

By: Representatives Robinson (84th),
Peranich

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 1033

1 AN ACT TO AMEND SECTION 49-7-1, MISSISSIPPI CODE OF 1972, TO
2 REMOVE NUTRIA FROM THE FUR BEARING ANIMAL CLASS; TO AMEND SECTION
3 49-7-31, MISSISSIPPI CODE OF 1972, TO ALLOW NUTRIA TO BE TRAPPED
4 AT ANYTIME; TO AMEND SECTION 49-7-59, MISSISSIPPI CODE OF 1972, TO
5 ALLOW THE TAKING OF NUTRIA AT NIGHT; AND FOR RELATED PURPOSES.

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

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

9 49-7-1. For the purposes of this chapter, the following
10 definitions and interpretations shall govern unless otherwise
11 provided:

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

14 (b) The following wild animals are classed as
15 fur-bearing animals: muskrats, opossums, otters, skunks, weasels,
16 minks, raccoons * * * and bobcats; all others shall be deemed
17 predatory animals.

18 (c) All freshwater fishes in the following families are
19 classed as game fish: Sunfish family (Centrarchidae) - including
20 largemouth bass (*Micropterus salmoides*), smallmouth bass
21 (*Micropterus dolomieu*), spotted bass (*Micropterus punctulatus*),
22 white crappie (*Pomoxis annularis*), black crappie (*Pomoxis*
23 *nigromaculatus*), redear sunfish (*Lepomis microlophus*), bluegill
24 (*Lepomis macrochiris*), warmouth (*Lepomis gulosus*), green sunfish
25 (*Lepomis cyanellus*), longear sunfish (*Lepomis megalotis*),
26 redbreast sunfish (*Lepomis auritus*) and shadow bass (*Ambloplites*
27 *ariommus*); Perch family (Percidae) - including walleye
28 (*Stizostedion vitreum*), sauger (*Stizostedion canadense*) and yellow

29 perch (*Perca flavescens*); Pike family (*Esocidae*) - including
30 redfin pickerel (*Esox americanus americanus*), grass pickerel (*Esox*
31 *americanus vermiculatus*), chain pickerel (*Esox niger*); Temperate
32 bass family (*Moronidae*) including - white bass (*Morone chrysops*),
33 yellow bass (*Morone mississippiensis*), striped bass (*Morone*
34 *saxatilis*) and hybrid striped bass (*Morone chrysops* x *Morone*
35 *saxatilis* and/or *Morone saxatilis* x *Morone chrysops*).

36 The following fishes are classed as nongame gross fish: in
37 the Herring family (*Clupeidae*) - gizzard shad (*Dorosoma*
38 *cepedianum*), threadfin shad (*Dorosoma petenense*); in the Catfish
39 family (*Ictaluridae*) - channel catfish (*Ictalurus punctatus*), blue
40 catfish (*Ictalurus furcatus*), flathead catfish (*Pylodictus*
41 *olivaris*), yellow bullhead (*Ameiurus natalis*), black bullhead
42 (*Ameiurus melas*), brown bullhead (*Ameiurus nebulosus*); in the Gar
43 family - spotted gar (*Lepisosteus oculatus*), longnose gar
44 (*Lepisosteus osseus*), shortnose gar (*Lepisosteus platostomus*),
45 alligator gar (*Atractosteus spatula*); in the Eel family
46 (*Anguillidae*) - American eel (*Anguilla rostrata*); in the Bowfin
47 family (*Amiidae*) - bowfin (*Amia calva*); in the Paddlefish family
48 (*Polyodontidae*) - paddlefish (*Polyodon spathula*); in the Minnow
49 family (*Cyprinidae*) - common carp (*Cyprinus carpio*); in the Sucker
50 family (*Catostomidae*) - river carpsucker (*Carpoides carpio*),
51 quillback (*Carpoides cyprinus*), highfin carpsucker (*Carpoides*
52 *velifer*), spotted sucker (*Minytrema melanops*), blacktail redhorse
53 (*Moxostoma poecilurum*), smallmouth buffalo (*Ictiobus bubalus*),
54 bigmouth buffalo (*Ictiobus cyprinellus*), black buffalo (*Ictiobus*
55 *niger*); in the Drum family (*Sciaenidae*) - freshwater drum
56 (*Aplodinotus grunniens*).

