

By: Representative Barnett

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 1144

1 AN ACT TO CREATE THE "MISSISSIPPI HUNTING RESORT ACT"; TO
2 ESTABLISH THE LEGISLATIVE FINDINGS AND INTENT OF PROMOTING TOURIST
3 HUNTING IN MISSISSIPPI; TO ALLOW THE MISSISSIPPI BOARD OF ANIMAL
4 HEALTH TO CLASSIFY, DEFINE AND REGULATE EXOTIC LIVESTOCK; TO
5 REQUIRE FEES FOR ENCLOSING NATIVE WILD GAME ON RESORT PROPERTY; TO
6 REQUIRE MONITORING AND REPORTING OF INTRASTATE MOVEMENT AND
7 INTERSTATE MOVEMENT OF EXOTIC LIVESTOCK; TO REQUIRE THE ISSUANCE
8 OF PERMITS AND HARVEST TAGS; TO REQUIRE REPORTS OF EXOTIC
9 LIVESTOCK TO THE MISSISSIPPI BOARD OF ANIMAL HEALTH AND THE
10 DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS; TO BRING FORWARD
11 SECTIONS 49-7-53, 49-7-58, 49-7-58.1, 49-7-58.2, 49-7-78, 49-11-3
12 THROUGH 49-11-29, 89-2-1 THROUGH 89-2-7 AND 89-2-21 THROUGH
13 89-2-27, MISSISSIPPI CODE OF 1972, WHICH RELATE TO SHIPMENT AND
14 TRANSPORTATION OF GAME BIRDS, ANIMALS AND FISH; A TEMPORARY
15 MORATORIUM ON THE IMPORTATION OF CERTAIN GAME ANIMALS SUSCEPTIBLE
16 TO CHRONIC WASTING DISEASE; ENCLOSURES PREVENTING THE FREE EGRESS
17 OF WHITE-TAIL DEER; INSPECTING, MONITORING, TESTING AND PREVENTING
18 CHRONIC WASTING DISEASE; REGULATION OF CANNED HUNTS; LICENSURE AND
19 REGULATION OF PRIVATE SHOOTING PRESERVES AND COMMERCIAL WILDLIFE
20 ENCLOSURES; LIABILITY OF RECREATIONAL LANDOWNERS, FOR THE PURPOSES
21 OF AMENDMENT; AND FOR RELATED PURPOSES.

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

23 **SECTION 1.** This act may be cited as the "Mississippi Hunting
24 Resort Act."

25 **SECTION 2.** The Legislature finds that it is in the best
26 public policy interest of the state to create an environment
27 conducive to business and investment, wherein economic opportunity
28 and prosperity may flourish through maximizing the travel, hunting
29 and tourism opportunities in the state. This act intends to
30 encourage economic development by promoting tourist-hunting
31 resorts within the state as means of generating revenue through
32 the use of the state's abundant natural wildlife resources, native
33 game animals and the introduction of nonnative game animals to the
34 state as an added incentive to promote tourist-hunting resorts.

35 **SECTION 3.** (1) Exotic livestock are those animals defined
36 and regulated by the Mississippi Board of Animal Health,
37 hereinafter MBAH.

38 (2) It is recognized that in the construction of the
39 infrastructure for the housing, protection and control of exotic
40 species, and development of infrastructure for other hunting
41 operations, that a number of native whitetail deer may be
42 captured. Whether by accident or design, as is the case with a
43 commercial wildlife operation, this number of native wildlife is
44 effectively removed from the public domain.

45 **SECTION 4.** (1) The owner or developer of an exotic
46 livestock operation, where in the form of a commercial venture or
47 a noncommercial venture shall pay to the State of Mississippi a
48 fee of Two Hundred Fifty Dollars (\$250.00) each for any whitetail
49 deer enclosed. Where an actual count of the number of deer
50 enclosed is not possible, then the owner or developer shall pay to
51 the state based on per acre census data for the area of the
52 enclosure existing at the time and place the operation is placed
53 in service, multiplied times the acreage of the enclosure.

54 (2) For all operations placed in service prior to the
55 enactment of this legislation, the owner or developer shall make a
56 payment to the state of One Hundred Dollars (\$100.00) per animal.
57 This payment shall be based on an estimate of the number of
58 animals per acre that existed in the area of operation at the time
59 the animal was enclosed multiplied times the acreage of the
60 enclosure.

