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BILL ANALYSIS



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Senate Bill 1187 (as enacted)
Sponsor: Senator Tom Casperson
House Committee: Natural Resources

PUBLIC ACT 382 of 2016

Date Completed: 2-21-17

CONTENT

The bill amended 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, as described below). The provisions the bill reenacted do the following:

- Include wolf in the definition of "game".
- Authorize the Natural Resources Commission (NRC) (in addition to the Legislature) to designate a species as game.
- Specify that only the Legislature may remove a species from the list of game.
- Require 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.
- Allow the NRC to decline to issue orders authorizing an open season for a game species if doing so would conflict with those principles.
- State a legislative declaration regarding hunting and fishing in Michigan, as well as rights related to those activities.
- Grant the NRC the exclusive authority to regulate the taking of fish in Michigan, and require it to issue related orders and notify the Legislature before doing so.
- Authorize 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 amended 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 initiated law included a similar appropriation for fiscal year 2014-15.)

The bill took effect on December 22, 2016.

(In an unpublished opinion dated November 22, 2016 (*Keep Michigan Wolves Protected v. State of Michigan*, No. 328604), the Court of Appeals found the initiated law, Public Act 281 of 2014, 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 initiated law's object of scientific fish and wildlife conservation.)

MCL 333.40103 et al.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill appropriated an additional \$1.0 million to the Department of Natural Resources to combat aquatic invasive species for fiscal year (FY) 2016-17. These funds are in addition to the \$5.0 million GF/GP already 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 the fund source for the \$1.0 million it appropriated, but past statutory appropriations with an unspecified fund source have been assumed to come from the State General Fund.

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.