

By: Representative Hudson

To: Wildlife, Fisheries and  
Parks

## HOUSE BILL NO. 1358

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

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

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

8 49-7-3. (1) Any resident of the State of Mississippi shall  
9 be entitled to receive a resident fishing license.

10 (2) Any person domiciled within the State of Mississippi  
11 shall be entitled to receive a resident hunting license provided  
12 in Section 49-7-5. The domicile of a person is that person's  
13 principal or primary home or place of abode. A "principal or  
14 primary home or place of abode" is that home or place in which a  
15 person's habitation is fixed and to which he, whenever absent, has  
16 the present intention of returning after a departure of absence  
17 therefrom, regardless of the duration of the absence. The burden  
18 of proving domicile shall be on the person claiming such status.  
19 The following evidence or other reliable evidence may be  
20 considered in establishing, but is not necessarily determinative  
21 of, domicile: driver's license, residence for income or other tax  
22 purposes, homestead exemption receipt, or any other means  
23 prescribed by the department. In the case of minors, domicile of  
24 the parents shall be used as evidence of the minor's domicile.

25 (3) A nondomiciliary of the state may be issued a resident  
26 hunting or fishing license or combination resident hunting/fishing  
27 license upon providing the following:

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

30           (b) A current military identification card showing that  
31 the person is an active member of the United States Armed Forces  
32 (excluding Reserves and the National Guard) and proof that the  
33 person is stationed on a military base in Mississippi.

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

42           (4) A nondomiciliary of the state may be issued a special  
43 Armed Forces fourteen-day hunting and fishing license with the  
44 same hunting and fishing privileges and at the same fee of a  
45 resident sportsman's license, if the nondomiciliary is an active  
46 member of the United States Armed Forces (excluding Reserves and  
47 the National Guard) and his application is approved by the  
48 department. The applicant must file his application for the  
49 special fourteen-day license in the office of the department. The  
50 department shall establish requirements for proof of active  
51 military status and any other requirements it deems desirable.  
52 The department shall not issue more than two (2) special  
53 fourteen-day licenses to the same applicant per license year.

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

60           (6) Each application or filing made under this section shall  
61 include the social security number(s) of the applicant in  
62 accordance with Section 93-11-64.

63           **SECTION 2.** This act shall take effect and be in force from  
64 and after July 1, 2007.