

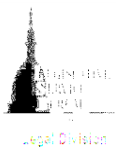
# HOUSE BILL NO. 5592

March 05, 2020, Introduced by Reps. 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, 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



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

14 (a) A domestic animal.

15 (b) Livestock.

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

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

23 (3) As used in this section:

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

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



1       Sec. 40110a. The legislature hereby authorizes the  
2       establishment of the first open season for moose. The **UP** commission  
3       may issue orders pertaining to moose for each of the purposes  
4       listed in section 40113a, including, but not limited to, orders  
5       establishing the first open season for moose.

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

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

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

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

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

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

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

23      (c) The sound scientific management of the fish and wildlife  
24      populations of the state, including hunting of bear, is declared to  
25      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**  
5 **only has an impact on the Upper Peninsula or that has no**  
6 **significant impact outside the Upper Peninsula. The UP commission**  
7 **or the** commission shall, to the greatest extent practicable,  
8 utilize principles of sound scientific management in making  
9 decisions regarding the taking of game. **The UP commission or the**  
10 commission may take testimony from department personnel,  
11 independent experts, and others, and review scientific literature  
12 and data, among other sources, in support of its duty to use  
13 principles of sound scientific management. **The UP commission or the**  
14 commission shall issue orders regarding the taking of game  
15 following a public meeting and an opportunity for public input. Not  
16 less than 30 days before issuing an order, **the UP commission or the**  
17 commission shall provide a copy of the order to each of the  
18 following:

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

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

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



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

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 100th Legislature are enacted into law:

(a) Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request no. 04011'19).

(b) Senate Bill No. \_\_\_\_ or House Bill No. 5593 (request no. 04014'19).

(c) Senate Bill No. \_\_\_\_ or House Bill No. 5594 (request no. 04022'19).

