

By: Senator(s) Cuevas, Lee (47th)

To: Wildlife, Fisheries and Parks

SENATE BILL NO. 2331

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 (2) (a) Any resident citizen of the State of Mississippi
45 who has not reached the age of sixteen (16) years or who has
46 reached the age of sixty-five (65) years, or any resident citizen
47 who is blind, paraplegic, or a multiple amputee, or who has been
48 adjudged by the Veterans Administration as having a total
49 service-connected disability, or has been adjudged to be totally
50 disabled by the Social Security Administration shall not be
51 required to purchase or have in his possession, a hunting or
52 fishing license while engaged in such activities. A person exempt
53 by reason of total service-connected disability, as adjudged by
54 the Veterans Administration or who has been adjudged to be totally
55 disabled by the Social Security Administration or who is blind,
56 paraplegic or a multiple amputee, shall have in their possession
57 and on their person proof of their age, residency, disability
58 status or other respective physical impairment while engaged in
59 the activities of hunting or fishing. Any resident who is a
60 member of the Armed Forces, including the Reserves and National
61 Guard, and on active duty outside the State of Mississippi is not

62 required to purchase or have in his possession a hunting or
63 fishing license while engaged in such activities on leave from
64 active duty.

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

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

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

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

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

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

87 49-7-9. (1) (a) Each resident of the State of Mississippi,
88 as defined in Section 49-7-3, fishing in the public fresh waters
89 of the state, including lakes and reservoirs, but not including
90 privately owned ponds and streams, shall pay an annual license fee
91 of Eight Dollars (\$8.00). Any resident purchasing a public
92 freshwater fishing license as prescribed in this subsection shall
93 be entitled to fish, in accordance with the regulations and

94 ordinances of the commission, in all public fresh waters within
95 the territory of the State of Mississippi.

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

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

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

116 (e) Any resident who is a member of the Armed Forces,
117 including the Reserves and National Guard, and on active duty
118 outside the State of Mississippi is not required to purchase or
119 have in his possession a hunting or fishing license while engaged
120 in such activities on leave from active duty.

121 (2) Any person engaged in fishing for commercial purposes
122 and selling or peddling nongame gross fish at retail or selling or
123 shipping same at wholesale, as to markets, dealers or canning
124 plants, shall pay Thirty Dollars (\$30.00) for a commercial fishing
125 license. Each piece of commercial fishing equipment must have a
126 commercial fishing equipment tag (at a cost of Three Dollars

127 (\$3.00) each) attached. A piece of commercial fishing equipment
128 is defined as: One (1) each hoop or barrel net; one thousand
129 (1,000) feet or less of trotline; one thousand (1,000) feet or
130 less of snagline; three thousand (3,000) feet or less of gill
131 netting; or three thousand (3,000) feet or less of trammel
132 netting. Netting of over three thousand (3,000) feet is
133 prohibited.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

219 49-15-313. (1) Any resident between the ages of sixteen
220 (16) and sixty-five (65) years, as defined in Section 49-7-3,
221 fishing in the marine waters of the state, shall obtain a
222 saltwater sports fishing license for a fee of Four Dollars
223 (\$4.00). This license shall be valid in any waters south of
224 Interstate 10. Any resident citizen who is blind, paraplegic or a

225 multiple amputee, or who has been adjudged by the Veterans
226 Administration as having a total service-connected disability, or
227 has been adjudged totally disabled by the Social Security
228 Administration shall not be required to purchase or have in his
229 possession a saltwater sports fishing license while engaged in
230 such activities. Any resident exempt under this section shall
231 have on his person while fishing proof of residency and age or
232 disability. Any resident who is a member of the Armed Forces,
233 including the Reserves and National Guard, and on active duty
234 outside the State of Mississippi is not required to purchase or
235 have in his possession, a hunting or fishing license while engaged
236 in such activities on leave from active duty.

237 (2) The commission shall prescribe the forms, types and fees
238 for nonresident saltwater sports fishing licenses except that the
239 fee for a nonresident saltwater sports fishing license shall not
240 be less than Twenty Dollars (\$20.00). The commission shall
241 require a nonresident to purchase a nonresident freshwater fishing
242 license and a nonresident saltwater sports fishing license if the
243 nonresident's state requires both licenses for a nonresident to
244 fish in its marine waters.

245 (3) All resident vessels engaged in charter boat fishing,
246 party boat fishing, head boat and guide boat fishing shall be
247 issued a separate annual license by the commission at a fee of Two
248 Hundred Dollars (\$200.00). All nonresident vessels engaged in
249 charter boat fishing, party boat fishing, head boat and guide boat
250 fishing shall be issued a separate annual license by the
251 commission. In addition to other requirements for charter license
252 eligibility, captains must show proof of participation in a
253 Department of Transportation approved random drug testing program
254 and proof of liability insurance as a charter boat captain. Crew
255 members and customers of the licensed vessels shall not be
256 required to purchase an individual resident or nonresident
257 saltwater fishing license while sponsored by the licensed vessels.

258 An operator of a licensed vessel shall be required to report the
259 number of customers to the department as required by the
260 commission and the information shall be kept confidential and
261 shall not be released, except to other fisheries management
262 agencies or as statistical data. All nonresident vessels engaged
263 in saltwater sport fishing tournaments, not to exceed an aggregate
264 of twenty (20) days per calendar year, shall not be required to
265 purchase an annual license as provided under this subsection.

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

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

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

275 (7) The fees collected from the sale of resident and
276 nonresident saltwater sports fishing licenses shall be deposited
277 into the Seafood Fund and shall be used solely for the management
278 of marine resources.

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

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

284 **SECTION 4.** This act shall take effect and be in force from
285 and after July 1, 2004.