

By: Representative Zuber

To: Marine Resources

HOUSE BILL NO. 35

1 AN ACT TO AMEND SECTIONS 49-15-313 AND 49-7-21, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT RESIDENT AND NONRESIDENT SALTWATER
3 SPORTS FISHING LICENSES SHALL BE VALID FOR A PERIOD OF TWELVE
4 MONTHS FROM THE DATE OF ISSUANCE; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 49-15-313, Mississippi Code of 1972, is
7 amended as follows:

8 49-15-313. (1) Any resident between the ages of sixteen
9 (16) and sixty-five (65) years, as defined in Section 49-7-3,
10 fishing in the marine waters of the state, shall obtain a
11 saltwater sports fishing license for a fee of Four Dollars
12 (\$4.00). This license shall be valid in any waters south of
13 Interstate 10. Any resident citizen who is blind, paraplegic or a
14 multiple amputee, or who has been adjudged by the Veterans
15 Administration as having a total service-connected disability, or
16 has been adjudged totally disabled by the Social Security
17 Administration shall not be required to purchase or have in his
18 possession a saltwater sports fishing license while engaged in
19 such activities. Any resident exempt under this section shall
20 have on his person while fishing proof of residency and age or
21 disability.

22 (2) The commission shall prescribe the forms, types and fees
23 for nonresident saltwater sports fishing licenses except that the
24 fee for a nonresident saltwater sports fishing license shall not
25 be less than Twenty Dollars (\$20.00). The commission shall
26 require a nonresident to purchase a nonresident freshwater fishing
27 license and a nonresident saltwater sports fishing license if the

28 nonresident's state requires both licenses for a nonresident to
29 fish in its marine waters.

30 (3) All resident vessels engaged in charter boat fishing,
31 party boat fishing, head boat and guide boat fishing shall be
32 issued a separate annual license by the commission at a fee of Two
33 Hundred Dollars (\$200.00). All nonresident vessels engaged in
34 charter boat fishing, party boat fishing, head boat and guide boat
35 fishing shall be issued a separate annual license by the
36 commission. In addition to other requirements for charter license
37 eligibility, captains must show proof of participation in a
38 Department of Transportation approved random drug testing program
39 and proof of liability insurance as a charter boat captain. Crew
40 members and customers of the licensed vessels shall not be
41 required to purchase an individual resident or nonresident
42 saltwater fishing license while sponsored by the licensed vessels.
43 An operator of a licensed vessel shall be required to report the
44 number of customers to the department as required by the
45 commission and the information shall be kept confidential and
46 shall not be released, except to other fisheries management
47 agencies or as statistical data. All nonresident vessels engaged
48 in saltwater sport fishing tournaments, not to exceed an aggregate
49 of twenty (20) days per calendar year, shall not be required to
50 purchase an annual license as provided under this subsection.

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

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

57 (6) Any person authorized to issue a license may collect and
58 retain, for each saltwater fishing license issued, the additional
59 fee authorized under Section 49-7-17. Resident and nonresident

60 saltwater sports fishing licenses shall be valid for a period of
61 twelve (12) months from the date of issuance.

62 (7) The fees collected from the sale of resident and
63 nonresident saltwater sports fishing licenses shall be deposited
64 into the Seafood Fund and shall be used solely for the management
65 of marine resources.

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

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

71 (10) The department may exempt participants in an organized
72 fishing event conducted by a qualified nonprofit charitable,
73 governmental or civic organization from the requirements of this
74 section for one (1) day per year if the organization files an
75 exemption application with the department and the application is
76 approved by the department.

77 **SECTION 2.** Section 49-7-21, Mississippi Code of 1972, is
78 amended as follows:

79 49-7-21. (1) (a) The licenses for hunting, trapping or
80 fishing shall be issued on a form prepared by the executive
81 director and supplied to the bonded agents authorized to issue
82 licenses. The forms shall bear the name and social security
83 number or driver's license number of the applicant. All licenses,
84 except saltwater sports fishing licenses, shall be valid from the
85 date of their issuance to the following June 30 * * *. Resident
86 and nonresident saltwater sports fishing licenses shall be valid
87 for a period of twelve (12) months from the date of issuance. The
88 licenses shall be issued in the name of the commission and be
89 countersigned by the bonded agent issuing same. The application
90 for a license under this chapter shall be subscribed and sworn to
91 by the applicant before an officer authorized to administer oaths
92 in this state, and for this purpose the members of the commission,

93 the executive director, sheriffs, conservation officers and bonded
94 agents are hereby authorized to administer oaths, but no charge
95 shall be made by any officer employed by the commission or sheriff
96 for the administration of the oath.

