

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1215: Deer; allow hunting over bait subject to rules and regulations of Commission on Wildlife, Fisheries and Parks.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

23 (b) The commission may allow, restrict or prohibit the
24 taking of wild animals by use of feed. This paragraph shall
25 repeal on July 1, 2007.

26 (2) The commission may take any action it deems desirable to
27 prevent the introduction of disease, to control disease and to
28 manage the population of wild animals and game birds by use of
29 feed.

30 (3) The commission shall regulate the taking of wild animals
31 and game birds with the aid of recordings, scents, lures and other
32 attractants.

33 (4) A violation of any regulation of the commission
34 promulgated to prevent or control disease related to feeding and
35 regulations related to the taking of wild animals by use of feed
36 shall be a Class II violation punishable, as provided under
37 Section 49-7-143.

38 **SECTION 2.** The Department of Wildlife, Fisheries and Parks
39 may conduct a survey of resident hunting public and may hold
40 public meetings on the issue of feeding wild animals and game
41 birds, and shall furnish the findings to the commission.

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

44 49-7-33. (1) It is unlawful to hunt, trap or kill any wild
45 bird or wild animal of any kind with the aid of bait, recordings
46 of bird or animal calls, or electrically amplified imitations of
47 calls of any kind, except a person:

48 (a) May use electrically amplified sound devices for
49 hunting coyote and crow;

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

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

54 (d) May hunt any wild animal with the aid of bait or
55 feed if the commission allows the use of bait or feed under
56 Section 1 of House Bill No. 1215, 2005 Regular Session. This
57 paragraph shall repeal on July 1, 2007.

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

63 * * *

64 (3) A person may use bait to trap wild hogs as defined in
65 Section 49-7-140 during the period between the end of Spring
66 turkey season and the beginning of deer season with bow and arrow.

67 **SECTION 4.** Section 49-7-31, Mississippi Code of 1972, is
68 amended as follows:

69 49-7-31. (1) The open season for game birds and game
70 animals shall be established by the commission.

71 * * *

72 (2) * * * The commission shall provide a total of
73 thirty-nine (39) days of hunting deer with guns and with
74 dogs * * *.

75 * * *

76 (3) * * * The commission may * * * set and regulate the deer
77 seasons on wildlife management areas which it administers.

78 (4) (a) The commission may allow the harvesting of
79 antlerless deer in the districts or zones upon the recommendation
80 of the executive director based upon good and substantial
81 quantitative data and research evaluations that demonstrate that
82 the harvesting is necessary to properly manage the herd.

83 (b) The commission, only upon the recommendation of the
84 executive director, may allow the harvesting of antlerless deer
85 during the deer season with guns and with dogs by a majority vote
86 of the commission.

87 (c) Nothing in this subsection prohibits the harvesting
88 of either-sex deer by landowners or leaseholders on private lands
89 under a deer management program prescribed or approved by the
90 executive director.

91 (5) The commission may restrict the harvesting of antlered
92 deer by the size of the antlers in districts or zones if necessary
93 to properly manage the deer herd in a district or zone.

94 (6) The commission may provide a special permit for the
95 harvesting of deer when they are depredating and destroying crops.
96 The department shall supervise the harvesting and provide for the
97 salvaging of the meat of the animals. The commission may
98 authorize the department to assist any farmer in this state, who
99 sustains crop damage by wildlife, in eradication of the problem
100 wildlife.

101 * * *

102 **SECTION 5.** (1) The commission shall establish a special
103 hunting season for youth under the age of sixteen (16) and for
104 handicapped persons in the Natchez State Park. The commission
105 shall also establish a primitive weapon season in the Natchez
106 State Park. The selection of participants in the primitive weapon
107 season shall be by public drawing from all qualified applications.
108 The commission shall set the number of permits to be issued and
109 the length of the special seasons.

110 (2) The commission may also establish a special hunting
111 season for youth and handicapped persons or a primitive weapon
112 season as provided in this section in any other state park under
113 the jurisdiction of the department but shall only do so upon the
114 recommendation of the staff of the department as approved by the
115 commission. The commission shall select participants and set the
116 number of permits to be issued and the length of the special
117 seasons.

