

HOUSE BILL NO. 5298

November 03, 2023, Introduced by Reps. Hoadley, Outman, Cavitt, Markkanen, Bierlein, Kunse, DeBoyer, Schuette, Borton, Friske, Jaime Greene and Bruck and referred to the Committee on Natural Resources, Environment, Tourism and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 40102 (MCL 324.40102), as amended by 2015 PA
24.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 40102. (1) "Animals" means wild birds and wild mammals.
2 (2) "Bag limit" means the number of animals that may be taken
3 and possessed as determined by the department.
4 (3) "Bow" means a device for propelling an arrow from a string
5 drawn, held, and released by hand where the force used to hold the
6 string in the drawn position is provided by the archer's muscles.

1 (4) "Buy" or "sell" means an exchange or attempt or offer to
2 exchange for money, barter, or anything of value.

3 (5) "Chase" means to follow animals with dogs or other wild or
4 domestic animals trained for that purpose.

5 (6) "Cormorant damage" means adverse impacts of double-crested
6 cormorants on fish, fish hatchery stock, wildlife, plants, and
7 their habitats and on man-made structures.

8 (7) "Cormorant depredation order" means the depredation order
9 for double-crested cormorants to protect public resources, 50 CFR
10 21.48, issued by the United States Department of the Interior, Fish
11 and Wildlife Service.

12 (8) "Crossbow" means a weapon consisting of a bow mounted
13 transversely on a stock or frame and designed to fire an arrow,
14 bolt, or quarrel by the release of a bow string that is controlled
15 by a mechanical or electric trigger and has a working safety and a
16 draw weight of 100 pounds or greater.

17 (9) **"Deer or elk baiting" means the depositing, distributing,**
18 **or tending of feed in an area frequented by wild, free-ranging**
19 **white-tailed deer or elk to aid in the taking of deer or elk. Deer**
20 **or elk baiting does not include any of the following:**

21 (a) **Feeding wild birds or other wildlife if done in such a**
22 **manner as to exclude wild, free-ranging white-tailed deer and elk**
23 **from gaining access to the feed.**

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

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

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

1 (ii) The feed is covered to deter wild, free-ranging white-
2 tailed deer or elk from gaining access to the feed.

3 (iii) The feed is in a storage facility that is consistent with
4 normal agricultural practices.

5 (10) ~~(9)~~—"Deer or elk feeding" means the depositing,
6 distributing, or tending of feed in an area frequented by wild,
7 free-ranging white-tailed deer or elk. Deer or elk feeding does not
8 include any of the following:

9 (a) Feeding wild birds or other wildlife if done in such a
10 manner as to exclude wild, free-ranging white-tailed deer and elk
11 from gaining access to the feed.

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

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

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

18 (ii) The feed is covered to deter wild, free-ranging white-
19 tailed deer or elk from gaining access to the feed.

20 (iii) The feed is in a storage facility that is consistent with
21 normal agricultural practices.

22 (d) ~~Baiting to take game as provided by an order of the~~
23 ~~commission under section 40113a.~~**Deer or elk baiting.**

24 (11) ~~(10)~~—"Disability" means a determinable physical
25 characteristic of an individual that may result from disease,
26 injury, congenital condition of birth, or functional disorder.

27 (12) ~~(11)~~—"Feed" means a substance composed of grain, mineral,
28 salt, fruit, vegetable, hay, or any other food material or
29 combination of these materials, whether natural or manufactured,

1 that may attract white-tailed deer or elk. Feed does not include
2 any of the following:

3 (a) Plantings for wildlife.

4 (b) Standing farm crops under normal agricultural practices.

5 (c) Agricultural commodities scattered solely as the result of
6 normal agricultural practices.

7 **(13)** ~~(12)~~—"Firearm" means any weapon which will, is designed
8 to, or may readily be converted to expel a projectile by action of
9 an explosive. A pneumatic gun, as **that term is** defined in section 1
10 of 1990 PA 319, MCL 123.1101, other than a paintball gun that
11 expels by pneumatic pressure plastic balls filled with paint for
12 the purpose of marking the point of impact, is also considered a
13 firearm for the purpose of this act.

14 Enacting section 1. This amendatory act does not take effect
15 unless Senate Bill No. ____ or House Bill No. 5299 (request no.
16 04654'23) of the 102nd Legislature is enacted into law.