AN ACT TO AMEND SECTION 49-1-29, MISSISSIPPI CODE OF 1972, TO
AUTHORIZE THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO TEST
DEER WITHIN ENCLOSURES FOR CHRONIC WASTING DISEASE; TO DEPOPULATE
DEER IN AN ENCLOSURE WHERE CHRONIC WASTING DISEASE IS FOUND; TO
AMEND SECTION 49-7-54, MISSISSIPPI CODE OF 1972, TO INCREASE THE
PENALTY FOR THE ILLEGAL IMPORTATION OF LIVE WHITE-TAILED DEER INTO
THE STATE; TO REQUIRE OWNERS OF CERTAIN ENCLOSURES TO COMPLY WITH
CHRONIC WASTING DISEASE TESTING; TO PROVIDE PENALTIES FOR FAILURE
TO COMPLY; TO AMEND SECTION 49-11-3, MISSISSIPPI CODE OF 1972, TO
CLARIFY AUTHORITY OF THE COMMISSION ON WILDLIFE, FISHERIES AND
PARKS TO REGULATE HUNTING OF NONNATIVE GAME WITHIN COMMERCIAL
WILDLIFE ENCLOSURES; AND FOR RELATED PURPOSES.

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

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

49-1-29. The commission may promulgate rules and
regulations, inaugurate studies and surveys, and establish any
services it deems necessary to carry out wildlife laws. A
violation of any rules or regulations promulgated by the
commission shall constitute a misdemeanor and shall be punished as
provided in Section 49-7-101.

The executive director shall have authority with commission
approval:

(a) To close or shorten the open season as prescribed
by law in cases of urgent emergency on any species of game birds,
game or fur-bearing animals, reptiles, fish or amphibians, in any
locality, when it finds after investigation and public review that
the action is reasonably necessary to secure the perpetuation of
any species of game birds, game or fur-bearing animals, reptiles,
fish or amphibians and to maintain an adequate supply in the
affected area. The statutes shall continue in full force and
effect, except as restricted and limited by the rules and
regulations promulgated by the commission.

(b) To designate wildlife refuges, with the consent of
the property owner or owners, in any localities it finds necessary
to secure perpetuation of any species of game birds, game or
fur-bearing animals, reptiles, fish or amphibians and to maintain
an adequate supply for the purpose of providing a safe retreat
where the animals may rest and replenish adjacent hunting,
trapping or fishing grounds or waters.

c) To acquire and hold for the state by purchase,
condemnation, lease, or agreement as authorized from time to time
by the Legislature, and to receive by gifts or devise, lands or
water suitable for fish habitats, game and bird habitats, state
parks, access sites, wildlife refuges, or for public shooting,
trapping or fishing grounds or waters, to provide areas on which
any citizen may hunt, trap or fish under any special regulations
as the commission may prescribe.

d) To extend and consolidate lands or waters suitable
for the above purposes by exchange of lands or waters under its
jurisdiction.

e) To capture, propagate, transport, sell or exchange
any species of game birds, game or fur-bearing animals, reptiles,
fish or amphibians needed for stocking or restocking any lands or
waters of the state.

f) To enter into cooperative agreements with persons,
firms, corporations or governmental agencies for purposes
consistent with this chapter.

(g) To regulate the burning of rubbish, slashings and
marshes or other areas it may find reasonably necessary to reduce
the danger of destructive fires.

(h) To conduct research in improved wildlife and
fisheries conservation methods and to disseminate information to
the residents of the state through the schools, public media and
other publications.

(i) To have exclusive charge and control of the
propagation and distribution of wild birds, animals, reptiles,
fish and amphibians, the conduct and control of hatcheries,
biological stations and game and fur farms owned or acquired by
the state; to expend for the protection, propagation or
preservation of game birds, game or fur-bearing animals, reptiles,
fish and amphibians all funds of the state acquired for this
purpose arising from licenses, gifts or otherwise; and shall have
charge of the enforcement of all wildlife laws.

(j) To grant permits and provide regulations for field
trials and dog trainers.

(k) To prohibit and to regulate the taking of nongame
gross fish, except minnows.

(l) To enter into agreements with landowners to trap
and purchase quail on the premises of the landowner and to provide
for the distribution of quail.

(m) To operate or lease to third persons concessions or
other rights or privileges on lakes owned or leased by the
department. Owners of land adjoining land owned or leased by the
department shall have priority to the concessions or rights or
privileges, if the owners meet the qualifications established by
the commission.

(n) To implement a beaver control program and to charge
fees, upon the recommendation of the Beaver Control Advisory
Board, to landowners participating in the beaver control program
described in Section 49-7-201.

