

HOUSE BILL No. 5922

March 4, 2010, Introduced by Reps. Bolger, Crawford, Melton, Tyler, Denby, Walsh, Agema, Sheltroun, Mayes, Schuitmaker, Stamas and Lori and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 40102, 40116, 43502, 43510, 43513, 43523,
43527, 43528, and 43531 (MCL 324.40102, 324.40116, 324.43502,
324.43510, 324.43513, 324.43523, 324.43527, 324.43528, and
324.43531), section 40102 as amended by 2007 PA 48, section 40116
as amended by 2009 PA 65, section 43502 as amended by 2006 PA 282,
sections 43510 and 43513 as amended by 2006 PA 433, sections 43523,
43528, and 43531 as amended by 2009 PA 70, and section 43527 as
amended by 2006 PA 280.

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.

1 (3) "Bow" means a device for propelling an arrow from a string
2 drawn, held, and released by hand where the force used to hold the
3 string in the drawn position is provided by the archer's muscles OR
4 **A WEAPON CONSISTING OF A BOW, WITH A DRAW WEIGHT OF 100 POUNDS OR**
5 **MORE, MOUNTED TRANSVERSELY ON A STOCK OR FRAME AND DESIGNED TO FIRE**
6 **AN ARROW, BOLT, OR QUARREL BY THE RELEASE OF A BOW STRING THAT IS**
7 **CONTROLLED BY A MECHANICAL OR ELECTRIC TRIGGER WITH A WORKING**
8 **SAFETY.**

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

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

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

16 (7) "Cormorant depredation order" means the depredation order
17 for double-crested cormorants to protect public resources, 50 CFR
18 21.48, issued by the United States department of the interior, fish
19 and wildlife service.

20 ~~—— (8) "Crossbow" means a weapon consisting of a bow mounted~~
21 ~~transversely on a stock or frame and designed to fire an arrow,~~
22 ~~bolt, or quarrel by the release of a bow string that is controlled~~
23 ~~by a mechanical or electric trigger and has a working safety and a~~
24 ~~draw weight of 100 pounds or greater.~~

25 (8) ~~(9)~~ "Deer or elk feeding" means the depositing,
26 distributing, or tending of feed in an area frequented by wild,
27 free-ranging white-tailed deer or elk. Deer or elk feeding does not

1 include any of the following:

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

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

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

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

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

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

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

17 (9) ~~(10)~~—"Disability" means a determinable physical
18 characteristic of an individual that may result from disease,
19 injury, congenital condition of birth, or functional disorder.

20 (10) ~~(11)~~—"Feed" means a substance composed of grain, mineral,
21 salt, fruit, vegetable, hay, or any other food material or
22 combination of these materials, whether natural or manufactured,
23 that may attract white-tailed deer or elk. Feed does not include
24 any of the following:

25 (a) Plantings for wildlife.

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

27 (c) Agricultural commodities scattered solely as the result of

1 normal agricultural practices.

2 (11) ~~(12)~~ "Firearm" means a weapon from which a dangerous
3 projectile may be propelled by using explosives, gas, or air.
4 Firearm does not include a smooth bore rifle or handgun designed
5 and manufactured exclusively for propelling BB's not exceeding .177
6 caliber by means of a spring, air, or gas.

7 Sec. 40116. (1) A person shall not take game during the
8 established daylight shooting hours from August 15 through April 30
9 unless the person wears a cap, hat, vest, jacket, or rain gear of
10 hunter orange. Hunter orange includes camouflage that is not less
11 than 50% hunter orange. The garments that are hunter orange shall
12 be the hunter's outermost garment and shall be visible from all
13 sides of the hunter.

14 (2) Subsection (1) does not apply to a person engaged in the
15 taking of deer with a bow ~~or crossbow~~ during archery deer season, a
16 person taking bear with a bow, ~~or crossbow~~, a person engaged in the
17 taking of turkey or migratory birds other than woodcock, a person
18 engaged in the sport of falconry, or a person who is stationary and
19 in the act of hunting bobcat, coyote, or fox.

20 (3) The failure of a person to comply with this section is not
21 evidence of contributory negligence in a civil action for injury to
22 the person or for the person's wrongful death.

23 (4) As used in this section, "hunter orange" means the highly
24 visible color commonly referred to as hunter orange and includes
25 blaze orange, flame orange, and fluorescent blaze orange.

26 Sec. 43502. (1) "Accompany" means to go along with another
27 person under circumstances that allow one to come to the immediate

1 aid of the other person and while staying within a distance from
2 the person that permits uninterrupted, unaided visual and auditory
3 communication.

