

HOUSE BILL NO. 4507

May 04, 2023, Introduced by Reps. Friske, Markkanen and Prestin and referred to the Committee on Natural Resources, Environment, Tourism 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~~**this** state and their
 7 habitat 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~~**this** state and
 18 their habitat are of paramount importance to the citizens of this
 19 state.

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

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

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

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

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

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

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

29 (3) The legislature declares that hunting, fishing, and the

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

9 Enacting section 1. This amendatory act does not take effect
10 unless all of the following bills of the 102nd Legislature are
11 enacted into law:

12 (a) Senate Bill No. _____ or House Bill No. 4506 (request no.
13 00049'23).

14 (b) Senate Bill No. _____ or House Bill No. 4509 (request no.
15 00050'23).

16 (c) Senate Bill No. _____ or House Bill No. 4508 (request no.
17 00052'23).