

By: Representatives Kinkade, Anderson
(122nd), Carpenter, Keen, Mattox, Powell,
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To: Wildlife, Fisheries and
Parks

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1298

1 AN ACT TO ESTABLISH THE MISSISSIPPI WILD TURKEY STAMP; TO
2 DEFINE CERTAIN TERMS RELATING TO THE WILD TURKEY STAMP; TO PROVIDE
3 THAT IT IS UNLAWFUL FOR ANY PERSON SIXTEEN YEARS OF AGE OR OLDER
4 TO HUNT OR TAKE ANY WILD TURKEY WITHIN THIS STATE WITHOUT FIRST
5 PROCURING A STATE WILD TURKEY STAMP OR ITS ELECTRONIC EQUIVALENT;
6 TO PROVIDE THAT ANY PENALTY FOR NOT HAVING THE WILD TURKEY STAMP
7 IN POSSESSION WHILE ENGAGED IN HUNTING OR TAKING WILD TURKEY SHALL
8 BE WAIVED IF THE PERSON CAN VERIFY PURCHASE OF A WILD TURKEY STAMP
9 PRIOR TO THE DATE OF THE VIOLATION; TO REQUIRE THE COMMISSION ON
10 WILDLIFE, FISHERIES AND PARKS TO DETERMINE THE FORM OF THE WILD
11 TURKEY STAMP AND THE ELECTRONIC EQUIVALENT OF SUCH STAMP; TO
12 PROVIDE THE FEE FOR A RESIDENT AND NONRESIDENT WILD TURKEY STAMP;
13 TO PROVIDE THAT ALL REVENUE FROM THE SALE OF WILD TURKEY STAMPS
14 SHALL BE USED FOR PROJECTS APPROVED BY THE COMMISSION; TO PROVIDE
15 PENALTIES FOR A VIOLATION OF THIS ACT; TO BRING FORWARD SECTIONS
16 49-7-1, 49-7-5 AND 49-7-26, MISSISSIPPI CODE OF 1972, FOR PURPOSE
17 OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** For purposes of this act, the following terms
20 have the meanings as described in this section, unless the context
21 clearly requires otherwise:

22 (a) "Commission" means the Mississippi Commission on
23 Wildlife, Fisheries and Parks.

24 (b) "Stamp" means the state wild turkey stamp, or the
25 electronic equivalent of such stamp furnished by the commission.



26 **SECTION 2.** (1) It is unlawful for any person sixteen (16)
27 years of age or older to hunt or take any wild turkey within this
28 state without first procuring a state wild turkey stamp or its
29 electronic equivalent, and having the stamp or proof of purchase
30 of the electronic equivalent in his or her possession while
31 hunting or taking any wild turkey.

32 Any penalty for not having the wild turkey stamp in
33 possession while engaged in hunting or taking wild turkey shall be
34 waived if the person can verify purchase of a wild turkey stamp
35 prior to the date of the violation.

36 (2) Each wild turkey stamp shall be validated by the
37 signature of the licensee written across the face of the stamp or
38 the proof of purchase of the electronic equivalent.

39 (3) The commission shall determine the form of the wild
40 turkey stamp and the electronic equivalent of such stamp. The
41 commission shall furnish the wild turkey stamps to bonded agents
42 for issuance or sale in the same manner as other types of
43 licenses, or cause the electronic equivalent of such stamps to
44 accrue to the purchaser's benefit when purchasing a license from
45 an automated point of sale vendor.

46 **SECTION 3.** The fee for each wild turkey stamp issued under
47 this act is Ten Dollars (\$10.00) for a resident, as defined in
48 Section 49-7-3, and One Hundred Dollars (\$100.00) for a
49 nonresident.



50 **SECTION 4.** (1) All revenue from the sale of wild turkey
51 stamps shall be used for projects approved by the commission for
52 the purpose of protecting and propagating wild turkey, and for the
53 development, restoration, maintenance or preservation of wild
54 turkey habitats. Provided, however, that none of such funds shall
55 be expended for administrative salaries.

56 (2) The commission may enter into contracts with nonprofit
57 organizations for the use of part of such funds outside the United
58 States, if the commission finds that such contracts are necessary
59 for carrying out the purposes of this act.