118 (3) The commission may establish and regulate special youth
119 hunts for all nonmigratory game birds and animals outside of the
120 open season on wildlife management areas and on private lands.

121 **SECTION 6.** (1) The commission may fix the open season on
122 fur-bearing animals between November 1 and March 1 next following
123 and fix the open season for hunting opossums, raccoons and bobcats
124 with dogs and guns by licensed hunters from October 1 to February
125 28 next following; but raccoons and bobcats may be run, hunted,
126 chased or pursued throughout the year with dogs by licensed
127 hunters.

128 (2) The commission may establish an additional open season
129 on raccoon from July 1 through October 1, and the bag limit on
130 raccoon during the additional open season shall be one (1) per
131 party, per night.

132 **SECTION 7.** (1) (a) The hunting of predatory animals shall
133 be restricted to the open seasons for hunting any game animal or
134 game bird, using only the firearms, ammunition, primitive weapons
135 or archery equipment legal for use during that open season.

136 (b) Landowners, agricultural leaseholders or their
137 designated agents may take predatory animals year-round on lands
138 owned or leased by them.

139 (2) The taking of any animal or animals other than beavers,
140 nutria or coyote by the use of a trap or traps is unlawful except
141 during the time the season is open for the taking of fur-bearing
142 animals.

143 (3) Fox and coyote may be run, chased or pursued with dogs
144 except as provided in Section 49-7-32 year-round by licensed
145 hunters.

146 (4) It is unlawful to trap fox after the closed season for
147 trapping of other fur-bearing animals, except on property owned or
148 leased by the person trapping.

149 **SECTION 8.** (1) When hunting deer during any gun season on
150 deer, a hunter must wear in full view at least five hundred (500)
151 square inches of solid unbroken fluorescent orange. This
152 requirement shall not apply to a hunter while the hunter is in a
153 fully enclosed deer stand.

154 (2) A violation of this section is a Class II violation and
155 is punishable as provided in Section 49-7-143.

156 **SECTION 9.** The commission may set the bag limits for game
157 animals, birds and fish unless the bag limits are established by
158 the Legislature by statute.

159 **SECTION 10.** Section 49-7-41, Mississippi Code of 1972, which
160 authorizes the Commission on Wildlife, Fisheries and Parks to set
161 bag limits and establishes bag limits for deer, is repealed.

162 **SECTION 11.** This act shall take effect and be in force from
163 and after July 1, 2005.

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 PROVIDE FOR THE REPEAL OF SUCH
5 AUTHORITY; TO AUTHORIZE THE COMMISSION TO REGULATE THE USE OF
6 FEED, AMPLIFIED RECORDINGS, LURE AND OTHER ATTRACTANTS WHEN TAKING
7 GAME; TO AMEND SECTION 49-7-33, MISSISSIPPI CODE OF 1972, TO
8 PROVIDE AN EXCEPTION TO THE PROHIBITION ON THE TAKING OF WILD
9 ANIMALS OR BIRDS WITH THE USE OF BAIT IF THE COMMISSION ON
10 WILDLIFE, FISHERIES AND PARKS ALLOWS THE USE OF BAIT; TO AMEND
11 SECTION 49-7-31, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
12 COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO SET THE SEASONS ON
13 GAME ANIMALS AND BIRDS; TO AUTHORIZE THE COMMISSION ON WILDLIFE,
14 FISHERIES AND PARKS TO SET BAG LIMITS ON GAME ANIMALS, BIRDS AND
15 FISH; TO REPEAL SECTION 49-7-41, MISSISSIPPI CODE OF 1972, WHICH
16 ESTABLISHES THE BAG LIMITS ON DEER; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X (SIGNED)
Robinson (84th)

X (SIGNED)
Posey

X (SIGNED)
Hudson

X (SIGNED)
Gollott

X (SIGNED)
Frierson

X (SIGNED)
Jackson (32nd)