

By: The Entire Membership

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 1076
(As Sent to Governor)

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 (f) The commission may offer a resident apprentice
52 hunting license for a resident who does not have the required
53 certificate of hunter education and may set the fee for the
54 apprentice hunting license. An apprentice license may be
55 purchased only one (1) time by a resident and the apprentice
56 hunting licensee must be accompanied by a licensed or exempt
57 resident hunter at least twenty-one (21) years of age when
58 hunting.

59 (2) (a) Any resident citizen of the State of Mississippi
60 who has not reached the age of sixteen (16) years or who has
61 reached the age of sixty-five (65) years, or any resident citizen

62 who is blind, paraplegic, or a multiple amputee, or who has been
63 adjudged by the Veterans Administration as having a total
64 service-connected disability, or has been adjudged to be totally
65 disabled by the Social Security Administration shall not be
66 required to purchase or have in his possession, a hunting or
67 fishing license while engaged in such activities. A person exempt
68 by reason of total service-connected disability, as adjudged by
69 the Veterans Administration or who has been adjudged to be totally
70 disabled by the Social Security Administration or who is blind,
71 paraplegic or a multiple amputee, shall have in their possession
72 and on their person proof of their age, residency, disability
73 status or other respective physical impairment while engaged in
74 the activities of hunting or fishing.

75 (b) Any resident who is a member of the Armed Forces,
76 including the Reserves and National Guard, and on active duty
77 outside the State of Mississippi is not required to purchase or
78 have in his possession a hunting or fishing license while engaged
79 in such activities on leave from active duty. Such resident shall
80 have in his possession and on his person such proof as may be
81 required by the commission.

82 (c) All exempt hunting and fishing licenses previously
83 issued for disabilities shall be null and void effective July 1,
84 1993.

85 (d) The commission may offer a youth all-game hunting
86 and fishing license for exempt youths who have a hunter education
87 certificate and an all-game hunting and fishing license for other
88 persons exempted under paragraph (a). Youths and other exempt
89 persons shall not be required to purchase this license or have it
90 in possession while hunting or fishing. The commission may
91 establish a fee not to exceed Five Dollars (\$5.00) for such
92 licenses.

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

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

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

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

104 49-7-9. (1) (a) Each resident of the State of Mississippi,
105 as defined in Section 49-7-3, fishing in the public fresh waters
106 of the state, including lakes and reservoirs, but not including
107 privately owned ponds and streams, shall pay an annual license fee
108 of Eight Dollars (\$8.00). Any resident purchasing a public
109 freshwater fishing license as prescribed in this subsection shall
110 be entitled to fish, in accordance with the regulations and
111 ordinances of the commission, in all public fresh waters within
112 the territory of the State of Mississippi.

113 (b) A resident may purchase a resident fishing license
114 valid for a period of three (3) days for the sum of Three Dollars
115 (\$3.00).

116 (c) No license shall be required of any resident
117 citizen of the State of Mississippi who has not reached the age of
118 sixteen (16) years or who has reached the age of sixty-five (65)
119 years or who is blind, paraplegic, a multiple amputee or has been
120 adjudged by the Veterans Administration as having a total
121 service-connected disability, or has been adjudged totally
122 disabled by the Social Security Administration. Such person shall
123 not be required to purchase or have in his possession a hunting or
124 fishing license while engaged in such activities.

125 (d) A person exempt by reason of age, total
126 service-connected disability as adjudged by the Veterans
127 Administration or total disability as adjudged by the Social
128 Security Administration or who is blind, paraplegic or a multiple
129 amputee, shall have in their possession and on their person proof
130 of their age, residency, disability status or other respective
131 physical impairment while engaged in the activities of hunting or
132 fishing.

133 (e) Any resident who is a member of the Armed Forces,
134 including the Reserves and National Guard, and on active duty
135 outside the State of Mississippi is not required to purchase or
136 have in his possession a hunting or fishing license while engaged
137 in such activities on leave from active duty. Such resident shall
138 have in his possession and on his person such proof as may be
139 required by the commission.

140 (2) Any person engaged in fishing for commercial purposes
141 and selling or peddling nongame gross fish at retail or selling or
142 shipping same at wholesale, as to markets, dealers or canning
143 plants, shall pay Thirty Dollars (\$30.00) for a commercial fishing
144 license. Each piece of commercial fishing equipment must have a
145 commercial fishing equipment tag (at a cost of Three Dollars
146 (\$3.00) each) attached. A piece of commercial fishing equipment
147 is defined as: One (1) each hoop or barrel net; one thousand
148 (1,000) feet or less of trotline; one thousand (1,000) feet or
149 less of snagline; three thousand (3,000) feet or less of gill
150 netting; or three thousand (3,000) feet or less of trammel
151 netting. Netting of over three thousand (3,000) feet is
152 prohibited.

