

By: Senator(s) Posey

To: Wildlife, Fisheries and Parks

SENATE BILL NO. 2707

1 AN ACT TO AMEND SECTION 49-7-29, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE WHOLESALE MINNOW DEALERS LAW; TO PROVIDE THAT THE LAW
3 SHALL APPLY TO THE SALE OF FRESHWATER BAIT; TO AUTHORIZE THE
4 COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO DEFINE FRESHWATER
5 BAIT AND REGULATE THE SALE OF SUCH BAIT; TO SET THE FEE FOR A
6 RESIDENT BAIT DEALER LICENSE; AND FOR RELATED PURPOSES.

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

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

10 49-7-29. (1) This section shall be known as the
11 "Mississippi Freshwater Bait Law."

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

14 (a) The term "freshwater bait" shall be defined by the
15 commission.

16 (b) The term "minnow" shall only mean golden shiner
17 (Notemigonus crysoleucas), fathead minnow (Pimephales promelas),
18 goldfish (Carassius auratus), common carp or Israeli carp
19 (Cyprinus carpio), emerald shiner (Notropis atherinoides), western
20 mosquitofish (Gambusia affinis), eastern mosquitofish (Gambusia
21 holbrooki) and gulf killifish (Fundulus grandis).

22 (c) The term "person" means any person, firm or
23 corporation.

24 (d) The term "retail freshwater bait dealer" means any
25 person selling bait to a person.

26 (e) The term "wholesale freshwater bait dealer" means
27 any person selling freshwater bait to a person for resale.

28 (3) The commission may establish license requirements and
29 regulations for the importation, shipment, culture, sale,
30 possession and use of freshwater bait.

31 (4) The department shall license wholesale and retail
32 freshwater bait dealers, as required under this section. * * *

33 (5) It is unlawful for any person * * * to sell freshwater
34 bait at wholesale or retail within the State of Mississippi
35 without a freshwater bait dealer license.

36 (6) (a) A resident wholesale or retail freshwater bait
37 dealer shall certify that * * * the dealer is a resident of the
38 state and shall apply to the department for a * * * resident
39 freshwater bait dealer license.

40 (b) The fee for a resident freshwater bait dealer
41 license shall be Thirty Dollars (\$30.00) per year.

42 (7) (a) A nonresident wholesale or retail freshwater bait
43 dealer shall apply to the department for a nonresident freshwater
44 bait dealer license.

45 (b) The nonresident license fee shall be set by the
46 department.

47 (8) Each sale of freshwater bait in violation of this
48 section shall be punishable as a Class II violation as provided in
49 Section 49-7-143.

50 (9) A copy of the freshwater bait dealer license shall be
51 carried at all times in each vehicle which transports freshwater
52 bait into or within the State of Mississippi. Each violation of
53 this subsection shall be punishable as a Class II violation as
54 provided in Section 49-7-143. However, no person charged with
55 violating this subsection shall be convicted if he produces in
56 court, or files with the clerk of the court before the date of
57 appearance, proof that he held a valid freshwater bait dealer
58 license at the time that he was charged with a violation.

59 **SECTION 2.** This act shall take effect and be in force from
60 and after July 1, 2006.