To: Game and Fish

MISSISSIPPI LEGISLATURE REGULAR SESSION 2003
By: Representative Hudson

HOUSE BILL NO. 1089

AN ACT TO AMEND SECTION 49-7-3, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF RESIDENT HUNTING AND FISHING LICENSES TO OUT-OF-STATE MILITARY PERSONNEL WHO WERE BORN IN MISSISSIPPI OR HAVE RELATIVES RESIDING IN THE STATE; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 49-7-3, Mississippi Code of 1972, is amended as follows:

49-7-3. (1) Any resident of the State of Mississippi shall be entitled to receive a resident fishing license.

(2) Any person domiciled within the State of Mississippi shall be entitled to receive a resident hunting license provided in Section 49-7-5. The domicile of a person is that person's principal or primary home or place of abode. A "principal or primary home or place of abode" is that home or place in which a person's habitation is fixed and to which he, whenever absent, has the present intention of returning after a departure of absence therefrom, regardless of the duration of the absence. The burden of proving domicile shall be on the person claiming such status.

The following evidence or other reliable evidence may be considered in establishing, but is not necessarily determinative of, domicile: driver's license, residence for income or other tax purposes, homestead exemption receipt, or any other means prescribed by the department. In the case of minors, domicile of the parents shall be used as evidence of the minor's domicile.

(3) A nondomiciliary of the state may be issued a resident hunting or fishing license or combination resident hunting/fishing license upon providing the following:
ST: Hunting and fishing license; authorize issuance of resident license to out-of-state military personnel.

(a) A current identification card from a Mississippi college or university; or

(b) A current military identification card showing that the person is an active member of the Armed Forces (excluding Reserves and the National Guard) and proof that the person is stationed on a military base in Mississippi; or

(c) A current military identification card showing that the person is an active member of the Armed Forces (excluding Reserves and the National Guard) who is stationed on a military base outside of Mississippi and proof that the person was born in Mississippi or currently has one or more relatives residing in Mississippi. For the purposes of this paragraph (c), the term "relative" means any person related by blood or marriage within the third degree, computed by the rule of the civil law.

(4) A holder of a resident or nonresident license is required to carry the license on his person while engaged in hunting, trapping or fishing. Any penalty for not carrying a license while engaged in hunting, trapping or fishing shall be waived if the person can verify purchase of a license prior to the date of the violation.

(5) Each application or filing made under this section shall include the Social Security number(s) of the applicant in accordance with Section 93-11-64.

SECTION 2. This act shall take effect and be in force from and after July 1, 2003.