March 05, 2020, Introduced by Reps. LaFave and Markkanen and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 301, 40102, and 40103 (MCL 324.301, 324.40102, and 324.40103), section 301 as amended by 2018 PA 240, section 40102 as amended by 2015 PA 24, and section 40103 as amended by 2016 PA 382.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 301. Except as otherwise defined in this act, as used in this act:
(a) "Commission" means the commission of natural resources.
(b) "Department" means the director of the department of natural resources or his or her designee to whom the director delegates a power or duty by written instrument.
(c) "Department of natural resources" means the principal state department created in section 501.
(d) "Director" means the director of the department of natural resources.
(e) "Local unit of government" or "local unit" means a municipality or county.
(f) "Michigan conservation and recreation legacy fund" means the Michigan conservation and recreation legacy fund established in section 40 of article IX of the state constitution of 1963 and provided for in section 2002.
(g) "Municipality" means a city, village, or township.
(h) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.
(i) "Public domain" means all land owned by this state or land deeded to this state under state law.
(j) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.
(k) "UP commission" means the Upper Peninsula natural resources commission.

Sec. 40102. (1) "Animals" means wild birds and wild mammals.
(2) "Bag limit" means the number of animals that may be taken and possessed as determined by the department.
(3) "Bow" means a device for propelling an arrow from a string drawn, held, and released by hand where the force used to hold the
string in the drawn position is provided by the archer's muscles.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Plantings for wildlife.

(b) Standing farm crops under normal agricultural practices.

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

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

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

(a) Badger.
(b) Bear.
(c) Beaver.
(d) Bobcat.
(e) Brant.
(f) Coot.
(g) Coyote.
(h) Crow.
(i) Deer.
(j) Duck.
(k) Elk.
(l) Fisher.
(m) Florida gallinule.
(n) Fox.
(o) Geese.
(p) Hare.
(q) Hungarian partridge.
(r) Marten.
(s) Mink.
(t) Moose.
(u) Muskrat.
(v) Opossum.
(w) Otter.
(x) Pheasant.
(y) Quail.
(z) Rabbit.
(aa) Raccoon.
(bb) Ruffed grouse.
(cc) Sharptailed grouse.
(dd) Skunk.
(ee) Snipe.
(ff) Sora rail.
(gg) Squirrel.
(hh) Virginia rail.
(ii) Weasel.
(jj) Wild turkey.
(kk) Wolf.
(ll) Woodchuck.
(mm) Woodcock.

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

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

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

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

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

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

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

(9) "Conservation" means the wise use of natural resources. Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 100th Legislature are enacted into law:

(a) Senate Bill No.____ or House Bill No.____ (request no. 04011'19).
(b) Senate Bill No.____ or House Bill No. 5592 (request no. 04012'19).
(c) Senate Bill No.____ or House Bill No. 5593 (request no. 04014'19).