

HOUSE BILL No. 4154

February 5, 2015, Introduced by Reps. Brett Roberts, Kesto, Barrett, Cole, Inman, Sheppard, Lucido, Glenn, Runestad, Franz, Iden, Maturen and Kivela and referred to the Committee on Judiciary.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40102, 40111, and 43503 (MCL 324.40102, 324.40111, and 324.43503), section 40102 as amended by 2007 PA 48, section 40111 as amended by 2012 PA 340, and section 43503 as amended by 2012 PA 520.

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.

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

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

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

6 (7) "Cormorant depredation order" means the depredation order
7 for double-crested cormorants to protect public resources, 50 CFR
8 21.48, issued by the United States ~~department~~ **DEPARTMENT** of the
9 ~~interior, fish~~ **INTERIOR, FISH** and ~~wildlife service~~ **WILDLIFE**
10 **SERVICE**.

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

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

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

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

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

27 (i) The area is occupied by livestock actively consuming the

1 feed on a daily basis.

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

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

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

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

11 (11) "Feed" means a substance composed of grain, mineral,
12 salt, fruit, vegetable, hay, or any other food material or
13 combination of these materials, whether natural or manufactured,
14 that may attract white-tailed deer or elk. Feed does not include
15 any of the following:

16 (a) Plantings for wildlife.

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

18 (c) Agricultural commodities scattered solely as the result of
19 normal agricultural practices.

20 (12) "Firearm" means ~~a ANY weapon from which a dangerous WILL,~~
21 **IS DESIGNED TO, OR MAY READILY BE CONVERTED TO EXPEL A** projectile
22 ~~may be propelled by using explosives, gas, or air. Firearm does not~~
23 ~~include a smooth bore rifle or handgun designed and manufactured~~
24 ~~exclusively for propelling BB's not exceeding .177 caliber by means~~
25 ~~of a spring, air, or gas.~~ **BY ACTION OF AN EXPLOSIVE. A PNEUMATIC**
26 **GUN, AS DEFINED IN SECTION 1 OF 1990 PA 319, MCL 123.1101, OTHER**
27 **THAN A PAINTBALL GUN THAT EXPELS BY PNEUMATIC PRESSURE PLASTIC**

1 **BALLS FILLED WITH PAINT FOR THE PURPOSE OF MARKING THE POINT OF**
2 **IMPACT, IS ALSO CONSIDERED A FIREARM FOR THE PURPOSE OF THIS ACT.**

3 Sec. 40111. (1) Except as otherwise provided in subsection (3)
4 or (4), this part, or in a department order authorized under
5 section 40107, an individual shall not take an animal from in or
6 upon a vehicle.

7 (2) Except as otherwise provided in subsection (3) or (4),
8 this part, or in a department order authorized under section 40107,
9 an individual shall not transport or possess a firearm in or upon a
10 vehicle, unless the firearm is unloaded in both barrel and magazine
11 and enclosed in a case, carried in the trunk of a vehicle, or
12 unloaded in a motorized boat.

13 (3) A person with a disability may transport or possess a
14 firearm in or upon a vehicle, except for a car or truck, on a state
15 licensed game bird hunting preserve if the firearm is unloaded and
16 the vehicle is operated at a speed of not greater than 10 miles per
17 hour. A person with a disability may possess a loaded firearm and
18 may discharge that firearm to take an animal from in or upon a
19 vehicle, except for a car or truck, on a state licensed game bird
20 hunting preserve if the vehicle is not moving. The department may
21 demand proof of eligibility under this subsection. An individual
22 shall possess proof of his or her eligibility under this subsection
23 and furnish the proof upon the request of a peace officer.

24 (4) An individual may transport or possess an unloaded firearm
25 in or upon a vehicle on a sporting clays range.

26 (5) Except as otherwise provided in this part, an individual
27 shall not transport or possess a bow in or upon a vehicle, unless

1 the bow is unstrung, enclosed in a case, or carried in the trunk of
2 a vehicle.

3 (6) An individual shall not hunt, ~~or discharge a firearm~~ **AS**
4 **THAT TERM IS DEFINED IN SECTION 43505**, within 150 yards of an
5 occupied building, dwelling, house, residence, or cabin, or any
6 barn or other building used in connection with a farm operation,
7 without obtaining the written permission of the owner, renter, or
8 occupant of the property.

9 (7) As used in this section:

10 (a) "Person with a disability" means a disabled person as that
11 term is defined in section 19a of the Michigan vehicle code, 1949
12 PA 300, MCL 257.19a, and who is in possession of 1 of the
13 following:

14 (i) A certificate of identification or windshield placard
15 issued to a disabled person under section 675 of the Michigan
16 vehicle code, 1949 PA 300, MCL 257.675.

17 (ii) A special registration plate issued to a disabled person
18 under section 803d of the Michigan vehicle code, 1949 PA 300, MCL
19 257.803d.

20 (b) "Unloaded" means, for a break-action firearm, that the
21 action is open with the breech exposed, whether or not the breech
22 contains a shell. Unloaded means, for a non-break-action firearm,
23 that the barrel of the firearm does not contain a shell.

24 Sec. 43503. (1) "Fish" means all species of fish.

25 (2) "Fishing" means the pursuing, capturing, catching,
26 killing, or taking of fish, and includes attempting to pursue,
27 capture, catch, kill, or take fish.

1 (3) "Firearm" means ~~a ANY weapon from which a dangerous WILL,~~
2 **IS DESIGNED TO, OR MAY READILY BE CONVERTED TO EXPEL A** projectile
3 ~~may be propelled by using explosives, gas, or air as a means of~~
4 ~~propulsion. Firearm does not include a smooth bore rifle or handgun~~
5 ~~designed and manufactured exclusively for propelling BB's not~~
6 ~~exceeding .177 caliber by means of a spring or air or gas.~~**BY ACTION**
7 **OF AN EXPLOSIVE. A PNEUMATIC GUN, AS DEFINED IN SECTION 1 OF 1990**
8 **PA 319, MCL 123.1101, OTHER THAN A PAINTBALL GUN THAT EXPELS BY**
9 **PNEUMATIC PRESSURE PLASTIC BALLS FILLED WITH PAINT FOR THE PURPOSE**
10 **OF MARKING THE POINT OF IMPACT, IS ALSO CONSIDERED A FIREARM FOR**
11 **THE PURPOSE OF THIS ACT.**

12 (4) "Firearm deer season" means any period in which deer may
13 be lawfully hunted with a firearm.

14 (5) "Fur-bearing animals" includes badger, beaver, bobcat,
15 coyote, fisher, fox, lynx, marten, mink, muskrat, opossum, otter,
16 raccoon, skunk, and weasel.

17 Enacting section 1. This amendatory act takes effect 90 days
18 after the date it is enacted into law.

19 Enacting section 2. This amendatory act does not take effect
20 unless Senate Bill No.____ or House Bill No.____ (request no.
21 01271'15) of the 98th Legislature is enacted into law.