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## BILL ANALYSIS

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Senate Bill 926 (as introduced 1-22-04)

Sponsor: Senator Michelle A. McManus

Committee: Natural Resources and Environmental Affairs

Date Completed: 5-25-04

### **CONTENT**

**The bill would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to extend until 2010 a section that required the Natural Resources Commission to issue an order, effective October 1, 1999, prohibiting deer or elk feeding, unless it is for recreational viewing purposes.** Section 40111a is scheduled to sunset on December 31, 2004. The bill would delay the repeal until January 1, 2010.

Under this section, the Commission had to issue the required order by September 1, 1999. In addition to prohibiting deer or elk feeding except for recreational viewing purposes, the order must require that food distributed for recreational viewing be placed within 100 yards of the residence of the person engaged in recreational viewing on land owned or possessed by that person.

Section 40111a also permits the Commission to issue an order prohibiting all deer and elk feeding in all or part of the State if the Commission considers the prohibition necessary to manage wildlife populations properly or to control or eradicate disease.

The section specifies that an order issued under Part 401 concerning baiting to take deer or elk or concerning deer or elk feeding may not distinguish between depositing or distributing feed by hand and depositing or distributing feed by a mechanical device.

MCL 324.40111a

### **BACKGROUND**

Public Act 66 of 1999 added Section 40111a to the Natural Resources and Environmental Protection Act. The rules concerning deer and elk feeding are contained in Section 3.100a of the Wildlife Conservation Order, promulgated by the Natural Resources Commission. The order distinguishes between counties having any confirmed Bovine Tuberculosis positive deer certified by the Director of the Department of Natural Resources (DNR), where all deer and elk feeding is prohibited, and the rest of the State, where feeding is prohibited except for recreational viewing.

According to the DNR's 2003-2004 Deer and Elk "Baiting" and "Feeding" Regulations, baiting and feeding are entirely prohibited in Alcona, Alpena, Crawford, Montmorency, Oscoda, Otsego, and Presque Isle Counties. In the remainder of the State, feeding deer and elk for recreational viewing is allowed. Baiting for deer is allowed except in the specified counties

(subject to limitations contained in the regulations). Baiting for elk is illegal throughout the State.

(The regulations define "baiting" as putting out food for deer to attract, lure, or entice them as an aid in hunting. "Feeding" means placing out food that attracts deer or elk for any reason. "Recreational feeding" is feeding for wildlife viewing purposes only.)

The regulations also state that, in the event Chronic Wasting Disease (CWD) is documented within Michigan or within 50 miles of Michigan's border with an adjoining state or Canadian province, the Commission has ordered the Director to ban the use of bait and to ban all feeding of deer and elk within the peninsula adjacent to the state or province where CWD has been detected.

Legislative Analyst: Claire Layman

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Jessica Runnels

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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.