

By: Senator(s) Posey

To: Wildlife and Fisheries

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; AND
5 FOR RELATED PURPOSES.

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

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

9 49-1-29. The commission may promulgate rules and
10 regulations, inaugurate studies and surveys, and establish any
11 services it deems necessary to carry out wildlife laws. A
12 violation of any rules or regulations promulgated by the
13 commission shall constitute a misdemeanor and shall be punished as
14 provided in Section 49-7-101.

15 The executive director shall have authority with commission
16 approval:

17 (a) To close or shorten the open season as prescribed
18 by law in cases of urgent emergency on any species of game birds,
19 game or fur-bearing animals, reptiles, fish or amphibians, in any
20 locality, when it finds after investigation and public review that
21 the action is reasonably necessary to secure the perpetuation of
22 any species of game birds, game or fur-bearing animals, reptiles,
23 fish or amphibians and to maintain an adequate supply in the
24 affected area. The statutes shall continue in full force and
25 effect, except as restricted and limited by the rules and
26 regulations promulgated by the commission.

27 (b) To designate wildlife refuges, with the consent of
28 the property owner or owners, in any localities it finds necessary



29 to secure perpetuation of any species of game birds, game or
30 fur-bearing animals, reptiles, fish or amphibians and to maintain
31 an adequate supply for the purpose of providing a safe retreat
32 where the animals may rest and replenish adjacent hunting,
33 trapping or fishing grounds or waters.

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

42 (d) To extend and consolidate lands or waters suitable
43 for the above purposes by exchange of lands or waters under its
44 jurisdiction.

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

49 (f) To enter into cooperative agreements with persons,
50 firms, corporations or governmental agencies for purposes
51 consistent with this chapter.

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

55 (h) To conduct research in improved wildlife and
56 fisheries conservation methods and to disseminate information to
57 the residents of the state through the schools, public media and
58 other publications.

59 (i) To have exclusive charge and control of the
60 propagation and distribution of wild birds, animals, reptiles,
61 fish and amphibians, the conduct and control of hatcheries,



62 biological stations and game and fur farms owned or acquired by
63 the state; to expend for the protection, propagation or
64 preservation of game birds, game or fur-bearing animals, reptiles,
65 fish and amphibians all funds of the state acquired for this
66 purpose arising from licenses, gifts or otherwise; and shall have
67 charge of the enforcement of all wildlife laws.

68 (j) To grant permits and provide regulations for field
69 trials and dog trainers.

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

72 (l) To enter into agreements with landowners to trap
73 and purchase quail on the premises of the landowner and to provide
74 for the distribution of quail.

75 (m) To operate or lease to third persons concessions or
76 other rights or privileges on lakes owned or leased by the
77 department. Owners of land adjoining land owned or leased by the
78 department shall have priority to the concessions or rights or
79 privileges, if the owners meet the qualifications established by
80 the commission.

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

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

88 (p) To require the department to divide the districts
89 into zones if necessary, and periodically survey the districts or
90 zones to obtain information that is necessary to properly
91 determine the population and allowable harvest limits of wildlife
92 within the district or zone.

93 (q) To require chronic wasting disease (CWD) testing of
94 all white-tailed deer within any enclosure; to grant Wildlife



95 personnel authority to access the property and depopulate
96 white-tailed deer within an enclosure where CWD has been
97 diagnosed; and to grant Wildlife Personnel Authority to access the
98 property and utilize lethal collection methods to obtain tissue
99 samples for testing where CWD has been diagnosed within five (5)
100 miles of the enclosure.

101 **SECTION 2.** This act shall take effect and be in force from
102 and after its passage.

