

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 2682**

**By Representative(s) Committee**

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

31        SECTION 1. (1) (a) In addition to the ban on importing  
32 white-tailed deer under Section 49-7-54, there is hereby imposed a  
33 temporary moratorium on the importation of elk, red deer, mule  
34 deer, black-tailed deer and other cervids designated as  
35 susceptible to chronic wasting disease by the State Veterinarian  
36 and crosses of any such animals into the State of Mississippi.  
37 The moratorium on importing such animals shall end upon the  
38 adoption of chronic wasting disease regulations by the United  
39 States Department of Agriculture.

40               (b) Any person who possesses, buys, imports or  
41 transports any cervid that has been imported in the state in  
42 violation of the moratorium shall be subject to a Class I penalty  
43 under Section 49-7-141. Any person that imports any exotic animal  
44 into the state in violation of entry requirements or regulations  
45 of the Board of Animal Health or the Department of Wildlife shall  
46 be subject to a Class I penalty under Section 49-7-141. The  
47 agency issuing a permit for cervids or exotic animals within an  
48 enclosure shall revoke the permit of any person found in violation  
49 of the moratorium. If any cervid in an enclosure tests positive  
50 for chronic wasting disease or if any cervids within the enclosure

51 have been imported from an area diagnosed with chronic wasting  
52 disease, then all cervids in the enclosure shall be deemed a  
53 threat to native wildlife and to public health and may be killed  
54 and disposed of by the state.

55 (2) It shall be the duty of the Commissioner of Agriculture  
56 and Commerce, the Board of Animal Health, the State Veterinarian,  
57 the Commission on Wildlife, Fisheries and Parks, and the  
58 Department of Wildlife, Fisheries and Parks to consult and  
59 coordinate efforts on matters related to chronic wasting disease,  
60 the prevention of the introduction of chronic wasting disease in  
61 the state and to ensure the health and safety of the public and  
62 wildlife.

63 (3) The Commission on Wildlife, Fisheries and Parks and the  
64 Department of Wildlife, Fisheries and Parks shall have plenary  
65 authority in matters related to the importation of white-tailed  
66 deer, white-tailed deer in enclosures, and prevention of the  
67 introduction of chronic wasting disease into the native wildlife  
68 population.

69 **SECTION 2.** Section 69-15-9, Mississippi Code of 1972, is  
70 amended as follows:

71 69-15-9. (1) The Board of Animal Health shall have plenary  
72 power to deal with all contagious and infectious diseases of  
73 animals as in the opinion of the board may be prevented,  
74 controlled or eradicated, and with full power to make, promulgate  
75 and enforce such rules and regulations as in the judgment of the  
76 board may be necessary to control, eradicate and prevent the  
77 introduction and spread of anthrax, tuberculosis, hog cholera,  
78 Texas and splenic fever and the fever-carrying tick (*margaropus*  
79 *annulatus*), cattle brucellosis, anaplasmosis, infectious bovine  
80 rhinotracheitis, muscosal disease, cattle viral diarrhea, cattle  
81 scabies, sheep scabies, hog cholera, swine erysipelas, swine  
82 brucellosis, equine encephalomyelitis, rabies, vesicular diseases,  
83 salmonella group, newcastle disease, infectious laryngotracheitis,  
84 ornithosis-psittacosis, mycoplasma group, chronic wasting disease  
85 and any suspected new and/or foreign diseases of livestock and

86 poultry and all other diseases of animals in this state, and the  
87 board is hereby vested with full authority to establish and  
88 maintain quarantine lines and to quarantine by county, supervisors  
89 district, parcel of land or herd. The State Veterinarian shall  
90 appoint as many inspectors and range riders as may be deemed  
91 necessary, and the funds at his disposal will permit, and shall  
92 delegate authority to said inspectors and range riders, to enter  
93 premises to inspect and disinfect livestock and premises, and  
94 enforce quarantine including counties, farms, pens, stables and  
95 other premises.

