



**House
Legislative
Analysis
Section**

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FISH/GAME AMENDMENTS TO ADMN PROC. ACT

House Bill 4803 as introduced
First Analysis (5-15-89)

RECEIVED

MAY 06 1989

Sponsor: Rep. Jerry C. Bartnik

Committee: Tourism, Fisheries, & Wildlife

THE APPARENT PROBLEM:

The Administrative Procedures Act (APA) currently exempts rules and orders made under the Michigan Sports Fishing Law and the Game Law from its provisions. The rationale for the exemption is that the director of the Department of Natural Resources and the Natural Resources Commission should have the ability to respond quickly to biological changes in animal populations without having to meet the rigorous and time-consuming constraints of the APA. House Bill 4765, currently pending before the House, would recodify the Sports Fishing Law and change the name of the law to the Michigan Sport Angling Law. Legislation is needed to reflect the proposed name change in references to the law in the Administrative Procedures Act and to continue the exemption for orders and rules promulgated under the fishing law from the APA.

THE CONTENT OF THE BILL:

The bill would delete obsolete references to the Michigan Sports Fishing Law in the Administrative Procedures Act and insert references to the Michigan Sport Angling Law proposed in House Bill 4765.

The bill is tie-barred to House Bill 4765.

MCL 24.207

FISCAL IMPLICATIONS:

According to the Department of Natural Resources, the bill would have no fiscal implications for the state. (5-15-89)

ARGUMENTS:

For:

It can take two to three years for some rules and orders to become effective under the provisions of the Administrative Procedures Act. However, there are times when orders or rules of the director or the commission are needed quickly to respond to biological problems, such as the impending extinction or depletion of certain animal species. The bill will allow the director and the commission to maintain flexibility when dealing with those problems by exempting their rules and orders from the Administrative Procedures Act.

POSITIONS:

The Department of Natural Resources supports the bill. (5-15-89)

The Michigan United Conservation Clubs supports the bill. (5-15-89)

H.B. 4803 (5-15-89)