

# SENATE BILL No. 309

March 24, 2011, Introduced by Senator HUNE and referred to the Committee on Agriculture.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40103 and 41102 (MCL 324.40103 and 324.41102), as amended by 2000 PA 191.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 40103. (1) "Game" means any of the following animals but  
2 does not include privately owned cervidae species located on a  
3 ~~registered cervidae livestock facility as that term is defined in~~  
4 **THAT IS REGISTERED UNDER** the privately owned cervidae producers  
5 marketing act, 2000 PA 190, MCL 287.951 TO 287.969, OR SPORTING  
6 **SWINE SPECIES LOCATED ON A SPORTING SWINE LIVESTOCK OPERATION THAT**  
7 **IS REGISTERED UNDER THE SPORTING SWINE MARKETING ACT:**

- 8           (a) Badger.
- 9           (b) Bear.

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

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

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

1 other vehicle, or a camper.

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

16       (2) This section does not apply to ~~privately~~**THE FOLLOWING:**

17       **(A) PRIVATELY** owned cervidae species located on a registered  
18 cervidae livestock facility or involved in a registered cervidae  
19 livestock operation under the privately owned cervidae producers  
20 marketing act, 2000 PA 190, MCL 287.951 TO 287.969.

21       **(B) SPORTING SWINE LOCATED ON A SPORTING SWINE LIVESTOCK**  
22 **OPERATION PERMITTED UNDER THE SPORTING SWINE MARKETING ACT.**

23       Enacting section 1. This amendatory act does not take effect  
24 unless all of the following bills of the 96th Legislature are  
25 enacted into law:

26       (a) Senate Bill No. 310.

27

1 (b) Senate Bill No. 308.

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3 (c) Senate Bill No. 307.

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