

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. 2682: Wildlife; Impose moratorium on importation of any due susceptible to chronic wasting disease.

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:

40 SECTION 1. The Legislature finds Chronic Wasting Disease
41 (CWD) is a transmissible spongiform encephalopathy currently known
42 to infect free-ranging deer and elk in Colorado, Wyoming,
43 Nebraska, New Mexico and Wisconsin. The disease has also infected
44 farmed elk herds in South Dakota, Montana, Nebraska, Colorado,
45 Kansas and Oklahoma. With the discovery of CWD in free-ranging
46 deer on the east side of the Mississippi River and the transport
47 of CWD-exposed elk to numerous states, CWD has become a national
48 concern.

49 Little is known about the biology and pathogenesis of CWD,
50 including how the disease agent enters the animal, how it
51 multiplies in the body, how it causes disease and how it is
52 transmitted. These significant research and knowledge gaps
53 regarding the fundamental characteristics of the disease greatly
54 impede plans to control the disease. The only effective control
55 has been the destruction of captive cervids and the depopulation
56 of wild cervids in large geographical areas. Because of the
57 urgency of the situation and the potential devastating effects on
58 the native wildlife and recreational economies of the states, the
59 United States Department of Agriculture had formed a task force to
60 control and eradicate this disease. Preventing the introduction
61 of the disease and enhancing early detection are a major emphases

62 of the task force. Diagnostic testing, monitoring of enclosures,
63 inspections of farmed cervids and sampling of cervid populations
64 are critical components of the detection and prevention programs.

65 In addition, many states have imposed emergency statewide
66 moratoriums on the importation of cervids. There has been a
67 proliferation of unregulated wildlife enclosures in Mississippi.
68 Because of the potential devastating effect on native wildlife and
69 the recreational economy dependent on wildlife, the urgency of the
70 situation, and the need to ensure the health and safety of native
71 wildlife and domestic animals, the Legislature finds that a
72 temporary emergency moratorium and chronic wasting disease
73 legislation is warranted and in the public interest.

74 **SECTION 2.** (1) (a) In addition to the ban on importing
75 white-tailed deer under Section 49-7-54, there is hereby imposed a
76 temporary moratorium on the importation of elk, red deer, mule
77 deer, black-tailed deer and other cervids designated as
78 susceptible to chronic wasting disease by the State Veterinarian
79 and crosses of any such animals into the State of Mississippi.
80 The moratorium on importing such animals shall end upon the
81 adoption of chronic wasting disease regulations by the United
82 States Department of Agriculture.

83 (b) Any person who possesses, buys, imports or
84 transports any cervid that has been imported in the state in
85 violation of the moratorium shall be subject to a Class I penalty
86 under Section 49-7-141. Any person that imports any exotic animal
87 into the state in violation of entry requirements or regulations
88 of the Board of Animal Health or the Department of Wildlife shall
89 be subject to a Class I penalty under Section 49-7-141. The
90 agency issuing a permit for cervids or exotic animals within an
91 enclosure shall revoke the permit of any person found in violation
92 of the moratorium. If any cervid in an enclosure tests positive
93 for chronic wasting disease or if any cervids within the enclosure
94 have been imported from an area diagnosed with chronic wasting
95 disease, then all cervids in the enclosure shall be deemed a
96 threat to native wildlife and to public health and may be killed
97 and disposed of by the state.

98 (2) It shall be the duty of the Commissioner of Agriculture
99 and Commerce, the Board of Animal Health, the State Veterinarian,
100 the Commission on Wildlife, Fisheries and Parks, and the
101 Department of Wildlife, Fisheries and Parks to consult and
102 coordinate efforts on matters related to chronic wasting disease,
103 the prevention of the introduction of chronic wasting disease in
104 the state and to ensure the health and safety of the public and
105 wildlife.

106 (3) The Commission on Wildlife, Fisheries and Parks and the
107 Department of Wildlife, Fisheries and Parks shall have plenary
108 authority in matters related to the importation of white-tailed
109 deer, white-tailed deer in enclosures, and prevention of the
110 introduction of chronic wasting disease into the native wildlife
111 population.

