

By: Representative Frierson

To: Marine Resources;
Appropriations

HOUSE BILL NO. 594

1 AN ACT TO AMEND SECTION 49-15-101, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE COMPOSITION OF GULF STATES MARINE FISHERIES
3 COMMISSION; TO BRING FORWARD SECTION 49-15-103, MISSISSIPPI CODE
4 OF 1972, FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 49-15-101, Mississippi Code of 1972, is
7 amended as follows:

8 49-15-101. The Governor of this state is hereby authorized
9 and directed to execute a compact on behalf of the State of
10 Mississippi with any one or more of the states of Florida,
11 Alabama, Texas, and Louisiana, and with such other states as may
12 enter into the compact, legally joining therein in the form
13 substantially as follows:

14 **GULF STATES MARINE FISHERIES COMPACT**

15 The contracting states solemnly agree:

16 **ARTICLE I**

17 Whereas the Gulf Coast states have the proprietary interest
18 in and jurisdiction over fisheries in the waters within their
19 respective boundaries, it is the purpose of this compact to
20 promote the better utilization of the fisheries, marine, shell and
21 anadromous, of the seaboard of the Gulf of Mexico, by the
22 development of a joint program for the promotion and protection of
23 such fisheries and the prevention of the physical waste of the
24 fisheries from any cause.

25 **ARTICLE II**

26 This compact shall become operative immediately as to those
27 states ratifying it whenever any two (2) or more of the states of
28 Florida, Alabama, Texas, Louisiana and Mississippi have ratified

29 it and the Congress has given its consent, pursuant to Article I,
30 Section 10, of the Constitution of the United States. Any state
31 contiguous to any of the aforementioned states or riparian upon
32 waters which flow into waters under the jurisdiction of any of the
33 aforementioned states and which are frequented by anadromous fish
34 or marine species may become a party hereto as hereinafter
35 provided.

36 **ARTICLE III**

37 Each state joining herein shall appoint three (3)
38 representatives to a commission hereby constituted and designated
39 as the Gulf States Marine Fisheries Commission. One (1) shall be
40 the head of the administrative agency of such state charged with
41 the conservation of the fishery resources to which this compact
42 pertains or, if there be more than one (1) officer or agency, the
43 official of that state named by the governor thereof. The second
44 shall be a member of the legislature of such state designated by
45 such legislature or in the absence of such designation, such
46 legislator shall be designated by the governor thereof, provided
47 that if it is constitutionally impossible to appoint a legislator
48 as a commissioner from such state, the second member shall be
49 appointed in such manner as may be established by law. The
50 legislative membership shall alternate between the Mississippi
51 Senate and House of Representatives and the designated member
52 shall be a member of the Senate Ports and Marine Resources
53 Committee or the House Marine Resources Committee. The term shall
54 be six (6) years. No legislative member from the Mississippi
55 Senate or House of Representatives shall serve two (2) consecutive
56 terms. The third shall be a citizen who shall have a knowledge of
57 and interest in the marine fisheries, to be appointed by the
58 governor. This commission shall be a body corporate with the
59 powers and duties set forth herein.

60 **ARTICLE IV**

94 determine their duties, qualifications and compensation. Said
95 commission shall adopt rules and regulations for the conduct of
96 its business. It may establish and maintain one or more offices
97 for the transaction of its business and may meet at any time or
98 place but must meet at least once a year.

99 **ARTICLE VI**

100 No action shall be taken by the commission in regard to its
101 general affairs except by the affirmative vote of a majority of
102 the whole number of compacting states. No recommendation shall be
103 made by the commission in regard to any species of fish except by
104 the affirmative vote of a majority of the compacting states which
105 have an interest in such species. The commission shall define
106 what shall be an interest.

107 **ARTICLE VII**

108 The Fish and Wildlife Service of the Department of the
109 Interior of the Government of the United States shall act as the
110 primary research agency of the Gulf States Marine Fisheries
111 Commission cooperating with the research agencies in each state
112 for that purpose. Representatives of the said Fish and Wildlife
113 Service shall attend the meetings of the commission. An advisory
114 committee to be representative of the commercial saltwater
115 fishermen and the saltwater anglers and such other interests of
116 each state as the commissioners deem advisable may be established
117 by the commissioners from each state for the purpose of advising
118 those commissioners upon such recommendations as it may desire to
119 make.

