

**SUBSTITUTE FOR
HOUSE BILL NO. 4471**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 40102 (MCL 324.40102), as amended by 2000 PA
347.

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.
- 7 (4) "Buy" or "sell" means an exchange or attempt or offer to
- 8 exchange for money, barter, or anything of value.
- 9 (5) "Chase" means to follow animals with dogs or other wild or

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1 domestic animals trained for that purpose.

2 (6) "CORMORANT DAMAGE" MEANS ADVERSE IMPACTS OF DOUBLE-CRESTED
3 CORMORANTS ON FISH, [] FISH HATCHERY STOCK, WILDLIFE,
4 PLANTS, AND THEIR HABITATS [AND ON MAN-MADE STRUCTURES].

5 (7) "CORMORANT DEPREDAATION ORDER" MEANS THE DEPREDAATION ORDER
6 FOR DOUBLE-CRESTED CORMORANTS TO PROTECT PUBLIC RESOURCES, 50 CFR
7 21.48, ISSUED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH
8 AND WILDLIFE SERVICE.

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

14 (9) ~~(7)~~ "Deer or elk feeding" means the depositing,
15 distributing, or tending of feed in an area frequented by wild,
16 free-ranging white-tailed deer or elk. Deer or elk feeding does not
17 include any of the following:

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

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

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

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

27 (ii) The feed is covered to deter wild, free-ranging white-

1 tailed deer or elk from gaining access to the feed.

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

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

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

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

14 (a) Plantings for wildlife.

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

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

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

24 Enacting section 1. This amendatory act does not take effect
25 unless both of the following bills of the 94th Legislature are
26 enacted into law:

27 (a) Senate Bill No. 354.

1 (b) House Bill No. 4614.