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BILL ANALYSIS

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Senate Bills 440 through 443 (as introduced 4-25-07)

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)

Committee: Natural Resources and Environmental Affairs

Date Completed: 4-30-07

## **CONTENT**

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

The bills are described below in further detail.

### **Senate Bill 440**

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 and fish and harvest game and fish that are the property of the State.

### **Senate Bill 441**

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 and fish and to harvest game and fish that are the property of the State.

### **Senate Bill 442**

Under Part 401 (Wildlife Conservation), 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 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.

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

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

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

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.