

By: Representative Dedeaux

To: Game and Fish

HOUSE BILL NO. 414

1 AN ACT TO AMEND SECTIONS 49-7-5, 49-7-9 AND 49-15-313,
2 MISSISSIPPI CODE OF 1972, TO EXEMPT DISABLED VETERANS FROM THE
3 REQUIREMENT OF PURCHASING OR HAVING IN HIS OR HER POSSESSION A
4 HUNTING AND FISHING LICENSE WHILE ENGAGED IN SUCH ACTIVITIES; AND
5 FOR RELATED PURPOSES.

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

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

9 49-7-5. (1) (a) Any resident, as defined in Section
10 49-7-3, upon application, shall receive a combination resident
11 hunting and fishing license for the sum of Seventeen Dollars
12 (\$17.00). Such license shall qualify the licensee to hunt under
13 this chapter all game and fowl, including deer and turkey, and to
14 fish in any county of the state.

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

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



29 chapter, and in season, all game and fowl, except deer and turkey,
30 in any county in the state.

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

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



60 (b) All exempt hunting and fishing licenses previously
61 issued for disabilities shall be null and void effective July 1,
62 1993.

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

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

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

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

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

82 49-7-9. (1) (a) Each resident of the State of Mississippi,
83 as defined in Section 49-7-3, fishing in the public fresh waters
84 of the state, including lakes and reservoirs, but not including
85 privately owned ponds and streams, shall pay an annual license fee
86 of Eight Dollars (\$8.00). Any resident purchasing a public
87 freshwater fishing license as prescribed in this subsection shall
88 be entitled to fish, in accordance with the regulations and
89 ordinances of the commission, in all public fresh waters within
90 the territory of the State of Mississippi.



91 (b) A resident may purchase a resident fishing license
92 valid for a period of three (3) days for the sum of Three Dollars
93 (\$3.00).

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

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

111 (2) Any person engaged in fishing for commercial purposes
112 and selling or peddling nongame gross fish at retail or selling or
113 shipping same at wholesale, as to markets, dealers or canning
114 plants, shall pay Thirty Dollars (\$30.00) for a commercial fishing
115 license. Each piece of commercial fishing equipment must have a
116 commercial fishing equipment tag (at a cost of Three Dollars
117 (\$3.00) each) attached. A piece of commercial fishing equipment
118 is defined as: One (1) each hoop or barrel net; one thousand
119 (1,000) feet or less of trotline; one thousand (1,000) feet or
120 less of snagline; three thousand (3,000) feet or less of gill
121 netting; or three thousand (3,000) feet or less of trammel
122 netting. Netting of over three thousand (3,000) feet is
123 prohibited.



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

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

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

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

154 (6) Each person engaged in the buying and selling of nongame
155 gross fish as a wholesale dealer's agent, whether on a commission
156 or salary basis, or otherwise, and not selling in the open market,



157 or any vessel buying nongame gross fish to make up a cargo, shall
158 pay a commercial fishing license in the sum of Thirty Dollars
159 (\$30.00) per annum and shall be responsible for any illegal
160 transaction ensuing between the time he purchases from the
161 fisherman and the time the fish are accepted by the wholesaler by
162 whom he is employed.

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

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



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

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

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

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

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

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

209 49-15-313. (1) Any resident between the ages of sixteen
210 (16) and sixty-five (65) years, as defined in Section 49-7-3,
211 fishing in the marine waters of the state, shall obtain a
212 saltwater sports fishing license for a fee of Four Dollars
213 (\$4.00). This license shall be valid in any waters south of
214 Interstate 10. Any resident citizen who is blind, paraplegic or a
215 multiple amputee, or who has been adjudged by the Veterans
216 Administration as having a * * * service-connected disability, or
217 has been adjudged totally disabled by the Social Security
218 Administration shall not be required to purchase or have in his
219 possession a saltwater sports fishing license while engaged in
220 such activities. Any resident exempt under this section shall



221 have on his person while fishing proof of residency and age or
222 disability.

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

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

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

252 (5) Any resident who purchases a lifetime sportsman's
253 license, in accordance with Section 49-7-153, shall be entitled to



254 fish in the marine salt waters of the state and shall be exempt
255 from the purchase of a sport saltwater fishing license.

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

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

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

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

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