60 **SECTION 5.** Before approving and allocating funds for a
61 proposed project to be undertaken outside the State of Mississippi
62 or outside the United States, the commission shall obtain evidence
63 that the project is acceptable to the government agency having
64 jurisdiction over the lands affected by such project.

65 **SECTION 6.** Any person violating any of the provisions of
66 this act shall be guilty of a misdemeanor and, upon conviction,
67 shall be fined not less than Twenty-five Dollars (\$25.00) nor more
68 than One Hundred Dollars (\$100.00).

69 **SECTION 7.** Section 49-7-1, Mississippi Code of 1972, is
70 brought forward as follows:

71 49-7-1. For the purposes of this chapter, the following
72 definitions and interpretations shall govern unless otherwise
73 provided:



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

76 (b) The following wild animals are classed as
77 fur-bearing animals: muskrats, opossums, otters, weasels, minks,
78 raccoons and bobcats.

79 (c) The following wild animals are classed as nuisance
80 animals: wild hogs, nutria, beaver, fox, skunks and coyote.

81 (d) All freshwater fish in the following families are
82 classed as game fish: Sunfish family (Centrarchidae) - including
83 largemouth bass (*Micropterus salmoides*), smallmouth bass
84 (*Micropterus dolomieu*), spotted bass (*Micropterus punctulatus*),
85 white crappie (*Pomoxis annularis*), black crappie (*Pomoxis*
86 *nigromaculatus*), redear sunfish (*Lepomis microlophus*), bluegill
87 (*Lepomis macrochirus*), warmouth (*Lepomis gulosus*), green sunfish
88 (*Lepomis cyanelus*), longear sunfish (*Lepomis megalotis*),
89 redbreast sunfish (*Lepomis auritus*) and shadow bass (*Ambloplites*
90 *arionomus*); Perch family (Percidae) - including walleye
91 (*Stizostedion vitreum*), sauger (*Stizostedion canadense*) and yellow
92 perch (*Perca flavescens*); Pike family (Esocidae) - including
93 redbfin pickerel (*Esox americanus americanus*), grass pickerel (*Esox*
94 *americanus vermiculatus*), chain pickerel (*Esox niger*); Temperate
95 bass family (Moronidae) including - white bass (*Morone chrysops*),
96 yellow bass (*Morone mississippiensis*), striped bass (*Morone*
97 *saxatilis*) and hybrid striped bass (*Morone chrysops* x *Morone*
98 *saxatilis* and/or *Morone saxatilis* x *Morone chrysops*).



99 The following fish are classed as nongame gross fish: in the
100 Herring family (Clupeidae) - gizzard shad (*Dorosoma cepedianum*),
101 threadfin shad (*Dorosoma petenense*); in the Catfish family
102 (Ictaluridae) - channel catfish (*Ictalurus punctatus*), blue
103 catfish (*Ictalurus furcatus*), flathead catfish (*Pylodictus*
104 *olivaris*), yellow bullhead (*Ameiurus natalis*), black bullhead
105 (*Ameiurus melas*), brown bullhead (*Ameiurus nebulosus*); in the Gar
106 family - spotted gar (*Lepisosteus oculatus*), longnose gar
107 (*Lepisosteus osseus*), shortnose gar (*Lepisosteus platostomus*),
108 alligator gar (*Atractosteus spatula*); in the Eel family
109 (Anguillidae) - American eel (*Anguilla rostrata*); in the Bowfin
110 family (Amiidae) - bowfin (*Amia calva*); in the Paddlefish family
111 (Polyodontidae) - paddlefish (*Polyodon spathula*); in the Minnow
112 family (Cyprinidae) - common carp (*Cyprinus carpio*); in the Sucker
113 family (Catostomidae) - river carpsucker (*Carpoides carpio*),
114 quillback (*Carpoides cyprinus*), highfin carpsucker (*Carpoides*
115 *velifer*), spotted sucker (*Minytrema melanops*), blacktail redhorse
116 (*Moxostoma poecilurum*), smallmouth buffalo (*Ictiobus bubalus*),
117 bigmouth buffalo (*Ictiobus cyprinellus*), black buffalo (*Ictiobus*
118 *niger*); in the Drum family (Sciaenidae) - freshwater drum
119 (*Aplodinotus grunniens*).

