

# HOUSE BILL NO. 5375

November 14, 2023, Introduced by Reps. Meerman, Borton, Prestin, Alexander and Johnsen 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 40113a and 41103 (MCL 324.40113a and 324.41103), section 40113a as amended by 2016 PA 382 and section 41103 as added by 1995 PA 57.

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

- 1           Sec. 40113a. (1) The legislature finds and declares that:
- 2           (a) The fish and wildlife populations of the state and their
- 3           habitat are of paramount importance to the citizens of this state.

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

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

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

11 (2) The commission has the exclusive authority to regulate the  
12 taking of game as defined in section 40103 in this state. The  
13 commission shall, to the greatest extent practicable, utilize  
14 principles of sound scientific management in making decisions  
15 regarding the taking of game. The commission may take testimony  
16 from department personnel, independent experts, and others, and  
17 review scientific literature and data, among other sources, in  
18 support of its duty to use principles of sound scientific  
19 management. The commission shall issue orders regarding the taking  
20 of game following a public meeting and an opportunity for public  
21 input. **If the commission does not issue orders under this section**  
22 **before September 1, the orders are not valid until the next**  
23 **calendar year's hunting or trapping seasons.** Not less than 30 days  
24 before issuing an order, the commission shall provide a copy of the  
25 order to each of the following:

26 (a) Each member of each standing committee of the senate or  
27 house of representatives that considers legislation pertaining to  
28 conservation, the environment, natural resources, recreation,  
29 tourism, or agriculture.

1 (b) The chairperson of the senate appropriations committee and  
2 the chairperson of the house of representatives appropriations  
3 committee.

4 (c) The members of the subcommittee of the senate  
5 appropriations committee and the subcommittee of the house of  
6 representatives appropriations committee that consider the budget  
7 of the department of natural resources.

8 (3) The legislature declares that hunting, fishing, and the  
9 taking of game are a valued part of the cultural heritage of this  
10 state and should be forever preserved. The legislature further  
11 declares that these activities play an important part in the  
12 state's economy and in the conservation, preservation, and  
13 management of the state's natural resources. Therefore, the  
14 legislature declares that the citizens of this state have a right  
15 to hunt, fish, and take game, subject to the regulations and  
16 restrictions prescribed by subsection (2) and law.

17 Sec. 41103. (1) If the department determines that any fish,  
18 game or fur-bearing animals, or game birds of any kind or species  
19 are in danger of depletion or extermination and require additional  
20 protection in any designated waters or area within the state, the  
21 department may issue an order suspending or abridging the open  
22 season on fish, game or fur-bearing animals, or game birds, or may  
23 regulate their taking or killing in the waters or area as the  
24 department considers necessary for the further protection of fish,  
25 game or fur-bearing animals, or game birds in those waters or  
26 areas. The orders ~~shall~~**must** clearly specify the manner and  
27 condition relative to the taking or killing. The orders ~~shall~~**must**  
28 clearly and distinctly describe and set forth the waters or area  
29 affected by each order, and whether the order is applicable to all

1 fish, game or fur-bearing animals, or game birds, or only to  
2 certain kinds or species designated in the order, and shall also  
3 clearly specify and set forth the length of time during which the  
4 order ~~shall remain~~ **remains** in effect. However, an order ~~shall must~~  
5 not remain in effect for more than 5 years. The **department shall**  
6 **notify the** public ~~shall be notified~~ of orders changing the rules  
7 pertaining to hunting, fishing, or trapping in the annual hunting,  
8 fishing, and trapping guides available by licensed agents of the  
9 department and field offices of the department. ~~or the department~~  
10 ~~may publish the orders at least 21 days but not more than 60 days~~  
11 ~~prior to taking effect, and at least once annually while in force,~~  
12 ~~in at least 1 newspaper in each county, if a newspaper is published~~  
13 ~~in a county, the whole or any portion of which is affected by the~~  
14 ~~order. The first newspaper publication shall appear at least once~~  
15 ~~each week for 3 successive weeks. A copy of the order as printed in~~  
16 ~~the newspaper shall be filed with the clerk of each county. Proof~~  
17 ~~by affidavit of the newspaper publication or other form of~~  
18 ~~publication allowed in this section shall be filed with the~~  
19 ~~department, and a~~ **The department shall publish the annual hunting,**  
20 **fishing, and trapping guides no later than September 1. A** copy of  
21 the order, while it is in force and effect, ~~shall must~~ be included  
22 and printed in the authorized biennial compilation of the Michigan  
23 fish and game laws. The original of all orders on file in the  
24 Lansing office of the department ~~shall must~~ be under the seal of  
25 the department and ~~shall~~ bear the signatures of the chairperson and  
26 secretary of the commission and ~~shall~~ be countersigned by the  
27 department. The department shall establish the seasons, size  
28 limits, creel limits, and methods of taking fish in certain  
29 designated inland lakes not to exceed 20 in number at any 1 time

1 and in certain designated streams or portions of streams not to  
 2 exceed 10 in number at any 1 time for the purpose of fisheries  
 3 research. The department may establish not more than 1 experimental  
 4 game management area that ~~shall~~**must** not exceed 40,000 acres in  
 5 size, 4 experimental game management areas not to exceed 5,000  
 6 acres each in size, and 1 experimental game management area that  
 7 shall include Beaver ~~island~~**Island** in its entirety and the 4  
 8 islands that comprise the Little Beaver ~~islands state game area.~~  
 9 **Islands State Game Area.** The department shall establish rules and  
 10 orders governing the kind of game that may be taken in the areas  
 11 designated in this subsection and the time, place, and manner or  
 12 method of the taking.

13 (2) The department shall publish annually in 1 or more  
 14 newspapers of general circulation in this state notice of the  
 15 availability of the annual ~~sports-fishing handbook.~~**guide.** The  
 16 published notice ~~shall~~**must** inform the public of when, where, and  
 17 how the annual ~~sports-fishing handbook~~**guide** may be obtained.

18 (3) The department shall notify the public of an amendment,  
 19 correction, or addition to the annual ~~sports-fishing handbook in~~  
 20 ~~the same manner as provided for newspaper publication in subsection~~  
 21 ~~(1).~~**guide.**