

HOUSE BILL NO. 5594

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:

1 Sec. 301. Except as otherwise defined in this act, as used in
2 this act:



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1 (a) "Commission" means the commission of natural resources.

2 (b) "Department" means the director of the department of
3 natural resources or his or her designee to whom the director
4 delegates a power or duty by written instrument.

5 (c) "Department of natural resources" means the principal
6 state department created in section 501.

7 (d) "Director" means the director of the department of natural
8 resources.

9 (e) "Local unit of government" or "local unit" means a
10 municipality or county.

11 (f) "Michigan conservation and recreation legacy fund" means
12 the Michigan conservation and recreation legacy fund established in
13 section 40 of article IX of the state constitution of 1963 and
14 provided for in section 2002.

15 (g) "Municipality" means a city, village, or township.

16 (h) "Person" means an individual, partnership, corporation,
17 association, governmental entity, or other legal entity.

18 (i) "Public domain" means all land owned by this state or land
19 deeded to this state under state law.

20 (j) "Rule" means a rule promulgated pursuant to the
21 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
22 24.328.

23 **(k) "UP commission" means the Upper Peninsula natural**
24 **resources commission.**

25 Sec. 40102. (1) "Animals" means wild birds and wild mammals.

26 (2) "Bag limit" means the number of animals that may be taken
27 and possessed as determined by the department.

28 (3) "Bow" means a device for propelling an arrow from a string
29 drawn, held, and released by hand where the force used to hold the



1 string in the drawn position is provided by the archer's muscles.

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

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

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

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

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

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

29 (i) The area is occupied by livestock actively consuming the



1 feed on a daily basis.

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

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

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

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

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

16 (a) Plantings for wildlife.

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

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

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

27 Sec. 40103. (1) "Game" means any species of wildlife
28 designated by the legislature, **the UP commission**, or the commission
29 as game under section 40110 and any of the following animals but



1 does not include privately owned cervidae species located on a
2 cervidae livestock facility registered under the privately owned
3 cervidae producers marketing act, 2000 PA 190, MCL 287.951 to
4 287.969:

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



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

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

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

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

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

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

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

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

6 Enacting section 1. This amendatory act does not take effect
7 unless all of the following bills of the 100th Legislature are
8 enacted into law:

9 (a) Senate Bill No.____ or House Bill No.____ (request no.
10 04011'19).

11 (b) Senate Bill No.____ or House Bill No. 5592 (request no.
12 04012'19).

13 (c) Senate Bill No.____ or House Bill No. 5593 (request no.
14 04014'19).

