

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 979 (Substitute S-2 as reported)
Sponsor: Senator Glenn D. Steil
Committee: Hunting, Fishing and Forestry

Date Completed: 4-16-98

RATIONALE

Part 5 of the Natural Resources and Environmental Protection Act (NREPA) prescribes the general powers and duties of the Department of Natural Resources (DNR). The Act states that the DNR "...has the power and jurisdiction over the management, control, and disposition of all land under the public domain, except for those lands...that are managed by other state agencies to carry out their assigned duties and responsibilities." (MCL 324.503). While Part 415 of the NREPA designates certain areas as public shooting and hunting grounds (described below in **BACKGROUND**), Part 419 authorizes the DNR to regulate and prohibit hunting, and the discharge of firearms and bows and arrows, in areas where hunting or discharge of firearms or bows and arrows may kill, injure, or disturb persons who can reasonably be expected to be in the area, destroy or damage buildings or personal property, or impair the general safety and welfare. Under the Act, the DNR may determine and define boundaries or regulate hunting in these areas. In addition, a local government may request the DNR to recommend the closure of an area if it determines that hunters or the discharge of firearms or bow and arrows is endangering the safety and well-being of persons or property. The DNR must hold a public meeting in the affected locality, undertake appropriate investigations and studies, and prescribe regulations as necessary to alleviate or correct the problem. Some people believe that the statutory restrictions are too cumbersome and that the DNR should not generally be able to prohibit hunting on land under its control.

CONTENT

The bill would amend Part 5 (Department of Natural Resources) of the NREPA to specify that the DNR could not by rule or order prohibit hunting or vehicle use on lands under its control unless a

day camp was established on the land or the closure was specifically authorized by law. The bill also specifies that a rule or order that prohibited hunting or vehicle use on land under the DNR's control would have to expire not later than four years after the effective date of the rule or order. If the rule or order, however, were in effect on the bill's effective date, then it would have to expire not later than four years after the bill's effective date. The bill's provisions would not apply to land designated as commercial forest under Part 511 (Commercial Forests) of the NREPA. ("Commercial forest" means forestland that is determined to be a commercial forest. To be eligible, a forestland must produce at least 20 cubic feet per acre per year of forest growth, tree species that have economic or commercial value, and commercial stand of timber within a reasonable period of time.)

Under the Act, the DNR must do the following:

- Promulgate rules for the protection of the lands and property under its control against wrongful use or occupancy, to ensure the protection of the lands and property from depredations, and to preserve the lands and property from molestation, spoliation, destruction, or any other improper use or occupancy.
- Issue orders necessary to implement rules promulgated under this provision.

A person who violates a rule promulgated under this provision or an order issued under it is responsible for a State civil infraction and may be ordered to pay a fine of up to \$500.

MCL 324.504

BACKGROUND

Part 415 (Public Shooting and Hunting Grounds) of the Natural Resources and Environmental Protection Act identifies public shooting and hunting grounds under the control of the Department of Natural Resources. The Act states that the DNR may make, publish, and enforce reasonable rules and regulations for the care and preservation of the shooting grounds, for the maintenance of good order, and for the protection of property as necessary. The Act sets apart and dedicates for public shooting and hunting grounds all State lands in Wild Fowl Bay (Huron County), or commonly known as the "middle ground", between Maison Island and the main land; all of the swamp or submerged lands along the borders of Lakes Erie, Huron, Michigan, Superior, and St. Clair; and all State-owned swamp or submerged lands contiguous to and lying along the shores of the Kalamazoo River, Grand River, and Muskegon River.

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: G. Cutler

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The statutory restrictions are too cumbersome and are subject to potential changes that could restrict or regulate current public hunting areas. The bill specifies that unless a day camp was established on the land, the closure was authorized by law, or the land was designated as a commercial forest, the DNR would be prohibited from issuing a rule or order to prohibit hunting, or vehicle use on land under its control.

Response: The DNR supports hunting as a legitimate form of recreation and as a useful tool in the management of the wildlife resource. The bill's provisions, however, would interfere with the DNR's current land use management policies. The NREPA specifies that the DNR has the authority to issue rules or orders to protect and preserve land and property under its control from depredation, molestation, spoilation, destruction, or any improper use or occupancy. Land use policies for land under DNR control should be established by the DNR.

Legislative Analyst: N. Nagata

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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.