

By: Representative Bailey

To: Game and Fish

HOUSE BILL NO. 1046

1 AN ACT TO AMEND SECTIONS 49-7-5, 49-7-9 AND 49-15-313,
 2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY PERSON WHO HAS BEEN
 3 ADJUDGED BY ANY STATE OR FEDERAL AGENCY AS BEING TOTALLY DISABLED
 4 SHALL BE EXEMPT FROM THE REQUIREMENTS OF PROCURING A HUNTING OR
 5 FISHING LICENSE; TO REPEAL SECTION 49-7-2, MISSISSIPPI CODE OF
 6 1972, WHICH DEFINES THE TERM "SOCIAL SECURITY ADMINISTRATION" AS
 7 USED IN THE CHAPTER OF LAW RELATING TO HUNTING AND FISHING; AND
 8 FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 49-7-5, Mississippi Code of 1972, is
 11 amended as follows:

12 49-7-5. (1) (a) Any resident, as defined in Section
 13 49-7-3, upon application, shall receive a combination resident
 14 hunting and fishing license for the sum of Seventeen Dollars
 15 (\$17.00). Such license shall qualify the licensee to hunt under
 16 this chapter all game and fowl, including deer and turkey, and to
 17 fish in any county of the state.

18 (b) Any resident, as defined in Section 49-7-3, upon
 19 application, shall receive a resident combination small game
 20 hunting and fishing license for the sum of Thirteen Dollars
 21 (\$13.00) together with the fee provided in Section 49-7-17 to the
 22 office or agent issuing such license. Such hunting license shall
 23 qualify the licensee to hunt and fish under this chapter all game
 24 and fowl, except deer and turkey, in any county in the state.

25 (c) Any resident of the State of Mississippi, as
 26 defined in Section 49-7-3, upon application, shall receive a
 27 resident small game license, and for it shall pay the issuing
 28 officer or agent the sum of Thirteen Dollars (\$13.00), together
 29 with the fee provided in Section 49-7-17 to the officer or agent
 30 issuing such license. Such hunting license shall qualify the



31 person holding the same to hunt under the provisions of this
32 chapter, and in season, all game and fowl, except deer and turkey,
33 in any county in the state.

34 (d) Any resident, as defined in Section 49-7-3, upon
35 application, shall receive a sportsman's license for the sum of
36 Thirty-two Dollars (\$32.00). Such license shall qualify the
37 licensee to hunt under this chapter all game and fowl, including
38 deer and turkey, and to fish as provided by law, in any county in
39 the state, and to hunt using primitive weapons and bow and arrow
40 in the manner provided by law. The commission may notify the
41 licensee of the expiration of his license, and the licensee may
42 renew the license by mailing the sum of Thirty-two Dollars
43 (\$32.00) to the commission. A licensee who has not renewed the
44 license within thirty (30) days after the expiration date shall be
45 removed from the commission's records, and the licensee must apply
46 to be placed on the renewal list.

47 (2) (a) Any resident citizen of the State of Mississippi
48 who has not reached the age of sixteen (16) years or who has
49 reached the age of sixty-five (65) years, or any resident citizen
50 who is blind, paraplegic or a multiple amputee, or who has been
51 adjudged by any state or federal agency as being totally
52 disabled, * * * shall not be required to purchase or have in his
53 possession, a hunting or fishing license while engaged in such
54 activities. A person exempt by reason of such disability, * * *
55 or who is blind, paraplegic or a multiple amputee, shall have in
56 their possession and on their person proof of their age,
57 residency, disability status or other respective physical
58 impairment while engaged in the activities of hunting or fishing.

59 (b) All exempt hunting and fishing licenses previously
60 issued for disabilities shall be null and void effective July 1,
61 1993.



62 (3) No license shall be required of residents to hunt, fish
63 or trap on lands in which the record title is vested in such
64 person.

65 (4) Any person or persons exempt under this section from
66 procuring a license shall be subject to and must comply with all
67 other terms and provisions of this chapter.

