

Senate Amendments to House Bill No. 1144

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:

10 **SECTION 1.** (1) Due to the proliferation of regulated and
11 unregulated, commercial and noncommercial wildlife enclosures, the
12 purpose of this bill is to clarify that the Commission on
13 Wildlife, Fisheries and Parks and the Department of Wildlife,
14 Fisheries and Parks has plenary power to regulate all such
15 enclosures in order to conserve and protect native wildlife for
16 all citizens to enjoy and to protect our recreational economy
17 dependent on native wildlife resources.

18 (2) The Department of Wildlife, Fisheries and Parks shall
19 take inventory of the number, location and size of hunting
20 enclosures in the state and the types of animals held or hunted in
21 such enclosures. The department shall file a report with the
22 Wildlife, Fisheries and Parks Committees of the Senate and the
23 House of Representatives before January 3, 2007.

24 **SECTION 2.** (1) (a) The Mississippi Commission on Wildlife,
25 Fisheries and Parks shall have plenary authority and power to
26 regulate big game hunting enclosures, wildlife enclosures under
27 Sections 49-7-58.1, 49-7-58.3 and 49-11-3, and any other enclosure
28 which contains white-tailed deer, nonnative cervids, exotic
29 animals, or nonnative wild animals in which hunting is allowed.

30 (b) The commission shall require annual permits and
31 inspections of all such wildlife enclosures and shall establish
32 reasonable fees for such permits.

33 (c) The commission may issue, deny, modify or revoke
34 any wildlife enclosure permit and may promulgate regulations
35 establishing conditions and limitations on such permits.

36 (d) The commission may adopt, modify, or repeal
37 regulations and wildlife management standards under such
38 conditions as it may prescribe for the prevention, control and
39 eradication of disease, hunting within such enclosures, and for
40 the management and protection of native wildlife.

41 (e) The commission shall regulate the size of
42 enclosures, the number and species of animals within enclosures
43 and hunting within enclosures.

44 (2) A person shall notify, register and obtain a permit from
45 the commission before constructing an enclosure and shall register
46 annually and obtain an annual permit no later than July 31.

47 (3) The commission shall not issue a permit for an enclosure
48 if the enclosure contains white-tailed deer and nonnative cervids
49 within the same fenced area. Enclosures registered or permitted
50 before July 1, 2006 may continue operating with white-tailed deer
51 and nonnative cervids or exotic animals within the same fenced
52 area but the owner or permittee shall provide for the separation
53 of the white-tailed deer within a reasonable time as required by
54 the commission.

55 (4) The department shall inspect all such enclosures
56 annually and may conduct reasonable additional inspections as may
57 be deemed necessary.

58 (5) The hunting of carnivorous animals listed in Section
59 49-8-5 is prohibited within such enclosures.

60 **SECTION 3.** Section 49-7-58, Mississippi Code of 1972, is
61 amended as follows:

62 49-7-58. (1) (a) In addition to the ban on importing
63 white-tailed deer under Section 49-7-54, there is hereby imposed a
64 temporary moratorium on the importation of elk, red deer, mule
65 deer, black-tailed deer and other cervids designated as
66 susceptible to chronic wasting disease by the State Veterinarian
67 and crosses of any such animals into the State of Mississippi.
68 The moratorium on importing such animals shall end upon the
69 adoption of chronic wasting disease regulations by the United
70 States Department of Agriculture.

71 (b) Any person who possesses, buys, imports or
72 transports any cervid that has been imported in the state in
73 violation of the moratorium shall be subject to a Class I penalty
74 under Section 49-7-141. Any person that imports any exotic animal
75 into the state in violation of entry requirements or regulations
76 of the Board of Animal Health or the Department of Wildlife shall
77 be subject to a Class I penalty under Section 49-7-141. The
78 agency issuing a permit for cervids or exotic animals within an
79 enclosure shall revoke the permit of any person found in violation
80 of the moratorium. If any cervid in an enclosure tests positive
81 for chronic wasting disease or if any cervids within the enclosure
82 have been imported from an area diagnosed with chronic wasting
83 disease, then all cervids in the enclosure shall be deemed a
84 threat to native wildlife and to public health and may be killed
85 and disposed of by the state.

86 (2) It shall be the duty of the Commissioner of Agriculture
87 and Commerce, the Board of Animal Health, the State Veterinarian,
88 the Commission on Wildlife, Fisheries and Parks, and the
89 Department of Wildlife, Fisheries and Parks to consult and
90 coordinate efforts on matters related to chronic wasting disease,
91 the prevention of the introduction of chronic wasting disease in
92 the state and to ensure the health and safety of the public and
93 wildlife.

94 (3) The Commission on Wildlife, Fisheries and Parks and the
95 Department of Wildlife, Fisheries and Parks shall have plenary
96 authority in matters related to the importation of white-tailed
97 deer, the intrastate movement of white-tailed deer, cervids, and
98 any other nonnative game animals, * * * enclosures containing such
99 animals, and prevention of the introduction of chronic wasting
100 disease into the native wildlife population.

101 **SECTION 4.** Section 49-7-58.1, Mississippi Code of 1972, is
102 amended as follows:

103 49-7-58.1. (1) (a) The owner of any enclosure containing
104 white-tailed deer that prevents the free egress of white-tailed
105 deer from the enclosed area shall notify and register annually

106 with the Department of Wildlife, Fisheries and Parks no later than
107 July 31. The person shall give his name, the location of the
108 enclosure, the acreage within the enclosure, and whether any deer
109 or nonnative cervids have been imported into the state and placed
110 in the enclosure, and any other information required by the
111 Commissioner on Wildlife, Fisheries and Parks.

