

FEEDING AND BAITING OF DEER AND ELK

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House Bill 4687 as reported from committee
Sponsor: Rep. Michele Hoytenga
Committee: Government Operations
Revised 11-12-19

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4687 would amend the Natural Resources and Environmental Protection Act (NREPA) to allow the feeding of deer or elk and to allow the baiting of deer or elk during the open seasons for deer and elk.

Section 40111a of NREPA currently requires the Natural Resources Commission (NRC), after consultation with the Commissioner of Agriculture and Rural Development, to issue an order concerning deer and elk feeding in Michigan. The bill would remove this provision.

The bill would allow an individual to engage in *deer or elk feeding* in this state and also would allow, during the open season for deer or elk, an individual to engage in *deer or elk baiting*.

Deer or elk feeding means depositing, distributing, or tending feed in an area frequented by wild, free-ranging white-tailed deer or elk. It does not include deer or elk baiting.

Deer or elk baiting would mean depositing, distributing, or tending feed in an area frequented by wild, free-ranging white-tailed deer or elk to aid in the taking of deer or elk.

Under both current law and the bill, the following activities are not considered either deer or elk feeding or deer or elk baiting:

- Feeding wild birds or other wildlife if wild, free-ranging white-tailed deer and elk are excluded from gaining access to the feed.
- The scattering of feed solely as the result of normal logging or agricultural practices.
- Storing or using feed for agricultural purposes if at least one of the following applies:
 - The area is occupied by livestock actively consuming the feed every day.
 - The feed is covered to deter deer and elk from gaining access to it.
 - The feed is in a storage facility that is consistent with normal agricultural practices.

MCL 324.40102 and 324.40111a

FISCAL IMPACT:

The fiscal impact of House Bill 4687 on the Department of Natural Resources (DNR) is uncertain at present. Current penalties for violating a ban on baiting may include jail time, \$50 to \$1,000 in fines, or hunting license revocation. It is unclear whether the explicit allowance of deer or elk baiting would affect departmental revenues, as the number of forgone baiting violations is yet to be determined. It is equally unclear whether this allowance would have an impact on enforcement costs for department personnel. The sale of hunting and fishing licenses generated a combined \$60.5 million in revenue in FY 2017-18. This revenue is deposited to

the Game and Fish Protection Fund, which primarily supports wildlife and fisheries programs as well as DNR law enforcement. The bill is unlikely to affect local government costs or revenues.

POSITIONS:

A representative of Lucky Buck Mineral testified in support of the bill. (9-17-19)

The M-65 Bait Shop indicated support for the bill. (9-17-19)

A representative of Michigan United Conservation Clubs testified in opposition to the bill. (9-17-19)

The following entities indicated opposition to the bill:

Department of Natural Resources (9-17-19)

Michigan Sierra Club (9-17-19)

Michigan Farm Bureau (9-17-19)

Michigan Environmental Council (9-17-19)

Michigan Quality Deer Management Association (9-17-19)

Michigan Bow Hunters (9-17-19)

Kalamazoo Rod and Gun Club (9-17-19)

Michigan Bear Hunters Association (9-17-19)

Tomahawk Archers (9-17-19)

Cadillac Sportsman's Club (9-17-19)

Straits Area Sportsmen's Club (9-17-19)

Montmorency County Conservation Club (9-17-19)

Upper Black River Council (9-17-19)

Livingston County Wildlife and Conservation Club (9-17-19)

Bills Lake Association (9-17-19)

U.P. Bear Houndsmen Association (9-17-19)

Michigan Hunting Dog Federation (11-5-19)

Michigan State Fox Hunters (11-5-19)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.