

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4080**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 40102, 40103, and 40114 (MCL 324.40102,
324.40103, and 324.40114), section 40102 as amended by 2015 PA 24,
section 40103 as amended by 2016 PA 382, and section 40114 as
amended by 2018 PA 390, and by adding section 40111d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 40102. (1) "Animals" means wild birds and wild mammals.
2 (2) "Bag limit" means the number of animals that may be taken
3 and possessed as determined by the department.
4 (3) "Bow" means a device for propelling an arrow from a string
5 drawn, held, and released by hand where the force used to hold the
6 string in the drawn position is provided by the archer's muscles.



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

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

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

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

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

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

(10) "Cub bear" means a bear that is less than 1 year of age.

(11) ~~(9)~~—"Deer or elk feeding" means the depositing, distributing, or tending of feed in an area frequented by wild, free-ranging white-tailed deer or elk. Deer or elk feeding does not include any of the following:

(a) Feeding wild birds or other wildlife if done in such a manner as to exclude wild, free-ranging white-tailed deer and elk from gaining access to the feed.

(b) The scattering of feed solely as the result of normal logging practices or normal agricultural practices.

(c) The storage or use of feed for agricultural purposes if 1 or more of the following apply:



(i) The area is occupied by livestock actively consuming the feed on a daily basis.

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

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

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

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

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

(a) Plantings for wildlife.

(b) Standing farm crops under normal agricultural practices.

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

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

Sec. 40103. (1) "Game" means any species of wildlife designated by the legislature or the commission as game under



1 section 40110 and any of the following animals but does not include
2 privately owned cervidae species located on a cervidae livestock
3 facility registered under the privately owned cervidae producers
4 marketing act, 2000 PA 190, MCL 287.951 to 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) "Individual with a disability or physical limitation"**
 16 **means a disabled person as that term is defined in section 19a of**
 17 **the Michigan vehicle code, 1949 PA 300, MCL 257.19a.**

18 **(3) ~~(2)~~**—"Interim order of the department" means an order of
 19 the department issued under section 40108.

20 **(4) ~~(3)~~**—"Kind" means an animal's sex, age, or physical
 21 characteristics.

22 **(5) ~~(4)~~**—"Normal agricultural practices" means generally
 23 accepted agricultural and management practices as defined by the
 24 commission of agriculture and rural development.

25 **(6) ~~(5)~~**—"Open season" means the dates during which game may be
 26 legally taken.

27 **(7) ~~(6)~~**—"Parts" means any or all portions of an animal,
 28 including the skin, plumage, hide, fur, entire body, or egg of an
 29 animal.



1 (8) "Pneumatic gun" means any implement, designed as a gun,
2 that will expel a BB, bolt, arrow, or pellet by spring, gas, or
3 air. Pneumatic gun does not include a paintball gun that expels by
4 pneumatic pressure plastic balls filled with paint for the purpose
5 of marking the point of impact.

6 (9) ~~(7)~~—"Protected" or "protected animal" means an animal or
7 kind of animal that is designated by the department as an animal
8 that shall not be taken.

9 (10) ~~(8)~~—"Residence" means a permanent building serving as a
10 temporary or permanent home. Residence may include a cottage,
11 cabin, or mobile home, but does not include a structure designed
12 primarily for taking game, a tree blind, a tent, a recreational or
13 other vehicle, or a camper.

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

15 Sec. 40111d. (1) The commission may issue orders allowing an
16 individual to take game with a pneumatic gun during any open season
17 in which a firearm may be used for taking that game.

18 (2) The department may issue, for the 2022, 2023, 2024, 2025,
19 and 2026 archery seasons, a permit to up to 10 individuals with a
20 disability or physical limitation to take game with a pneumatic gun
21 that fires an arrow during any open season in which a bow may be
22 used for taking game if that individual submits a certification
23 from a physician, physical therapist, occupational therapist, or
24 other medical professional stating that after examination he or she
25 has determined that due to a physical disability or limitation the
26 individual is unable to hold, aim, and shoot a bow or crossbow. The
27 department shall develop and make available for use a certification
28 form under this subsection.

29 Sec. 40114. (1) The department may issue a permit to an



individual who is unable to walk ~~because the individual is a paraplegic or an amputee or because of a disease or injury that has rendered the individual permanently disabled.~~ **through a dense wooded area or is unable to walk 200 feet in field conditions due to a permanent or temporary disability or a medical condition.** A permit issued under this subsection authorizes the individual to take game during the open season for that game, including deer of either sex, from or upon a standing vehicle if that individual holds a license to take that game issued under part 435 and complies with all other laws and rules for the taking of game.

