

SUBSTITUTE FOR
HOUSE BILL NO. 4088

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 40111a (MCL 324.40111a), as amended by 2015 PA
265.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40111a. (1) The commission, after consultation with the
2 commission of agriculture and rural development, shall issue in the
3 manner provided in section 40113a an order concerning deer and elk
4 feeding in this state. **Notwithstanding the order, an individual may**
5 **engage in wildlife and bird feeding only if both of the following**
6 **conditions are met:**

7 (a) The feed is located not more than 300 feet from a
8 residence.

(b) 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, is not more than 2 gallons.

(2) As used in this section, ~~"deer and elk"~~ **wildlife and bird feeding** means ~~the depositing, distributing, or tending of feed in an area frequented by wild, free-ranging white-tailed deer and elk~~ **birds and other wildlife** to prevent them from starving or for recreational viewing. ~~Deer and elk~~ **Wildlife and bird** feeding does not include any of the following:

(a) Baiting to take game as provided by an order of the commission under section 40113a.

(b) The scattering of feed solely as the result of normal logging practices or normal agricultural practices.

(c) The storage or use of feed for agricultural purposes if 1 or more of the following apply:

(i) The area is occupied by livestock actively consuming the feed on a daily basis.

(ii) The feed is covered to deter wild, free-ranging white-tailed deer and elk from gaining access to the feed or is being used on a daily basis.

(iii) The feed is in a storage facility or is stored in a manner that is consistent with normal agricultural practices.

~~(d) 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.~~