

HOUSE BILL No. 5478

November 29, 2001, Introduced by Reps. Cameron Brown, Rocca, Kowall, Bradstreet and Julian and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 40103 and 40113a (MCL 324.40103 and
324.40113a), section 40103 as amended by 2000 PA 191 and section
40113a as amended by 1997 PA 19; and to repeal acts and parts of
acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40103. (1) "Game" means any ~~of the following animals~~
2 ANIMAL DESIGNATED AS GAME PURSUANT TO SECTION 40113A, but does
3 not include privately owned cervidae species located on a regis-
4 tered cervidae livestock facility. ~~as that term is defined in~~
5 ~~the privately owned cervidae producers marketing act:~~

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.~~

1 ~~(cc) Sharptailed grouse.~~

2 ~~(dd) Skunk.~~

3 ~~(ee) Snipe.~~

4 ~~(ff) Sora rail.~~

5 ~~(gg) Squirrel.~~

6 ~~(hh) Weasel.~~

7 ~~(ii) Wild turkey.~~

8 ~~(jj) Woodchuck.~~

9 ~~(kk) Woodcock.~~

10 ~~(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 commis-
17 sion of agriculture.

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, includ-
21 ing the skin, plumage, hide, fur, entire body, or egg of an
22 animal.

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

26 (8) "REGISTERED CERVIDAE LIVESTOCK FACILITY" MEANS A
27 CERVIDAE LIVESTOCK FACILITY, AS DEFINED IN SECTION 2 OF THE

1 PRIVATELY OWNED CERVIDAE PRODUCERS MARKETING ACT, 2000 PA 190,
2 MCL 287.952, THAT IS REGISTERED UNDER SECTION 5 OF THE PRIVATELY
3 OWNED CERVIDAE PRODUCERS MARKETING ACT, 2000 PA 190, MCL 287.955.

4 (9) ~~-(8)-~~ "Residence" means a permanent building serving as
5 a temporary or permanent home. Residence may include a cottage,
6 cabin, or mobile home, but does not include a structure designed
7 primarily for taking game, a tree blind, a tent, a recreational
8 or other vehicle, or a camper.

9 Sec. 40113a. (1) The legislature finds and declares that:

10 (a) The wildlife populations of the state and their habitat
11 are of paramount importance to the citizens of this state.

12 (b) The sound scientific management of the wildlife popula-
13 tions of the state, including hunting of bear, is declared to be
14 in the public interest.

15 (c) The sound scientific management of bear populations in
16 this state is necessary to minimize ~~human/bear~~ encounters
17 BETWEEN BEARS AND HUMANS and to prevent bears from threatening or
18 harming humans, livestock, and pets.

19 (2) The commission ~~of natural resources shall have~~ HAS the
20 exclusive authority to DESIGNATE GAME AND TO regulate the taking
21 of game ~~as defined in section 40103~~ in this state. The commis-
22 sion ~~of natural resources~~ shall, to the greatest extent practi-
23 cable, utilize principles of sound scientific management in
24 making decisions regarding the DESIGNATION AND taking of game.
25 ~~Issuance of orders by the commission of natural resources~~
26 ~~regarding the taking of game shall be made following~~

1 (3) THE COMMISSION SHALL EXERCISE ITS AUTHORITY UNDER
2 SUBSECTION (2) BY THE ISSUANCE OF ORDERS. BEFORE ISSUING SUCH AN
3 ORDER, THE COMMISSION SHALL HOLD a public meeting and PROVIDE an
4 opportunity for public input ON THE PROPOSED ORDER. Not less
5 than 30 days before issuing an order, the commission ~~of natural~~
6 ~~resources~~ shall provide a copy of the PROPOSED order to each of
7 the following:

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

12 (b) The chairperson of the senate appropriations committee
13 and the chairperson of the house of representatives appropria-
14 tions committee.

15 (c) The members of the subcommittee of the senate appropria-
16 tions committee and the subcommittee of the house of representa-
17 tives appropriations committee that consider the budget of the
18 department. ~~of natural resources.~~

19 Enacting section 1. Section 40110 of the natural resources
20 and environmental protection act, 1994 PA 451, MCL 324.40110, is
21 repealed.