

By: Representative Dedeaux

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 478

1 AN ACT TO AMEND SECTIONS 49-7-5, 49-7-9 AND 49-15-313,
2 MISSISSIPPI CODE OF 1972, TO EXEMPT VETERANS WITH A
3 SERVICE-CONNECTED DISABILITY FROM THE REQUIREMENT OF PURCHASING OR
4 HAVING IN HIS OR HER POSSESSION A HUNTING AND FISHING LICENSE
5 WHILE ENGAGED IN SUCH 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 (e) In addition to a hunting license allowing the
45 taking of turkey, a resident who hunts turkey during a fall turkey
46 season must purchase a fall turkey hunting permit for a fee of
47 Five Dollars (\$5.00) plus the fee provided in Section 49-7-17. A
48 resident sportsman's licensee or resident lifetime sportsman
49 licensee may hunt during the fall turkey season without purchasing
50 a permit.

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

62 disabled by the Social Security Administration or who is blind,
63 paraplegic or a multiple amputee, shall have in their possession
64 and on their person proof of their age, residency, disability
65 status or other respective physical impairment while engaged in
66 the activities of hunting or fishing.

67 (b) All exempt hunting and fishing licenses previously
68 issued for disabilities shall be null and void effective July 1,
69 1993.

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

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

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

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

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

89 49-7-9. (1) (a) Each resident of the State of Mississippi,
90 as defined in Section 49-7-3, fishing in the public fresh waters
91 of the state, including lakes and reservoirs, but not including
92 privately owned ponds and streams, shall pay an annual license fee
93 of Eight Dollars (\$8.00). Any resident purchasing a public
94 freshwater fishing license as prescribed in this subsection shall

95 be entitled to fish, in accordance with the regulations and
96 ordinances of the commission, in all public fresh waters within
97 the territory of the State of Mississippi.

98 (b) A resident may purchase a resident fishing license
99 valid for a period of three (3) days for the sum of Three Dollars
100 (\$3.00).

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

110 (d) A person exempt by reason of age, * * *
111 service-connected disability as adjudged by the Veterans
112 Administration or total disability as adjudged by the Social
113 Security Administration or who is blind, paraplegic or a multiple
114 amputee, shall have in their possession and on their person proof
115 of their age, residency, disability status or other respective
116 physical impairment while engaged in the activities of hunting or
117 fishing.

118 (2) Any person engaged in fishing for commercial purposes
119 and selling or peddling nongame gross fish at retail or selling or
120 shipping same at wholesale, as to markets, dealers or canning
121 plants, shall pay Thirty Dollars (\$30.00) for a commercial fishing
122 license. Each piece of commercial fishing equipment must have a
123 commercial fishing equipment tag (at a cost of Three Dollars
124 (\$3.00) each) attached. A piece of commercial fishing equipment
125 is defined as: One (1) each hoop or barrel net; one thousand
126 (1,000) feet or less of trotline; one thousand (1,000) feet or
127 less of snagline; three thousand (3,000) feet or less of gill

128 netting; or three thousand (3,000) feet or less of trammel
129 netting. Netting of over three thousand (3,000) feet is
130 prohibited.

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

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

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

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

161 (6) Each person engaged in the buying and selling of nongame
162 gross fish as a wholesale dealer's agent, whether on a commission
163 or salary basis, or otherwise, and not selling in the open market,
164 or any vessel buying nongame gross fish to make up a cargo, shall
165 pay a commercial fishing license in the sum of Thirty Dollars
166 (\$30.00) per annum and shall be responsible for any illegal
167 transaction ensuing between the time he purchases from the
168 fisherman and the time the fish are accepted by the wholesaler by
169 whom he is employed.

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

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

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

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

202 (10) The commission is authorized to issue nonresident
203 freshwater commercial fishing licenses to be sold by the
204 department and not by licensing agents. The commission shall
205 determine the fee and shall promulgate such rules and regulations
206 as it deems appropriate for issuance of nonresident freshwater
207 commercial fishing licenses.

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

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

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

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

227 such activities. Any resident exempt under this section shall
228 have on his person while fishing proof of residency and age or
229 disability.

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

238 (3) All resident vessels engaged in charter boat fishing,
239 party boat fishing, head boat and guide boat fishing shall be
240 issued a separate annual license by the commission at a fee of Two
241 Hundred Dollars (\$200.00). All nonresident vessels engaged in
242 charter boat fishing, party boat fishing, head boat and guide boat
243 fishing shall be issued a separate annual license by the
244 commission. In addition to other requirements for charter license
245 eligibility, captains must show proof of participation in a
246 Department of Transportation approved random drug testing program
247 and proof of liability insurance as a charter boat captain. Crew
248 members and customers of the licensed vessels shall not be
249 required to purchase an individual resident or nonresident
250 saltwater fishing license while sponsored by the licensed vessels.
251 An operator of a licensed vessel shall be required to report the
252 number of customers to the department as required by the
253 commission and the information shall be kept confidential and
254 shall not be released, except to other fisheries management
255 agencies or as statistical data. All nonresident vessels engaged
256 in saltwater sport fishing tournaments, not to exceed an aggregate
257 of twenty (20) days per calendar year, shall not be required to
258 purchase an annual license as provided under this subsection.

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

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

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

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

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

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

277 (10) The department may exempt participants in an organized
278 fishing event conducted by a qualified nonprofit charitable,
279 governmental or civic organization from the requirements of this
280 section for one (1) day per year if the organization files an
281 exemption application with the department and the application is
282 approved by the department.

283 **SECTION 4.** This act shall take effect and be in force from
284 and after July 1, 2005.