

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

***** 324.40113a.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 20, 2024 *****

324.40113a.amended Legislative findings and declarations; taking of game; issuance of orders; right to hunt, fish, and take game.

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

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

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

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

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

(2) The commission has the exclusive authority to regulate the taking of game as that term is defined in section 40103 and to regulate sport fishing under part 487 in this state, including, but not limited to, regulating the use of commercial hunting guides or sport fishing guides in taking game and fish. The commission shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the taking of game. The commission may take testimony from department personnel, independent experts, and others, and review scientific literature and data, among other sources, in support of its duty to use principles of sound scientific management. The commission shall issue orders regarding the taking of game following a public meeting and an opportunity for public input. Not less than 30 days before issuing an order, the commission shall provide a copy of the order to each of the following:

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

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

(c) The members of the subcommittee of the senate appropriations committee and the subcommittee of the house of representatives appropriations committee that consider the budget 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.

History: Add. 1996, Act 377, Eff. Dec. 5, 1996;—Am. 1997, Act 19, Imd. Eff. June 12, 1997;—Am. 2013, Act 21, Imd. Eff. May 8, 2013;—Am. 2013, Act 22, Imd. Eff. May 8, 2013;—Am. 2014, Act 281, Eff. Mar. 31, 2015;—Am. 2016, Act 382, Imd. Eff. Dec. 22, 2016;—Am. 2023, Act 222, Eff. Feb. 20, 2024.

Compiler's note: This section, as added by Act 377 of 1996, was submitted to, and approved by, the electors of the state at the general election held on November 5, 1996.

Enacting section 1 of Act 281 of 2014 provides:

"Enacting section 1. This act reenacts all or portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108. If any portions of 2012 PA 520 or 2013 PA 21 or 2013 PA 22 or 2013 PA 108 not amended by this act are invalidated pursuant to referendum or any other reason, then any such invalidated portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108 which are otherwise included in this act, shall be deemed to be reenacted pursuant to this act."

Enacting section 2 of Act 281 of 2014 provides:

"Enacting section 2. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."

Public Act 281 of 2014 was proposed by initiative petition pursuant to Const 1963, art II, § 9. The initiative petition was approved by an affirmative vote of the majority of the Senate on August 13, 2014 and by the House of Representatives on August 27, 2014. The initiative petition was filed with the Secretary of State on August 27, 2014.

In *Keep Michigan Wolves Protected v State of Michigan*, an unpublished opinion issued November 22, 2016, (Docket No. 328604), the Michigan Court of Appeals held that 2014 PA 281, which amended sections of the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, is unconstitutional as it violates the title-object clause of section 24 of article IV of the state constitution of 1963.

Popular name: Act 451

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