

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1350

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 40103, 40118, 43503, and 43507 (MCL 324.40103,
324.40118, 324.43503, and 324.43507), section 40103 as amended by
2000 PA 191, section 40118 as amended by 2000 PA 347, section 43503
as added by 1995 PA 57, and section 43507 as amended by 1996 PA
585, and by adding sections 40110b, 43528b, and 43540e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40103. (1) "Game" means any of the following animals but
2 does not include privately owned cervidae species located on a
3 ~~registered cervidae livestock facility as that term is defined in~~
4 **REGISTERED UNDER** the privately owned cervidae producers marketing
5 act, 2000 PA 190, MCL 287.951 TO 287.969:

6 (a) Badger.

7 (b) Bear.

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

1 (dd) Skunk.

2 (ee) Snipe.

3 (ff) Sora rail.

4 (gg) Squirrel.

5 (hh) Weasel.

6 (ii) Wild turkey.

7 **(JJ) WOLF.**

8 **(KK)** ~~(jj)~~ Woodchuck.

9 **(ll)** ~~(kk)~~ Woodcock.

10 **(mm)** ~~(ll)~~ Virginia rail.

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

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

15 (4) "Normal agricultural practices" means generally accepted
16 agricultural and management practices as defined by the commission
17 of agriculture **AND RURAL DEVELOPMENT.**

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

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

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

25 (8) "Residence" means a permanent building serving as a
26 temporary or permanent home. Residence may include a cottage,
27 cabin, or mobile home, but does not include a structure designed

1 primarily for taking game, a tree blind, a tent, a recreational or
2 other vehicle, or a camper.

3 SEC. 40110B. (1) THE LEGISLATURE FINDS AND DECLARES THAT:

4 (A) THE WILDLIFE POPULATIONS OF THE STATE AND THEIR HABITAT
5 ARE OF PARAMOUNT IMPORTANCE TO THE CITIZENS OF THIS STATE.

6 (B) THE SOUND MANAGEMENT OF WOLF POPULATIONS IN THIS STATE IS
7 NECESSARY, INCLUDING THE USE OF HUNTING AS A MANAGEMENT TOOL, TO
8 MINIMIZE NEGATIVE HUMAN AND WOLF ENCOUNTERS AND TO PREVENT WOLVES
9 FROM THREATENING OR HARMING HUMANS, LIVESTOCK, AND PETS.

10 (2) THE LEGISLATURE HEREBY AUTHORIZES THE ESTABLISHMENT OF THE
11 FIRST OPEN SEASON FOR WOLF. THE COMMISSION MAY ISSUE ORDERS UNDER
12 SECTION 40113A ESTABLISHING ANNUAL WOLF HUNTING SEASONS THROUGHOUT
13 THE STATE.

14 Sec. 40118. (1) A person who violates this part, an order or
15 interim order issued under this part, or a condition of a permit
16 issued under this part, except for a violation specified in
17 subsections (2) to (12), is guilty of a misdemeanor punishable by
18 imprisonment for not more than 90 days, or a fine of not less than
19 \$50.00 or more than \$500.00, or both, and the costs of prosecution.
20 In addition, a permit issued by the department under this part
21 shall be revoked pursuant to the administrative procedures act of
22 1969, 1969 PA 306, MCL 24.201 to 24.328.

23 (2) A person who violates a provision of this part or an order
24 or interim order issued under this part regarding the possession or
25 taking of any game, except deer, bear, wild turkey, **WOLF**, moose, or
26 elk, is guilty of a misdemeanor punishable by imprisonment for not
27 more than 90 days, or a fine of not less than \$100.00 or more than

1 \$1,000.00, or both, and the costs of prosecution.

2 (3) ~~A~~**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A**
3 person who violates a provision of this part or an order or interim
4 order issued under this part regarding the possession or taking of
5 deer, bear, ~~or~~wild turkey, **OR WOLF** is guilty of a misdemeanor and
6 shall be punished by imprisonment for not less than 5 days or more
7 than 90 days, and a fine of not less than \$200.00 or more than
8 \$1,000.00, and the costs of prosecution. **A PERSON SHALL NOT BE**
9 **PUNISHED UNDER THIS SUBSECTION FOR LAWFULLY REMOVING, CAPTURING, OR**
10 **DESTROYING A WOLF UNDER 2008 PA 290, MCL 324.95151 TO 324.95155, OR**
11 **2008 PA 318, MCL 324.95161 TO 324.95167.**

12 (4) A person who violates a provision of this part or an order
13 or interim order issued under this part regarding the possession or
14 taking of elk is guilty of a misdemeanor punishable by imprisonment
15 for not less than 30 days or more than 180 days, or a fine of not
16 less than \$500.00 or more than \$2,000.00, or both, and the costs of
17 prosecution.

