

HOUSE BILL No. 5702

May 26, 2016, Introduced by Rep. Bumstead and referred to the Committee on Natural Resources.

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

1 that game issued under part 435 and complies with all other laws
2 and rules for the taking of game.

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

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

16 (4) In addition, the department may issue permits authorizing
17 1 or more of the following:

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

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

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

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

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

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

1 damage caused by bear. A permittee under a bear damage shooting
2 permit may allow only an individual with a bear hunting license
3 issued under section 43528 for that bear management unit and
4 calendar year to implement the provisions of this subdivision. If
5 an individual takes a bear under this subdivision, that individual
6 shall not take another bear under a bear hunting license issued
7 under section 43528 during that calendar year. An individual
8 implementing this section is subject to the rules and regulations
9 for a bear hunting license issued under section 43528 except that
10 individuals shall not use bait to take a bear under this
11 subdivision. An individual shall not take a cub bear or a female
12 bear accompanied by a cub bear under this subdivision. Except as
13 otherwise provided in this subdivision, the department shall not
14 allow more than 5% of the bear hunting licenses issued for a bear
15 management unit to be used to implement the provisions of this
16 subdivision. In a bear management unit that offers fewer than 20
17 licenses, the department may allow 1 of those bear hunting licenses
18 to be used to implement the provisions of this section. If an
19 individual takes a bear under this subdivision, that individual
20 shall register that bear at a field office of the department within
21 72 hours of taking the bear.

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

24 (d) The public exhibition of animals.

25 (e) Taxidermy.

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

1 (g) The taking of game with a crossbow by an individual who is
2 permanently or temporarily disabled.

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

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

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

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

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

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

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

1 (c) Any recommendations for changes to the bear damage
2 shooting permits under subsection (4) (b) (iii).

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