

Senate Amendments to House Bill No. 423

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:

19 SECTION 1. (1) (a) The Mississippi Commission on Wildlife,
20 Fisheries and Parks shall regulate the feeding of wild animals and
21 game birds and shall have plenary authority in matters related to
22 the feeding of wild animals and game birds and taking of wild
23 animals by use of feed.

24 (b) The commission may allow, restrict or prohibit the
25 taking of wild animals by use of feed.

26 (2) The commission may allow the taking of deer by the use
27 of feed on private lands only. The commission may take any action
28 it deems desirable and use its emergency powers to prevent the
29 introduction of disease, to control disease and to manage the
30 taking of deer by the use of feed.

31 (3) The commission may take any action it deems desirable to
32 prevent the introduction of disease, to control disease and to
33 manage the population of wild animals and game birds by use of
34 feed.

35 (4) A violation of this section or any regulation of the
36 commission promulgated to prevent or control disease related to
37 feeding and regulations related to the taking of wild animals by
38 use of feed shall be punishable by a fine of Five Hundred Dollars
39 (\$500.00).

40 (5) This section shall repeal July 1, 2009.

41 SECTION 2. (1) The commission may establish open seasons
42 and bag limits on any wildlife under its jurisdiction provided
43 that the commission must allow no less than thirty-nine (39) days

44 for hunting of deer with dogs unless otherwise provided by
45 statute.

46 (2) This section shall repeal July 1, 2009.

47 **SECTION 3.** Section 49-7-33, Mississippi Code of 1972, is
48 amended as follows:

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

53 (a) May use electrically amplified sound devices for
54 hunting coyote and crow;

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

56 (c) May use lures for trapping furbearing animals,
57 beaver, coyote, fox and nutria according to regulations adopted by
58 the commission; and

59 (d) May hunt any wild animal with the aid of bait or
60 feed if the commission allows the use of bait or feed under
61 Section 1 of House Bill No. 423, 2007 Regular Session. This
62 paragraph shall repeal July 1, 2009.

63 (2) The commission, in its discretion, may relax the
64 restrictions regarding the use of lures or sound devices if a
65 condition arises or exists, as decided by the State Board of
66 Health or county board of health, that may endanger persons or
67 livestock in a certain community, county or area.

68 * * *

69 **SECTION 4.** Section 49-7-41, Mississippi Code of 1972, is
70 amended as follows:

71 [Through June 30, 2009, this section shall read as follows:]

72 49-7-41. * * *

73 * * * It is unlawful for a nonresident to kill an
74 antlerless deer except: * * * a nonresident may take antlerless
75 deer on lands that the title is vested in the nonresident or on
76 lands that the nonresident has leased the hunting and fishing
77 rights * * * and a nonresident who has a native son or daughter
78 nonresident lifetime sportsman license or a resident lifetime

79 sportsman license may take antlerless deer on private lands,
80 wildlife management areas or national wildlife refuges.

81 * * *

82 **[After June 30, 2009, this section shall read as follows:]**

83 49-7-41. (1) The commission may set the bag limits for game
84 animals, birds and fish, unless the bag limits are established by
85 the Legislature by statute.

86 (2) (a) The bag limit on antlered deer is one (1) per day,
87 not to exceed three (3) per license year. An antlered deer must
88 have antlers of four (4) points or greater to be taken except as
89 provided in paragraphs (b) and (c) of this subsection.

90 (b) Any antlered deer may be taken by permit when it is
91 necessary to manage deer on lands under the deer management
92 assistance program or wildlife management areas. A written
93 management justification issued by the Department of Wildlife,
94 Fisheries and Parks must accompany any request for such a permit.
95 Any antlered deer harvested under this permit must be identified
96 with a tag immediately upon possession. Antlered deer taken by
97 permit shall not be subject to the daily bag limit or the annual
98 bag limit on antlered deer. The department shall include a report
99 on permits issued, to whom issued and deer harvested in the
100 department's annual deer program report.

101 (c) One (1) antlered deer with less than four (4)
102 points may be taken per license year on private lands by a person
103 less than sixteen (16) years old.

104 (3) (a) The bag limit on antlerless deer is one (1) per
105 day, not to exceed three (3) per license year; except that two (2)
106 additional antlerless deer per license year may be taken with a
107 bow and arrow. Antlerless deer may be taken only in the areas
108 prescribed by order of the commission. It is illegal to take a
109 spotted fawn in any season.