61 (3) Where no census data is available, the developer shall
62 pay to the State of Mississippi a multiple of .025 deer per acre
63 multiplied times the acreage of the enclosure. This estimate is
64 based on the 2005 statewide census. Notwithstanding any other
65 statute to the contrary, all landowners or developers who make
66 payments to the state pursuant to this act shall enjoy the same
67 rights and privileges of ownership and control over the enclosed

68 exotic and other animals as enjoyed by landowners, farmers and
69 growers over their livestock.

70 **SECTION 5.** (1) (a) To prevent the importation and spread
71 of chronic wasting disease and other diseases known to the MBAH,
72 into the state, the interstate movement and the intrastate
73 movement of any and all exotic or other livestock into the state
74 shall be performed in strict accordance with the existing
75 regulations of the MBAH.

76 (b) To assist with the oversight and monitoring of the
77 interstate movement of exotic livestock, the mover or owner shall
78 pay to the state an interstate movement fee of Ten Dollars
79 (\$10.00) per animal as shown in the Exotic Livestock Entry Permit.

80 (c) To assist with the oversight and monitoring of the
81 intrastate movement of exotic livestock, the mover or owner shall
82 pay to the state an intrastate movement fee of Five Dollars
83 (\$5.00) per animal as shown in the Exotic Livestock Transfer
84 Record.

85 (d) To assist with the oversight and monitoring of the
86 harvesting of exotic or other livestock, the hunter shall pay to
87 the state a harvest fee of Twenty-five Dollars (\$25.00) per
88 animal. The state shall initiate the issuance of exotic harvest
89 tags for the monitoring of this fee. Noncommercial operations,
90 breeders, growers and animals harvested for food are exempt from
91 this fee.

92 (2) The hunter's name, address, and the date of the harvest
93 shall be clearly marked on the tag and the tag shall remain with
94 the animal during transport to its final destination. Hunters are
95 reminded to check with the various states that the harvest may
96 pass through to verify regulation on this movement of animals.

97 (3) The owner or operator of each exotic livestock permit
98 shall keep accurate records of the number of species of animals
99 moved into and out of their facility and records of hunter and

100 animals harvested and report this data to the MBAH on an annual
101 basis.

102 (4) The owner or operator of commercial wildlife operations
103 where exotic or other livestock is also harvested shall also keep
104 records and report to the Department of Wildlife, Fisheries and
105 Parks in accordance with current regulations.

106 **SECTION 6.** Section 49-7-53, Mississippi Code of 1972, is
107 brought forward as follows:

108 49-7-53. (1) It is unlawful for any railroad, express
109 company or common carrier to knowingly receive for shipment or to
110 ship any game animals, birds, or fish named in this chapter;
111 except that a railroad, express company or common carrier may
112 receive and carry game animals, birds or fish when accompanied by
113 the hunter killing same and as provided otherwise in this chapter.

114 (2) No person or corporation may ship, transport or carry,
115 cause to be shipped, transported or carried, or receive for
116 shipment, transportation or carriage, or have in his possession
117 with intent to ship, transport or carry, or secure the shipment,
118 transportation or carriage beyond the limits of this state, any
119 game animal, bird or fish, except for the following:

120 (a) Rabbits;

121 (b) The furs or pelts of beaver, opossum, otter,
122 raccoon or other fur-bearing animals during the open season and
123 ten (10) days thereafter;

124 (c) Skins and sinew of deer and products crafted,
125 fashioned or made from deer antlers not in velvet, in accordance
126 with rules and regulations promulgated by the Commission on
127 Wildlife, Fisheries and Parks; and

128 (d) Game fish produced in a legally permitted
129 aquaculture facility pursuant to Section 79-22-9.

130 (3) The offering or reception by any person or corporation
131 within this state of any such birds, animals or fish for shipment
132 from this state shall be prima facie evidence that such birds,

133 animals or game fish were killed, captured or taken within the
134 state. Each game animal, bird or fish in possession, received for
135 shipment or transportation, or shipped or transported in violation
136 of this section is a separate offense.

137 (4) A nonresident licensee during the open season may ship,
138 transport or carry from this state any game animal, bird or fish
139 lawfully taken but not in excess of the bag and possession limits
140 prescribed in Section 49-7-41.