68 (5) Any person authorized to issue any license under this
69 section may collect and retain for the issuance of each license
70 the additional fee authorized under Section 49-7-17.

71 **SECTION 2.** Section 49-7-9, Mississippi Code of 1972, is
72 amended as follows:

73 49-7-9. (1) (a) Each resident of the State of Mississippi,
74 as defined in Section 49-7-3, fishing in the public fresh waters
75 of the state, including lakes and reservoirs, but not including
76 privately owned ponds and streams, shall pay an annual license fee
77 of Eight Dollars (\$8.00). Any resident purchasing a public
78 freshwater fishing license as prescribed in this subsection shall
79 be entitled to fish, in accordance with the regulations and
80 ordinances of the commission, in all public fresh waters within
81 the territory of the State of Mississippi.

82 (b) A resident may purchase a resident fishing license
83 valid for a period of three (3) days for the sum of Three Dollars
84 (\$3.00).

85 (c) No license shall be required of any resident
86 citizen of the State of Mississippi who has not reached the age of
87 sixteen (16) years or who has reached the age of sixty-five (65)
88 years or who is blind, paraplegic, a multiple amputee or has been
89 adjudged by any state or federal agency as being totally
90 disabled * * *. Such person shall not be required to purchase or
91 have in his possession a hunting or fishing license while engaged
92 in such activities.

93 (d) A person exempt by reason of age, total * * *
94 disability * * * or who is blind, paraplegic or a multiple



95 amputee, shall have in their possession and on their person proof
96 of their age, residency, disability status or other respective
97 physical impairment while engaged in the activities of hunting or
98 fishing.

99 (2) Any person engaged in fishing for commercial purposes
100 and selling or peddling nongame gross fish at retail or selling or
101 shipping same at wholesale, as to markets, dealers or canning
102 plants, shall pay Thirty Dollars (\$30.00) for a commercial fishing
103 license. Each piece of commercial fishing equipment must have a
104 commercial fishing equipment tag (at a cost of Three Dollars
105 (\$3.00) each) attached. A piece of commercial fishing equipment
106 is defined as: One (1) each hoop or barrel net; one thousand
107 (1,000) feet or less of trotline; one thousand (1,000) feet or
108 less of snagline; three thousand (3,000) feet or less of gill
109 netting; or three thousand (3,000) feet or less of trammel
110 netting. Netting of over three thousand (3,000) feet is
111 prohibited.

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

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

121 (4) Each person buying or handling nongame gross fish
122 secured from commercial fishermen or others for the purpose of
123 resale, whether handled on a commission basis or otherwise, and
124 each resident person shipping nongame gross fish not his own catch
125 out of the State of Mississippi shall be considered a wholesale
126 dealer and shall pay a commercial fishing license in the sum of
127 Thirty Dollars (\$30.00) per annum. Nonresident wholesale dealers



128 who buy nongame gross fish from fishermen or resident wholesale
129 dealers for the purpose of resale shall obtain a nonresident
130 commercial fishing license. Resident wholesale dealers licenses
131 shall be issued only to persons who have been bona fide residents
132 of the State of Mississippi for at least six (6) months. Any
133 nonresident who brings nongame gross fish into the state from
134 without the state for the purpose of resale to a wholesale or
135 retail dealer or to the consumer shall obtain a nonresident
136 commercial fishing license.

137 (5) Each resident buying nongame gross fish from a licensed
138 wholesale dealer or licensed commercial fisherman for retail sale
139 to the consumer only on rural or urban routes shall pay the sum of
140 Thirty Dollars (\$30.00) per annum for a commercial fishing license
141 to do so.

142 (6) Each person engaged in the buying and selling of nongame
143 gross fish as a wholesale dealer's agent, whether on a commission
144 or salary basis, or otherwise, and not selling in the open market,
145 or any vessel buying nongame gross fish to make up a cargo, shall
146 pay a commercial fishing license in the sum of Thirty Dollars
147 (\$30.00) per annum and shall be responsible for any illegal
148 transaction ensuing between the time he purchases from the
149 fisherman and the time the fish are accepted by the wholesaler by
150 whom he is employed.

