

HOUSE BILL No. 5912

March 28, 2006, Introduced by Reps. Gillard, McDowell, Gleason, Espinoza, Brown, Adamini, Sheltroun, Cushingberry, Bennett, Miller, Spade, Polidori, Sak, Angerer, Gonzales, Byrnes, Donigan, Accavitti, Mayes, Palsrok, Farhat, Elsenheimer, Byrum, Acciavatti, McConico and Lemmons, III and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 504 (MCL 324.504), as amended by 2004 PA 130.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 504. (1) The department shall promulgate rules ~~for the~~
2 ~~protection of the lands and~~ **TO PROTECT AND PRESERVE** property under
3 its control ~~against wrongful use or occupancy as will ensure the~~
4 ~~carrying out of the intent of this part to protect the lands and~~
5 ~~property from depredations and to preserve the lands and property~~
6 ~~from molestation, spoilation, destruction, or any other~~ **FROM**
7 **DEPRADATION, DAMAGE, OR DESTRUCTION RESULTING FROM WRONGFUL OR**
8 improper use or occupancy.

9 (2) **THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:**

10 (A) **KEEP LAND UNDER ITS CONTROL OPEN TO HUNTING UNLESS THE**

1 DEPARTMENT DETERMINES THAT THE LAND SHOULD BE CLOSED TO HUNTING
2 BECAUSE OF PUBLIC SAFETY, FISH OR WILDLIFE MANAGEMENT, OR HOMELAND
3 SECURITY CONCERNS OR AS OTHERWISE REQUIRED BY LAW.

4 (B) MANAGE LAND UNDER ITS CONTROL TO SUPPORT AND PROMOTE
5 HUNTING OPPORTUNITIES TO THE EXTENT AUTHORIZED BY LAW.

6 (C) MANAGE LAND UNDER ITS CONTROL TO PREVENT ANY NET DECREASE
7 IN THE ACREAGE OF SUCH LAND THAT IS OPEN TO HUNTING.

8 (3) BY APRIL 1, 2007 AND EACH YEAR THEREAFTER, THE DEPARTMENT
9 SHALL SUBMIT TO THE LEGISLATURE A REPORT THAT INCLUDES ALL OF THE
10 FOLLOWING:

11 (A) THE LOCATION AND ACREAGE OF LAND UNDER ITS CONTROL
12 PREVIOUSLY OPEN TO HUNTING THAT THE DEPARTMENT CLOSED TO HUNTING
13 DURING THE 1-YEAR PERIOD ENDING THE PRECEDING MARCH 1, TOGETHER
14 WITH THE REASONS FOR THE CLOSURE.

15 (B) THE LOCATION AND ACREAGE OF LAND UNDER ITS CONTROL
16 PREVIOUSLY CLOSED TO HUNTING THAT THE DEPARTMENT OPENED TO HUNTING
17 DURING THE 1-YEAR PERIOD ENDING THE PRECEDING MARCH 1 TO COMPENSATE
18 FOR LAND CLOSED TO HUNTING UNDER SUBDIVISION (A).

19 (4) ~~-(2)-~~ This section does not ~~allow~~ AUTHORIZE the
20 department to promulgate a rule that applies to commercial fishing
21 except as otherwise provided by law.

22 (5) ~~-(3)-~~ The department shall not promulgate or enforce a
23 rule that prohibits an individual who is licensed or exempt from
24 licensure under 1927 PA 372, MCL 28.421 to 28.435, from carrying a
25 pistol in compliance with that act, whether concealed or otherwise,
26 on property under the control of the department.

27 (6) ~~-(4)-~~ The department shall issue orders necessary to

1 implement rules promulgated under this section. These orders shall
2 be effective upon posting.

3 (7) ~~—(5)—~~ A person who violates a rule promulgated under this
4 section or an order issued under this section is responsible for a
5 state civil infraction and may be ordered to pay a civil fine of
6 not more than \$500.00.