

# HOUSE BILL NO. 5185

July 01, 2021, Introduced by Reps. Hoitenga, Steven Johnson and Meerman and referred to the Committee on Regulatory Reform.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 40102 and 40111a (MCL 324.40102 and  
324.40111a), section 40102 as amended by 2015 PA 24 and section  
40111a as amended by 2015 PA 265.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           Sec. 40102. (1) "Animals" means wild birds and wild mammals.
- 2           (2) "Bag limit" means the number of animals that may be taken
- 3 and possessed as determined by the department.

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

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

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

8       (6) "Cormorant damage" means adverse impacts of double-crested  
9 cormorants on fish, fish hatchery stock, wildlife, plants, and  
10 their habitats and on man-made structures.

11       (7) "Cormorant depredation order" means the depredation order  
12 for double-crested cormorants to protect public resources, 50 CFR  
13 21.48, issued by the United States Department of the Interior, Fish  
14 and Wildlife Service.

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

20       **(9) "Deer or elk baiting" means the depositing, distributing,**  
21 **or tending of feed in an area frequented by wild, free-ranging**  
22 **white-tailed deer or elk to aid in the taking of deer or elk. Deer**  
23 **or elk baiting does not include any of the following:**

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

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

29       **(c) The storage or use of feed for agricultural purposes if 1**

1 or more of the following apply:

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

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

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

8 (10) ~~(9)~~ "Deer or elk feeding" means the depositing,  
9 distributing, or tending of feed in an area frequented by wild,  
10 free-ranging white-tailed deer or elk. Deer or elk feeding does not  
11 include any of the following:

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

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

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

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

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

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

25 (d) ~~Baiting to take game as provided by an order of the~~  
26 ~~commission under section 40113a.~~ **Deer or elk baiting.**

27 (11) ~~(10)~~ "Disability" means a determinable physical  
28 characteristic of an individual that may result from disease,  
29 injury, congenital condition of birth, or functional disorder.

(12) ~~(11)~~ "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) ~~(12)~~ "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) ~~The commission, after consultation with the commission of agriculture and rural development, shall issue in the manner provided in section 40113a an order concerning~~ **Until 2 years after the effective date of the 2019 amendatory act that amended this section, an individual may engage in deer and 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) As used in this section, "deer and elk feeding" means the~~

~~depositing, distributing, 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. Deer and elk feeding does not include any of the following:~~

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

~~(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 and elk from gaining access to the feed or is being used on a daily basis.~~

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

~~(d) 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.~~

**(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.**

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