

Legislative Analysis



DEER & ELK FEEDING

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House Bill 4250

Sponsor: Rep. Mark Meadows

Committee: Natural Resources, Tourism, and Outdoor Recreation

Complete to 3-14-11

A SUMMARY OF HOUSE BILL 4250 AS INTRODUCED 2-15-11

Generally speaking, deer and elk feeding is prohibited in the Lower Peninsula and restricted in the Upper Peninsula. Section 40111a of the Natural Resources and Environmental Protection Act defines what is and is not considered deer and elk feeding. House Bill 4250 would revise the definition of "deer and elk feeding" in statute so as to exclude the "incidental feeding of wild, free-ranging white-tailed deer and elk during the feeding of wild birds or other wildlife." In other words, this incidental feeding would be allowed under the bill.

"Incidental feeding" would mean that "the primary purpose of the feeding was not to provide food to wild, free-ranging white-tailed deer and elk."

Currently, "feeding wild birds or other wildlife" is not considered "deer and elk feeding," if done "in a such a manner as to exclude wild, free ranging white tailed deer from gaining access to the feed." (The act also contains other exceptions.) This requirement that the feeding of birds or other wildlife be done in a manner that prevents deer and elk from gaining access to the feed would be deleted under the bill.

Other exceptions currently in statute to the term "deer and elk feeding" include baiting to take game under a Natural Resources Commission order, the scattering of feed solely as a result of normal logging practices or agricultural practices, and the storage or use of feed for agricultural purposes under several listed conditions.

The general definition of "deer and elk feeding" in Section 40111a would also be modified under House Bill 4250. Currently, the term means "the distributing, depositing, or tending of feed in an area frequented by wild, free-ranging white tailed deer and elk to prevent them from starving or for recreational viewing." Under the bill, the term would mean "the depositing or distributing of feed to wild, free-ranging white-tailed deer and elk to prevent them from starving or for recreational viewing." (The underlined words would be removed in the new definition.)

The Natural Resources Commission (NRC) has been given authority to regulate deer and elk feeding under Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act – in particular, Section 40111a (MCL 324.4011a). According to the Department of Natural Resources, deer and elk feeding can facilitate the spread of contagious diseases such as bovine tuberculosis (TB) and chronic wasting disease (CWD).

Section 40111a was amended most recently by Public Act 199 of 2009 to revise what is and what is not considered "deer and elk feeding," and to extend NRC authority to regulate deer

and elk feeding until January 1, 2016. Under the current Wildlife Conservation Order (Section 3.100a), issued under Section 40111a, deer and elk feeding is completely banned in Michigan's Lower Peninsula, and allowed in the Upper Peninsula only for certain purposes (recreational viewing and supplemental feeding), if specific rules are followed.

FISCAL IMPACT:

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

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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.