

## **MBH Legislative / MDNR Reports**

**SB 446 repeal the sunset for the feeding of deer, elk. Sponsor Rick Jones (R /24<sup>th</sup> district).** This bill introduced in September 2015, in its original introduction would have eliminated the sunset date placed on a current public act (1994, PA451 MCL 324.40111a) which enables the NRC commission after consultation the commission of agriculture to issue an order concerning the depositing / distribution or tending of “In areas where free ranging Deer and Elk to prevent them from starving. The sunset date on the bill was for January 1, 2016. As passed by the Senate in mid October, this bill now amends the sunset date to be January 1, 2020 and set to the House of Representatives.

Feeding of Deer and Elk does not include, Baiting to take game, the scattering of feed as a result of normal logging and agriculture practices, storage or use of feed for agricultural purposes if; (a) The area is occupied by livestock actively consuming feed on a daily basis (b) The feed is covered to deter wild free ranging deer and elk from gaining access to the feed or is being used on a daily basis (c) The feed is stored in a storage facility consistent with normal agricultural practices, the bill also does not affect the feeding of Wild Birds or other wildlife if done in a manner to exclude wild, free ranging deer and elk from gaining access to the feed.

**HB 4983 prohibit need of a recreational passport to access Michigan state parks during free fishing weekends, Primary sponsor Bruce Rendon (R / 103 district).** This bill introduced on October 10<sup>th</sup>, would amend current MCL 324.74116 to waive the need for a recreational passport during a weekend designated as a FREE Fishing Weekend for access to Michigan state parks and also includes that a vehicle parking in a state park during said weekend. This bill also states that a person exempt from the need for the purchase of a recreational passport on this designated weekend not be subject to pay a parking fee at a state park, state recreation area or state operated public boating access site. This bill is referred to the committee on Tourism and Outdoor Recreation

**UPDATE – HB 4239 Hunting; small game hunting from a personal assistive mobility device – Amendment of Current Safety Zone law – Primary Sponsor Rep. Charles Smiley (D /50<sup>th</sup> district).** The bill passed through both House and Senate with amendments, and presented to the Governor for signing. This bill will amend the Natural Resources and Environmental Protection Act to allow an individual holding a valid permit to hunt from a standing vehicle to discharge that firearm to take game from a personal assistive mobility device if: a) the device were not moving, and b) the individual held a valid base license, held any other necessary license, and complied with all other laws and rules for the taking of game. (A base license authorizes the taking of small game, and specified fur-bearing animals by means other than trapping.) The bill would define “personal assistive mobility device” as any device, including but not limited to one that is battery-powered, that is designed solely for use by an individual with mobility impairment for locomotion and is considered an extension of the individual.

In addition, the Act prohibits a person from transporting or possessing a bow or crossbow in or upon a vehicle, unless the bow is unstrung, enclosed in a case, or carried in the trunk of a vehicle.

In addition, the Act amends the previous Safety Zone regulation to allow hunting with archery equipment and trapping **but prohibits** an individual from hunting with a firearm within 150 yards of an occupied building, dwelling, house or cabin, or any barn or other building used in connection with a farm

operation, without the written permission of the owner, renter or occupant of the property. After signing, this bill will take effect January 1, 2016.

**UPDATE: Senate Bills 244-246 to amend and increase restitution, years unable to obtain a hunting license and amend sentencing guidelines. In a series of tie barred bills, SB 244, 245 & 246.** Each bill has passed through the Senate overwhelmingly with amendments and as of this writing is on their third reading in the House before vote. The bills are tie-barred, meaning none could take effect unless all are enacted.

**Senate Bill 244** Section 40119 requires an individual convicted of the illegal killing, possessing, purchasing, or selling of game or protected animals to reimburse the state for the value of the game or protected animal. SB 244 would amend Section 40119 of NREPA by revising the reimbursement/restitution schedule for certain game or protected animals as follows:

<u>Animal</u>	<u>Current Amount</u>	<u>Proposed Amount</u>
Elk	\$1,500	\$5,000
Moose	\$1,500	\$5,000
Bear	\$1,500	\$3,500
Eagle	(not specific to animal)	\$1,500
Waterfowl	(not specific to animal)	\$500

SB 244 also adds additional restitution/reimbursement penalties in addition to those above and in current law as follows:

- \$250 per point, for an antlered elk with at least 8 but not more than 10 points.
- \$500 per point, for an antlered elk with 11 or more points.
- \$5,000 for an antlered moose.
- \$1,000 for a turkey with a beard.

The term “point” is defined as a projection on the antler of a white-tailed deer or elk that is at least 1 inch long as measured from its tip to the nearest edge of the antler beam. [The underlined portion indicates a change that would be made to the definition by SB 244]. [Note: Waterfowl is defined in the act as “ducks, geese, gallinules, and mergansers.”]

