

**SUBSTITUTE FOR
HOUSE BILL NO. 5226**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 40114 (MCL 324.40114), as amended by 2012 PA
65.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40114. (1) The department may issue a permit to an
2 individual who is unable to walk because the individual is a
3 paraplegic or an amputee or because of a disease or injury that has
4 rendered the individual permanently disabled. A permit issued under
5 this subsection authorizes the individual to take game during the
6 open season for that game, including deer of either sex, from or
7 upon a standing vehicle if that individual holds a license to take
8 that game issued under part 435 and complies with all other laws
9 and rules for the taking of game.

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

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

14 (4) In addition, the department may issue permits authorizing
15 1 or more of the following:

16 (a) The taking or possession of animals for the purpose of
17 rehabilitating animals.

18 (b) The taking of animals to prevent or control damage and
19 nuisance caused by the animals 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

House Bill No. 5226 as amended December 11, 2014

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
BEAR ACCOMPANIED BY A CUB BEAR UNDER THIS SUBDIVISION.>> EXCEPT AS
OTHERWISE PROVIDED IN THIS SUBDIVISION, THE
9 DEPARTMENT SHALL NOT ALLOW MORE THAN 5% OF THE BEAR HUNTING
10 LICENSES ISSUED FOR A BEAR MANAGEMENT UNIT TO BE USED TO IMPLEMENT
11 THE PROVISIONS OF THIS SUBDIVISION. IN A BEAR MANAGEMENT UNIT THAT
12 OFFERS FEWER THAN 20 LICENSES, THE DEPARTMENT MAY ALLOW 1 OF THOSE
13 BEAR HUNTING LICENSES TO BE USED TO IMPLEMENT THE PROVISIONS OF
14 THIS SECTION. IF AN INDIVIDUAL TAKES A BEAR UNDER THIS SUBDIVISION,
15 THAT INDIVIDUAL SHALL REGISTER THAT BEAR AT A FIELD OFFICE OF THE
16 DEPARTMENT WITHIN 72 HOURS OF TAKING THE BEAR.

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

19 (d) The public exhibition of animals.

20 (e) Taxidermy.

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

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

25 (h) The taking or possession of raptors for the purposes of
26 falconry.

27 (5) A permit issued under this section may be suspended,

House Bill No. 5226 (H-2) as amended June 5, 2014
 as amended December 11, 2014

1 revoked, annulled, withdrawn, recalled, canceled, or amended
 2 pursuant to the administrative procedures act of 1969, 1969 PA 306,
 3 MCL 24.201 to 24.328. If the holder of a permit is convicted of
 4 violating the permit or this section, his or her permit or license
 5 may be revoked and any animal and the parts of any animal in his or
 6 her possession shall be disposed of in a manner approved by the
 7 department.

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

13 (7) WITHIN 3 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
 14 ACT THAT ADDED SUBSECTION (4) (B) (iii) , THE DEPARTMENT SHALL ISSUE A
 15 REPORT IN ELECTRONIC FORM TO EACH MEMBER OF THE LEGISLATURE THAT
 16 INCLUDES ALL OF THE FOLLOWING:

17 (A) THE NUMBER OF BEAR DAMAGE SHOOTING PERMITS ISSUED UNDER
 18 SUBSECTION (4) (B) (iii) .

19 (B) THE NUMBER OF BEARS TAKEN UNDER SUBSECTION (4) (B) (iii) .

20 (C) ANY RECOMMENDATIONS FOR CHANGES TO THE BEAR DAMAGE
 21 SHOOTING PERMITS UNDER SUBSECTION (4) (B) (iii) .

<<(8) AS USED IN THIS SECTION, "CUB BEAR" MEANS A BEAR THAT
 IS LESS THAN 1 YEAR OF AGE.>>

[Enacting section 1. This amendatory act takes effect upon the
 expiration of 90 days after the date it is enacted into law.]