4 (2) "Amphibian" means a frog, toad, salamander, or other
5 member of the class amphibia.

6 (3) "Apprentice license" means a license issued under section
7 43520(3).

8 (4) "Aquatic species" means a fish, reptile, amphibian,
9 mollusk, aquatic insect, or crustacea or part thereof.

10 (5) "Bow" means a device for propelling an arrow from a string
11 drawn, held, and released by hand if the force used to hold the
12 string in the drawn position is provided by the archer's muscles **OR**
13 **A WEAPON CONSISTING OF A BOW, WITH A DRAW WEIGHT OF 100 POUNDS OR**
14 **MORE, MOUNTED TRANSVERSELY ON A STOCK OR FRAME AND DESIGNED TO FIRE**
15 **AN ARROW, BOLT, OR QUARREL BY THE RELEASE OF A BOW STRING**
16 **CONTROLLED BY A MECHANICAL OR ELECTRIC TRIGGER WITH A WORKING**
17 **SAFETY.**

18 ~~—— (6) "Crossbow" means a weapon consisting of a bow, with a draw~~
19 ~~weight of 100 pounds or more, mounted transversely on a stock or~~
20 ~~frame and designed to fire an arrow, bolt, or quarrel by the~~
21 ~~release of a bow string controlled by a mechanical or electric~~
22 ~~trigger with a working safety.~~

23 (6) ~~(7)~~ "Crustacea" means a freshwater crayfish, shrimp, or
24 prawn of the order decapoda.

25 Sec. 43510. (1) Subject to subsection (2) and except as
26 provided in section 43513, a person shall not carry or transport a
27 firearm, slingshot, bow and arrow, ~~crossbow~~, or a trap while in any

1 area frequented by wild animals unless that person has in his or
2 her possession a license as required under this part.

3 (2) This act or a rule promulgated or order issued by the
4 department or the commission under this act shall not be construed
5 to prohibit a person from transporting a pistol or carrying a
6 loaded pistol, whether concealed or not, if either of the following
7 applies:

8 (a) The person has in his or her possession a license to carry
9 a concealed pistol under 1927 PA 372, MCL 28.421 to 28.435.

10 (b) The person is authorized under the circumstances to carry
11 a concealed pistol without obtaining a license to carry a concealed
12 pistol under 1927 PA 372, MCL 28.421 to 28.435, as provided for
13 under any of the following:

14 (i) Section 12a of 1927 PA 372, MCL 28.432a.

15 (ii) Section 227, 227a, 231, or 231a of the Michigan penal
16 code, 1931 PA 328, MCL 750.227, 750.227a, 750.231, and 750.231a.

17 (3) Subsection (2) does not authorize an individual to take or
18 attempt to take a wild animal except as provided by law.

19 Sec. 43513. (1) A person may carry, transport, or possess a
20 firearm without a hunting license if the firearm is unloaded in
21 both barrel and magazine and either enclosed in a case or carried
22 in a vehicle in a location that is not readily accessible to any
23 occupant of the vehicle. A person may carry, transport, or possess
24 a slingshot ~~, OR bow and arrow, or crossbow~~ without a hunting
25 license if the slingshot ~~, OR bow, or crossbow~~ is unstrung,
26 enclosed in a case, or carried in a vehicle in a location that is
27 not readily accessible to any occupant of the vehicle.

1 (2) Regardless of whether the person has a license or it is
2 open season for the taking of game, a person may carry, transport,
3 possess or discharge a firearm ~~, OR a bow and arrow, or a crossbow~~
4 if all of the following apply:

5 (a) The person is not taking or attempting to take game but is
6 engaged in 1 or more of the following activities:

7 (i) Target practice using an identifiable, artificially
8 constructed target or targets.

9 (ii) Practice with silhouettes, plinking, skeet, or trap.

10 (iii) Sighting-in the firearm ~~, OR bow and arrow, or crossbow.~~

11 (b) The person is, or is accompanied by or has the permission
12 of, either of the following:

13 (i) The owner of the property on which the activity under
14 subdivision (a) is taking place.

15 (ii) The lessee of that property for a term of not less than 1
16 year.

17 (c) The owner or lessee of the property does not receive
18 remuneration for the activity under subdivision (a).

19 (3) A person may carry or possess an unloaded weapon at any
20 time if the person is traveling to or from or participating in a
21 historical reenactment.

