

By: Representative Barnett

To: Wildlife, Fisheries and
Parks

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1144

1 AN ACT TO CREATE THE "MISSISSIPPI BIG GAME INTENSIVE
2 MANAGEMENT FACILITY ACT"; TO ESTABLISH THE LEGISLATIVE FINDINGS
3 AND INTENT OF PROMOTING TOURIST HUNTING IN MISSISSIPPI; TO
4 AUTHORIZE THE MISSISSIPPI COMMISSION ON WILDLIFE, FISHERIES AND
5 PARKS TO REGULATE BIG GAME INTENSIVE MANAGEMENT FACILITIES, TO
6 ISSUE PERMITS AND REQUIRE THE PAYMENT OF REASONABLE FEES THEREFOR;
7 TO AMEND SECTIONS 49-7-53, 49-7-58, 49-7-58.1, 49-7-58.2 AND
8 49-11-29, MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE
9 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** This act may be cited as the "Mississippi Big
12 Game Intensive Management Facility Act."

13 **SECTION 2.** The Legislature finds that it is in the best
14 public policy interest of the state to create an environment
15 conducive to business and investment, wherein economic opportunity
16 and prosperity may flourish through maximizing the travel, hunting
17 and tourism opportunities in the state. This act intends to
18 encourage economic development by promoting tourist-hunting
19 facilities within the state as means of generating revenue through
20 the use of the state's abundant natural wildlife resources, native
21 game animals and the introduction of nonnative game animals to the
22 state as an added incentive to promote tourist-hunting resorts.

23 **SECTION 3.** The Mississippi Commission on Wildlife, Fisheries
24 and Parks, by rule and regulation, shall regulate big game
25 intensive management facilities. Such rules and regulations shall
26 require the issuance of permits and the payment of reasonable fees
27 therefor. Such rules and regulations shall be adopted and become
28 effective no later than October 1, 2006.

29 **SECTION 4.** Section 49-7-53, Mississippi Code of 1972, is
30 amended as follows:

31 49-7-53. (1) It is unlawful for any railroad, express
32 company or common carrier to knowingly receive for shipment or to
33 ship any game animals, birds, or fish named in this chapter;
34 except that a railroad, express company or common carrier may
35 receive and carry game animals, birds or fish when accompanied by
36 the hunter killing same and as provided otherwise in this chapter.

37 (2) No person or corporation may ship, transport or carry,
38 cause to be shipped, transported or carried, or receive for
39 shipment, transportation or carriage, or have in his possession
40 with intent to ship, transport or carry, or secure the shipment,
41 transportation or carriage beyond the limits of this state, any
42 game animal, bird or fish, except for the following:

43 (a) Rabbits;

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

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

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

53 (3) The offering or reception by any person or corporation
54 within this state of any such birds, animals or fish for shipment
55 from this state shall be prima facie evidence that such birds,
56 animals or game fish were killed, captured or taken within the
57 state. Each game animal, bird or fish in possession, received for
58 shipment or transportation, or shipped or transported in violation
59 of this section is a separate offense.

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

64 Such nonresident licensee shall accompany the shipment or
65 shall attach to such animals, birds or fish, or any package
66 containing them, an affidavit in a form to be prescribed by the
67 executive director that such animals, birds or fish were lawfully
68 killed or taken by him and are being shipped or transported to his
69 home and are not for sale. A duplicate of such affidavit shall be
70 filed with the transportation company or agent thereof, whose duty
71 it shall be to transmit the same to the executive director within
72 ten (10) days after its receipt. Such affidavit shall be sworn to
73 within ten (10) days after its receipt, and shall be sworn to
74 before a person authorized to administer oaths in the state. For
75 such purpose, conservation officers and agents of the
76 transportation companies are hereby authorized to administer such
77 oaths.

78 (5) The applicability of the provisions of this section to
79 operators or patrons of big game intensive management facilities,
80 as defined and permitted by the commission, shall be governed by
81 such regulations promulgated by the commission for such
82 facilities.

83 (6) A violation of this section is a Class I violation and
84 is punishable as provided in Section 49-7-141.

85 **SECTION 5.** Section 49-7-58, Mississippi Code of 1972, is
86 amended as follows:

87 49-7-58. (1) (a) In addition to the ban on importing
88 white-tailed deer under Section 49-7-54, there is hereby imposed a
89 temporary moratorium on the importation of elk, red deer, mule
90 deer, black-tailed deer and other cervids designated as
91 susceptible to chronic wasting disease by the State Veterinarian
92 and crosses of any such animals into the State of Mississippi.
93 The moratorium on importing such animals shall end upon the
94 adoption of chronic wasting disease regulations by the United
95 States Department of Agriculture.