57 All fishes native to Mississippi that are not classed as game
58 fish or nongame gross fish are classed as nongame fishes.

59 All fishes native to foreign countries and all fishes native
60 to the United States but not native to Mississippi are classed as
61 nonnative fishes.

62 (d) The following are classed as game birds: geese,
63 brant and river and sea ducks, rails, coots, sora, snipe,
64 woodcock, sandpipers, tattlers, plovers, wild turkey, quail and
65 doves.

66 All other species of wild resident or migratory birds are
67 classed as nongame birds.

68 (e) Closed season: the time during which birds, animals
69 or fish may not be taken.

70 (f) Open season: the time during which birds, animals
71 or fish may be lawfully taken.

72 (g) "Commission" means the Mississippi Commission on
73 Wildlife, Fisheries and Parks.

74 (h) "Department" means the Mississippi Department of
75 Wildlife, Fisheries and Parks.

76 (i) "Executive director" means the Executive Director
77 of the Department of Wildlife, Fisheries and Parks.

78 **SECTION 2.** Section 49-7-31, Mississippi Code of 1972, is
79 amended as follows:

80 49-7-31. (1) The open season for game birds and game
81 animals shall be as follows:

82 (a) On bobwhite quail: The season shall open on
83 Thanksgiving Day and run through the first Saturday in March next
84 following.

85 (b) On pheasant: There shall be no open season on
86 pheasant.

87 (c) On wild turkey: The commission may fix the spring
88 season between March 1 and May 15. In addition, the commission
89 may fix special fall either-sex seasons.

90 (d) On squirrel:

91 (i) Zone 1: For areas north of Highway 82 plus
92 those portions of Sunflower County and Washington County south of
93 Highway 82 the season shall open on the Saturday nearest October 1
94 and run through February 28.

95 (ii) Zone 2: For areas between Highway 82 and
96 Highway 84, plus such portions of the state south of Highway 84
97 and west of Interstate 55, the season shall open on the Saturday
98 nearest October 15 and run through February 28.

99 (iii) Zone 3: For areas south of Highway 84 and
100 east of Interstate 55 the season shall open on the last Saturday
101 in October and run through February 28.

102 (e) On deer:

103 (i) With bow and arrow: October 1 through the
104 Friday prior to Thanksgiving.

105 (ii) With guns and with dogs: From the Saturday
106 prior to Thanksgiving through December 1.

107 (iii) With primitive weapons and without dogs:
108 December 2 through December 15.

109 (iv) With guns and without dogs: December 16
110 through December 23. However, the commission may allow hunting
111 statewide or in specific areas with any legal weapon which it may
112 designate without dogs after the end of the last season for
113 hunting deer with guns and with dogs, but the season with legal
114 designated weapons and without dogs shall not extend beyond
115 January 31.

116 (v) With guns and with dogs: December 24 through
117 a date fixed by the commission that will provide a total of
118 thirty-nine (39) days of hunting deer with guns and with dogs when
119 added to the number of days provided for hunting deer with guns
120 and with dogs in paragraph (e)(ii).

121 (vi) When hunting deer during any gun season on
122 deer, a hunter must wear in full view five hundred (500) square
123 inches of solid unbroken fluorescent orange.

124 (vii) In order to set and regulate the deer
125 seasons, the commission may:

126 A. Set and regulate the deer seasons on
127 wildlife management areas which it administers;

128 B. Allow the harvesting of antlerless deer in
129 the districts or zones upon the recommendation of the executive
130 director based upon good and substantial quantitative data and
131 research evaluations that demonstrate that the harvesting is
132 necessary to properly manage the herd. The commission, only upon
133 the recommendation of the executive director, may allow the
134 harvesting of antlerless deer during the deer season with guns and
135 with dogs by a majority vote of the commission. Nothing in this
136 section prohibits the harvesting of either-sex deer by landowners
137 or leaseholders on private lands under a deer management program
138 prescribed or approved by the executive director.

