

HOUSE BILL No. 5380

September 17, 2009, Introduced by Reps. Lahti, McDowell and Lindberg and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled
 "Natural resources and environmental protection act,"
 by amending section 40111a (MCL 324.40111a), as amended by 2004 PA
 537.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40111a. (1) ~~By September 1, 1999, the~~ **THE** commission,
 2 after consultation with the commission of agriculture, shall issue
 3 in the manner provided in section 40113a an order concerning deer
 4 ~~and~~ **OR** elk feeding **IN THIS STATE**. ~~The order shall take effect~~
 5 ~~October 1, 1999 and shall do all of the following in the lower~~
 6 ~~peninsula:~~
 7 ~~— (a) Prohibit a person from engaging in deer or elk feeding~~
 8 ~~unless the deer or elk feeding is for recreational viewing~~
 9 ~~purposes.~~

1 ~~———— (b) Require that the feed be deposited or distributed not more~~
2 ~~than 100 yards from the residence of the person engaged in deer or~~
3 ~~elk feeding for recreational viewing purposes on land owned or~~
4 ~~possessed by that person.~~

5 ~~———— (c) Establish any other reasonable conditions for deer and elk~~
6 ~~feeding for recreational viewing purposes that are consistent with~~
7 ~~the requirements of this section.~~

8 ~~———— (2) The order issued under subsection (1) shall also establish~~
9 ~~criteria for deer feeding in the Upper Peninsula.~~

10 ~~———— (3) Notwithstanding subsections (1) and (2), the commission,~~
11 ~~after consultation with the commission of agriculture, may issue in~~
12 ~~the manner provided in section 40113a an order that prohibits all~~
13 ~~deer and elk feeding in all or part of this state if the commission~~
14 ~~considers the prohibition to be necessary to properly manage~~
15 ~~wildlife populations or to control or eradicate disease.~~

16 ~~———— (4) An order under this part concerning baiting to take deer~~
17 ~~or elk or concerning deer or elk feeding shall not make a~~
18 ~~distinction between the depositing or distributing of feed by hand~~
19 ~~and the depositing or distributing of feed by a mechanical device,~~
20 ~~whether the mechanical device is operated by human power or~~
21 ~~otherwise.~~

22 **(2) AS USED IN THIS SECTION, "DEER OR ELK FEEDING" MEANS THE**
23 **DEPOSITING, DISTRIBUTING, OR TENDING OF FEED IN AN AREA FREQUENTED**
24 **BY WILD, FREE-RANGING WHITE-TAILED DEER OR ELK. DEER OR ELK FEEDING**
25 **DOES NOT INCLUDE ANY OF THE FOLLOWING:**

26 **(A) FEEDING WILD BIRDS OR OTHER WILDLIFE IF DONE IN SUCH A**
27 **MANNER AS TO EXCLUDE WILD, FREE-RANGING WHITE-TAILED DEER AND ELK**

1 FROM GAINING ACCESS TO THE FEED.

2 (B) THE SCATTERING OF FEED SOLELY AS THE RESULT OF NORMAL
3 LOGGING PRACTICES OR NORMAL AGRICULTURAL PRACTICES.

4 (C) THE STORAGE OR USE OF FEED FOR AGRICULTURAL PURPOSES IF 1
5 OR MORE OF THE FOLLOWING APPLY:

6 (i) THE AREA IS OCCUPIED BY LIVESTOCK ACTIVELY CONSUMING THE
7 FEED ON A DAILY BASIS.

8 (ii) THE FEED IS COVERED TO DETER WILD, FREE-RANGING WHITE-
9 TAILED DEER OR ELK FROM GAINING ACCESS TO THE FEED.

10 (iii) THE FEED IS IN A STORAGE FACILITY THAT IS CONSISTENT WITH
11 NORMAL AGRICULTURAL PRACTICES.

12 (D) BAITING TO TAKE GAME AS PROVIDED BY AN ORDER OF THE
13 COMMISSION UNDER SECTION 40113A.

14 (3) ~~(5)~~—This section is repealed effective January 1, 2010
15 2016.