SENATE BILL NO. 2589
(As Sent to Governor)

AN ACT TO AMEND SECTION 49-7-29, MISSISSIPPI CODE OF 1972, TO CLARIFY THE DEFINITION OF MINNOW; TO MAKE TECHNICAL CHANGES TO THE WHOLESALE MINNOW DEALERS LAW; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 49-7-29, Mississippi Code of 1972, is amended as follows:

49-7-29. (1) This section shall be known as the "Mississippi Wholesale Minnow Dealers Law * * *

(2) Definitions. For the purposes of this section, the following definitions shall apply:

(a) The term "wholesale minnow dealer" means any person selling minnows to a person for resale.

(b) The term "person" means any person, firm or corporation.

(c) The term "minnow" shall only mean golden shiner (Notemigonus crysoleucas), fathead minnow (Pimephales promelas), goldfish (Carassius auratus), common carp or Israeli carp (Cyprinus carpio), emerald shiner (Notropis atherinoides), western mosquitofish (Gambusia affinis), eastern mosquitofish (Gambusia holbrooki) and gulf killfish (Fundulus grandis) * * *

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(3) The department shall license wholesale minnow dealers, as required under this section. However, bona fide residents of Mississippi growing minnows on their own property within the State of Mississippi shall be exempt from these license requirements.
(4) It is unlawful for any person except those exempted by subsection (3) to sell minnows at wholesale within the State of Mississippi without a commercial fishing license.

(5) A resident wholesale minnow dealer shall certify that he is a resident of the state and shall apply to the department for a commercial fishing license.

(6) A nonresident wholesale minnow dealer shall apply to the department for a nonresident commercial fishing license. This nonresident license fee shall be set by the department.

(7) Each sale of minnows in violation of this section shall be punishable as a Class I violation as provided in Section 49-7-141.

(8) A copy of the commercial fishing license shall be carried at all times in each vehicle which transports minnows into or within the State of Mississippi. Each violation of this subsection shall be punishable as a Class I violation as provided in Section 49-7-141. However, no person charged with violating this subsection shall be convicted if he produces in court, or files with the clerk of the court before the date of appearance, proof that he held a valid commercial fishing license at the time that he was charged with a violation.

SECTION 2. This act shall take effect and be in force from and after July 1, 2001.