MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Bounds

To: Wildlife, Fisheries and Parks

HOUSE BILL NO. 382
(As Sent to Governor)

AN ACT TO AUTHORIZE THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO REQUIRE CHRONIC WASTING DISEASE TESTING OF A SAMPLE OF WHITE-TAILED DEER HARVESTED OR DYING FROM CAUSES OTHER THAN BEING HARVESTED BY HUNTING WITHIN ANY ENCLOSURE; TO PROVIDE THAT IF CHRONIC WASTING DISEASE IS DETECTED WITHIN AN ENCLOSURE, THE COMMISSION SHALL NOT DECLARE SURROUNDING OR ADJOINING PROPERTIES WITHIN A FIVE MILE RADIUS OF THE ENCLOSURE A CWD MANAGEMENT ZONE, UNTIL CHRONIC WASTING DISEASE IS POSITIVELY DETECTED WITHIN SUCH RADIUS ON THESE SURROUNDING OR ADJOINING PROPERTIES; TO IMPOSE CERTAIN FINES FOR FIRST AND SUBSEQUENT VIOLATIONS; TO AMEND SECTIONS 49-1-29, 49-7-58.1 AND 49-7-58.2, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; TO REPEAL SECTION 49-7-58.5, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE CHRONIC WASTING DISEASE TESTING OF WHITE-TAIL DEER HARVESTED WITHIN ANY ENCLOSURE, AND IMPOSES CLASS II AND CLASS I VIOLATION PENALTIES FOR FIRST AND SUBSEQUENT VIOLATIONS; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) (a) White-tailed deer harvested within any enclosure shall be tested for chronic wasting disease (CWD).

(b) The Commission on Wildlife, Fisheries and Parks shall promulgate rules and regulations requiring the annual submission of viable samples from harvested deer for chronic wasting disease testing. Rules promulgated under this paragraph shall require a minimum submission from inside a high-fenced

enclosure representing at least one (1) deer per each two hundred (200) 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 death occurred for reasons other than hunting shall count toward the total number of required samples.

(2) If chronic wasting disease is detected within an enclosure, as defined in Section 49-7-58.1, the commission shall not declare surrounding or adjoining properties within a five (5) mile radius of the enclosure a CWD Management Zone, until chronic wasting disease is positively detected within such radius on these surrounding or adjoining properties.

(3) 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 shall be punishable by a fine of Five Hundred Dollars ($500.00). Each second or subsequent violation 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. (1) 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.

(2) The executive director shall have authority with commission approval:

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

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

suitable for such purposes as eligible for the income tax credit authorized under Section 27-7-22.22.

(c) To acquire and hold for the state by purchase, condemnation, lease, or agreement as authorized from time to time by the Legislature, and to receive by gifts or devise, lands or water suitable for fish habitats, game and bird habitats, state parks, access sites, wildlife refuges, or for public shooting, 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 the state; to expend for the protection, propagation or preservation of game birds, game or fur-bearing animals, reptiles, fish and amphibians all funds of the state acquired for this purpose arising from licenses, gifts or otherwise; and shall have charge of the enforcement of all wildlife laws.

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

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

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

(m) To operate or lease to third persons concessions or other rights or privileges on lakes owned or leased by the department. Owners of land adjoining land owned or leased by the department shall have priority to the concessions or rights or

privileges, if the owners meet the qualifications established by the commission.

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

(o) To apply for, receive and expend any federal, state or local funds, contributions or funds from any other source for 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.

If CWD is detected within an enclosure, the commission shall not declare surrounding or adjoining properties within a five (5) mile radius of the enclosure, a CWD Management Zone, until chronic wasting disease is positively detected within such radius on these surrounding or adjoining properties.

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 on Wildlife, Fisheries and Parks for the testing of white-tailed deer harvested within * * * an enclosure, or whose death 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 * * * the best collection methods possible to obtain tissue samples for testing. If chronic wasting disease is diagnosed within the enclosure, the owner shall * * * work with the commission to determine a solution for containing the disease within the

enclosure; however, the commission shall not declare surrounding or adjoining properties within a five (5) mile radius of the enclosure a CWD Management Zone, until chronic wasting disease is positively detected within such radius on these surrounding or adjoining properties.

(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 use methods authorized by the commission and enter the enclosure * * * to determine a solution for containing the disease within the enclosure. If chronic wasting disease is diagnosed within five (5) miles of the enclosure, the department is authorized to enter the enclosure and utilize * * * the best collection methods available to obtain tissue samples. If chronic wasting disease is detected within an enclosure, the commission shall not declare surrounding or adjoining properties within a five (5) mile radius of the

enclosure a CWD Management Zone, until chronic wasting disease is positively detected within such radius on these surrounding or adjoining properties.

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

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

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