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AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for House Bill No. 1215

BY: Representative McBride

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

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 during spring and fall
18 turkey season. The permits shall be numbered and the department
19 shall keep a 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) Any grain used in feeders shall be certified to be
31 aflatoxin free.

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

35 (c) No feeder may be placed within five hundred (500)
36 feet of a public road.

37 (d) Each feeder shall be located at least three hundred
38 (300) feet from any adjacent property line.

39 (e) Feeders used on property during deer season may be
40 hunted over, if the hunter is a minimum of one hundred (100) yards
41 from the feeder and the feeder is out of the hunter's line of
42 sight.

43 (5) (a) The commission may promulgate rules and regulations
44 to implement this section and may establish fees for feeder
45 permits and decals for each feeder.

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

49 (6) (a) A violation of this section constitutes a Class III
50 violation and is punishable as provided in Section 49-7-101. If a
51 person is convicted of a third or subsequent violation within the
52 license year, the violation shall be a Class II violation and
53 punishable as provided in Section 49-7-143.

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

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

59 (7) The requirements of this section are for the feeding of
60 game animals only.

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

63 49-7-33. (1) It is unlawful to hunt, trap or kill any wild
64 bird or wild animal of any kind with the aid of bait, recordings
65 of bird or animal calls, or electrically amplified imitations of
66 calls of any kind, except a person:

67 (a) May use electrically amplified sound devices for
68 hunting coyote and crow;

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

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

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

77 * * *

78 **SECTION 3.** This act shall take effect and be in force from
79 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 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 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.