



Senate Fiscal Agency  
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BILL ANALYSIS

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Senate Bill 440 (Substitute S-1 as passed by the Senate)  
Senate Bill 441 (Substitute S-1 as passed by the Senate)  
Senate Bill 442 (Substitute S-1 as passed by the Senate)  
Senate Bills 443 and 473 (as passed by the Senate)  
Sponsor: Senator Patricia L. Birkholz (S.B. 440)  
Senator Randy Richardville (S.B. 441)  
Senator Gerald Van Woerkom (S.B. 442)  
Senator Bruce Patterson (S.B. 443)  
Senator Mike Prusi (S.B. 473)

Committee: Natural Resources and Environmental Affairs

Date Completed: 5-25-07

### **RATIONALE**

Hunting, fishing, and trapping make up a significant part of Michigan's heritage, contribute to the State and local economies, and are considered important to the management of natural resources. In order to promote hunting, fishing, and trapping among State residents and out-of-State tourists, and to ensure that opportunities to engage in these activities are protected into the future, it has been suggested that hunting, fishing, and trapping rights be reaffirmed in State law and that the Department of Natural Resources (DNR) be required to maintain a website showing public land open to hunting.

### **CONTENT**

**Senate Bills 440 (S-1) through 443 would amend various parts of the Natural Resources and Environmental Protection Act to require that the DNR and the Natural Resources Commission (NRC) protect the people's right to hunt, fish, and trap lawfully.**

**Senate Bill 473 would amend Part 401 (Wildlife Conservation) of the Act to require the DNR to develop and maintain on its website a page or pages showing hunting land in Michigan.**

The bills are described below in further detail.

#### **Senate Bill 440 (S-1)**

Part 5 (Department of Natural Resources) of the Act provides for the creation of the NRC within the DNR. Part 5 allows the NRC to establish for the guidance of the DNR Director general policies related to natural resources management and environmental protection. Under the bill, the general policies would include policies to protect and promote the exercise of the people's right to lawfully hunt, trap, and fish and harvest game and fish that are the property of the State.

#### **Senate Bill 441 (S-1)**

The bill would amend Part 5 to include among the DNR's duties the protection and promotion of the exercise of the people's right to lawfully hunt, trap, and fish and to harvest game and fish that are the property of the State.

#### **Senate Bill 442 (S-1)**

Under Part 401, all animals found in Michigan, whether resident or migratory and whether native or introduced, are the property of the people of the State. The taking of all animals must be regulated by the DNR as provided by law. The bill would require the taking of animals to be regulated by the DNR or the NRC.

Under the bill, in furtherance of Article IV, Section 52 of the State Constitution, the DNR would have to protect and promote the people's right to lawfully hunt, trap, and harvest game that is the property of the people of the State.

(Article IV, Section 52 provides that the conservation and development of the State's natural resources are of paramount public concern in the interest of the health, safety, and general welfare of the people, and requires the Legislature to provide for the protection of the air, water, and other natural resources from pollution, impairment, and destruction.)

### **Senate Bill 443**

Under Part 487 (Sport Fishing), except as otherwise provided, all fish, reptiles, amphibians, mollusks, and crustaceans found in Michigan are the property of the State and may be taken only at times and in a manner as provided in Part 487. The bill would refer to "wild" fish, reptiles, etc. Under the bill, they could be taken only at times and in a manner as provided in Parts 487, 435 (Hunting and Fishing Licensing), and 473 (Commercial Fishing).

Additionally, in furtherance of Article IV, Section 52 of the State Constitution, the bill would require the DNR to protect and promote the people's right to lawfully fish and harvest fish that are the property of the State.

### **Senate Bill 473**

The bill would require the DNR to develop by December 31, 2007, and maintain on its website a page or pages showing all Federal, State, and private land open to hunting in Michigan.

Additionally, the bill would require the DNR or the NRC to regulate the taking of animals in Michigan (as Senate Bill 442 (S-1) also would require).

MCL 324.501 (S.B. 440)  
324.503 (S.B. 441)  
324.40105 (S.B. 442)  
324.48702 (S.B. 443)  
324.40105 (S.B. 473)

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

To ensure that people's rights to hunt, trap, and fish lawfully are maintained, it is important to emphasize the DNR's responsibility to promote and protect those rights. These activities fulfill a valuable conservation function and encourage the development of an appreciation for nature and a sense of stewardship. Senate Bills 440 (S-1) through 443 would help demonstrate that the State is friendly to hunters, anglers, and trappers, and could attract more people to those activities, including tourists from other states.

### **Supporting Argument**

Over the last few years, the amount of private land open to hunting has declined, and some people are under the impression that opportunities for hunting in Michigan have become limited. In fact, 26% of the State is open to hunting, and one is never more than 20 minutes from a public hunting opportunity, according to the DNR. The website proposed by Senate Bill 473 would be a simple way to increase visibility of the State's hunting resources, make it easier for hunters to plan trips, and boost hunting license sales.

Legislative Analyst: Julie Cassidy

## **FISCAL IMPACT**

### **Senate Bills 440 (S-1) through 443**

The bills would have no fiscal impact on State or local government.

### **Senate Bill 473**

The bill would cost the State an indeterminate amount for information technology related to creating a website and maintaining the data as land open to public hunting changed.

Fiscal Analyst: Jessica Runnels

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.