

By: Senator(s) Cuevas

To: Wildlife, Fisheries and
Parks

SENATE BILL NO. 2771

1 AN ACT TO AMEND SECTIONS 49-7-5, 49-7-9 AND 49-15-313,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MISSISSIPPI RESIDENTS ON
3 ACTIVE MILITARY DUTY OUTSIDE THE STATE DO NOT HAVE TO PURCHASE OR
4 HAVE IN POSSESSION A HUNTING OR FISHING LICENSE WHILE HUNTING OR
5 FISHING ON LEAVE; 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 total
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 total 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. Any resident who is a
67 member of the Armed Forces, including the Reserves and National
68 Guard, and on active duty outside the State of Mississippi is not
69 required to purchase or have in his possession a hunting or
70 fishing license while engaged in such activities on leave from
71 active duty.

72 (b) All exempt hunting and fishing licenses previously
73 issued for disabilities shall be null and void effective July 1,
74 1993.

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

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

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

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

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

94 49-7-9. (1) (a) Each resident of the State of Mississippi,
95 as defined in Section 49-7-3, fishing in the public fresh waters
96 of the state, including lakes and reservoirs, but not including
97 privately owned ponds and streams, shall pay an annual license fee
98 of Eight Dollars (\$8.00). Any resident purchasing a public
99 freshwater fishing license as prescribed in this subsection shall
100 be entitled to fish, in accordance with the regulations and
101 ordinances of the commission, in all public fresh waters within
102 the territory of the State of Mississippi.

103 (b) A resident may purchase a resident fishing license
104 valid for a period of three (3) days for the sum of Three Dollars
105 (\$3.00).

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

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

123 (e) Any resident who is a member of the Armed Forces,
124 including the Reserves and National Guard, and on active duty
125 outside the State of Mississippi is not required to purchase or

126 have in his possession a hunting or fishing license while engaged
127 in such activities on leave from active duty.

128 (2) Any person engaged in fishing for commercial purposes
129 and selling or peddling nongame gross fish at retail or selling or
130 shipping same at wholesale, as to markets, dealers or canning
131 plants, shall pay Thirty Dollars (\$30.00) for a commercial fishing
132 license. Each piece of commercial fishing equipment must have a
133 commercial fishing equipment tag (at a cost of Three Dollars
134 (\$3.00) each) attached. A piece of commercial fishing equipment
135 is defined as: One (1) each hoop or barrel net; one thousand
136 (1,000) feet or less of trotline; one thousand (1,000) feet or
137 less of snagline; three thousand (3,000) feet or less of gill
138 netting; or three thousand (3,000) feet or less of trammel
139 netting. Netting of over three thousand (3,000) feet is
140 prohibited.

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

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

150 (4) Each person buying or handling nongame gross fish
151 secured from commercial fishermen or others for the purpose of
152 resale, whether handled on a commission basis or otherwise, and
153 each resident person shipping nongame gross fish not his own catch
154 out of the State of Mississippi shall be considered a wholesale
155 dealer and shall pay a commercial fishing license in the sum of
156 Thirty Dollars (\$30.00) per annum. Nonresident wholesale dealers
157 who buy nongame gross fish from fishermen or resident wholesale
158 dealers for the purpose of resale shall obtain a nonresident

159 commercial fishing license. Resident wholesale dealers licenses
160 shall be issued only to persons who have been bona fide residents
161 of the State of Mississippi for at least six (6) months. Any
162 nonresident who brings nongame gross fish into the state from
163 without the state for the purpose of resale to a wholesale or
164 retail dealer or to the consumer shall obtain a nonresident
165 commercial fishing license.

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

171 (6) Each person engaged in the buying and selling of nongame
172 gross fish as a wholesale dealer's agent, whether on a commission
173 or salary basis, or otherwise, and not selling in the open market,
174 or any vessel buying nongame gross fish to make up a cargo, shall
175 pay a commercial fishing license in the sum of Thirty Dollars
176 (\$30.00) per annum and shall be responsible for any illegal
177 transaction ensuing between the time he purchases from the
178 fisherman and the time the fish are accepted by the wholesaler by
179 whom he is employed.

