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SFA**BILL ANALYSIS**

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House Bill 4499 (Substitute H-3 as passed by the House)
Sponsor: Representative Rick Johnson
House Committee: Agriculture and Resource Management
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 6-1-99

CONTENT

The bill would amend the Natural Resources and Environmental Protection Act to provide that by September 1, 1999, the Natural Resources Commission (NRC), after consultation with the Agriculture Commission, would have to issue an order concerning deer and elk feeding. The bill would be repealed five years after its effective date.

The order would take effect October 1, 1999, and would have to do all of the following in the Lower Peninsula: prohibit a person from engaging in deer or elk feeding unless it was for recreational viewing purposes; require that the feed be deposited or distributed within 100 yards from the person's residence on land owned or possessed by that person; and establish any other reasonable conditions for deer and elk feeding for recreational viewing purposes that were consistent with the bill's requirements. The order also would have to establish deer feeding criteria in the Upper Peninsula.

In addition, the NRC, after consultation with the Agriculture Commission, could issue an order that would prohibit all deer and elk feeding in all or part of the State if the NRC considered it necessary to manage wildlife populations properly or to control or eradicate disease.

"Deer or elk feeding" would mean the depositing, distributing, or tending of feed in an area frequented by wild, free-ranging white-tailed deer or elk. The term would exclude the feeding of wild birds or other wildlife if done in such a manner as to deter 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; baiting to take game as provided by an NRC order; or the storage or use of feed for agricultural purposes if any of the following applied: the area was occupied by livestock actively consuming the feed on a daily basis, the feed was covered to deter deer or elk from gaining access to the feed, and/or the feed was in a storage facility that was consistent with normal agricultural practices. "Feed" would mean 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 could attract white-tailed deer or elk. It would not include plantings for wildlife, standing farm crops under normal agricultural practices, or agricultural commodities scattered solely as the result of normal agricultural practices.

"Normal agricultural practices" would mean generally accepted agricultural and management practices as defined by the Agriculture Commission. "Residence" would mean a permanent building serving as a temporary or permanent home. It could include a cottage, cabin, or mobile home, but not a structure designed primarily for taking game, a tree blind, a tent, a recreational or other vehicle, or a camper.

MCL 324.40102 et. al

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would have no fiscal impact on State or local government. The Natural Resources Commission is currently debating the issue of deer feeding and is authorized to take this action.

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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.

Fiscal Analyst: G. Cutler