

By: Representative Manning

To: Game and Fish

HOUSE BILL NO. 251

1 AN ACT TO AMEND SECTION 49-7-31, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT A DEER HUNTER MAY REMOVE HIS FLUORESCENT ORANGE
3 CLOTHING WHILE IN A TREE STAND MORE THAN TWELVE FEET ABOVE THE
4 GROUND; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 49-7-31, Mississippi Code of 1972, is
7 amended as follows:

8 49-7-31. (1) The open season for game birds and game
9 animals shall be as follows:

10 (a) On bobwhite quail: The season shall open on
11 Thanksgiving day and run through the first Saturday in March next
12 following.

13 (b) On pheasant: There shall be no open season on
14 pheasant.

15 (c) On wild turkey: The commission shall fix the
16 spring season between the Saturday nearest March 20 and May 1 in
17 designated areas. In addition, the commission may fix special
18 fall either-sex seasons.

19 (d) On squirrel:

20 (i) Zone 1: For areas north of Highway 82 plus
21 those portions of Sunflower County and Washington County south of
22 Highway 82 the season shall open on the Saturday nearest October 1
23 and run through February 28.

24 (ii) Zone 2: For areas between Highway 82 and
25 Highway 84, plus such portions of the state south of Highway 84
26 and west of Interstate 55, the season shall open on the Saturday
27 nearest October 15 and run through February 28.

28 (iii) Zone 3: For areas south of Highway 84 and
29 east of Interstate 55 the season shall open on the last Saturday
30 in October and run through February 28.

31 (e) On deer:

32 (i) With bow and arrow: October 1 through the
33 Friday prior to Thanksgiving.

34 (ii) With guns and with dog: From the Saturday
35 prior to Thanksgiving through December 1.

36 (iii) With primitive weapons and without dogs:
37 December 2 through December 15.

38 (iv) With guns and without dogs: December 16
39 through December 23. However, the commission may allow hunting
40 statewide or in specific areas with any legal weapon which it may
41 designate without dogs after the end of the last season for
42 hunting deer with guns and with dogs, but the season with legal
43 designated weapons and without dogs shall not extend beyond
44 January 31.

45 (v) With guns and with dogs: December 24 through
46 a date fixed by the commission that will provide a total of
47 thirty-nine (39) days of hunting deer with guns and with dogs when
48 added to the number of days provided for hunting deer with guns
49 and with dogs in paragraph (e)(ii).

50 (vi) When hunting deer during any gun season on
51 deer, a hunter must wear in full view five hundred (500) square
52 inches of solid unbroken fluorescent orange. However, a hunter
53 may remove such fluorescent orange while hunting from a tree stand
54 that is more than twelve (12) feet above the ground.

55 (vii) In order to set and regulate the deer
56 seasons, the commission may:

57 A. Set and regulate the deer seasons on
58 wildlife management areas which it administers;

59 B. Allow the harvesting of antlerless deer in
60 the districts or zones upon the recommendation of the executive

61 director based upon good and substantial quantitative data and
62 research evaluations that demonstrate that the harvesting is
63 necessary to properly manage the herd. The commission, only upon
64 the recommendation of the executive director, may allow the
65 harvesting of antlerless deer during the deer season with guns and
66 with dogs by a majority vote of the commission. Nothing in this
67 section prohibits the harvesting of either sex deer by landowners
68 or leaseholders on private lands under a deer management program
69 prescribed or approved by the executive director.

70 C. Provide a special permit for the
71 harvesting of deer when they are depredating and destroying crops.
72 The department shall supervise the harvesting and provide for the
73 salvaging of the meat of the animals. The commission may
74 authorize the department to assist any farmer in this state, who
75 sustains crop damage by wildlife, in eradication of the problem
76 wildlife.

77 (viii) The commission shall establish a special
78 hunting season for youth under the age of sixteen (16) and for
79 handicapped persons in the Natchez State Park. The commission
80 shall also establish a primitive weapon season in the Natchez
81 State Park. The selection of participants in the primitive weapon
82 season shall be by public drawing from all qualified applications.

83 The commission shall set the number of permits to be issued and
84 the length of the special seasons. The commission may also
85 establish a special hunting season for youth and handicapped
86 persons or a primitive weapon season as provided in this
87 subparagraph in any other state park under the jurisdiction of the
88 department but shall only do so upon the recommendation of the
89 staff of the department as approved by the commission. The
90 commission shall select participants and set the number of permits
91 to be issued and the length of the special seasons in the manner
92 provided in this subparagraph.

93 (ix) The commission may establish and regulate

94 special youth hunts for all nonmigratory game birds and animals
95 outside of the open season on wildlife management areas it
96 administers. The commission may establish and regulate special
97 youth hunts for deer outside of the open season on private lands.

98 (f) On fur-bearing animals: The commission may fix the
99 open season on fur-bearing animals between November 1 and March 1
100 next following and fix the open season for hunting opossums,
101 raccoons and bobcats with dogs and guns by licensed hunters from
102 October 1 to February 28 next following; but raccoons and bobcats
103 may be run, hunted, chased or pursued throughout the year with
104 dogs by licensed hunters. The commission may establish an
105 additional open season on raccoon from July 1 through October 1,
106 and the bag limit on raccoon during the additional open season
107 shall be one (1) per party, per night.

108 (g) On rabbits: The season shall open on the Saturday
109 nearest October 15 and run through February 28 next following, and
110 when rabbits are depredating or destroying crops, the owner of the
111 crops or his tenants may shoot the rabbits with guns.

112 (h) On predatory animals: The hunting of predatory
113 animals shall be restricted to the open seasons for hunting any
114 game animal or game bird, using only the firearms, ammunition,
115 primitive weapons or archery equipment legal for use during that
116 open season. Landowners, agricultural leaseholders or their
117 designated agents may take predatory animals year-round on lands
118 owned or leased by them. The taking of any animal or animals
119 other than beavers or coyote by the use of a trap or traps is
120 unlawful except during the time the season is open for the taking
121 of fur-bearing animals. Fox and coyote may be run, chased or
122 pursued with dogs except as provided in Section 49-7-32 year-round
123 by licensed hunters.

124 (i) On migratory birds: The open season for migratory
125 birds shall be the season prescribed by the Federal Migratory Bird
126 Treaty regulations.

127 (j) On nongame gross fish: The season for taking
128 nongame gross fish by hand or with grappling tongs shall be from
129 May 1 to July 15.

130 (k) It is unlawful to trap fox after the closed season
131 for trapping of other fur-bearing animals, except on property
132 owned or leased by the person trapping.

133 (2) It is the intent of the Legislature that the open season
134 for game birds and game animals shall be stabilized unless some
135 unforeseen calamity affecting the resource necessitates earlier
136 change.

137 SECTION 2. This act shall take effect and be in force from
138 and after July 1, 1999.