

# HOUSE BILL No. 4207

February 7, 1991, Introduced by Rep. Alley and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend sections 1, 3, and 4 of Act No. 230 of the Public Acts of 1925, entitled as amended

"An act to provide for the better protection and preservation of fish, game and fur-bearing animals and game birds, protected by the laws of this state; to provide a method by which the taking or killing thereof may be regulated and the open season for the taking or killing thereof suspended or abridged in any designated waters or area of this state; to provide for special fisheries research and regulations therefor; to provide a penalty for the violation thereof, and to repeal Act No. 9 of the Public Acts of 1917, as amended by Act No. 156 of the Public Acts of 1921,"

section 3 as amended by Act No. 53 of the Public Acts of 1990, being sections 300.1, 300.3, and 300.4 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1, 3, and 4 of Act No. 230 of the  
2 Public Acts of 1925, section 3 as amended by Act No. 53 of the  
3 Public Acts of 1990, being sections 300.1, 300.3, and 300.4 of  
4 the Michigan Compiled Laws, are amended to read as follows:

1       Sec. 1. The commission of conservation AND RECREATION of  
2 the department of ~~conservation of this state~~ NATURAL RESOURCES  
3 shall, in accordance with ~~the provisions of~~ this act, ~~have~~  
4 ~~power to~~ regulate the taking or killing of all fish, game and  
5 fur-bearing animals, and game birds protected by the laws of this  
6 state, and may suspend or abridge the open season provided by law  
7 for the taking or killing of any such fish, animals; or game  
8 birds in any designated waters or area of this state, whenever in  
9 the opinion of ~~said~~ THE commission of conservation AND  
10 RECREATION it becomes necessary to assist in the increased or  
11 better protection of such fish, game or fur-bearing animals, or  
12 game birds, or of any particular kinds or species of ~~the same~~  
13 FISH, ANIMALS, OR GAME BIRDS, which may in the opinion of ~~said~~  
14 THE commission be threatened from any cause or causes with deple-  
15 tion or extermination in ~~said~~ ANY DESIGNATED waters or area.  
16 ~~, and for~~ FOR the purpose of ~~such~~ THIS regulation, suspen-  
17 sion, or abridgement, ~~said~~ THE commission of conservation ~~is~~  
18 ~~hereby empowered to make~~ and RECREATION MAY promulgate any and  
19 all orders and regulations necessary to carry out ~~the provisions~~  
20 ~~of~~ this act, ~~and as in this act provided,~~ on the recommenda-  
21 tion of the director of ~~conservation~~ THE DEPARTMENT OF NATURAL  
22 RESOURCES after a thorough investigation has been made by him OR  
23 HER.

24       Sec. 3. (1) If the commission of ~~natural resources~~  
25 CONSERVATION AND RECREATION determines that any fish, game or  
26 fur-bearing animals, or game birds of any kind or species are in  
27 danger of depletion or extermination and require additional

1 protection in any designated waters or area within the state, the  
2 commission may make and promulgate an order suspending or abridg-  
3 ing the open season on fish, game or fur-bearing animals, or game  
4 birds, or may regulate their taking or killing in the waters or  
5 area as in the judgment of the commission may be necessary or  
6 expedient for the further protection of fish, game or fur-bearing  
7 animals, or game birds in those waters or areas, and shall in the  
8 order clearly specify the manner and condition relative to the  
9 taking or killing. The orders shall clearly and distinctly  
10 describe and set forth the waters or area affected by each order,  
11 and whether the order is applicable to all fish, game or  
12 fur-bearing animals, or game birds, or only to certain kinds or  
13 species designated in the order and shall also clearly specify  
14 and set forth the length of time during which the order shall  
15 remain in force and effect, that shall not exceed 5 years. The  
16 public shall be notified of orders changing the rules pertaining  
17 to hunting, fishing, or trapping in the annual hunting, fishing,  
18 and trapping guides available by licensed agents of the depart-  
19 ment of natural resources and field offices of the department or  
20 the department of natural resources may publish the orders at  
21 least 21 days but not more than 60 days prior to taking effect,  
22 and at least once annually while in force, in at least 1 newspa-  
23 per in each county, if a newspaper is published in a county, the  
24 whole or any portion of which is affected by the order. The  
25 first newspaper publication shall appear at least once each week  
26 for 3 successive weeks. A copy of the order as printed in the  
27 newspaper shall be filed with the clerk of each county. Proof by

