

# HOUSE BILL NO. 5360

October 05, 2021, Introduced by Reps. Martin, Howell, Sowerby, Cherry, Wakeman, Aiyash and Cambensy 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 section 40113a (MCL 324.40113a), as amended by 2016 PA  
382.

**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

1 state depend upon the wise use and sound scientific management of  
2 the state's natural resources.

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

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

10 (2) The commission has the exclusive authority to regulate the  
11 taking of game as **that term is** defined in section 40103 **and to**  
12 **regulate sport fishing under part 487** in this state, **including, but**  
13 **not limited to, regulating the use of commercial hunting guides or**  
14 **sport fishing guides in taking game and fish.** The commission shall,  
15 to the greatest extent practicable, utilize principles of sound  
16 scientific management in making decisions regarding the taking of  
17 game. The commission may take testimony from department personnel,  
18 independent experts, and others, and review scientific literature  
19 and data, among other sources, in support of its duty to use  
20 principles of sound scientific management. The commission shall  
21 issue orders regarding the taking of game following a public  
22 meeting and an opportunity for public input. Not less than 30 days  
23 before issuing an order, the commission shall provide a copy of the  
24 order to each of the 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 Enacting section 1. This amendatory act takes effect 90 days  
17 after the date it is enacted into law.

18 Enacting section 2. This amendatory act does not take effect  
19 unless all of the following bills of the 101st Legislature are  
20 enacted into law:

21 (a) Senate Bill No. \_\_\_\_ or House Bill No. 5358 (request no.  
22 01367'21).

23 (b) Senate Bill No. \_\_\_\_ or House Bill No. 5359 (request no.  
24 01368'21).