

By: Senator(s) Posey

To: Wildlife, Fisheries and
Parks

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2708

1 AN ACT TO AMEND SECTION 49-7-1, MISSISSIPPI CODE OF 1972, TO
2 CHANGE PREDATORY CLASS OF ANIMALS TO NUISANCE CLASS; TO AMEND
3 SECTION 49-7-31.5, MISSISSIPPI CODE OF 1972, TO CLARIFY THE
4 TRAPPING OF SUCH ANIMALS; TO AMEND SECTION 49-7-13, MISSISSIPPI
5 CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

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

9 49-7-1. For the purposes of this chapter, the following
10 definitions and interpretations shall govern unless otherwise
11 provided:

12 (a) The following wild animals are classed as game:
13 bear, white-tailed deer, rabbits and squirrels.

14 (b) The following wild animals are classed as
15 fur-bearing animals: muskrats, opossums, otters, skunks, weasels,
16 minks, raccoons and bobcats; all others shall be deemed nuisance
17 animals.

18 (c) All freshwater fish in the following families are
19 classed as game fish: Sunfish family (Centrarchidae) - including
20 largemouth bass (Micropterus salmoides), smallmouth bass
21 (Micropterus dolomieu), spotted bass (Micropterus punctulatus),
22 white crappie (Pomoxis annularis), black crappie (Pomoxis
23 nigromaculatus), redear sunfish (Lepomis microlophus), bluegill
24 (Lepomis macrochiris), warmouth (Lepomis gulosus), green sunfish
25 (Lepomis cyanellus), longear sunfish (Lepomis megalotis),
26 redbreast sunfish (Lepomis auritus) and shadow bass (Ambloplites
27 ariommus); Perch family (Percidae) - including walleye
28 (Stizostedion vitreum), sauger (Stizostedion canadense) and yellow

29 perch (*Perca flavescens*); Pike family (*Esocidae*) - including
30 redfin pickerel (*Esox americanus americanus*), grass pickerel (*Esox*
31 *americanus vermiculatus*), chain pickerel (*Esox niger*); Temperate
32 bass family (*Moronidae*) including - white bass (*Morone chrysops*),
33 yellow bass (*Morone mississippiensis*), striped bass (*Morone*
34 *saxatilis*) and hybrid striped bass (*Morone chrysops* x *Morone*
35 *saxatilis* and/or *Morone saxatilis* x *Morone chrysops*).

36 The following fishes are classed as nongame gross fish: in
37 the Herring family (*Clupeidae*) - gizzard shad (*Dorosoma*
38 *cepedianum*), threadfin shad (*Dorosoma petenense*); in the Catfish
39 family (*Ictaluridae*) - channel catfish (*Ictalurus punctatus*), blue
40 catfish (*Ictalurus furcatus*), flathead catfish (*Pylodictus*
41 *olivaris*), yellow bullhead (*Ameiurus natalis*), black bullhead
42 (*Ameiurus melas*), brown bullhead (*Ameiurus nebulosus*); in the Gar
43 family - spotted gar (*Lepisosteus oculatus*), longnose gar
44 (*Lepisosteus osseus*), shortnose gar (*Lepisosteus platostomus*),
45 alligator gar (*Atractosteus spatula*); in the Eel family
46 (*Anguillidae*) - American eel (*Anguilla rostrata*); in the Bowfin
47 family (*Amiidae*) - bowfin (*Amia calva*); in the Paddlefish family
48 (*Polyodontidae*) - paddlefish (*Polyodon spathula*); in the Minnow
49 family (*Cyprinidae*) - common carp (*Cyprinus carpio*); in the Sucker
50 family (*Catostomidae*) - river carpsucker (*Carpoides carpio*),
51 quillback (*Carpoides cyprinus*), highfin carpsucker (*Carpoides*
52 *velifer*), spotted sucker (*Minytrema melanops*), blacktail redhorse
53 (*Moxostoma poecilurum*), smallmouth buffalo (*Ictiobus bubalus*),
54 bigmouth buffalo (*Ictiobus cyprinellus*), black buffalo (*Ictiobus*
55 *niger*); in the Drum family (*Sciaenidae*) - freshwater drum
56 (*Aplodinotus grunniens*).

57 All fishes native to Mississippi that are not classed as game
58 fish or nongame gross fish are classed as nongame fishes.

59 All fishes native to foreign countries and all fishes native
60 to the United States but not native to Mississippi are classed as
61 non-native fishes.

62 (d) The following are classed as game birds: geese,
63 brant * * * ducks, rails, coots, * * * snipe, gallinules,
64 moorhens, woodcock, crow, mergansers, wild turkey, quail and
65 doves.

66 All other species of wild resident or migratory birds are
67 classed as nongame birds.

68 (e) Closed season: the time during which birds,
69 animals or fish may not be taken.

70 (f) Open season: the time during which birds, animals
71 or fish may be lawfully taken.

72 (g) "Commission" means the Mississippi Commission on
73 Wildlife, Fisheries and Parks.

74 (h) "Department" means the Mississippi Department of
75 Wildlife, Fisheries and Parks.

76 (i) "Executive director" means the Executive Director
77 of the Department of Wildlife, Fisheries and Parks.

78 **SECTION 2.** Section 49-7-13, Mississippi Code of 1972, is
79 amended as follows:

80 49-7-13. (1) Any resident of the state sixteen (16) years
81 of age or older, upon application, is entitled to receive a state
82 trapper's license with tag for the sum of Twenty-five Dollars
83 (\$25.00), plus the fee provided in Section 49-7-17. This license
84 shall be required of each helper or assistant sixteen (16) years
85 of age or older employed or used by a trapper.

86 (2) No person shall trap on the lands of another unless he
87 has the permission of the landowner.

88 (3) Each trap shall have an identification number
89 permanently inscribed on the trap or attached to the trap by a
90 metal tag. Every trapper shall visit his traps at least every
91 thirty-six (36) hours. The conservation officer may take up any
92 traps not properly marked.

93 (4) No person shall place or set a trap on or within one
94 hundred (100) feet of any street or public road. Public roads
95 shall not be construed to mean public waterways.

96 (5) This section shall not apply to a landowner trapping on
97 his own lands except subsection (4).

98 (6) A trapper shall be allowed to trap fur-bearing * * *
99 animals during trapping season, and sell the pelts of fur-bearing
100 and nuisance animals during the trapping season and for ten
101 (10)days after the close of the season. The meat of legally
102 acquired raccoons, opossums and muskrats may also be bought and
103 sold during trapping season, and for ten (10) days after the close
104 of the season.

105 **SECTION 3.** Section 49-7-31.5, Mississippi Code of 1972, is
106 amended as follows:

107 49-7-31.5. (1) (a) The hunting of nuisance animals shall
108 be regulated by the Mississippi Department of Wildlife, Fisheries
109 and Parks.

110 (b) Landowners, agricultural leaseholders or their
111 designated agents may take nuisance animals year-round on lands
112 owned or leased by them.

113 (2) The taking of any animal or animals other than beavers,
114 nutria, wild hogs or coyote by the use of a trap or traps is
115 unlawful except during the time the season is open for the taking
116 of fur-bearing animals.

117 (3) Fox and coyote may be run, chased or pursued with dogs
118 except as provided in Section 49-7-32 year-round by licensed
119 hunters.

120 (4) It is unlawful to trap fox after the closed season for
121 trapping of other fur-bearing animals, except on property owned or
122 leased by the person trapping.

123 **SECTION 4.** This act shall take effect and be in force from
124 and after its passage.