

By: Representative Compretta

To: Conservation and Water Resources

HOUSE BILL NO. 46

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 The term of * * * the member of the Commission on Wildlife,
17 Fisheries and Parks shall expire July 1, 2001. * * * The
18 reconstituted Mississippi Commission on Marine Resources shall
19 consist of seven (7) members to be 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 the newly created at large member from
25 Jackson, Harrison 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 the nonseafood
38 industry.
- 39 (vii) The at large member shall be from any
40 background chosen by the Governor.

41 (c) Of the initial members appointed by the Governor,
42 the members designated in subparagraphs (b)(i), (ii), (iii), (iv),
43 (v), (vi) and (vii) shall serve for an initial term of two (2)
44 years * * *. All terms after the initial terms shall be for a
45 period of four (4) years.

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

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

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



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

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

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

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

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

84 * * *

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

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

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



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

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

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

109 SECTION 2. This act shall take effect and be in force from
110 and after July 1, 2001.

