

HOUSE BILL NO. 4080

February 02, 2021, Introduced by Reps. LaFave, Damoose, Maddock, Markkanen, Paquette, Outman and Beson 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 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 2018 PA 390, 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

1 and possessed as determined by the department.

2 (3) "Bow" means a device for propelling an arrow from a string
3 drawn, held, and released by hand where the force used to hold the
4 string in the drawn position is provided by the archer's muscles.

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

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

9 (6) **"Conservation" means the wise use of natural resources.**

10 (7) ~~(6)~~—"Cormorant damage" means adverse impacts of double-
11 crested cormorants on fish, fish hatchery stock, wildlife, plants,
12 and their habitats and on man-made structures.

13 (8) ~~(7)~~—"Cormorant depredation order" means the depredation
14 order for double-crested cormorants to protect public resources, 50
15 CFR 21.48, issued by the United States Department of the Interior,
16 Fish and Wildlife Service.

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

22 (10) **"Cub bear" means a bear that is less than 1 year of age.**

23 (11) ~~(9)~~—"Deer or elk feeding" means the depositing,
24 distributing, or tending of feed in an area frequented by wild,
25 free-ranging white-tailed deer or elk. Deer or elk feeding does not
26 include any of the following:

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

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

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

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

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

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

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

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

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

21 (a) Plantings for wildlife.

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

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

25 **(14)** ~~(12)~~-"Firearm" means any weapon ~~which~~**that** will, is
26 designed to, or may readily be converted to expel a projectile by
27 action of an explosive. A pneumatic gun ~~, as defined in section 1~~
28 ~~of 1990 PA 319, MCL 123.1101, other than a paintball gun that~~
29 ~~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.
- 28 (t) Moose.
- 29 (u) Muskrat.

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

19 **(2) "Individual with a disability or physical limitation"**
 20 **means a disabled person as that term is defined in section 19a of**
 21 **the Michigan vehicle code, 1949 PA 300, MCL 257.19a.**

22 **(3) ~~(2)~~**—"Interim order of the department" means an order of
 23 the department issued under section 40108.

24 **(4) ~~(3)~~**—"Kind" means an animal's sex, age, or physical
 25 characteristics.

26 **(5) ~~(4)~~**—"Normal agricultural practices" means generally
 27 accepted agricultural and management practices as defined by the
 28 commission of agriculture and rural development.

29 **(6) ~~(5)~~**—"Open season" means the dates during which game may be

1 legally taken.

2 (7) ~~(6)~~ "Parts" means any or all portions of an animal,
3 including the skin, plumage, hide, fur, entire body, or egg of an
4 animal.

5 (8) "Pneumatic gun" means any implement, designed as a gun,
6 that will expel a BB, bolt, arrow, or pellet by spring, gas, or
7 air. Pneumatic gun does not include a paintball gun that expels by
8 pneumatic pressure plastic balls filled with paint for the purpose
9 of marking the point of impact.

10 (9) ~~(7)~~ "Protected" or "protected animal" means an animal or
11 kind of animal that is designated by the department as an animal
12 that shall not be taken.

13 (10) ~~(8)~~ "Residence" means a permanent building serving as a
14 temporary or permanent home. Residence may include a cottage,
15 cabin, or mobile home, but does not include a structure designed
16 primarily for taking game, a tree blind, a tent, a recreational or
17 other vehicle, or a camper.

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

19 **Sec. 40111d. (1) The commission may issue orders allowing an**
20 **individual to take game with a pneumatic gun during any open season**
21 **in which a firearm may be used for taking that game.**

22 **(2) The department may issue a permit to an individual with a**
23 **disability or physical limitation to take game with a pneumatic gun**
24 **during any open season in which a bow may be used for taking game**
25 **if that individual submits a certification from a physician,**
26 **physical therapist, occupational therapist, or other medical**
27 **professional stating that after examination he or she has**
28 **determined that due to a physical disability or limitation the**
29 **individual is unable to hold, aim, and shoot a bow or crossbow. The**

1 **department shall develop and make available for use a certification**
2 **form under this subsection.**

3 Sec. 40114. (1) The department may issue a permit to an
4 individual who is unable to walk ~~because the individual is a~~
5 ~~paraplegic or an amputee or because of a disease or injury that has~~
6 ~~rendered the individual permanently disabled.~~ **through a dense**
7 **wooded area or is unable to walk 200 feet in field conditions due**
8 **to a permanent or temporary disability or a medical condition.** A
9 permit issued under this subsection authorizes the individual to
10 take game during the open season for that game, including deer of
11 either sex, from or upon a standing vehicle if that individual
12 holds a license to take that game issued under part 435 and
13 complies with all other laws and rules for the taking of game.

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

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

27 **(3)** ~~(4) In addition, the~~ **The** department may issue permits
28 authorizing 1 or more of the following:

29 (a) The taking or possession of animals for the purpose of

1 rehabilitating animals.

