

LANSING WATCH

2017/2018 LEGISLATIVE SESSION

(indicates an add or a change.)

SB 219: Green; The bill amends the Handgun Licensing Law to make numerous changes, many of which are technical in nature, to provisions pertaining to a concealed pistol license (CPL). These include:

Remove the restriction limiting only one application for a CPL to be submitted in a calendar year to allow multiple applications.

Specify that the \$100 application and licensing fee for a concealed pistol license would be nonrefundable.

Require a county sheriff to notify the county clerk if the sheriff determines that an individual is ineligible for an emergency CPL under the same list of disqualifying circumstances that make a person ineligible for a CPL.

Specify that if an individual does not complete a pistol training course and apply for a CPL within 10 business days of applying for an emergency license, the emergency license would no longer be valid.

Require a county clerk's determination whether there are certain statutory disqualifiers pertaining to issuing or denying an application for a CPL or emergency CPL to be based solely on the report received from the Department of State Police.

Specify that a county clerk cannot issue a CPL unless the MSP or the county sheriff has determined through the federal NICS that the applicant is not prohibited under federal law from possessing or transporting a firearm and, the MSP has verified through the U.S. Immigration and Customs Enforcement (ICE) databases that the applicant is not an illegal alien or a nonimmigrant alien.

Revise a provision requiring a county clerk to suspend, revoke, or reinstate a CPL if ordered by a court or notified of a change of the licensee's eligibility to carry a concealed pistol to specify that the notification may be by a law enforcement agency, prosecuting official, or court.

Provide for the surrender and replacement of a CPL for a licensee who had been exempt from the no-carry zone prohibition because he or she was a member of a sheriff's posse, an auxiliary officer, or a reserve officer once the individual no longer holds that status.

Allow a county clerk to distribute copies of the compilation of firearm laws compiled by the MSP to applicants for a CPL, as well as forms to appeal statutory disqualifications or license suspensions or revocations, in an electronic format.

Require a name index for the record of a CPL application to be maintained in the database created by the MSP.

Allow a county clerk to deliver a replacement license by first-class mail if the individual submits a written request and a copy of his or her Michigan driver license or personal ID card (as well as the \$10 replacement fee).

Add a peace officer who holds a CPL to the list of individuals exempted from the prohibition on carrying a concealed pistol in a no-carry zone and allow the officer's employee identification as acceptable proof of qualifying for the exemption.

Allow not more than one petition to restore the right to possess, use, transport, sell, purchase, or carry a firearm or ammunition to be submitted in any 12-month.

Require the original handwritten signature of the course instructor to be on the certificate of completion issued by a pistol training or safety program.

Revise the information required to be on the receipt for an application for a renewal license depending on whether the license had already expired.

Revise the definition of "retired police officer" or "retired law enforcement officer" to include maintaining an equivalent state certification or license from another state for at least 10 consecutive years when establishing if an officer retired in good standing.

Repeal Section 232 of the Michigan Penal Code, which makes it a misdemeanor for a person engaged in the retail sale of firearms or firearm silencers to fail to keep a register of purchasers and make it open to the inspection of peace officers. Passed by the Senate

We can support this. Passed into law.

SB 245: Jones; the bill would repeal a section of the Michigan Penal Code that prohibits knives commonly called switchblades. Passed into law.

SB 280: Booher, Casperson, Nofs, Hildenbrand, Hune, Brandenburg, Macgregor, Robertson and Marleau; the bill would amend the Natural Resources Trust Fund to do the following:

Remove the requirement that while the Michigan Natural Resources Trust Fund (MNRTF) has a corpus balance below \$500.0 million, \$10.0 million be transferred from the MNRTF to the State Parks Endowment Fund each year.

Allow the State Treasurer to establish a stabilization reserve in the MNRTF to mitigate against fluctuation in investment returns, and require the Department of Natural Resources (DNR) to include the amount in the stabilization reserve in the Department's annual report on the MNRTF.

Allow the MNRTF to be used to fully fund all payments in lieu of taxes on State-owned land purchased through the MNRTF.

Remove the requirement that as long as the corpus balance of the MNRTF is less than \$500.0 million, not more than one-third of money received by the MNRTF, exclusive of interest and earnings, be spent each year.

Limit members of the MNRTF Board to two terms.