141 Such nonresident licensee shall accompany the shipment or
142 shall attach to such animals, birds or fish, or any package
143 containing them, an affidavit in a form to be prescribed by the
144 executive director that such animals, birds or fish were lawfully
145 killed or taken by him and are being shipped or transported to his
146 home and are not for sale. A duplicate of such affidavit shall be
147 filed with the transportation company or agent thereof, whose duty
148 it shall be to transmit the same to the executive director within
149 ten (10) days after its receipt. Such affidavit shall be sworn to
150 within ten (10) days after its receipt, and shall be sworn to
151 before a person authorized to administer oaths in the state. For
152 such purpose, conservation officers and agents of the
153 transportation companies are hereby authorized to administer such
154 oaths.

155 (5) A violation of this section is a Class I violation and
156 is punishable as provided in Section 49-7-141.

157 **SECTION 7.** Section 49-7-58, Mississippi Code of 1972, is
158 brought forward as follows:

159 49-7-58. (1) (a) In addition to the ban on importing
160 white-tailed deer under Section 49-7-54, there is hereby imposed a
161 temporary moratorium on the importation of elk, red deer, mule
162 deer, black-tailed deer and other cervids designated as
163 susceptible to chronic wasting disease by the State Veterinarian
164 and crosses of any such animals into the State of Mississippi.
165 The moratorium on importing such animals shall end upon the

166 adoption of chronic wasting disease regulations by the United
167 States Department of Agriculture.

168 (b) Any person who possesses, buys, imports or
169 transports any cervid that has been imported in the state in
170 violation of the moratorium shall be subject to a Class I penalty
171 under Section 49-7-141. Any person that imports any exotic animal
172 into the state in violation of entry requirements or regulations
173 of the Board of Animal Health or the Department of Wildlife shall
174 be subject to a Class I penalty under Section 49-7-141. The
175 agency issuing a permit for cervids or exotic animals within an
176 enclosure shall revoke the permit of any person found in violation
177 of the moratorium. If any cervid in an enclosure tests positive
178 for chronic wasting disease or if any cervids within the enclosure
179 have been imported from an area diagnosed with chronic wasting
180 disease, then all cervids in the enclosure shall be deemed a
181 threat to native wildlife and to public health and may be killed
182 and disposed of by the state.

183 (2) It shall be the duty of the Commissioner of Agriculture
184 and Commerce, the Board of Animal Health, the State Veterinarian,
185 the Commission on Wildlife, Fisheries and Parks, and the
186 Department of Wildlife, Fisheries and Parks to consult and
187 coordinate efforts on matters related to chronic wasting disease,
188 the prevention of the introduction of chronic wasting disease in
189 the state and to ensure the health and safety of the public and
190 wildlife.

191 (3) The Commission on Wildlife, Fisheries and Parks and the
192 Department of Wildlife, Fisheries and Parks shall have plenary
193 authority in matters related to the importation of white-tailed
194 deer, white-tailed deer in enclosures, and prevention of the
195 introduction of chronic wasting disease into the native wildlife
196 population.

197 **SECTION 8.** Section 49-7-58.1, Mississippi Code of 1972, is
198 brought forward as follows:

199 49-7-58.1. (1) The owner of any enclosure containing
200 white-tailed deer that prevents the free egress of white-tailed
201 deer from the enclosed area shall notify and register with the
202 Department of Wildlife, Fisheries and Parks. The person shall
203 give his name, the location of the enclosure, the acreage within
204 the enclosure, and whether any deer have been imported into the
205 state and placed in the enclosure, and any other information
206 required by the Commissioner on Wildlife, Fisheries and Parks.

207 (2) Persons who constructed an enclosure prior to July 1,
208 2003, shall have until January 1, 2004, to notify and provide the
209 information required under this section. The person shall use
210 acceptable hunting and wildlife management practices as may be
211 determined by the department.

212 (3) The owner of such an enclosure shall comply with any
213 testing of white-tailed deer harvested within the enclosure as may
214 be required by the department. If chronic wasting disease is
215 diagnosed within five (5) miles of the enclosure, the owner of
216 such enclosure shall allow department personnel to enter the
217 enclosure to utilize lethal collection methods to obtain tissue
218 samples for testing. If chronic wasting disease is diagnosed
219 within the enclosure, the owner shall allow department personnel
220 to enter the enclosure and depopulate the white-tailed deer within
221 the enclosure.

