

By: Representative Creel

To: Game and Fish

HOUSE BILL NO. 996

1 AN ACT TO AMEND SECTIONS 49-7-8 AND 49-7-153, MISSISSIPPI
2 CODE OF 1972, TO ESTABLISH THE FEES FOR NONRESIDENT HUNTING,
3 FISHING AND TRAPPING LICENSE; TO AMEND SECTION 49-7-38,
4 MISSISSIPPI CODE OF 1972, TO ESTABLISH THE FEE FOR A CROSSBOW
5 HUNTING LICENSE FOR ELDERLY AND DISABLED PERSONS; TO AMEND SECTION
6 49-7-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR
7 RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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

11 49-7-8. (1) No nonresident sixteen (16) years of age or
12 older may hunt, fish, kill, take or trap any game animal, bird or
13 fish without having acquired and having in his immediate
14 possession a valid license issued by the Mississippi Commission on
15 Wildlife, Fisheries and Parks.

16 (2) The commission shall have the following duties and
17 powers:

18 (a) To prescribe the forms and types of nonresident
19 licenses that a nonresident must obtain;

20 (b) To determine the total number of each type of
21 nonresident license to be issued annually;

22 (c) To collect fees for the agent issuing nonresident
23 licenses. * * * The fee for a nonresident all game hunting
24 license shall * * * be Two Hundred Twenty-four Dollars (\$224.00),
25 however, the nonresident all-game hunting license for Louisiana
26 residents shall be Four Hundred Twenty-five Dollars (\$425.00);

27 (d) To exercise all incidental powers necessary to
28 develop a nonresident licensing program.

29 (3) (a) The fee for a nonresident small game hunting
30 license shall be Seventy-five Dollars (\$75.00), however, the
31 nonresident small game hunting license for Louisiana residents
32 shall be Two Hundred Dollars (\$200.00);

33 (b) The fee for a nonresident all game license valid
34 for a period of five (5) days shall be One Hundred Five Dollars
35 (\$105.00), however, the five (5) day nonresident all game license
36 for Louisiana residents shall be One Hundred Fifty Dollars
37 (\$150.00);

38 (c) The fee for a nonresident small game license valid
39 for a period of five (5) days shall be Thirty Dollars (\$30.00),
40 however, the five (5) day nonresident small game license for
41 Louisiana residents shall be One Hundred Dollars (\$100.00);

42 (d) The fee for a nonresident archery and/or primitive
43 weapons license shall be Thirty Dollars (\$30.00), however, the
44 nonresident archery and/or primitive weapons license for Louisiana
45 residents shall be One Hundred Dollars (\$100.00);

46 (e) The fee for a nonresident youth (ages 16-18) all
47 game license for all states shall be One Hundred Ten Dollars
48 (\$110.00);

49 (f) The fee for a nonresident youth small game license
50 valid for a period of five (5) days shall be Sixty Dollars
51 (\$60.00) for all states.

52 (4) (a) The fee for a nonresident freshwater fishing
53 license shall be Twenty-five Dollars (\$25.00), however, the fee
54 for a nonresident freshwater fishing license for Louisiana
55 residents shall be Sixty Dollars (\$60.00);

56 (b) The fee for a nonresident freshwater fishing
57 license valid for a period of three (3) days shall be Six Dollars
58 (\$6.00), however, a three (3) day nonresident freshwater fishing
59 license for Louisiana residents shall be Thirty Dollars (\$30.00);

60 (c) The fee for a nonresident saltwater fishing license
61 shall be Twenty-five Dollars (\$25.00), however, a nonresident

62 saltwater fishing license shall be Fifty Dollars (\$50.00) for
63 Louisiana residents;

64 (d) The fee for a nonresident saltwater fishing license
65 valid for a period of three (3) days shall be Six Dollars (\$6.00),
66 however, the fee for a three (3) day nonresident saltwater fishing
67 license for Louisiana residents shall be Forty Dollars (\$40.00)

68 (5) (a) The fee for a nonresident commercial trapping
69 license shall be Two Hundred Five Dollars (\$205.00) for all
70 states;

71 (b) The fee for a nonresident commercial freshwater
72 fishing license shall be Two Hundred Dollars (\$200.00), however, a
73 nonresident commercial freshwater fishing license for Louisiana
74 residents shall be Four Hundred Sixty Dollars (\$460.00).

75 (6) A nonresident who violates this section or any
76 licensing regulation of the commission is guilty of a misdemeanor
77 and shall be punished as provided in Section 49-7-21(3).