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

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

(3) ~~(4)~~ In addition, the ~~The~~ department may issue permits authorizing 1 or more of the following:

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

(b) The taking of animals to prevent or control damage to crops or feed, disease, or nuisance caused by the animals. The



1 taking of animals to prevent or control damage to crops or feed is
2 subject to the following:

3 (i) Except during an open season for deer, deer may be taken
4 under this subdivision if the department determines that deer have
5 caused damage to emerging, standing, or harvested crops or to feed
6 properly stored in accordance with normal agricultural practices.
7 If the department receives a request for a permit to take deer
8 under this subdivision, the department shall, within 5 business
9 days after receiving the request, determine whether a permit should
10 be issued. If the department determines that a permit should not be
11 issued under this subdivision, the department shall deny the
12 request in writing within 10 business days after receiving the
13 request. In denying the request for a permit, the department shall
14 advise the applicant on other techniques for controlling or
15 preventing damage caused by deer.

16 (ii) A permittee under a deer damage shooting permit may
17 designate not more than 15 authorized shooters to implement the
18 provisions of the permit unless the department authorizes
19 otherwise.

20 (iii) Except during an open season for bear, bear may be taken
21 under this subdivision if the department determines that bear have
22 caused damage to emerging, standing, or harvested crops or to feed
23 properly stored in accordance with normal agricultural practices.
24 If the department receives a request for a permit to take bear
25 under this subdivision, the department shall, within 4 days after
26 receiving the request, respond to the request and evaluate whether
27 a permit should be issued. The department may, within 10 days after
28 responding to the request for a permit, attempt or recommend that
29 the applicant attempt other methods for controlling or preventing



1 damage caused by bear, if the applicant is not required to pay for
2 those methods. Within 10 days after responding to a request for a
3 permit, the department shall grant or deny the request in writing.
4 In denying the request for a permit, the department shall advise
5 the applicant on other techniques for controlling or preventing
6 damage caused by bear. A permittee under a bear damage shooting
7 permit may allow only an individual with a bear hunting license
8 issued under section 43528 for that bear management unit and
9 calendar year to implement the provisions of this subdivision. If
10 an individual takes a bear under this subdivision, that individual
11 shall not take another bear under a bear hunting license issued
12 under section 43528 during that calendar year. An individual
13 implementing this section is subject to the rules and regulations
14 for a bear hunting license issued under section 43528 except that
15 individuals shall not use bait to take a bear under this
16 subdivision. An individual shall not take a cub bear or a female
17 bear accompanied by a cub bear under this subdivision. The
18 department shall not allow more than 5% of the bear hunting
19 licenses issued for a bear management unit to be used to implement
20 the provisions of this subdivision. However, in a bear management
21 unit that offers fewer than 20 licenses, the department may allow 1
22 of those bear hunting licenses to be used to implement this
23 subdivision. If an individual takes a bear under this subdivision,
24 that individual shall register that bear at a field office of the
25 department within 72 hours after taking the bear.

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

28 (d) The public exhibition of animals.

29 (e) Taxidermy.



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

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

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

(4) ~~(5)~~—The taking of animals pursuant to a permit issued under subsection ~~(4)(a)~~, **(3)(a)**, (b), (c), (d), (e), (f), or (h) is not considered hunting.

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

(6) ~~(7)~~—The department shall forward fees received for permits and licenses issued under this section to the state treasurer to be credited to the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010.

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

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

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

~~(c) Any recommendations for changes to the bear damage~~



1 ~~shooting permits under subsection (4)(b)(iii).~~

2 (7) ~~(9)~~ Until April 1, 2022, the department shall not issue a
 3 permit authorizing the sterilization of game. The department shall
 4 submit, to the standing committees of the senate and house of
 5 representatives with primary responsibility for natural resources
 6 issues, 2 reports on the results of research under any permit
 7 authorizing the sterilization of game issued before ~~the effective~~
 8 ~~date of the amendatory act that added this subsection.~~ **March 19,**
 9 **2019. The department shall submit a** preliminary report ~~shall be~~
 10 ~~submitted~~ by December 31, 2020 and a final report by March 31,
 11 2022. The reports ~~shall~~ **must** include any recommendations for
 12 legislation, including whether and how sterilization of deer should
 13 be authorized as a manner of taking game.

14 (8) ~~(10)~~ The commission may establish, in or adjacent to urban
 15 areas with a high concentration of deer, special deer management
 16 zones for which a higher number of deer kill tags are issued.

17 (9) ~~(11)~~ The legislative body of a municipality may by
 18 ordinance adopt a firearm hunting distance requirement shorter than
 19 the 150-yard requirement under section 40111 as part of a deer
 20 management plan. The 150-yard requirement under section 40111 does
 21 not apply in circumstances addressed by the ordinance.

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

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

