HOUSE BILL NO. 996

AN ACT TO AMEND SECTIONS 49-7-8 AND 49-7-153, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE FEES FOR NONRESIDENT HUNTING, FISHING AND TRAPPING LICENSE; TO AMEND SECTION 49-7-38, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE FEE FOR A CROSSBOW HUNTING LICENSE FOR ELDERLY AND DISABLED PERSONS; TO AMEND SECTION 49-7-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 49-7-8, Mississippi Code of 1972, is amended as follows:

49-7-8. (1) No nonresident sixteen (16) years of age or older may hunt, fish, kill, take or trap any game animal, bird or fish without having acquired and having in his immediate possession a valid license issued by the Mississippi Commission on Wildlife, Fisheries and Parks.

(2) The commission shall have the following duties and powers:

(a) To prescribe the forms and types of nonresident licenses that a nonresident must obtain;

(b) To determine the total number of each type of nonresident license to be issued annually;

(c) To collect fees for the agent issuing nonresident licenses. * * * The fee for a nonresident all game hunting license shall * * * be Two Hundred Twenty-four Dollars ($224.00), however, the nonresident all-game hunting license for Louisiana residents shall be Four Hundred Twenty-five Dollars ($425.00);

(d) To exercise all incidental powers necessary to develop a nonresident licensing program.

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(3) (a) The fee for a nonresident small game hunting license shall be Seventy-five Dollars ($75.00), however, the nonresident small game hunting license for Louisiana residents shall be Two Hundred Dollars ($200.00);

(b) The fee for a nonresident all game license valid for a period of five (5) days shall be One Hundred Five Dollars ($105.00), however, the five (5) day nonresident all game license for Louisiana residents shall be One Hundred Fifty Dollars ($150.00);

(c) The fee for a nonresident small game license valid for a period of five (5) days shall be Thirty Dollars ($30.00), however, the five (5) day nonresident small game license for Louisiana residents shall be One Hundred Dollars ($100.00);

(d) The fee for a nonresident archery and/or primitive weapons license shall be Thirty Dollars ($30.00), however, the nonresident archery and/or primitive weapons license for Louisiana residents shall be One Hundred Dollars ($100.00);

(e) The fee for a nonresident youth (ages 16-18) all game license for all states shall be One Hundred Ten Dollars ($110.00);

(f) The fee for a nonresident youth small game license valid for a period of five (5) days shall be Sixty Dollars ($60.00) for all states.

(4) (a) The fee for a nonresident freshwater fishing license shall be Twenty-five Dollars ($25.00), however, the fee for a nonresident freshwater fishing license for Louisiana residents shall be Sixty Dollars ($60.00);

(b) The fee for a nonresident freshwater fishing license valid for a period of three (3) days shall be Six Dollars ($6.00), however, a three (3) day nonresident freshwater fishing license for Louisiana residents shall be Thirty Dollars ($30.00);

(c) The fee for a nonresident saltwater fishing license shall be Twenty-five Dollars ($25.00), however, a nonresident
(d) The fee for a nonresident saltwater fishing license valid for a period of three (3) days shall be Six Dollars ($6.00), however, the fee for a three (3) day nonresident saltwater fishing license for Louisiana residents shall be Forty Dollars ($40.00).

(5) (a) The fee for a nonresident commercial trapping license shall be Two Hundred Five Dollars ($205.00) for all states;

(b) The fee for a nonresident commercial freshwater fishing license shall be Two Hundred Dollars ($200.00), however, a nonresident commercial freshwater fishing license for Louisiana residents shall be Four Hundred Sixty Dollars ($460.00).

(6) A nonresident who violates this section or any licensing regulation of the commission is guilty of a misdemeanor and shall be punished as provided in Section 49-7-21(3).

SECTION 2. Section 49-7-153, Mississippi Code of 1972, is amended as follows:

49-7-153. (1) Any resident may purchase a lifetime sportsman license by filing an application in the office of the department. The license shall qualify the licensee to take all fish, game and fowl, except waterfowl, including deer and turkey, in the manner provided by law. The license shall also permit the licensee to hunt with primitive weapons and bow and arrow, and to take crabs, oysters, shrimp and any other saltwater fish authorized to be taken under a recreational permit. Any resident may purchase a lifetime fishing license by filing an application in the office of the department. The lifetime fishing license shall entitle the licensee to fish in the public waters of the state, including the taking of crabs, oysters, shrimp and any saltwater fish authorized to be taken under a recreational permit.

