

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.