78 SECTION 2. Section 49-7-153, Mississippi Code of 1972, is
79 amended as follows:

80 49-7-153. (1) Any resident may purchase a lifetime sportsman
81 license by filing an application in the office of the department.
82 The license shall qualify the licensee to take all fish, game and
83 fowl, except waterfowl, including deer and turkey, in the manner
84 provided by law. The license shall also permit the licensee to
85 hunt with primitive weapons and bow and arrow, and to take crabs,
86 oysters, shrimp and any other saltwater fish authorized to be
87 taken under a recreational permit. Any resident may purchase a
88 lifetime fishing license by filing an application in the office of
89 the department. The lifetime fishing license shall entitle the
90 licensee to fish in the public waters of the state, including the
91 taking of crabs, oysters, shrimp and any saltwater fish authorized
92 to be taken under a recreational permit.

93 (2) The department may issue a lifetime sportsman license
94 for the sum of Five Hundred Dollars (\$500.00) for a person over

95 twelve (12) years of age; for the sum of Three Hundred Dollars
96 (\$300.00) for a person between the ages of two (2) years and
97 twelve (12) years inclusive; and for the sum of Two Hundred
98 Dollars (\$200.00) for a person under two (2) years of age. The
99 department may issue a golden lifetime sportsman license for the
100 sum of One Thousand Dollars (\$1,000.00). The categories for
101 lifetime fishing licenses shall be the same as the categories for
102 lifetime sportsman licenses. The fee for each category of lifetime
103 fishing licenses shall be one-half (1/2) of the fee for the
104 comparable category of sportsman licenses. The difference in the
105 fee charged for the golden lifetime license and the fee for a
106 lifetime license shall be considered a donation to the Wildlife
107 Endowment Fund. All lifetime licenses shall be issued from the
108 office of the department. Each application for a lifetime license
109 must be accompanied by a certified copy of the birth certificate
110 of the individual to be named as the license holder, if the
111 individual is twelve (12) years of age or under.

112 (3) The commission shall establish proof of residency
113 requirements for the purchase of a lifetime license, and shall
114 also establish such restrictions on and regulations for lifetime
115 licenses as it deems necessary and proper. An applicant for a
116 resident lifetime license must have been domiciled in this state
117 for eighteen (18) consecutive months immediately preceding the
118 date of his application for a license. The burden of proving
119 domicile shall be on the applicant.

120 (4) (a) The department may issue a nonresident lifetime
121 sportsman license for the sum of Six Thousand Dollars (\$6,000.00).

122 (b) The department may issue a native son or daughter
123 nonresident lifetime sportsman license. The fee shall be One
124 Thousand Dollars (\$1,000.00). The applicant must provide a
125 certified copy of the original birth certificate showing that the
126 applicant was born in Mississippi and/or if the parents' address

127 was in Mississippi at the time of birth as shown on the birth
128 certificate.

129 (5) Any materially false statement contained in an
130 application for a lifetime license renders void the license issued
131 pursuant to that application, and subjects the applicant to
132 criminal prosecution under Section 49-7-45.

133 (6) Nothing in this section exempts an applicant for a
134 lifetime license from meeting other qualifications or requirements
135 otherwise established by law for the privilege of hunting or
136 fishing.

137 SECTION 3. Section 49-7-38, Mississippi Code of 1972, is
138 amended as follows:

139 49-7-38. The commission is hereby authorized and empowered
140 to issue a special license to hunt deer, turkey and small game
141 with a crossbow to any person sixty-five (65) years of age or
142 older or to any person having a disability which totally and
143 permanently prevents the person from using a long bow or other
144 conventional archery equipment as first certified by two (2)
145 physicians duly licensed to practice medicine in the state. The
146 fee for the special license shall be Five Dollars (\$5.00). The
147 commission shall set the crossbow season for small game. A
148 special licensee under this section may take deer or turkey with a
149 crossbow during the respective seasons on deer and turkey.

150 SECTION 4. Section 49-7-9, Mississippi Code of 1972, is
151 amended as follows:

152 49-7-9. (1) (a) Each resident of the State of Mississippi,
153 as defined in Section 49-7-3, fishing in the public fresh waters
154 of the state, including lakes and reservoirs, but not including
155 privately owned ponds and streams, shall pay an annual license fee
156 of Eight Dollars (\$8.00). Any resident purchasing a public
157 freshwater fishing license as prescribed in this subsection shall
158 be entitled to fish, in accordance with the regulations and

159 ordinances of the commission, in all public fresh waters within
160 the territory of the State of Mississippi.

161 (b) A resident may purchase a resident fishing license
162 valid for a period of three (3) days for the sum of Three Dollars
163 (\$3.00).

