

HOUSE BILL No. 5226

January 21, 2014, Introduced by Reps. McBroom, Bumstead, Kivela, Foster, Pagel, Johnson, Daley, MacGregor, LaFontaine, McMillin, Rendon, Franz, Pettalia, Lyons and Dianda and referred to the Committee on Agriculture.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 40114 (MCL 324.40114), as amended by 2012 PA
65.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40114. (1) The department may issue a permit to an
2 individual who is unable to walk because the individual is a
3 paraplegic or an amputee or because of a disease or injury that has
4 rendered the individual permanently disabled. A permit issued under
5 this subsection authorizes the individual to take game during the
6 open season for that game, including deer of either sex, from or
7 upon a standing vehicle if that individual holds a license to take
8 that game issued under part 435 and complies with all other laws

1 and rules for the taking of game.

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

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

15 (4) In addition, the department may issue permits authorizing
16 1 or more of the following:

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

19 (b) The taking of animals to prevent or control damage and
20 nuisance caused by the animals subject to the following:

21 (i) Except during an open season for deer, deer may be taken
22 under this subdivision if the department determines that deer have
23 caused damage to emerging, standing, or harvested crops or to feed
24 properly stored in accordance with normal agricultural practices.
25 If the department receives a request for a permit issued under this
26 subdivision, the department shall, within 5 business days after
27 receiving the request, determine whether a permit should be issued.

1 If the department determines that a permit should not be issued
2 under this subdivision, the department shall deny the request in
3 writing within 10 business days after receiving the request. In
4 denying the request for a permit, the department shall advise the
5 applicant on other techniques for controlling or preventing damage
6 caused by deer.

7 (ii) A permittee under a deer damage shooting permit may
8 designate not more than 15 authorized shooters to implement the
9 provisions of the permit unless the department authorizes
10 otherwise.

11 (iii) EXCEPT DURING AN OPEN SEASON FOR BEAR, BEAR MAY BE TAKEN
12 UNDER THIS SUBDIVISION IF THE DEPARTMENT DETERMINES THAT BEAR HAVE
13 CAUSED DAMAGE TO EMERGING, STANDING, OR HARVESTED CROPS OR TO FEED
14 PROPERLY STORED IN ACCORDANCE WITH NORMAL AGRICULTURAL PRACTICES.
15 IF THE DEPARTMENT RECEIVES A REQUEST FOR A PERMIT ISSUED UNDER THIS
16 SUBDIVISION, THE DEPARTMENT SHALL, WITHIN 5 BUSINESS DAYS AFTER
17 RECEIVING THE REQUEST, DETERMINE WHETHER A PERMIT SHOULD BE ISSUED.
18 IF THE DEPARTMENT DETERMINES THAT A PERMIT SHOULD NOT BE ISSUED
19 UNDER THIS SUBDIVISION, THE DEPARTMENT SHALL DENY THE REQUEST IN
20 WRITING WITHIN 10 BUSINESS DAYS AFTER RECEIVING THE REQUEST. IN
21 DENYING THE REQUEST FOR A PERMIT, THE DEPARTMENT SHALL ADVISE THE
22 APPLICANT ON OTHER TECHNIQUES FOR CONTROLLING OR PREVENTING DAMAGE
23 CAUSED BY BEAR. A PERMITTEE UNDER A BEAR DAMAGE SHOOTING PERMIT MAY
24 ALLOW ONLY AN INDIVIDUAL WITH A BEAR HUNTING LICENSE ISSUED UNDER
25 SECTION 43528 FOR THAT CALENDAR YEAR TO IMPLEMENT THE PROVISIONS OF
26 THIS SUBDIVISION. IF AN INDIVIDUAL TAKES A BEAR UNDER THIS
27 SUBDIVISION, THAT INDIVIDUAL SHALL NOT TAKE ANOTHER BEAR UNDER A

1 BEAR HUNTING LICENSE ISSUED UNDER SECTION 43528 DURING THAT
2 CALENDAR YEAR. AN INDIVIDUAL SHALL NOT USE BAIT TO TAKE A BEAR
3 UNDER THIS SUBDIVISION.

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 an individual who is
11 permanently or temporarily disabled.

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

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

22 (6) Fees received for permits and licenses issued under this
23 section shall be forwarded by the department to the state treasurer
24 to be credited to the game and fish protection account of the
25 Michigan conservation and recreation legacy fund provided for in
26 section 2010.