

Legislative Analysis



ALLOW WILDLIFE AND BIRD FEEDING

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

House Bill 4088 (proposed substitute H-1)

Sponsor: Rep. Ken Borton

Committee: Natural Resources and Outdoor Recreation

Complete to 4-28-21

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

SUMMARY:

House Bill 4088 would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act (NREPA) to allow an individual to feed wildlife and birds if certain conditions are met.

Section 40111a of NREPA currently requires the Natural Resources Commission (NRC), after consultation with the Commissioner of Agriculture and Rural Development, to issue an order concerning deer and elk feeding in Michigan. The bill would remove this provision and all other references pertaining to deer and elk feeding throughout the section.

The bill would allow an individual to engage in **wildlife and bird feeding** only if both of the following conditions are met:

- The feed is located not more than 300 feet from a residence.
- The total quantity of feed placed, scattered, or distributed within 300 feet of that residence is not more than two gallons.

Wildlife and bird feeding 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 bill would also revise a subsection that now defines, and lists what is not considered, deer and elk feeding by removing a provision and replacing “deer and elk” with “wildlife and bird.” Under the bill, the following activities would not be considered wildlife and bird feeding:

- Baiting to take game as provided by an order of the NRC under section 40113a.¹
- The scattering of feed solely as the result of normal logging or agricultural practices.
- Storing or using feed for agricultural purposes if at least one of the following applies:
 - The area is occupied by livestock actively consuming the feed every day.
 - The feed is covered to deter deer and elk from gaining access to it.
 - The feed is in a storage facility that is consistent with normal agricultural practices.

MCL 324.40111a

¹ <http://legislature.mi.gov/doc.aspx?mcl-324-40113a>

FISCAL IMPACT:

House Bill 4088 is unlikely to have a significant impact on revenues or costs for the Department of Natural Resources or local governments.

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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.