

By: Senator(s) Posey, Dawkins

To: Wildlife and Fisheries

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2528

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

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

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

16 49-1-29. The commission may promulgate rules and
17 regulations, inaugurate studies and surveys, and establish any
18 services it deems necessary to carry out wildlife laws. A
19 violation of any rules or regulations promulgated by the
20 commission shall constitute a misdemeanor and shall be punished as
21 provided in Section 49-7-101.

22 The executive director shall have authority with commission
23 approval:

24 (a) To close or shorten the open season as prescribed
25 by law in cases of urgent emergency on any species of game birds,
26 game or fur-bearing animals, reptiles, fish or amphibians, in any
27 locality, when it finds after investigation and public review that
28 the action is reasonably necessary to secure the perpetuation of
29 any species of game birds, game or fur-bearing animals, reptiles,
30 fish or amphibians and to maintain an adequate supply in the
31 affected area. The statutes shall continue in full force and



32 effect, except as restricted and limited by the rules and
33 regulations promulgated by the commission.

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

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

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

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

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

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

62 (h) To conduct research in improved wildlife and
63 fisheries conservation methods and to disseminate information to



64 the residents of the state through the schools, public media and
65 other publications.

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

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

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

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

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

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

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

95 (p) To require the department to divide the districts
96 into zones if necessary, and periodically survey the districts or



97 zones to obtain information that is necessary to properly
98 determine the population and allowable harvest limits of wildlife
99 within the district or zone.

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

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

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

123 **SECTION 3.** (1) The Department of Wildlife, Fisheries and
124 Parks shall develop and implement a program for inspecting,
125 monitoring, testing and preventing chronic wasting disease. The
126 Department of Wildlife, Fisheries and Parks is authorized to
127 require the chronic wasting disease testing of white-tailed deer
128 harvested within any enclosure. If chronic wasting disease is
129 diagnosed in white-tailed deer within an enclosure, the department



130 is authorized to enter the enclosure and depopulate the
131 white-tailed deer within the enclosure. If chronic wasting
132 disease is diagnosed within five (5) miles of the enclosure, the
133 department is authorized to enter the enclosure and utilize lethal
134 collection methods to obtain tissue samples.

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

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

140 49-11-3. (1) The department may issue operating licenses to
141 any person, partnership, association or corporation for the
142 operation of shooting preserves or commercial wildlife enclosures
143 that meet the following requirements and any applicable
144 regulations:

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

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

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

160 (d) The preserve or enclosure must be privately owned
161 and operated.



162 (2) The commission may issue any rules or regulations
163 necessary to regulate shooting preserves and commercial wildlife
164 enclosures and to enforce this chapter.

165 (3) The commission is authorized to regulate the hunting of
166 nonnative wild game within a commercial wildlife enclosure, and
167 the department may enter such enclosure as provided under Section
168 49-11-25 and enforce such regulations.

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

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

176 49-7-54. (1) It is unlawful to import and translocate live
177 white-tailed deer into this state, except that university research
178 facilities may import live white-tailed deer upon prior approval
179 of the commission. The commission shall establish regulations
180 governing the importation of white-tailed deer with emphasis on
181 preventing the introduction of diseases.

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

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

