

By: Representative Currie

To: Wildlife, Fisheries and
Parks

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 450

1 AN ACT TO CREATE A NEW SECTION IN TITLE 49, CHAPTER 7,
2 MISSISSIPPI CODE OF 1972, TO REQUIRE THE TESTING OF WHITE-TAILED
3 DEER HARVESTED WITHIN ANY ENCLOSURE; TO DESIGNATE A FIRST
4 VIOLATION OF THIS REQUIREMENT AS A CLASS II VIOLATION, AND
5 SUBSEQUENT VIOLATIONS AS CLASS I VIOLATIONS; TO AMEND SECTIONS
6 49-1-29, 49-7-58.1 AND 49-7-58.2, MISSISSIPPI CODE OF 1972, IN
7 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) The chronic wasting disease (CWD) testing of
10 white-tailed deer harvested within any enclosure is required by
11 law.

12 (2) A first violation of subsection (1) of this section is a
13 Class II violation and is punishable as provided in Section
14 49-7-143. Subsequent violations are Class I violations and are
15 punishable as provided in Section 49-7-141.

16 **SECTION 2.** Section 49-1-29, Mississippi Code of 1972, is
17 amended as follows:

18 49-1-29. The commission may promulgate rules and
19 regulations, inaugurate studies and surveys, and establish any
20 services it deems necessary to carry out wildlife laws. A



21 violation of any rules or regulations promulgated by the
22 commission shall constitute a misdemeanor and shall be punished as
23 provided in Section 49-7-101.

24 The executive director shall have authority with commission
25 approval:

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

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



45 (c) To acquire and hold for the state by purchase,
46 condemnation, lease, or agreement as authorized from time to time
47 by the Legislature, and to receive by gifts or devise, lands or
48 water suitable for fish habitats, game and bird habitats, state
49 parks, access sites, wildlife refuges, or for public shooting,
50 trapping or fishing grounds or waters, to provide areas on which
51 any citizen may hunt, trap or fish under any special regulations
52 as the commission may prescribe, and to approve lands suitable for
53 such purposes as eligible for the income tax credit authorized
54 under Section 27-7-22.22.

55 (d) To extend and consolidate lands or waters suitable
56 for the above purposes by exchange of lands or waters under its
57 jurisdiction.

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

62 (f) To enter into cooperative agreements with persons,
63 firms, corporations or governmental agencies for purposes
64 consistent with this chapter.

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

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



70 the residents of the state through the schools, public media and
71 other publications.

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

81 (j) To grant permits and provide regulations for field
82 trials and dog trainers.

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

85 (l) To enter into agreements with landowners to trap
86 and purchase quail on the premises of the landowner and to provide
87 for the distribution of quail.

88 (m) To operate or lease to third persons concessions or
89 other rights or privileges on lakes owned or leased by the
90 department. Owners of land adjoining land owned or leased by the
91 department shall have priority to the concessions or rights or
92 privileges, if the owners meet the qualifications established by
93 the commission.



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

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

101 (p) To require the department to divide the districts
102 into zones if necessary, and periodically survey the districts or
103 zones to obtain information that is necessary to properly
104 determine the population and allowable harvest limits of wildlife
105 within the district or zone.

106 (q) To * * * grant wildlife personnel authority to
107 access the property and depopulate white-tailed deer within an
108 enclosure where Chronic Wasting Disease (CWD) has been diagnosed;
109 and to grant wildlife personnel authority to access the property
110 and utilize lethal collection methods to obtain tissue samples for
111 testing where CWD has been diagnosed within five (5) miles of the
112 enclosure.

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

115 49-7-58.1. (1) The owner of any enclosure containing
116 white-tailed deer that prevents the free egress of white-tailed
117 deer from the enclosed area shall notify and register with the
118 Department of Wildlife, Fisheries and Parks. The person shall



119 give his name, the location of the enclosure, the acreage within
120 the enclosure, and whether any deer have been imported into the
121 state and placed in the enclosure, and any other information
122 required by the Commissioner on Wildlife, Fisheries and Parks.

123 (2) Persons who constructed an enclosure prior to July 1,
124 2003, shall have until January 1, 2004, to notify and provide the
125 information required under this section. The person shall use
126 acceptable hunting and wildlife management practices as may be
127 determined by the department.

128 (3) The owner of such an enclosure shall comply with any
129 testing of white-tailed deer harvested within the enclosure
130 as * * * required by * * * Section 1 of this act. If chronic
131 wasting disease is diagnosed within five (5) miles of the
132 enclosure, the owner of such enclosure shall allow department
133 personnel to enter the enclosure to utilize lethal collection
134 methods to obtain tissue samples for testing. If chronic wasting
135 disease is diagnosed within the enclosure, the owner shall allow
136 department personnel to enter the enclosure and depopulate the
137 white-tailed deer within the enclosure.

138 (4) A violation of this section is a Class I violation and
139 is punishable as provided in Section 49-7-141.

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

142 49-7-58.2. (1) The Department of Wildlife, Fisheries and
143 Parks shall develop and implement a program for inspecting,



144 monitoring, testing and preventing chronic wasting disease. * * *
145 If chronic wasting disease is diagnosed in white-tailed deer
146 within an enclosure, the department is authorized to enter the
147 enclosure and depopulate the white-tailed deer within the
148 enclosure. If chronic wasting disease is diagnosed within five
149 (5) miles of the enclosure, the department is authorized to enter
150 the enclosure and utilize lethal collection methods to obtain
151 tissue samples.

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

155 **SECTION 5.** Section 1 of this act shall be codified in Title
156 49, Chapter 7, Mississippi Code of 1972.

157 **SECTION 6.** This act shall take effect and be in force from
158 and after July 1, 2020.

