



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4088 (Substitute H-1 as passed by the House)
Sponsor: Representative Ken Borton
House Committee: Natural Resources and Outdoor Recreation
Senate Committee: Natural Resources

Date Completed: 5-25-21

CONTENT

The bill would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to do the following:

- **Allow an individual to engage in wildlife and bird feeding if the feed were located within 300 feet of a residence, and if the quantity of feed within that distance were no more than two gallons.**
- **Define "wildlife and bird feeding".**

Currently, the Natural Resources Commission (NRC), after consultation with the Commission of Agriculture and Rural Development, must issue in the manner provided in Section 40113a an order concerning deer and elk feeding in Michigan. (Section 40113a grants the NRC the exclusive authority to regulate the taking of game in Michigan, and requires the NRC to issue orders for that purpose after a public meeting and opportunity for public input.)

Under the bill, notwithstanding the order, an individual could engage in wildlife and bird feeding only if both of the following conditions were met:

- The feed was located within 300 feet of a residence.
- The quantity of feed placed, scattered, or distributed within 300 feet of that residence, together with any feed previously placed, scattered, or distributed within 300 feet of that residence and still present, was not more than two gallons.

"Deer and elk feeding" means the depositing, distributing, or tending of feed in an area frequented by wild, free-ranging white-tailed deer and elk to prevent them from starving or for recreational viewing. The term does not include any of the following:

- Baiting to take game as provided by an order of the Commission under Section 40113a.
- The scattering of feed solely as the result of normal logging practices or normal agricultural practices.
- The storage or use of feed for agricultural purposes if certain conditions apply.
- Feeding wild birds or other wildlife if done in such a manner as to exclude wild, free-ranging white-tailed deer and elk from gaining access to the feed.

Instead of "deer and elk feeding", the bill would refer to "wildlife and bird feeding", which would mean depositing, distributing, or tending feed in an area frequented by birds and other wildlife to prevent them from starving or for recreational viewing. The term would not include

any of the scenarios described above except that the bill would remove the language pertaining to feeding wild birds or other wildlife.

MCL 324.40111a

Legislative Analyst: Dana Adams

FISCAL IMPACT

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

Fiscal Analyst: Ben Dawson

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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.