112 (b) After July 1, 2006, a person shall notify, register
113 and obtain a permit from the department before constructing such
114 an enclosure and provide any information required by the
115 commission.

116 (2) Persons who constructed an enclosure prior to July 1,
117 2003, shall have until January 1, 2004, to notify and provide the
118 information required under this section. The person shall use
119 acceptable hunting and wildlife management practices as may be
120 determined by the department.

121 (3) The owner of such an enclosure shall comply with any
122 testing of white-tailed deer harvested within the enclosure as may
123 be required by the department. If chronic wasting disease is
124 diagnosed within five (5) miles of the enclosure, the owner of
125 such enclosure shall allow department personnel to enter the
126 enclosure to utilize lethal collection methods to obtain tissue
127 samples for testing. If chronic wasting disease is diagnosed
128 within the enclosure, the owner shall allow department personnel
129 to enter the enclosure and depopulate the white-tailed deer within
130 the enclosure.

131 (4) A violation of this section is a Class II violation and
132 is punishable as provided in Section 49-7-143. A second or
133 subsequent violation of this section is a Class I violation and is
134 punishable as provided in Section 49-7-141.

135 **SECTION 5.** Section 49-7-58.3, Mississippi Code of 1972, is
136 amended as follows:

137 49-7-58.3. (1) The Commission on Wildlife, Fisheries and
138 Parks shall regulate the hunting of nonnative cervids and
139 white-tailed deer in noncommercial wildlife enclosures, and the
140 Department of Wildlife, Fisheries and Parks may enforce such

141 regulations and laws in the same manner as commercial wildlife
142 enclosures as provided in Section 49-11-25 and Section 2 of House
143 Bill No. 1144, 2006 Regular Session.

144 (2) This section shall repeal on July 1, 2007.

145 **SECTION 6.** Section 49-11-3, Mississippi Code of 1972, is
146 amended as follows:

147 49-11-3. (1) The department may issue operating licenses to
148 any person, partnership, association or corporation for the
149 operation of shooting preserves or commercial wildlife enclosures
150 that meet the following requirements and any applicable
151 regulations:

152 (a) Each shooting preserve shall contain a minimum of
153 one hundred (100) acres in one (1) tract of leased or owned land
154 (including water area, if any) and shall be restricted to not more
155 than six hundred forty (640) contiguous acres (including water
156 area, if any), except that preserves confined to the releasing of
157 ducks only may be authorized to operate with a minimum of fifty
158 (50) contiguous acres (including water area).

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

162 (c) Each commercial wildlife enclosure shall contain a
163 minimum or maximum number of * * * acres in one (1) tract of
164 leased or owned land (including water area, if any) as may be
165 required by the commission. The department shall establish a
166 minimum area for an enclosure based on number of animals, terrain
167 and vegetative cover which provided an animal with opportunity to
168 evade a hunter and any other conditions that the commission may
169 prescribe. No commercial wildlife enclosure shall be constructed
170 in such a manner as to allow the ingress and egress of native
171 white-tailed deer * * *.

172 (d) The preserve or enclosure must be privately owned
173 and operated.

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

177 (3) (a) The commission shall regulate the hunting of
178 nonnative cervids and white-tailed deer within a commercial
179 wildlife enclosure, and the department may enter such enclosure as
180 provided under Section 49-11-25 and enforce such regulations.

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

182 **SECTION 7.** Section 49-11-5, Mississippi Code of 1972, is
183 amended as follows:

184 49-11-5. The fee for a shooting preserve license or a
185 commercial wildlife enclosure license shall be established by the
186 commission.

187 **SECTION 8.** Section 49-11-15, Mississippi Code of 1972, is
188 amended as follows:

189 49-11-15. (1) Artificially propagated pheasants, quail,
190 chukar partridges, mallards and black ducks, and any game bird
191 authorized by the commission are the only game which may be hunted
192 on shooting preserves under this chapter.

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

196 (3) (a) The commission is authorized to specify the species
197 of nonnative wild game that may be released or hunted in
198 commercial wildlife enclosures.

199 (b) The commission shall not issue a permit for a
200 commercial wildlife enclosure to contain white-tailed deer and
201 nonnative cervids within the same fenced area.

202 (c) Any commercial wildlife enclosure permitted before
203 July 1, 2006, may continue operating with white-tailed deer and
204 nonnative cervids within the same enclosure but no nonnative
205 cervids may be imported into such enclosure until the permittee
206 has provided for the removal or separation of white-tailed deer
207 from the nonnative cervids as required by the commission. The

208 commission shall require such enclosure to separate white-tailed
209 deer and nonnative cervids within a reasonable time.

210 **SECTION 9.** This act shall take effect and be in force from
211 and after its passage.

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

1 AN ACT TO REQUIRE THE DEPARTMENT OF WILDLIFE, FISHERIES AND
2 PARKS TO INVENTORY THE NUMBER, LOCATION AND SIZE OF HUNTING
3 ENCLOSURES AND THE TYPES OF NONNATIVE ANIMALS HELD IN SUCH
4 ENCLOSURES; TO CLARIFY THE DUTIES AND POWERS RELATED TO HUNTING
5 ENCLOSURES OF THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS AND
6 THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS; TO AMEND SECTIONS
7 49-7-58, 49-7-58.1, 49-7-58.3, 49-11-3, 49-11-5 AND 49-11-15,
8 MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

SS26\HB1144A.4J

John O. Gilbert
Secretary of the Senate