(2) The department may issue a lifetime sportsman license for the sum of Five Hundred Dollars ($500.00) for a person over
twelve (12) years of age; for the sum of Three Hundred Dollars ($300.00) for a person between the ages of two (2) years and twelve (12) years inclusive; and for the sum of Two Hundred Dollars ($200.00) for a person under two (2) years of age. The department may issue a golden lifetime sportsman license for the sum of One Thousand Dollars ($1,000.00). The categories for lifetime fishing licenses shall be the same as the categories for lifetime sportsman licenses. The fee for each category of lifetime fishing licenses shall be one-half (1/2) of the fee for the comparable category of sportsman licenses. The difference in the fee charged for the golden lifetime license and the fee for a lifetime license shall be considered a donation to the Wildlife Endowment Fund. All lifetime licenses shall be issued from the office of the department. Each application for a lifetime license must be accompanied by a certified copy of the birth certificate of the individual to be named as the license holder, if the individual is twelve (12) years of age or under.

(3) The commission shall establish proof of residency requirements for the purchase of a lifetime license, and shall also establish such restrictions on and regulations for lifetime licenses as it deems necessary and proper. An applicant for a resident lifetime license must have been domiciled in this state for eighteen (18) consecutive months immediately preceding the date of his application for a license. The burden of proving domicile shall be on the applicant.

(4) (a) The department may issue a nonresident lifetime sportsman license for the sum of Six Thousand Dollars ($6,000.00).

(b) The department may issue a native son or daughter nonresident lifetime sportsman license. The fee shall be One Thousand Dollars ($1,000.00). The applicant must provide a certified copy of the original birth certificate showing that the applicant was born in Mississippi and/or if the parents' address
was in Mississippi at the time of birth as shown on the birth certificate.

(5) Any materially false statement contained in an application for a lifetime license renders void the license issued pursuant to that application, and subjects the applicant to criminal prosecution under Section 49-7-45.

(6) Nothing in this section exempts an applicant for a lifetime license from meeting other qualifications or requirements otherwise established by law for the privilege of hunting or fishing.

SECTION 3. Section 49-7-38, Mississippi Code of 1972, is amended as follows:

49-7-38. The commission is hereby authorized and empowered to issue a special license to hunt deer, turkey and small game with a crossbow to any person sixty-five (65) years of age or older or to any person having a disability which totally and permanently prevents the person from using a long bow or other conventional archery equipment as first certified by two (2) physicians duly licensed to practice medicine in the state. The fee for the special license shall be Five Dollars ($5.00). The commission shall set the crossbow season for small game. A special licensee under this section may take deer or turkey with a crossbow during the respective seasons on deer and turkey.

SECTION 4. Section 49-7-9, Mississippi Code of 1972, is amended as follows:

49-7-9. (1) (a) Each resident of the State of Mississippi, as defined in Section 49-7-3, fishing in the public fresh waters of the state, including lakes and reservoirs, but not including privately owned ponds and streams, shall pay an annual license fee of Eight Dollars ($8.00). Any resident purchasing a public freshwater fishing license as prescribed in this subsection shall be entitled to fish, in accordance with the regulations and
ordinances of the commission, in all public fresh waters within the territory of the State of Mississippi.

(b) A resident may purchase a resident fishing license valid for a period of three (3) days for the sum of Three Dollars ($3.00).

(c) No license shall be required of any resident citizen of the State of Mississippi who has not reached the age of sixteen (16) years or who has reached the age of sixty-five (65) years or who is blind, paraplegic, a multiple amputee or has been adjudged by the Veterans Administration as having a total service-connected disability, or has been adjudged totally disabled by the Social Security Administration. Such person shall not be required to purchase or have in his possession a hunting or fishing license while engaged in such activities.

(d) A person exempt by reason of age, total service-connected disability as adjudged by the Veterans Administration or total disability as adjudged by the Social Security Administration or who is blind, paraplegic or a multiple amputee, shall have in their possession and on their person proof of their age, residency, disability status or other respective physical impairment while engaged in the activities of hunting or fishing.

