

By: Representative Bailey

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 32

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 disabled,
52 shall not be required to purchase or have in his possession, a
53 hunting or fishing license while engaged in such activities. A
54 person exempt by reason of such disability, * * * or who is blind,
55 paraplegic or a multiple amputee, shall have in their possession
56 and on their person proof of their age, residency, disability
57 status or other respective physical impairment while engaged in
58 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 (c) The commission may offer a youth all-game hunting
63 and fishing license for exempt youths who have a hunter education

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

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

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

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

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

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

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

93 (c) No license shall be required of any resident
94 citizen of the State of Mississippi who has not reached the age of
95 sixteen (16) years or who has reached the age of sixty-five (65)
96 years or who is blind, paraplegic, a multiple amputee or has been

97 adjudged by any state or federal agency as being totally
98 disabled * * *. Such person shall not be required to purchase or
99 have in his possession a hunting or fishing license while engaged
100 in such activities.

101 (d) A person exempt by reason of age, total * * *
102 disability * * * or who is blind, paraplegic or a multiple
103 amputee, shall have in their possession and on their person proof
104 of their age, residency, disability status or other respective
105 physical impairment while engaged in the activities of hunting or
106 fishing.

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

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

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

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

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

150 (6) Each person engaged in the buying and selling of nongame
151 gross fish as a wholesale dealer's agent, whether on a commission
152 or salary basis, or otherwise, and not selling in the open market,
153 or any vessel buying nongame gross fish to make up a cargo, shall
154 pay a commercial fishing license in the sum of Thirty Dollars
155 (\$30.00) per annum and shall be responsible for any illegal
156 transaction ensuing between the time he purchases from the
157 fisherman and the time the fish are accepted by the wholesaler by
158 whom he is employed.

159 (7) Any person using a wooden or plastic slat basket shall
160 pay a fee of Thirty Dollars (\$30.00) per basket per annum in
161 addition to a commercial license. Slat baskets are defined as

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

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

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

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

191 (10) The commission is authorized to issue nonresident
192 freshwater commercial fishing licenses to be sold by the
193 department and not by licensing agents. The commission shall
194 determine the fee and shall promulgate such rules and regulations

195 as it deems appropriate for issuance of nonresident freshwater
196 commercial fishing licenses.

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

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

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

205 49-15-313. (1) Any resident between the ages of sixteen
206 (16) and sixty-five (65) years, as defined in Section 49-7-3,
207 fishing in the marine waters of the state, shall obtain a
208 saltwater sports fishing license for a fee of Four Dollars
209 (\$4.00). This license shall be valid in any waters south of
210 Interstate 10. Any resident citizen who is blind, paraplegic or a
211 multiple amputee, or who has been adjudged by any state or federal
212 agency as being totally disabled * * * shall not be required to
213 purchase or have in his possession a saltwater sports fishing
214 license while engaged in such activities. Any resident exempt
215 under this section shall have on his person while fishing proof of
216 residency and age or disability.

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

225 (3) All resident vessels engaged in charter boat fishing,
226 party boat fishing, head boat and guide boat fishing shall be
227 issued a separate annual license by the commission at a fee of Two

228 Hundred Dollars (\$200.00). All nonresident vessels engaged in
229 charter boat fishing, party boat fishing, head boat and guide boat
230 fishing shall be issued a separate annual license by the
231 commission. In addition to other requirements for charter license
232 eligibility, captains must show proof of participation in a
233 Department of Transportation approved random drug testing program
234 and proof of liability insurance as a charter boat captain. Crew
235 members and customers of the licensed vessels shall not be
236 required to purchase an individual resident or nonresident
237 saltwater fishing license while sponsored by the licensed vessels.
238 An operator of a licensed vessel shall be required to report the
239 number of customers to the department as required by the
240 commission and the information shall be kept confidential and
241 shall not be released, except to other fisheries management
242 agencies or as statistical data. All nonresident vessels engaged
243 in saltwater sport fishing tournaments, not to exceed an aggregate
244 of twenty (20) days per calendar year, shall not be required to
245 purchase an annual license as provided under this subsection.

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

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

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

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

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

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

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

267 **SECTION 5.** This act shall take effect and be in force from
268 and after July 1, 2004.