

HOUSE BILL NO. 1002

AN ACT TO AMEND SECTION 49-7-9, MISSISSIPPI CODE OF 1972, TO REVISE REQUIREMENTS FOR A RESIDENT FRESHWATER FISHING LICENSE; TO REQUIRE A RESIDENT TO OBTAIN A LICENSE IF HE IS CHARGED FOR FISHING IN PRIVATE WATERS; TO REMOVE AND RECODIFY RESIDENT FRESHWATER COMMERCIAL FISHING REQUIREMENTS; TO CREATE SECTION 49-7-9.1, MISSISSIPPI CODE OF 1972, TO CODIFY NONRESIDENT COMMERCIAL FISHING LICENSES AND REQUIREMENTS; TO DELETE THE REQUIREMENT THAT THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS PROVIDE TAGS FOR CERTAIN COMMERCIAL FISHING EQUIPMENT; TO REVISE THE MINIMUM SIZE REQUIREMENT OF SLOT OPENINGS ON SLAT BASKETS; TO AMEND SECTION 49-7-12, MISSISSIPPI CODE OF 1972, TO CLARIFY AND EXPAND THE POWERS OF THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO REGULATE NONRESIDENT FRESHWATER COMMERCIAL FISHING; TO CREATE SECTION 49-7-12.1, MISSISSIPPI CODE OF 1972, TO REQUIRE A LICENSE AND TO REGULATE NONRESIDENT WHOLESALE DEALERS WHO BUY AND SELL NONGAME GROSS FISH IN THE STATE; AND FOR RELATED PURPOSES.

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

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

49-7-9. (1) (a) Each resident of the State of Mississippi, as defined in Section 49-7-3, fishing in the public fresh waters of the state, including lakes and reservoirs, but not including privately owned ponds and streams, shall * * * purchase a combination small game hunting and fishing license as provided in

Section 49-7-5 for Eight Dollars (\$8.00). Any resident purchasing a * * * license as prescribed in this subsection shall be entitled to fish, in accordance with the regulations and ordinances of the commission, in all public fresh waters within the territory of the State of Mississippi.

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

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

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

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

* * *

(* * *2) (a) All persons fishing in privately owned lakes or ponds shall have specific permission to do so from the owner of such lake or pond.

(b) Residents do not need a fishing license to fish in those waters, except when the owner of the lake or pond charges a fee for fishing, then a resident must have a fishing license to fish in those waters unless exempted under subsection (1) of this section.

(* * *3) The first weekend of "National Fishing and Boating Week" in June of each year is designated as "Free Fishing Weekend." July 4 is designated as "Free Fishing Day." Any person may sport fish without a license on "Free Fishing Weekend," * * * and on "Free Fishing Day."

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

SECTION 2. The following shall be codified as Section 49-7-9.1, Mississippi Code of 1972:

49-7-9.1. (1) (a) Any resident engaged in fishing for commercial purposes and selling or peddling nongame gross fish at retail or selling or shipping same at wholesale, as to markets, dealers or canning plants, shall purchase a commercial fishing license.

(b) A licensee must label each piece of commercial fishing equipment with a waterproof or metal tag containing any information required by the department. A piece of commercial fishing equipment is defined as: One (1) each hoop or barrel net; one thousand (1,000) feet or less of trotline; one thousand (1,000) feet or less of snagline; three thousand (3,000) feet or less of gill netting; or three thousand (3,000) feet or less of trammel netting. Netting of over three thousand (3,000) feet is prohibited.

(c) Upon the purchase of a commercial license for use of hoop or barrel nets, the licensee is permitted to use lead nets thirty-five (35) yards in length for each two (2) barrel nets used, but not to exceed seven (7) lead nets.

(2) Each person taking nongame gross fish as defined in Section 49-7-1, of any kind from the fresh waters of the state shall be considered a producer and shall be entitled to sell his own catch of nongame gross fish to anyone except as otherwise provided by law or applicable regulations.

(3) Each resident buying or handling nongame gross fish secured from commercial fishermen or others for the purpose of resale, whether handled on a commission basis or otherwise, and each resident shipping nongame gross fish not his own catch out of the State of Mississippi shall be considered a wholesale dealer and shall purchase a commercial fishing license. Resident wholesale dealers' licenses shall be issued only to persons who have been bona fide residents of the State of Mississippi for at least six (6) months.

(4) Each resident buying nongame gross fish from a licensed wholesale dealer or licensed commercial fisherman for retail sale to the consumer only on rural or urban routes shall purchase a commercial fishing license to do so.

(5) Each resident engaged in the buying and selling of nongame gross fish as a wholesale dealer's agent, whether on a commission or salary basis, or otherwise, and not selling in the open market, shall purchase a commercial fishing license and shall be responsible for any illegal transaction ensuing between the time he purchases the fish from the fisherman and the time the fish are accepted by the wholesaler by whom he is employed.

(6) (a) Any resident using a wooden or plastic slat basket shall purchase a slat basket license for each basket each year in addition to a commercial fishing license. Slat baskets are defined as commercial fishing devices used solely for the capture of catfish and made entirely of wood and/or plastic slats in a

box-like or cylindrical shape. Slat baskets shall not exceed six (6) feet in length nor exceed fifteen (15) inches in width and height or diameter, may have no more than two (2) throats, and must have at least four (4) slot openings at least one and one-fourth (1-1/4) by twenty-four (24) inches evenly spaced around the sides of the catch area. The one and one-fourth (1-1/4) inch wide slots or greater must begin at the rear of the basket and run twenty-four (24) inches toward the throat end of the basket. Slat baskets shall be placed at least one hundred (100) yards apart and may not be used with any form of leads, netting or guiding devices.

(b) Each slat basket shall have a waterproof or metal tag attached to it containing any information required by the department. Any other identification of the owner of the slat basket shall meet any specifications required by the department. Slat baskets may be fished statewide except where specifically prohibited.

(c) Any violation of this subsection shall be a Class I violation as prescribed in Section 49-7-141.

(7) It is unlawful for any person to offer for sale undersized nongame gross fish.

(8) (a) The fee for a resident commercial fishing license shall be Thirty Dollars (\$30.00).

(b) The fee for a slat basket license shall be Thirty Dollars (\$30.00).

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

SECTION 3. Section 49-7-12, Mississippi Code of 1972, is amended as follows:

49-7-12. (1) The commission may promulgate rules and regulations for nonresident recreational and commercial permits and licenses in order to promote and to enter into reciprocal agreements with other states.

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

(3) (a) The commission may prescribe regulations for nonresident commercial fishing equipment, tagging requirements, harvest size and possession restrictions, restricted areas, fishing restrictions, reporting requirements, wholesale dealers, and the selling, reselling and exporting of fish taken in the public freshwaters of the state.

(b) The commission may exercise all powers necessary to regulate nonresident freshwater commercial fishing.

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

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

SECTION 4. The following shall be codified as Section 49-7-12.1, Mississippi Code of 1972:

49-7-12.1. (1) Nonresident wholesale dealers who buy nongame gross fish in the state for the purpose of resale shall obtain a nonresident commercial fishing license.

(2) Any nonresident who imports nongame gross fish into the state for the purpose of resale to a wholesale or retail dealer or to a consumer shall obtain a nonresident commercial fishing license.

SECTION 5. This act shall take effect and be in force from and after July 1, 2013.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 7, 2013


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 11, 2013


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

3/27/13
2:39pm