151 (7) Any person using a wooden or plastic slat basket shall
152 pay a fee of Thirty Dollars (\$30.00) per basket per annum in
153 addition to a commercial license. Slat baskets are defined as
154 commercial fishing devices used solely for the capture of catfish
155 and made entirely of wood and/or plastic slats in a boxlike or
156 cylindrical shape. Slat baskets shall not exceed six (6) feet in
157 length nor exceed fifteen (15) inches in width and height or
158 diameter, may have no more than two (2) throats, and must have at
159 least four (4) slot openings of a minimum one and one-half (1-1/2)
160 by twenty-four (24) inches evenly spaced around the sides of the



161 catch area. The one and one-half (1-1/2) inch wide slots must
162 begin at the rear of the basket and run twenty-four (24) inches
163 toward the throat end of the basket. Slat baskets may only be
164 fished in public waters of the State of Mississippi that are
165 opened to commercial fishing. Slat baskets shall be placed at
166 least one hundred (100) yards apart and may not be used with any
167 form of leads, netting or guiding devices. Each slat basket shall
168 have a metal slat basket tag attached to it with the tag number of
169 the owner imprinted on it. Such slat basket tags shall be
170 purchased from the department at a fee of Three Dollars (\$3.00)
171 per tag. Any other identification of the owner of the basket
172 shall meet such specifications as set by the department. Slat
173 baskets may be fished statewide except where specifically
174 prohibited.

175 Any violation of the provisions of this subsection shall be a
176 Class I violation as prescribed in Section 49-7-141.

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

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

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

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



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

195 **SECTION 3.** Section 49-15-313, Mississippi Code of 1972, is
196 amended as follows:

197 49-15-313. (1) Any resident between the ages of sixteen
198 (16) and sixty-five (65) years, as defined in Section 49-7-3,
199 fishing in the marine waters of the state, shall obtain a
200 saltwater sports fishing license for a fee of Four Dollars
201 (\$4.00). This license shall be valid in any waters south of
202 Interstate 10. Any resident citizen who is blind, paraplegic or a
203 multiple amputee, or who has been adjudged by any state or federal
204 agency as being totally disabled * * * shall not be required to
205 purchase or have in his possession a saltwater sports fishing
206 license while engaged in such activities. Any resident exempt
207 under this section shall have on his person while fishing proof of
208 residency and age or disability.

209 (2) The commission shall prescribe the forms, types and fees
210 for nonresident saltwater sports fishing licenses except that the
211 fee for a nonresident saltwater sports fishing license shall not
212 be less than Twenty Dollars (\$20.00). The commission shall
213 require a nonresident to purchase a nonresident freshwater fishing
214 license and a nonresident saltwater sports fishing license if the
215 nonresident's state requires both licenses for a nonresident to
216 fish in its marine waters.

217 (3) All vessels engaged in charter boat fishing, party boat
218 fishing, head boat and guide boat fishing shall be issued a
219 separate annual license by the commission at a fee of Two Hundred
220 Dollars (\$200.00). Crew members and customers of the licensed
221 vessels shall not be required to purchase an individual resident
222 or nonresident saltwater fishing license while sponsored by the
223 licensed vessels. An operator of a licensed vessel shall be
224 required to report the number of customers to the department as



225 required by the commission and the information shall be kept
226 confidential and shall not be released, except to other fisheries
227 management agencies or as statistical data.

228 (4) The saltwater sports fishing license is required for
229 hook and line fishing only.

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

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

237 (7) The fees collected from the sale of resident and
238 nonresident saltwater sports fishing licenses shall be deposited
239 into the Seafood Fund and shall be used solely for the management
240 of marine resources.

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

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

246 **SECTION 4.** Section 49-7-2, Mississippi Code of 1972, which
247 defines the term "Social Security Administration," as used in the
248 chapter of law relating to hunting and fishing, is repealed.

249 **SECTION 5.** This act shall take effect and be in force from
250 and after July 1, 2002.

