

HOUSE BILL No. 5504

December 1, 2007, Introduced by Reps. Opsommer, Horn, Meekhof, Hildenbrand, Rick Jones, Rocca, Meltzer and Emmons 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 sections 504 and 43509 (MCL 324.504 and 324.43509), section 504 as amended by 2004 PA 130 and section 43509 as amended by 1996 PA 585.

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 property under
3 its control ~~against wrongful use or occupancy as will ensure the~~
4 ~~carrying out of the intent of this part to protect the lands and~~
5 ~~property from depredations and to preserve the lands and property~~
6 ~~from molestation, spoilation, destruction, or any other~~ **FROM**

1 **DEPREDAATION, DAMAGE, OR DESTRUCTION OR WRONGFUL OR** improper use or
2 occupancy.

3 (2) **THE DEPARTMENT SHALL KEEP LAND UNDER ITS CONTROL OPEN TO**
4 **HUNTING REGARDLESS OF WHETHER THERE IS ADEQUATE STAFF OR FUNDING TO**
5 **MANAGE THAT LAND.**

6 (3) ~~(2)~~—This section does not allow ~~AUTHORIZE~~ the department
7 to promulgate a rule that applies to commercial fishing except as
8 otherwise provided by law.

9 (4) ~~(3)~~—The department shall not promulgate or enforce a rule
10 that prohibits an individual who is licensed or exempt from
11 licensure under 1927 PA 372, MCL 28.421 to 28.435, from carrying a
12 pistol in compliance with that act, whether concealed or otherwise,
13 on property under the control of the department.

14 (5) ~~(4)~~—The department shall issue orders necessary to
15 implement rules promulgated under this section. These orders shall
16 be effective upon posting.

17 (6) ~~(5)~~—A person who violates a rule promulgated under this
18 section or an order issued under this section is responsible for a
19 state civil infraction and may be ordered to pay a civil fine of
20 not more than \$500.00.

21 Sec. 43509. (1) ~~A~~—**EXCEPT AS OTHERWISE PROVIDED IN THIS**
22 **SECTION, A** person 17 years of age or older shall not take aquatic
23 species, except aquatic insects, in or upon any waters over which
24 this state has jurisdiction or in or upon any lands within the
25 state, or possess aquatic species, except aquatic insects, without
26 having in his or her possession a valid license as provided in this
27 part.

1 (2) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A person
2 shall not hunt, trap, or possess a wild animal without having in
3 his or her possession a valid license as provided in this part.

4 (3) IF, BECAUSE OF A STATE GOVERNMENT SHUTDOWN, AN INDIVIDUAL
5 IS NOT ABLE TO PURCHASE A HUNTING, FUR HARVESTER'S, OR FISHING
6 LICENSE, THAT INDIVIDUAL MAY HUNT, TRAP, OR FISH DURING THAT STATE
7 GOVERNMENT SHUTDOWN AND FOR 1 DAY FOLLOWING THAT SHUTDOWN WITHOUT
8 PURCHASING A LICENSE. THIS SUBSECTION DOES NOT APPLY TO ANY LICENSE
9 FOR WHICH A LOTTERY IS REQUIRED.

10 (4) AN INDIVIDUAL WHO HUNTS, TRAPS, OR FISHES DURING A STATE
11 GOVERNMENT SHUTDOWN PURSUANT TO SUBSECTION (3) HAS THE SAME
12 PRIVILEGES AND IS SUBJECT TO THE SAME RULES AND REGULATIONS AS THE
13 HOLDER OF A VALID LICENSE UNDER THIS PART.

14 (5) THE DEPARTMENT SHALL NOTIFY THE PUBLIC OF A GOVERNMENT
15 SHUTDOWN IN AT LEAST 1 NEWSPAPER IN EACH COUNTY IN THIS STATE.

16 (6) AS USED IN THIS SECTION, "STATE GOVERNMENT SHUTDOWN" MEANS
17 ANY OF THE FOLLOWING:

18 (A) A CIRCUMSTANCE WHERE, BY ORDER OF THE GOVERNOR OR BY
19 OPERATION OF LAW, A COMPLETE OR PARTIAL SUSPENSION OR CESSATION OF
20 STATE GOVERNMENT OCCURS.

21 (B) AN ELECTRICITY OUTAGE OCCURS THAT LASTS AT LEAST 24 HOURS
22 AND AFFECTS MORE THAN 49% OF THE POPULATION OF THIS STATE.

23 (C) A SHUTDOWN OF THE STATE'S COMPUTER SYSTEM OCCURS THAT
24 LASTS AT LEAST 24 HOURS AND AFFECTS MORE THAN 49% OF THE POPULATION
25 OF THIS STATE.