96 (b) Any person who possesses, buys, imports or
97 transports any cervid that has been imported in the state in
98 violation of the moratorium shall be subject to a Class I penalty
99 under Section 49-7-141. Any person that imports any exotic animal
100 into the state in violation of entry requirements or regulations
101 of the Board of Animal Health or the Department of Wildlife shall
102 be subject to a Class I penalty under Section 49-7-141. The
103 agency issuing a permit for cervids or exotic animals within an
104 enclosure shall revoke the permit of any person found in violation
105 of the moratorium. If any cervid in an enclosure tests positive
106 for chronic wasting disease or if any cervids within the enclosure
107 have been imported from an area diagnosed with chronic wasting
108 disease, then all cervids in the enclosure shall be deemed a
109 threat to native wildlife and to public health and may be killed
110 and disposed of by the state.

111 (2) It shall be the duty of the Commissioner of Agriculture
112 and Commerce, the Board of Animal Health, the State Veterinarian,
113 the Commission on Wildlife, Fisheries and Parks, and the
114 Department of Wildlife, Fisheries and Parks to consult and
115 coordinate efforts on matters related to chronic wasting disease,
116 the prevention of the introduction of chronic wasting disease in
117 the state and to ensure the health and safety of the public and
118 wildlife.

119 (3) The Commission on Wildlife, Fisheries and Parks and the
120 Department of Wildlife, Fisheries and Parks shall have plenary
121 authority in matters related to the importation of white-tailed
122 deer, white-tailed deer in enclosures, and prevention of the
123 introduction of chronic wasting disease into the native wildlife
124 population. Such authority shall include the power to exempt big
125 game intensive management facilities from the provisions of this
126 section should the commission determine that such facility is in
127 compliance with applicable regulations.

128 **SECTION 6.** Section 49-7-58.1, Mississippi Code of 1972, is
129 amended as follows:

130 49-7-58.1. (1) The owner of any enclosure, other than a big
131 game intensive management facility, containing white-tailed deer
132 that prevents the free egress of white-tailed deer from the
133 enclosed area shall notify and register with the Department of
134 Wildlife, Fisheries and Parks. The person shall give his name,
135 the location of the enclosure, the acreage within the enclosure,
136 and whether any deer have been imported into the state and placed
137 in the enclosure, and any other information required by the
138 Commissioner on Wildlife, Fisheries and Parks. Reporting or other
139 requirements of big game intensive management facilities shall be
140 governed by the regulations for those facilities.

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 any
147 testing of white-tailed deer harvested within the enclosure as may
148 be required by the department. If chronic wasting disease is
149 diagnosed within five (5) miles of the enclosure, the owner of
150 such enclosure shall allow department personnel to enter the
151 enclosure to utilize lethal collection methods to obtain tissue
152 samples for testing. If chronic wasting disease is diagnosed
153 within the enclosure, the owner shall allow department personnel
154 to enter the enclosure and depopulate the white-tailed deer within
155 the enclosure.

156 (4) A violation of this section is a Class II violation and
157 is punishable as provided in Section 49-7-143. A second or
158 subsequent violation of this section is a Class I violation and is
159 punishable as provided in Section 49-7-141.

160 **SECTION 7.** 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 Department of Wildlife, Fisheries and Parks is authorized to
166 require the chronic wasting disease testing of white-tailed deer
167 harvested within any enclosure. If chronic wasting disease is
168 diagnosed in white-tailed deer within an enclosure, the department
169 is authorized to enter the enclosure and depopulate the
170 white-tailed deer within the enclosure, including big game
171 intensive management facilities. If chronic wasting disease is
172 diagnosed within five (5) miles of the enclosure, the department
173 is authorized to enter the enclosure and utilize lethal collection
174 methods to obtain tissue samples.

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

178 **SECTION 8.** Section 49-11-29, Mississippi Code of 1972, is
179 amended as follows:

180 49-11-29. This chapter shall not apply to the operation of
181 fox, coyote and rabbit enclosures as set forth in Section 49-7-34,
182 Mississippi Code of 1972, or to the operation of big game
183 intensive management facilities as defined and permitted by the
184 commission, and shall not be construed to regulate the operation
185 of fox, coyote and rabbit enclosures or big game intensive
186 management facilities.

187 **SECTION 9.** This act shall take effect and be in force from
188 and after July 1, 2006.