

Senate Amendments to House Bill No. 382

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

13 SECTION 1. (1) (a) The chronic wasting disease (CWD)
14 testing of white-tailed deer harvested within any enclosure is
15 required by law.

16 (b) The Commission on Wildlife, Fisheries and Parks
17 shall promulgate rules and regulations requiring the annual
18 submission of viable samples from harvested deer for chronic
19 wasting disease testing. Rules promulgated hereunder shall
20 require a minimum submission from inside a high-fenced enclosure
21 representing at least one (1) deer per each two hundred (200)
22 acres of land under fence.

23 (c) In addition to samples submitted from deer
24 harvested within an enclosure, to the extent possible, enclosure
25 owner/operators shall submit viable samples collected from any
26 deer that dies inside an enclosure from causes other than being
27 harvested by hunting, for chronic wasting disease testing.

28 Samples collected from deer whose mortality occurred for

29 reasons other than hunting shall count toward the total number of
30 required samples.

31 (2) Failure to submit samples pursuant to the rules and
32 regulations promulgated by the commission shall be a violation of
33 those regulations. A first violation of such regulations, upon
34 conviction, shall be punishable by a fine of Five Hundred Dollars
35 (\$500.00). Each second or subsequent violation, upon conviction,
36 shall be punishable by a fine of One Thousand Dollars (\$1,000.00).

37 **SECTION 2.** Section 49-1-29, Mississippi Code of 1972, is
38 amended as follows:

39 49-1-29. The commission may promulgate rules and
40 regulations, inaugurate studies and surveys, and establish any
41 services it deems necessary to carry out wildlife laws. A
42 violation of any rules or regulations promulgated by the
43 commission shall constitute a misdemeanor and shall be punished as
44 provided in Section 49-7-101.

45 The executive director shall have authority with commission
46 approval:

47 (a) To close or shorten the open season as prescribed
48 by law in cases of urgent emergency on any species of game birds,
49 game or fur-bearing animals, reptiles, fish or amphibians, in any
50 locality, when it finds after investigation and public review that
51 the action is reasonably necessary to secure the perpetuation of
52 any species of game birds, game or fur-bearing animals, reptiles,
53 fish or amphibians and to maintain an adequate supply in the
54 affected area. The statutes shall continue in full force and

55 effect, except as restricted and limited by the rules and
56 regulations promulgated by the commission.

57 (b) To designate wildlife refuges, with the consent of
58 the property owner or owners, in any localities it finds necessary
59 to secure perpetuation of any species of game birds, game or
60 fur-bearing animals, reptiles, fish or amphibians and to maintain
61 an adequate supply for the purpose of providing a safe retreat
62 where the animals may rest and replenish adjacent hunting,
63 trapping or fishing grounds or waters, and to approve land
64 suitable for such purposes as eligible for the income tax credit
65 authorized under Section 27-7-22.22.

66 (c) To acquire and hold for the state by purchase,
67 condemnation, lease, or agreement as authorized from time to time
68 by the Legislature, and to receive by gifts or devise, lands or
69 water suitable for fish habitats, game and bird habitats, state
70 parks, access sites, wildlife refuges, or for public shooting,
71 trapping or fishing grounds or waters, to provide areas on which
72 any citizen may hunt, trap or fish under any special regulations
73 as the commission may prescribe, and to approve lands suitable for
74 such purposes as eligible for the income tax credit authorized
75 under Section 27-7-22.22.

76 (d) To extend and consolidate lands or waters suitable
77 for the above purposes by exchange of lands or waters under its
78 jurisdiction.

79 (e) To capture, propagate, transport, sell or exchange
80 any species of game birds, game or fur-bearing animals, reptiles,

81 fish or amphibians needed for stocking or restocking any lands or
82 waters of the state.

83 (f) To enter into cooperative agreements with persons,
84 firms, corporations or governmental agencies for purposes
85 consistent with this chapter.

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

89 (h) To conduct research in improved wildlife and
90 fisheries conservation methods and to disseminate information to
91 the residents of the state through the schools, public media and
92 other publications.

93 (i) To have exclusive charge and control of the
94 propagation and distribution of wild birds, animals, reptiles,
95 fish and amphibians, the conduct and control of hatcheries,
96 biological stations and game and fur farms owned or acquired by
97 the state; to expend for the protection, propagation or
98 preservation of game birds, game or fur-bearing animals, reptiles,
99 fish and amphibians all funds of the state acquired for this
100 purpose arising from licenses, gifts or otherwise; and shall have
101 charge of the enforcement of all wildlife laws.

102 (j) To grant permits and provide regulations for field
103 trials and dog trainers.

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

106 (1) To enter into agreements with landowners to trap
107 and purchase quail on the premises of the landowner and to provide
108 for the distribution of quail.

