

HOUSE BILL No. 5180

October 25, 2017, Introduced by Reps. LaFave, Rendon, Bellino, Howell, VanderWall, Barrett, Hughes, Geiss, Lower, Lucido and Jones and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40102, 40103, and 40114 (MCL 324.40102, 324.40103, and 324.40114), section 40102 as amended by 2015 PA 24, section 40103 as amended by 2016 PA 382, and section 40114 as amended by 2016 PA 356, and by adding section 40111d.

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) **"CONSERVATION" MEANS THE WISE USE OF NATURAL RESOURCES.**

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

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

13 (9) ~~(8)~~—"Crossbow" means a weapon consisting of a bow mounted
14 transversely on a stock or frame and designed to fire an arrow,
15 bolt, or quarrel by the release of a bow string that is controlled
16 by a mechanical or electric trigger and has a working safety and a
17 draw weight of 100 pounds or greater.

18 (10) **"CUB BEAR" MEANS A BEAR THAT IS LESS THAN 1 YEAR OF AGE.**

19 (11) ~~(9)~~—"Deer or elk feeding" means the depositing,
20 distributing, or tending of feed in an area frequented by wild,
21 free-ranging white-tailed deer or elk. Deer or elk feeding does not
22 include any of the following:

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

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

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

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

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

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

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

11 **(12)** ~~(10)~~—"Disability" means a determinable physical
12 characteristic of an individual that may result from disease,
13 injury, congenital condition of birth, or functional disorder.

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

19 (a) Plantings for wildlife.

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

21 (c) Agricultural commodities scattered solely as the result of
22 normal agricultural practices.

23 **(14)** ~~(12)~~—"Firearm" means any weapon which will, is designed
24 to, or may readily be converted to expel a projectile by action of
25 an explosive. A pneumatic gun, as **THAT TERM IS** defined in section 1
26 of 1990 PA 319, MCL 123.1101, other than a paintball gun that
27 expels by pneumatic pressure plastic balls filled with paint for

1 the purpose of marking the point of impact, is also considered a
2 firearm for the purpose of this act.

3 Sec. 40103. (1) "Game" means any species of wildlife
4 designated by the legislature or the commission as game under
5 section 40110 and any of the following animals but does not include
6 privately owned cervidae species located on a cervidae livestock
7 facility registered under the privately owned cervidae producers
8 marketing act, 2000 PA 190, MCL 287.951 to 287.969:

- 9 (a) Badger.
- 10 (b) Bear.
- 11 (c) Beaver.
- 12 (d) Bobcat.
- 13 (e) Brant.
- 14 (f) Coot.
- 15 (g) Coyote.
- 16 (h) Crow.
- 17 (i) Deer.
- 18 (j) Duck.
- 19 (k) Elk.
- 20 (l) Fisher.
- 21 (m) Florida gallinule.
- 22 (n) Fox.
- 23 (o) Geese.
- 24 (p) Hare.
- 25 (q) Hungarian partridge.
- 26 (r) Marten.
- 27 (s) Mink.

- 1 (t) Moose.
2 (u) Muskrat.
3 (v) Opossum.
4 (w) Otter.
5 (x) Pheasant.
6 (y) Quail.
7 (z) Rabbit.
8 (aa) Raccoon.
9 (bb) Ruffed grouse.
10 (cc) Sharptailed grouse.
11 (dd) Skunk.
12 (ee) Snipe.
13 (ff) Sora rail.
14 (gg) Squirrel.
15 (hh) Virginia rail.
16 (ii) Weasel.
17 (jj) Wild turkey.
18 (kk) Wolf.
19 (ll) Woodchuck.
20 (mm) Woodcock.

21 **(2) "INDIVIDUAL WITH A DISABILITY OR PHYSICAL LIMITATION"**
22 **MEANS A DISABLED PERSON AS THAT TERM IS DEFINED IN SECTION 19A OF**
23 **THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.19A.**

24 **(3)** ~~(2)~~—"Interim order of the department" means an order of
25 the department issued under section 40108.

26 **(4)** ~~(3)~~—"Kind" means an animal's sex, age, or physical
27 characteristics.

1 (5) ~~(4)~~—"Normal agricultural practices" means generally
2 accepted agricultural and management practices as defined by the
3 commission of agriculture and rural development.

4 (6) ~~(5)~~—"Open season" means the dates during which game may be
5 legally taken.

6 (7) ~~(6)~~—"Parts" means any or all portions of an animal,
7 including the skin, plumage, hide, fur, entire body, or egg of an
8 animal.

