

INITIATION OF LEGISLATION

An initiation of legislation to enact the Scientific Fish and Wildlife Conservation Act. This initiated law would ensure that decisions affecting the taking of fish and wildlife are made using principles of sound scientific fish and wildlife management, to provide for free hunting, fishing and trapping licenses for active members of the military, and to provide appropriations for fisheries management activities necessary for rapid response, prevention, control and/or elimination of aquatic invasive species, including Asian carp, by amending 1994 PA 451, entitled "Natural resources and environmental protection act," sections 40103, 40110, 40113a, 43536a and 48703a (MCL 324.40103, 324.40110, 324.40113a, 324.43536a and 324.48703a), section 40103 as amended by 2012 PA 520 and 2013 PA 21, section 40110 as added by 1995 PA 57 and amended by 2013 PA 21, section 40113a as amended by 1997 PA 19, 2013 PA 21 and 2013 PA 22, section 43536a as amended by 2004 PA 545, 2013 PA 21 and 2013 PA 108, and section 48703a as added by 2013 PA 21.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 40103. (1) "Game" means any ~~animal~~ **SPECIES OF WILDLIFE** designated **BY THE LEGISLATURE OR THE NATURAL RESOURCES COMMISSION** as game under section 40110 and any of the following animals but does not include privately owned cervidae species located on a cervidae livestock facility registered under the privately owned cervidae producers marketing act, 2000 PA 190, MCL 287.951 to 287.969:

- (a) Badger.
- (b) Bear.
- (c) Beaver.
- (d) Bobcat.
- (e) Brant.
- (f) Coot.
- (g) Coyote.
- (h) Crow.
- (i) Deer.
- (j) Duck.
- (k) Elk.
- (l) Fisher.
- (m) Florida gallinule.
- (n) Fox.
- (o) Geese.
- (p) Hare.
- (q) Hungarian partridge.
- (r) Marten.
- (s) Mink.
- (t) Moose.
- (u) Muskrat.
- (v) Opossum.
- (w) Otter.
- (x) Pheasant.
- (y) Quail.
- (z) Rabbit.
- (aa) Raccoon.
- (bb) Ruffed grouse.
- (cc) Sharptailed grouse.
- (dd) Skunk.
- (ee) Snipe.
- (ff) Sora rail.
- (gg) Squirrel.
- (hh) Virginia rail.
- (ii) Weasel.
- (jj) Wild turkey.

- (kk) Wolf.
- (ll) Woodchuck.
- (mm) Woodcock.
- (2) "Interim order of the department" means an order of the department issued under section 40108.
- (3) "Kind" means an animal's sex, age, or physical characteristics.
- (4) "Normal agricultural practices" means generally accepted agricultural and management practices as defined by the commission of agriculture and rural development.
- (5) "Open season" means the dates during which game may be legally taken.
- (6) "Parts" means any or all portions of an animal, including the skin, plumage, hide, fur, entire body, or egg of an animal.
- (7) "Protected" or "protected animal" means an animal or kind of animal that is designated by the department as an animal that shall not be taken.

(8) "Residence" means a permanent building serving as a temporary or permanent home. Residence may include a cottage, cabin, or mobile home, but does not include a structure designed primarily for taking game, a tree blind, a tent, a recreational or other vehicle, or a camper.

(9) **"CONSERVATION" MEANS THE WISE USE OF NATURAL RESOURCES.**

Sec. 40110. (1) Only the legislature or the **NATURAL RESOURCES** commission may designate a **WILDLIFE** species as game. ~~If an animal is designated under this section by the legislature or commission as game, then only the legislature or commission may authorize the establishment of the first open season for that animal. Only the legislature may remove a species from the list of game.~~ **ONLY THE LEGISLATURE OR NATURAL RESOURCES COMMISSION MAY ESTABLISH THE FIRST OPEN SEASON FOR A GAME SPECIES DESIGNATED UNDER THIS SECTION. THE LEGISLATURE RETAINS THE SOLE AUTHORITY TO REMOVE A WILDLIFE SPECIES FROM THE LIST OF GAME SPECIES.**