112 **SECTION 3.** Section 69-15-9, Mississippi Code of 1972, as
113 reenacted by Senate Bill No. 2516, 2003 Regular Session, is
114 amended as follows:

115 69-15-9. (1) The Board of Animal Health shall have plenary
116 power to deal with all contagious and infectious diseases of
117 animals as in the opinion of the board may be prevented,
118 controlled or eradicated, and with full power to make, promulgate
119 and enforce such rules and regulations as in the judgment of the
120 board may be necessary to control, eradicate and prevent the
121 introduction and spread of anthrax, tuberculosis, hog cholera,
122 Texas and splenic fever and the fever-carrying tick (*margaropus*
123 *annulatus*), cattle brucellosis, anaplasmosis, infectious bovine
124 rhinotracheitis, muscosal disease, cattle viral diarrhea, cattle
125 scabies, sheep scabies, hog cholera, swine erysipelas, swine
126 brucellosis, equine encephalomyelitis, rabies, vesicular diseases,
127 salmonella group, newcastle disease, infectious laryngotracheitis,
128 ornithosis-psittacosis, mycoplasma group, chronic wasting disease
129 and any suspected new and/or foreign diseases of livestock and
130 poultry and all other diseases of animals in this state, and the
131 board is hereby vested with full authority to establish and
132 maintain quarantine lines and to quarantine by county, supervisors
133 district, parcel of land or herd. The State Veterinarian shall

134 appoint as many inspectors and range riders as may be deemed
135 necessary, and the funds at his disposal will permit, and shall
136 delegate authority to said inspectors and range riders, to enter
137 premises to inspect and disinfect livestock and premises, and
138 enforce quarantine including counties, farms, pens, stables and
139 other premises.

140 (2) No officer or agent of the State Veterinarian may enter
141 the actual enclosures of any person except (1) with the consent of
142 the person lawfully in possession thereof or (2) in the absence of
143 such consent, with a proper writ obtained as in other cases of
144 searches and seizures under constitutional law. When such
145 officers and agents are lawfully on the premises, either by
146 permission or writ, they shall be authorized to inspect the
147 premises and the livestock and animals found thereon by entering
148 the enclosures and buildings and they are authorized to check
149 livestock and poultry found therein for any contagious diseases
150 and take proper action to control or eradicate any such diseases
151 that may be found. While such officers and agents are performing
152 their duties hereunder, they shall not be personally liable except
153 for gross negligence. The refusal without lawful reason of any
154 person to give the consent aforesaid shall be deemed a misdemeanor
155 and shall be punishable as for violations of Article 5 of this
156 chapter as provided for in Section 69-15-115.

157 The Board of Animal Health shall administer the special fund
158 created in Section 69-15-19.

159 (3) (a) The Board of Animal Health shall have plenary power
160 to control, prevent, eradicate, inspect and monitor chronic
161 wasting disease or other contagious disease of exotic cervids or
162 other exotic livestock. It shall be the duty of the board to
163 develop an inspection, testing and monitoring program for such
164 diseases.

165 (b) An officer or agent of the State Veterinarian is
166 authorized to enter any facility containing cervids or other
167 exotic livestock to inspect the premises and the cervids or exotic
168 livestock. Such officer or agent may inspect, monitor or test any
169 cervid or exotic livestock for disease and may take proper action

170 to control or eradicate any diseases found. While such officers
171 or agents are performing their duties, they shall not be
172 personally liable, except for gross negligence.

173 (c) As a condition of maintaining a permit for a cervid
174 or other exotic livestock facility, it shall be the duty of the
175 permittee to allow the agents of the State Veterinarian to enter
176 the facility and to conduct inspections and tests.

177 (4) As a condition of maintaining a permit for a cervid or
178 other exotic livestock facility, the permittee shall immediately
179 notify the State Veterinarian upon discovery of the escape of a
180 cervid or exotic livestock. Any such animal shall be treated as
181 an escaped wild animal and may be disposed of accordingly.

182 **SECTION 4.** Section 69-15-109, Mississippi Code of 1972, is
183 amended as follows:

184 69-15-109. (1) The Governor of the State of Mississippi,
185 when advised by the Board of Animal Health that an emergency
186 exists due to the presence of foot and mouth disease, rinderpest,
187 contagious pleuropneumonia, or other contagious or infectious
188 diseases of animals, or European fowl pest and similar diseases
189 among poultry, in this state, or chronic wasting disease in any
190 cervids, is hereby authorized to declare a state of emergency and
191 to order all animals or poultry quarantined or slaughtered that
192 may be affected with, or possible carriers of such diseases.

193 (2) The Governor is hereby authorized and empowered to
194 cooperate with any department of the federal government engaged in
195 the combating and control of any such disease mentioned in
196 subsection (1) and to this end the Governor is authorized and
197 empowered to do any and all things in cooperation with the federal
198 government necessary to the control and extermination of any such
199 diseases mentioned in subsection (1) among animals or poultry that
200 may be affected therewith.