(o) To apply for, receive and expend any federal, state
or local funds, contributions or funds from any other source for
the purpose of beaver control or eradication.

(p) To require the department to divide the districts
into zones if necessary, and periodically survey the districts or
zones to obtain information that is necessary to properly
determine the population and allowable harvest limits of wildlife
within the district or zone.

(q) To require chronic wasting disease (CWD) testing of
all white-tailed deer harvested within any enclosure; to grant
Wildlife personnel authority to access the property and depopulate
white-tailed deer within an enclosure where CWD has been
diagnosed; and to grant Wildlife Personnel Authority to access the
property and utilize lethal collection methods to obtain tissue
samples for testing if CWD has been diagnosed within five (5)
miles of the enclosure.

SECTION 2. (1) The owner of any enclosure containing
white-tailed deer that prevents the free egress of such deer from
the enclosure shall comply with any testing of white-tailed deer
harvested within the enclosure as may be required by the
department. If chronic wasting disease is diagnosed within five
(5) miles of such an enclosure, the owner shall allow wildlife
personnel to enter the enclosure and utilize lethal collection
methods to obtain tissue samples for testing. If chronic wasting
disease is diagnosed within an enclosure, the owner shall allow
wildlife personnel to enter the enclosure and depopulate the
white-tailed deer within the enclosure.

(2) A violation of this section is a Class II violation and
is punishable as provided in Section 49-7-143. A second or
subsequent violation of this section is a Class I violation and is
punishable as provided in Section 49-7-141.

SECTION 3. (1) The Department of Wildlife, Fisheries and
Parks shall develop and implement a program for inspecting,
monitoring, testing and preventing chronic wasting disease. The
Department of Wildlife, Fisheries and Parks is authorized to
require the chronic wasting disease testing of white-tailed deer
harvested within any enclosure. If chronic wasting disease is
diagnosed in white-tailed deer within an enclosure, the department
is authorized to enter the enclosure and depopulate the
white-tailed deer within the enclosure. If chronic wasting
disease is diagnosed within five (5) miles of the enclosure, the
department is authorized to enter the enclosure and utilize lethal
collection methods to obtain tissue samples.
(2) If a live test for chronic wasting disease is developed,
the department is authorized to conduct such tests on white-tailed
deer within any enclosure.

SECTION 4. Section 49-11-3, Mississippi Code of 1972, is
amended as follows:

49-11-3. (1) The department may issue operating licenses to
any person, partnership, association or corporation for the
operation of shooting preserves or commercial wildlife enclosures
that meet the following requirements and any applicable
regulations:

(a) Each shooting preserve shall contain a minimum of
one hundred (100) acres in one (1) tract of leased or owned land
(including water area, if any) and shall be restricted to not more
than six hundred forty (640) contiguous acres (including water
area, if any), except that preserves confined to the releasing of
ducks only may be authorized to operate with a minimum of fifty
(50) contiguous acres (including water area).

(b) The boundaries of each shooting preserve shall be
clearly defined and posted with signs erected at intervals of
three hundred (300) feet or less.

(c) Each commercial wildlife enclosure shall contain a
minimum of three hundred (300) acres in one (1) tract of leased or
owned land (including water area, if any). No commercial wildlife
enclosure shall be constructed in such a manner as to allow
ingress of native wild animals without providing means of egress.

(d) The preserve or enclosure must be privately owned
and operated.
The commission may issue any rules or regulations necessary to regulate shooting preserves and commercial wildlife enclosures and to enforce this chapter.

The commission is authorized to regulate the hunting of nonnative wild game within a commercial wildlife enclosure, and the department may enter such enclosure as provided under Section 49-11-25 and enforce such regulations.

SECTION 5. The Commission on Wildlife, Fisheries and Parks may regulate the hunting of nonnative wild game in noncommercial wildlife enclosures, and the Department of Wildlife, Fisheries and Parks may enforce such regulations and laws in the same manner as commercial wildlife enclosures as provided in Section 49-11-25.

SECTION 6. Section 49-7-54, Mississippi Code of 1972, is amended as follows:

49-7-54. (1) It is unlawful to import and translocate live white-tailed deer into this state, except that university research facilities may import live white-tailed deer upon prior approval of the commission. The commission shall establish regulations governing the importation of white-tailed deer with emphasis on preventing the introduction of diseases.

(2) A person who violates this section is guilty of a Class I violation and shall be punished as provided in Section 49-7-141.

SECTION 7. This act shall take effect and be in force from and after its passage.