

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

324.40110 Designation of species as game; establishment of first open season; removal from list; orders; definitions.

Sec. 40110.

(1) Only the legislature or the commission may designate a wildlife species as game. Only the legislature or 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 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 section 40113a. The 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 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 May 14, 2013.

(2) After the legislature or commission authorizes the establishment of the first open season for game under 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.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2013, Act 21, Imd. Eff. May 8, 2013 ;-- Am. 2014, Act 281, Eff. Mar. 31, 2015 ;-- Am. 2016, Act 382, Imd. Eff. Dec. 22, 2016

Compiler's Notes: 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.

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