120 All fish native to Mississippi that are not classed as game
121 fish or nongame gross fish are classed as nongame fish.



122 All fish native to foreign countries and all fish native to
123 the United States but not native to Mississippi are classed as
124 nonnative fish.

125 (e) The following are classed as game birds: geese,
126 brant ducks, rails, coots, snipe, gallinules, moorhens, woodcock,
127 crow, mergansers, wild turkey, quail and doves.

128 All other species of wild resident or migratory birds are
129 classed as nongame birds.

130 (f) Closed season: the time during which birds,
131 animals or fish may not be taken.

132 (g) Open season: the time during which birds, animals
133 or fish may be lawfully taken.

134 (h) "Commission" means the Mississippi Commission on
135 Wildlife, Fisheries and Parks.

136 (i) "Department" means the Mississippi Department of
137 Wildlife, Fisheries and Parks.

138 (j) "Executive director" means the Executive Director
139 of the Department of Wildlife, Fisheries and Parks.

140 **SECTION 8.** Section 49-7-5, Mississippi Code of 1972, is
141 brought forward as follows:

142 49-7-5. (1) (a) Any resident, as defined in Section
143 49-7-3, upon application, shall receive a combination resident
144 hunting and fishing license for the sum of Twenty-five Dollars
145 (\$25.00). The license shall qualify the licensee to hunt under



146 this chapter all game and fowl, including deer and turkey, and to
147 fish in any county of the state.

148 (b) Any resident, as defined in Section 49-7-3, upon
149 application, shall receive a resident combination small game
150 hunting and fishing license for the sum of Ten Dollars (\$10.00)
151 together with the fee provided in Section 49-7-17 to the office or
152 agent issuing the license. The hunting license shall qualify the
153 licensee to hunt and fish under this chapter all game and fowl,
154 except deer and turkey, in any county in the state.

155 (c) Any resident, as defined in Section 49-7-3, upon
156 application, shall receive a sportsman's license for the sum of
157 Forty-five Dollars (\$45.00). The license shall qualify the
158 licensee to hunt under this chapter all game and fowl, including
159 deer and turkey, and to fish as provided by law, in any county in
160 the state, and to hunt using primitive weapons and bow and arrow
161 in the manner provided by law. The commission may notify the
162 licensee of the expiration of his license, and the licensee may
163 renew the license by mailing the sum of Forty-five Dollars
164 (\$45.00) to the commission. A licensee who has not renewed the
165 license within thirty (30) days after the expiration date shall be
166 removed from the commission's records, and the licensee must apply
167 to be placed on the renewal list.

168 (d) In addition to a hunting license allowing the
169 taking of turkey, a resident who hunts turkey during a fall turkey
170 season must purchase a fall turkey hunting permit for a fee of



171 Five Dollars (\$5.00) plus the fee provided in Section 49-7-17. A
172 resident sportsman's licensee or resident lifetime sportsman's
173 licensee may hunt during the fall turkey season without purchasing
174 a permit.

175 (e) The commission may offer a resident apprentice
176 hunting license for a resident who does not have the required
177 certificate of hunter education and may set the fee for the
178 apprentice hunting license. An apprentice license may be
179 purchased only one (1) time by a resident and the apprentice
180 hunting licensee must be accompanied by a licensed or exempt
181 resident hunter at least twenty-one (21) years of age when
182 hunting.

183 (2) (a) Any resident citizen of the State of Mississippi
184 who has not reached the age of sixteen (16) years or who has
185 reached the age of sixty-five (65) years, or any resident citizen
186 who is blind, paraplegic, or a multiple amputee, or who has been
187 adjudged by the Veterans Administration as having a total
188 service-connected disability, or has been adjudged to be totally
189 disabled by the Social Security Administration shall not be
190 required to purchase or have in his possession, a hunting or
191 fishing license while engaged in such activities. A person exempt
192 by reason of total service-connected disability, as adjudged by
193 the Veterans Administration or who has been adjudged to be totally
194 disabled by the Social Security Administration or who is blind,
195 paraplegic or a multiple amputee, shall have in their possession



196 and on their person proof of their age, residency, disability
197 status or other respective physical impairment while engaged in
198 the activities of hunting or fishing.

