

**SUBSTITUTE FOR
SENATE BILL NO. 288**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 40103, 40110, 40113a, and 43536a (MCL
324.40103, 324.40110, 324.40113a, and 324.43536a), section 40103 as
amended by 2012 PA 520, section 40110 as added by 1995 PA 57,
section 40113a as amended by 1997 PA 19, and section 43536a as
amended by 2004 PA 545, and by adding section 48703a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40103. (1) "Game" means any **ANIMAL DESIGNATED AS GAME**
2 **UNDER SECTION 40110 AND ANY** of the following animals but does not
3 include privately owned cervidae species located on a cervidae
4 livestock facility registered under the privately owned cervidae
5 producers marketing act, 2000 PA 190, MCL 287.951 to 287.969:
6 (a) Badger.

- 1 (b) Bear.
- 2 (c) Beaver.
- 3 (d) Bobcat.
- 4 (e) Brant.
- 5 (f) Coot.
- 6 (g) Coyote.
- 7 (h) Crow.
- 8 (i) Deer.
- 9 (j) Duck.
- 10 (k) Elk.
- 11 (l) Fisher.
- 12 (m) Florida gallinule.
- 13 (n) Fox.
- 14 (o) Geese.
- 15 (p) Hare.
- 16 (q) Hungarian partridge.
- 17 (r) Marten.
- 18 (s) Mink.
- 19 (t) Moose.
- 20 (u) Muskrat.
- 21 (v) Opossum.
- 22 (w) Otter.
- 23 (x) Pheasant.
- 24 (y) Quail.
- 25 (z) Rabbit.
- 26 (aa) Raccoon.
- 27 (bb) Ruffed grouse.

1 (cc) Sharptailed grouse.

2 (dd) Skunk.

3 (ee) Snipe.

4 (ff) Sora rail.

5 (gg) Squirrel.

6 **(HH) VIRGINIA RAIL.**

7 **(II)** ~~(hh)~~ Weasel.

8 **(JJ)** ~~(ii)~~ Wild turkey.

9 **(KK)** ~~(jj)~~ Wolf.

10 **(LL)** ~~(kk)~~ Woodchuck.

11 **(MM)** ~~(ll)~~ Woodcock.

12 ~~(mm) Virginia rail.~~

13 (2) "Interim order of the department" means an order of the
14 department issued under section 40108.

15 (3) "Kind" means an animal's sex, age, or physical
16 characteristics.

17 (4) "Normal agricultural practices" means generally accepted
18 agricultural and management practices as defined by the commission
19 of agriculture and rural development.

20 (5) "Open season" means the dates during which game may be
21 legally taken.

22 (6) "Parts" means any or all portions of an animal, including
23 the skin, plumage, hide, fur, entire body, or egg of an animal.

24 (7) "Protected" or "protected animal" means an animal or kind
25 of animal that is designated by the department as an animal that
26 shall not be taken.

27 (8) "Residence" means a permanent building serving as a

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1 temporary or permanent home. Residence may include a cottage,
2 cabin, or mobile home, but does not include a structure designed
3 primarily for taking game, a tree blind, a tent, a recreational or
4 other vehicle, or a camper.

5 Sec. 40110. **(1) Only the legislature OR THE COMMISSION may**
6 designate a species as game. If an animal is designated under this
7 section by the legislature **OR COMMISSION** as game, then only the
8 legislature **OR COMMISSION** may authorize the establishment of the
9 first open season for that animal. **ONLY THE LEGISLATURE MAY REMOVE**
10 **A SPECIES FROM THE LIST OF GAME. THE COMMISSION SHALL NOT DESIGNATE**
11 **A DOMESTIC ANIMAL OR LIVESTOCK AS GAME UNDER THIS SUBSECTION. THE**
12 **COMMISSION SHALL EXERCISE ITS AUTHORITY UNDER THIS SUBSECTION BY**
13 **ISSUING ORDERS.**

14 **(2)** After the legislature **OR COMMISSION** authorizes the
15 establishment of the first open season for game pursuant to this
16 section, the department may issue orders pertaining to that animal
17 for each of the purposes listed in section 40107.

18 **(3) AS USED IN THIS SECTION:**

19 **(A) "DOMESTIC ANIMAL" MEANS THOSE SPECIES OF ANIMALS THAT LIVE**
20 **UNDER THE HUSBANDRY OF HUMANS.**

21 **(B) "LIVESTOCK" INCLUDES, BUT IS NOT LIMITED TO, CATTLE,**
22 **SHEEP, NEW WORLD CAMELIDS, GOATS, BISON, PRIVATELY OWNED CERVIDS,**
23 **RATITES, SWINE, EQUINE, POULTRY, << >> AND RABBITS.**
24 **LIVESTOCK DOES NOT INCLUDE DOGS AND CATS.**

25 Sec. 40113a. **(1)** The legislature finds and declares that:

26 **(a)** The wildlife populations of the state and their habitat
27 are of paramount importance to the citizens of this state.

1 (b) The sound scientific management of the wildlife
2 populations of the state, including hunting of bear, is declared to
3 be in the public interest.

4 (c) The sound scientific management of bear populations in
5 this state is necessary to minimize human/bear encounters and to
6 prevent bears from threatening or harming humans, livestock, and
7 pets.