201 (3) For the purposes of this section, the Governor shall
202 have full and complete police power, and shall exercise same
203 anywhere in the State of Mississippi, and if an emergency should
204 exist to such an extent that such becomes necessary the Governor
205 may employ such personnel to enforce such police powers and

206 quarantine that may be necessary to control and prevent the
207 spreading of any such diseases mentioned in subsection (1) among
208 animals or poultry in this state. Such personnel when appointed
209 by the Governor shall work under the direction of the Mississippi
210 Board of Animal Health, or its representative, and shall be paid
211 such compensation as the Governor may determine out of any money
212 made available for the enforcement of this section.

213 (4) When any animals or poultry or materials are ordered to
214 be destroyed, under the provisions of this section, the owner of
215 same shall be paid for each such animal or poultry or materials
216 destroyed an amount not exceeding the amount authorized to be paid
217 by the federal government in matching funds expended for the
218 destruction of each such animal or poultry or materials infected
219 with any such diseases mentioned in subsection (1).

220 (5) In the event of the happening of an outbreak of any such
221 diseases mentioned in subsection (1) in Mississippi, the Governor
222 is hereby authorized to borrow not to exceed Two Hundred Thousand
223 Dollars (\$200,000.00) to carry out the terms and provisions of
224 this section.

225 **SECTION 5.** Section 49-1-29, Mississippi Code of 1972, is
226 amended as follows:

227 49-1-29. The commission may promulgate rules and
228 regulations, inaugurate studies and surveys, and establish any
229 services it deems necessary to carry out wildlife laws. A
230 violation of any rules or regulations promulgated by the
231 commission shall constitute a misdemeanor and shall be punished as
232 provided in Section 49-7-101.

233 The executive director shall have authority with commission
234 approval:

235 (a) To close or shorten the open season as prescribed
236 by law in cases of urgent emergency on any species of game birds,
237 game or fur-bearing animals, reptiles, fish or amphibians, in any
238 locality, when it finds after investigation and public review that
239 the action is reasonably necessary to secure the perpetuation of
240 any species of game birds, game or fur-bearing animals, reptiles,
241 fish or amphibians and to maintain an adequate supply in the

242 affected area. The statutes shall continue in full force and
243 effect, except as restricted and limited by the rules and
244 regulations promulgated by the commission.

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

252 (c) To acquire and hold for the state by purchase,
253 condemnation, lease, or agreement as authorized from time to time
254 by the Legislature, and to receive by gifts or devise, lands or
255 water suitable for fish habitats, game and bird habitats, state
256 parks, access sites, wildlife refuges, or for public shooting,
257 trapping or fishing grounds or waters, to provide areas on which
258 any citizen may hunt, trap or fish under any special regulations
259 as the commission may prescribe.

260 (d) To extend and consolidate lands or waters suitable
261 for the above purposes by exchange of lands or waters under its
262 jurisdiction.

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

267 (f) To enter into cooperative agreements with persons,
268 firms, corporations or governmental agencies for purposes
269 consistent with this chapter.

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

273 (h) To conduct research in improved wildlife and
274 fisheries conservation methods and to disseminate information to
275 the residents of the state through the schools, public media and
276 other publications.

277 (i) To have exclusive charge and control of the

278 propagation and distribution of wild birds, animals, reptiles,
279 fish and amphibians, the conduct and control of hatcheries,
280 biological stations and game and fur farms owned or acquired by
281 the state; to expend for the protection, propagation or
282 preservation of game birds, game or fur-bearing animals, reptiles,
283 fish and amphibians all funds of the state acquired for this
284 purpose arising from licenses, gifts or otherwise; and shall have
285 charge of the enforcement of all wildlife laws.

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

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

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

293 (m) To operate or lease to third persons concessions or
294 other rights or privileges on lakes owned or leased by the
295 department. Owners of land adjoining land owned or leased by the
296 department shall have priority to the concessions or rights or
297 privileges, if the owners meet the qualifications established by
298 the commission.

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

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

306 (p) To require the department to divide the districts
307 into zones if necessary, and periodically survey the districts or
308 zones to obtain information that is necessary to properly
309 determine the population and allowable harvest limits of wildlife
310 within the district or zone.

311 (q) To require Chronic Wasting Disease (CWD) testing of
312 white-tailed deer harvested within any enclosure; to grant
313 wildlife personnel authority to access the property and depopulate

314 white-tailed deer within an enclosure where CWD has been
315 diagnosed; and to grant wildlife personnel authority to access the
316 property and utilize lethal collection methods to obtain tissue
317 samples for testing where CWD has been diagnosed within five (5)
318 miles of the enclosure.

