

By: Senator(s) Posey

To: Wildlife and Fisheries

SENATE BILL NO. 2589  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 49-7-29, MISSISSIPPI CODE OF 1972, TO  
2 CLARIFY THE DEFINITION OF MINNOW; TO MAKE TECHNICAL CHANGES TO THE  
3 WHOLESALE MINNOW DEALERS LAW; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 49-7-29, Mississippi Code of 1972, is  
6 amended as follows:

7 49-7-29. (1) This section shall be known as the

8 "Mississippi Wholesale Minnow Dealers Law \* \* \*."

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

11 (a) The term "wholesale minnow dealer" means any person  
12 selling minnows to a person for resale.

13 (b) The term "person" means any person, firm or  
14 corporation.

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

21 \* \* \*

22 (3) The department \* \* \* shall license wholesale minnow  
23 dealers, as required under this section. However, bona fide  
24 residents of Mississippi growing minnows on their own property  
25 within the State of Mississippi shall be exempt from these license  
26 requirements.

27 (4) It is unlawful for any person except those exempted by  
28 subsection (3) \* \* \* to sell minnows at wholesale within the State  
29 of Mississippi without a commercial fishing license.

30 (5) A resident wholesale minnow dealer \* \* \* shall certify  
31 that he is a resident of the state \* \* \* and shall apply to the  
32 department for a commercial fishing license.

33 (6) A nonresident wholesale minnow dealer shall apply to the  
34 department for a nonresident commercial fishing license \* \* \*.  
35 This nonresident license fee shall be set by the department.

36 (7) Each sale of minnows in violation of this section shall  
37 be punishable as a Class I violation as provided in Section  
38 49-7-141.

39 (8) A copy of the commercial fishing license shall be  
40 carried at all times in each vehicle which transports minnows into  
41 or within the State of Mississippi. Each violation of this  
42 subsection shall be punishable as a Class I violation as provided  
43 in Section 49-7-141. However, no person charged with violating  
44 this subsection shall be convicted if he produces in court, or  
45 files with the clerk of the court before the date of appearance,  
46 proof that he held a valid commercial fishing license at the time  
47 that he was charged with a violation.

48 SECTION 2. This act shall take effect and be in force from  
49 and after July 1, 2001.