Require that the list of projects recommended by the MNRTF Board for funding be based on the accounting of revenue available for expenditure as reflected in the DNR's annual report, and that proposed appropriations for public recreation facilities equal 25% of the prior year's interest and earnings from the MNRTF, and 25% of any additional proposed appropriations.

Allow the MNRTF to be used for the purchase of land or rights in land previously purchased with Federal or other restricted funds, and for reimbursement of Federal funds used to purchase land or rights in land, to provide for greater use of the land.

Specify that if funds were sufficient, at least 25% of money made available for acquisition would have to be used for trails.

Allow up to 25% of development funding to be used for multiyear projects.

Allow acquisitions to include land that has already been developed or proposed for development for public recreation facilities.

Require that for each parcel of land recommended for acquisition, the DNR provide a description of how it would be consistent with the Strategic Plan, and any land use restrictions the DNR intended to impose.

Require development projects to be scored by the DNR.

Allow the Legislature to appropriate all or a portion of the money held in the stabilization account of the MNRTF.

Prohibit the Legislature from appropriating money from the MNRTF for a project that had not been scored by the MNRTF Board.

Require the DNR, before MNRTF funds were released to a grantee, to enter into an agreement with the recipient that specified that acquisitions and development projects would have be completed within two years; and provide that funds for projects not completed in that time frame would lapse to the MNRTF.

Require the DNR, before purchasing land using any fund source other than the Land Exchange Facilitation Fund, to first apply for an MNRTF grant, and proceed with the purchase using other fund sources only if the grant request were denied. Additionally, the bill would allow land use restrictions on land purchased with MNRTF money to be changed only if the local government where the land was located adopted a resolution in support of the change and if the Natural Resources Commission approved the change. Passed by the Senate.

It is a thorn in the sides of these Senators that someone other than themselves can distribute funding in areas other than their own and that they don't have total control over the state spending. This fund was established to improve the recreational available opportunities and has done so in every county in the state.

SB 292: Jones; The Department shall not grant an easement over, through, under, or upon the bottomlands of the Great Lakes for a pipeline to transport crude oil or liquid petroleum products. The owner of any pipeline authorized to transport crude oil or liquid petroleum products and for which an easement over, through, under, or upon the bottomlands of the Great Lakes was granted by this state before the effective date of this legislation shall do both of the following: By 90 days after the effective date of this legislation, provide the Governor and the Legislature with a preliminary analysis of risks from a spill from the pipeline into the Great Lakes. By 120 days after the effective date of this legislation, provide the Governor and the Legislature with the following: A full analysis of the risks from a worst-case spill from the pipeline into the Great Lakes; An analysis of risks that meets the content requirements of an environmental impact statement including alternatives to the pipeline. The analysis shall be in writing and conducted by a qualified independent third party. If the Department determines, based on the preliminary analysis, that the public trust in the waters of the Great Lakes is at risk of being impaired or substantially adversely affected, the operator of the pipeline shall immediately shut down the pipeline pending the full analysis of a worst-case scenario. If the Department determines, based on the worst-case analysis, that the public trust in the waters of the Great Lakes is at risk of being impaired or substantially adversely affected, the Department shall give written notice of its determination to the operator of the pipeline. Unless the operator cures the risks identified in the analysis within the period of time specified by the easement or, if no period is specified by the easement, within 90 days, the easement for the pipeline is terminated and the operator shall decommission the pipeline.

We strongly support this legislation. However, we also feel that once a pipeline has been determined to be a hazard to the Great Lakes, it should immediately shut down.

SB 293: Warren and Young; upon the retail sale or transfer of a firearm. The seller of that firearm shall deliver a written warning to the purchaser informing the purchaser of the penalties for failing to properly store and safeguard the firearm and to conspicuously post a warning at each purchase counter informing the reader that failing to properly store and safeguard the firearm is unlawful. A person who violated this legislation is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or both. A person who stores or leaves a firearm on premises under his or her control, and who knows or reasonably should know that the firearm is accessible to a minor, shall do one or more of the following:

Keep the firearm in a securely locked box or container

Keep the firearm in a location that a reasonable person would believe is secure.