96       (2) No officer or agent of the State Veterinarian may enter  
97 the actual enclosures of any person except (1) with the consent of  
98 the person lawfully in possession thereof or (2) in the absence of  
99 such consent, with a proper writ obtained as in other cases of  
100 searches and seizures under constitutional law. When such  
101 officers and agents are lawfully on the premises, either by  
102 permission or writ, they shall be authorized to inspect the  
103 premises and the livestock and animals found thereon by entering  
104 the enclosures and buildings and they are authorized to check  
105 livestock and poultry found therein for any contagious diseases  
106 and take proper action to control or eradicate any such diseases  
107 that may be found. While such officers and agents are performing  
108 their duties hereunder, they shall not be personally liable except  
109 for gross negligence. The refusal without lawful reason of any  
110 person to give the consent aforesaid shall be deemed a misdemeanor  
111 and shall be punishable as for violations of Article 5 of this  
112 chapter as provided for in Section 69-15-115.

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

115       (3) (a) The Board of Animal Health shall have plenary power  
116 to control, prevent, eradicate, inspect and monitor chronic  
117 wasting disease or other contagious disease of exotic cervids or  
118 other exotic livestock. It shall be the duty of the board to  
119 develop an inspection, testing and monitoring program for such  
120 diseases.

121           (b) An officer or agent of the State Veterinarian is  
122 authorized to enter any facility containing cervids or other  
123 exotic livestock to inspect the premises and the cervids or exotic  
124 livestock. Such officer or agent may inspect, monitor or test any  
125 cervid or exotic livestock for disease and may take proper action  
126 to control or eradicate any diseases found. While such officers  
127 or agents are performing their duties, they shall not be  
128 personally liable, except for gross negligence.

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

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

138           **SECTION 3.** Section 69-15-109, Mississippi Code of 1972, is  
139 amended as follows:

140           69-15-109. (1) The Governor of the State of Mississippi,  
141 when advised by the Board of Animal Health that an emergency  
142 exists due to the presence of foot and mouth disease, rinderpest,  
143 contagious pleuropneumonia, or other contagious or infectious  
144 diseases of animals, or European fowl pest and similar diseases  
145 among poultry, in this state, or chronic wasting disease in any  
146 cervids, is hereby authorized to declare a state of emergency and  
147 to order all animals or poultry quarantined or slaughtered that  
148 may be affected with, or possible carriers of such diseases.

149           (2) The Governor is hereby authorized and empowered to  
150 cooperate with any department of the federal government engaged in  
151 the combating and control of any such disease mentioned in  
152 subsection (1) and to this end the Governor is authorized and  
153 empowered to do any and all things in cooperation with the federal  
154 government necessary to the control and extermination of any such  
155 diseases mentioned in subsection (1) among animals or poultry that

156 may be affected therewith.

157 (3) For the purposes of this section, the Governor shall  
158 have full and complete police power, and shall exercise same  
159 anywhere in the State of Mississippi, and if an emergency should  
160 exist to such an extent that such becomes necessary the Governor  
161 may employ such personnel to enforce such police powers and  
162 quarantine that may be necessary to control and prevent the  
163 spreading of any such diseases mentioned in subsection (1) among  
164 animals or poultry in this state. Such personnel when appointed  
165 by the Governor shall work under the direction of the Mississippi  
166 Board of Animal Health, or its representative, and shall be paid  
167 such compensation as the Governor may determine out of any money  
168 made available for the enforcement of this section.

169 (4) When any animals or poultry or materials are ordered to  
170 be destroyed, under the provisions of this section, the owner of  
171 same shall be paid for each such animal or poultry or materials  
172 destroyed an amount not exceeding the amount authorized to be paid  
173 by the federal government in matching funds expended for the  
174 destruction of each such animal or poultry or materials infected  
175 with any such diseases mentioned in subsection (1).

176 (5) In the event of the happening of an outbreak of any such  
177 diseases mentioned in subsection (1) in Mississippi, the Governor  
178 is hereby authorized to borrow not to exceed two hundred thousand  
179 dollars (\$200,000.00) to carry out the terms and provisions of  
180 this section.

181 **SECTION 4.** Section 49-1-29, Mississippi Code of 1972, is  
182 amended as follows:

183 49-1-29. The commission may promulgate rules and  
184 regulations, inaugurate studies and surveys, and establish any  
185 services it deems necessary to carry out wildlife laws. A  
186 violation of any rules or regulations promulgated by the  
187 commission shall constitute a misdemeanor and shall be punished as  
188 provided in Section 49-7-101.