222 (4) A violation of this section is a Class II violation and
223 is punishable as provided in Section 49-7-143. A second or
224 subsequent violation of this section is a Class I violation and is
225 punishable as provided in Section 49-7-141.

226 **SECTION 9.** Section 49-7-58.2, Mississippi Code of 1972, is
227 brought forward as follows:

228 49-7-58.2. (1) The Department of Wildlife, Fisheries and
229 Parks shall develop and implement a program for inspecting,
230 monitoring, testing and preventing chronic wasting disease. The
231 Department of Wildlife, Fisheries and Parks is authorized to

232 require the chronic wasting disease testing of white-tailed deer
233 harvested within any enclosure. If chronic wasting disease is
234 diagnosed in white-tailed deer within an enclosure, the department
235 is authorized to enter the enclosure and depopulate the
236 white-tailed deer within the enclosure. If chronic wasting
237 disease is diagnosed within five (5) miles of the enclosure, the
238 department is authorized to enter the enclosure and utilize lethal
239 collection methods to obtain tissue samples.

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

243 **SECTION 10.** Section 49-7-78, Mississippi Code of 1972, is
244 brought forward as follows:

245 49-7-78. For purposes of this section, the term "canned
246 hunts" means the practice of providing a hunting opportunity under
247 controlled conditions in which native game animals hunted may not
248 have a reasonable opportunity to avoid the hunter. Canned hunts
249 are prohibited in the state. The commission shall adopt
250 regulations it deems necessary to prohibit and control such hunts.
251 Nothing in this section shall prohibit the operation of private
252 shooting preserves or commercial wildlife enclosures as authorized
253 by statute.

254 **SECTION 11.** Section 49-11-3, Mississippi Code of 1972, is
255 brought forward as follows:

256 49-11-3. (1) The department may issue operating licenses to
257 any person, partnership, association or corporation for the
258 operation of shooting preserves or commercial wildlife enclosures
259 that meet the following requirements and any applicable
260 regulations:

261 (a) Each shooting preserve shall contain a minimum of
262 one hundred (100) acres in one (1) tract of leased or owned land
263 (including water area, if any) and shall be restricted to not more
264 than six hundred forty (640) contiguous acres (including water

265 area, if any), except that preserves confined to the releasing of
266 ducks only may be authorized to operate with a minimum of fifty
267 (50) contiguous acres (including water area).

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

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

276 (d) The preserve or enclosure must be privately owned
277 and operated.

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

281 (3) (a) The commission may regulate the hunting of
282 nonnative cervids within a commercial wildlife enclosure, and the
283 department may enter such enclosure as provided under Section
284 49-11-25 and enforce such regulations.

285 (b) This subsection (3) shall repeal on July 1, 2007.

286 **SECTION 12.** Section 49-11-5, Mississippi Code of 1972, is
287 brought forward as follows:

288 49-11-5. The fee for a shooting preserve license or a
289 commercial wildlife enclosure license shall be One Hundred Dollars
290 (\$100.00) per year for the first three hundred (300) acres of
291 shooting preserve area or commercial wildlife enclosure area, and
292 Ten Dollars (\$10.00) per year for each additional one hundred
293 (100) acres or parts thereof.

294 **SECTION 13.** Section 49-11-7, Mississippi Code of 1972, is
295 brought forward as follows:

296 49-11-7. Each license issued by the department shall
297 designate whether or not the preserve or commercial wildlife

298 enclosure is open to the public on a commercial basis, or is
299 restricted to a membership or other limited group. In the latter
300 case, the license shall specify that the area is a restricted
301 shooting preserve or commercial wildlife enclosure. The
302 department shall maintain accurate listings of the names and
303 addresses of the licensees and the location of the property.
304 These lists shall be made available in their entirety to anyone
305 requesting a copy, and shall specify whether the preserves or
306 enclosures are public or private.

307 **SECTION 14.** Section 49-11-9, Mississippi Code of 1972, is
308 brought forward as follows:

309 49-11-9. This chapter is supplemental and in addition to any
310 other laws on related subject matters. Any license required under
311 this chapter is in addition to any other licenses which may be
312 required for commercial raising and sale of game birds or for the
313 raising of game birds for propagation.

