

By: Senator(s) Posey

To: Wildlife, Fisheries and
Parks

SENATE BILL NO. 2904

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

91 (d) On squirrel:

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

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

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

103 (e) On deer:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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