducted by a qualified nonprofit charitable,  
77 governmental or civic organization from the requirements of this  
78 section for one (1) day per year if the organization files an  
79 exemption application with the department and the application is  
80 approved by the department.

81           **SECTION 2.** Section 49-15-3, Mississippi Code of 1972, is  
82 amended as follows:

83           49-15-3. As used in this chapter, the term:

84           (a) "Commission" means the Mississippi Commission on  
85 Marine Resources.

86           (b) "Department" means the Department of Marine  
87 Resources.

88           (c) "Domicile" means a person's principal or primary  
89 place of abode in which a person's habitation is fixed and to  
90 which the person, whenever absent, has the present intention of

91 returning after a departure of absence therefrom, regardless of  
92 the duration of the absence. The burden of proving domicile in  
93 the State of Mississippi shall be on the person claiming that  
94 status. A person holding a current driver's license shall be  
95 deemed to be domiciled within the state issuing the license. If a  
96 person does not hold a current driver's license the following  
97 evidence may be considered in establishing, but is not necessarily  
98 determinative of domicile: residence for income or other tax  
99 purposes, homestead exemption receipt or other means prescribed by  
100 the commission. In the case of minors, domicile of the parents  
101 shall be used as evidence of the minor's domicile.

102 (d) "Ecotourism" means travel on a vessel for hire  
103 powered by motor to areas of natural or ecological interest for  
104 the purpose of observing nature.

105 (e) "Game fish" means cobia, also known as ling or  
106 lemonfish (*rachycentron canadum*). The cobia is classified as game  
107 fish.

108 (f) "Illegal oysters" means:

109 (i) All untagged shell stock;

110 (ii) Shell oysters obtained from uncertified shops  
111 or dealers or from an unlicensed catcher;

112 (iii) Oysters obtained from waters not declared  
113 safe and sanitary by the department, except those oysters caught  
114 by the commission for relaying or under private leases pursuant to  
115 Section 49-15-27;

116 (iv) Shucked oysters obtained from uncertified  
117 shops or repackers.

118 (g) "Inspector" means the chief inspector, the  
119 assistant chief inspector, deputy inspector, bureau director and  
120 certified enforcement officer employed by the department.

121 (h) "Natural reefs" means any bottom under the  
122 jurisdiction of the commission of one or more acres on which

123 oysters grow naturally, or have grown naturally, in a quantity  
124 sufficient to warrant commercial fishing as a means of livelihood,  
125 or have been used in such a manner within a period of ten (10)  
126 years next preceding the time the bottoms may come up for  
127 determination by the commission.

128           (i) "Resident" means a person, firm or corporation that  
129 is domiciled in this state.

130           (j) "Seafood" means all oysters, saltwater fish,  
131 saltwater shrimp, diamondback terrapin, sea turtle, crabs and all  
132 other species of marine or saltwater animal life existing or  
133 living in the waters within the territorial jurisdiction of the  
134 State of Mississippi.

135           (k) "Tonging reefs" means any bottom under the  
136 jurisdiction of the commission designated by the commission as an  
137 area in which oysters may be taken by use of hand tongs, as  
138 provided in Section 49-15-39.

139           **SECTION 3.** Section 49-15-301, Mississippi Code of 1972, is  
140 amended as follows:

141           49-15-301. (1) The Mississippi Commission on Marine  
142 Resources is hereby established and full power is vested in the  
143 commission to regulate all matters pertaining to all saltwater  
144 aquatic life and marine resources. The commission shall  
145 administer the Coastal Wetlands Protection Law and the Public  
146 Trust Tidelands Act. The power and duties of the commission shall  
147 be exercised through the Department of Marine Resources.

148           (2) On July 1, 2002, the commission shall be reconstituted.  
149 The terms of the nonseafood industry member and the member of the  
150 Commission on Wildlife, Fisheries and Parks shall expire July 1,  
151 2002. The remaining five (5) members serving on July 1, 2002  
152 shall compose the reconstituted commission and shall continue to  
153 serve until the expiration of their terms. The reconstituted

154 Mississippi Commission on Marine Resources shall consist of five  
155 (5) members to be appointed as follows:

156 (a) The Governor shall appoint five (5) members who  
157 shall be residents of Jackson, Harrison and Hancock Counties with  
158 the advice and consent of the Senate. The Governor shall appoint  
159 at least one (1) member from each county but not more than two (2)  
160 members from any one (1) county. The members designated in  
161 subparagraphs (i), (ii) and (iv) must be a resident of the county  
162 where the business he is appointed to represent is located.

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

164 (i) One (1) member shall be a commercial seafood  
165 processor.

166 (ii) One (1) member shall be a commercial  
167 fisherman.

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

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

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

174 (c) Of the initial members appointed by the Governor,  
175 the members designated in subparagraphs (i), (ii) and (iii) shall  
176 serve for an initial term of two (2) years and one (1) member  
177 shall be appointed from each county. The members designated in  
178 subparagraphs (iv) and (v) shall serve an initial term of four (4)  
179 years. All terms after the initial terms shall be for a period of  
180 four (4) years.

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

184 (3) Each member shall have a demonstrated history of  
185 involvement in the matter of jurisdiction for which he is

186 appointed to represent and his employment and activities must not  
187 conflict with the matter of jurisdiction represented. A member  
188 shall not have a record of conviction of violation of fish and  
189 game or seafood laws or regulations within the five (5) years  
190 preceding his appointment or a record of any felony conviction.  
191 After July 1, 1999, if a member is convicted of a violation of the  
192 seafood laws during his term, his office shall be deemed vacant  
193 and the Governor shall fill the vacancy as provided in this  
194 section.

195 (4) The commission shall elect a chairman who shall preside  
196 at all meetings of the commission, and the commission shall also  
197 elect a vice chairman who shall serve in the absence or inability  
198 of the chairman.

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

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

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

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

219           (9) (a) There is hereby created a marine resources  
220 technical advisory council composed of the Executive Director of  
221 the Gulf Coast Research Lab, or his designee; the Executive  
222 Director of the Department of Environmental Quality, or his  
223 designee; and the Executive Director of the Department of  
224 Wildlife, Fisheries and Parks, or his designee.

225           (b) The council shall give technical assistance to the  
226 commission.

227           (10) For purposes of this section the following definitions  
228 apply:

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

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

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

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

245           (e) "Recreational sports fisherman" means an individual  
246 who catches or harvests marine species only for recreation or  
247 personal consumption and not for sale. The individual must



248 possess a saltwater sports fishing license, be a member of an  
249 incorporated nonprofit sports fishing organization and not possess  
250 a commercial fishing or seafood processor license.

251         **SECTION 4.** This act shall take effect and be in force from  
252 and after July 1, 2005.