

## Senate Amendments to House Bill No. 827

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

8           **SECTION 1.** Section 49-7-9, Mississippi Code of 1972, is  
9 amended as follows:

10           49-7-9. (1) (a) Each resident of the State of Mississippi,  
11 as defined in Section 49-7-3, fishing in the public fresh waters  
12 of the state, including lakes and reservoirs, but not including  
13 privately owned ponds and streams, shall pay an annual license fee  
14 of Eight Dollars (\$8.00). Any resident purchasing a public  
15 freshwater fishing license as prescribed in this subsection shall  
16 be entitled to fish, in accordance with the regulations and  
17 ordinances of the commission, in all public fresh waters within  
18 the territory of the State of Mississippi.

19           (b) A resident may purchase a resident fishing license  
20 valid for a period of three (3) days for the sum of Three Dollars  
21 (\$3.00).

22           (c) No license shall be required of any resident  
23 citizen of the State of Mississippi who has not reached the age of  
24 sixteen (16) years or who has reached the age of sixty-five (65)  
25 years or who is blind, paraplegic, a multiple amputee or has been  
26 adjudged by the Veterans Administration as having a total  
27 service-connected disability, or has been adjudged totally  
28 disabled by the Social Security Administration. Such person shall  
29 not be required to purchase or have in his possession a hunting or  
30 fishing license while engaged in such activities.

31           (d) A person exempt by reason of age, total  
32 service-connected disability as adjudged by the Veterans  
33 Administration or total disability as adjudged by the Social

34 Security Administration or who is blind, paraplegic or a multiple  
35 amputee, shall have in their possession and on their person proof  
36 of their age, residency, disability status or other respective  
37 physical impairment while engaged in the activities of hunting or  
38 fishing.

39 (2) Any resident engaged in fishing for commercial purposes  
40 and selling or peddling nongame gross fish at retail or selling or  
41 shipping same at wholesale, as to markets, dealers or canning  
42 plants, shall pay Thirty Dollars (\$30.00) for a commercial fishing  
43 license. Each piece of commercial fishing equipment must have a  
44 commercial fishing equipment tag (at a cost of Three Dollars  
45 (\$3.00) each) attached. A piece of commercial fishing equipment  
46 is defined as: One (1) each hoop or barrel net; one thousand  
47 (1,000) feet or less of trotline; one thousand (1,000) feet or  
48 less of snagline; three thousand (3,000) feet or less of gill  
49 netting; or three thousand (3,000) feet or less of trammel  
50 netting. Netting of over three thousand (3,000) feet is  
51 prohibited.

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

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

61 (4) Each resident buying or handling nongame gross fish  
62 secured from commercial fishermen or others for the purpose of  
63 resale, whether handled on a commission basis or otherwise, and  
64 each resident \* \* \* shipping nongame gross fish not his own catch  
65 out of the State of Mississippi shall be considered a wholesale  
66 dealer and shall pay a commercial fishing license in the sum of  
67 Thirty Dollars (\$30.00) per annum. \* \* \* Resident wholesale  
68 dealers licenses shall be issued only to persons who have been

69 bona fide residents of the State of Mississippi for at least six  
70 (6) months. \* \* \*

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

76 (6) Each resident engaged in the buying and selling of  
77 nongame gross fish as a wholesale dealer's agent, whether on a  
78 commission or salary basis, or otherwise, and not selling in the  
79 open market, or any vessel buying nongame gross fish to make up a  
80 cargo, shall pay a commercial fishing license in the sum of Thirty  
81 Dollars (\$30.00) per annum and shall be responsible for any  
82 illegal transaction ensuing between the time he purchases from the  
83 fisherman and the time the fish are accepted by the wholesaler by  
84 whom he is employed.

85 (7) Any resident using a wooden or plastic slat basket shall  
86 pay a fee of Thirty Dollars (\$30.00) per basket per annum in  
87 addition to a commercial license. Slat baskets are defined as  
88 commercial fishing devices used solely for the capture of catfish  
89 and made entirely of wood and/or plastic slats in a boxlike or  
90 cylindrical shape. Slat baskets shall not exceed six (6) feet in  
91 length nor exceed fifteen (15) inches in width and height or  
92 diameter, may have no more than two (2) throats, and must have at  
93 least four (4) slot openings of a minimum one and one-half (1-1/2)  
94 by twenty-four (24) inches evenly spaced around the sides of the  
95 catch area. The one and one-half (1-1/2) inch wide slots must  
96 begin at the rear of the basket and run twenty-four (24) inches  
97 toward the throat end of the basket. Slat baskets may only be  
98 fished in public waters of the State of Mississippi that are  
99 opened to commercial fishing. Slat baskets shall be placed at  
100 least one hundred (100) yards apart and may not be used with any  
101 form of leads, netting or guiding devices. Each slat basket shall  
102 have a metal slat basket tag attached to it with the tag number of  
103 the owner imprinted on it. Such slat basket tags shall be

104 purchased from the department at a fee of Three Dollars (\$3.00)  
105 per tag. Any other identification of the owner of the basket  
106 shall meet such specifications as set by the department. Slat  
107 baskets may be fished statewide except where specifically  
108 prohibited.

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

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

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

117 \* \* \*

118 (10) July 4 of each year is designated as "Free Fishing  
119 Day." Any person may sport fish without a license on "Free  
120 Fishing Day."

121 (11) Any person authorized to issue any license under this  
122 section may collect and retain for issuing each license the  
123 additional fee authorized under Section 49-7-17.

124 **SECTION 2.** (1) The commission may promulgate rules and  
125 regulations for nonresident recreational and commercial permits  
126 and licenses in order to promote and to enter into reciprocal  
127 agreements with other states.

128 (2) The commission may issue and prescribe the forms, types  
129 and fees of nonresident freshwater commercial fishing licenses to  
130 be sold by the department and not by licensing agents.

131 (3) The commission may require a nonresident to purchase the  
132 same type and number of freshwater commercial fishing licenses and  
133 pay the same fees that are required of Mississippi residents to  
134 engage in like activity in the nonresident's state.

135 (4) Any nonresident who engages in freshwater, commercial  
136 fishing without having the required licenses is guilty of a Class I  
137 violation and punishable as provided under Section 49-7-141 and  
138 shall forfeit any equipment, gear or nets used in the offense.

139           **SECTION 3.** This act shall take effect and be in force from  
140 and after July 1, 2007.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1           AN ACT TO AMEND SECTION 49-7-9, MISSISSIPPI CODE OF 1972, TO  
2 DELETE REFERENCES TO NONRESIDENT FRESHWATER COMMERCIAL LICENSES;  
3 TO CREATE A NEW CODE SECTION TO AUTHORIZE THE COMMISSION ON  
4 WILDLIFE, FISHERIES AND PARKS TO ENTER INTO RECIPROCAL AGREEMENTS  
5 AND TO ESTABLISH TYPES, FEES AND REGULATIONS FOR NONRESIDENT  
6 FRESHWATER COMMERCIAL FISHING LICENSES; AND FOR RELATED PURPOSES.

SS26\HB827A.J

John O. Gilbert  
Secretary of the Senate