

By: Representatives Stringer, Nicholson,
Bounds, Staples, Robinson (84th)

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 423
(As Sent to Governor)

1 AN ACT TO AUTHORIZE THE COMMISSION ON WILDLIFE, FISHERIES AND
2 PARKS TO REGULATE THE FEEDING OF WILD ANIMALS; TO AUTHORIZE THE
3 COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO ALLOW THE TAKING OF
4 DEER BY USE OF FEED; TO AUTHORIZE THE COMMISSION ON WILDLIFE,
5 FISHERIES AND PARKS TO ESTABLISH DEER MANAGEMENT ZONES; TO
6 ESTABLISH ANTLER RESTRICTIONS WITHIN SUCH ZONES; TO REQUIRE THE
7 DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS TO STUDY AND REPORT ON
8 ANY BAITING PROGRAM AUTHORIZED BY THE COMMISSION; TO PROVIDE FOR
9 THE REPEAL OF SUCH AUTHORITY; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) (a) The Commission on Wildlife, Fisheries
12 and Parks may establish deer management zones within the state.

13 (b) The commission may establish antler restrictions
14 within the zones for the proper management of antlered deer.

15 (2) The antler restrictions in Sections 49-7-31 and 49-7-41
16 shall not apply to those zones with antler restrictions
17 established by the commission.

18 (3) If the commission establishes deer management zones or
19 establishes antler restrictions, the department shall study and
20 analyze all relevant data and shall file annual progress reports
21 with the Legislature. The department shall file a final report on
22 the effectiveness of the program with recommendations on the
23 continuation of such restrictions.

24 (4) This section shall repeal on July 1, 2010.

25 **SECTION 2.** (1) (a) The Commission on Wildlife, Fisheries
26 and Parks shall regulate the feeding of wild animals and game
27 birds outside of wildlife enclosures and shall have plenary
28 authority in matters related to such feeding of wild animals and
29 game birds.

30 (b) The authority to regulate feeding shall not apply
31 to planted food plots and natural habitat management.

32 (c) The authority to regulate feeding under this
33 section shall not apply to wildlife enclosures.

34 (2) The commission may take any action it deems necessary
35 and may use its emergency powers to prevent, control or eradicate
36 disease resulting from the feeding of wild animals and game birds.

37 (3) A violation of this section or any regulation of the
38 commission promulgated to prevent, control or eradicate disease is
39 a Class II violation and is punishable as provided in Section
40 49-7-143.

41 **SECTION 3.** (1) (a) The Commission on Wildlife, Fisheries
42 and Parks may allow the taking of deer with the aid of bait and
43 may place any conditions or restrictions on such taking.

44 (b) The Commission on Wildlife, Fisheries and Parks may
45 establish a zone or zones of contiguous counties for the
46 management and implementation of a program to allow the taking of
47 deer with the aid of bait.

48 (c) The commission may allow the taking of deer with
49 the aid of bait on private lands only.

50 (2) The commission may take any action it deems necessary
51 and use its emergency powers to prevent the introduction of
52 disease, to control disease, to eradicate disease, and to manage
53 the taking of deer with the aid of bait.

54 (3) (a) If the commission allows the taking of deer with
55 the aid of bait, the Department of Wildlife, Fisheries and Parks
56 shall study and analyze all relevant data and issues with regard
57 to the taking of deer with the aid of bait program, including, but
58 not limited to, the impact that the program has upon the health
59 and density of deer populations and other wildlife, its effect on
60 surrounding habitat, the effectiveness of wildlife law
61 enforcement, the extent to which hunters who participate in the
62 program are successful in harvesting deer and are supportive of

63 the program, the perception of the program by the general public,
64 and the extent to which the program has a favorable impact on
65 economic development and tourism.

66 (b) The department shall file annual progress reports
67 with the Legislature. The department shall file a final report
68 with recommendations on the feasibility of continuing the taking
69 of deer with the aid of bait.

70 (4) A violation of this section or any regulation of the
71 commission promulgated under this section shall be punishable by a
72 fine of Five Hundred Dollars (\$500.00).

73 (5) This section shall repeal July 1, 2010.

74 **SECTION 4.** Section 49-7-33, Mississippi Code of 1972, as
75 amended by House Bill No. 911, 2007 Regular Session, is amended as
76 follows:

77 49-7-33. (1) It is unlawful to hunt, trap or kill any wild
78 bird or wild animal of any kind with the aid of bait, recordings
79 of bird or animal calls, or electrically amplified imitations of
80 calls of any kind, except a person:

81 (a) May use electrically amplified sound devices for
82 hunting crow;

83 (b) May use liquid scents for any animal or bird;

84 (c) May use lures for trapping fur-bearing animals,
85 according to regulations adopted by the commission;

86 (d) May take nuisance animals as provided in Section
87 49-7-31.5; and

88 (e) May take deer with the aid of bait if the
89 commission allows the use of bait as provided under Section 3 of
90 House Bill No. 423, 2007 Regular Session. This paragraph shall
91 repeal on July 1, 2010.

92 (2) The commission, in its discretion, may relax the
93 restrictions regarding the use of lures or sound devices if a
94 condition arises or exists, as decided by the State Board of

95 Health or county board of health, that may endanger persons or
96 livestock in a certain community, county or area.

97 **SECTION 5.** This act shall take effect and be in force from
98 and after July 1, 2007.