

## DEER AND ELK FEEDING ORDERS

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**House Bill 5380 (Substitute H-4)**

**Sponsor: Rep. Michael Lahti**

**First Committee: Appropriations**

**Second Committee: Tourism, Outdoor Recreation and Natural Resources**

**Complete to 12-3-09**

## A SUMMARY OF HOUSE BILL 5380 AS REPORTED FROM COMMITTEE

Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act requires the Natural Resources Commission (NRC) to issue an order regulating deer and elk feeding and establishes requirements for the order. The provision that requires the order (Section 40111a) will expire on January 1, 2010.

The H-4 Substitute version of the bill would extend the sunset provision until January 1, 2016, but allow, rather than require, the NRC to issue an order concerning deer or elk feeding. In addition, the H-4 Substitute bill would place the following limitations on any NRC order restricting deer or elk feeding:

- The prohibition would only apply to a county in which an animal infected with chronic wasting disease or bovine tuberculosis was discovered (or one within six miles of the infected animal's location).
- The prohibition would not apply to an island separated from the location of the infected animal by two or more miles of water.
- The prohibition would "cease" no later than 18 months after the discovery of the infected animal.
- The prohibition would be immediately lifted if the National Veterinary Services Laboratories did not verify that the animal was infected within 60 days from the date of its discovery.

[Note: These limitations were not contained in previous versions of the bill.]

The bill would define "deer or elk feeding" as "the depositing, distributing, or tending of feed in an area frequented by wild, free-ranging white-tailed deer or elk." "Deer or elk feeding" would not include (1) feeding wild birds or other wildlife if done so as to exclude wild deer and elk from gaining access to the feed; (2) the scattering of feed solely as a result of normal logging or agricultural practices; (3) the storage or use of feed for agricultural purposes under specified conditions; and (4) baiting to take game as provided by an NRC order.

The storage or use of feed for agricultural purposes would not be considered "deer or elk feeding" if one or more of the following applied: (1) the area was occupied by livestock actively consuming the feed on a daily basis; (2) the feed was covered to deter wild deer or elk from gaining access to the feed; (3) the feed was in a storage facility that was

consistent with normal agricultural practices. (What is and what is not "deer or elk feeding" in the H-4 Substitute appears to be the same as in the bill as introduced.)

## **BACKGROUND INFORMATION:**

Current NRC orders. Current NRC orders concerning deer and elk feeding and baiting are included in Chapter III (Species Regulations) of its Wildlife Conservation Order, Nos. 3.100 and 3.100a, available online at:  
[http://www.michigan.gov/documents/ChapterIII\\_128581\\_7.pdf](http://www.michigan.gov/documents/ChapterIII_128581_7.pdf)

Legal requirements for NRC orders. Section 40113a grants the NRC exclusive authority to regulate the taking of game in Michigan using principles of sound scientific management to the extent practicable. NRC orders are issued after a public meeting and an opportunity for public input. At least 30 days before issuing an order, the NRC must provide a copy of the order to members of specified legislative committees.

## **FISCAL IMPACT:**

The bill would have no fiscal impact on the state or on local units of government.

## **POSITIONS:**

The Beaver Island Wildlife Club, the Hartwick Township Sportsmen's Club (Osceola County), the M-65 Bait Shop, the Michigan Wildlife and Business Association, the UAW-GM Lansing Area Employees Oldsmobile Club, the Upper Peninsula Sportsmen Alliance and an individual testified in support of the H-4 version of the bill. (12-3-09)

The Department of Natural Resources and members of the Natural Resources Commission testified in opposition to the H-4 Substitute (in support of the H-3 Substitute). (12-3-09)

The Department of Agriculture, represented by the State Veterinarian, Dr. Steve Halstead, testified in opposition to the substitutes (in support of the bill as introduced). (12-3-09)

The Michigan United Conservation Clubs and the Chelsea Rod and Gun Club testified in opposition to the H-4 Substitute (in support of the H-3 Substitute). (12-3-09)

The Michigan Farm Bureau supplied written testimony in opposition to the H-4 Substitute (in support of the H-3 Substitute).

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.