The **NATURAL RESOURCES** commission shall exercise its authority under this subsection by issuing orders **CONSISTENT WITH ITS DUTY TO USE PRINCIPLES OF SOUND SCIENTIFIC WILDLIFE MANAGEMENT, AS EXPRESSED IN SEC. 40113(A). THE NATURAL RESOURCES COMMISSION MAY DECLINE TO ISSUE ORDERS AUTHORIZING AN OPEN SEASON FOR A GAME SPECIES IF DOING SO WOULD CONFLICT WITH PRINCIPLES OF SOUND SCIENTIFIC WILDLIFE MANAGEMENT.** The **NATURAL RESOURCES** commission shall not designate any of the following as game under this subsection:

- (a) A domestic animal.
- (b) Livestock.
- (c) Any species added to the game list by a public act that is rejected by a referendum before ~~the effective date of the 2013 amendatory act that amended this section~~ **MAY 14, 2013.**

(2) After the legislature or **NATURAL RESOURCES** commission authorizes the establishment of the first open season for game pursuant to this section, the department may issue orders pertaining to that animal for each of the purposes listed in section 40107.

(3) As used in this section:

- (a) "Domestic animal" means those species of animals that live under the husbandry of humans.
- (b) "Livestock" includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, and rabbits. Livestock does not include dogs and cats.

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

(2) The **NATURAL RESOURCES** commission has the exclusive authority to regulate the taking of game as defined in section 40103 in this state. The **NATURAL RESOURCES** commission shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the taking of game. **THE NATURAL RESOURCES 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. Issuance of orders by the **NATURAL RESOURCES** commission regarding the taking of game shall be made following a public meeting and an opportunity for public input. Not less than 30 days before issuing an order, the **NATURAL RESOURCES** 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.

Sec. 43536a. (1) Beginning March 1, 2014, a **AN ACTIVE** member of the military may obtain any license under this part for which a lottery is not required at no cost upon presentation to a licensing agent of leave papers, duty papers, military orders, or other evidence acceptable to the department verifying that he or she is stationed outside of this state. The license is valid during the season in which that license would otherwise be valid.

(2) As used in this section, "**ACTIVE** member of the military" means either of the following:

(a) An individual described by section 43506(3)(d).

(b) An individual who meets all of the following requirements:

(i) The individual is a reserve component soldier, sailor, airman, or marine or member of the Michigan national guard and is called to federal active duty.

(ii) At the time the individual was called to federal active duty, he or she was a resident of this state.

(iii) The individual has maintained his or her residence in this state for the purpose of obtaining a driver license or voter registration, or both.

Sec. 48703a. **(1) THE LEGISLATURE FINDS AND DECLARES THAT AQUATIC INVASIVE SPECIES, INCLUDING ASIAN CARP, REPRESENT A SIGNIFICANT THREAT TO THE STATE'S FISHERIES, AQUATIC RESOURCES, OUTDOOR RECREATION AND TOURISM ECONOMIES, AND PUBLIC SAFETY.**

(2) The **NATURAL RESOURCES** commission has the exclusive authority to regulate the taking of fish in this state. The **NATURAL RESOURCES** commission shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the taking of fish. **THE NATURAL RESOURCES 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 **NATURAL RESOURCES** commission shall issue orders regarding the taking of fish following a public meeting and an opportunity for public input. Not less than 30 days before issuing an order, the **NATURAL RESOURCES** 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.

(D) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015, THERE IS APPROPRIATED FOR THE DEPARTMENT THE SUM OF \$1,000,000.00 TO IMPLEMENT MANAGEMENT PRACTICES NECESSARY FOR RAPID RESPONSE, PREVENTION, CONTROL AND/OR ELIMINATION OF AQUATIC INVASIVE SPECIES, INCLUDING ASIAN CARP. ANY PORTION OF THE AMOUNT UNDER THIS SECTION THAT IS NOT EXPENDED IN THE FISCAL YEAR ENDING SEPTEMBER 30, 2015 SHALL NOT LAPSE TO THE GENERAL FUND BUT SHALL BE CARRIED FORWARD IN A WORK PROJECT ACCOUNT THAT IS IN COMPLIANCE WITH SECTION 451A OF THE MANAGEMENT AND BUDGET ACT, 1984 PA 431, MCL 18.1451A.

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. 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.