199 (b) Any resident who is a member of the Armed Forces,
200 including the Reserves and National Guard, and on active duty
201 outside the State of Mississippi is not required to purchase or
202 have in his possession a hunting or fishing license while engaged
203 in such activities on leave from active duty. The resident shall
204 have in his possession and on his person any proof as may be
205 required by the commission.

206 (c) All exempt hunting and fishing licenses previously
207 issued for disabilities shall be null and void effective July 1,
208 1993.

209 (d) The commission may offer a youth all-game hunting
210 and fishing license for exempt youths who have a hunter education
211 certificate and an all-game hunting and fishing license for other
212 persons exempted under paragraph (a). Youths and other exempt
213 persons shall not be required to purchase this license or have it
214 in possession while hunting or fishing. The commission may
215 establish a fee not to exceed Five Dollars (\$5.00) for the
216 licenses.

217 (e) The requirement for purchasing and/or having a
218 hunting or fishing license authorized in subsection (1) of this
219 section may be waived for any resident or nonresident who is an
220 honorably discharged veteran with a combat-related disability and



221 who will be participating in a special hunt, fishing trip or other
222 outdoor recreational event that is available only to such persons
223 as determined by the entity sponsoring the event. The commission
224 is authorized to establish such criteria and/or procedures for an
225 organization to be recognized as a sanctioned entity that provides
226 unique outdoor recreational opportunities for wounded or disabled
227 veterans. Any events sponsored by a recognized organization, and
228 the persons participating in such event, shall be entitled to the
229 waiver set forth above without further action on the part of the
230 commission or the sponsoring organization.

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

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

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

240 **SECTION 9.** Section 49-7-26, Mississippi Code of 1972, is
241 brought forward as follows:

242 49-7-26. (1) (a) The department may develop, implement and
243 regulate a tagging and reporting program to collect harvest data
244 and monitor bag limit compliance by any means as provided in this
245 section.



246 (b) The department may charge a fee for the tagging
247 program.

248 (c) The department shall provide an annual report to
249 the Wildlife, Fisheries and Parks Committees of the Senate and the
250 House of Representatives.

251 (2) (a) The department may establish a tagging and
252 reporting program for deer harvested by nonresidents.

253 (b) A nonresident who violates any law or regulation of
254 the nonresident deer tagging program shall be subject to the fine
255 and forfeiture penalties provided for a nonresident hunting
256 without a license under Section 49-7-21. In addition, a
257 nonresident shall be assessed the administrative fee prescribed in
258 this section.

259 (3) (a) The department may establish a tagging and
260 reporting program for turkey.

261 (b) A person who violates any law or regulation of the
262 turkey tagging program is guilty of a Class III violation and
263 shall be subject to the fines provided in 49-7-101. In addition,
264 a person shall be assessed the administrative fee prescribed in
265 this section.

266 (4) (a) A person convicted of a first violation of the
267 tagging program shall be assessed an administrative fee of not
268 less than One Hundred Dollars (\$100.00) nor more than Five Hundred
269 Dollars (\$500.00), which shall be imposed and collected upon
270 conviction. A person convicted of a second or subsequent



271 violation shall be assessed an administrative fee of not less than
272 Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars
273 (\$1,000.00), which shall be imposed and collected upon conviction.

274 (b) The clerk of the court shall collect and deposit
275 the administrative fees with the State Treasurer, in the same
276 manner and in accordance with the same procedure, as nearly as
277 practicable, as required for the collection and deposit of state
278 assessments under Section 99-19-73.

279 (c) The administrative fees shall be credited to the
280 Department of Wildlife, Fisheries and Parks and may be expended by
281 the department upon appropriation by the Legislature.

282 (5) Each deer or turkey taken or possessed in violation of
283 the tagging program is a separate offense.

284 **SECTION 10.** This act shall take effect and be in force from
285 and after July 1, 2024.