314 **SECTION 15.** Section 49-11-13, Mississippi Code of 1972, is
315 brought forward as follows:

316 49-11-13. The season for shooting preserves shall be for a
317 period of seven (7) months beginning October 1 and ending April
318 30, except as further restricted by the operator.

319 **SECTION 16.** Section 49-11-15, Mississippi Code of 1972, is
320 brought forward as follows:

321 49-11-15. (1) Artificially propagated pheasants, quail,
322 chukar partridges, mallards and black ducks, and any game bird
323 authorized by the commission are the only game which may be hunted
324 on shooting preserves under this chapter.

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

328 (3) The commission is authorized to specify the species of
329 nonnative wild game that may be released or hunted in commercial
330 wildlife enclosures.

331 **SECTION 17.** Section 49-11-17, Mississippi Code of 1972, is
332 brought forward as follows:

333 49-11-17. The operating licenses issued by the department
334 shall entitle licensees, and their guests or customers, to recover
335 the total number of each species of game released on the premises
336 each year.

337 **SECTION 18.** Section 49-11-19, Mississippi Code of 1972, is
338 brought forward as follows:

339 49-11-19. Operators may establish shooting limitations and
340 restrictions on the age, sex and number of each species of
341 released game that may be taken by each person.

342 **SECTION 19.** Section 49-11-21, Mississippi Code of 1972, is
343 brought forward as follows:

344 49-11-21. Any native wild game found on shooting preserves
345 or commercial wildlife enclosures may be harvested only in
346 accordance with applicable game and hunting laws and regulations
347 issued by the commission or the U.S. Fish and Wildlife Service.

348 **SECTION 20.** Section 49-11-23, Mississippi Code of 1972, is
349 brought forward as follows:

350 49-11-23. The operator shall furnish and issue a
351 consecutively numbered certificate to any hunter or person leaving
352 with harvested game. The certificate shall bear the license
353 number and name of the shooting preserve or commercial wildlife
354 enclosure or its licensed operator. The certificate shall contain
355 the person's name, address, date of issuance and number and
356 species of harvested game in possession. The certificate must
357 remain with the harvested game until the game is prepared for
358 consumption.

359 **SECTION 21.** Section 49-11-25, Mississippi Code of 1972, is
360 brought forward as follows:

361 49-11-25. Each operator shall maintain a registration book
362 listing the names and hunting license numbers of all hunters and
363 the date on which they hunted. An accurate record must be

364 maintained of the total number, by species, of game released and
365 harvested each day the preserve or enclosure is hunted. The
366 operator shall submit this information in an annual report of
367 operations each year to the department not later than June 1
368 following. These records shall be open to inspection by the
369 department at any reasonable time. Any person, partnership,
370 association or corporation licensed hereunder consents to the
371 patrolling of the shooting preserve or commercial wildlife
372 enclosure areas by the department, without warrant, to determine
373 if any of the game laws or regulations are being violated.

374 **SECTION 22.** Section 49-11-27, Mississippi Code of 1972, is
375 brought forward as follows:

376 49-11-27. Any person, firm or corporation violating any
377 provision of this chapter is guilty of a Class II violation, and
378 upon conviction thereof shall be punished as provided in Section
379 49-7-143. A multiple violator of this chapter shall be assessed
380 the maximum allowable fine, and may, at the discretion of the
381 commission, have his operator's license suspended by operation of
382 law for a period of one (1) year.

383 **SECTION 23.** Section 49-11-29, Mississippi Code of 1972, is
384 brought forward as follows:

385 49-11-29. This chapter shall not apply to the operation of
386 fox, coyote and rabbit enclosures as set forth in Section 49-7-34,
387 Mississippi Code of 1972, and shall not be construed to regulate
388 the operation of fox, coyote and rabbit enclosures.

389 **SECTION 24.** Section 89-2-1, Mississippi Code of 1972, is
390 brought forward as follows:

391 89-2-1. The purpose of this chapter is to encourage persons
392 to make available to the public land and water areas for outdoor
393 recreational purposes. A lessee or owner who opens a land or
394 water area to the public for outdoor recreational purposes shall
395 not, by opening such land or water for such use:

396 (a) Be presumed to extend any assurance that such land
397 or water area is safe for any purpose;

398 (b) Incur any duty of care toward a person who goes on
399 the land or water area; or

400 (c) Become liable or responsible for any injury to
401 persons or property caused by the act or omission of a person who
402 goes on the land or water area.

