Act No. 280
Public Acts of 2006
Approved by the Governor
July 7, 2006
Filed with the Secretary of State
July 10, 2006
EFFECTIVE DATE: July 10, 2006

STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2006

Introduced by Reps. Hummel, Steil, Pastor, Stahl, Hildenbrand, Shaffer, Vander Veen, Pavlov, Acciavatti, Baxter, Mortimer, Zelenko, Elsenheimer, Marleau, Schuitmaker, Amos, Casperson and Farhat

ENROLLED HOUSE BILL No. 5192

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 43502, 43505, 43517, 43520, 43523, 43525, 43525a, 43527, and 43553 (MCL 324.43502, 324.43505, 324.43517, 324.43520, 324.43523, 324.43525, 324.43525a, 324.43527, and 324.43553), sections 43502, 43505, 43523, 43525, and 43527 as amended by 1996 PA 585, sections 43517 and 43520 as added by 1995 PA 57, section 43525a as added by 1998 PA 291, and section 43553 as amended by 2004 PA 587.

The People of the State of Michigan enact:

Sec. 43502. (1) "Accompany" means to go along with another person under circumstances that allow one to come to the immediate aid of the other person and while staying within a distance from the person that permits uninterrupted, unaided visual and auditory communication.

(2) "Amphibian" means any frog, toad, salamander, or any other member of the class amphibia.

(3) "Aquatic species" means any fish, reptile, amphibian, mollusk, aquatic insect, or crustacea or part thereof.

(4) "Bow" means a device for propelling an arrow from a string drawn, held, and released by hand if the force used to hold the string in the drawn position is provided by the archer's muscles.

(5) "Crossbow" means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string that is controlled by a mechanical or electric trigger and has a working safety and a draw weight of 100 pounds or more.

(6) "Crustacea" means any freshwater crayfish, shrimp, or prawn of the order decapoda.

Sec. 43505. (1) "Hunt" and "hunting" mean to pursue, capture, shoot, kill, chase, follow, harass, harm, rob, or trap a wild animal, or to attempt to engage in such an activity.

(2) "Identification" means a driver license issued by Michigan, another state, or a Canadian province as accepted by the department, a state of Michigan identification card issued by the secretary of state, or a sportcard issued by the department.

(3) “License” means a document or a tag, stamp, plastic card, or other device that may include a stamp or a tag that authorizes the licensee to hunt, fish, trap, or possess wild animals or aquatic species and other identification required by the department.

(4) “Minor child” means a person less than 17 years old.

(5) “Nonresident” means or refers to a person who is not a resident.

Sec. 43517. A parent or legal guardian of a minor child shall not permit or allow the minor child to hunt under the authority of a license issued pursuant to this part except under 1 of the following conditions:

(a) The minor child hunts only on land upon which a parent or guardian is regularly domiciled or a parent or guardian, or another person authorized by a parent or guardian who is at least 18 years old, accompanies the minor child. This subdivision does not apply if the minor child is less than 14 years old and the license is a license to hunt deer, bear, or elk with a firearm.

(b) If the minor child is less than 14 years old and the license is a license to hunt deer, bear, or elk with a firearm, the minor child hunts only on private property and a parent or guardian, or another person authorized by a parent or guardian who is at least 18 years old, accompanies the minor child.

Sec. 43520. (1) Subject to other requirements of this part, the department may issue a hunting license to a minor child if all of the following requirements are met:

(a) A parent or legal guardian of the minor child applies for the license on behalf of the minor child.

(b) The parent or legal guardian represents that the requirements of section 43517(a) or (b), as applicable, will be complied with.

(c) The minor child is at least 10 years old, or, for a license to hunt deer, bear, or elk with a firearm, 12 years old.

(d) The license fee is paid.

(2) A person authorized to sell hunting licenses shall not issue a hunting license to a person born after January 1, 1960, unless the person presents proof of previous hunting experience in the form of a hunting license issued by this state, another state, a province of Canada, or another country or presents a certification of completion of training in hunter safety issued to the person by this state, another state, a province of Canada, or another country. If an applicant for a hunting license does not have proof of such a previous license or a certification of completion of training in hunter safety, a person authorized to sell hunting licenses may issue a hunting license if the applicant submits a signed affidavit stating that the applicant has completed a course in hunter safety or that the applicant possessed such a hunting license previously. The person selling a hunting license shall record as specified by the department the form of proof of the previous hunting experience or certification of completion of hunter safety training presented by the applicant.