2 (b) The taking of animals to prevent or control damage to
3 crops or feed, disease, or nuisance caused by the animals. The
4 taking of animals to prevent or control damage to crops or feed is
5 subject to the following:

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

19 (ii) A permittee under a deer damage shooting permit may
20 designate not more than 15 authorized shooters to implement the
21 provisions of the permit unless the department authorizes
22 otherwise.

23 (iii) Except during an open season for bear, bear may be taken
24 under this subdivision if the department determines that bear have
25 caused damage to emerging, standing, or harvested crops or to feed
26 properly stored in accordance with normal agricultural practices.
27 If the department receives a request for a permit to take bear
28 under this subdivision, the department shall, within 4 days after
29 receiving the request, respond to the request and evaluate whether

1 a permit should be issued. The department may, within 10 days after
2 responding to the request for a permit, attempt or recommend that
3 the applicant attempt other methods for controlling or preventing
4 damage caused by bear, if the applicant is not required to pay for
5 those methods. Within 10 days after responding to a request for a
6 permit, the department shall grant or deny the request in writing.
7 In denying the request for a permit, the department shall advise
8 the applicant on other techniques for controlling or preventing
9 damage caused by bear. A permittee under a bear damage shooting
10 permit may allow only an individual with a bear hunting license
11 issued under section 43528 for that bear management unit and
12 calendar year to implement the provisions of this subdivision. If
13 an individual takes a bear under this subdivision, that individual
14 shall not take another bear under a bear hunting license issued
15 under section 43528 during that calendar year. An individual
16 implementing this section is subject to the rules and regulations
17 for a bear hunting license issued under section 43528 except that
18 individuals shall not use bait to take a bear under this
19 subdivision. An individual shall not take a cub bear or a female
20 bear accompanied by a cub bear under this subdivision. The
21 department shall not allow more than 5% of the bear hunting
22 licenses issued for a bear management unit to be used to implement
23 the provisions of this subdivision. However, in a bear management
24 unit that offers fewer than 20 licenses, the department may allow 1
25 of those bear hunting licenses to be used to implement this
26 subdivision. If an individual takes a bear under this subdivision,
27 that individual shall register that bear at a field office of the
28 department within 72 hours after taking the bear.

29 (c) The collection, transportation, possession, or disposition

1 of animals and parts of animals for scientific purposes.

2 (d) The public exhibition of animals.

3 (e) Taxidermy.

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

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

8 (h) The taking or possession of raptors for the purposes of
9 falconry.

10 **(4)** ~~(5)~~—The taking of animals pursuant to a permit issued
11 under subsection ~~(4)(a)~~, **(3) (a)**, (b), (c), (d), (e), (f), or (h) is
12 not considered hunting.

13 **(5)** ~~(6)~~—A permit issued under this section may be suspended,
14 revoked, annulled, withdrawn, recalled, canceled, or amended
15 pursuant to the administrative procedures act of 1969, 1969 PA 306,
16 MCL 24.201 to 24.328. If the holder of a permit is convicted of
17 violating the permit or this section, his or her permit or license
18 may be revoked and any animal and the parts of any animal in his or
19 her possession ~~shall~~**must** be disposed of in a manner approved by
20 the department.

21 **(6)** ~~(7)~~—The department shall forward fees received for permits
22 and licenses issued under this section to the state treasurer to be
23 credited to the game and fish protection account of the Michigan
24 conservation and recreation legacy fund provided for in section
25 2010.

26 ~~(8) By March 30, 2018, the department shall issue a report in~~
27 ~~electronic form to each member of the legislature that includes all~~
28 ~~of the following:~~

29 ~~(a) The number of bear damage shooting permits issued under~~

1 subsection ~~(4) (b) (iii)~~.

2 ~~(b) The number of bears taken under subsection (4) (b) (iii).~~

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

5 ~~(7) (9)~~ Until April 1, 2022, the department shall not issue a
 6 permit authorizing the sterilization of game. The department shall
 7 submit, to the standing committees of the senate and house of
 8 representatives with primary responsibility for natural resources
 9 issues, 2 reports on the results of research under any permit
 10 authorizing the sterilization of game issued before ~~the effective~~
 11 ~~date of the amendatory act that added this subsection.~~ **March 19,**
 12 **2019. The department shall submit a** preliminary report ~~shall be~~
 13 ~~submitted by~~ December 31, 2020 and a final report by March 31,
 14 2022. The reports ~~shall~~ **must** include any recommendations for
 15 legislation, including whether and how sterilization of deer should
 16 be authorized as a manner of taking game.

17 ~~(8) (10)~~ The commission may establish, in or adjacent to urban
 18 areas with a high concentration of deer, special deer management
 19 zones for which a higher number of deer kill tags are issued.

20 ~~(9) (11)~~ The legislative body of a municipality may by
 21 ordinance adopt a firearm hunting distance requirement shorter than
 22 the 150-yard requirement under section 40111 as part of a deer
 23 management plan. The 150-yard requirement under section 40111 does
 24 not apply in circumstances addressed by the ordinance.

25 ~~(12) As used in this section, "cub bear" means a bear that is~~
 26 ~~less than 1 year of age.~~

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