(2) Any person engaged in fishing for commercial purposes and selling or peddling nongame gross fish at retail or selling or shipping same at wholesale, as to markets, dealers or canning plants, shall pay Thirty Dollars ($30.00) for a commercial fishing license. Each piece of commercial fishing equipment must have a commercial fishing equipment tag (at a cost of Three Dollars ($3.00) each) attached. A piece of commercial fishing equipment is defined as: One (1) each hoop or barrel net; one thousand (1,000) feet or less of trotline; one thousand (1,000) feet or less of snagline; three thousand (3,000) feet or less of gill netting; or three thousand (3,000) feet or less of trammel
netting. Netting of over three thousand (3,000) feet is prohibited.

Upon payment of the Thirty Dollars ($30.00) license and tags for use of hoop or barrel nets, the purchaser of the license is hereby permitted to use lead nets thirty-five (35) yards in length for each two (2) barrel nets used, but not to exceed seven (7) lead nets.

(3) Each person taking nongame gross fish as defined in Section 49-7-1, of any kind from the fresh waters of the state shall be considered a producer and shall be entitled to sell his own catch to anyone.

(4) Each person buying or handling nongame gross fish secured from commercial fishermen or others for the purpose of resale, whether handled on a commission basis or otherwise, and each resident person shipping nongame gross fish not his own catch out of the State of Mississippi shall be considered a wholesale dealer and shall pay a commercial fishing license in the sum of Thirty Dollars ($30.00) per annum. Nonresident wholesale dealers who buy nongame gross fish from fishermen or resident wholesale dealers for the purpose of resale shall obtain a nonresident commercial fishing license. Resident wholesale dealers licenses shall be issued only to persons who have been bona fide residents of the State of Mississippi for at least six (6) months. Any nonresident who brings nongame gross fish into the state from without the state for the purpose of resale to a wholesale or retail dealer or to the consumer shall obtain a nonresident commercial fishing license.

(5) Each resident buying nongame gross fish from a licensed wholesale dealer or licensed commercial fisherman for retail sale to the consumer only on rural or urban routes shall pay the sum of Thirty Dollars ($30.00) per annum for a commercial fishing license to do so.
(6) Each person engaged in the buying and selling of nongame gross fish as a wholesale dealer's agent, whether on a commission or salary basis, or otherwise, and not selling in the open market, or any vessel buying nongame gross fish to make up a cargo, shall pay a commercial fishing license in the sum of Thirty Dollars ($30.00) per annum and shall be responsible for any illegal transaction ensuing between the time he purchases from the fisherman and the time the fish are accepted by the wholesaler by whom he is employed.

(7) Any person using a wooden or plastic slat basket shall pay a fee of Thirty Dollars ($30.00) per basket per annum in addition to a commercial license. Slat baskets are defined as commercial fishing devices used solely for the capture of catfish and made entirely of wood and/or plastic slats in a boxlike or cylindrical shape. Slat baskets shall not exceed six (6) feet in length nor exceed fifteen (15) inches in width and height or diameter, may have no more than two (2) throats, and must have at least four (4) slot openings of a minimum one and one-half (1-1/2) by twenty-four (24) inches evenly spaced around the sides of the catch area. The one and one-half (1-1/2) inch wide slots must begin at the rear of the basket and run twenty-four (24) inches toward the throat end of the basket. Slat baskets may only be fished in public waters of the State of Mississippi that are opened to commercial fishing. Slat baskets shall be placed at least one hundred (100) yards apart and may not be used with any form of leads, netting or guiding devices. Each slat basket shall have a metal slat basket tag attached to it with the tag number of the owner imprinted on it. Such slat basket tags shall be purchased from the department at a fee of Three Dollars ($3.00) per tag. Any other identification of the owner of the basket shall meet such specifications as set by the department. Slat baskets may be fished statewide except where specifically prohibited.
Any violation of the provisions of this subsection shall be a Class I violation as prescribed in Section 49-7-141.

(8) It is unlawful for any person coming under the terms of this section to offer for sale undersized nongame gross fish, as set out and classified herein.

(9) All persons fishing in privately owned lakes or ponds shall have specific permission to do so from the owner of such lake or pond.

(10) The commission is authorized to issue nonresident freshwater commercial fishing licenses to be sold by the department and not by licensing agents. The commission shall promulgate such rules and regulations as it deems appropriate for issuance of nonresident freshwater commercial fishing licenses.

(11) July 4 of each year is designated as "Free Fishing Day." Any person may sport fish without a license on "Free Fishing Day."

(12) Any person authorized to issue any license under this section may collect and retain for issuing each license the additional fee authorized under Section 49-7-17.

SECTION 5. This act shall take effect and be in force from and after July 1, 2001.