

By: Representatives Sanford, Tullos

To: Wildlife, Fisheries and Parks

HOUSE BILL NO. 804

1 AN ACT TO AMEND SECTION 49-7-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT NO LICENSE SHALL BE REQUIRED OF NONRESIDENTS TO HUNT,
3 FISH OR TRAP ON LANDS IN WHICH THE RECORD TITLE IS VESTED IN SUCH
4 PERSON; TO BRING FORWARD SECTIONS 49-7-3 AND 49-7-9, MISSISSIPPI
5 CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** Section 49-7-5, Mississippi Code of 1972, is
9 amended as follows:

10 49-7-5. (1) (a) Any resident, as defined in Section
11 49-7-3, upon application, shall receive a combination resident
12 hunting and fishing license for the sum of Twenty-five Dollars
13 (\$25.00). The license shall qualify the licensee to hunt under
14 this chapter all game and fowl, including deer and turkey, and to
15 fish in any county of the state.

16 (b) Any resident, as defined in Section 49-7-3, upon
17 application, shall receive a resident combination small game
18 hunting and fishing license for the sum of Ten Dollars (\$10.00)
19 together with the fee provided in Section 49-7-17 to the office or
20 agent issuing the license. The hunting license shall qualify the



21 licensee to hunt and fish under this chapter all game and fowl,
22 except deer and turkey, in any county in the state.

23 (c) Any resident, as defined in Section 49-7-3, upon
24 application, shall receive a sportsman's license for the sum of
25 Forty-five Dollars (\$45.00). The license shall qualify the
26 licensee to hunt under this chapter all game and fowl, including
27 deer and turkey, and to fish as provided by law, in any county in
28 the state, and to hunt using primitive weapons and bow and arrow
29 in the manner provided by law. The commission may notify the
30 licensee of the expiration of his license, and the licensee may
31 renew the license by mailing the sum of Forty-five Dollars
32 (\$45.00) to the commission. A licensee who has not renewed the
33 license within thirty (30) days after the expiration date shall be
34 removed from the commission's records, and the licensee must apply
35 to be placed on the renewal list.

36 (d) In addition to a hunting license allowing the
37 taking of turkey, a resident who hunts turkey during a fall turkey
38 season must purchase a fall turkey hunting permit for a fee of
39 Five Dollars (\$5.00) plus the fee provided in Section 49-7-17. A
40 resident sportsman's licensee or resident lifetime sportsman's
41 licensee may hunt during the fall turkey season without purchasing
42 a permit.

43 (e) The commission may offer a resident apprentice
44 hunting license for a resident who does not have the required
45 certificate of hunter education and may set the fee for the



46 apprentice hunting license. An apprentice license may be
47 purchased only one (1) time by a resident and the apprentice
48 hunting licensee must be accompanied by a licensed or exempt
49 resident hunter at least twenty-one (21) years of age when
50 hunting.

51 (2) (a) Any resident citizen of the State of Mississippi
52 who has not reached the age of sixteen (16) years or who has
53 reached the age of sixty-five (65) years, or any resident citizen
54 who is blind, paraplegic, or a multiple amputee, or who has been
55 adjudged by the Veterans Administration as having a total
56 service-connected disability, or has been adjudged to be totally
57 disabled by the Social Security Administration shall not be
58 required to purchase or have in his possession, a hunting or
59 fishing license while engaged in such activities. A person exempt
60 by reason of total service-connected disability, as adjudged by
61 the Veterans Administration or who has been adjudged to be totally
62 disabled by the Social Security Administration or who is blind,
63 paraplegic or a multiple amputee, shall have in their possession
64 and on their person proof of their age, residency, disability
65 status or other respective physical impairment while engaged in
66 the activities of hunting or fishing.

67 (b) Any resident who is a member of the Armed Forces,
68 including the Reserves and National Guard, and on active duty
69 outside the State of Mississippi is not required to purchase or
70 have in his possession a hunting or fishing license while engaged



71 in such activities on leave from active duty. The resident shall
72 have in his possession and on his person any proof as may be
73 required by the commission.

74 (c) All exempt hunting and fishing licenses previously
75 issued for disabilities shall be null and void effective July 1,
76 1993.

77 (d) The commission may offer a youth all-game hunting
78 and fishing license for exempt youths who have a hunter education
79 certificate and an all-game hunting and fishing license for other
80 persons exempted under paragraph (a). Youths and other exempt
81 persons shall not be required to purchase this license or have it
82 in possession while hunting or fishing. The commission may
83 establish a fee not to exceed Five Dollars (\$5.00) for the
84 licenses.

85 (e) The requirement for purchasing and/or having a
86 hunting or fishing license authorized in subsection (1) of this
87 section may be waived for any resident or nonresident who is an
88 honorably discharged veteran with a combat-related disability and
89 who will be participating in a special hunt, fishing trip or other
90 outdoor recreational event that is available only to such persons
91 as determined by the entity sponsoring the event. The commission
92 is authorized to establish such criteria and/or procedures for an
93 organization to be recognized as a sanctioned entity that provides
94 unique outdoor recreational opportunities for wounded or disabled
95 veterans. Any events sponsored by a recognized organization, and



96 the persons participating in such event, shall be entitled to the
97 waiver set forth above without further action on the part of the
98 commission or the sponsoring organization.

99 (3) No license shall be required of residents or
100 nonresidents to hunt, fish or trap on lands in which the record
101 title is vested in such person.