9 (8) **"PNEUMATIC AIRBOW" MEANS A DEVICE WITH COMPRESSED AIR AND**
10 **A TRIGGERING MECHANISM THAT EXPELS A BOLT OR ARROW USING THE FORCE**
11 **OF THAT COMPRESSED AIR.**

12 (9) ~~(7)~~—"Protected" or "protected animal" means an animal or
13 kind of animal that is designated by the department as an animal
14 that shall not be taken.

15 (10) ~~(8)~~—"Residence" means a permanent building serving as a
16 temporary or permanent home. Residence may include a cottage,
17 cabin, or mobile home, but does not include a structure designed
18 primarily for taking game, a tree blind, a tent, a recreational or
19 other vehicle, or a camper.

20 ~~———(9) "Conservation" means the wise use of natural resources.~~

21 **SEC. 40111D. (1) AN INDIVIDUAL MAY TAKE GAME WITH A PNEUMATIC**
22 **AIRBOW DURING ANY OPEN SEASON IN WHICH A FIREARM MAY BE USED FOR**
23 **TAKING THAT GAME IF THAT INDIVIDUAL HOLDS A LICENSE TO TAKE THAT**
24 **GAME ISSUED UNDER PART 435 AND COMPLIES WITH ALL OTHER LAWS AND**
25 **RULES FOR THE TAKING OF THAT GAME.**

26 **(2) AN INDIVIDUAL WITH A DISABILITY OR PHYSICAL LIMITATION MAY**
27 **TAKE GAME WITH A PNEUMATIC AIRBOW DURING ANY OPEN SEASON IN WHICH A**

1 BOW MAY BE USED FOR TAKING GAME IF THAT INDIVIDUAL MEETS BOTH OF
2 THE FOLLOWING:

3 (A) HOLDS A LICENSE TO TAKE THAT GAME ISSUED UNDER PART 435
4 AND COMPLIES WITH ALL OTHER LAWS AND RULES FOR TAKING THAT GAME.

5 (B) ONE OF THE FOLLOWING:

6 (i) POSSESSES A NOTE FROM A PHYSICIAN STATING THAT THE
7 PHYSICIAN HAS EXAMINED THE INDIVIDUAL AND DETERMINED THAT BECAUSE
8 OF THE INDIVIDUAL'S DISABILITY OR PHYSICAL LIMITATION THE
9 INDIVIDUAL SHOULD BE ABLE TO TAKE GAME WITH THE USE OF A PNEUMATIC
10 AIRBOW.

11 (ii) WITHIN 6 MONTHS AFTER TAKING GAME WITH A PNEUMATIC
12 AIRBOW, OBTAINS A NOTE FROM A PHYSICIAN STATING THAT THE PHYSICIAN
13 HAS EXAMINED THE INDIVIDUAL AND DETERMINED THAT BECAUSE OF THE
14 INDIVIDUAL'S DISABILITY OR PHYSICAL LIMITATION THE INDIVIDUAL
15 SHOULD BE ABLE TO TAKE GAME WITH THE USE OF A PNEUMATIC AIRBOW.

16 Sec. 40114. (1) The department ~~may~~**MUST** issue a permit to an
17 individual who is unable to walk **THROUGH A DENSE WOODED AREA**
18 because the individual is a paraplegic or an amputee or because of
19 a disease or injury that has rendered the individual permanently
20 disabled. A permit issued under this subsection authorizes the
21 individual to take game during the open season for that game,
22 including deer of either sex, from or upon a standing vehicle if
23 that individual holds a license to take that game issued under part
24 435 and complies with all other laws and rules for the taking of
25 game.

26 (2) The department ~~may~~**MUST** issue a permit to an individual
27 who is permanently disabled, who has full use of only 1 arm **OR**

1 **LESS**, and who upon investigation is unable to hold, aim, and shoot
2 a bow. A permit issued under this subsection authorizes the
3 individual to take game during the open season for that game with a
4 bow that has been modified so that the bow may be held, aimed, and
5 shot with 1 arm, if that individual holds a license to take that
6 game issued under part 435 and complies with all other laws and
7 rules for the taking of game.

8 ~~—— (3) The commission may issue an order under section 40113a~~
9 ~~regulating the taking of game with a modified bow that may be shot~~
10 ~~with 1 arm. Subsection (2) does not apply on or after the effective~~
11 ~~date of such an order.~~

12 **(3)** ~~(4)~~ In addition, the **THE** department may issue permits
13 authorizing 1 or more of the following:

14 (a) The taking or possession of animals for the purpose of
15 rehabilitating animals.

