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LANSING



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TO: Natural Resources Commission  
Department of Natural Resources Management Team

FROM: Trevor VanDyke, Director, Legislative & Legal Affairs Office

SUBJECT: Department of Natural Resources Legislative Update

**Attorney General Opinion No. 7299 – Appropriations and Expenditures from MNRTF**

This opinion provides clarification concerning the administration of the Michigan Natural Resources Trust Fund with regard to Legislative authority and the Natural Resources Trust Fund Board discretion and responsibilities. In addition, this opinion provides clarification regarding funding and expenditures.

**Executive Order No. 2017-9 – Transfer of the Office of the Great Lakes**

Governor Rick Snyder announced an Executive Order transferring the Office of the Great Lakes from the Department of Environmental Quality to the Department of Natural Resources. The transition will begin immediately and will be completed by the effective date of the order, December 28, 2017.

**PA 124 of 2017 (HB 4424) – Cervid Import and Chronic Wasting Disease – Rep. Kivela**

This Act amends section 40118 of the Natural Resources and Environmental Protection Act to increase the penalty for an individual who unlawfully imports a cervid carcass or parts of a cervid carcass, with some exceptions, from another state or province. The penalty is a misdemeanor punishable by imprisonment for not more than 90 days and/or a fine of not less than \$500.00 or more than \$2,000.00, plus the costs of prosecution.

**PA 138-139 of 2017 (HB 4781-4783) – Electric Bicycles – Rep. Hughes**

These Acts amend the Natural Resources and Environmental Protection Act, the Michigan Vehicle Code and the Insurance Code by defining an electric bicycle (e-bike) and provide regulations on where it can be used. The use of e-bikes on certain trails is allowed unless the local unit or governing authority adopt a resolution or order to prohibit the use.

**SB 302 -- Restrictions on Land Acquisitions, Land Sales and Land Management by the Department – Sen. Casperson**

This bill seeks to amend the Natural Resources and Environmental Protection Act by prohibiting the Department from acquiring land if any state PILT payments, commercial forestland payments, or payments on tax-reverted land are not paid in full and on time. Further, the bill provides counties the ability to prohibit the Department from acquiring land where 40% of that local jurisdiction's land is either owned by the state, federal government, or in commercial forestland. The bill also modifies the process for land exchanges, sales and appraisal valuations, and requires for each forest management area the establishment of an allowable sale quantity, a minimum sale quantity, and management goals.

- This bill was referred to the House Committee on Natural Resources.
- The Administration has not taken a position on this amended legislation.

**SB 303 -- Expands the Acceptable Uses of the Land Exchange Facilitation Fund to Pay Certain Costs – Sen. Booher**

This bill seeks to amend the Natural Resources and Environmental Protection Act by amending Sections 2130, 2134, 2135, 2154 and 51106 to expand the acceptable uses of the land exchange facilitation fund to pay for surveys and environmental assessments incurred by the Department in land transactions, as well as the costs of managing the natural resources for public recreation activities and development projects on department managed lands. In addition, the bill changes the name of the fund to the “Land Exchange Facilitation and Management Fund.” The bill further increases the payment amount per acre on commercial forestlands.

- This bill was referred to the House Committee on Natural Resources.
- The Administration supports this amended legislation.

**SB 316 – Frog Spearing with the Aid of Artificial Light – Sen. Booher**

This bill seeks to amend the Natural Resources and Environmental Protection Act by repealing Section 45501. Repealing this section will place the regulatory authority for the season for frogs and the prohibition on the use of artificial light to aid in the spearing of frogs at night with the Natural Resources Commission (NRC). The NRC has the authority to regulate the take of reptiles and amphibians in regards to all other matters. Removal of the season as well as the use of artificial light from statute places the regulatory authority over these two items with the NRC, similar to all other sport fishing regulations.

- This bill was reported from the House Committee on Natural Resources and is awaiting a vote on the House floor.
- The Administration supports this legislation.

**SB 553-565 – Historical Marker Program – Sen. Schmidt, Hansen and Green**

These bills seek to amend various acts to make several technical changes to address the name change to the Michigan History Center and allow for funds to be properly expended on the Historical Markers Program.