Securely lock the firearm with a locking device

By failing to store or leave a firearm in the required manner and as a result of the violation minor obtains the firearm and uses it to inflict injury or death upon themselves or any other person, the person who stores or leaves the firearm is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5000.00 or both. A Person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both, if the person fails to store or leave a firearm in the required manner and as a result of the violation both of the following occur: A minor obtains the firearm and The minor does either of the following; Posses or exhibits the firearm in a public place, possesses or exhibits the firearm in the presence of another person in a careless, or threatening manner. This section does not apply under any of the following circumstances:

The minor obtains the firearm with the permission of the minor's parent or guardian and the minor uses or possesses the firearm during any of the following: his or her employment, ranching or farming, target practice, hunting or instruction in the safe use of a firearm.

The minor obtains the firearm through the minor's unlawful entry of any premises where the firearm has been stored or through the minor's illegal taking of the firearm from the owner's premises.

**The minor obtains the firearm while lawfully acting in self-defense or defense of another.
*This looks supportable, except for the burden on the seller, at least until the lawyers get hold of it.***

SB 302: Casperson, Booher; would amend various parts of the Natural Resources and Environmental Protection Act (NREPA) to do the following:

-- Provide for legislative approval of the Department of Natural Resources' strategic plan regarding the acquisition and disposition of State land managed by the Department; and require legislative approval of future updates to the plan.

-- Require the DNR to update the plan every five years beginning in 2021, rather than every six years beginning in 2020.

-- Prohibit the Department from acquiring the surface rights to additional acreage anywhere in the State if the State did not make its full required payments in lieu of taxes to local governments; and eliminate the 3,910,000-acre limit on the DNR's acquisition of land north of the Mason-Arenac line.

- Prohibit the DNR from acquiring land in a county where at least 40% of the land was owned by the State or the Federal government or was commercial forestland if the county rejected the acquisition, unless the township or townships approved it. -- In all other counties, require the DNR to notify the county and townships and provide an opportunity for local representatives to discuss a proposed land acquisition.**
- Require the DNR's report to the Legislature in connection with a plan update to include the Department's progress in engaging and collaborating with local units of government.**
- Require the DNR to consider access to and use of public land and the existence of natural resources-based industries on the land, before officially designating or classifying any of its land.**
- Prohibit the DNR from promulgating a rule or issuing an order to protect and preserve property under its control that limited the use of or access to any land, unless the land was acquired with certain Federal funds or the State's Game and Fish Protection Account or the order was in response to an emergency.**
- Prescribe procedures by which a local unit of government or an organization could request that the DNR remove a human-made barrier to Department land, and require the DNR to remove a barrier within 180 days after approving a request.**
- Require the DNR to work with a local unit upon request to allow use of State land that would benefit the local community by increasing access to outdoor recreation and natural resources, and allow the DNR to charge the local unit a reasonable fee for the use.**
- Require the DNR to manage land acquired with money from the Game and Fish Protection Account for the primary purpose of managing habitat and thereby enhancing recreational hunting opportunities.**
- Require the DNR to manage land acquired with money received under the Federal Pittman-Robertson Wildlife Restoration Act to manage game and fish habitats or to increase recreational hunting, fishing, and shooting opportunities.**
- Require the DNR to consider a request to sell or lease Department land if the prospective buyer or lessee were a business seeking expansion that was limited by adjacent State land, and other conditions were met.**
- Require proceeds from the sale to be deposited in the fund that provided the revenue for the DNR's initial acquisition of the land, or, if the land had been acquired with Page 3 of 14 sb302/1718 other than with restricted fund revenue, in the Land Exchange Facilitation and Management Fund.**
- Require the DNR to charge a \$300 application fee for the exchange or purchase of State-owned land, or if the State land were more than 300 acres in size, \$300 plus the actual reasonable cost of processing the application.**
- Allow the DNR to charge an application fee of \$300 or actual processing costs for an easement over State-owned land.**
- Allow the DNR to sell surplus land if the sale would promote economic activity in the State, and other conditions were met.**
- Delete a provision prohibiting the DNR from authorizing the sale of surplus land if the proceeds will cause the balance of the Land Exchange Facilitation Fund to exceed \$25.0 million.**