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

321 49-7-54. (1) It is unlawful to import and translocate live
322 white-tailed deer into this state, except that university research
323 facilities may import live white-tailed deer upon prior approval
324 of the commission. The commission shall establish regulations
325 governing the importation of white-tailed deer with emphasis on
326 preventing the introduction of diseases.

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

329 **SECTION 7.** (1) The owner of any enclosure containing
330 white-tailed deer that prevents the free egress of white-tailed
331 deer from the enclosed area shall notify and register with the
332 Department of Wildlife, Fisheries and Parks. The person shall
333 give his name, the location of the enclosure, the acreage within
334 the enclosure, and whether any deer have been imported into the
335 state and placed in the enclosure, and any other information
336 required by the Commissioner on Wildlife, Fisheries and Parks.

337 (2) Persons who constructed an enclosure prior to July 1,
338 2003, shall have until January 1, 2004, to notify and provide the
339 information required under this section. The person shall use
340 acceptable hunting and wildlife management practices as may be
341 determined by the department.

342 (3) The owner of such an enclosure shall comply with any
343 testing of white-tailed deer harvested within the enclosure as may
344 be required by the department. If chronic wasting disease is
345 diagnosed within five (5) miles of the enclosure, the owner of
346 such enclosure shall allow department personnel to enter the
347 enclosure to utilize lethal collection methods to obtain tissue
348 samples for testing. If chronic wasting disease is diagnosed
349 within the enclosure, the owner shall allow department personnel

350 to enter the enclosure and depopulate the white-tailed deer within
351 the enclosure.

352 (4) A violation of this section is a Class II violation and
353 is punishable as provided in Section 49-7-143. A second or
354 subsequent violation of this section is a Class I violation and is
355 punishable as provided in Section 49-7-141.

356 **SECTION 8.** (1) The Department of Wildlife, Fisheries and
357 Parks shall develop and implement a program for inspecting,
358 monitoring, testing and preventing chronic wasting disease. The
359 Department of Wildlife, Fisheries and Parks is authorized to
360 require the chronic wasting disease testing of white-tailed deer
361 harvested within any enclosure. If chronic wasting disease is
362 diagnosed in white-tailed deer within an enclosure, the department
363 is authorized to enter the enclosure and depopulate the
364 white-tailed deer within the enclosure. If chronic wasting
365 disease is diagnosed within five (5) miles of the enclosure, the
366 department is authorized to enter the enclosure and utilize lethal
367 collection methods to obtain tissue samples.

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

371 **SECTION 9.** Section 49-11-3, Mississippi Code of 1972, is
372 amended as follows:

373 49-11-3. (1) The department may issue operating licenses to
374 any person, partnership, association or corporation for the
375 operation of shooting preserves or commercial wildlife enclosures
376 that meet the following requirements and any applicable
377 regulations:

378 (a) Each shooting preserve shall contain a minimum of
379 one hundred (100) acres in one (1) tract of leased or owned land
380 (including water area, if any) and shall be restricted to not more
381 than six hundred forty (640) contiguous acres (including water
382 area, if any), except that preserves confined to the releasing of
383 ducks only may be authorized to operate with a minimum of fifty
384 (50) contiguous acres (including water area).

385 (b) The boundaries of each shooting preserve shall be

386 clearly defined and posted with signs erected at intervals of
387 three hundred (300) feet or less.

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

393 (d) The preserve or enclosure must be privately owned
394 and operated.

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

398 (3) (a) The commission may regulate the hunting of
399 nonnative cervids within a commercial wildlife enclosure, and the
400 department may enter such enclosure as provided under Section
401 49-11-25 and enforce such regulations.

402 (b) This subsection (3) shall repeal on July 1, 2005.

403 **SECTION 10.** (1) The Commission on Wildlife, Fisheries and
404 Parks may regulate the hunting of nonnative cervids in
405 noncommercial wildlife enclosures, and the Department of Wildlife,
406 Fisheries and Parks may enforce such regulations and laws in the
407 same manner as commercial wildlife enclosures as provided in
408 Section 49-11-25.

409 (2) This section shall repeal on July 1, 2005.

410 **SECTION 11.** Pursuant to Section 1-3-79, Mississippi Code of
411 1972, the amendments to Section 69-15-9, Mississippi Code of 1972,
412 contained in this Senate Bill No 2682, 2003 Regular Session, shall
413 supersede the reenacted section contained in Senate Bill No. 2516,
414 2003 Regular Session.

