

By: Representative Frierson

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 1040

1 AN ACT TO AMEND SECTIONS 49-7-58.1, 49-7-58.3, 49-11-3, AND
2 49-11-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IT SHALL BE
3 UNLAWFUL TO HUNT ANY NATIVE OR NONNATIVE WILD GAME WITHIN ANY
4 COMMERCIAL OR NONCOMMERCIAL WILDLIFE ENCLOSURE CONSTRUCTED ON OR
5 AFTER JULY 1, 2004, UNLESS SPECIFICALLY AUTHORIZED BY LAW; TO
6 AMEND SECTION 49-11-5, MISSISSIPPI CODE OF 1972, TO INCREASE THE
7 FEE FOR ISSUANCE OF A LICENSE TO A COMMERCIAL WILDLIFE ENCLOSURE
8 CONSTRUCTED ON OR AFTER JULY 1, 2004; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 49-7-58.1, Mississippi Code of 1972, is
11 amended as follows:

12 49-7-58.1. (1) The owner of any enclosure containing
13 white-tailed deer that prevents the free egress of white-tailed
14 deer from the enclosed area shall notify and register with the
15 Department of Wildlife, Fisheries and Parks. The person shall
16 give his name, the location of the enclosure, the acreage within
17 the enclosure, and whether any deer have been imported into the
18 state and placed in the enclosure, and any other information
19 required by the Commissioner on Wildlife, Fisheries and Parks.

20 (2) Persons who constructed an enclosure prior to July 1,
21 2003, shall have until January 1, 2004, to notify and provide the
22 information required under this section. The person shall use
23 acceptable hunting and wildlife management practices as may be
24 determined by the department. However, except as otherwise
25 specifically authorized by law, it shall be unlawful to hunt
26 white-tailed deer or any other animal (a) in violation of Section
27 49-7-78, or (b) within an enclosure constructed on or after July
28 1, 2004.

29 (3) The owner of such an enclosure shall comply with any
30 testing of white-tailed deer harvested within the enclosure as may

31 be required by the department. If chronic wasting disease is
32 diagnosed within five (5) miles of the enclosure, the owner of
33 such enclosure shall allow department personnel to enter the
34 enclosure to utilize lethal collection methods to obtain tissue
35 samples for testing. If chronic wasting disease is diagnosed
36 within the enclosure, the owner shall allow department personnel
37 to enter the enclosure and depopulate the white-tailed deer within
38 the enclosure.

39 (4) A violation of this section is a Class II violation and
40 is punishable as provided in Section 49-7-143. A second or
41 subsequent violation of this section is a Class I violation and is
42 punishable as provided in Section 49-7-141.

43 **SECTION 2.** Section 49-7-58.3, Mississippi Code of 1972, is
44 amended as follows:

45 49-7-58.3. (1) The Commission on Wildlife, Fisheries and
46 Parks may regulate the hunting of nonnative cervids in
47 noncommercial wildlife enclosures constructed before July 1, 2004,
48 and the Department of Wildlife, Fisheries and Parks may enforce
49 such regulations and laws in the same manner as commercial
50 wildlife enclosures as provided in Section 49-11-25. However,
51 except as otherwise specifically authorized by law, it shall be
52 unlawful to hunt nonnative cervids or any other animal (a) in
53 violation of Section 49-7-78, or (b) within an enclosure
54 constructed on or after July 1, 2004.

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

56 **SECTION 3.** Section 49-11-3, Mississippi Code of 1972, is
57 amended as follows:

58 49-11-3. (1) The department may issue operating licenses to
59 any person, partnership, association or corporation for the
60 operation of shooting preserves or commercial wildlife enclosures
61 that meet the following requirements and any applicable
62 regulations:

63 (a) Each shooting preserve shall contain a minimum of
64 one hundred (100) acres in one (1) tract of leased or owned land
65 (including water area, if any) and shall be restricted to not more
66 than six hundred forty (640) contiguous acres (including water
67 area, if any), except that preserves confined to the releasing of
68 ducks only may be authorized to operate with a minimum of fifty
69 (50) contiguous acres (including water area).

70 (b) The boundaries of each shooting preserve shall be
71 clearly defined and posted with signs erected at intervals of
72 three hundred (300) feet or less.

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

78 (d) The preserve or enclosure must be privately owned
79 and operated.

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

83 (3) (a) The commission may regulate the hunting of
84 nonnative cervids within a commercial wildlife enclosure
85 constructed before July 1, 2004, and the department may enter such
86 enclosure as provided under Section 49-11-25 and enforce such
87 regulations. However, except as otherwise specifically authorized
88 by law, it shall be unlawful to hunt nonnative cervids or any
89 other animal (a) in violation of Section 49-7-78, or (b) within an
90 enclosure constructed on or after July 1, 2004.

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

92 **SECTION 4.** Section 49-11-15, Mississippi Code of 1972, is
93 amended as follows:

94 49-11-15. (1) Artificially propagated pheasants, quail,
95 chukar partridges, mallards and black ducks, and any game bird

96 authorized by the commission are the only game which may be hunted
97 on shooting preserves under this chapter.

98 (2) Mallards and black ducks released on a shooting preserve
99 must have a one-fourth (1/4) inch hole punched in the outer web of
100 the right foot before the birds attain the age of six (6) weeks.

101 (3) The commission is authorized to specify the species of
102 nonnative wild game that may be released or hunted in commercial
103 wildlife enclosures constructed before July 1, 2004. However,
104 except as otherwise specifically authorized by law, it shall be
105 unlawful to hunt nonnative wild game or any other animal within a
106 commercial wildlife enclosure constructed on or after July 1,
107 2004.

108 **SECTION 5.** Section 49-11-5, Mississippi Code of 1972, is
109 amended as follows:

110 49-11-5. (1) The fee for a shooting preserve license or a
111 license for a commercial wildlife enclosure constructed before
112 July 1, 2004, shall be One Hundred Dollars (\$100.00) per year for
113 the first three hundred (300) acres of shooting preserve area or
114 commercial wildlife enclosure area, and Ten Dollars (\$10.00) per
115 year for each additional one hundred (100) acres or parts thereof.

116 (2) The fee for a license for a commercial wildlife
117 enclosure constructed on or after July 1, 2004, shall be One
118 Thousand Five Hundred Dollars (\$1,500.00) per year for the first
119 three hundred (300) acres of commercial wildlife enclosure area,
120 and One Hundred Fifty Dollars (\$150.00) per year for each
121 additional one hundred (100) acres or parts thereof.

122 **SECTION 6.** This act shall take effect and be in force from
123 and after July 1, 2004.