

By: Senator(s) Posey

To: Wildlife, Fisheries and
Parks

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2846

1 AN ACT TO CREATE SECTION 49-7-33.1, MISSISSIPPI CODE OF 1972,
2 TO ALLOW THE HUNTING OF DEER WITH FEEDERS; TO PRESCRIBE
3 RESTRICTIONS ON SUCH HUNTING; TO AUTHORIZE THE COMMISSION ON
4 WILDLIFE, FISHERIES AND PARKS TO REGULATE AND ESTABLISH FEES FOR
5 SUCH FEEDERS; TO AMEND SECTION 49-7-33, MISSISSIPPI CODE OF 1972,
6 TO CONFORM; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** The following section shall be codified as

9 Section 49-7-33.1, Mississippi Code of 1972:

10 49-7-33.1. (1) The department shall regulate the feeding of
11 game animals by feeders on private lands. For the purposes of
12 this section, the term "feeder" shall mean only a spin cast,
13 broadcast or covered game animal feeder.

14 (2) All permits issued shall be dated when issued and shall
15 authorize the individual named on the permit to operate a feeder
16 for the feeding of game animals during the license year. The
17 feeders shall not be used for feeding between March 1 and May 2.
18 The permits shall be numbered and the department shall keep a
19 correct and complete record of all permits issued.

20 (3) A person may feed game animals only as provided in this
21 section. Any person may procure a separate permit to operate each
22 feeder by filing an application stating his or her name, age,
23 place of residence and mailing address, the county in which the
24 feeder will be located and any other information the department
25 requires. The individual receiving a permit shall be issued a
26 numbered decal to be placed on the feeder to correspond with the
27 number of the permit.

28 (4) The use of each feeder permitted pursuant to this
29 section shall be subject to the following restrictions:

30 (a) The contents of a game feeder shall contain at
31 least sixteen percent (16%) protein.

32 (b) Any grain used in feeders shall be certified to be
33 aflatoxin free.

34 (c) No feeder permit shall be issued to be operated
35 upon any privately owned land without the written consent of the
36 owner or individual in lawful possession of the land.

37 (d) No feeder may be placed within five hundred (500)
38 feet of a public road.

39 (e) Each feeder shall be located within two hundred
40 (200) yards of a prepared seedbed food plot or green field during
41 the deer season and the field shall be at least one-fourth (1/4)
42 of an acre in size.

43 (f) Each feeder shall be located at least three (300)
44 feet from any adjacent property line.

45 (g) Feeders used on property during deer season may be
46 hunted over, if the hunter is a minimum of one hundred (100) yards
47 from the feeder and the feeder is out of the hunter's line of
48 sight.

49 (4) (a) The commission may promulgate rules and regulations
50 to implement this section and may establish fees for feeder
51 permits and decals for each feeder.

52 (b) The commission may suspend the use of feeders or
53 prohibit their use because of disease or any other cause if any
54 game population is threatened.

55 (5) (a) A violation of this section constitutes a Class III
56 violation and is punishable as provided in Section 49-7-101. If a
57 person is convicted of a third or subsequent violation within the
58 license year, the violation shall be a Class II violation and
59 punishable as provided in Section 49-7-143.

60 (b) If a person is convicted of feeding without a
61 permit or using a nonpermitted feeder, the violation is a Class II
62 violation punishable as provided in Section 49-7-143 and, in

63 addition, the person shall forfeit his hunting, fishing and
64 trapping privileges for the remainder of the license year.

65 (6) The requirements of this section are for the feeding of
66 game animals only.

67 **SECTION 2.** Section 49-7-33, Mississippi Code of 1972, is
68 amended as follows:

69 49-7-33. (1) It is unlawful to hunt, trap or kill any wild
70 bird or wild animal of any kind with the aid of bait, recordings
71 of bird or animal calls, or electrically amplified imitations of
72 calls of any kind, except a person:

73 (a) May use electrically amplified sound devices for
74 hunting coyote and crow;

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

76 (c) May hunt deer with the aid of feeders on private
77 lands as provided in Section 49-7-33.1.

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

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84 **SECTION 3.** This act shall take effect and be in force from
85 and after July 1, 2005.