

HOUSE BILL No. 4504

March 24, 2011, Introduced by Reps. Tyler, McBroom, Huuki, Horn, Crawford, Bumstead, McMillin, Opsommer and Shirkey and referred to the Committee on Agriculture.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 40103 and 41102 (MCL 324.40103 and 324.41102),
as amended by 2000 PA 191.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40103. (1) "Game" means any of the following animals but
2 does not include privately owned cervidae species located on a
3 ~~registered cervidae livestock facility as that term is defined in~~
4 **THAT IS REGISTERED UNDER** the privately owned cervidae producers
5 marketing act, 2000 PA 190, MCL 287.951 TO 287.969, OR SPORTING
6 **SWINE SPECIES LOCATED ON A SPORTING SWINE LIVESTOCK OPERATION THAT**
7 **IS REGISTERED UNDER THE SPORTING SWINE MARKETING ACT:**

8 (a) Badger.

- 1 (b) Bear.
- 2 (c) Beaver.
- 3 (d) Bobcat.
- 4 (e) Brant.
- 5 (f) Coot.
- 6 (g) Coyote.
- 7 (h) Crow.
- 8 (i) Deer.
- 9 (j) Duck.
- 10 (k) Elk.
- 11 (l) Fisher.
- 12 (m) Florida gallinule.
- 13 (n) Fox.
- 14 (o) Geese.
- 15 (p) Hare.
- 16 (q) Hungarian partridge.
- 17 (r) Marten.
- 18 (s) Mink.
- 19 (t) Moose.
- 20 (u) Muskrat.
- 21 (v) Opossum.
- 22 (w) Otter.
- 23 (x) Pheasant.
- 24 (y) Quail.
- 25 (z) Rabbit.
- 26 (aa) Raccoon.
- 27 (bb) Ruffed grouse.

1 (cc) Sharptailed grouse.

2 (dd) Skunk.

3 (ee) Snipe.

4 (ff) Sora rail.

5 (gg) Squirrel.

6 (hh) Weasel.

7 (ii) Wild turkey.

8 (jj) Woodchuck.

9 (kk) Woodcock.

10 (ll) Virginia rail.

11 (2) "Interim order of the department" means an order of the
12 department issued under section 40108.

13 (3) "Kind" means an animal's sex, age, or physical
14 characteristics.

15 (4) "Normal agricultural practices" means generally accepted
16 agricultural and management practices as defined by the commission
17 of agriculture.

18 (5) "Open season" means the dates during which game may be
19 legally taken.

20 (6) "Parts" means any or all portions of an animal, including
21 the skin, plumage, hide, fur, entire body, or egg of an animal.

22 (7) "Protected" or "protected animal" means an animal or kind
23 of animal that is designated by the department as an animal that
24 shall not be taken.

25 (8) "Residence" means a permanent building serving as a
26 temporary or permanent home. Residence may include a cottage,
27 cabin, or mobile home, but does not include a structure designed

1 primarily for taking game, a tree blind, a tent, a recreational or
 2 other vehicle, or a camper.

3 Sec. 41102. (1) The department, in accordance with this part,
 4 may regulate the taking or killing of all fish, game and fur-
 5 bearing animals, and game birds protected by the laws of this
 6 state, and may suspend or abridge the open season provided by law
 7 for the taking or killing of such fish, animals, or game birds in
 8 any designated waters or area of this state, if in the opinion of
 9 the department it is necessary to assist in the increased or better
 10 protection of the fish, game or fur-bearing animals, or game birds,
 11 or any particular kinds or species of fish, game or fur-bearing
 12 animals, or game birds, which may in the opinion of the department
 13 be threatened from any cause or causes with depletion or
 14 extermination in the waters or area. The department may promulgate
 15 rules and orders necessary to implement this part after a thorough
 16 investigation has been made by the department.

17 (2) This section does not apply to ~~privately~~**THE FOLLOWING:**

18 **(A) PRIVATELY** owned cervidae species located on a registered
 19 cervidae livestock facility or involved in a registered cervidae
 20 livestock operation under the privately owned cervidae producers
 21 marketing act, 2000 PA 190, MCL 287.951 TO 287.969.

22 **(B) SPORTING SWINE LOCATED ON A SPORTING SWINE LIVESTOCK**
 23 **OPERATION PERMITTED UNDER THE SPORTING SWINE MARKETING ACT.**

24 Enacting section 1. This amendatory act does not take effect
 25 unless all of the following bills of the 96th Legislature are
 26 enacted into law:

27 (a) Senate Bill No. _____ or House Bill No. 4503 (request no.

1 01602'11).

2 (b) Senate Bill No. _____ or House Bill No. 4505 (request no.
3 01602'11 b).

4 (c) Senate Bill No. _____ or House Bill No. 4506 (request no.
5 01602'11 c *).