403 The foregoing applies, whether the person going on the land
404 or water area is an invitee, licensee, trespasser or otherwise.

405 **SECTION 25.** Section 89-2-3, Mississippi Code of 1972, is
406 brought forward as follows:

407 89-2-3. The term "outdoor recreational purposes" as used in
408 this chapter shall include, but not necessarily be limited to,
409 hunting, fishing, swimming, boating, camping, picnicking, hiking,
410 pleasure driving, nature study, water skiing and visiting
411 historical, archaeological, scenic or scientific sites.

412 **SECTION 26.** Section 89-2-5, Mississippi Code of 1972, is
413 brought forward as follows:

414 89-2-5. This chapter does not relieve any person of
415 liability which would otherwise exist for deliberate, willful or
416 malicious injury to persons or property. The provisions hereof
417 shall not be deemed to create or increase the liability of any
418 person.

419 **SECTION 27.** Section 89-2-7, Mississippi Code of 1972, is
420 brought forward as follows:

421 89-2-7. The provisions of this chapter shall not apply if
422 any fee is charged for entering or using any part of such land or
423 water outdoor recreational area, or if any concession is operated
424 on said area offering to sell or selling any item or product to
425 persons entering thereon for recreational purposes. Said chapter
426 shall not apply unless public notice of the availability of such
427 lands for such public use shall have been published once annually

428 in a newspaper of general circulation in the county where such
429 lands are situated.

430 **SECTION 28.** Section 89-2-21, Mississippi Code of 1972, is
431 brought forward as follows:

432 89-2-21. For the purposes of this article, the following
433 words shall have the meanings ascribed herein, unless the context
434 otherwise requires:

435 (a) "Land" or "premises" means all real property,
436 waters and private ways, and all trees, buildings and structures
437 which are located on such real property, waters and private ways.

438 (b) "Landowner" means the legal titleholder or owner of
439 land or premises, and includes any lessee, occupant or any other
440 person in control of such land or premises.

441 **SECTION 29.** Section 89-2-23, Mississippi Code of 1972, is
442 brought forward as follows:

443 89-2-23. Except as provided for in Section 89-2-27, a
444 landowner: (a) shall owe no duty of care to keep land or premises
445 safe for entry or use by others for hunting, fishing, trapping,
446 camping, water sports, hiking or sightseeing; and (b) shall not be
447 required to give any warning to any person entering on land or
448 premises for hunting, fishing, trapping, camping, water sports,
449 hiking or sightseeing as to any hazardous conditions or uses of,
450 or hazardous structures or activities on such land or premises.

451 **SECTION 30.** Section 89-2-25, Mississippi Code of 1972, is
452 brought forward as follows:

453 89-2-25. Any landowner who gives permission to another
454 person to hunt, fish, trap, camp, hike or sightsee upon land or
455 premises shall not, by the sole act of giving such permission, be
456 considered or construed to have:

457 (a) Extended any assurance that the premises are safe
458 for such purposes;

459 (b) Caused the person to whom permission has been
460 granted to be constituted the legal status of an invitee to whom a
461 duty of care is owed; or

462 (c) Assumed responsibility or liability for any injury
463 to such person or his property caused by any act of such person to
464 whom permission has been granted, except as provided in Section
465 89-2-27.

466 **SECTION 31.** Section 89-2-27, Mississippi Code of 1972, is
467 brought forward as follows:

468 89-2-27. This article shall not limit any liability which
469 otherwise exists for:

470 (a) Willful or malicious failure to guard or warn
471 against a hazardous condition, use, structure or activity;

472 (b) Injuries suffered in any case where permission to
473 hunt, fish, trap, camp, hike, sightsee or engage in any other
474 lawful activity was granted for a consideration other than the
475 consideration, if any, paid to the landowner by the State of
476 Mississippi, the federal government, or any other governmental
477 agency; or

478 (c) Injuries to third persons or to persons to whom the
479 landowner owed a duty to keep the land or premises safe or to warn
480 of danger, which injuries were caused by acts of persons to whom
481 permission to hunt, fish, camp, hike, sightsee or engage in any
482 other lawful activity was granted.

483 **SECTION 32.** This act shall take effect and be in force from
484 and after July 1, 2006.