180 (7) Any person using a wooden or plastic slat basket shall
181 pay a fee of Thirty Dollars (\$30.00) per basket per annum in
182 addition to a commercial license. Slat baskets are defined as
183 commercial fishing devices used solely for the capture of catfish
184 and made entirely of wood and/or plastic slats in a boxlike or
185 cylindrical shape. Slat baskets shall not exceed six (6) feet in
186 length nor exceed fifteen (15) inches in width and height or
187 diameter, may have no more than two (2) throats, and must have at
188 least four (4) slot openings of a minimum one and one-half (1-1/2)
189 by twenty-four (24) inches evenly spaced around the sides of the
190 catch area. The one and one-half (1-1/2) inch wide slots must
191 begin at the rear of the basket and run twenty-four (24) inches

192 toward the throat end of the basket. Slat baskets may only be
193 fished in public waters of the State of Mississippi that are
194 opened to commercial fishing. Slat baskets shall be placed at
195 least one hundred (100) yards apart and may not be used with any
196 form of leads, netting or guiding devices. Each slat basket shall
197 have a metal slat basket tag attached to it with the tag number of
198 the owner imprinted on it. Such slat basket tags shall be
199 purchased from the department at a fee of Three Dollars (\$3.00)
200 per tag. Any other identification of the owner of the basket
201 shall meet such specifications as set by the department. Slat
202 baskets may be fished statewide except where specifically
203 prohibited.

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

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

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

212 (10) The commission is authorized to issue nonresident
213 freshwater commercial fishing licenses to be sold by the
214 department and not by licensing agents. The commission shall
215 determine the fee and shall promulgate such rules and regulations
216 as it deems appropriate for issuance of nonresident freshwater
217 commercial fishing licenses.

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

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

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

226 49-15-313. (1) Any resident between the ages of sixteen
227 (16) and sixty-five (65) years, as defined in Section 49-7-3,
228 fishing in the marine waters of the state, shall obtain a
229 saltwater sports fishing license for a fee of Four Dollars
230 (\$4.00). This license shall be valid in any waters south of
231 Interstate 10. Any resident citizen who is blind, paraplegic or a
232 multiple amputee, or who has been adjudged by the Veterans
233 Administration as having a total service-connected disability, or
234 has been adjudged totally disabled by the Social Security
235 Administration shall not be required to purchase or have in his
236 possession a saltwater sports fishing license while engaged in
237 such activities. Any resident exempt under this section shall
238 have on his person while fishing proof of residency and age or
239 disability. Any resident who is a member of the Armed Forces,
240 including the Reserves and National Guard, and on active duty
241 outside the State of Mississippi is not required to purchase or
242 have in his possession a hunting or fishing license while engaged
243 in such activities on leave from active duty.

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

252 (3) All resident vessels engaged in charter boat fishing,
253 party boat fishing, head boat and guide boat fishing shall be
254 issued a separate annual license by the commission at a fee of Two
255 Hundred Dollars (\$200.00). All nonresident vessels engaged in
256 charter boat fishing, party boat fishing, head boat and guide boat

257 fishing shall be issued a separate annual license by the
258 commission. In addition to other requirements for charter license
259 eligibility, captains must show proof of participation in a
260 Department of Transportation approved random drug testing program
261 and proof of liability insurance as a charter boat captain. Crew
262 members and customers of the licensed vessels shall not be
263 required to purchase an individual resident or nonresident
264 saltwater fishing license while sponsored by the licensed vessels.
265 An operator of a licensed vessel shall be required to report the
266 number of customers to the department as required by the
267 commission and the information shall be kept confidential and
268 shall not be released, except to other fisheries management
269 agencies or as statistical data. All nonresident vessels engaged
270 in saltwater sport fishing tournaments, not to exceed an aggregate
271 of twenty (20) days per calendar year, shall not be required to
272 purchase an annual license as provided under this subsection.

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

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

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

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

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

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

291 (10) The department may exempt participants in an organized
292 fishing event conducted by a qualified nonprofit charitable,
293 governmental or civic organization from the requirements of this
294 section for one (1) day per year if the organization files an
295 exemption application with the department and the application is
296 approved by the department.

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