Presently, only waterfowl and eagle are not explicitly mentioned in Section 40119, though varieties of each were included in a list specified in Section 36505. These reimbursement amounts are in addition to any other penalties provided for in Part 401 and the penalty in Section 36507.

The bill would delete a subsection in Section 40119 that keep individuals from obtaining any hunting license if an individual is found guilty of the illegal killing, possessing, purchasing, or selling of a white-tailed deer. However, similar language would be added to Section 40118 by Senate Bill 245.

**Senate Bill 245** – would amend Section 40118 of NREPA by also changing penalties associated with the illegal taking or possessing of certain game. Currently, the default penalty for a violation of Part 401 regarding the illegal taking or possession of non-exempt game is a misdemeanor punishable by up to 90 days imprisonment and/or a fine of not less than \$100 or more than \$1,000, plus the costs of prosecution.

The bill would add waterfowl to the list of game for which the penalties exceed the default penalty. An individual who violates a provision of Part 401 relating to the illegal taking or possessing of waterfowl would be guilty of a misdemeanor punishable by up to 90 days imprisonment and/or a fine of not less than \$250 or more than \$500, plus the costs of prosecution. A second violation or any subsequent violations would be a misdemeanor punishable by not more than 90 days imprisonment and/or a \$500 fine, plus the costs of prosecution.

SB 245 also would add or modify hunting-license-related penalties specific to the illegal taking or possession of bear, antlered white-tailed deer, turkey, elk, or moose. Those penalties are listed below and are in addition to the current three-year license penalty:

**For a bear or antlered white-tailed deer:**

- First offense: Guilty individual prohibited from securing or possessing a hunting license of any kind for an additional two calendar years.
- Subsequent offense(s): Guilty individual prohibited from securing or possessing a hunting license of any kind for an additional seven calendar years.

**For a turkey, the guilty individual prohibited from securing or possessing a hunting license of any kind for an additional two calendar years.**

**For an elk or moose:**

- First offense: Guilty individual prohibited from securing or possessing a hunting license of any kind for an additional 15 calendar years.
- Second offense: Guilty individual prohibited from securing or possessing a hunting license of any kind for the rest of that individual's life.

**SB 245 (H-2)** – also would create a penalty for an individual who violates a provision of Part 401, or an order or interim order issued under Part 401, regarding the use of snares or cable restraints. An individual who violates such a provision, order, or interim order would be guilty of a misdemeanor punishable by imprisonment of up to 90 days and/or a fine of not less than \$1,000, and the costs of prosecution.

The bill also would allow a court to impose a longer ban on obtaining a hunting license for an individual convicted of illegally using artificial light in taking game or in an area frequented by animals, or throwing or casting rays of a spotlight, headlight, or other artificial light in a field, woodland, or forest while having a bow, firearm, or other weapon capable of shooting a projectile in his or her possession or control, unless otherwise permitted by law. Currently, an individual convicted of this offense is ineligible to secure a hunting license for the remainder of the calendar year in which the conviction occurred, as well as the following year.

**SB 246** - would make a complementary amendment to Section 13e of Chapter XVII of the Code of Criminal Procedure, by updating a reference to the applicable section of NREPA amended by SB 245.

**MDNR**

**CWD REMINDERS** - All entire deer carcasses harvested from the Core CWD Area must be presented within 72 hours to a Department deer check station established in the Core CWD Area. ALL deer will have the heads removed for testing. Removal of any part of a free ranging deer from the Core CWD Area is prohibited other than deboned meat, antlers, antlers attached to a skull cap cleaned of all brain and muscle tissue, and hides unless a not detected test result for CWD is reported by the department. Deer that have the heads removed will have a tag attached to the carcass with a code number identical to the tag with its head which is being tested.

Weekly updates reveal the total deer tested, where they came from. This information is on the MDNR website at; <http://www.michigan.gov/emergingdiseases/0,4579,7-186-25806-357110--,00.html>

**Weekly CWD Status Update – as of October/16/2015**

Current status of CWD surveillance efforts conducted by the DNR:

<b>Deer Tested for Chronic Wasting Disease Since Detection of Positive Deer</b>					
	<b>Roadkill or Found Dead</b>	<b>Hunter Harvested Deer</b>	<b>All Other Deer</b>	<b>Total</b>	<b>CWD Positive Deer</b>
CWD Core Area	169	113	598	<b>880</b>	<b>3</b>
CWD Management Zone*	49	70	27	<b>146</b>	0
Remainder of State	14	13	37	<b>64</b>	0
<b>Total Tested</b>	<b>232</b>	<b>196</b>	<b>662</b>	<b>1090</b>	

\*excludes deer tested in the core area