189 The executive director shall have authority with commission  
190 approval:

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

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

208           (c) To acquire and hold for the state by purchase,  
209 condemnation, lease, or agreement as authorized from time to time  
210 by the Legislature, and to receive by gifts or devise, lands or  
211 water suitable for fish habitats, game and bird habitats, state  
212 parks, access sites, wildlife refuges, or for public shooting,  
213 trapping or fishing grounds or waters, to provide areas on which  
214 any citizen may hunt, trap or fish under any special regulations  
215 as the commission may prescribe.

216           (d) To extend and consolidate lands or waters suitable  
217 for the above purposes by exchange of lands or waters under its  
218 jurisdiction.

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

223           (f) To enter into cooperative agreements with persons,  
224 firms, corporations or governmental agencies for purposes  
225 consistent with this chapter.

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

229 (h) To conduct research in improved wildlife and  
230 fisheries conservation methods and to disseminate information to  
231 the residents of the state through the schools, public media and  
232 other publications.

233 (i) To have exclusive charge and control of the  
234 propagation and distribution of wild birds, animals, reptiles,  
235 fish and amphibians, the conduct and control of hatcheries,  
236 biological stations and game and fur farms owned or acquired by  
237 the state; to expend for the protection, propagation or  
238 preservation of game birds, game or fur-bearing animals, reptiles,  
239 fish and amphibians all funds of the state acquired for this  
240 purpose arising from licenses, gifts or otherwise; and shall have  
241 charge of the enforcement of all wildlife laws.

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

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

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

249 (m) To operate or lease to third persons concessions or  
250 other rights or privileges on lakes owned or leased by the  
251 department. Owners of land adjoining land owned or leased by the  
252 department shall have priority to the concessions or rights or  
253 privileges, if the owners meet the qualifications established by  
254 the commission.

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

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

261 the purpose of beaver control or eradication.

262 (p) To require the department to divide the districts  
263 into zones if necessary, and periodically survey the districts or  
264 zones to obtain information that is necessary to properly  
265 determine the population and allowable harvest limits of wildlife  
266 within the district or zone.

267 (q) To require Chronic Wasting Disease (CWD) testing of  
268 white-tailed deer harvested within any enclosure; to grant  
269 wildlife personnel authority to access the property and depopulate  
270 white-tailed deer within an enclosure where CWD has been  
271 diagnosed; and to grant wildlife personnel authority to access the  
272 property and utilize lethal collection methods to obtain tissue  
273 samples for testing where CWD has been diagnosed within five (5)  
274 miles of the enclosure.

275 **SECTION 5.** Section 49-7-54, Mississippi Code of 1972, is  
276 amended as follows:

277 49-7-54. (1) It is unlawful to import and translocate live  
278 white-tailed deer into this state, except that university research  
279 facilities may import live white-tailed deer upon prior approval  
280 of the commission. The commission shall establish regulations  
281 governing the importation of white-tailed deer with emphasis on  
282 preventing the introduction of diseases.

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

285 **SECTION 6.** (1) Any person who erects a fence that prevents  
286 the free egress of white-tailed deer from an enclosed area shall  
287 notify and register with the Department of Wildlife, Fisheries and  
288 Parks. The person shall give his name, the location of the  
289 enclosure, the acreage within the enclosure, and whether any deer  
290 have been imported into the state and placed in the enclosure, and  
291 any other information required by the Commissioner on Wildlife,  
292 Fisheries and Parks.

293 (2) Persons who constructed an enclosure prior to July 1,  
294 2003, shall have until January 1, 2004, to notify and provide the  
295 information required under this section. The person shall use



296 acceptable hunting and wildlife management practices as may be  
297 determined by the department.

298 (3) The owner of such an enclosure shall comply with any  
299 testing of white-tailed deer harvested within the enclosure as may  
300 be required by the department. The owner of such enclosure shall  
301 allow department personnel to enter the enclosure to utilize  
302 lethal collection methods to obtain tissue samples for CWD tests  
303 if CWD has been diagnosed within five (5) miles of the enclosure.  
304 If CWD is diagnosed within the enclosure, the owner shall allow  
305 department personnel to enter the enclosure and depopulate the  
306 white-tailed deer within the enclosure.

307 (4) A violation of this section is a Class II violation and  
308 is punishable as provided in Section 49-7-143. A second or  
309 subsequent violation of this section is a Class I violation and is  
310 punishable as provided in Section 49-7-141.