22 Sec. 43523. (1) Except as otherwise provided in this part, a
23 person shall not hunt small game unless the person possesses a
24 current small game license. A small game license authorizes the
25 person named in the license to hunt for small game except for
26 animals or birds that require a special license.

27 (2) If authorized in an order issued under part 401, a

1 resident possessing a current small game license may take specified
2 fur-bearing animals by means other than trapping during the open
3 season for hunting these fur-bearing animals. However, a person who
4 goes on a bobcat hunt with a licensed hunter is not required to
5 possess a small game license if the person does not carry a firearm
6 ~~, OR bow, or crossbow~~ and does not own dogs used to chase or
7 locate a bobcat during the hunt.

8 (3) The fee for a small game license is as follows:

9 (a) Subject to subdivision (b), for a resident, \$15.00.

10 (b) For a resident or nonresident minor child, \$1.00.

11 (c) Subject to subdivision (b), for a nonresident, \$69.00.

12 However, a nonresident may purchase a limited nonresident small
13 game license entitling that person to hunt for a 3-day period all
14 species of small game that are available to hunt under a
15 nonresident small game license. The fee for a limited nonresident
16 small game license is \$30.00.

17 (4) A small game license is void between the hours of 1/2 hour
18 after sunset and 1/2 hour before sunrise with the exception of
19 coyote hunting.

20 Sec. 43527. (1) A person shall not hunt deer with a bow and
21 arrow ~~or crossbow~~ during the bow and arrow deer season without a
22 bow and arrow deer license. The fee for a resident bow and arrow
23 deer license is \$15.00. The fee for a resident or nonresident minor
24 child for a bow and arrow deer license shall be discounted 50% from
25 the cost of the resident bow and arrow deer license. The fee for a
26 nonresident bow and arrow deer license is \$138.00.

27 (2) Where authorized by the department, a person may purchase

1 a second bow and arrow deer license in 1 season for the fee
2 assessed under subsection (1) for the bow and arrow deer license
3 for which that person is eligible. However, a senior license
4 discount is not available for the purchase of a second bow and
5 arrow deer license. The department may issue orders under part 401
6 designating the kind of deer that may be taken and the geographic
7 area in which any license issued under this section is valid, if
8 advisable in managing deer.

9 (3) The department may issue a kill tag with, or as a part of,
10 each bow and arrow deer license. Section 43526(2) applies with
11 respect to a bow and arrow deer license.

12 Sec. 43528. (1) A person shall not hunt bear unless the person
13 possesses a bear hunting license. However, a person who goes on a
14 bear hunt with a licensed hunter is not required to possess a bear
15 hunting license if the person does not carry a firearm ~~—OR bow —~~
16 ~~or crossbow~~ and does not own dogs used to chase or locate bear
17 during the hunt.

18 (2) The fee for a resident bear hunting license is \$15.00. The
19 fee for a nonresident bear hunting license is \$150.00.

20 (3) The department may issue a tag with, or as a part of, a
21 bear hunting license. Section 43526(2) applies with respect to a
22 bear hunting license.

23 (4) In addition to the license fees in subsection (2), the
24 department shall charge a nonrefundable application fee not to
25 exceed \$4.00 for each person who applies for a bear hunting
26 license.

27 Sec. 43531. (1) Except as otherwise provided in section

1 43523(2), a person shall not trap or hunt fur-bearing animals
2 unless the person possesses a fur harvester's license. However, a
3 person who goes on a bobcat hunt with a licensed hunter is not
4 required to possess a fur harvester's license if the person does
5 not carry a firearm ~~, OR bow, or crossbow~~ and does not own dogs
6 used to chase or locate a bobcat during the hunt.

7 (2) The fee for a resident fur harvester's license is \$15.00.
8 The fee for a resident or nonresident who is 12 years of age
9 through 16 years of age for a fur harvester's license shall be
10 discounted 50% from the cost of the resident fur harvester's
11 license.

12 (3) The department may issue a nonresident fur harvester's
13 license to a nonresident of this state if the state, province, or
14 country in which the nonresident applicant resides allows residents
15 of this state to obtain equivalent hunting and trapping privileges
16 in that state, province, or country. The fee for an eligible
17 nonresident fur harvester's license is \$150.00. Nonresident fur
18 harvester's licenses shall not be sold or purchased before November
19 15 of each year.

20 (4) A person who holds a fur harvester's license may hunt fur-
21 bearing animals during the season open to taking fur-bearing
22 animals with firearms and may trap fur-bearing animals during the
23 season open to trapping fur-bearing animals.