

# HOUSE BILL No. 4499

April 20, 1999, Introduced by Reps. Rick Johnson, Cameron Brown, Pappageorge, Kowall, Kukuk, Hager, Green, LaForge, Kelly, Brewer, Vander Roest, Bishop, Quarles, Law, Koetje, Birkholz, Raczkowski and Tabor and referred to the Committee on Agriculture and Resource Management.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40102 (MCL 324.40102), as amended by 1998 PA 86, and by adding section 40111a.

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

- 1       Sec. 40102. (1) "Animals" means wild birds and wild  
2 mammals.
- 3       (2) "Bag limit" means the number of animals that may be  
4 taken and possessed as determined by the department.
- 5       (3) "Bow" means a device for propelling an arrow from a  
6 string drawn, held, and released by hand where the force used to  
7 hold the string in the drawn position is provided by the archer's  
8 muscles.
- 9       (4) "Buy" or "sell" means an exchange or attempt or offer to  
10 exchange for money, barter, or anything of value.

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

3 (6) "DEER OR ELK FEEDING" MEANS THE DEPOSITING, DISTRIBUT-  
4 ING, OR TENDING OF FEED IN AN AREA FREQUENTED BY WILD,  
5 FREE-RANGING WHITE-TAILED DEER OR ELK. DEER OR ELK FEEDING DOES  
6 NOT INCLUDE ANY OF THE FOLLOWING:

7 (A) FEEDING WILD BIRDS OR OTHER WILDLIFE IF DONE IN SUCH A  
8 MANNER AS TO EXCLUDE WILD, FREE-RANGING WHITE-TAILED DEER AND ELK  
9 FROM GAINING ACCESS TO THE FEED.

10 (B) THE SCATTERING OF FEED SOLELY AS THE RESULT OF NORMAL  
11 LOGGING PRACTICES, OR NORMAL AGRICULTURAL PLANTING OR HARVESTING  
12 PRACTICES AS DEFINED BY THE DEPARTMENT OF AGRICULTURE.

13 (C) THE STORAGE OR USE OF FEED FOR AGRICULTURAL PURPOSES.  
14 HOWEVER, LIVESTOCK FEEDING IN AN AREA FREQUENTED BY WILD,  
15 FREE-RANGING WHITE-TAILED DEER OR ELK CONSTITUTES DEER OR ELK  
16 FEEDING UNLESS THE LIVESTOCK FEEDING TAKES PLACE ON LAND USED IN  
17 THE COMMERCIAL PRODUCTION OF FARM PRODUCTS AND EITHER OR BOTH OF  
18 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 PREVENT WILD, FREE-RANGING  
22 WHITE-TAILED DEER OR ELK FROM GAINING ACCESS TO THE FEED.

23 (7) ~~(6)~~ "Disability" means a determinable physical charac-  
24 teristic of an individual that may result from disease, injury,  
25 congenital condition of birth, or functional disorder.

26 (8) "FEED" MEANS A SUBSTANCE COMPOSED OF GRAIN, MINERAL,  
27 SALT, FRUIT, VEGETABLE, HAY, OR ANY OTHER FOOD MATERIAL OR

1 COMBINATION OF THESE MATERIALS, WHETHER NATURAL OR MANUFACTURED,  
2 THAT MAY ATTRACT WHITE-TAILED DEER OR ELK. FEED DOES NOT INCLUDE  
3 ANY OF THE FOLLOWING:

4 (A) PLANTINGS FOR WILDLIFE.

5 (B) STANDING FARM CROPS UNDER NORMAL AGRICULTURAL PRACTICES  
6 AS DEFINED BY THE DEPARTMENT OF AGRICULTURE.

7 (C) AGRICULTURAL COMMODITIES SCATTERED SOLELY AS THE RESULT  
8 OF NORMAL AGRICULTURAL PLANTING OR HARVESTING PRACTICES AS  
9 DEFINED BY THE DEPARTMENT OF AGRICULTURE.

10 (9) ~~(7)~~ "Firearm" means a weapon from which a dangerous  
11 projectile may be propelled by using explosives, gas, or air as a  
12 means of propulsion. Firearm does not include a smooth bore  
13 rifle or handgun designed and manufactured exclusively for pro-  
14 pelling BB's not exceeding .177 caliber by means of a spring or  
15 air or gas.

16 SEC. 40111A. A PERSON SHALL NOT ENGAGE IN DEER OR ELK  
17 FEEDING EXCEPT AS A MEANS OF TAKING GAME AS PROVIDED BY AN ORDER  
18 OF THE COMMISSION UNDER SECTION 40113A.