- Prescribe procedures for determining the value of land for purposes of a purchase, sale, or exchange involving the DNR, if two or more appraisals that met Department standards were made.
- Require the DNR, upon request, to consider selling land that was not designated as surplus land.
- Provide that Part 355 (Biological Diversity Conservation) would not require a State department or agency to designate or classify an area of land specifically for the purpose of achieving or maintaining biological diversity.
- Revise the DNR's duties with regard to sustainable management of State forestland, and require the Department to perform certain functions while minimizing loss of economic values.
- Require the DNR's forestry development, conservation, and recreation management plan, by October 1, 2017, to include yearly harvest objectives for all State forestland by forest region for a 10-year period; and require the DNR to prepare for sale at least 90% of the yearly statewide harvest objective. Senate Bill 303 (S-1) would amend Part 511 (Commercial Forests) of NREPA to:
 - Allow money in the Land Exchange Facilitation Fund to be used for the costs of surveys and environmental assessments incurred by the DNR in land transactions, and the costs of natural resource management for public recreation activities and public recreation development projects on DNR land. -- Rename the Fund the "Land Exchange Facilitation and Management Fund".
 - Eliminate a provision allowing the DNR to make a proposed land purchase if the Michigan Natural Resources Trust Fund Board does not act on the Department's recommendation to purchase the land within 60 days. *Absolutely not acceptable. Places undue stress on the DNR and restricts public land availability.*

SB 316: Booher; The bill would repeal a section of Part 455 (Frogs) of the Natural Resources and Environmental Protection Act, that prohibits taking or killing frogs during certain times of the year or spearing frogs with the aid of an artificial light. Passed by the Senate. *Not acceptable as it interferes with the breeding season.*

SB 366: Schmidt; The bill would amend the handgun licensure law to allow an individual who was at least 18 years old but less than 21 years old to apply for a provisional concealed pistol license (CPL). *We could support this.*

SB 409: Casperson; The bill would amend Part 325 (Great Lakes Submerged Lands) of the Natural Resources and Environmental Protection Act to allow the Department of Environmental Quality to enter into a lease with the owner of waterfront property, occupied for single-family residential purposes, to use the abutting unpatented lake bottomlands and water over those bottomlands for a private harbor. *We do not support this.*

SB 423: JONES, HERTEL, KNEZEK, BIEDA, HOPGOOD, WARREN, KNOLLENBERG, CONYERS, SCHMIDT; Prohibition of aquaculture in the Great Lakes or in inland lakes and streams. *We strongly support this.*

HB 4003, 4, 5, 6: Lucido; The requirements of this act for obtaining a license to carry a concealed pistol do not apply to any of the following: An individual who is 21 years of age or older and who is not otherwise prohibited from possessing a firearm. Further this series allows carrying of a hunting knife concealed.

Basically this allows anyone 21 or older to carry either weapon without being permitted. It would certainly make life simpler but would also scare the hell out of the general public. I think it is a nice try but without a future.

HB 4068: Tedder and Marino; Real property owned by a qualified conservation club whose facilities are available to the public for charitable, nonprofit purposes at least 55 days in each calendar year is exempt from the collection of taxes under this act. As used in this subsection “qualified conservation club” means a club, including, but not limited to, any conservation club, sportsman’s club, gun club, archery club, or rod and gun club, whose primary purpose is to educate the public in conservation and in hunting, fishing, firearms safety, or archery. A club may demonstrate this primary purpose by showing that all of its members are formally affiliated with a statewide organization whose primary purpose is to educate public in conservation and in hunting, fishing, firearms safety, or archery and that the statewide organization’s primary purpose has been adopted by the club.

This may take some time and individual club member effort to get passed, but we certainly could use the resulting benefits.

HB 4416, 4417, 4418, 4419: Hoitenga, Hornberger, Allor, Cole; The bills amend various sections of law to:

- Remove carrying of a firearm from the prohibition on carrying a dangerous weapon, whether concealed or not, on a person or in a vehicle.
 - Apply the prohibition on carrying a concealed pistol only to a person who is prohibited by state or federal law from possessing a firearm.
 - Repeal a provision allowing armed security guards to carry a pistol only when on duty and remove the maximum term of imprisonment for a violation from inclusion in the sentencing guidelines.
 - Repeal a provision providing for exceptions to the current prohibition on carrying a concealed pistol without a license.
 - Reduce the penalty for certain infractions relating to carrying a pistol without proper identification or disclosure and eliminate provisions allowing for seizure of the pistol or EMD device for a violation.
 - Specify that the Natural Resources and Environmental Protection Act cannot be construed to prohibit an individual from transporting a pistol or carrying a loaded pistol, whether concealed or not.
- We can support these bills. **Passed by the House***

HB 4424: Kivela, Howell, Bellino, Sowerby, Cole, VanderWall, Rendon, Maturen, Chang, and many others; An individual who imports a cervid carcass or parts of a cervid carcass, other than hides, deboned meat, finished taxidermy products, cleaned teeth, antlers, or antlers attached to a skullcap cleaned of brain and muscle tissue, from another state or province is guilty of misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$500.00 or more than \$2,000.00 or both, and the cost of prosecution. Passed by the House and Senate.

