

Act No. 21
Public Acts of 2013
Approved by the Governor
May 8, 2013
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**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2013**

Introduced by Senators Casperson, Hildenbrand, Booher and Meekhof

ENROLLED SENATE BILL No. 288

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," 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:

Sec. 40103. (1) "Game" means any animal designated as game under section 40110 and any of the following animals but does not include privately owned cervidae species located on a cervidae livestock facility registered under the privately owned cervidae producers marketing act, 2000 PA 190, MCL 287.951 to 287.969:

- (a) Badger.
- (b) Bear.
- (c) Beaver.
- (d) Bobcat.
- (e) Brant.
- (f) Coot.
- (g) Coyote.

- (h) Crow.
- (i) Deer.
- (j) Duck.
- (k) Elk.
- (l) Fisher.
- (m) Florida gallinule.
- (n) Fox.
- (o) Geese.
- (p) Hare.
- (q) Hungarian partridge.
- (r) Marten.
- (s) Mink.
- (t) Moose.
- (u) Muskrat.
- (v) Opossum.
- (w) Otter.
- (x) Pheasant.
- (y) Quail.
- (z) Rabbit.
- (aa) Raccoon.
- (bb) Ruffed grouse.
- (cc) Sharptailed grouse.
- (dd) Skunk.
- (ee) Snipe.
- (ff) Sora rail.
- (gg) Squirrel.
- (hh) Virginia rail.
- (ii) Weasel.
- (jj) Wild turkey.
- (kk) Wolf.
- (ll) Woodchuck.
- (mm) Woodcock.

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

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

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

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

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

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

(8) "Residence" means a permanent building serving as a temporary or permanent home. Residence may include a cottage, cabin, or mobile home, but does not include a structure designed primarily for taking game, a tree blind, a tent, a recreational or other vehicle, or a camper.

Sec. 40110. (1) Only the legislature or the commission may designate a species as game. If an animal is designated under this section by the legislature or commission as game, then only the legislature or commission may authorize the establishment of the first open season for that animal. Only the legislature may remove a species from the list of game.

The commission shall exercise its authority under this subsection by issuing orders. The commission shall not designate any of the following as game under this subsection:

(a) A domestic animal.

(b) Livestock.

(c) Any species added to the game list by a public act that is rejected by a referendum before the effective date of the 2013 amendatory act that amended this section.

(2) After the legislature or commission authorizes the establishment of the first open season for game pursuant to this section, the department may issue orders pertaining to that animal for each of the purposes listed in section 40107.

(3) As used in this section:

(a) "Domestic animal" means those species of animals that live under the husbandry of humans.

(b) "Livestock" includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, and rabbits. Livestock does not include dogs and cats.

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

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

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

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

(2) The commission has the exclusive authority to regulate the taking of game as defined in section 40103 in this state. The commission shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the taking of game. Issuance of orders by the commission regarding the taking of game shall be made following a public meeting and an opportunity for public input. Not less than 30 days before issuing an order, the commission shall provide a copy of the order to each of the following:

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

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

(c) The members of the subcommittee of the senate appropriations committee and the subcommittee of the house of representatives appropriations committee that consider the budget of the department of natural resources.

Sec. 43536a. (1) Subject to any lottery and other eligibility requirements, a member of the military may obtain any license under this part free of charge upon presentation to a licensing agent of leave papers, duty papers, military orders, or other evidence acceptable to the department verifying that he or she is a member of the military.

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

(a) A person described by section 43506(3)(d).

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

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

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

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

Sec. 48703a. The commission has the exclusive authority to regulate the taking of fish in this state. The commission shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the taking of fish. The commission shall issue orders regarding the taking of fish following a public meeting and an opportunity for public input. Not less than 30 days before issuing an order, the commission shall provide a copy of the order to each of the following:

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

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

(c) The members of the subcommittee of the senate appropriations committee and the subcommittee of the house of representatives appropriations committee that consider the budget of the department of natural resources.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Ray E. Randall

Clerk of the House of Representatives

Approved

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Governor