(3) By October 1, 2008, the department shall submit to the standing committees of the senate and house of representatives with primary responsibility for conservation and outdoor recreation issues a report on the effect of the reductions in minimum hunting age enacted by the 2006 amendatory act that added this subsection on recruitment of new hunters and other relevant issues, such as hunter safety.

Sec. 43523. (1) Except as otherwise provided in this part, a person shall not hunt small game without a current small game license. Each small game license authorizes the person named in the license to hunt for small game except for animals or birds that require a special license. If authorized in an order issued under part 401, a resident possessing a current small game license may take specified fur-bearing animals by means other than trapping during the open season for hunting these fur-bearing animals. The fee for a small game license is as follows:

(a) Subject to subdivision (b), for a resident, $15.00.

(b) For a resident or nonresident minor child, $1.00.

(c) Subject to subdivision (b), for a nonresident, $69.00. However, a nonresident may purchase a limited nonresident small game license entitling that person to hunt for a 3-day period all species of small game that are available to hunt under a nonresident small game license. The fee for a limited nonresident small game license is $30.00.

(2) A small game license is void between the hours of 1/2 hour after sunset and 1/2 hour before sunrise.

Sec. 43525. (1) A person 16 years of age or older shall not hunt waterfowl without a current waterfowl hunting license issued by this state. The annual license requirement is in addition to the requirements for a small game license and federal migratory bird hunting stamp. The fee for the waterfowl hunting license is $5.00.

(2) If issued as a stamp, a waterfowl hunting license shall be affixed to the small game license of the person and signed across the face of the stamp by the person to whom it is issued.

(3) A collector may purchase a waterfowl hunting license, if it is issued as a stamp, without being required to place it on a small game license, sign across its face, or provide proof of competency under section 43520(2). However, a license described in this subsection is not valid for hunting waterfowl.

(4) A person shall not hunt waterfowl, or deer if deer hunting is regulated by permit in an area designated by the department as a managed waterfowl area, without an annual or daily managed waterfowl area permit and any other

license or permit required by this part. The fee for a daily managed waterfowl area permit is $4.00. The fee for an annual managed waterfowl area permit is $13.00.

(5) Following a lottery among applicants for hunting privileges in managed waterfowl areas, only those successful applicants who accept the hunting privileges are required to purchase a daily or annual managed waterfowl area permit.

(6) From the fee collected for each waterfowl hunting license, $3.50 shall be used to acquire wetlands and other lands to be managed for the benefit of waterfowl.

(7) The following amounts from the fee collected for each annual or daily managed waterfowl area permit sold shall be used to operate, maintain, and develop managed waterfowl areas in this state:

(a) Daily managed waterfowl area permit ..... $ 3.00.

(b) Annual managed waterfowl area permit ..... $10.00.

(8) The department shall charge a nonrefundable application fee not to exceed $4.00 for each person who applies for a permit to hunt in a managed waterfowl area.

Sec. 43525a. (1) The department shall issue a combination deer license that authorizes a person to hunt deer both during the firearm deer seasons and the bow and arrow seasons, in compliance with the rules established for the respective deer hunting season. A combination deer license shall authorize the holder to take 2 deer in compliance with orders issued under part 401.

(2) The fee for a resident combination deer license is the total of the resident firearm deer license fee plus the resident bow and arrow deer license fee. The fee for a nonresident combination deer license is the total of the nonresident firearm deer license fee plus the nonresident bow and arrow deer license fee. However, the fee for a combination deer license for a resident or nonresident minor child shall be discounted 50% from the cost of the resident combination deer license.

(3) If advisable in managing deer, an order under part 401 may designate the kind of deer that may be taken and the geographic area in which any license issued under this section is valid.

(4) The department may issue kill tags with or as part of each combination deer license. Each kill tag shall bear the license number. A kill tag may also include space for other pertinent information required by the department. A kill tag, if issued, is part of the license and shall not be used more than 1 time.

(5) The combination deer license shall count as 2 licenses for the purposes of license fees under section 43536a, discounting under subsection 43521(c), and transmittal, deposit, and use of fees under sections 43554 and 43555.

(6) A senior citizen may obtain a senior combination deer license. The fee for a senior combination deer license shall be discounted at the same rate as provided in section 43535.

(7) A combination deer license issued to a person less than 12 years of age is valid only for taking deer with a bow and arrow, until the person is 12 years of age or older.

