

**SUBSTITUTE FOR
HOUSE BILL NO. 5702**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 40114 (MCL 324.40114), as amended by 2014 PA
407.

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
9 and rules for the taking of game.

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

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

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

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

18 (b) The taking of animals to prevent or control damage **TO**
19 **CROPS OR FEED, and DISEASE, OR** nuisance caused by the animals. **THE**
20 **TAKING OF ANIMALS TO PREVENT OR CONTROL DAMAGE TO CROPS OR FEED IS**
21 subject to the following:

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

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

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

12 (iii) Except during an open season for bear, bear may be taken
13 under this subdivision if the department determines that bear have
14 caused damage to emerging, standing, or harvested crops or to feed
15 properly stored in accordance with normal agricultural practices.
16 If the department receives a request for a permit issued under this
17 subdivision, the department shall, within 4 days after receiving
18 the request, respond to a request and evaluate whether a permit
19 should be issued. The department may, within 10 days after
20 responding to a request for a permit, attempt or recommend that the
21 applicant attempt other methods for controlling or preventing
22 damage caused by bear, if the applicant is not required to pay for
23 those methods. Within 10 days after responding to a request for a
24 permit, the department shall grant or deny the request in writing.
25 In denying the request for a permit, the department shall advise
26 the applicant on other techniques for controlling or preventing
27 damage caused by bear. A permittee under a bear damage shooting

1 permit may allow only an individual with a bear hunting license
2 issued under section 43528 for that bear management unit and
3 calendar year to implement the provisions of this subdivision. If
4 an individual takes a bear under this subdivision, that individual
5 shall not take another bear under a bear hunting license issued
6 under section 43528 during that calendar year. An individual
7 implementing this section is subject to the rules and regulations
8 for a bear hunting license issued under section 43528 except that
9 individuals shall not use bait to take a bear under this
10 subdivision. An individual shall not take a cub bear or a female
11 bear accompanied by a cub bear under this subdivision. Except as
12 otherwise provided in this subdivision, the department shall not
13 allow more than 5% of the bear hunting licenses issued for a bear
14 management unit to be used to implement the provisions of this
15 subdivision. In a bear management unit that offers fewer than 20
16 licenses, the department may allow 1 of those bear hunting licenses
17 to be used to implement the provisions of this section. If an
18 individual takes a bear under this subdivision, that individual
19 shall register that bear at a field office of the department within
20 72 hours of taking the bear.

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

23 (d) The public exhibition of animals.

24 (e) Taxidermy.

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

27 (g) The taking of game with a crossbow by an individual who is

1 permanently or temporarily disabled.

2 (h) The taking or possession of raptors for the purposes of
3 falconry.

4 **(5) THE TAKING OF ANIMALS PURSUANT TO A PERMIT ISSUED UNDER**
5 **SUBSECTION (4) (A), (B), (C), (D), (E), (F), AND (H) IS NOT**
6 **CONSIDERED HUNTING.**

7 **(6)** ~~(5)~~—A permit issued under this section may be suspended,
8 revoked, annulled, withdrawn, recalled, canceled, or amended
9 pursuant to the administrative procedures act of 1969, 1969 PA 306,
10 MCL 24.201 to 24.328. If the holder of a permit is convicted of
11 violating the permit or this section, his or her permit or license
12 may be revoked and any animal and the parts of any animal in his or
13 her possession shall be disposed of in a manner approved by the
14 department.

15 **(7)** ~~(6)~~—Fees received for permits and licenses issued under
16 this section shall be forwarded by the department to the state
17 treasurer to be credited to the game and fish protection account of
18 the Michigan conservation and recreation legacy fund provided for
19 in section 2010.

20 **(8)** ~~(7)~~ ~~Within 3 years after the effective date of the~~
21 ~~amendatory act that added subsection (4) (b) (iii),~~ **BY MARCH 30,**
22 **2018,** the department shall issue a report in electronic form to
23 each member of the legislature that includes all of the following:

24 (a) The number of bear damage shooting permits issued under
25 subsection (4) (b) (iii).

26 (b) The number of bears taken under subsection (4) (b) (iii).

27 (c) Any recommendations for changes to the bear damage

1 shooting permits under subsection (4) (b) *(iii)* .

2 **(9)** ~~(8)~~—As used in this section, "cub bear" means a bear that
3 is less than 1 year of age.