

REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2593: Wildlife; conform state law to federal migratory bird act.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

5 SECTION 1. Section 49-5-7, Mississippi Code of 1972, is
6 amended as follows:

7 49-5-7. (1) No wild bird other than a game bird or
8 introduced pheasants which are hereby classified as domestic fowl
9 shall be pursued, taken, wounded, killed, captured, possessed or
10 exported at any time, dead or alive. No part of the plumage, skin
11 or body of any bird protected by this section or of any birds
12 coming from without the state, the importation of which is
13 prohibited into the United States, shall be sold or had in
14 possession for sale in this state.

15 No person shall molest, take or destroy or attempt to molest,
16 take or destroy the nests or eggs of any wild bird, or have such
17 nests or eggs in his possession, except under the authority of a
18 permit duly issued for scientific purposes.

19 (2) This section shall not apply to game birds for which
20 there is an open season under state law or introduced pheasants;
21 birds, or parts thereof collected or possessed under the authority
22 of a certificate duly issued for scientific purposes; or to the
23 English sparrow (Passer domesticus), red-winged blackbird
24 (Agelaius phoeniceus), rusty blackbird (Euphagus carolinus),
25 Brewer's blackbird (Euphagus cyanocephalus), grackles (Quiscalus

26 sp.), brown-headed cowbird (Molothrus ater), European starling
 27 (Sturnus vulgaris) or crows (Corvus sp.) or to the nests or eggs
 28 of such unprotected birds. Nor shall anything contained in this
 29 section prohibit any person on his own land or land under his
 30 control from killing or controlling any English sparrow (Passer
 31 domesticus), red-winged blackbird (Agelaius phoeniceus), rusty
 32 blackbird (Euphagus carolinus), Brewer's blackbird (Euphagus
 33 cyanocephalus), grackles (Quiscalus sp.), brown-headed cowbird
 34 (Molothrus ater), European starling (Sturnus vulgaris) or crows
 35 (Corvus sp.) or any bird by nature destructive of gardens, crops
 36 or property of any kind when such birds are committing or about to
 37 commit depredation upon ornamental or shade trees, agricultural
 38 crops, livestock, or wildlife or when concentrated in such numbers
 39 and manner as to constitute a health hazard or other nuisance.
 40 This section does not authorize and shall not be construed to
 41 authorize the killing of any migratory birds protected by the
 42 Migratory Bird Treaty Act.

43 SECTION 2. This act shall take effect and be in force from
 44 and after its passage.

**Further, amend by striking the title in its entirety and
 inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 49-5-7, MISSISSIPPI CODE OF 1972, TO
 2 CONFORM TO THE FEDERAL MIGRATORY BIRD TREATY ACT; AND FOR RELATED
 3 PURPOSES.

CONFEREES FOR THE SENATE

CONFEREES FOR THE HOUSE

X
 Lynn Posey

X
 Clem M. Nettles

X
 Joseph Stogner

X
 Warner F. McBride

X
 Bob M. Dearing

X
 Dirk D. Dedeaux