311 **SECTION 7.** The Department of Wildlife, Fisheries and Parks  
312 is authorized to require the chronic wasting disease testing of  
313 white-tailed deer harvested within any enclosure. If chronic  
314 wasting disease is diagnosed in white-tailed deer within an  
315 enclosure, the department is authorized to enter the enclosure and  
316 depopulate the white-tailed deer within the enclosure. If chronic  
317 wasting disease is diagnosed within five (5) miles of the  
318 enclosure, the department is authorized to enter the enclosure and  
319 utilize lethal collection methods to obtain tissue samples.

320 **SECTION 8.** (1) The owner of any enclosure containing  
321 white-tailed deer that prevents the free egress of such deer from  
322 the enclosure shall comply with any testing of white-tailed deer  
323 harvested within the enclosure as may be required by the  
324 department. If chronic wasting disease is diagnosed within five  
325 (5) miles of such an enclosure, the owner shall allow wildlife  
326 personnel to enter the enclosure and utilize lethal collection  
327 methods to obtain tissue samples for testing. If chronic wasting  
328 disease is diagnosed within an enclosure, the owner shall allow  
329 wildlife personnel to enter the enclosure and depopulate the  
330 white-tailed deer within the enclosure.

331 (2) A violation of this section is a Class II violation and  
332 is punishable as provided in Section 49-7-143. A second or  
333 subsequent violation of this section is a Class I violation and is  
334 punishable as provided in Section 49-7-141.

335 **SECTION 9.** (1) The Department of Wildlife, Fisheries and  
336 Parks shall develop and implement a program for inspecting,  
337 monitoring, testing and preventing chronic wasting disease. The  
338 Department of Wildlife, Fisheries and Parks is authorized to  
339 require the chronic wasting disease testing of white-tailed deer  
340 harvested within any enclosure. If chronic wasting disease is  
341 diagnosed in white-tailed deer within an enclosure, the department  
342 is authorized to enter the enclosure and depopulate the  
343 white-tailed deer within the enclosure. If chronic wasting  
344 disease is diagnosed within five (5) miles of the enclosure, the  
345 department is authorized to enter the enclosure and utilize lethal  
346 collection methods to obtain tissue samples.

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

350 **SECTION 10.** This act shall take effect and be in force from  
351 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, 69-15-109 AND  
12 49-1-29, MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION  
13 49-7-54, MISSISSIPPI CODE OF 1972, TO INCREASE THE PENALTY FOR  
14 ILLEGAL IMPORTATION OF WHITE-TAILED DEER; TO REGULATE ENCLOSURES  
15 PREVENTING THE FREE EGRESS OF WHITE-TAILED DEER; TO REQUIRE OWNERS  
16 OF SUCH ENCLOSURES TO NOTIFY THE DEPARTMENT OF WILDLIFE, FISHERIES  
17 AND PARKS FOR THE PURPOSE OF MONITORING CHRONIC WASTING DISEASE;  
18 TO REQUIRE SUCH OWNERS TO COMPLY WITH ANY REQUIRED TESTING OF  
19 HARVESTED DEER; TO AUTHORIZE THE DEPARTMENT TO DEPOPULATE DEER  
20 WITHIN AN ENCLOSURE IF CHRONIC WASTING DISEASE IS DIAGNOSED; TO  
21 PROVIDE PENALTIES FOR FAILURE TO COMPLY WITH ENCLOSURE

22 RESTRICTIONS; TO REQUIRE OWNERS TO KEEP RECORDS; TO AUTHORIZE THE  
23 DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS TO DISPOSE OF ANIMALS  
24 UNDER CERTAIN CONDITIONS; TO AUTHORIZE THE COMMISSION ON WILDLIFE,  
25 FISHERIES AND PARKS TO TEST DEER WITHIN ENCLOSURES FOR CHRONIC  
26 WASTING DISEASE AND TO DEPOPULATE DEER IN AN ENCLOSURE WHERE  
27 CHRONIC WASTING DISEASE IS FOUND; TO REQUIRE OWNERS OF CERTAIN  
28 ENCLOSURES TO COMPLY WITH CHRONIC WASTING DISEASE TESTING AND TO  
29 PROVIDE PENALTIES FOR FAILURE TO COMPLY; AND FOR RELATED PURPOSES.