

**SUBSTITUTE FOR
HOUSE BILL NO. 5321**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 40114 (MCL 324.40114), as amended by 2016 PA
356.

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

1 that game issued under part 435 and complies with all other laws
2 and rules for the taking of game.

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

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

16 (4) In addition, the department may issue permits authorizing
17 1 or more of the following:

18 (a) The taking or possession of animals for the purpose of
19 rehabilitating animals.

20 (b) The taking of animals to prevent or control damage to
21 crops or feed, disease, or nuisance caused by the animals. The
22 taking of animals to prevent or control damage to crops or feed is
23 subject to the following:

24 (i) Except during an open season for deer, deer may be taken
25 under this subdivision if the department determines that deer have
26 caused damage to emerging, standing, or harvested crops or to feed
27 properly stored in accordance with normal agricultural practices.

1 If the department receives a request for a permit ~~issued~~ **TO TAKE**
2 **DEER** under this subdivision, the department shall, within 5
3 business days after receiving the request, determine whether a
4 permit should be issued. If the department determines that a permit
5 should not be issued under this subdivision, the department shall
6 deny the request in writing within 10 business days after receiving
7 the request. In denying the request for a permit, the department
8 shall advise the applicant on other techniques for controlling or
9 preventing damage caused by deer.

10 (ii) A permittee under a deer damage shooting permit may
11 designate not more than 15 authorized shooters to implement the
12 provisions of the permit unless the department authorizes
13 otherwise.

14 (iii) Except during an open season for bear, bear may be taken
15 under this subdivision if the department determines that bear have
16 caused damage to emerging, standing, or harvested crops or to feed
17 properly stored in accordance with normal agricultural practices.
18 If the department receives a request for a permit ~~issued~~ **TO TAKE**
19 **BEAR** under this subdivision, the department shall, within 4 days
20 after receiving the request, respond to ~~a~~ **THE** request and evaluate
21 whether a permit should be issued. The department may, within 10
22 days after responding to ~~a~~ **THE** request for a permit, attempt or
23 recommend that the applicant attempt other methods for controlling
24 or preventing damage caused by bear, if the applicant is not
25 required to pay for those methods. Within 10 days after responding
26 to a request for a permit, the department shall grant or deny the
27 request in writing. In denying the request for a permit, the

House Bill No. 5321 as amended April 12, 2018

1 department shall advise the applicant on other techniques for
2 controlling or preventing damage caused by bear. A permittee under
3 a bear damage shooting permit may allow only an individual with a
4 bear hunting license issued under section 43528 for that bear
5 management unit and calendar year to implement the provisions of
6 this subdivision. If an individual takes a bear under this
7 subdivision, that individual shall not take another bear under a
8 bear hunting license issued under section 43528 during that
9 calendar year. An individual implementing this section is subject
10 to the rules and regulations for a bear hunting license issued
11 under section 43528 except that individuals shall not use bait to
12 take a bear under this subdivision. An individual shall not take a
13 cub bear or a female bear accompanied by a cub bear under this
14 subdivision. ~~Except as otherwise provided in this subdivision, the~~
15 **THE** department shall not allow more than 5% of the bear hunting
16 licenses issued for a bear management unit to be used to implement
17 the provisions of this subdivision. ~~In~~**HOWEVER, IN** a bear
18 management unit that offers fewer than 20 licenses, the department
19 may allow 1 of those bear hunting licenses to be used to implement
20 ~~[the] provisions of this section.~~ **THIS SUBDIVISION.** If an individual
21 takes a bear under this subdivision, that individual shall register
22 that bear at a field office of the department within 72 hours ~~of~~
23 **AFTER** taking the bear.

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

26 (d) The public exhibition of animals.

27 (e) Taxidermy.

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

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

5 (h) The taking or possession of raptors for the purposes of
6 falconry.

7 (5) The taking of animals pursuant to a permit issued under
8 subsection (4) (a), (b), (c), (d), (e), (f), ~~and~~ **OR** (h) is not
9 considered hunting.

10 (6) A permit issued under this section may be suspended,
11 revoked, annulled, withdrawn, recalled, canceled, or amended
12 pursuant to the administrative procedures act of 1969, 1969 PA 306,
13 MCL 24.201 to 24.328. If the holder of a permit is convicted of
14 violating the permit or this section, his or her permit or license
15 may be revoked and any animal and the parts of any animal in his or
16 her possession shall be disposed of in a manner approved by the
17 department.

18 (7) ~~Fees~~ **THE DEPARTMENT SHALL FORWARD FEES** received for
19 permits and licenses issued under this section ~~shall be forwarded~~
20 ~~by the department~~ to the state treasurer to be credited to the game
21 and fish protection account of the Michigan conservation and
22 recreation legacy fund provided for in section 2010.

23 (8) By March 30, 2018, the department shall issue a report in
24 electronic form to each member of the legislature that includes all
25 of the following:

26 (a) The number of bear damage shooting permits issued under
27 subsection (4) (b) (iii) .

1 (b) The number of bears taken under subsection (4) (b) (iii) .

2 (c) Any recommendations for changes to the bear damage
3 shooting permits under subsection (4) (b) (iii) .

4 (9) UNTIL APRIL 1, 2022, THE DEPARTMENT SHALL NOT ISSUE A
5 PERMIT AUTHORIZING THE STERILIZATION OF GAME. THE DEPARTMENT SHALL
6 SUBMIT, TO THE STANDING COMMITTEES OF THE SENATE AND HOUSE OF
7 REPRESENTATIVES WITH PRIMARY RESPONSIBILITY FOR NATURAL RESOURCES
8 ISSUES, 2 REPORTS ON THE RESULTS OF RESEARCH UNDER ANY PERMIT
9 AUTHORIZING THE STERILIZATION OF GAME ISSUED BEFORE THE EFFECTIVE
10 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION. A
11 PRELIMINARY REPORT SHALL BE SUBMITTED BY DECEMBER 31, 2020 AND A
12 FINAL REPORT BY MARCH 31, 2022. THE REPORTS SHALL INCLUDE ANY
13 RECOMMENDATIONS FOR LEGISLATION, INCLUDING WHETHER AND HOW
14 STERILIZATION OF DEER SHOULD BE AUTHORIZED AS A MANNER OF TAKING
15 GAME.

16 (10) THE COMMISSION MAY ESTABLISH, ADJACENT TO URBAN AREAS
17 WITH A HIGH CONCENTRATION OF DEER, SPECIAL DEER MANAGEMENT ZONES
18 FOR WHICH A HIGHER NUMBER OF DEER KILL TAGS ARE ISSUED.

19 (11) THE LEGISLATIVE BODY OF A MUNICIPALITY MAY BY ORDINANCE
20 ADOPT A FIREARM HUNTING DISTANCE REQUIREMENT SHORTER THAN THE 150-
21 YARD REQUIREMENT UNDER SECTION 40111 AS PART OF A DEER MANAGEMENT
22 PLAN. THE 150-YARD REQUIREMENT UNDER SECTION 40111 DOES NOT APPLY
23 IN CIRCUMSTANCES ADDRESSED BY THE ORDINANCE.

24 (12) ~~(9)~~—As used in this section, "cub bear" means a bear that
25 is less than 1 year of age.

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