110 (b) It is unlawful for a nonresident to kill an
111 antlerless deer except: (i) a nonresident may take antlerless
112 deer on lands that the title is vested in the nonresident or on
113 lands that the nonresident has leased the hunting and fishing

114 rights; or (ii) a nonresident who has a native son or daughter
115 nonresident lifetime sportsman license or a resident lifetime
116 sportsman license may take antlerless deer on private lands,
117 wildlife management areas or national wildlife refuges.

118 (4) The bag limit on antlerless deer set by this section
119 shall not apply to private lands under the deer management
120 assistance program or the fee-based antlerless program as approved
121 by the department.

122 **SECTION 5.** Section 49-7-30, Mississippi Code of 1972, is
123 amended as follows:

124 **[Through June 30, 2009, this section shall read as follows:]**

125 49-7-30. The commission shall set the season for taking
126 nongame gross fish * * *.

127 **[After June 30, 2009, this section shall read as follows:]**

128 49-7-30. The season for taking nongame gross fish by hand or
129 rope shall be from May 1 to July 15.

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

132 **[Through June 30, 2009, this section shall read as follows:]**

133 49-7-31. * * * The commission shall set the season on deer.

134 * * *

135 **[After June 30, 2009, this section shall read as follows:]**

136 49-7-31. (1) The open season on deer shall be as follows:

137 (a) With bow and arrow: October 1 through the Friday
138 prior to Thanksgiving.

139 (b) With guns and with dogs: From the Saturday prior
140 to Thanksgiving through December 1.

141 (c) With primitive weapons and without dogs: December
142 2 through December 15.

143 (d) With guns and without dogs: December 16 through
144 December 23. However, the commission may allow hunting statewide
145 or in specific areas with any legal weapon which it may designate
146 without dogs after the end of the last season for hunting deer
147 with guns and with dogs, but the season with legal designated
148 weapons and without dogs shall not extend beyond January 31.

149 (e) The commission shall establish an extended season
150 with primitive weapons and bow and arrow without dogs from
151 February 1 through February 15 for the area south of U.S. Highway
152 84 and east of Mississippi Highway 35 only for legal bucks. Any
153 antlered deer taken in this area during any open season under this
154 section must be a legal buck as defined in this paragraph. For
155 purposes of this paragraph, the term "legal buck" means a deer
156 with antlers of four (4) points or more with a minimum inside
157 spread of ten (10) inches or a minimum main beam length of
158 thirteen (13) inches. The commission may delay the opening date
159 and change the length of bow and arrow season in paragraph (1)(a)
160 in this area.

161 (f) With guns and with dogs: December 24 through a
162 date fixed by the commission that will provide a total of
163 thirty-nine (39) days of hunting deer with guns and with dogs when
164 added to the number of days provided for hunting deer with guns
165 and with dogs in paragraph (b).

166 (2) The commission may set and regulate the deer seasons on
167 wildlife management areas which it administers.

168 (3) (a) The commission may allow the harvesting of
169 antlerless deer in the districts or zones upon the recommendation
170 of the executive director based upon good and substantial
171 quantitative data and research evaluations that demonstrate that
172 the harvesting is necessary to properly manage the herd.

173 (b) The commission, only upon the recommendation of the
174 executive director, may allow the harvesting of antlerless deer
175 during the deer season with guns and with dogs by a majority vote
176 of the commission.

177 (c) Nothing in this subsection prohibits the harvesting
178 of either-sex deer by landowners or leaseholders on private lands
179 under a deer management program prescribed or approved by the
180 executive director.

181 (4) The commission may provide a special permit for the
182 harvesting of deer when they are depredating and destroying crops.
183 The department shall supervise the harvesting and provide for the

184 salvaging of the meat of the animals. The commission may
185 authorize the department to assist any farmer in this state, who
186 sustains crop damage by wildlife, in eradication of the problem
187 wildlife.

188 **SECTION 7.** Section 49-7-31.2, Mississippi Code of 1972, is
189 amended as follows:

190 **[Through June 30, 2009, this section shall read as follows:]**

191 49-7-31.2. The commission shall set the season on game
192 birds.