1 affidavit of the newspaper publication or other form of  
2 publication allowed in this section shall be filed with the com-  
3 mission of ~~natural resources~~ CONSERVATION AND RECREATION, and a  
4 copy of the order, so long as it is in force and effect, shall be  
5 included and printed in the authorized biennial compilation of  
6 the Michigan fish and game laws. The original of all orders on  
7 file in the Lansing office of the department of natural resources  
8 shall be under the seal of the department of natural resources  
9 and shall bear the signatures of the chairperson and secretary of  
10 the commission of ~~natural resources~~ CONSERVATION AND RECREATION  
11 and shall be countersigned by the director of the department of  
12 natural resources. The commission of ~~natural resources~~  
13 CONSERVATION AND RECREATION shall establish the seasons, size  
14 limits, creel limits, and methods of taking fish in certain des-  
15 ignated inland lakes not to exceed 20 in number at any one time  
16 and in certain designated streams or portions of streams not to  
17 exceed 10 in number at any one time for the purpose of fisheries  
18 research. The commission of ~~natural resources is authorized to~~  
19 CONSERVATION AND RECREATION MAY establish not more than 1 experi-  
20 mental game management area that shall not exceed 40,000 acres in  
21 size, 4 experimental game management areas not to exceed 5,000  
22 acres each in size, and 1 experimental game management area that  
23 shall include Beaver island in its entirety and the 4 islands  
24 that comprise the Little Beaver islands state game area, and  
25 shall have authority to establish rules and orders governing the  
26 kind of game that may be taken in these designated areas and the  
27 time, place, and manner or method of the taking.

1 (2) The department OF NATURAL RESOURCES shall publish  
2 annually in 1 or more newspapers of general circulation in this  
3 state notice of the availability of the annual sports fishing  
4 handbook. The published notice shall inform the public of when,  
5 where, and how the annual sports fishing handbook may be  
6 obtained.

7 (3) The department OF NATURAL RESOURCES shall notify the  
8 public of an amendment, correction, or addition to the annual  
9 sports fishing handbook in the same manner as provided for news-  
10 paper publication in subsection (1).

11 Sec. 4. Whenever in any waters or area in which the open  
12 season, during which any species of fish, game or fur-bearing  
13 animals, or game birds may be taken or killed, ~~have~~ HAS been  
14 suspended or abridged by any order of the commission of conserva-  
15 tion AND RECREATION as ~~herein~~ provided IN THIS ACT, and while  
16 ~~such~~ THE order is still in force, it ~~shall appear~~ APPEARS to  
17 the satisfaction of ~~said~~ THE commission of conservation AND  
18 RECREATION that the conditions existing in ~~said~~ THOSE waters or  
19 area no longer demand ~~such~~ additional protection for ~~such~~ THE  
20 species, the ~~said~~ commission shall cause a thorough investiga-  
21 tion to be made of ~~such~~ THE waters and area, and the conditions  
22 ~~therein prevailing, and if~~ OF THE WATERS AND AREA. IF, from  
23 such investigation, ~~said~~ THE commission ~~shall be~~ IS satisfied  
24 that by reason of the increase of ~~said~~ fish, game or  
25 fur-bearing animals, or game birds, protected by ~~said~~ THE order  
26 in ~~said~~ THE waters or area, or the removal of the cause  
27 threatening ~~said~~ THE species with depletion or extermination,

1 the additional protection afforded by ~~said~~ THE order is no  
 2 longer needed, ~~said~~ THE commission may, in ~~their~~ ITS discre-  
 3 tion, rescind or modify ~~said~~ THE original order. ~~, and~~  
 4 ~~notices~~ A NOTICE of the rescinding or modifying of the order  
 5 shall be published in the same manner as notice of the original  
 6 order and SHALL BE filed in like manner in the office of the  
 7 clerk of each county. ~~Provided, That~~ HOWEVER, this act  
 8 shall not be construed to suspend, abridge or regulate the open  
 9 seasons established by law for the taking of fish for commercial  
 10 purposes from the waters of lakes Superior, Michigan, Huron, Erie  
 11 and the bays ~~thereof~~ OF THESE WATERS.

12 Section 2. This amendatory act shall not take effect unless  
 13 all of the following bills of the 86th Legislature are enacted  
 14 into law:

15 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4177 (request  
 16 no. 00827'91).

17 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4173 (request  
 18 no. 00827'91 a).