415 **SECTION 12.** This act shall take effect and be in force from
416 and after its passage.

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

1 AN ACT TO DECLARE A TEMPORARY MORATORIUM ON THE IMPORTATION
2 OF CERTAIN CERVIDS SUSCEPTIBLE TO CHRONIC WASTING DISEASE; TO
3 AUTHORIZE THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS, THE
4 DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS, THE COMMISSIONER OF
5 AGRICULTURE, THE BOARD OF ANIMAL HEALTH, AND THE STATE

6 VETERINARIAN TO IMPLEMENT SUCH MORATORIUM; TO REQUIRE SUCH
7 AGENCIES TO COOPERATE AND COORDINATE EFFORTS TO PREVENT THE
8 INTRODUCTION OF CHRONIC WASTING DISEASE INTO THE STATE; TO EMPOWER
9 SUCH AGENCIES TO INSPECT, MONITOR AND TEST ANIMALS IN ENCLOSURES
10 FOR CHRONIC WASTING DISEASE; TO PROVIDE A PENALTY FOR VIOLATIONS
11 OF THE MORATORIUM; TO AMEND SECTION 69-15-9, AS REENACTED BY
12 SENATE BILL NO 2516, 2003 REGULAR SESSION, SECTIONS 69-15-109 AND
13 49-1-29, MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION
14 49-7-54, MISSISSIPPI CODE OF 1972, TO INCREASE THE PENALTY FOR
15 ILLEGAL IMPORTATION OF WHITE-TAILED DEER; TO REGULATE ENCLOSURES
16 PREVENTING THE FREE EGRESS OF WHITE-TAILED DEER; TO REQUIRE OWNERS
17 OF SUCH ENCLOSURES TO NOTIFY THE DEPARTMENT OF WILDLIFE, FISHERIES
18 AND PARKS FOR THE PURPOSE OF MONITORING CHRONIC WASTING DISEASE;
19 TO REQUIRE SUCH OWNERS TO COMPLY WITH ANY REQUIRED TESTING OF
20 HARVESTED DEER; TO AUTHORIZE THE DEPARTMENT TO DEPOPULATE DEER
21 WITHIN AN ENCLOSURE IF CHRONIC WASTING DISEASE IS DIAGNOSED; TO
22 PROVIDE PENALTIES FOR FAILURE TO COMPLY WITH ENCLOSURE
23 RESTRICTIONS; TO REQUIRE OWNERS TO KEEP RECORDS; TO AUTHORIZE THE
24 DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS TO DISPOSE OF ANIMALS
25 UNDER CERTAIN CONDITIONS; TO AUTHORIZE THE COMMISSION ON WILDLIFE,
26 FISHERIES AND PARKS TO TEST DEER WITHIN ENCLOSURES FOR CHRONIC
27 WASTING DISEASE AND TO DEPOPULATE DEER IN AN ENCLOSURE WHERE
28 CHRONIC WASTING DISEASE IS FOUND; TO REQUIRE OWNERS OF CERTAIN
29 ENCLOSURES TO COMPLY WITH CHRONIC WASTING DISEASE TESTING AND TO
30 PROVIDE PENALTIES FOR FAILURE TO COMPLY; TO AMEND SECTION 49-11-3,
31 MISSISSIPPI CODE OF 1972, TO CLARIFY AUTHORITY OF THE COMMISSION
32 ON WILDLIFE, FISHERIES AND PARKS TO REGULATE HUNTING OF CERVIDS
33 WITHIN COMMERCIAL WILDLIFE ENCLOSURES; TO AUTHORIZE THE COMMISSION
34 ON WILDLIFE, FISHERIES AND PARKS TO REGULATE HUNTING OF CERVIDS IN
35 NONCOMMERCIAL WILDLIFE ENCLOSURES; TO PROVIDE THAT SECTION
36 69-15-9, MISSISSIPPI CODE OF 1972, AS AMENDED BY THIS BILL, SHALL
37 SUPERSEDE THE REENACTED VERSION OF SUCH SECTION; AND FOR RELATED
38 PURPOSES.

CONFEREES FOR THE SENATE

X _____
Lynn Posey

X _____
Joseph Stogner

X _____
Bob M. Dearing

CONFEREES FOR THE HOUSE

X _____
Clem M. Nettles

X _____
Warner F. McBride

X _____
Joey Hudson