

Act No. 537
Public Acts of 2004
Approved by the Governor
December 30, 2004
Filed with the Secretary of State
January 3, 2005
EFFECTIVE DATE: January 3, 2005

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Senators McManus and Jelinek

ENROLLED SENATE BILL No. 926

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 40111a and 42702 (MCL 324.40111a and 324.42702), section 40111a as added by 1999 PA 66 and section 42702 as amended by 2004 PA 325; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 40111a. (1) By September 1, 1999, the commission, after consultation with the commission of agriculture, shall issue in the manner provided in section 40113a an order concerning deer and elk feeding. The order shall take effect October 1, 1999 and shall do all of the following in the lower peninsula:

(a) Prohibit a person from engaging in deer or elk feeding unless the deer or elk feeding is for recreational viewing purposes.

(b) Require that the feed be deposited or distributed not more than 100 yards from the residence of the person engaged in deer or elk feeding for recreational viewing purposes on land owned or possessed by that person.

(c) Establish any other reasonable conditions for deer and elk feeding for recreational viewing purposes that are consistent with the requirements of this section.

(2) The order issued under subsection (1) shall also establish criteria for deer feeding in the Upper Peninsula.

(3) Notwithstanding subsections (1) and (2), the commission, after consultation with the commission of agriculture, may issue in the manner provided in section 40113a an order that prohibits all deer and elk feeding in all or part of this state if the commission considers the prohibition to be necessary to properly manage wildlife populations or to control or eradicate disease.

(4) An order under this part concerning baiting to take deer or elk or concerning deer or elk feeding shall not make a distinction between the depositing or distributing of feed by hand and the depositing or distributing of feed by a mechanical device, whether the mechanical device is operated by human power or otherwise.

(5) This section is repealed effective January 1, 2010.

Sec. 42702. The department may, pursuant to part 13, issue licenses to authorize the possession for propagation, and for dealing in and selling game. A license shall not be granted to an applicant who is not the owner or lessee of the premises to be used for the purposes designated by the license. A license issued pursuant to this part is nontransferable and is valid from July 1 to June 30 of the third license year.

Enacting section 1. Enacting section 1 of 2000 PA 191 is repealed.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Sam E. Randall

Clerk of the House of Representatives

Approved _____

Governor