

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 54

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 40104, 40112, and 48703a (MCL 324.40104,
324.40112, and 324.48703a), section 40104 as added by 1995 PA 57,
section 40112 as amended by 1996 PA 316, and section 48703a as
amended by 2014 PA 281.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40104. (1) "Take" means to hunt with any weapon, dog,
2 raptor, or other wild or domestic animal trained for that purpose;
3 kill; chase; follow; harass; harm; pursue; shoot; rob; trap;
4 capture; or collect animals, or to attempt to engage in ~~such an~~
5 **THAT** activity.

6 (2) "Transport" means to carry or ship animals within this
7 state or to points outside this state.

1 (3) "Trap" means ~~taking or attempting~~ **TO TAKE OR ATTEMPT** to
2 take animals by means of a trap or other device designed to kill or
3 capture animals.

4 (4) **"UNMANNED AERIAL VEHICLE" MEANS AN UNMANNED VEHICLE OR**
5 **DEVICE THAT USES AERODYNAMIC FORCES TO ACHIEVE FLIGHT.**

6 (5) **"UNMANNED SUBMERSIBLE VEHICLE" MEANS AN UNMANNED VEHICLE**
7 **OR DEVICE THAT OPERATES ON THE SURFACE OF WATER OR UNDERWATER.**

8 (6) ~~(4)~~ "Vehicle" means every device in, upon, or by which any
9 person or property is or may be transported, except devices
10 exclusively moved by human power.

11 Sec. 40112. (1) ~~A person~~ **AN INDIVIDUAL** shall not obstruct or
12 interfere in the lawful taking of animals by another
13 ~~person~~ **INDIVIDUAL.**

14 (2) ~~A person~~ **AN INDIVIDUAL** violates this section when the
15 ~~person~~ **INDIVIDUAL** intentionally or knowingly does any of the
16 following:

17 (a) Drives or disturbs animals for the purpose of disrupting a
18 lawful taking.

19 (b) Blocks, impedes, or harasses another ~~person~~ **INDIVIDUAL** who
20 is engaged in the process of lawfully taking an animal.

21 (c) Uses a natural or artificial visual, aural, olfactory,
22 gustatory, or physical stimulus to affect animal behavior in order
23 to hinder or prevent the lawful taking of an animal.

24 (d) Erects barriers to deny ingress or egress to areas where
25 the lawful taking of animals may occur. This subdivision does not
26 apply to ~~a person~~ **AN INDIVIDUAL** who erects barriers to prevent
27 trespassing on his or her property.

1 (e) Interjects himself or herself into the line of fire of a
2 ~~person~~**AN INDIVIDUAL** lawfully taking wildlife.

3 (f) Affects the condition or placement of personal or public
4 property intended for use in the lawful taking of an animal in
5 order to impair the usefulness of the property or prevent the use
6 of the property.

7 (g) Enters or remains upon private lands without the
8 permission of the owner or the owner's agent, for the purpose of
9 violating this section.

10 (H) **USES AN UNMANNED AERIAL VEHICLE OR UNMANNED SUBMERSIBLE**
11 **VEHICLE TO INTERFERE WITH OR HARASS ANOTHER INDIVIDUAL WHO IS**
12 **ENGAGED IN THE PROCESS OF LAWFULLY TAKING AN ANIMAL OR FISH.**

13 (I) ~~(h)~~ Engages in any other act or behavior for the purpose
14 of violating this section.

15 (3) Upon petition of an aggrieved person or a ~~person~~**AN**
16 **INDIVIDUAL** who reasonably may be aggrieved by a violation of this
17 section, a court of competent jurisdiction, upon a showing that a
18 ~~person~~**AN INDIVIDUAL** was engaged in and threatens to continue to
19 engage in illegal conduct under this section, may enjoin that
20 conduct.

21 (4) A ~~person~~**AN INDIVIDUAL** who violates this section is guilty
22 of a misdemeanor ~~—~~ punishable by imprisonment for not more than 93
23 days ~~—~~ or a fine of not less than \$500.00 or more than \$1,000.00,
24 or both, and the costs of prosecution. A ~~person~~**AN INDIVIDUAL** who
25 violates this section a second or subsequent time is guilty of a
26 misdemeanor ~~—~~ punishable by imprisonment for not more than 1 year ~~—~~
27 or a fine of not less than \$1,000.00 or more than \$2,500.00, or

both, and the costs of prosecution. In addition to the penalties provided for in this subsection, any permit or license issued by the department authorizing the ~~person~~-**INDIVIDUAL** to take animals shall be revoked. A prosecution under this section does not preclude prosecution or other action under any other criminal or civil statute.

(5) **THE DEPARTMENT SHALL NOT USE AN UNMANNED AERIAL VEHICLE OR UNMANNED SUBMERSIBLE VEHICLE TO INTENTIONALLY OR DELIBERATELY INTERFERE WITH OR HARASS AN INDIVIDUAL WHO IS ENGAGED IN THE PROCESS OF LAWFULLY TAKING AN ANIMAL OR FISH.**

(6) ~~(5)~~ This section does not apply to a peace officer while the peace officer performs his or her lawful duties.

Sec. 48703a. (1) The legislature finds and declares that aquatic invasive species, including Asian carp, represent a significant threat to the state's fisheries, aquatic resources, outdoor recreation and tourism economies, and public safety.

(2) The ~~natural-resources~~ commission has the exclusive authority to regulate ~~the taking of fish in this state.~~ **SPORT FISHING UNDER THIS PART.** The ~~natural-resources~~ commission shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the ~~taking of fish.~~ **REGULATION OF SPORT FISHING UNDER THIS PART.** The ~~natural-resources~~ commission may take testimony from department personnel, independent experts, and others, and review scientific literature and data, among other sources, in support of ~~its~~ **THE COMMISSION'S** duty to use principles of sound scientific management. The ~~natural-resources~~ commission shall issue orders regarding the ~~taking of~~

1 ~~fish~~ **REGULATION OF SPORT FISHING UNDER THIS PART** following a public
2 meeting and an opportunity for public input. Not less than 30 days
3 before issuing an order, the ~~natural resources~~ commission shall
4 provide a copy of the order to each of the following:

5 (a) Each member of each standing committee of the senate or
6 house of representatives that considers legislation pertaining to
7 conservation, the environment, natural resources, recreation,
8 tourism, or agriculture.

9 (b) The chairperson of the senate appropriations committee and
10 the chairperson of the house of representatives appropriations
11 committee.

12 (c) The members of the subcommittee of the senate
13 appropriations committee and the subcommittee of the house of
14 representatives appropriations committee that consider the budget
15 of the department of natural resources.

16 (3) ~~(d)~~ For the fiscal year ending September 30, 2015, there
17 is appropriated for the department the sum of \$1,000,000.00 to
18 implement management practices necessary for rapid response,
19 prevention, control, ~~and/or~~ **OR** elimination of aquatic invasive
20 species, including Asian carp. Any portion of the amount under this
21 section that is not expended in the fiscal year ending September
22 30, 2015 shall not lapse to the general fund but shall be carried
23 forward in a work project account that is in compliance with
24 section 451a of the management and budget act, 1984 PA 431, MCL
25 18.1451a.

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

1 Enacting section 2. This amendatory act does not take effect
2 unless Senate Bill No. 55 of the 98th Legislature is enacted into
3 law.