97 (b) A person may purchase a license from the office of
98 the department without appearing in person.

99 (c) The commission may design, establish, and
100 administer a program to provide for the purchase, by electronic
101 means, of any license, permit, registration or reservation issued
102 by the commission or department.

103 (2) Any person authorized to issue licenses for hunting,
104 trapping or fishing in this state who attempts to issue a license
105 on a form other than one as prescribed by this section, or
106 attempts to prepare a license certificate in any manner other than
107 on the form prescribed by this section, and furnished by the
108 executive director, is guilty of a Class II violation, and shall
109 be punished as provided in Section 49-7-143, Mississippi Code of
110 1972, and the person convicted shall be forever barred from
111 issuing licenses in the State of Mississippi.

112 (3) Any resident or nonresident who hunts, takes or traps
113 any wild animal, bird or fish must possess a valid license issued
114 by the commission, unless specifically exempted under this
115 chapter.

116 (4) Any nonresident, who hunts or traps without the required
117 license is guilty of a misdemeanor and upon conviction thereof
118 shall be fined in an amount not less than Five Hundred Dollars
119 (\$500.00) nor more than One Thousand Dollars (\$1,000.00) for the
120 first offense and shall forfeit hunting and trapping privileges
121 for a period of one (1) year. The nonresident shall also be
122 assessed by the court an administrative fee as prescribed under
123 subsection (6) of this section. For the second or any subsequent
124 offense a nonresident shall be fined in an amount of not less than
125 One Thousand Dollars (\$1,000.00) nor more than One Thousand Five

126 Hundred Dollars (\$1,500.00) or imprisoned in the county jail for
127 not more than thirty (30) days, or both such fine and imprisonment
128 and shall forfeit hunting and trapping privileges for a period of
129 two (2) years. The nonresident shall also be assessed by the
130 court an administrative fee as prescribed under subsection (6) of
131 this section.

132 (5) Any nonresident who fishes without the required license
133 is guilty of a misdemeanor and upon conviction shall be fined in
134 an amount not less than One Hundred Dollars (\$100.00) nor more
135 than Two Hundred Fifty Dollars (\$250.00) for the first offense.
136 For the second or any subsequent offense a nonresident shall be
137 fined in an amount not less than Two Hundred Fifty Dollars
138 (\$250.00) nor more than Five Hundred Dollars (\$500.00) and that
139 nonresident shall also be assessed by the court an administrative
140 fee as prescribed under subsection (6) of this section.

141 (6) In addition to any other fines or penalties imposed
142 under subsection (4) or (5) of this section, any person convicted
143 for a violation of subsection (3) of this section shall be
144 assessed by the court an administrative fee equal in amount to the
145 cost of the hunting, trapping or fishing license fee that such
146 person unlawfully failed to possess at the time of the violation,
147 the amount of which license fee shall be entered upon the ticket
148 or citation by the charging officer at the time the ticket or
149 citation is issued. The clerk of the court in which conviction
150 for a violation of subsection (3) of this section takes place,
151 promptly shall collect all administrative fees imposed under this
152 subsection and deposit them monthly with the State Treasurer, in
153 the same manner and in accordance with the same procedure, as
154 nearly as practicable, as required for the collection, receipt and
155 deposit of state assessments under Section 99-19-73. However, all
156 administrative fees collected under the provisions of this
157 subsection shall be credited by the State Treasurer to the account

158 of the Department of Wildlife, Fisheries and Parks, and may be
159 expended by the department upon appropriation by the Legislature.

160 (7) Any person who obtains a license under an assumed name
161 or makes a materially false statement to obtain a license is
162 guilty of a felony and shall be subject to a fine of Two Thousand
163 Dollars (\$2,000.00) or may be imprisoned for a term not to exceed
164 one (1) year, or both.

165 **SECTION 3.** This act shall take effect and be in force from
166 and after July 1, 2005.