

HOUSE BILL No. 4493

March 15, 2005, Introduced by Rep. Hune and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 40102, 40113a, and 42701 (MCL 324.40102,
324.40113a, and 324.42701), section 40102 as amended by 2000 PA
347, section 40113a as amended by 1997 PA 19, and section 42701 as
added by 1995 PA 57.

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

1 string in the drawn position is provided by the archer's muscles.

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

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

6 (6) **"COMMISSION" MEANS THE COMMISSION OF AGRICULTURE.**

7 (7) ~~—(6)—~~ "Crossbow" means a weapon consisting of a bow
8 mounted transversely on a stock or frame and designed to fire an
9 arrow, bolt, or quarrel by the release of a bow string which is
10 controlled by a mechanical or electric trigger and has a working
11 safety and a draw weight of 100 pounds or greater.

12 (8) ~~—(7)—~~ "Deer or elk feeding" means the depositing,
13 distributing, or tending of feed in an area frequented by wild,
14 free-ranging white-tailed deer or elk. Deer or elk feeding does not
15 include any of the following:

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

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

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

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

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

27 (iii) The feed is in a storage facility that is consistent with

1 normal agricultural practices.

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

4 (9) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE.

5 (10) ~~-(8)-~~ "Disability" means a determinable physical
6 characteristic of an individual that may result from disease,
7 injury, congenital condition of birth, or functional disorder.

8 (11) ~~-(9)-~~ "Feed" means a substance composed of grain,
9 mineral, salt, fruit, vegetable, hay, or any other food material or
10 combination of these materials, whether natural or manufactured,
11 that may attract white-tailed deer or elk. Feed does not include
12 any of the following:

13 (a) Plantings for wildlife.

14 (b) Standing farm crops under normal agricultural practices.

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

17 (12) ~~-(10)-~~ "Firearm" means a weapon from which a dangerous
18 projectile may be propelled by using explosives, gas, or air as a
19 means of propulsion. Firearm does not include a smooth bore rifle
20 or handgun designed and manufactured exclusively for propelling
21 BB's not exceeding .177 caliber by means of a spring or air or gas.

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

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

25 (b) The sound scientific management of the wildlife
26 populations of the state, including hunting of bear, is ~~declared~~
27 ~~to be~~ in the public interest.

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

5 (2) The commission ~~of natural resources~~ shall have the
6 exclusive authority to regulate the taking of game ~~as defined in~~
7 ~~section 40103~~ in this state. The commission ~~of natural resources~~
8 shall, to the greatest extent practicable, utilize principles of
9 sound scientific management in making decisions regarding the
10 taking of game. ~~Issuance of orders by the commission of natural~~
11 ~~resources~~ **THE COMMISSION SHALL ISSUE AN ORDER** regarding the taking
12 of game ~~shall be made following~~ **AFTER** a public meeting and an
13 opportunity for public input **ON THE ORDER**. Not less than 30 days
14 before issuing an order, the commission ~~of natural resources~~
15 shall provide a copy of the order to each of the following:

16 (a) Each member of each standing committee of the senate or
17 house of representatives that considers legislation pertaining to
18 conservation, the environment, natural resources, recreation,
19 tourism, or agriculture.

20 (b) The chairperson of the senate appropriations committee and
21 the chairperson of the house of representatives appropriations
22 committee.

23 (c) The members of the subcommittee of the senate
24 appropriations committee and the subcommittee of the house of
25 representatives appropriations committee that consider the budget
26 of the department of ~~natural resources~~ **AGRICULTURE**.

27 Sec. 42701. As used in this part:

1 (A) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE.

2 (B) ~~-(a)-~~ "Game" has the same meaning ascribed to that term
3 in part 401.

4 (C) ~~-(b)-~~ "License" means a game breeder's license issued
5 pursuant to this part.

6 (D) ~~-(c)-~~ "Stock" means game.