

HOUSE BILL No. 4286

February 17, 2009, Introduced by Reps. Nerat, Melton, Byrnes, Rocca, Lindberg, Lahti, McDowell, Neumann, Bauer, Sheltroun and Scripps and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 504 (MCL 324.504), as amended by 2004 PA 130.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 504. (1) The department shall promulgate rules ~~for the~~
2 ~~protection of the~~ **TO PROTECT AND PRESERVE** lands and **OTHER** property
3 under its control ~~against wrongful use or occupancy as will ensure~~
4 ~~the carrying out of the intent of this part to protect the lands~~
5 ~~and property from depredations and to preserve the lands and~~
6 ~~property from molestation, spoilation, destruction, or any other~~
7 **FROM DEPREDATION, DAMAGE, OR DESTRUCTION OR WRONGFUL OR** improper
8 use or occupancy.

9 (2) **SUBJECT TO SUBSECTION (4), THE DEPARTMENT SHALL DO ALL OF**
10 **THE FOLLOWING:**

1 (A) KEEP LAND UNDER ITS CONTROL OPEN TO HUNTING UNLESS THE
2 DEPARTMENT DETERMINES THAT THE LAND SHOULD BE CLOSED TO HUNTING
3 BECAUSE OF PUBLIC SAFETY, FISH OR WILDLIFE MANAGEMENT, OR HOMELAND
4 SECURITY CONCERNS OR AS OTHERWISE REQUIRED BY LAW.

5 (B) MANAGE LAND UNDER ITS CONTROL TO SUPPORT AND PROMOTE
6 HUNTING OPPORTUNITIES TO THE EXTENT AUTHORIZED BY LAW.

7 (C) MANAGE LAND UNDER ITS CONTROL TO PREVENT ANY NET DECREASE
8 IN THE ACREAGE OF SUCH LAND THAT IS OPEN TO HUNTING.

9 (3) SUBJECT TO SUBSECTION (4), BY APRIL 1, 2010 AND EACH YEAR
10 THEREAFTER, THE DEPARTMENT SHALL SUBMIT TO THE LEGISLATURE A REPORT
11 THAT INCLUDES ALL OF THE FOLLOWING:

12 (A) THE LOCATION AND ACREAGE OF LAND UNDER ITS CONTROL
13 PREVIOUSLY OPEN TO HUNTING THAT THE DEPARTMENT CLOSED TO HUNTING
14 DURING THE 1-YEAR PERIOD ENDING THE PRECEDING MARCH 1, TOGETHER
15 WITH THE REASONS FOR THE CLOSURE.

16 (B) THE LOCATION AND ACREAGE OF LAND UNDER ITS CONTROL
17 PREVIOUSLY CLOSED TO HUNTING THAT THE DEPARTMENT OPENED TO HUNTING
18 DURING THE 1-YEAR PERIOD ENDING THE PRECEDING MARCH 1 TO COMPENSATE
19 FOR LAND CLOSED TO HUNTING UNDER SUBDIVISION (A).

20 (4) SUBSECTIONS (2) AND (3) DO NOT APPLY TO COMMERCIAL
21 FORESTLAND AS DEFINED IN SECTION 51101.

22 (5) ~~(2)~~—This section does not ~~allow~~ ~~AUTHORIZE~~ the department
23 to promulgate a rule that applies to commercial fishing except as
24 otherwise provided by law.

25 (6) ~~(3)~~—The department shall not promulgate or enforce a rule
26 that prohibits an individual who is licensed or exempt from
27 licensure under 1927 PA 372, MCL 28.421 to 28.435, from carrying a

1 pistol in compliance with that act, whether concealed or otherwise,
2 on property under the control of the department.

3 (7) ~~(4)~~—The department shall issue orders necessary to
4 implement rules promulgated under this section. These orders shall
5 be effective upon posting.

6 (8) ~~(5)~~—A person who violates a rule promulgated under this
7 section or an order issued under this section is responsible for a
8 state civil infraction and may be ordered to pay a civil fine of
9 not more than \$500.00.