164 (c) No license shall be required of any resident
165 citizen of the State of Mississippi who has not reached the age of
166 sixteen (16) years or who has reached the age of sixty-five (65)
167 years or who is blind, paraplegic, a multiple amputee or has been
168 adjudged by the Veterans Administration as having a total
169 service-connected disability, or has been adjudged totally
170 disabled by the Social Security Administration. Such person shall
171 not be required to purchase or have in his possession a hunting or
172 fishing license while engaged in such activities.

173 (d) A person exempt by reason of age, total
174 service-connected disability as adjudged by the Veterans
175 Administration or total disability as adjudged by the Social
176 Security Administration or who is blind, paraplegic or a multiple
177 amputee, shall have in their possession and on their person proof
178 of their age, residency, disability status or other respective
179 physical impairment while engaged in the activities of hunting or
180 fishing.

181 (2) Any person engaged in fishing for commercial purposes
182 and selling or peddling nongame gross fish at retail or selling or
183 shipping same at wholesale, as to markets, dealers or canning
184 plants, shall pay Thirty Dollars (\$30.00) for a commercial fishing
185 license. Each piece of commercial fishing equipment must have a
186 commercial fishing equipment tag (at a cost of Three Dollars
187 (\$3.00) each) attached. A piece of commercial fishing equipment
188 is defined as: One (1) each hoop or barrel net; one thousand
189 (1,000) feet or less of trotline; one thousand (1,000) feet or
190 less of snagline; three thousand (3,000) feet or less of gill
191 netting; or three thousand (3,000) feet or less of trammel

192 netting. Netting of over three thousand (3,000) feet is
193 prohibited.

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

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

203 (4) Each person buying or handling nongame gross fish
204 secured from commercial fishermen or others for the purpose of
205 resale, whether handled on a commission basis or otherwise, and
206 each resident person shipping nongame gross fish not his own catch
207 out of the State of Mississippi shall be considered a wholesale
208 dealer and shall pay a commercial fishing license in the sum of
209 Thirty Dollars (\$30.00) per annum. Nonresident wholesale dealers
210 who buy nongame gross fish from fishermen or resident wholesale
211 dealers for the purpose of resale shall obtain a nonresident
212 commercial fishing license. Resident wholesale dealers licenses
213 shall be issued only to persons who have been bona fide residents
214 of the State of Mississippi for at least six (6) months. Any
215 nonresident who brings nongame gross fish into the state from
216 without the state for the purpose of resale to a wholesale or
217 retail dealer or to the consumer shall obtain a nonresident
218 commercial fishing license.

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

224 (6) Each person engaged in the buying and selling of nongame
225 gross fish as a wholesale dealer's agent, whether on a commission
226 or salary basis, or otherwise, and not selling in the open market,
227 or any vessel buying nongame gross fish to make up a cargo, shall
228 pay a commercial fishing license in the sum of Thirty Dollars
229 (\$30.00) per annum and shall be responsible for any illegal
230 transaction ensuing between the time he purchases from the
231 fisherman and the time the fish are accepted by the wholesaler by
232 whom he is employed.

233 (7) Any person using a wooden or plastic slat basket shall
234 pay a fee of Thirty Dollars (\$30.00) per basket per annum in
235 addition to a commercial license. Slat baskets are defined as
236 commercial fishing devices used solely for the capture of catfish
237 and made entirely of wood and/or plastic slats in a boxlike or
238 cylindrical shape. Slat baskets shall not exceed six (6) feet in
239 length nor exceed fifteen (15) inches in width and height or
240 diameter, may have no more than two (2) throats, and must have at
241 least four (4) slot openings of a minimum one and one-half (1-1/2)
242 by twenty-four (24) inches evenly spaced around the sides of the
243 catch area. The one and one-half (1-1/2) inch wide slots must
244 begin at the rear of the basket and run twenty-four (24) inches
245 toward the throat end of the basket. Slat baskets may only be
246 fished in public waters of the State of Mississippi that are
247 opened to commercial fishing. Slat baskets shall be placed at
248 least one hundred (100) yards apart and may not be used with any
249 form of leads, netting or guiding devices. Each slat basket shall
250 have a metal slat basket tag attached to it with the tag number of
251 the owner imprinted on it. Such slat basket tags shall be
252 purchased from the department at a fee of Three Dollars (\$3.00)
253 per tag. Any other identification of the owner of the basket
254 shall meet such specifications as set by the department. Slat
255 baskets may be fished statewide except where specifically
256 prohibited.

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

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

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

265 (10) The commission is authorized to issue nonresident
266 freshwater commercial fishing licenses to be sold by the
267 department and not by licensing agents. The commission * * *
268 shall promulgate such rules and regulations as it deems
269 appropriate for issuance of nonresident freshwater commercial
270 fishing licenses.

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

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

277 SECTION 5. This act shall take effect and be in force from
278 and after July 1, 2001.