

SENATE BILL NO. 37

January 16, 2019, Introduced by Senator VANDERWALL and referred to the Committee on Natural Resources.

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.
- 4 (3) "Bow" means a device for propelling an arrow from a string

1 drawn, held, and released by hand where the force used to hold the
2 string in the drawn position is provided by the archer's muscles.

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

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

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

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

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

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

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

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

28 (c) **The storage or use of feed for agricultural purposes if 1**
29 **or more of the following apply:**

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

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

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

7 (10) ~~(9)~~ "Deer or elk feeding" means the depositing,
8 distributing, or tending of feed in an area frequented by wild,
9 free-ranging white-tailed deer or elk. Deer or elk feeding does not
10 include any of the following:

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

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

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

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

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

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

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

26 (11) ~~(10)~~ "Disability" means a determinable physical
27 characteristic of an individual that may result from disease,
28 injury, congenital condition of birth, or functional disorder.

29 (12) ~~(11)~~ "Feed" means a substance composed of grain, mineral,

1 salt, fruit, vegetable, hay, or any other food material or
 2 combination of these materials, whether natural or manufactured,
 3 that may attract white-tailed deer or elk. Feed does not include
 4 any of the following:

5 (a) Plantings for wildlife.

6 (b) Standing farm crops under normal agricultural practices.

7 (c) Agricultural commodities scattered solely as the result of
 8 normal agricultural practices.

9 **(13)** ~~(12)~~ "Firearm" means any weapon which will, is designed
 10 to, or may readily be converted to expel a projectile by action of
 11 an explosive. A pneumatic gun, as defined in section 1 of 1990 PA
 12 319, MCL 123.1101, other than a paintball gun that expels by
 13 pneumatic pressure plastic balls filled with paint for the purpose
 14 of marking the point of impact, is also considered a firearm for
 15 the purpose of this act.

16 Sec. 40111a. (1) ~~The commission, after consultation with the~~
 17 ~~commission of agriculture and rural development, shall issue in the~~
 18 ~~manner provided in section 40113a an order concerning~~ **An individual**
 19 **may engage in** deer and ~~or~~ elk feeding in this state.

20 ~~(2) As used in this section, "deer and elk feeding" means the~~
 21 ~~depositing, distributing, or tending of feed in an area frequented~~
 22 ~~by wild, free ranging white tailed deer and elk to prevent them~~
 23 ~~from starving or for recreational viewing. Deer and elk feeding~~
 24 ~~does not include any of the following:~~

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

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

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

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

12 **(2) An individual may engage in deer or elk baiting in this**
13 **state during the open seasons for deer or elk.**