- These bills were enrolled to the Governor for consideration.
- The Administration supports this legislation.

**SB 596 – Trail Guidance – Sen. Hansen**

This bill seeks to amend the Natural Resources and Environmental Protection Act to recommend that the department develop guidance or framework for local trail managers. The bill would also suggest various topics that a Trails Council could consider for discussion.

- This bill was referred to the House Committee on Tourism and Outdoor Recreation.
- The Administration supports this legislation.

**HB 4533 – 3-day Hunting License – Rep. VanderWall**

This bill seeks to amend the Natural Resources and Environmental Protection Act by amending Section 43523a to allow a nonresident to purchase a 3-day limited nonresident small game license for \$50. Currently, a nonresident can purchase a 7-day limited nonresident small game license for \$80. This legislation would also allow an individual purchasing a 3-day or 7-day limited nonresident small game license to also purchase a waterfowl hunting license.

- This bill was referred to the Senate Committee on Outdoor Recreation and Tourism.
- The Administration supports this legislation.

#### **HB 4787 – Ice Shanty Removal – Rep. VanderWall**

This bill seeks to amend the Natural Resources and Environmental Protection Act by amending Sections 46502, 46507, and 46508 to change requirements for how an ice shanty can be identified. Instead of an individual using their home address to identify their shanty, the bill would allow for the use of the owner’s driver license number or their sportcard to be posted on the outside of the shanty. The bill would also remove the dates in statute for when shanties are required to be removed from the ice and would allow for the Department to set this date instead.

- This bill was reported from the House Committee on Natural Resources and is awaiting a vote on the House floor.
- The Administration supports this legislation.

#### **HB 4957 – Mentored Youth Hunt – Rep. Howell**

This bill seeks to amend the Natural Resources and Environmental Protection Act to allow an individual who purchased a Mentored Youth Hunting License to purchase additional licenses, including antlerless deer, bear and elk. The legislation would also clarify that the mentored youth is subject to the same license application process as other hunters are for purchasing additional licenses.

- This bill was referred to the Senate Committee on Outdoor Recreation and Tourism.
- The Administration supports this legislation.

#### **HB 5083 – Grants for Handicap Accessible Playground Equipment – Rep. Kosowski**

This bill seeks to amend the Natural Resources and Environmental Protection Act to require the Department to prioritize appropriations and grants from the Trust Fund for handicap-accessible playground equipment.

- This bill was referred to the House Committee on Appropriations.
- The Administration has not taken a position on this legislation.

#### **HB 5180 – Use of Pneumatic Airbows – Rep. LaFave**

This bill seeks to amend the Natural Resources and Environmental Protection Act to allow an individual to take game with a pneumatic airbow during any open season in which a firearm may be used. The legislation also allows for an individual with a disability or physical limitation to take game with a pneumatic airbow during any open season in which a bow may be used under certain circumstances. The legislation also adds definitions in statute for “individual with a disability or physical limitation” and “pneumatic airbow.”

- This bill was referred to the House Committee on Natural Resources.
- The Administration has not taken a position on this legislation.

#### **HB 5200 – Update and Eliminate Certain Sections of NREPA – Rep. Howell**

This bill seeks to amend the Natural Resources and Environmental Protection Act to statutorily prohibit the taking of reptiles or amphibians for commercial purposes and to remove from the provisions of Part 13 (Permits) reference to a permit to collect frogs for scientific research currently required under Part 455.

- This bill was reported from the House Committee on Natural Resources and is awaiting a vote on the House floor.

- The Administration supports this legislation.

**HR 154 – Sandhill Cranes – Rep. Lower**

This resolution encourages the Natural Resources Commission to add Sandhill cranes to the game species list and seek U.S. Fish and Wildlife Service approval to establish a Sandhill crane hunting season.

- This resolution was adopted by the House.

If you would like to learn more about these and other bills, you can access the Michigan Legislature website at [www.legislature.mi.gov](http://www.legislature.mi.gov).