

**SUBSTITUTE FOR
HOUSE BILL NO. 5180**

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.
7 (4) "Buy" or "sell" means an exchange or attempt or offer to

1 exchange for money, barter, or anything of value.

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

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

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

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

12 (9) ~~(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 **(10) "CUB BEAR" MEANS A BEAR THAT IS LESS THAN 1 YEAR OF AGE.**

18 (11) ~~(9)~~—"Deer or elk feeding" means the depositing,
19 distributing, or tending of feed in an area frequented by wild,
20 free-ranging white-tailed deer or elk. Deer or elk feeding does not
21 include any of the following:

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

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

27 (c) The storage or use of feed for agricultural purposes if 1

1 or more of the following apply:

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

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

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

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

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

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

18 (a) Plantings for wildlife.

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

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

22 **(14)** ~~(12)~~-"Firearm" means any weapon ~~which~~ **THAT** will, is
23 designed to, or may readily be converted to expel a projectile by
24 action of an explosive. A pneumatic gun ~~, as defined in section 1~~
25 ~~of 1990 PA 319, MCL 123.1101, other than a paintball gun that~~
26 ~~expels by pneumatic pressure plastic balls filled with paint for~~
27 ~~the purpose of marking the point of impact,~~ is also considered a

1 firearm for the purpose of this act.

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

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

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

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

23 (3) ~~(2)~~—"Interim order of the department" means an order of
24 the department issued under section 40108.

25 (4) ~~(3)~~—"Kind" means an animal's sex, age, or physical
26 characteristics.

27 (5) ~~(4)~~—"Normal agricultural practices" means generally

1 accepted agricultural and management practices as defined by the
2 commission of agriculture and rural development.

3 (6) ~~(5)~~—"Open season" means the dates during which game may be
4 legally taken.

5 (7) ~~(6)~~—"Parts" means any or all portions of an animal,
6 including the skin, plumage, hide, fur, entire body, or egg of an
7 animal.

8 (8) "PNEUMATIC GUN" MEANS ANY IMPLEMENT, DESIGNED AS A GUN,
9 THAT WILL EXPEL A BB, BOLT, ARROW, OR PELLET BY SPRING, GAS, OR
10 AIR. PNEUMATIC GUN DOES NOT INCLUDE A PAINTBALL GUN THAT EXPELS BY
11 PNEUMATIC PRESSURE PLASTIC BALLS FILLED WITH PAINT FOR THE PURPOSE
12 OF MARKING THE POINT OF IMPACT.

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

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

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

22 SEC. 40111D. (1) THE COMMISSION MAY ISSUE ORDERS ALLOWING AN
23 INDIVIDUAL TO TAKE GAME WITH A PNEUMATIC GUN DURING ANY OPEN SEASON
24 IN WHICH A FIREARM MAY BE USED FOR TAKING THAT GAME.

25 (2) THE DEPARTMENT MAY ISSUE A PERMIT TO AN INDIVIDUAL WITH A
26 DISABILITY OR PHYSICAL LIMITATION TO TAKE GAME WITH A PNEUMATIC GUN
27 DURING ANY OPEN SEASON IN WHICH A BOW MAY BE USED FOR TAKING GAME

1 IF THAT INDIVIDUAL SUBMITS A CERTIFICATION FROM A PHYSICIAN,
2 PHYSICAL THERAPIST, OCCUPATIONAL THERAPIST, OR OTHER MEDICAL
3 PROFESSIONAL STATING THAT AFTER EXAMINATION HE OR SHE HAS
4 DETERMINED THAT DUE TO A PHYSICAL DISABILITY OR LIMITATION THE
5 INDIVIDUAL IS UNABLE TO HOLD, AIM, AND SHOOT A BOW OR CROSSBOW. THE
6 DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE FOR USE A CERTIFICATION
7 FORM UNDER THIS SUBSECTION.

