

By: Representative Robinson (84th)

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 935

1 AN ACT TO AMEND SECTION 49-5-107, MISSISSIPPI CODE OF 1972,
2 TO CORRECT CERTAIN LANGUAGE RELATING TO THE DESIGNATION AND
3 PROTECTION OF NONGAME WILDLIFE IN NEED OF MANAGEMENT; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 49-5-107, Mississippi Code of 1972, is
7 amended as follows:

8 49-5-107. (a) The commission shall conduct investigations
9 on nongame wildlife in order to develop information relating to
10 population, distribution, habitat needs, limiting factors, and
11 other biological and ecological data to determine management
12 measures necessary for their continued ability to sustain
13 themselves successfully. On the basis of such determinations the
14 commission shall issue proposed regulations not later than one (1)
15 year from July 1, 1974, and develop management programs, designed
16 to insure the continued ability of nongame wildlife to perpetuate
17 themselves successfully. Such proposed regulations shall set
18 forth species or subspecies of nongame wildlife which the
19 commission deems in need of management pursuant to this section,
20 giving their common and scientific names by species and
21 subspecies. The commission shall conduct ongoing investigations
22 of nongame wildlife and may from time to time amend such
23 regulations by adding or deleting therefrom species or subspecies
24 of nongame wildlife.

25 (b) The commission shall by such regulations establish
26 proposed limitations relating to taking, possession,
27 transportation, exportation, processing, sale or offer for sale,
28 or shipment as may be deemed necessary to manage such nongame

29 wildlife. Such regulation shall become effective sixty (60) days
30 after being proposed during which period public comment shall be
31 solicited and received. The commission may hold a public hearing
32 if deemed appropriate. On the basis of public comments received
33 or the testimony at any such hearing the commission may make such
34 changes in the proposed regulation as are consistent with
35 effective management of nongame wildlife.

36 (c) Except as provided in regulations issued by the
37 commission, it shall be unlawful for any person to take, possess,
38 transport, export, purchase, sell or offer for sale or ship
39 nongame wildlife deemed by the commission to be in need of
40 management pursuant to this section. Subject to the same
41 exception, it shall further be unlawful for any common or contract
42 carrier knowingly to transport or receive for shipment nongame
43 wildlife deemed by the commission to be in need of management
44 pursuant to this section.

45 **SECTION 2.** This act shall take effect and be in force from
46 and after July 1, 2006.