HOUSE BILL NO. 277

AN ACT TO AMEND SECTIONS 49-7-5, 49-7-9 AND 49-15-313, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE WAIVER OF FISHING LICENSE FEES FOR A PERSON DOMICILED IN THIS STATE WHO IS AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES, INCLUDING THE RESERVES AND NATIONAL GUARD; AND FOR RELATED PURPOSES.

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

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

49-7-5. (1) (a) Any resident, as defined in Section 49-7-3, upon application, shall receive a combination resident hunting and fishing license for the sum of Seventeen Dollars ($17.00). Such license shall qualify the licensee to hunt under this chapter all game and fowl, including deer and turkey, and to fish in any county of the state. The fee for a combination resident hunting and fishing license is waived for a person domiciled in this state who is an active duty member of the United States Armed Forces, including the Reserves and National Guard.

(b) Any resident, as defined in Section 49-7-3, upon application, shall receive a resident combination small game hunting and fishing license for the sum of Thirteen Dollars ($13.00) together with the fee provided in Section 49-7-17 to the office or agent issuing such license. Such hunting license shall qualify the licensee to hunt and fish under this chapter all game and fowl, except deer and turkey, in any county in the state. The fee for a resident combination small game hunting and fishing license is waived for a person domiciled in this state who is an active duty member of the United States Armed Forces, including the Reserves and National Guard.
(c) Any resident of the State of Mississippi, as defined in Section 49-7-3, upon application, shall receive a resident small game license, and for it shall pay the issuing officer or agent the sum of Thirteen Dollars ($13.00), together with the fee provided in Section 49-7-17 to the officer or agent issuing such license. Such hunting license shall qualify the person holding the same to hunt under the provisions of this chapter, and in season, all game and fowl, except deer and turkey, in any county in the state.

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

(2) (a) 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 any resident citizen who is blind, paraplegic, or a multiple amputee, or who has been adjudged by the Veterans Administration as having a total service-connected disability, or has been adjudged to be totally disabled by the Social Security Administration shall not be required to purchase or have in his possession, a hunting or fishing license while engaged in such activities. A person exempt by reason of total service-connected disability, as adjudged by the Veterans Administration or who has been adjudged to be totally...
disabled 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.

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

(c) The commission may offer a youth all-game hunting and fishing license for exempt youths who have a hunter education certificate and an all-game hunting and fishing license for other persons exempted under paragraph (a). Youths and other exempt persons shall not be required to purchase this license or have it in possession while hunting or fishing. The commission may establish a fee not to exceed Five Dollars ($5.00) for such licenses.

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

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

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

SECTION 2. 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. The fee for an annual fishing license is waived for a person domiciled in this state who is an active duty member of the United States Armed Forces, including the Reserves and National Guard.

(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 determine the fee and 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 3. Section 49-15-313, Mississippi Code of 1972, is amended as follows:

49-15-313. (1) Any resident between the ages of sixteen and sixty-five (65) years, as defined in Section 49-7-3, fishing in the marine waters of the state, shall obtain a saltwater sports fishing license for a fee of Four Dollars ($4.00). This license shall be valid in any waters south of Interstate 10. The fee for a saltwater sports fishing license is waived for a person domiciled in this state who is an active duty member of the United States Armed Forces, including the Reserves.
and National Guard. Any resident citizen who is blind, paraplegic or a multiple amputee, or who 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 shall not be required to purchase or have in his possession a saltwater sports fishing license while engaged in such activities. Any resident exempt under this section shall have on his person while fishing proof of residency and age or disability.

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

(3) All resident vessels engaged in charter boat fishing, party boat fishing, head boat and guide boat fishing shall be issued a separate annual license by the commission at a fee of Two Hundred Dollars ($200.00). All nonresident vessels engaged in charter boat fishing, party boat fishing, headboat and guide boat fishing shall be issued a separate annual license by the commission. The commission shall set the fees for nonresident vessel licenses as provided in Section 49-15-30. Crew members and customers of the licensed vessels shall not be required to purchase an individual resident or nonresident saltwater fishing license while sponsored by the licensed vessels. An operator of a licensed vessel shall be required to report the number of customers to the department as required by the commission and the information shall be kept confidential and shall not be released, except to other fisheries management agencies or as statistical data. All nonresident vessels engaged in saltwater sport fishing
tournaments, not to exceed an aggregate of twenty (20) days per calendar year, shall not be required to purchase an annual license as provided under this subsection.

(4) The saltwater sports fishing license is required for all recreational methods of finfish harvest.

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

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

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

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

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

SECTION 4. This act shall take effect and be in force from and after July 1, 2003.