102 (4) Any person or persons exempt under this section from
103 procuring a license shall be subject to and must comply with all
104 other terms and provisions of this chapter.

105 (5) Any person authorized to issue any license under this
106 section may collect and retain for the issuance of each license
107 the additional fee authorized under Section 49-7-17.

108 **SECTION 2.** Section 49-7-3, Mississippi Code of 1972, is
109 brought forward as follows:

110 49-7-3. (1) Any resident of the State of Mississippi shall
111 be entitled to receive a resident fishing license.

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



121 The following evidence or other reliable evidence may be
122 considered in establishing, but is not necessarily determinative
123 of, domicile: driver's license, valid and current tribal
124 identification card issued by a federally recognized Indian tribe
125 containing a photograph of the person submitting the
126 identification card, residence for income or other tax purposes,
127 homestead exemption receipt, or any other means prescribed by the
128 department. In the case of minors, domicile of the parents shall
129 be used as evidence of the minor's domicile.

130 (3) A nondomiciliary of the state may be issued a resident
131 hunting or fishing license or combination resident hunting/fishing
132 license upon providing the following:

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

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

139 (4) A nondomiciliary of the state may be issued a special
140 Armed Forces fourteen-day hunting and fishing license with the
141 same hunting and fishing privileges and at the same fee of a
142 resident sportsman's license, if the nondomiciliary is an active
143 member of the United States Armed Forces (excluding Reserves and
144 the National Guard) and his application is approved by the
145 department. The applicant must file his application for the



146 special fourteen-day license in the office of the department. The
147 department shall establish requirements for proof of active
148 military status and any other requirements it deems desirable.
149 The department shall not issue more than two (2) special
150 fourteen-day licenses to the same applicant per license year.

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

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

160 **SECTION 3.** Section 49-7-9, Mississippi Code of 1972, is
161 brought forward as follows:

162 49-7-9. (1) (a) Each resident of the State of Mississippi,
163 as defined in Section 49-7-3, fishing in the public fresh waters
164 of the state, including lakes and reservoirs, but not including
165 privately owned ponds and streams, shall purchase a combination
166 small game hunting and fishing license as provided in Section
167 49-7-5 for Ten Dollars (\$10.00). Any resident purchasing a
168 license as prescribed in this subsection shall be entitled to
169 fish, in accordance with the regulations and ordinances of the



170 commission, in all public fresh waters within the territory of the
171 State of Mississippi.

172 (b) A resident may purchase a resident fishing license
173 valid for a period of three (3) days for the sum of Three Dollars
174 (\$3.00).

175 (c) No license shall be required of any resident
176 citizen of the State of Mississippi who has not reached the age of
177 sixteen (16) years or who has reached the age of sixty-five (65)
178 years or who is blind, paraplegic, a multiple amputee or has been
179 adjudged by the Veterans Administration as having a total
180 service-connected disability, or has been adjudged totally
181 disabled by the Social Security Administration. Such person shall
182 not be required to purchase or have in his possession a hunting or
183 fishing license while engaged in such activities.

184 (d) A person exempt by reason of age, total
185 service-connected disability as adjudged by the Veterans
186 Administration or total disability as adjudged by the Social
187 Security Administration or who is blind, paraplegic or a multiple
188 amputee, shall have in their possession and on their person proof
189 of their age, residency, disability status or other respective
190 physical impairment while engaged in the activities of hunting or
191 fishing.

192 (e) Any resident who is a member of the Armed Forces,
193 including the Reserves and National Guard, and on active duty
194 outside the State of Mississippi is not required to purchase or



195 have in his possession a hunting or fishing license while engaged
196 in such activities on leave from active duty. Such resident shall
197 have in his possession and on his person such proof as may be
198 required by the commission.

199 (f) The requirement for purchasing and/or having a
200 hunting or fishing license authorized in this subsection (1) may
201 be waived for any resident or nonresident who is an honorably
202 discharged veteran with a combat-related disability and who will
203 be participating in a special hunt, fishing trip or other outdoor
204 recreational event that is available only to such persons as
205 determined by the entity sponsoring the event. The commission is
206 authorized to establish such criteria and/or procedures for an
207 organization to be recognized as a sanctioned entity that provides
208 unique outdoor recreational opportunities for wounded or disabled
209 veterans. Any events sponsored by a recognized organization, and
210 the persons participating in such event, shall be entitled to the
211 waiver set forth above without further action on the part of the
212 commission or the sponsoring organization.

213 (2) (a) All persons fishing in privately owned lakes or
214 ponds shall have specific permission to do so from the owner of
215 such lake or pond.

216 (b) Residents do not need a fishing license to fish in
217 those waters, except when the owner of the lake or pond charges a
218 fee for fishing, then a resident must have a fishing license to



219 fish in those waters unless exempted under subsection (1) of this
220 section.

221 (3) The first weekend of "National Fishing and Boating Week"
222 in June of each year is designated as "Free Fishing Weekend."
223 July 4 is designated as "Free Fishing Day." Any person may sport
224 fish without a license on "Free Fishing Weekend," and on "Free
225 Fishing Day."

226 (4) Any person authorized to issue any license under this
227 section may collect and retain for issuing each license the
228 additional fee authorized under Section 49-7-17.

229 **SECTION 4.** This act shall take effect and be in force from
230 and after July 1, 2023.