We support this legislation. Transporting CWD infected carcasses is the main way of spreading the disease.

HB 4533: VanderWall, Dianda, Victory, Bellino, Lucido, Elder, Leutheuser, Kivela, Marino, Allor, Hoitenga, Rendon; Beginning March 1, 2018, a nonresident may purchase a 3-day limited nonresident small game license entitling that individual to hunt for a 3-day period all species of small game that are available to hunt under a nonresident base license. The fee for a 3-day limited nonresident small game license is \$40.00, except for the purchase of a waterfowl hunting license. The purchase of a 3-

day limited nonresident small game license does not entitle the holder to purchase any additional licenses.

This is acceptable.

HB 4534: VanderWall, Dianda, Victory, Bellino, Lucido, Elder, Marino, Allor, Hoitenga, Rendon; This legislation is intended to allow qualified nonresidents to purchase hunting licenses at special rates provided they meet the following requirements. “QUALIFIED NONRESIDENT” means a nonresident who meets all of the following conditions:

Owns land in this state.

Signs an affidavit that includes both of the following:

A statement that the individual acknowledges that he or she is only eligible to hunt on land that individual owns in this state.

A copy of the assessment notice of general property tax for the property the applicant owned in this state.

Or

A copy of the tax statement for the general property tax for the property owned in this state.

This is an administrative nightmare. Any funds received will not cover the cost to administer and I question if it is worth the applicants time and effort.

HB 4569, 70, 71, 72: Sowerby, Rabhi, Cochran, Peterson, Pagan, Hertel, Green, Ellison, Lasinski, Hammoud, Geiss, Chang, Garrett, Hoadley, Sabo, Sneller, Greimel, Gay-Dagnogo, Moss, Jones, Yanez, Neeley, Phelps, Schor, Wittenberg, Robinson, Santana, Liberati, LaGrand, Faris, Brinks, Zemke; Increase the penalties for pollutant and oil spills into the Great Lakes. Require compliance with the natural resources and environmental protection act for the operation of natural gas pipelines. Regulate the siting, construction, and operation of pipelines. Provide regulatory oversight for pipelines used to transport crude oil or petroleum. ***This is long overdue.***

HB 4616: Howell; This bill would add four new sections to Public Act 319 of 1990, regarding firearms and ammunition. It would provide that, if a local unit of government enacts a gun control ordinance or regulation in opposition to state law:

(1) The local unit of government must bring that ordinance or regulation into compliance within 60 days.

(2) If it does not, a resident can bring an action or file a complaint with the Attorney General to bring an action, after 90 days' notice to the local unit.

(3) If the court finds a violation, it will issue an injunction to stop enforcement of the ordinance or regulation, order the local unit to repeal the ordinance or regulation, and award actual damages, costs, and reasonable attorney fees to the challenging party. The court may also assess a civil fine against elected or appointed officials for knowingly and willfully enacting or enforcing a violative ordinance or regulation. *We support this.*

HB 4710: Ellison, Chang, Green, Hammoud, Wittenberg; The governing body, owner, or controlling party of the premises may prohibit an individual from openly displaying or openly carrying a firearm on the premises. If the governing body, owner, or controlling party of the premises elects to prohibit the open display or open carry of firearms and the premises are not private property, The governing body, owner, or controlling party of the premises shall post appropriate signage stating that “ openly carrying or openly displaying a firearm on these premises is prohibited in accordance with state law. Violators will be prosecuted in accordance with state law”. Does not apply to the following:

A peace officer.

An individual who owns, is employed by, or is contracted by an entity described if the possession of that firearm is to provide security services for that entity.

An individual whom possesses a firearm on the premises of an entity if that possession is with the permission of the owner, governing body, or controlling party of that entity. *We can support this.*