

HOUSE BILL No. 5951

April 18, 2006, Introduced by Rep. Jones 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 40104 and 40114 (MCL 324.40104 and 324.40114),
as added by 1995 PA 57, and by adding section 40115.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40104. (1) "SENIOR CITIZEN" MEANS THAT TERM AS DEFINED IN
2 SECTION 43507.

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

7 (3) ~~—(2)—~~ "Transport" means to carry or ship animals within
8 this state or to points outside this state.

9 (4) ~~—(3)—~~ "Trap" means taking or attempting to take animals by

1 means of a trap or other device designed to kill or capture
2 animals.

3 (5) ~~-(4)-~~ "Vehicle" means every device in, upon, or by which
4 any person or property is or may be transported, except devices
5 exclusively moved by human power.

6 Sec. 40114. (1) The department may issue a permit to a person
7 who is unable to walk ~~due to being~~ **BECAUSE THE PERSON IS** a
8 paraplegic or an amputee ~~, or being permanently disabled and~~
9 ~~unable to walk because of other~~ **OR BECAUSE OF A** disease or injury
10 **THAT HAS RENDERED THE PERSON PERMANENTLY DISABLED.** A permit issued
11 under this subsection authorizes the person to take game during the
12 open season for that game, including deer of either sex, from or
13 upon a standing vehicle if that person holds a license to take that
14 game issued pursuant to part 435 and complies with all other laws
15 and rules for the taking of game.

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

25 (3) In addition, the department may issue permits authorizing
26 1 or more of the following:

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

1 rehabilitating animals.

2 (b) The taking of animals to prevent or control damage and
3 nuisance caused by the animals.

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

6 (d) The public exhibition of animals.

7 (e) Taxidermy.

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

10 (g) The taking of game with a crossbow by a person who is
11 permanently disabled. ~~as provided in section 40115.~~

12 (4) A permit issued under this section ~~or section 40115~~ may
13 be suspended, revoked, annulled, withdrawn, recalled, canceled, or
14 amended pursuant to the administrative procedures act of 1969, ~~Act~~
15 ~~No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328~~
16 ~~of the Michigan Compiled Laws~~ **1969 PA 306, MCL 24.201 TO 24.328.**

17 If the holder of a permit is convicted of violating this section,
18 his or her permit or license may be revoked and any animal and the
19 parts of any animal in his or her possession shall be disposed of
20 in a manner approved by the department.

21 (5) ~~Except as otherwise provided in section 40115 for a~~
22 ~~permit described in subsection (3)(g), all fees~~ **FEES** received for
23 permits and licenses issued under this section shall be forwarded
24 by the department to the state treasurer to be credited to **1 OF THE**
25 **FOLLOWING:**

26 **(A) UNLESS SUBDIVISION (B) APPLIES, TO the game and fish**
27 **protection fund created in** ~~part 435~~ **SECTION 43553.**

1 (B) IF HOUSE JOINT RESOLUTION Z OF THE 92ND LEGISLATURE
2 BECOMES A PART OF THE STATE CONSTITUTION OF 1963 AS PROVIDED IN
3 SECTION 1 OF ARTICLE XII OF THE STATE CONSTITUTION OF 1963, TO THE
4 GAME AND FISH PROTECTION ACCOUNT OF THE MICHIGAN CONSERVATION AND
5 RECREATION LEGACY FUND PROVIDED FOR IN SECTION 2010.

6 SEC. 40115. SUBJECT TO SECTION 43527, A SENIOR CITIZEN MAY
7 TAKE DEER WITH A CROSSBOW DURING THE BOW AND ARROW DEER SEASON.