

HOUSE BILL No. 4277

February 15, 2001, Introduced by Reps. Sheltroun, Jamnick, Lipsey, Basham, Switalski, Kolb, Wojno, Dennis, Neumann, Hansen, Jacobs, Minore and Lemmons and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40103 and 40109 (MCL 324.40103 and 324.40109), section 40103 as amended by 2000 PA 191 and section 40109 as added by 1995 PA 57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40103. (1) "Game" means any of the following animals
2 but does not include privately owned cervidae species located on
3 a ~~registered~~ cervidae livestock facility as that term is
4 defined in SECTION 2 OF the privately owned cervidae producers
5 marketing act, 2000 PA 190, MCL 287.952:

- 6 (a) Badger.
- 7 (b) Bear.
- 8 (c) Beaver.

- 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) "HIGH-RISK AREA" MEANS THAT TERM AS DEFINED IN SECTION 9
11 OF THE ANIMAL INDUSTRY ACT, 1988 PA 466, MCL 287.709.
- 12 (3) ~~(2)~~ "Interim order of the department" means an order
13 of the department issued under section 40108.
- 14 (4) ~~(3)~~ "Kind" means an animal's sex, age, or physical
15 characteristics.
- 16 (5) ~~(4)~~ "Normal agricultural practices" means generally
17 accepted agricultural and management practices as defined by the
18 commission of agriculture.
- 19 (6) ~~(5)~~ "Open season" means the dates during which game
20 may be legally taken.
- 21 (7) ~~(6)~~ "Parts" means any or all portions of an animal,
22 including the skin, plumage, hide, fur, entire body, or egg of an
23 animal.
- 24 (8) ~~(7)~~ "Protected" or "protected animal" means an animal
25 or kind of animal that is designated by the department as an
26 animal that shall not be taken.

1 (9) ~~(8)~~ "Residence" means a permanent building serving as
2 a temporary or permanent home. Residence may include a cottage,
3 cabin, or mobile home, but does not include a structure designed
4 primarily for taking game, a tree blind, a tent, a recreational
5 or other vehicle, or a camper.

6 Sec. 40109. (1) If game is transported, the sex and species
7 of the game shall be readily identifiable unless the game is game
8 that has been cleaned at a hunting preserve and tagged as
9 required by law. If game is transported, it shall be tagged as
10 required by law or a department order authorized under section
11 40107. This ~~section~~ SUBSECTION does not apply to skins, pelts,
12 or hides of game that is lawfully taken and legally possessed.

13 (2) A PERSON WHO TAKES A DEER IN A HIGH-RISK AREA IN THIS
14 STATE ON OR BEFORE 5 YEARS AFTER THE EFFECTIVE DATE OF THE AMEN-
15 DATORY ACT THAT ADDED THIS SUBSECTION SHALL PRESENT THE DEER AT A
16 REGISTRATION STATION OR TO AN AGENT OF THE DEPARTMENT AND OBTAIN
17 AND ATTACH TO THE DEER A TUBERCULOSIS EXAMINATION TAG BEFORE ANY
18 OF THE FOLLOWING OCCUR:

19 (A) THE PROCESSING OF THE DEER.

20 (B) THE EXPIRATION OF 24 HOURS AFTER THE CLOSE OF THE SEASON
21 IN WHICH THE DEER WAS TAKEN.

22 (C) THE REMOVAL FROM THE DEER CARCASS OF ANY PART OF THE
23 CARCASS. HOWEVER, A PERSON MAY DO EITHER OR BOTH OF THE
24 FOLLOWING:

25 (i) REMOVE THE SKIN AND VISCERA OTHER THAN THE CONTENTS OF
26 THE THORACIC CAVITY.

1 (ii) QUARTER THE DEER IF THE QUARTERS ARE KEPT TOGETHER AND
2 THE HEAD REMAINS ATTACHED TO 1 QUARTER.

3 (3) BEFORE A TUBERCULOSIS EXAMINATION TAG IS ISSUED UNDER
4 SUBSECTION (2), AN AGENT OR EMPLOYEE OF THE DEPARTMENT SHALL
5 EXAMINE THE DEER FOR BOVINE TUBERCULOSIS. THE AGENT OR EMPLOYEE
6 SHALL PROMPTLY RECORD THE RESULTS OF THE EXAMINATION ON A FORM
7 PRESCRIBED BY THE DEPARTMENT. THE DEER LICENSE NUMBER AND THE
8 DATE ON WHICH THE TUBERCULOSIS EXAMINATION TAG IS ISSUED SHALL BE
9 RECORDED ON THE TUBERCULOSIS EXAMINATION TAG IN INDELIBLE INK.

10 (4) A PERSON SHALL NOT REMOVE A TUBERCULOSIS EXAMINATION TAG
11 FROM A DEER UNTIL IT IS LAWFUL TO REMOVE A KILL TAG.