

By: Representative Endt

To: Game and Fish

HOUSE BILL NO. 718

1 AN ACT TO AMEND SECTIONS 49-4-4 AND 49-7-8, MISSISSIPPI CODE
2 OF 1972, TO AUTHORIZE THE COMMISSION ON WILDLIFE, FISHERIES AND
3 PARKS TO ENTER INTO A RECIPROCAL AGREEMENT WITH THE STATE OF
4 ALABAMA ESTABLISHING RECIPROCITY AS TO THE USE OF RESIDENT FISHING
5 LICENSES BY CITIZENS OF EACH STATE SIXTY-FIVE YEARS OF AGE OR
6 OLDER; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 49-4-4, Mississippi Code of 1972, is
9 amended as follows:

10 49-4-4. (1) There is hereby created the Mississippi
11 Commission on Wildlife, Fisheries and Parks, to be composed of
12 five (5) persons appointed by the Governor, with the advice and
13 consent of the Senate, for a term of five (5) years. One (1)
14 person shall be appointed from each congressional district. The
15 initial terms of the members shall be one (1), two (2), three (3),
16 four (4) and five (5) years, respectively. Thereafter, all terms
17 shall be for five (5) years. An appointment to fill a vacancy
18 which arises for reasons other than by expiration of a term of
19 office shall be made from the respective congressional district
20 for the unexpired term only.

21 (2) The commission shall elect from its membership a
22 chairman who shall preside over meetings and a vice-chairman who
23 shall preside in the absence of the chairman or when the chairman
24 shall be excused.

25 (3) The commission shall adopt rules and regulations
26 governing times and places for meetings and governing the manner
27 of conducting its business. Each member of the commission shall
28 take the oath prescribed by Section 268 of the Constitution, and

29 shall enter into bond in the amount of Thirty Thousand Dollars
30 (\$30,000.00) to be approved by the Secretary of State, conditioned
31 according to law, and payable to the State of Mississippi before
32 assuming the duties of office. Any member who shall not attend
33 three (3) consecutive regular meetings of the commission shall be
34 subject to removal by a majority vote of the commission members.

35 (4) The members of the commission shall receive no annual
36 salary but shall receive per diem compensation as authorized by
37 law for each day devoted to the discharge of official duties and
38 shall be entitled to reimbursement for all actual and necessary
39 expenses incurred in the discharge of their duties, including
40 mileage as authorized by law.

41 The commission shall be composed of persons with a
42 demonstrated history of involvement in at least one (1) of the
43 matters of jurisdiction of the commission and whose employment and
44 activities are not in conflict. All of the commissioners shall be
45 an active outdoorsman holding a resident hunting or fishing
46 license in at least five (5) of the ten (10) years preceding
47 appointment. A member shall not have a record of conviction of
48 violation of fish or game laws and regulations within five (5)
49 years preceding appointment or a record of any felony conviction.

50 (5) The commission shall have the power to adopt, amend and
51 repeal such regulations and rules as may be necessary for the
52 operation of the department.

53 (6) The commission shall have the power and authority to
54 issue all licenses and permits under the jurisdiction of the
55 department.

56 (7) In the furtherance of its duties and responsibilities,
57 the commission may conduct hearings, gather testimony and perform
58 other functions required to carry out its powers and duties as
59 prescribed by statute.

60 (8) The commission shall have all power for conserving,
61 managing and developing wildlife and fishery resources except for
62 saltwater aquatic life and marine resources under the jurisdiction
63 of the Mississippi Commission on Marine Resources.

64 (9) The commission may enter into a reciprocal agreement
65 with the State of Alabama exempting persons sixty-five (65) years

66 of age or older from the requirement of obtaining a state fishing
67 license. The agreement shall provide that a citizen of either
68 Alabama or Mississippi who is sixty-five (65) years of age or
69 older and who is authorized to fish in either Alabama or
70 Mississippi under each state's respective statutes or regulations
71 shall be entitled to fish in both states without obtaining a
72 fishing license.

73 SECTION 2. Section 49-7-8, Mississippi Code of 1972, is
74 amended as follows:

75 49-7-8. (1) Except as provided in subsection (3) of this
76 section, a nonresident sixteen (16) years of age or older may not
77 hunt, fish, kill, take or trap any game animal, bird or fish
78 without having acquired and having in his immediate possession a
79 valid license issued by the Mississippi Commission on Wildlife,
80 Fisheries and Parks.

81 (2) The commission shall have the following duties and
82 powers:

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

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

87 (c) To establish fees for nonresident licenses and the
88 collection fees for the agent issuing such licenses; provided,
89 however, that the fee for a nonresident all game hunting license
90 shall not be less than Sixty Dollars (\$60.00);

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

93 (3) A resident of the State of Alabama who is sixty-five
94 (65) years of age or older is exempt from the requirement of
95 obtaining a license to fish in this state if the commission has
96 entered into a reciprocal agreement with the State of Alabama as
97 authorized under Section 49-4-4.

98 (4) A nonresident who violates this section or any licensing

99 regulation of the commission is guilty of a misdemeanor and shall
100 be punished as provided in Section 49-7-21(3).

101 SECTION 3. This act shall take effect and be in force from
102 and after July 1, 1999.