

By: Representative Bounds

To: Wildlife, Fisheries and  
ParksCOMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 382

1 AN ACT TO AUTHORIZE THE COMMISSION ON WILDLIFE, FISHERIES AND  
2 PARKS TO REQUIRE CHRONIC WASTING DISEASE TESTING OF A SAMPLE OF  
3 WHITE-TAILED DEER HARVESTED OR DYING FROM CAUSES OTHER THAN BEING  
4 HARVESTED BY HUNTING WITHIN ANY ENCLOSURE; TO IMPOSE CERTAIN FINES  
5 FOR FIRST AND SUBSEQUENT VIOLATIONS; TO AMEND SECTIONS 49-1-29,  
6 49-7-58.1 AND 49-7-58.2, MISSISSIPPI CODE OF 1972, TO CONFORM TO  
7 THE PRECEDING PROVISIONS; TO REPEAL SECTION 49-7-58.5, MISSISSIPPI  
8 CODE OF 1972, WHICH REQUIRED THE CHRONIC WASTING DISEASE TESTING  
9 OF WHITE-TAIL DEER HARVESTED WITHIN ANY ENCLOSURE, AND IMPOSED  
10 CLASS II AND CLASS I VIOLATION PENALTIES FOR FIRST AND SUBSEQUENT  
11 VIOLATIONS; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** (1) (a) The chronic wasting disease (CWD)  
14 testing of white-tailed deer harvested within any enclosure is  
15 required by law.

16 (b) The Commission on Wildlife, Fisheries and Parks  
17 shall promulgate rules and regulations requiring the annual  
18 submission of viable samples from harvested deer for chronic  
19 wasting disease testing. Rules promulgated hereunder shall  
20 require a minimum submission from inside a high-fenced enclosure  
21 representing at least one (1) deer per each two hundred (200)  
22 acres of land under fence.



(c) In addition to samples submitted from deer harvested within an enclosure, to the extent possible, enclosure owner/operators shall submit viable samples collected from any deer that dies inside an enclosure from causes other than being harvested by hunting, for chronic wasting disease testing.

Samples collected from deer whose mortality occurred for reasons other than hunting shall count toward the total number of required samples.

(2) Failure to submit samples pursuant to the rules and regulations promulgated by the commission shall be a violation of those regulations. A first violation of such regulations, upon conviction, shall be punishable by a fine of Five Hundred Dollars (\$500.00). Each second or subsequent violation, upon conviction, shall be punishable by a fine of One Thousand Dollars (\$1,000.00).

**SECTION 2.** 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:



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

57           (b) To designate wildlife refuges, with the consent of  
58 the property owner or owners, in any localities it finds necessary  
59 to secure perpetuation of any species of game birds, game or  
60 fur-bearing animals, reptiles, fish or amphibians and to maintain  
61 an adequate supply for the purpose of providing a safe retreat  
62 where the animals may rest and replenish adjacent hunting,  
63 trapping or fishing grounds or waters, and to approve land  
64 suitable for such purposes as eligible for the income tax credit  
65 authorized under Section 27-7-22.22.

66           (c) To acquire and hold for the state by purchase,  
67 condemnation, lease, or agreement as authorized from time to time  
68 by the Legislature, and to receive by gifts or devise, lands or  
69 water suitable for fish habitats, game and bird habitats, state  
70 parks, access sites, wildlife refuges, or for public shooting,  
71 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, and to approve lands suitable for such purposes as eligible for the income tax credit authorized under Section 27-7-22.22.

(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



97 the state; to expend for the protection, propagation or  
98 preservation of game birds, game or fur-bearing animals, reptiles,  
99 fish and amphibians all funds of the state acquired for this  
100 purpose arising from licenses, gifts or otherwise; and shall have  
101 charge of the enforcement of all wildlife laws.

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

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

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

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

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

119 (o) To apply for, receive and expend any federal, state  
120 or local funds, contributions or funds from any other source for  
121 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 \* \* \* grant wildlife personnel \* \* \* access to enter the \* \* \* enclosure and utilize \* \* \* the best collection methods available to obtain tissue samples for testing where CWD has been diagnosed within five (5) miles of the enclosure.

**SECTION 3.** Section 49-7-58.1, Mississippi Code of 1972, is amended as follows:

49-7-58.1. (1) The owner of any enclosure containing white-tailed deer that prevents the free egress of white-tailed deer from the enclosed area shall notify and register with the Department of Wildlife, Fisheries and Parks. The person shall give his name, the location of the enclosure, the acreage within the enclosure, and whether any deer have been imported into the state and placed in the enclosure, and any other information required by the Commissioner on Wildlife, Fisheries and Parks.

(2) Persons who constructed an enclosure prior to July 1, 2003, shall have until January 1, 2004, to notify and provide the information required under this section. The person shall use acceptable hunting and wildlife management practices as may be determined by the department.



(3) The owner of such an enclosure shall comply with \* \* \* all rules and regulations promulgated by the commission for the testing of white-tailed deer harvested within \* \* \* an enclosure, or whose mortality was due to causes other than hunting activity, as required by Section \* \* \* 1 of this act. If chronic wasting disease is diagnosed within five (5) miles of the enclosure, the owner of such enclosure shall allow department personnel to enter the enclosure to utilize lethal collection methods to obtain tissue samples for testing. If chronic wasting disease is diagnosed within the enclosure, the owner shall allow department personnel to enter the enclosure and depopulate the white-tailed deer within the enclosure.

(4) \* \* \* Violations of this section \* \* \* shall be punishable as provided in Section \* \* \* 1 of this act.

**SECTION 4.** Section 49-7-58.2, Mississippi Code of 1972, is amended as follows:

49-7-58.2. (1) The Department of Wildlife, Fisheries and Parks shall develop and implement a program for inspecting, monitoring, testing and preventing chronic wasting disease. The Commission on Wildlife, Fisheries and Parks shall promulgate rules and regulations to effect the sampling of deer harvested, or dying from, nonhunting related causes, within an 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



171 wasting disease is diagnosed within five (5) miles of the  
172 enclosure, the department is authorized to enter the enclosure and  
173 utilize lethal collection methods to obtain tissue samples.

174 (2) If a live test for chronic wasting disease is developed,  
175 the department is authorized to conduct such tests on white-tailed  
176 deer within any enclosure.

177 **SECTION 5.** Section 49-7-58.5, Mississippi Code of 1972,  
178 which required the chronic wasting disease (CWD) testing of  
179 white-tail deer harvested within any enclosure, and imposed Class  
180 II and Class I violation penalties for first and subsequent  
181 violations, is repealed.

182 **SECTION 6.** This act shall take effect and be in force from  
183 and after its passage.

