

**SUBSTITUTE FOR
HOUSE BILL NO. 4029**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 40113a and 41103 (MCL 324.40113a and
324.41103), section 40113a as amended by 2023 PA 222 and section
41103 as added by 1995 PA 57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 40113a. (1) The legislature finds and declares that:
- 2 (a) The fish and wildlife populations of the state and their
- 3 habitat are of paramount importance to the citizens of this state.
- 4 (b) The conservation of fish and wildlife populations of the
- 5 state depend upon the wise use and sound scientific management of
- 6 the state's natural resources.
- 7 (c) The sound scientific management of the fish and wildlife

1 populations of the state, including hunting of bear, is declared to
2 be in the public interest.

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

7 (2) The commission has the exclusive authority to regulate the
8 taking of game as that term is defined in section 40103 and to
9 regulate sport fishing under part 487 in this state, including, but
10 not limited to, regulating the use of commercial hunting guides or
11 sport fishing guides in taking game and fish. The commission shall,
12 to the greatest extent practicable, utilize principles of sound
13 scientific management in making decisions regarding the taking of
14 game. The commission may take testimony from department personnel,
15 independent experts, and others, and review scientific literature
16 and data, among other sources, in support of its duty to use
17 principles of sound scientific management. The commission shall
18 issue orders regarding the taking of game following a public
19 meeting and an opportunity for public input. **If the commission does**
20 **not issue orders under this section before June 1, the orders are**
21 **not valid until the next calendar year's hunting or trapping**
22 **seasons.** Not less than 30 days before issuing an order, the
23 commission shall provide a copy of the order to each of the
24 following:

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

29 (b) The chairperson of the senate appropriations committee and

1 the chairperson of the house of representatives appropriations
2 committee.

3 (c) The members of the subcommittee of the senate
4 appropriations committee and the subcommittee of the house of
5 representatives appropriations committee that consider the budget
6 of the department of natural resources.

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

16 Sec. 41103. (1) If the department determines that any fish,
17 game or fur-bearing animals, or game birds of any kind or species
18 are in danger of depletion or extermination and require additional
19 protection in any designated waters or area within the state, the
20 department may issue an order suspending or abridging the open
21 season on fish, game or fur-bearing animals, or game birds, or may
22 regulate their taking or killing in the waters or area as the
23 department considers necessary for the further protection of fish,
24 game or fur-bearing animals, or game birds in those waters or
25 areas. The orders ~~shall~~**must** clearly specify the manner and
26 condition relative to the taking or killing. The orders ~~shall~~**must**
27 clearly and distinctly describe and set forth the waters or area
28 affected by each order, and whether the order is applicable to all
29 fish, game or fur-bearing animals, or game birds, or only to

1 certain kinds or species designated in the order, and shall also
2 clearly specify and set forth the length of time during which the
3 order ~~shall remain~~ **remains** in effect. However, an order ~~shall must~~
4 not remain in effect for more than 5 years. The **department shall**
5 **notify the** public ~~shall be notified of~~ orders changing the rules
6 pertaining to hunting, fishing, or trapping in the annual hunting,
7 fishing, and trapping guides available by licensed agents of the
8 department and field offices of the department or the department
9 may publish the orders at least 21 days but not more than 60 days
10 ~~prior to~~ **before** taking effect, and at least once annually while in
11 force, in at least 1 newspaper in each county, if a newspaper is
12 published in a county, the whole or any portion of which is
13 affected by the order. The first newspaper publication ~~shall must~~
14 appear at least once each week for 3 successive weeks. A copy of
15 the order as printed in the newspaper ~~shall must~~ be filed with the
16 clerk of each county. Proof by affidavit of the newspaper
17 publication or other form of publication allowed in this section
18 shall be filed with the department, and a copy of the order, while
19 it is in force and effect, ~~shall must~~ be included and printed in
20 the authorized biennial compilation of the Michigan fish and game
21 laws. **The department shall publish the annual hunting, fishing, and**
22 **trapping guides and make printed copies available to the public no**
23 **later than August 15.** The original of all orders on file in the
24 Lansing office of the department ~~shall must~~ be under the seal of
25 the department and ~~shall~~ bear the signatures of the chairperson and
26 secretary of the commission and ~~shall~~ be countersigned by the
27 department. The department shall establish the seasons, size
28 limits, creel limits, and methods of taking fish in certain
29 designated inland lakes not to exceed 20 in number at any 1 time

1 and in certain designated streams or portions of streams not to
2 exceed 10 in number at any 1 time for the purpose of fisheries
3 research. The department may establish not more than 1 experimental
4 game management area that ~~shall~~**must** not exceed 40,000 acres in
5 size, 4 experimental game management areas not to exceed 5,000
6 acres each in size, and 1 experimental game management area that
7 shall include Beaver ~~island~~**Island** in its entirety and the 4
8 islands that comprise the Little Beaver ~~islands state game area.~~
9 **Islands State Game Area.** The department shall establish rules and
10 orders governing the kind of game that may be taken in the areas
11 designated in this subsection and the time, place, and manner or
12 method of the taking.

13 (2) The department shall publish annually in 1 or more
14 newspapers of general circulation in this state notice of the
15 availability of the annual ~~sports-fishing handbook.~~**guide.** The
16 published notice ~~shall~~**must** inform the public of when, where, and
17 how the annual ~~sports-fishing handbook~~**guide** may be obtained.

18 (3) The department shall notify the public of an amendment,
19 correction, or addition to the annual ~~sports-fishing handbook~~**guide**
20 in the same manner as provided for newspaper publication in
21 subsection (1).