(8) Notwithstanding any other provision of this part, except for replacing lost or destroyed licenses, a person shall not apply for, obtain, or purchase any combination of firearm deer licenses, bow and arrow deer licenses, and combination deer licenses that would authorize the taking of more than 2 deer.

Sec. 43527. (1) A person shall not hunt deer with a bow and arrow or crossbow during the bow and arrow deer season without a bow and arrow deer license. The fee for a resident bow and arrow deer license is $15.00. The fee for a resident or nonresident minor child for a bow and arrow deer license shall be discounted 50% from the cost of the resident bow and arrow deer license. The fee for a nonresident bow and arrow deer license is $138.00.

(2) Where authorized by the department, a person may purchase a second bow and arrow deer license in 1 season for the fee assessed under subsection (1) for the bow and arrow deer license for which that person is eligible. However, a senior license discount is not available for the purchase of a second bow and arrow deer license. The department may issue orders under part 401 designating the kind of deer that may be taken and the geographic area in which any license issued under this section is valid, if advisable in managing deer.

(3) The department may issue a kill tag with, or as a part of, each bow and arrow deer license. Section 43526(2) applies with respect to a bow and arrow deer license.

Sec. 43553. (1) The department shall transmit all money received from the sale of licenses to the state treasurer, together with a statement indicating the amount of money received and the source of the money.

(2) The game and fish protection fund formerly created by this section as a separate fund in the state treasury shall continue unless all the money in that fund is transferred to the game and fish protection account as a result of House Joint Resolution Z of the 92nd Legislature becoming part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963 and 2004 PA 587 taking effect. Except as provided in section 43555 and subsection (5), the state treasurer shall credit the money received from the sale of passbooks and licenses to the game and fish protection fund. However, if House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963, the state treasurer shall credit that money to the game and fish protection account.

(3) Except as provided in sections 43524, 43525, and 43554 and subsection (4), money credited to the game and fish protection fund or the game and fish protection account shall be paid out by the state treasurer pursuant to the accounting laws of this state for the following purposes:

(a) Services rendered by the department, together with the expenses incurred in the enforcement and administration of the wildlife and fisheries laws of the state, including the necessary equipment and apparatus incident to the operation and enforcement of the wildlife and fisheries laws, and the protection, propagation, distribution, and control of wildlife and fish.

(b) The propagation and liberation of wildlife or fish and for their increase at the time, place, and manner as the department considers advisable.

(c) The purchase, lease, and management of lands, together with the necessary equipment for the purpose of propagating and rearing wildlife or fish, and for establishing and maintaining game refuges, wildlife sanctuaries, and public shooting and fishing grounds.

(d) Conducting investigations and compiling and publishing information relative to the propagation, protection, and conservation of wildlife.

(e) Delivering lectures, developing cooperation, and carrying on appropriate educational activities relating to the conservation of the wildlife of this state.

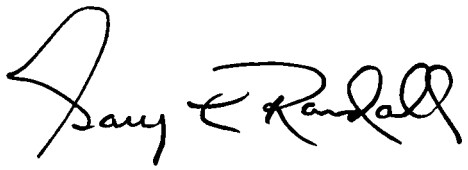
(4) The department may make direct grants to colleges and universities in this state, out of funds appropriated from the game and fish protection fund or the game and fish protection account, to conduct fish or wildlife research or both fish and wildlife research.

(5) The youth hunting and fishing education and outreach fund is created as a separate fund in the department of treasury. The state treasurer shall credit to the youth hunting and fishing education and outreach fund the money received from the sale of small game licenses and all-species fishing licenses under sections 43523 and 43532, respectively, to minor children. Money in the youth hunting and fishing education and outreach fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

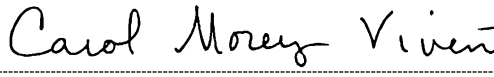
(6) Money credited to the youth hunting and fishing education and outreach fund shall be paid out by the state treasurer pursuant to the accounting laws of this state for hunting and fishing education and outreach programs for minor children.

(7) The department and any other executive department of the state that receives money from the game and fish protection fund or game and fish protection account or the youth hunting and fishing education and outreach fund shall submit an annual report to the legislature showing the amount of money received by the department or other executive department from the game and fish protection fund or game and fish protection account or the youth hunting and fishing education and outreach fund and how that money was spent. An executive department required to submit a report as provided in this subsection shall send a copy of the report to the legislature and to the department.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

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Governor