16 (b) The taking of animals to prevent or control damage to
17 crops or feed, disease, or nuisance caused by the animals. The
18 taking of animals to prevent or control damage to crops or feed is
19 subject to the following:

20 (i) Except during an open season for deer, deer may be taken
21 under this subdivision if the department determines that deer have
22 caused damage to emerging, standing, or harvested crops or to feed
23 properly stored in accordance with normal agricultural practices.
24 If the department receives a request for a permit issued under this
25 subdivision, the department shall, within 5 business days after
26 receiving the request, determine whether a permit should be issued.
27 If the department determines that a permit should not be issued

1 under this subdivision, the department shall deny the request in
2 writing within 10 business days after receiving the request. In
3 denying the request for a permit, the department shall advise the
4 applicant on other techniques for controlling or preventing damage
5 caused by deer.

6 (ii) A permittee under a deer damage shooting permit may
7 designate not more than 15 authorized shooters to implement the
8 provisions of the permit unless the department authorizes
9 otherwise.

10 (iii) Except during an open season for bear, bear may be taken
11 under this subdivision if the department determines that bear have
12 caused damage to emerging, standing, or harvested crops or to feed
13 properly stored in accordance with normal agricultural practices.
14 If the department receives a request for a permit issued under this
15 subdivision, the department shall, within 4 days after receiving
16 the request, respond to a request and evaluate whether a permit
17 should be issued. The department may, within 10 days after
18 responding to a request for a permit, attempt or recommend that the
19 applicant attempt other methods for controlling or preventing
20 damage caused by bear, if the applicant is not required to pay for
21 those methods. Within 10 days after responding to a request for a
22 permit, the department shall grant or deny the request in writing.
23 In denying the request for a permit, the department shall advise
24 the applicant on other techniques for controlling or preventing
25 damage caused by bear. A permittee under a bear damage shooting
26 permit may allow only an individual with a bear hunting license
27 issued under section 43528 for that bear management unit and

1 calendar year to implement the provisions of this subdivision. If
2 an individual takes a bear under this subdivision, that individual
3 shall not take another bear under a bear hunting license issued
4 under section 43528 during that calendar year. An individual
5 implementing this section is subject to the rules and regulations
6 for a bear hunting license issued under section 43528 except that
7 individuals shall not use bait to take a bear under this
8 subdivision. An individual shall not take a cub bear or a female
9 bear accompanied by a cub bear under this subdivision. Except as
10 otherwise provided in this subdivision, the department shall not
11 allow more than 5% of the bear hunting licenses issued for a bear
12 management unit to be used to implement the provisions of this
13 subdivision. In a bear management unit that offers fewer than 20
14 licenses, the department may allow 1 of those bear hunting licenses
15 to be used to implement the provisions of this section. If an
16 individual takes a bear under this subdivision, that individual
17 shall register that bear at a field office of the department within
18 72 hours of taking the bear.

19 (c) The collection, transportation, possession, or disposition
20 of animals and parts of animals for scientific purposes.

21 (d) The public exhibition of animals.

22 (e) Taxidermy.

23 (f) The disposition of accidentally or unlawfully taken or
24 injured animals or animals that are unlawfully possessed.

25 (g) The taking of game with a crossbow by an individual who is
26 permanently or temporarily disabled.

27 (h) The taking or possession of raptors for the purposes of

1 falconry.

2 (4) ~~(5)~~—The taking of animals pursuant to a permit issued
3 under subsection ~~(4) (a)~~, **(3) (A)**, (b), (c), (d), (e), (f), and (h)
4 is not considered hunting.

5 (5) ~~(6)~~—A permit issued under this section may be suspended,
6 revoked, annulled, withdrawn, recalled, canceled, or amended
7 pursuant to the administrative procedures act of 1969, 1969 PA 306,
8 MCL 24.201 to 24.328. If the holder of a permit is convicted of
9 violating the permit or this section, his or her permit or license
10 may be revoked and any animal and the parts of any animal in his or
11 her possession shall be disposed of in a manner approved by the
12 department.

13 (6) ~~(7)~~—Fees received for permits and licenses issued under
14 this section ~~shall~~ **MUST** be forwarded by the department to the state
15 treasurer to be credited to the game and fish protection account of
16 the Michigan conservation and recreation legacy fund provided for
17 in section 2010.

18 (7) ~~(8)~~—By March 30, 2018, the department shall issue a report
19 in electronic form to each member of the legislature that includes
20 all of the following:

21 (a) The number of bear damage shooting permits issued under
22 subsection ~~(4) (b) (iii)~~. **(3) (B) (iii)** .

23 (b) The number of bears taken under subsection
24 ~~(4) (b) (iii)~~. **(3) (B) (iii)** .

25 (c) Any recommendations for changes to the bear damage
26 shooting permits under subsection ~~(4) (b) (iii)~~. **(3) (B) (iii)** .

27 ~~— (9) As used in this section, "cub bear" means a bear that is~~

1 ~~less than 1 year of age.~~