120 **ARTICLE VIII**

121 When any state other than those named specifically in Article
122 II of this compact shall become a party hereto for the purpose of
123 conserving its anadromous fish or marine species in accordance
124 with the provisions of Article II, the participation of such state
125 in the action of the commission shall be limited to such species
126 of fish.

127 **ARTICLE IX**

128 Nothing in this compact shall be construed to limit the
129 powers of the proprietary interest of any signatory state or to
130 repeal or prevent the enactment of any legislation or the
131 enforcement of any requirement by a signatory state imposing
132 additional conditions and restrictions to conserve its fisheries.

133 **ARTICLE X**

134 It is agreed that any two (2) or more states party hereto may
135 further amend this compact by acts of their respective
136 legislatures, subject to approval of Congress as provided in
137 Article I, Section X, of the Constitution of the United States, to
138 designate the Gulf States Marine Fisheries Commission as a joint
139 regulating authority for the joint regulation of specific
140 fisheries affecting only such states as shall so compact, and at
141 their joint expense. The representatives of such states shall
142 constitute a separate section of the Gulf States Marine Fisheries
143 Commission for the exercise of the additional powers so granted
144 but the creation of such section shall not be deemed to deprive
145 the states so compacting of any of their privileges or powers in
146 the Gulf States Marine Fisheries Commission as constituted under
147 the other articles of this compact.

148 **ARTICLE XI**

149 Continued absence of representation or of any representative
150 on the commission from any state party hereto shall be brought to
151 the attention of the governor thereof.

152 **ARTICLE XII**

153 The operating expenses of the Gulf States Marine Fisheries
154 Commission shall be borne by the states party hereto. Such
155 initial appropriations as set forth below shall be made available
156 yearly until modified as hereinafter provided:

157	Florida.....	\$ 3,600.00
158	Alabama.....	1,000.00
159	Mississippi.....	1,000.00

160 Louisiana..... 5,000.00
161 Texas..... 2,500.00
162 Total..... \$13,100.00

163 The proration and total cost per annum of Thirteen Thousand
164 One Hundred Dollars (\$13,100.00), above mentioned, is estimative
165 only, for initial operations, and may be changed when found
166 necessary by the commission. Each state party hereto agrees to
167 provide in the manner most acceptable to it, the travel cost and
168 necessary expenses of its commissioners and other representatives
169 to and from meetings of the commission or its duly constituted
170 sections or committees.

171 **ARTICLE XIII**

172 This compact shall continue in force and remain binding upon
173 each compacting state until renounced by act of the legislature of
174 such state, in such form as it may choose; provided that such
175 renunciation shall not become effective until six (6) months after
176 the effective date of the action taken by the legislature. Notice
177 of such renunciation shall be given the other states party hereto
178 by the secretary of state of compacting state so renouncing upon
179 passage of the act.

180 **SECTION 2.** Section 49-15-103, Mississippi Code of 1972, is
181 brought forward as follows:

182 49-15-103. In pursuance of Article III of said compact there
183 shall be three (3) members (hereinafter called commissioners) of
184 the Gulf States Marine Commission (hereinafter called commission)
185 from the State of Mississippi. The first commissioner from the
186 State of Mississippi shall be president of the Mississippi Seafood
187 Commission of the State of Mississippi ex-officio; and the term of
188 any such ex-officio commissioner shall terminate at the time the
189 said commissioner ceases to hold said office of president of the
190 Mississippi Seafood Commission, and his successor as a member of
191 this commission shall be his successor as president of the
192 Mississippi Seafood Commission. The second commissioner from the

193 State of Mississippi shall be a legislator; and the term of any
194 such ex-officio commissioner shall terminate at the time he ceases
195 to hold said legislative office, and his successor as commissioner
196 shall be named in like manner. The Governor (by and with the
197 advice and consent of the Senate) shall appoint a citizen as a
198 third commissioner, who shall have a knowledge of the marine
199 fisheries problems. The term of said commissioner shall be for a
200 period of three (3) years and, in addition, he shall serve until
201 his successor shall be appointed and qualified. Vacancies
202 occurring in the office of such commissioner from any reason or
203 cause shall be filled by appointment by the Governor (by and with
204 the advice and consent of the Senate) for the unexpired term. The
205 president of the Mississippi Seafood Commission, as ex-officio
206 commissioner, may delegate from time to time, to any deputy or
207 other member of the Mississippi Seafood Commission, the power to
208 be present and participate, including voting as his
209 representative, or substitute at any meeting of or hearing by or
210 other proceeding of the commission.

211 **SECTION 3.** This act shall take effect and be in force from
212 and after July 1, 2006.