

HOUSE BILL NO. 6386

September 21, 2022, Introduced by Rep. Damoose, Markkanen and LaFave and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40110, 40110a, 40110b, and 40113a (MCL 324.40110, 324.40110a, 324.40110b, and 324.40113a), sections 40110 and 40113a as amended by 2016 PA 382, section 40110a as added by 2010 PA 366, and section 40110b as added by 2012 PA 520.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40110. (1) Only the legislature, **the UP commission**, or
2 the commission may designate a wildlife species as game. Only the

1 legislature, **the UP commission**, or **the** commission may establish the
2 first open season for a game species designated under this section.
3 The legislature retains the sole authority to remove a wildlife
4 species from the list of game species. The **UP commission or the**
5 commission shall exercise its authority under this subsection by
6 issuing orders consistent with its duty to use principles of sound
7 scientific wildlife management, as expressed in section 40113a. The
8 **UP commission or the** commission may decline to issue orders
9 authorizing an open season for a game species if doing so would
10 conflict with principles of sound scientific wildlife management.
11 The **UP commission or the** commission shall not designate any of the
12 following as game under this subsection:

13 (a) A domestic animal.

14 (b) Livestock.

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

17 (2) After the legislature, **the UP commission**, or **the**
18 commission authorizes the establishment of the first open season
19 for game under this section, the department may issue orders
20 pertaining to that animal for each of the purposes listed in
21 section 40107.

22 (3) As used in this section:

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

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

29 Sec. 40110a. The legislature hereby authorizes the

1 establishment of the first open season for moose. The **UP** commission
2 may issue orders pertaining to moose for each of the purposes
3 listed in section 40113a, including, but not limited to, orders
4 establishing the first open season for moose.

5 Sec. 40110b. (1) The legislature finds and declares that:

6 (a) The wildlife populations of the state and their habitat
7 are of paramount importance to the citizens of this state.

8 (b) The sound management of wolf populations in this state is
9 necessary, including the use of hunting as a management tool, to
10 minimize negative human and wolf encounters and to prevent wolves
11 from threatening or harming humans, livestock, and pets.

12 (2) The legislature hereby authorizes the establishment of the
13 first open season for wolf. The **UP** commission may issue orders
14 under section 40113a establishing annual wolf hunting seasons
15 ~~throughout the state.~~ **in the Upper Peninsula.**

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

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

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

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

25 (d) The sound scientific management of bear populations in
26 this state is necessary to minimize ~~human/bear~~ **human and bear**
27 encounters and to prevent bears from threatening or harming humans,
28 livestock, and pets.

29 (2) ~~The~~ **Except as otherwise provided in this subsection, the**

1 commission has the exclusive authority to regulate the taking of
2 game ~~as defined in section 40103~~ in this state. **The UP commission**
3 **has the exclusive authority to regulate the taking of game that has**
4 **an impact only on the Upper Peninsula or that has no significant**
5 **impact outside the Upper Peninsula.** The **UP commission or the**
6 commission shall, to the greatest extent practicable, utilize
7 principles of sound scientific management in making decisions
8 regarding the taking of game. The **UP commission or the** commission
9 may take testimony from department personnel, independent experts,
10 and others, and review scientific literature and data, among other
11 sources, in support of its duty to use principles of sound
12 scientific management. The **UP commission or the** commission shall
13 issue orders regarding the taking of game following a public
14 meeting and an opportunity for public input. Not less than 30 days
15 before issuing an order, the **UP commission or the** commission shall
16 provide a copy of the order to each of the following:

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

21 (b) The chairperson of the senate appropriations committee and
22 the chairperson of the house of representatives appropriations
23 committee.

24 (c) The members of the subcommittee of the senate
25 appropriations committee and the subcommittee of the house of
26 representatives appropriations committee that consider the budget
27 of the department of natural resources.

28 (3) The legislature declares that hunting, fishing, and the
29 taking of game are a valued part of the cultural heritage of this

1 state and should be forever preserved. The legislature further
2 declares that these activities play an important part in the
3 state's economy and in the conservation, preservation, and
4 management of the state's natural resources. Therefore, the
5 legislature declares that the citizens of this state have a right
6 to hunt, fish, and take game, subject to the regulations and
7 restrictions prescribed by subsection (2) and law.

8 Enacting section 1. This amendatory act does not take effect
9 unless all of the following bills of the 101st Legislature are
10 enacted into law:

11 (a) Senate Bill No. ____ or House Bill No. 6385 (request no.
12 06168'22).

13 (b) Senate Bill No. ____ or House Bill No. 6384 (request no.
14 06170'22).

15 (c) Senate Bill No. ____ or House Bill No. 6383 (request no.
16 06171'22).

17 (d) Senate Bill No. ____ or House Bill No. 6387 (request no.
18 06172'22).