8 Sec. 40114. (1) The department may issue a permit to an
9 individual who is unable to walk ~~because the individual is a~~
10 ~~paraplegic or an amputee or because of a disease or injury that has~~
11 ~~rendered the individual permanently disabled.~~ **THROUGH A DENSE**
12 **WOODED AREA OR IS UNABLE TO WALK 200 FEET IN FIELD CONDITIONS DUE**
13 **TO A PERMANENT OR TEMPORARY DISABILITY OR A MEDICAL CONDITION.** A
14 permit issued under this subsection authorizes the individual to
15 take game during the open season for that game, including deer of
16 either sex, from or upon a standing vehicle if that individual
17 holds a license to take that game issued under part 435 and
18 complies with all other laws and rules for the taking of game.

19 (2) The department may issue a permit to an individual who is
20 permanently disabled, who has full use of only 1 arm **OR LESS**, and
21 who upon investigation is unable to hold, aim, and shoot a bow. A
22 permit issued under this subsection authorizes the individual to
23 take game during the open season for that game with a bow that has
24 been modified so that the bow may be held, aimed, and shot with 1
25 arm, if that individual holds a license to take that game issued
26 under part 435 and complies with all other laws and rules for the
27 taking of game.

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

5 (3) ~~(4) In addition, the~~ **THE** department may issue permits
6 authorizing 1 or more of the following:

7 (a) The taking or possession of animals for the purpose of
8 rehabilitating animals.

9 (b) The taking of animals to prevent or control damage to
10 crops or feed, disease, or nuisance caused by the animals. The
11 taking of animals to prevent or control damage to crops or feed is
12 subject to the following:

13 (i) Except during an open season for deer, deer may be taken
14 under this subdivision if the department determines that deer have
15 caused damage to emerging, standing, or harvested crops or to feed
16 properly stored in accordance with normal agricultural practices.
17 If the department receives a request for a permit issued under this
18 subdivision, the department shall, within 5 business days after
19 receiving the request, determine whether a permit should be issued.
20 If the department determines that a permit should not be issued
21 under this subdivision, the department shall deny the request in
22 writing within 10 business days after receiving the request. In
23 denying the request for a permit, the department shall advise the
24 applicant on other techniques for controlling or preventing damage
25 caused by deer.

26 (ii) A permittee under a deer damage shooting permit may
27 designate not more than 15 authorized shooters to implement the

1 provisions of the permit unless the department authorizes
2 otherwise.

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

1 subdivision. An individual shall not take a cub bear or a female
2 bear accompanied by a cub bear under this subdivision. Except as
3 otherwise provided in this subdivision, the department shall not
4 allow more than 5% of the bear hunting licenses issued for a bear
5 management unit to be used to implement the provisions of this
6 subdivision. In a bear management unit that offers fewer than 20
7 licenses, the department may allow 1 of those bear hunting licenses
8 to be used to implement the provisions of this section. If an
9 individual takes a bear under this subdivision, that individual
10 shall register that bear at a field office of the department within
11 72 hours of taking the bear.

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

14 (d) The public exhibition of animals.

15 (e) Taxidermy.

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

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

20 (h) The taking or possession of raptors for the purposes of
21 falconry.

22 **(4)** ~~(5)~~—The taking of animals pursuant to a permit issued
23 under subsection ~~(4)(a)~~, **(3) (A)**, (b), (c), (d), (e), (f), and (h)
24 is not considered hunting.

25 **(5)** ~~(6)~~—A permit issued under this section may be suspended,
26 revoked, annulled, withdrawn, recalled, canceled, or amended
27 pursuant to the administrative procedures act of 1969, 1969 PA 306,

1 MCL 24.201 to 24.328. If the holder of a permit is convicted of
2 violating the permit or this section, his or her permit or license
3 may be revoked and any animal and the parts of any animal in his or
4 her possession shall be disposed of in a manner approved by the
5 department.

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

11 **(7)** ~~(8)~~—By March 30, 2018, the department shall issue a report
12 in electronic form to each member of the legislature that includes
13 all of the following:

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

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

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

20 ~~—— (9) As used in this section, "cub bear" means a bear that is~~
21 ~~less than 1 year of age.~~

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