8 (2) The commission ~~of natural resources shall have~~ **HAS** the
9 exclusive authority to regulate the taking of game as defined in
10 section 40103 in this state. The commission ~~of natural resources~~
11 shall, to the greatest extent practicable, utilize principles of
12 sound scientific management in making decisions regarding the
13 taking of game. Issuance of orders by the commission ~~of natural~~
14 ~~resources~~ regarding the taking of game shall be made following a
15 public meeting and an opportunity for public input. Not less than
16 30 days before issuing an order, the commission ~~of natural~~
17 ~~resources~~ shall provide a copy of the order to each of the
18 following:

19 (a) Each member of each standing committee of the senate or
20 house of representatives that considers legislation pertaining to
21 conservation, the environment, natural resources, recreation,
22 tourism, or agriculture.

23 (b) The chairperson of the senate appropriations committee and
24 the chairperson of the house of representatives appropriations
25 committee.

26 (c) The members of the subcommittee of the senate
27 appropriations committee and the subcommittee of the house of

1 representatives appropriations committee that consider the budget
2 of the department of natural resources.

3 (3) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2013, THERE IS
4 APPROPRIATED FOR THE DEPARTMENT THE SUM OF \$1,000,000.00 TO
5 IMPLEMENT MANAGEMENT PRACTICES FOR FISH AND GAME ANIMALS, AND
6 PERFORM RESEARCH, EDUCATION, AND OUTREACH RELATED TO HUNTING,
7 FISHING, GAME ANIMALS, PREDATORS, AND PREY. ANY PORTION OF THE
8 AMOUNT UNDER THIS SECTION THAT IS NOT EXPENDED IN THE FISCAL YEAR
9 ENDING SEPTEMBER 30, 2013 SHALL NOT LAPSE TO THE GENERAL FUND BUT
10 SHALL BE CARRIED FORWARD IN A WORK PROJECT ACCOUNT THAT IS IN
11 COMPLIANCE WITH SECTION 451A OF THE MANAGEMENT AND BUDGET ACT, 1984
12 PA 431, MCL 18.1451A.

13 Sec. 43536a. (1) ~~A~~ **SUBJECT TO ANY LOTTERY AND OTHER**
14 **ELIGIBILITY REQUIREMENTS, A** member of the military may obtain any
15 license under this part ~~for which a lottery is not required for~~
16 ~~\$1.00~~ **FREE OF CHARGE** upon presentation to a licensing agent of
17 leave papers, duty papers, military orders, or other evidence
18 acceptable to the department verifying that he or she is ~~stationed~~
19 ~~outside of this state. The license is valid for a period of up to 2~~
20 ~~weeks designated by the member of the military but only during the~~
21 ~~season in which such a license would otherwise be valid.~~ **A MEMBER OF**
22 **THE MILITARY.**

23 (2) As used in this section, "member of the military" means
24 either of the following:

25 (a) A person described by section 43506(3)(d). ~~who is~~
26 ~~stationed outside this state.~~

27 (b) A person who meets all of the following requirements:

1 (i) The person is a reserve component soldier, sailor, airman,
2 or marine or member of the Michigan national guard and is called to
3 federal active duty.

4 (ii) At the time the person was called to federal active duty,
5 he or she was a resident of this state.

6 ~~(iii) The person is stationed outside this state.~~

7 (iii) ~~(iv)~~ The person has maintained his or her residence in this
8 state for the purpose of obtaining a driver license or voter
9 registration, or both.

10 SEC. 48703A. THE COMMISSION HAS THE EXCLUSIVE AUTHORITY TO
11 REGULATE THE TAKING OF FISH IN THIS STATE. THE COMMISSION SHALL, TO
12 THE GREATEST EXTENT PRACTICABLE, UTILIZE PRINCIPLES OF SOUND
13 SCIENTIFIC MANAGEMENT IN MAKING DECISIONS REGARDING THE TAKING OF
14 FISH. THE COMMISSION SHALL ISSUE ORDERS REGARDING THE TAKING OF
15 FISH FOLLOWING A PUBLIC MEETING AND AN OPPORTUNITY FOR PUBLIC
16 INPUT. NOT LESS THAN 30 DAYS BEFORE ISSUING AN ORDER, THE
17 COMMISSION SHALL PROVIDE A COPY OF THE ORDER TO EACH OF THE
18 FOLLOWING:

19 (A) EACH MEMBER OF EACH STANDING COMMITTEE OF THE SENATE OR
20 HOUSE OF REPRESENTATIVES THAT CONSIDERS LEGISLATION PERTAINING TO
21 CONSERVATION, THE ENVIRONMENT, NATURAL RESOURCES, RECREATION,
22 TOURISM, OR AGRICULTURE.

23 (B) THE CHAIRPERSON OF THE SENATE APPROPRIATIONS COMMITTEE AND
24 THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES APPROPRIATIONS
25 COMMITTEE.

26 (C) THE MEMBERS OF THE SUBCOMMITTEE OF THE SENATE
27 APPROPRIATIONS COMMITTEE AND THE SUBCOMMITTEE OF THE HOUSE OF

1 REPRESENTATIVES APPROPRIATIONS COMMITTEE THAT CONSIDER THE BUDGET
2 OF THE DEPARTMENT OF NATURAL RESOURCES.