

# HOUSE BILL No. 4552

April 16, 2013, Introduced by Reps. Bumstead, Potvin, Pettalia, Goike, Lauwers, Graves, Brown, MacMaster, Clemente, Hooker, Zorn, Outman, Yonker, Rendon, Victory, Kurtz, Price, Jenkins, Glardon, Jacobsen, VerHeulen, Rogers, Denby, McMillin, Cotter, Lyons, McBroom, Shirkey, Daley, Franz, Callton, Kesto, Johnson, Haines, MacGregor, Heise, Kivela, Pscholka, Kowall, LaVoy, Brunner and Haveman 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 40103, 40110, 40113a, and 43536a (MCL  
324.40103, 324.40110, 324.40113a, and 324.43536a), section 40103 as  
amended by 2012 PA 520, section 40110 as added by 1995 PA 57,  
section 40113a as amended by 1997 PA 19, and section 43536a as  
amended by 2004 PA 545, and by adding section 48703a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 40103. (1) "Game" means any **ANIMAL DESIGNATED AS GAME**  
2 **UNDER SECTION 40110 AND ANY** of the following animals but does not  
3 include privately owned cervidae species located on a cervidae  
4 livestock facility registered under the privately owned cervidae  
5 producers marketing act, 2000 PA 190, MCL 287.951 to 287.969:

6       (a) Badger.

- 1 (b) Bear.
- 2 (c) Beaver.
- 3 (d) Bobcat.
- 4 (e) Brant.
- 5 (f) Coot.
- 6 (g) Coyote.
- 7 (h) Crow.
- 8 (i) Deer.
- 9 (j) Duck.
- 10 (k) Elk.
- 11 (l) Fisher.
- 12 (m) Florida gallinule.
- 13 (n) Fox.
- 14 (o) Geese.
- 15 (p) Hare.
- 16 (q) Hungarian partridge.
- 17 (r) Marten.
- 18 (s) Mink.
- 19 (t) Moose.
- 20 (u) Muskrat.
- 21 (v) Opossum.
- 22 (w) Otter.
- 23 (x) Pheasant.
- 24 (y) Quail.
- 25 (z) Rabbit.
- 26 (aa) Raccoon.
- 27 (bb) Ruffed grouse.

1 (cc) Sharptailed grouse.

2 (dd) Skunk.

3 (ee) Snipe.

4 (ff) Sora rail.

5 (gg) Squirrel.

6 **(HH) VIRGINIA RAIL.**

7 **(II)** ~~(hh)~~ Weasel.

8 **(JJ)** ~~(ii)~~ Wild turkey.

9 **(KK)** ~~(jj)~~ Wolf.

10 **(ll)** ~~(kk)~~ Woodchuck.

11 **(MM)** ~~(ll)~~ Woodcock.

12 ~~(mm) Virginia rail.~~

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

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

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

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

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

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

27 (8) "Residence" means a permanent building serving as a

1 temporary or permanent home. Residence may include a cottage,  
2 cabin, or mobile home, but does not include a structure designed  
3 primarily for taking game, a tree blind, a tent, a recreational or  
4 other vehicle, or a camper.

5       Sec. 40110. (1) Only the legislature **OR THE COMMISSION** may  
6 designate a species as game. If an animal is designated under this  
7 section by the legislature **OR COMMISSION** as game, then only the  
8 legislature **OR COMMISSION** may authorize the establishment of the  
9 first open season for that animal. **ONLY THE LEGISLATURE MAY REMOVE**  
10 **A SPECIES FROM THE LIST OF GAME. THE COMMISSION SHALL EXERCISE ITS**  
11 **AUTHORITY UNDER THIS SUBSECTION BY ISSUING ORDERS.**

12       (2) After the legislature **OR COMMISSION** authorizes the  
13 establishment of the first open season for game pursuant to this  
14 section, the department may issue orders pertaining to that animal  
15 for each of the purposes listed in section 40107.

16       Sec. 40113a. (1) The legislature finds and declares that:

17       (a) The wildlife populations of the state and their habitat  
18 are of paramount importance to the citizens of this state.

19       (b) The sound scientific management of the wildlife  
20 populations of the state, including hunting of bear, is declared to  
21 be in the public interest.

22       (c) The sound scientific management of bear populations in  
23 this state is necessary to minimize human/bear encounters and to  
24 prevent bears from threatening or harming humans, livestock, and  
25 pets.

26       (2) The commission ~~of natural resources shall have~~ **HAS** the  
27 exclusive authority to regulate the taking of game as defined in

1 section 40103 in this state. The commission ~~of natural resources~~  
2 shall, to the greatest extent practicable, utilize principles of  
3 sound scientific management in making decisions regarding the  
4 taking of game. Issuance of orders by the commission ~~of natural~~  
5 ~~resources~~ regarding the taking of game shall be made following a  
6 public meeting and an opportunity for public input. Not less than  
7 30 days before issuing an order, the commission ~~of natural~~  
8 ~~resources~~ shall provide a copy of the order to each of the  
9 following:

10 (a) Each member of each standing committee of the senate or  
11 house of representatives that considers legislation pertaining to  
12 conservation, the environment, natural resources, recreation,  
13 tourism, or agriculture.