18 (5) A person who violates a provision of this part or an order
19 or interim order issued under this part regarding the possession or
20 taking of moose is guilty of a misdemeanor and shall be punished by
21 imprisonment for not less than 90 days or more than 1 year and a
22 fine of not less than \$1,000.00 or more than \$5,000.00, and the
23 costs of prosecution.

24 (6) A person sentenced pursuant to subsection (3), (4), (5),
25 (10), or (11) shall not secure or possess a license of any kind to
26 hunt during the remainder of the year in which convicted and the
27 next 3 succeeding calendar years. A person sentenced pursuant to

1 subsection (7) shall not secure or possess a license to hunt during
2 the remainder of the year in which convicted and the next
3 succeeding calendar year.

4 (7) A person who violates section 40113(1) is guilty of a
5 misdemeanor punishable by imprisonment for not less than 5 days or
6 more than 90 days, or a fine of not less than \$100.00 or more than
7 \$500.00, or both, and the costs of prosecution.

8 (8) A person who violates section 40113(2) is guilty of a
9 misdemeanor punishable by imprisonment for not more than 90 days,
10 or a fine of not less than \$50.00 or more than \$500.00, or both,
11 and the costs of prosecution.

12 (9) A person who violates section 40113(3) is guilty of a
13 misdemeanor and shall be punished by imprisonment for not less than
14 5 days or more than 90 days and a fine of not less than \$100.00 or
15 more than \$500.00, and the costs of prosecution.

16 (10) A person who violates a provision of this part or an
17 order or interim order issued under this part regarding the taking
18 or possession of an animal that has been designated by the
19 department to be a protected animal, other than an animal that
20 appears on a list prepared pursuant to section 36505, is guilty of
21 a misdemeanor punishable by imprisonment for not more than 90 days
22 or a fine of not less than \$100.00 or more than \$1,000.00, or both,
23 and the costs of prosecution.

24 (11) A person who buys or sells game or a protected animal in
25 violation of this part or an order or interim order issued under
26 this part is guilty of a misdemeanor punishable by imprisonment for
27 not more than 90 days or a fine of not more than \$1,000.00, or

1 both, for the first offense, and is guilty of a felony for each
2 subsequent offense.

3 (12) If a person is convicted of a violation of this part or
4 an order or interim order issued under this part and it is alleged
5 in the complaint and proved or admitted at trial or ascertained by
6 the court after conviction that the person had been previously
7 convicted 2 times within the preceding 5 years for a violation of
8 this part or an order or interim order issued under this part, the
9 person is guilty of a misdemeanor and shall be punished by
10 imprisonment for not less than 10 days or more than 180 days, and a
11 fine of not less than \$500.00 or more than \$2,000.00, and costs of
12 prosecution.

13 Sec. 43503. (1) "Fish" means all species of fish.

14 (2) "Fishing" means the pursuing, capturing, catching,
15 killing, or taking of fish, and includes attempting to pursue,
16 capture, catch, kill, or take fish.

17 (3) "Firearm" means a weapon from which a dangerous projectile
18 may be propelled by using explosives, gas, or air as a means of
19 propulsion. Firearm does not include a smooth bore rifle or handgun
20 designed and manufactured exclusively for propelling BB's not
21 exceeding .177 caliber by means of a spring or air or gas.

22 (4) "Firearm deer season" means any period in which deer may
23 be lawfully hunted with a firearm.

24 (5) "Fur-bearing animals" includes badger, beaver, bobcat,
25 coyote, fisher, fox, lynx, marten, mink, muskrat, opossum, otter,
26 raccoon, skunk, **AND** weasel. ~~and wolf.~~

27 Sec. 43507. (1) "Senior citizen" means a resident 65 years of

1 age or older.

