

Act No. 66  
Public Acts of 1999  
Approved by the Governor  
June 25, 1999  
Filed with the Secretary of State  
June 25, 1999  
EFFECTIVE DATE: June 25, 1999

STATE OF MICHIGAN  
90TH LEGISLATURE  
REGULAR SESSION OF 1999

**Introduced by Reps. Rick Johnson, Cameron Brown, Pappageorge, Kowall, Kukuk, Hager, Green, LaForge, Kelly, Brewer, Vander Roest, Bishop, Quarles, Law, Koetje, Birkholz, Raczkowski and Tabor**

## **ENROLLED HOUSE BILL No. 4499**

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 40102 and 40103 (MCL 324.40102 and 324.40103), as amended by 1998 PA 86, and by adding section 40111a; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

Sec. 40102. (1) "Animals" means wild birds and wild mammals.

(2) "Bag limit" means the number of animals that may be taken and possessed as determined by the department.

(3) "Bow" means a device for propelling an arrow from a string drawn, held, and released by hand where the force used to hold the string in the drawn position is provided by the archer's muscles.

(4) "Buy" or "sell" means an exchange or attempt or offer to exchange for money, barter, or anything of value.

(5) "Chase" means to follow animals with dogs or other wild or domestic animals trained for that purpose.

(6) "Deer or elk feeding" means the depositing, distributing, or tending of feed in an area frequented by wild, free-ranging white-tailed deer or elk. Deer or elk feeding does not include any of the following:

(a) Feeding wild birds or other wildlife if done in such a manner as to exclude wild, free-ranging white-tailed deer and elk from gaining access to the feed.

(b) The scattering of feed solely as the result of normal logging practices or normal agricultural practices.

(c) The storage or use of feed for agricultural purposes if 1 or more of the following apply:

(i) The area is occupied by livestock actively consuming the feed on a daily basis.

(ii) The feed is covered to deter wild, free-ranging white-tailed deer or elk from gaining access to the feed.

(iii) The feed is in a storage facility that is consistent with normal agricultural practices.

(d) Baiting to take game as provided by an order of the commission under section 40113a.

(7) "Disability" means a determinable physical characteristic of an individual that may result from disease, injury, congenital condition of birth, or functional disorder.

(8) "Feed" means a substance composed of grain, mineral, salt, fruit, vegetable, hay, or any other food material or combination of these materials, whether natural or manufactured, that may attract white-tailed deer or elk. Feed does not include any of the following:

- (a) Plantings for wildlife.
- (b) Standing farm crops under normal agricultural practices.
- (c) Agricultural commodities scattered solely as the result of normal agricultural practices.

(9) "Firearm" means a weapon from which a dangerous projectile may be propelled by using explosives, gas, or air as a means of propulsion. Firearm does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling BB's not exceeding .177 caliber by means of a spring or air or gas.

Sec. 40103. (1) "Game" means any of the following animals:

- (a) Badger.
- (b) Bear.
- (c) Beaver.
- (d) Bobcat.
- (e) Brant.
- (f) Coot.
- (g) Coyote.
- (h) Crow.
- (i) Deer.
- (j) Duck.
- (k) Elk.
- (l) Fisher.
- (m) Florida gallinule.
- (n) Fox.
- (o) Geese.
- (p) Hare.
- (q) Hungarian partridge.
- (r) Marten.
- (s) Mink.
- (t) Moose.
- (u) Muskrat.
- (v) Opossum.
- (w) Otter.
- (x) Pheasant.
- (y) Quail.
- (z) Rabbit.
- (aa) Raccoon.
- (bb) Ruffed grouse.
- (cc) Sharptailed grouse.
- (dd) Skunk.
- (ee) Snipe.
- (ff) Sora rail.
- (gg) Squirrel.
- (hh) Weasel.
- (ii) Wild turkey.
- (jj) Woodchuck.
- (kk) Woodcock.
- (ll) Virginia rail.

(2) "Interim order of the department" means an order of the department issued under section 40108.

(3) "Kind" means an animal's sex, age, or physical characteristics.

(4) "Normal agricultural practices" means generally accepted agricultural and management practices as defined by the commission of agriculture.

(5) "Open season" means the dates during which game may be legally taken.

(6) "Parts" means any or all portions of an animal, including the skin, plumage, hide, fur, entire body, or egg of an animal.

(7) "Protected" or "protected animal" means an animal or kind of animal that is designated by the department as an animal that shall not be taken.

(8) "Residence" means a permanent building serving as a temporary or permanent home. Residence may include a cottage, cabin, or mobile home, but does not include a structure designed primarily for taking game, a tree blind, a tent, a recreational or other vehicle, or a camper.

Sec. 40111a. (1) By September 1, 1999, the commission, after consultation with the commission of agriculture, shall issue in the manner provided in section 40113a an order concerning deer and elk feeding. The order shall take effect October 1, 1999 and shall do all of the following in the Lower Peninsula:

(a) Prohibit a person from engaging in deer or elk feeding unless the deer or elk feeding is for recreational viewing purposes.

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

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

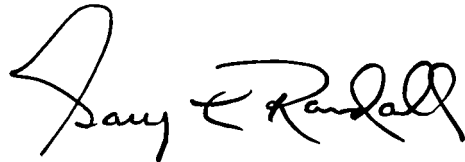
(2) The order shall establish criteria for deer feeding in the Upper Peninsula.

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

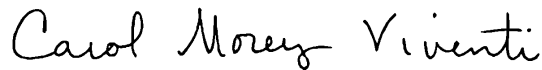
(4) An order under this part concerning baiting to take deer or elk or concerning deer or elk feeding shall not, after the date 3 years after the effective date of this section, make a distinction between the depositing or distributing of feed by hand and the depositing or distributing of feed by a mechanical device, whether the mechanical device is operated by human power or otherwise.

Enacting section 1. This amendatory act is repealed effective December 31, 2004.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives.



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Secretary of the Senate.

Approved \_\_\_\_\_

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Governor.