

**SUBSTITUTE FOR
HOUSE BILL NO. 4428**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40103, 41102, and 42702 (MCL 324.40103, 324.41102, and 324.42702), section 40103 as amended by 1999 PA 66 and sections 41102 and 42702 as added by 1995 PA 57; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40103. (1) "Game" means any of the following animals
2 BUT DOES NOT INCLUDE CERVIDAE SPECIES LOCATED ON A REGISTERED
3 PRIVATELY OWNED CERVIDAE FACILITY AS THAT TERM IS DEFINED IN THE
4 CERVIDAE PRODUCERS MARKETING ACT:

5 (a) Badger.

6 (b) Bear.

7 (c) Beaver.

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

1 (dd) Skunk.

2 (ee) Snipe.

3 (ff) Sora rail.

4 (gg) Squirrel.

5 (hh) Weasel.

6 (ii) Wild turkey.

7 (jj) Woodchuck.

8 (kk) Woodcock.

9 (ll) Virginia rail.

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

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

14 (4) "Normal agricultural practices" means generally accepted
15 agricultural and management practices as defined by the commis-
16 sion of agriculture.

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

19 (6) "Parts" means any or all portions of an animal, includ-
20 ing the skin, plumage, hide, fur, entire body, or egg of an
21 animal.

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

25 (8) "Residence" means a permanent building serving as a tem-
26 porary or permanent home. Residence may include a cottage,
27 cabin, or mobile home, but does not include a structure designed

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1 primarily for taking game, a tree blind, a tent, a recreational
2 or other vehicle, or a camper.

3 Sec. 41102. (1) The department, in accordance with this
4 part, may regulate the taking or killing of all fish, game and
5 fur-bearing animals, and game birds protected by the laws of this
6 state, and may suspend or abridge the open season provided by law
7 for the taking or killing of such fish, animals, or game birds in
8 any designated waters or area of this state, if in the opinion of
9 the department it is necessary to assist in the increased or
10 better protection of the fish, game or fur-bearing animals, or
11 game birds, or any particular kinds or species of fish, game or
12 fur-bearing animals, or game birds, which may in the opinion of
13 the department be threatened from any cause or causes with deple-
14 tion or extermination in the waters or area. The department may
15 promulgate rules and orders necessary to implement this part
16 after a thorough investigation has been made by the department.

17 (2) THIS SECTION DOES NOT APPLY TO PRIVATELY OWNED CERVIDAE
18 SPECIES LOCATED ON A REGISTERED CERVIDAE LIVESTOCK FACILITY UNDER
19 THE PRIVATELY OWNED CERVIDAE PRODUCERS MARKETING ACT.

20 Sec. 42702. ~~The~~ EXCEPT IN THE CASE OF A PERSON REGISTERED
21 UNDER THE PRIVATELY OWNED CERVIDAE PRODUCERS MARKETING ACT, THE
22 department ~~shall~~ MAY issue licenses to authorize the possession
23 for propagation, and for dealing in and selling game. A license
24 shall not be granted to an applicant who is not the owner or
25 lessee of the premises to be used for the purposes designated by
26 the license. A license issued pursuant to this part is

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1 nontransferable and is valid from July 1 to June 30 of the third
2 license year.

3 Enacting section 1. (1) Enacting section 1 of 1999 PA 66 is
4 repealed.

5 (2) Section 40111a of the natural resources and environmen-
6 tal protection act, 1994 PA 451, MCL 324.40111a, is repealed
7 effective December 31, 2004.

8 Enacting section 2. This amendatory act takes effect 90
9 days after the date of enactment.

10 Enacting section 3. This amendatory act does not take
11 effect unless House Bill No. 4427 of the 90th Legislature is
12 enacted into law.