

HOUSE BILL NO. 4029

January 28, 2025, Introduced by Reps. Slagh, Woolford, Roth, Kelly, Kunse, Green, Rigas, Bohnak, Prestin, Alexander, Borton, Fairbairn, BeGole and VanderWall and referred to Committee on Natural Resources and Tourism.

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.

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

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

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

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

29 (a) Each member of each standing committee of the senate or

1 house of representatives that considers legislation pertaining to
2 conservation, the environment, natural resources, recreation,
3 tourism, or agriculture.

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

7 (c) The members of the subcommittee of the senate
8 appropriations committee and the subcommittee of the house of
9 representatives appropriations committee that consider the budget
10 of the department of natural resources.

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

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

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

commission and ~~shall~~ be countersigned by the department. The department shall establish the seasons, size limits, creel limits, and methods of taking fish in certain designated inland lakes not to exceed 20 in number at any 1 time and in certain designated streams or portions of streams not to exceed 10 in number at any 1 time for the purpose of fisheries research. The department may establish not more than 1 experimental game management area that ~~shall~~**must** not exceed 40,000 acres in size, 4 experimental game management areas not to exceed 5,000 acres each in size, and 1 experimental game management area that shall include Beaver ~~island~~**Island** in its entirety and the 4 islands that comprise the Little Beaver ~~islands state game area~~**Islands State Game Area**. The department shall establish rules and orders governing the kind of game that may be taken in the areas designated in this subsection and the time, place, and manner or method of the taking.

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

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