139 C. Provide a special permit for the
140 harvesting of deer when they are depredating and destroying crops.
141 The department shall supervise the harvesting and provide for the
142 salvaging of the meat of the animals. The commission may
143 authorize the department to assist any farmer in this state, who
144 sustains crop damage by wildlife, in eradication of the problem
145 wildlife.

146 (viii) The commission shall establish a special
147 hunting season for youth under the age of sixteen (16) and for
148 handicapped persons in the Natchez State Park. The commission
149 shall also establish a primitive weapon season in the Natchez
150 State Park. The selection of participants in the primitive weapon
151 season shall be by public drawing from all qualified applications.
152 The commission shall set the number of permits to be issued and
153 the length of the special seasons. The commission may also
154 establish a special hunting season for youth and handicapped
155 persons or a primitive weapon season as provided in this
156 subparagraph in any other state park under the jurisdiction of the
157 department but shall only do so upon the recommendation of the
158 staff of the department as approved by the commission. The
159 commission shall select participants and set the number of permits

160 to be issued and the length of the special seasons in the manner
161 provided in this subparagraph.

162 (ix) The commission may establish and regulate
163 special youth hunts for all nonmigratory game birds and animals
164 outside of the open season on wildlife management areas and on
165 private lands.

166 (f) On fur-bearing animals: The commission may fix the
167 open season on fur-bearing animals between November 1 and March 1
168 next following and fix the open season for hunting opossums,
169 raccoons and bobcats with dogs and guns by licensed hunters from
170 October 1 to February 28 next following; but raccoons and bobcats
171 may be run, hunted, chased or pursued throughout the year with
172 dogs by licensed hunters. The commission may establish an
173 additional open season on raccoon from July 1 through October 1,
174 and the bag limit on raccoon during the additional open season
175 shall be one (1) per party, per night.

176 (g) On rabbits: The season shall open on the Saturday
177 nearest October 15 and run through February 28 next following, and
178 when rabbits are depredating or destroying crops, the owner of the
179 crops or his tenants may shoot the rabbits with guns.

180 (h) On predatory animals: The hunting of predatory
181 animals shall be restricted to the open seasons for hunting any
182 game animal or game bird, using only the firearms, ammunition,
183 primitive weapons or archery equipment legal for use during that
184 open season. Landowners, agricultural leaseholders or their
185 designated agents may take predatory animals year-round on lands
186 owned or leased by them. The taking of any animal or animals
187 other than beavers, nutria or coyote by the use of a trap or traps
188 is unlawful except during the time the season is open for the
189 taking of fur-bearing animals. Fox and coyote may be run, chased
190 or pursued with dogs except as provided in Section 49-7-32
191 year-round by licensed hunters.

192 (i) On migratory birds: The open season for migratory
193 birds shall be the season prescribed by the Federal Migratory Bird
194 Treaty regulations.

195 (j) It is unlawful to trap fox after the closed season
196 for trapping of other fur-bearing animals, except on property
197 owned or leased by the person trapping.

198 (2) It is the intent of the Legislature that the open season
199 for game birds and game animals shall be stabilized unless some
200 unforeseen calamity affecting the resource necessitates earlier
201 change.

202 **SECTION 3.** Section 49-7-59, Mississippi Code of 1972, is
203 amended as follows:

204 49-7-59. (1) It is unlawful for any person to hunt any wild
205 animal or wild bird during the night from one-half (1/2) hour
206 after sunset to one-half (1/2) hour before sunrise, either with or
207 without the use of a light, except:

208 (a) Beavers, bobcats, fox, opossums, nutria and
209 raccoons; and

210 (b) Coyotes by a landowner, agricultural leaseholder or
211 his designated agent on lands owned or leased by the owner or
212 leaseholder.

213 (2) The commission shall prescribe the weapons that may be
214 used to hunt game under this section.

215 (3) A violation of this section is a Class II violation and
216 is punishable as provided in Section 49-7-143.

217 **SECTION 4.** This act shall take effect and be in force from
218 and after its passage.