

By: Representative Dedeaux

To: Wildlife, Fisheries and  
Parks

HOUSE BILL NO. 33

1 AN ACT TO AMEND SECTIONS 49-7-5, 49-7-9 AND 49-15-313,  
2 MISSISSIPPI CODE OF 1972, TO EXEMPT ALL SERVICE-CONNECTED DISABLED  
3 VETERANS FROM THE REQUIREMENT OF PURCHASING OR HAVING IN HIS OR  
4 HER POSSESSION A HUNTING AND FISHING LICENSE WHILE ENGAGED IN SUCH  
5 ACTIVITIES; AND 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, head boat and guide boat  
236 fishing shall be issued a separate annual license by the  
237 commission. In addition to other requirements for charter license  
238 eligibility, captains must show proof of participation in a  
239 Department of Transportation approved random drug testing program  
240 and proof of liability insurance as a charter boat captain. Crew  
241 members and customers of the licensed vessels shall not be  
242 required to purchase an individual resident or nonresident  
243 saltwater fishing license while sponsored by the licensed vessels.  
244 An operator of a licensed vessel shall be required to report the  
245 number of customers to the department as required by the  
246 commission and the information shall be kept confidential and  
247 shall not be released, except to other fisheries management  
248 agencies or as statistical data. All nonresident vessels engaged  
249 in saltwater sport fishing tournaments, not to exceed an aggregate  
250 of twenty (20) days per calendar year, shall not be required to  
251 purchase an annual license as provided under this subsection.

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



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

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

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

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

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

270           **SECTION 4.** This act shall take effect and be in force from  
271 and after July 1, 2004.