14 (b) The chairperson of the senate appropriations committee and  
15 the chairperson of the house of representatives appropriations  
16 committee.

17 (c) The members of the subcommittee of the senate  
18 appropriations committee and the subcommittee of the house of  
19 representatives appropriations committee that consider the budget  
20 of the department of natural resources.

21 (3) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2013, THERE IS  
22 APPROPRIATED FOR THE DEPARTMENT THE SUM OF \$1,000,000.00 TO  
23 IMPLEMENT MANAGEMENT PRACTICES FOR FISH AND GAME ANIMALS, AND  
24 PERFORM RESEARCH, EDUCATION, AND OUTREACH RELATED TO HUNTING,  
25 FISHING, GAME ANIMALS, PREDATORS, AND PREY. ANY PORTION OF THE  
26 AMOUNT UNDER THIS SECTION THAT IS NOT EXPENDED IN THE FISCAL YEAR  
27 ENDING SEPTEMBER 30, 2013 SHALL NOT LAPSE TO THE GENERAL FUND BUT

1 SHALL BE CARRIED FORWARD IN A WORK PROJECT ACCOUNT THAT IS IN  
 2 COMPLIANCE WITH SECTION 451A OF THE MANAGEMENT AND BUDGET ACT, 1984  
 3 PA 431, MCL 18.1451A.

4 Sec. 43536a. (1) ~~A~~ **SUBJECT TO ANY LOTTERY AND OTHER**  
 5 **ELIGIBILITY REQUIREMENTS,** A member of the military may obtain any  
 6 license under this part ~~for which a lottery is not required for~~  
 7 ~~\$1.00~~ **FREE OF CHARGE** upon presentation to a licensing agent of  
 8 leave papers, duty papers, military orders, or other evidence  
 9 acceptable to the department verifying that he or she is stationed  
 10 ~~outside of this state. The license is valid for a period of up to 2~~  
 11 ~~weeks designated by the member of the military but only during the~~  
 12 ~~season in which such a license would otherwise be valid.~~ **A MEMBER OF**  
 13 **THE MILITARY.**

14 (2) As used in this section, "member of the military" means  
 15 either of the following:

16 (a) A person described by section 43506(3)(d). ~~who is~~  
 17 ~~stationed outside this state.~~

18 (b) A person who meets all of the following requirements:

19 (i) The person is a reserve component soldier, sailor, airman,  
 20 or marine or member of the Michigan national guard and is called to  
 21 federal active duty.

22 (ii) At the time the person was called to federal active duty,  
 23 he or she was a resident of this state.

24 ~~— (iii) The person is stationed outside this state.~~

25 **(iii)** ~~(iv)~~ The person has maintained his or her residence in this  
 26 state for the purpose of obtaining a driver license or voter  
 27 registration, or both.

1           SEC. 48703A. THE COMMISSION HAS THE EXCLUSIVE AUTHORITY TO  
2   REGULATE THE TAKING OF FISH IN THIS STATE. THE COMMISSION SHALL, TO  
3   THE GREATEST EXTENT PRACTICABLE, UTILIZE PRINCIPLES OF SOUND  
4   SCIENTIFIC MANAGEMENT IN MAKING DECISIONS REGARDING THE TAKING OF  
5   FISH. THE COMMISSION SHALL ISSUE ORDERS REGARDING THE TAKING OF  
6   FISH FOLLOWING A PUBLIC MEETING AND AN OPPORTUNITY FOR PUBLIC  
7   INPUT. NOT LESS THAN 30 DAYS BEFORE ISSUING AN ORDER, THE  
8   COMMISSION SHALL PROVIDE A COPY OF THE ORDER TO EACH OF THE  
9   FOLLOWING:

10           (A) EACH MEMBER OF EACH STANDING COMMITTEE OF THE SENATE OR  
11   HOUSE OF REPRESENTATIVES THAT CONSIDERS LEGISLATION PERTAINING TO  
12   CONSERVATION, THE ENVIRONMENT, NATURAL RESOURCES, RECREATION,  
13   TOURISM, OR AGRICULTURE.

14           (B) THE CHAIRPERSON OF THE SENATE APPROPRIATIONS COMMITTEE AND  
15   THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES APPROPRIATIONS  
16   COMMITTEE.

17           (C) THE MEMBERS OF THE SUBCOMMITTEE OF THE SENATE  
18   APPROPRIATIONS COMMITTEE AND THE SUBCOMMITTEE OF THE HOUSE OF  
19   REPRESENTATIVES APPROPRIATIONS COMMITTEE THAT CONSIDER THE BUDGET  
20   OF THE DEPARTMENT OF NATURAL RESOURCES.