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

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

162 (4) Each person buying or handling nongame gross fish
163 secured from commercial fishermen or others for the purpose of
164 resale, whether handled on a commission basis or otherwise, and
165 each resident person shipping nongame gross fish not his own catch
166 out of the State of Mississippi shall be considered a wholesale
167 dealer and shall pay a commercial fishing license in the sum of
168 Thirty Dollars (\$30.00) per annum. Nonresident wholesale dealers
169 who buy nongame gross fish from fishermen or resident wholesale
170 dealers for the purpose of resale shall obtain a nonresident
171 commercial fishing license. Resident wholesale dealers' licenses
172 shall be issued only to persons who have been bona fide residents
173 of the State of Mississippi for at least six (6) months. Any
174 nonresident who brings nongame gross fish into the state from
175 without the state for the purpose of resale to a wholesale or
176 retail dealer or to the consumer shall obtain a nonresident
177 commercial fishing license.

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

183 (6) Each person engaged in the buying and selling of nongame
184 gross fish as a wholesale dealer's agent, whether on a commission
185 or salary basis, or otherwise, and not selling in the open market,
186 or any vessel buying nongame gross fish to make up a cargo, shall
187 pay a commercial fishing license in the sum of Thirty Dollars
188 (\$30.00) per annum and shall be responsible for any illegal
189 transaction ensuing between the time he purchases from the

190 fisherman and the time the fish are accepted by the wholesaler by
191 whom he is employed.

192 (7) Any person using a wooden or plastic slat basket shall
193 pay a fee of Thirty Dollars (\$30.00) per basket per annum in
194 addition to a commercial license. Slat baskets are defined as
195 commercial fishing devices used solely for the capture of catfish
196 and made entirely of wood and/or plastic slats in a boxlike or
197 cylindrical shape. Slat baskets shall not exceed six (6) feet in
198 length nor exceed fifteen (15) inches in width and height or
199 diameter, may have no more than two (2) throats, and must have at
200 least four (4) slot openings of a minimum one and one-half (1-1/2)
201 by twenty-four (24) inches evenly spaced around the sides of the
202 catch area. The one and one-half (1-1/2) inch wide slots must
203 begin at the rear of the basket and run twenty-four (24) inches
204 toward the throat end of the basket. Slat baskets may only be
205 fished in public waters of the State of Mississippi that are
206 opened to commercial fishing. Slat baskets shall be placed at
207 least one hundred (100) yards apart and may not be used with any
208 form of leads, netting or guiding devices. Each slat basket shall
209 have a metal slat basket tag attached to it with the tag number of
210 the owner imprinted on it. Such slat basket tags shall be
211 purchased from the department at a fee of Three Dollars (\$3.00)
212 per tag. Any other identification of the owner of the basket
213 shall meet such specifications as set by the department. Slat
214 baskets may be fished statewide except where specifically
215 prohibited.

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

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

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

224 (10) The commission is authorized to issue nonresident
225 freshwater commercial fishing licenses to be sold by the
226 department and not by licensing agents. The commission shall
227 determine the fee and shall promulgate such rules and regulations
228 as it deems appropriate for issuance of nonresident freshwater
229 commercial fishing licenses.

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

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

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

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

254 have in his possession a hunting or fishing license while engaged
255 in such activities on leave from active duty. Such resident shall
256 have in his possession and on his person such proof as may be
257 required by the commission.

258 (2) The commission shall prescribe the forms, types and fees
259 for nonresident saltwater sports fishing licenses except that the
260 fee for a nonresident saltwater sports fishing license shall not
261 be less than Twenty Dollars (\$20.00). The commission shall
262 require a nonresident to purchase a nonresident freshwater fishing
263 license and a nonresident saltwater sports fishing license if the
264 nonresident's state requires both licenses for a nonresident to
265 fish in its marine waters.

266 (3) All resident vessels engaged in charter boat fishing,
267 party boat fishing, head boat and guide boat fishing shall be
268 issued a separate annual license by the commission at a fee of Two
269 Hundred Dollars (\$200.00). All nonresident vessels engaged in
270 charter boat fishing, party boat fishing, head boat and guide boat
271 fishing shall be issued a separate annual license by the
272 commission. In addition to other requirements for charter license
273 eligibility, captains must show proof of participation in a
274 Department of Transportation approved random drug testing program
275 and proof of liability insurance as a charter boat captain. Crew
276 members and customers of the licensed vessels shall not be
277 required to purchase an individual resident or nonresident
278 saltwater fishing license while sponsored by the licensed vessels.
279 An operator of a licensed vessel shall be required to report the
280 number of customers to the department as required by the
281 commission and the information shall be kept confidential and
282 shall not be released, except to other fisheries management
283 agencies or as statistical data. All nonresident vessels engaged
284 in saltwater sport fishing tournaments, not to exceed an aggregate
285 of twenty (20) days per calendar year, shall not be required to
286 purchase an annual license as provided under this subsection.

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

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

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

296 (7) The fees collected from the sale of resident and
297 nonresident saltwater sports fishing licenses shall be deposited
298 into the Seafood Fund and shall be used solely for the management
299 of marine resources.

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

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

305 (10) The department may exempt participants in an organized
306 fishing event conducted by a qualified nonprofit charitable,
307 governmental or civic organization from the requirements of this
308 section for one (1) day per year if the organization files an
309 exemption application with the department and the application is
310 approved by the department.

311 **SECTION 4.** This act shall take effect and be in force from
312 and after July 1, 2007.