193 * * *

194 **[After June 30, 2009, this section shall read as follows:]**

195 49-7-31.2. The open season for game birds shall be as
196 follows:

197 (a) On bobwhite quail: The season shall open on
198 Thanksgiving Day and run through the first Saturday in March next
199 following.

200 (b) On pheasant: There shall be no open season on
201 pheasant.

202 (c) On wild turkey: The commission may fix the spring
203 season between March 1 and May 15. In addition, the commission
204 may fix special fall either-sex seasons.

205 (d) On migratory birds: The open season for migratory
206 birds shall be the season prescribed by the Federal Migratory Bird
207 Treaty regulations.

208 **SECTION 8.** Section 49-7-31.3, Mississippi Code of 1972, is
209 amended as follows:

210 **[Through June 30, 2009, this section shall read as follows:]**

211 49-7-31.3 The commission shall set the season on game
212 animals.

213 * * *

214 **[After June 30, 2009, this section shall read as follows:]**

215 49-7-31.3. The open season on game animals except deer shall
216 be as follows:

217 (a) On squirrel:

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

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

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

229 (b) On rabbits: The season shall open on the Saturday
230 nearest October 15 and run through February 28 next following, and
231 when rabbits are depredating or destroying crops, the owner of the
232 crops or his tenants may shoot the rabbits with guns.

233 **SECTION 9.** Section 49-7-31.4, Mississippi Code of 1972, is
234 amended as follows:

235 **[Through June 30, 2009, this section shall read as follows:]**

236 49-7-31.4. * * * The commission shall set the * * * season
237 on fur-bearing animals * * *.

238 * * *

239 **[After June 30 2009, this section shall read as follows:]**

240 49-7-31.4. (1) The commission may fix the open season on
241 fur-bearing animals between November 1 and March 1 next following
242 and fix the open season for hunting opossums, raccoons and bobcats
243 with dogs and guns by licensed hunters from October 1 to February
244 28 next following; but raccoons and bobcats may be run, hunted,
245 chased or pursued throughout the year with dogs by licensed
246 hunters.

247 (2) The commission may establish an additional open season
248 on raccoon from July 1 through October 1, and the bag limit on
249 raccoon during the additional open season shall be one (1) per
250 party, per night.

251 **SECTION 10.** Section 49-11-13, Mississippi Code of 1972, is
252 amended as follows:

253 **[Through June 30, 2009, this section shall read as follows:]**

254 49-11-13. The commission shall establish the season for
255 shooting preserves * * *.

256 **[After June 30, 2009, this section shall read as follows:]**

257 49-11-13. The season for shooting preserves shall be for a
258 period of seven (7) months beginning October 1 and ending April
259 30, except as further restricted by the operator.

260 **SECTION 11.** This act shall take effect and be in force from
261 and after July 1, 2007.

**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 REGULATE THE FEEDING OF WILD ANIMALS; TO AUTHORIZE THE
3 COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO REGULATE THE TAKING
4 OF WILD ANIMALS BY USE OF FEED; TO AUTHORIZE THE COMMISSION TO
5 ALLOW THE TAKING OF DEER BY THE USE OF FEED ON PRIVATE LANDS ONLY;
6 TO PROVIDE FOR THE REPEAL OF SUCH AUTHORITY; TO AUTHORIZE THE
7 COMMISSION TO REGULATE THE USE OF FEED, AMPLIFIED RECORDINGS, LURE
8 AND OTHER ATTRACTANTS WHEN TAKING GAME; TO CREATE A NEW SECTION TO
9 AUTHORIZE THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO
10 ESTABLISH SEASONS AND BAG LIMITS; TO AMEND SECTION 49-7-33,
11 MISSISSIPPI CODE OF 1972, TO PROVIDE AN EXCEPTION TO THE
12 PROHIBITION ON THE TAKING OF WILD ANIMALS OR BIRDS WITH THE USE OF
13 BAIT IF THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS ALLOWS THE
14 USE OF BAIT; TO AMEND SECTION 49-7-41, MISSISSIPPI CODE OF 1972,
15 TO CONFORM; TO AMEND SECTIONS 49-7-30, 49-7-31, 49-7-31.2,
16 49-7-31.3, 49-7-31.4 AND 49-11-13, MISSISSIPPI CODE OF 1972, TO
17 CONFORM; AND FOR RELATED PURPOSES.

SS26\HB423A.1J

John O. Gilbert
Secretary of the Senate