2 (2) "Slingshot" means a Y-shaped device with an elastic strip
3 attached between the prongs used for projecting a stone or other
4 object.

5 (3) "Small game" includes all species of protected game birds
6 and game animals except bear, deer, elk, moose, wild turkey, **WOLF**,
7 and fur-bearing animals.

8 (4) "Small game season" means that period between September 15
9 and March 31.

10 (5) "Sportcard" means a folder, document, plastic card, or
11 other device issued by the department containing the ~~person's~~
12 **INDIVIDUAL'S** name, address, and vital statistics as required by the
13 department.

14 **SEC. 43528B. (1) AN INDIVIDUAL SHALL NOT HUNT WOLF WITHOUT A**
15 **WOLF HUNTING LICENSE. THE FEE FOR A RESIDENT WOLF HUNTING LICENSE**
16 **IS \$100.00. THE FEE FOR A NONRESIDENT WOLF HUNTING LICENSE IS**
17 **\$500.00. THE DEPARTMENT MAY ESTABLISH A NONREFUNDABLE APPLICATION**
18 **FEE NOT TO EXCEED \$4.00 FOR EACH PERSON WHO APPLIES FOR A WOLF**
19 **HUNTING LICENSE.**

20 (2) THE DEPARTMENT MAY ISSUE A KILL TAG WITH, OR AS PART OF, A
21 WOLF HUNTING LICENSE. THE PROVISIONS OF SECTION 43526(2) REGARDING
22 KILL TAGS APPLY WITH RESPECT TO A WOLF HUNTING LICENSE.

23 **SEC. 43540E. (1) THE WOLF MANAGEMENT ADVISORY COUNCIL IS**
24 **CREATED WITHIN THE DEPARTMENT.**

25 (2) THE COUNCIL SHALL CONSIST OF AT LEAST THE FOLLOWING
26 **MEMBERS:**

27 (A) THE DIRECTOR OF THE DEPARTMENT OR HIS OR HER DESIGNEE.

1 (B) ONE MEMBER REPRESENTING AN ORGANIZATION THAT PROMOTES
2 CONSERVATION IN THIS STATE APPOINTED BY THE DIRECTOR OR HIS OR HER
3 DESIGNEE.

4 (C) ONE MEMBER REPRESENTING ORGANIZATIONS THAT PROMOTE HUNTING
5 OR FISHING IN THIS STATE APPOINTED BY THE DIRECTOR OR HIS OR HER
6 DESIGNEE.

7 (D) ONE MEMBER REPRESENTING A TRIBAL GOVERNMENT APPOINTED BY
8 THE DIRECTOR OR HIS OR HER DESIGNEE.

9 (E) ONE MEMBER REPRESENTING AGRICULTURAL INTERESTS APPOINTED
10 BY THE DIRECTOR OR HIS OR HER DESIGNEE.

11 (F) ONE MEMBER REPRESENTING AN ANIMAL ADVOCACY ORGANIZATION
12 APPOINTED BY THE DIRECTOR OR HIS OR HER DESIGNEE.

13 (3) THE COUNCIL SHALL MEET AT LEAST ANNUALLY.

14 (4) A MAJORITY OF THE MEMBERS OF THE COUNCIL CONSTITUTE A
15 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE COUNCIL.
16 A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE REQUIRED FOR
17 OFFICIAL ACTION OF THE COUNCIL.

18 (5) THE BUSINESS THAT THE COUNCIL MAY PERFORM SHALL BE
19 CONDUCTED AT A PUBLIC MEETING OF THE COUNCIL HELD IN COMPLIANCE
20 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

21 (6) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
22 RETAINED BY THE COUNCIL IN THE PERFORMANCE OF AN OFFICIAL FUNCTION
23 IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL
24 15.231 TO 15.246.

25 (7) MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION.
26 HOWEVER, MEMBERS OF THE COUNCIL MAY BE REIMBURSED FOR THEIR ACTUAL
27 AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR

1 OFFICIAL DUTIES AS MEMBERS OF THE COUNCIL.

2 (8) THE COUNCIL SHALL ANNUALLY SUBMIT TO THE COMMISSION AND TO
3 THE LEGISLATURE A REPORT THAT MAKES NONBINDING RECOMMENDATIONS AS
4 TO THE PROPER MANAGEMENT OF WOLVES IN THIS STATE.