

# HOUSE BILL No. 5321

December 5, 2017, Introduced by Reps. Cole and Lucido 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 2016 PA 356.

**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.

10           (2) The department may issue a permit to an individual who is

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

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

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

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

17 (b) The taking of animals to prevent or control damage to  
18 crops or feed, disease, or nuisance caused by the animals. The  
19 taking of animals to prevent or control damage to crops or feed is  
20 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~~ **TO TAKE**  
26 **DEER** under this subdivision, the department shall, within 5  
27 business days after receiving the request, determine whether a

1 permit should be issued. If the department determines that a permit  
2 should not be issued under this subdivision, the department shall  
3 deny the request in writing within 10 business days after receiving  
4 the request. In denying the request for a permit, the department  
5 shall advise the applicant on other techniques for controlling or  
6 preventing damage 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~~ **TO TAKE**  
16 **BEAR** under this subdivision, the department shall, within 4 days  
17 after receiving the request, respond to ~~a~~ **THE** request and evaluate  
18 whether a permit should be issued. The department may, within 10  
19 days after responding to ~~a~~ **THE** request for a permit, attempt or  
20 recommend that the applicant attempt other methods for controlling  
21 or preventing damage caused by bear, if the applicant is not  
22 required to pay for those methods. Within 10 days after responding  
23 to a request for a permit, the department shall grant or deny the  
24 request in writing. In denying the request for a permit, the  
25 department shall advise the applicant on other techniques for  
26 controlling or preventing damage caused by bear. A permittee under  
27 a bear damage shooting permit may allow only an individual with a

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

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

20 (8) By March 30, 2018, the department shall issue a report in  
21 electronic form to each member of the legislature that includes all  
22 of the following:

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

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

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

1           (9) THE DEPARTMENT SHALL NOT ISSUE A PERMIT THAT AUTHORIZES  
2 THE STERILIZATION OF GAME.

3           (10) ~~(9)~~—As used in this section, "cub bear" means a bear that  
4 is less than 1 year of age.

5           Enacting section 1. This amendatory act takes effect 90 days  
6 after the date it is enacted into law.