

Legislative Analysis



WILDLIFE AND WILD BIRD FEEDING

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4350 as introduced
Sponsor: Rep. Ken Borton
Committee: Natural Resources and Tourism
Complete to 4-30-25

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4350 would amend the Natural Resources and Environmental Protection Act (NREPA) to allow an individual to set out feed for wildlife and birds if certain conditions are met.

Presently, NREPA allows the Natural Resources Commission (NRC), after consultation with the Commission of Agriculture and Rural Development, to issue an order concerning deer and elk feeding in Michigan. The act stipulates that feeding wild birds or other wildlife is not considered deer and elk feeding if done in a manner that excludes white-tailed deer and elk from accessing the feed.

The bill would remove the above stipulation and instead provide that an individual may engage in *wildlife and bird feeding*, notwithstanding an NRC order as described above, as long as both of the following requirements are met:

- The feed is located within 300 feet of a residence.
- The quantity of the feed placed, scattered, or distributed, combined with any previously placed, scattered, or distributed feed, is less than two gallons.

The bill would define *wildlife and bird feeding* as the depositing, distributing, or tending of feed in an area frequented by birds and other wildlife to prevent them from starving or for recreational viewing. The bill would generally change the existing term “deer and elk feeding” to “wildlife and bird feeding” in provisions that reflect what is and what is not considered to be wildlife and bird feeding under the bill. These exclusions from the definition of wildlife and bird feeding would be the same as what is currently excluded from the definition of deer and elk feeding.

MCL 324.40111a

BACKGROUND:

The bill is substantively identical to House Bill 4088 (H-1) of the 2021-22 legislative session, which was passed by the legislature and vetoed by the governor. In explaining her veto, Governor Whitmer said that “The Natural Resource Commission’s ban on deer and elk feeding is based on strong scientific evidence, which demonstrates that feeding disrupts normal wildlife movement patterns, causing animals to congregate and thereby accelerating the spread of deadly diseases like bovine tuberculosis. HB 4088 would cast aside sound disease management

principles to loosen restrictions on deer and elk feeding, threatening our agricultural and hunting industries.”¹

FISCAL IMPACT:

House Bill 4350 may reduce enforcement costs for the Department of Natural Resources by exempting wildlife and bird feeding under certain conditions from orders banning baiting or feeding. The magnitude of this potential cost decrease is unclear at present, as the current proportion of enforcement actions prompted by the activities exempted under the bill is unclear. Most enforcement actions are executed by the department's Law Enforcement Division, which is funded by \$54.9 million Gross (\$19.8 million GF/GP) and 298.0 FTE positions in FY 2024-25. The bill is unlikely to directly affect departmental revenues, local government costs, or local government revenues.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

¹ <https://www.legislature.mi.gov/documents/publications/PublicandLocalActs/2021/2021-mpla-4088-veto.pdf>