

# SENATE BILL No. 1187

December 1, 2016, Introduced by Senator CASPERSON and referred to the Committee of the Whole.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40103, 40110, 40113a, and 48703a (MCL 324.40103, 324.40110, 324.40113a, and 324.48703a), sections 40103, 40110, and 40113a as amended by 2014 PA 281 and section 48703a as amended by 2015 PA 12.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 40103. (1) "Game" means any species of wildlife  
2 designated by the legislature or the ~~natural resources~~ commission  
3 as game under section 40110 and any of the following animals but  
4 does not include privately owned cervidae species located on a  
5 cervidae livestock facility registered under the privately owned  
6 cervidae producers marketing act, 2000 PA 190, MCL 287.951 to  
7 287.969:

- 1 (a) Badger.
- 2 (b) Bear.
- 3 (c) Beaver.
- 4 (d) Bobcat.
- 5 (e) Brant.
- 6 (f) Coot.
- 7 (g) Coyote.
- 8 (h) Crow.
- 9 (i) Deer.
- 10 (j) Duck.
- 11 (k) Elk.
- 12 (l) Fisher.
- 13 (m) Florida gallinule.
- 14 (n) Fox.
- 15 (o) Geese.
- 16 (p) Hare.
- 17 (q) Hungarian partridge.
- 18 (r) Marten.
- 19 (s) Mink.
- 20 (t) Moose.
- 21 (u) Muskrat.
- 22 (v) Opossum.
- 23 (w) Otter.
- 24 (x) Pheasant.
- 25 (y) Quail.
- 26 (z) Rabbit.
- 27 (aa) Raccoon.

- 1 (bb) Ruffed grouse.  
2 (cc) Sharptailed grouse.  
3 (dd) Skunk.  
4 (ee) Snipe.  
5 (ff) Sora rail.  
6 (gg) Squirrel.  
7 (hh) Virginia rail.  
8 (ii) Weasel.  
9 (jj) Wild turkey.  
10 (kk) Wolf.  
11 (ll) Woodchuck.  
12 (mm) Woodcock.

13 (2) "Interim order of the department" means an order of the  
14 department issued under section 40108.

15 (3) "Kind" means an animal's sex, age, or physical  
16 characteristics.

17 (4) "Normal agricultural practices" means generally accepted  
18 agricultural and management practices as defined by the commission  
19 of agriculture and rural development.

20 (5) "Open season" means the dates during which game may be  
21 legally taken.

22 (6) "Parts" means any or all portions of an animal, including  
23 the skin, plumage, hide, fur, entire body, or egg of an animal.

24 (7) "Protected" or "protected animal" means an animal or kind  
25 of animal that is designated by the department as an animal that  
26 shall not be taken.

27 (8) "Residence" means a permanent building serving as a

1 temporary or permanent home. Residence may include a cottage,  
 2 cabin, or mobile home, but does not include a structure designed  
 3 primarily for taking game, a tree blind, a tent, a recreational or  
 4 other vehicle, or a camper.

5 (9) "Conservation" means the wise use of natural resources.

6 Sec. 40110. (1) Only the legislature or the ~~natural resources~~  
 7 commission may designate a wildlife species as game. Only the  
 8 legislature or ~~natural resources~~ commission may establish the first  
 9 open season for a game species designated under this section. The  
 10 legislature retains the sole authority to remove a wildlife species  
 11 from the list of game. ~~species.~~

12 ~~—The natural resources~~ **SPECIES. THE** commission shall exercise  
 13 its authority under this subsection by issuing orders consistent  
 14 with its duty to use principles of sound scientific wildlife  
 15 management, as expressed in ~~see. 40113(a).~~ **SECTION 40113A.** The  
 16 ~~natural resources~~ commission may decline to issue orders  
 17 authorizing an open season for a game species if doing so would  
 18 conflict with principles of sound scientific wildlife management.  
 19 The ~~natural resources~~ commission shall not designate any of the  
 20 following as game under this subsection:

21 (a) A domestic animal.

22 (b) Livestock.

23 (c) Any species added to the game list by a public act that is  
 24 rejected by a referendum before May 14, 2013.

25 (2) After the legislature or ~~natural resources~~ commission  
 26 authorizes the establishment of the first open season for game  
 27 ~~pursuant to~~ **UNDER** this section, the department may issue orders

1 pertaining to that animal for each of the purposes listed in  
2 section 40107.

3 (3) As used in this section:

4 (a) "Domestic animal" means those species of animals that live  
5 under the husbandry of humans.

