

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2019**

Introduced by Reps. Hoitenga, Alexander, Steven Johnson, Mueller and LaFave

ENROLLED HOUSE BILL No. 4687

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 protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 40102, 40111a, and 43527a (MCL 324.40102, 324.40111a, and 324.43527a), section 40102 as amended by 2015 PA 24, section 40111a as amended by 2015 PA 265, and section 43527a as added by 2013 PA 108.

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) “Cormorant damage” means adverse impacts of double-crested cormorants on fish, fish hatchery stock, wildlife, plants, and their habitats and on man-made structures.

(7) “Cormorant depredation order” means the depredation order for double-crested cormorants to protect public resources, 50 CFR 21.48, issued by the United States Department of the Interior, Fish and Wildlife Service.

(8) “Crossbow” means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string that is controlled by a mechanical or electric trigger and has a working safety and a draw weight of 100 pounds or greater.

(9) “Deer or elk baiting” means 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. Deer or elk baiting 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.

(10) "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) Deer or elk baiting.

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

(12) "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.

(13) "Firearm" means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive. A pneumatic gun, as defined in section 1 of 1990 PA 319, MCL 123.1101, other than a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact, is also considered a firearm for the purpose of this act.

Sec. 40111a. (1) Until 2 years after the effective date of the 2019 amendatory act that amended this section, an individual may engage in deer or elk feeding in this state if that individual does not deposit more than 5 gallons of feed at each site. An individual shall not engage in deer or elk feeding in any county or deer management unit of this state where the department of agriculture and rural development and the department have entered into a memorandum of understanding with the United States Department of Agriculture requiring the limitation or banning of baiting or feeding.

(2) Except as otherwise provided in this subsection and subsection (3), until 2 years after the effective date of the 2019 amendatory act that amended this section, an individual may engage in deer or elk baiting in this state during the open seasons for deer or elk if that individual does all of the following:

(a) Uses no more than 5 gallons of bait spread over at least 400 square feet at each baiting site.

(b) Uses bait that is no larger than a sugar beet.

(c) Uses no more than 1 baiting site per hunting site.

(3) An individual shall not engage in deer or elk feeding in any county or deer management unit of this state where the department of agriculture and rural development and the department have entered into a memorandum of understanding with the United States Department of Agriculture requiring the limitation or banning of baiting or feeding.

Sec. 43527a. (1) Only an individual holding a valid base license is eligible to purchase a deer license or an antlerless deer license, pursuant to current regulations. The fee for a deer license or an antlerless deer license is \$20.00.

(2) The department shall charge a nonrefundable application fee not to exceed \$5.00 for each individual who applies for an antlerless deer license.

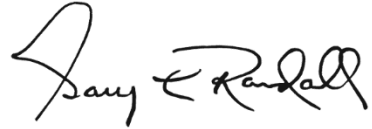
(3) The department may issue a kill tag with or as part of each deer license. The kill tag shall bear the license number. The kill tag may also include space for other pertinent information required by the department. The kill tag, if issued, is part of the license.

(4) Where authorized by the department, a resident may purchase a second deer license for the fee assessed under this subsection for the deer license for which that individual is eligible. However, a senior license discount

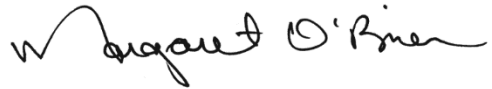
is not available for the purchase of a second deer license. Where authorized by the department, a nonresident may purchase an additional deer license or antlerless deer license under this section for \$170.00. Except as otherwise provided in subsection (5), the department may issue orders under part 401 designating the kind of deer that may be taken and the geographic area in which any license issued under this section is valid, when advisable in managing deer.

(5) The department shall 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 this state in which deer have tested positive for chronic wasting disease.

(6) As used in this section, "antlered deer" means a deer having at least 1 antler that extends 3 inches or more above the skull.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor