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House Bill 4687 (as passed by the House)  
Sponsor: Representative Michele Hoytenga  
House Committee: Government Operations  
Senate Committee: Government Operations

Date Completed: 11-12-19

### **CONTENT**

**The bill would amend the Natural Resources and Environmental Protection Act to do the following:**

- **Eliminate a provision requiring the Natural Resources Commission (NRC) to issue an order concerning deer and elk feeding in Michigan.**
- **Allow an individual to engage in deer or elk baiting during the open seasons for those animals if he or she did not deposit more than five gallons of feed at a bait site.**
- **Specify that the Department of Natural Resources (DNR) could not prohibit an individual with a deer license from taking an antlered deer in any area of the State in which deer had tested positive for chronic wasting disease (CWD).**

#### Deer & Elk Baiting

Part 401 (Wildlife Conservation) requires the NRC, after consulting with the Commission of Agriculture and Rural Development, to issue an order concerning deer and elk feeding in the State. Part 401 also defines "deer and elk feeding" and specifies actions that do not constitute deer and elk feeding. The bill would eliminate this language and, instead, would allow an individual to engage in deer or elk feeding in Michigan. Also, the bill would allow an individual to engage in deer or elk baiting in the State during the open seasons for those animals if he or she did not deposit more than five gallons of feed at each bait site. The bill would prohibit an individual from engaging in baiting in any area where bovine tuberculosis had been detected in deer.

"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. The term does not include any of the following:

- 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.
- The scattering of feed solely as the result of normal logging practices or normal agricultural practices.
- The storage or use of feed for agricultural purposes if one or more of the following apply:
  - a) the area is occupied by livestock actively consuming the feed on a daily basis;
  - b) the feed is covered to deter wild, free-ranging white-tailed deer or elk from gaining access to the feed; or
  - c) the feed is in a storage facility that is consistent with normal agricultural practices.

The term also does not include baiting to take game as provided by an NRC order. Under the bill, the term would not include deer or elk baiting.

"Deer or elk baiting" would mean the depositing, distributing, or tending of feed in an area frequented by wild, free-ranging white-tailed deer or elk to aid in the taking of deer or elk. The term would not include any of the following:

- 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.
- The scattering of feed solely as the result of normal logging practices or normal agricultural practices.
- The storage or use of feed for agricultural purposes if one or more of the following applied:
  - a) the area was occupied by livestock actively consuming the feed on a daily basis; b) the feed was covered to deter wild, free-ranging white-tailed deer or elk from gaining access to the feed; or c) the feed was in a storage facility that was consistent with normal agricultural practices.

#### Antlered Deer; Chronic Wasting Disease

Under the Act, only an individual who holds a valid base license is eligible to purchase a deer license or an antlerless deer license. The DNR may issue orders under Part 401 designating the kind of deer that may be taken and the geographic area in which any deer license is valid, when advisable in managing deer. Under the bill, the DNR could not prohibit an individual with a valid deer license from taking any antlered deer, regardless of the number of antler points on that deer, in any area of the State in which deer had tested positive for CWD. "Antlered deer" would mean a deer having at least one antler that extends three inches or more above the skull.

MCL 324.40102 et al.

Legislative Analyst: Jeff Mann

#### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on the Department of Natural Resources. Currently, the penalties for violating a ban on deer or elk feeding include imprisonment for up to 90 days or the assessment of fines, or both, and license revocation or the loss of the ability to purchase a hunting license. The extent to which allowing individuals to bait deer or elk would affect enforcement and prosecution costs, or fine revenue, is unknown. In addition, it is unclear whether allowing licensed individuals to take antlered deer in areas in which deer tested positive for CWD would have an impact on hunting license revenue.

Fiscal Analyst: Abbey Frazier

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.