



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 1187 (as introduced)
Sponsor: Senator Tom Casperson

CONTENT

The bill would amend Parts 401 (Wildlife Conservation) and 487 (Sport Fishing) of the Natural Resources and Environmental Protection Act (NREPA) to reenact the Scientific Fish and Wildlife Conservation Act (provisions of NREPA that were enacted by an initiated law that the Michigan Court of Appeals declared unconstitutional in November 2016, as described below). The provisions the bill would reenact did the following:

- Included wolf in the definition of "game".
- Authorized the Natural Resources Commission (NRC) (in addition to the Legislature) to designate a species as game.
- Specified that only the Legislature may remove a species from the list of game.
- Required orders issued by the NRC regarding the designation of game species and the establishment of an open season for a game species to be consistent with the Commission's duty to use principles of sound scientific wildlife management.
- Allowed the NRC to decline to issue orders authorizing an open season for a game species if doing so would conflict with those principles.
- Added a legislative declaration regarding hunting and fishing in Michigan, as well as rights related to those activities.
- Granted the NRC the exclusive authority to regulate the taking of fish in Michigan, and required it to issue related orders and notify the Legislature before doing so.
- Authorized the NRC to take testimony from personnel of the Department of Natural Resources (DNR), independent experts, and others, and review scientific literature and data, in support of its duty to use sound scientific principles.

The bill also would amend Part 487 to appropriate to the DNR, for fiscal year 2016-17, \$1.0 million to implement necessary management practices related to aquatic invasive species. (The SFWCA included a similar appropriation for fiscal year 2014-15.)

(The Court of Appeals found the initiated law unconstitutional because it also revised NREPA provisions pertaining to hunting and fishing licenses issued to members of the military. The Court found that these amendments violated the State Constitution's Title-Object Clause, which provides that a law must not embrace more than one object, and the object must be expressed in the law's title. According to the Court, these amendments were not germane to the SFWCA's object of scientific fish and wildlife conservation.)

MCL 333.40103 et al.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would appropriate an additional \$1.0 million to the Department of Natural Resources to combat aquatic invasive species for fiscal year (FY) 2016-17. These funds would be in addition to the \$5.0 million GF/GP currently in the FY 2016-17 budget to combat invasive species generally, and \$1.0 million GF/GP included specifically to fund development of a mobile barrier that could be used to prevent Asian Carp from entering the Great Lakes. The

bill does not specify what the fund source for the \$1.0 million would be, but past statutory appropriations with an unspecified fund source have been assumed to come from the State General Fund.

Date Completed: 12-5-16

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.