109 (m) To operate or lease to third persons concessions or
110 other rights or privileges on lakes owned or leased by the
111 department. Owners of land adjoining land owned or leased by the
112 department shall have priority to the concessions or rights or
113 privileges, if the owners meet the qualifications established by
114 the commission.

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

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

122 (p) To require the department to divide the districts
123 into zones if necessary, and periodically survey the districts or
124 zones to obtain information that is necessary to properly
125 determine the population and allowable harvest limits of wildlife
126 within the district or zone.

127 (q) To * * * grant wildlife personnel * * * access to
128 enter the * * * enclosure and utilize * * * the best collection
129 methods available to obtain tissue samples for testing where CWD
130 has been diagnosed within five (5) miles of the enclosure.

131 **SECTION 3.** Section 49-7-58.1, Mississippi Code of 1972, is
132 amended as follows:

133 49-7-58.1. (1) The owner of any enclosure containing
134 white-tailed deer that prevents the free egress of white-tailed
135 deer from the enclosed area shall notify and register with the
136 Department of Wildlife, Fisheries and Parks. The person shall
137 give his name, the location of the enclosure, the acreage within
138 the enclosure, and whether any deer have been imported into the
139 state and placed in the enclosure, and any other information
140 required by the Commissioner on Wildlife, Fisheries and Parks.

141 (2) Persons who constructed an enclosure prior to July 1,
142 2003, shall have until January 1, 2004, to notify and provide the
143 information required under this section. The person shall use
144 acceptable hunting and wildlife management practices as may be
145 determined by the department.

146 (3) The owner of such an enclosure shall comply with * * *
147 all rules and regulations promulgated by the commission for the
148 testing of white-tailed deer harvested within * * * an enclosure,
149 or whose mortality was due to causes other than hunting activity,
150 as required by Section * * * 1 of this act. If chronic wasting
151 disease is diagnosed within five (5) miles of the enclosure, the
152 owner of such enclosure shall allow department personnel to enter
153 the enclosure to utilize lethal collection methods to obtain
154 tissue samples for testing. If chronic wasting disease is
155 diagnosed within the enclosure, the owner shall allow department

156 personnel to enter the enclosure and depopulate the white-tailed
157 deer within the enclosure.

158 (4) * * * Violations of this section * * * shall be
159 punishable as provided in Section * * * 1 of this act.

160 **SECTION 4.** Section 49-7-58.2, Mississippi Code of 1972, is
161 amended as follows:

162 49-7-58.2. (1) The Department of Wildlife, Fisheries and
163 Parks shall develop and implement a program for inspecting,
164 monitoring, testing and preventing chronic wasting disease. The
165 Commission on Wildlife, Fisheries and Parks shall promulgate rules
166 and regulations to effect the sampling of deer harvested, or dying
167 from, nonhunting related causes, within an enclosure. If chronic
168 wasting disease is diagnosed in white-tailed deer within an
169 enclosure, the department is authorized to enter the enclosure and
170 depopulate the white-tailed deer within the enclosure. If chronic
171 wasting disease is diagnosed within five (5) miles of the
172 enclosure, the department is authorized to enter the enclosure and
173 utilize lethal collection methods to obtain tissue samples.

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

177 **SECTION 5.** Section 49-7-58.5, Mississippi Code of 1972,
178 which required the chronic wasting disease (CWD) testing of
179 white-tail deer harvested within any enclosure, and imposed Class
180 II and Class I violation penalties for first and subsequent
181 violations, is repealed.

182 **SECTION 6.** This act shall take effect and be in force from
183 and after its passage, and shall stand repealed on June 30, 2021.

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

1 AN ACT TO AUTHORIZE THE COMMISSION ON WILDLIFE, FISHERIES AND
2 PARKS TO REQUIRE CHRONIC WASTING DISEASE TESTING OF A SAMPLE OF
3 WHITE-TAILED DEER HARVESTED OR DYING FROM CAUSES OTHER THAN BEING
4 HARVESTED BY HUNTING WITHIN ANY ENCLOSURE; TO IMPOSE CERTAIN FINES
5 FOR FIRST AND SUBSEQUENT VIOLATIONS; TO AMEND SECTIONS 49-1-29,
6 49-7-58.1 AND 49-7-58.2, MISSISSIPPI CODE OF 1972, TO CONFORM TO
7 THE PRECEDING PROVISIONS; TO REPEAL SECTION 49-7-58.5, MISSISSIPPI
8 CODE OF 1972, WHICH REQUIRED THE CHRONIC WASTING DISEASE TESTING
9 OF WHITE-TAIL DEER HARVESTED WITHIN ANY ENCLOSURE, AND IMPOSED
10 CLASS II AND CLASS I VIOLATION PENALTIES FOR FIRST AND SUBSEQUENT
11 VIOLATIONS; AND FOR RELATED PURPOSES.

SS36\HB382A.J

Eugene S. Clarke
Secretary of the Senate