6 (b) "Livestock" includes, but is not limited to, cattle,  
7 sheep, new world camelids, goats, bison, privately owned cervids,  
8 ratites, swine, equine, poultry, and rabbits. Livestock does not  
9 include dogs and cats.

10 Sec. 40113a. (1) The legislature finds and declares that:

11 (a) The fish and wildlife populations of the state and their  
12 habitat are of paramount importance to the citizens of this state.

13 (b) The conservation of fish and wildlife populations of the  
14 state depend upon the wise use and sound scientific management of  
15 the state's natural resources.

16 (c) The sound scientific management of the fish and wildlife  
17 populations of the state, including hunting of bear, is declared to  
18 be in the public interest.

19 (d) The sound scientific management of bear populations in  
20 this state is necessary to minimize human/bear encounters and to  
21 prevent bears from threatening or harming humans, livestock, and  
22 pets.

23 (2) The ~~natural-resources~~ commission has the exclusive  
24 authority to regulate the taking of game as defined in section  
25 40103 in this state. The ~~natural-resources~~ commission shall, to the  
26 greatest extent practicable, utilize principles of sound scientific  
27 management in making decisions regarding the taking of game. The

1 ~~natural resources~~ commission may take testimony from department  
2 personnel, independent experts, and others, and review scientific  
3 literature and data, among other sources, in support of its duty to  
4 use principles of sound scientific management. ~~Issuance of orders~~  
5 ~~by the natural resources~~ **THE** commission **SHALL ISSUE ORDERS**  
6 regarding the taking of game ~~shall be made~~ following a public  
7 meeting and an opportunity for public input. Not less than 30 days  
8 before issuing an order, the ~~natural resources~~ commission shall  
9 provide a copy of the order to each of the following:

10 (a) Each member of each standing committee of the senate or  
11 house of representatives that considers legislation pertaining to  
12 conservation, the environment, natural resources, recreation,  
13 tourism, or agriculture.

14 (b) The chairperson of the senate appropriations committee and  
15 the chairperson of the house of representatives appropriations  
16 committee.

17 (c) The members of the subcommittee of the senate  
18 appropriations committee and the subcommittee of the house of  
19 representatives appropriations committee that consider the budget  
20 of the department of natural resources.

21 (3) The legislature declares that hunting, fishing, and the  
22 taking of game are a valued part of the cultural heritage of this  
23 state and should be forever preserved. The legislature further  
24 declares that these activities play an important part in the  
25 state's economy and in the conservation, preservation, and  
26 management of the state's natural resources. Therefore, the  
27 legislature declares that the citizens of this state have a right

1 to hunt, fish, and take game, subject to the regulations and  
2 restrictions prescribed by subsection (2) and law.

3       Sec. 48703a. (1) The legislature finds and declares that  
4 aquatic invasive species, including Asian carp, represent a  
5 significant threat to the state's fisheries, aquatic resources,  
6 outdoor recreation and tourism economies, and public safety.

7       (2) The commission has the exclusive authority to regulate  
8 sport fishing under this part. The commission shall, to the  
9 greatest extent practicable, utilize principles of sound scientific  
10 management in making decisions regarding the regulation of sport  
11 fishing under this part. The commission may take testimony from  
12 department personnel, independent experts, and others, and review  
13 scientific literature and data, among other sources, in support of  
14 the commission's duty to use principles of sound scientific  
15 management. The commission shall issue orders regarding the  
16 regulation of sport fishing under this part following a public  
17 meeting and an opportunity for public input. Not less than 30 days  
18 before issuing an order, the commission shall provide a copy of the  
19 order to each of the following:

20       (a) Each member of each standing committee of the senate or  
21 house of representatives that considers legislation pertaining to  
22 conservation, the environment, natural resources, recreation,  
23 tourism, or agriculture.

24       (b) The chairperson of the senate appropriations committee and  
25 the chairperson of the house of representatives appropriations  
26 committee.

27       (c) The members of the subcommittee of the senate

1 appropriations committee and the subcommittee of the house of  
2 representatives appropriations committee that consider the budget  
3 of the department of natural resources.

4 (3) For the fiscal year ending September 30, ~~2015~~**2017**, there  
5 is appropriated for the department the sum of \$1,000,000.00 to  
6 implement management practices necessary for rapid response,  
7 prevention, control, or elimination of aquatic invasive species,  
8 including Asian carp. Any portion of the amount under this section  
9 that is not expended in the fiscal year ending September 30, ~~2015~~  
10 **2017** shall not lapse to the general fund but shall be carried  
11 forward in a work project account that is in compliance with  
12 section 451a of the management and budget act, 1984 PA 431, MCL  
13 18.1451a.