

# HOUSE BILL No. 5294

October 24, 1991, Introduced by Reps. Martin and Pitoniak and referred to the Committee on Tourism, Fisheries and Wildlife.

A bill to amend sections 1 and 3 of Act No. 123 of the Public Acts of 1929, entitled

"An act to confer power and authority upon the conservation commission to provide for the erection and maintenance of proper means for the free passage of fish through and over dams now in existence or which shall hereafter be erected across rivers, streams or creeks, and to prohibit the obstruction of rivers, streams and creeks in such manner as to prevent the free passage of fish up and down; and to repeal Act No. 295 of the Public Acts of 1909, as amended by Act No. 26 of the Public Acts of 1921,"

being sections 307.1 and 307.3 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 1 and 3 of Act No. 123 of the Public  
2 Acts of 1929, being sections 307.1 and 307.3 of the Michigan  
3 Compiled Laws, are amended to read as follows:

4       Sec. 1. ~~It is hereby made the duty of the conservation~~  
5 ~~commission to prescribe means and to lay down rules and~~  
6 ~~regulations to admit of~~ THE COMMISSION OF NATURAL RESOURCES

1 SHALL PROMULGATE RULES PURSUANT TO THE ADMINISTRATIVE PROCEDURES  
2 ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SEC-  
3 TIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS, TO ALLOW  
4 the free passage and uninterrupted passage of fish over or  
5 through dams now in existence or ~~which shall hereafter be~~ THAT  
6 ARE erected over rivers, streams or creeks. ~~Provided, That~~  
7 HOWEVER, the director of ~~conservation is authorized to~~ THE  
8 DEPARTMENT OF NATURAL RESOURCES MAY abrogate the provisions of  
9 this act requiring the erection of fish ladders ~~whenever~~ IF, in  
10 the opinion of the ~~commissioner~~ DIRECTOR, the height of the dam  
11 or the condition of the river or stream makes the installation of  
12 ~~such~~ THE ladders impracticable or unnecessary.

13       Sec. 3. Any person, firm, or corporation owning or using  
14 any dam now existing, or which may hereafter be constructed  
15 across any river, stream, or creek in this state, when ordered to  
16 do so by the director of ~~conservation~~ THE DEPARTMENT OF NATURAL  
17 RESOURCES, shall, within 90 days after the issuance of ~~said~~ AN  
18 order, erect and maintain in good repair sufficient and permanent  
19 means to ~~admit of~~ ALLOW the free and uninterrupted passage of  
20 fish over or through ~~such~~ THE dam. ~~Such~~ THE means providing  
21 for the free passage of fish shall be of ~~such~~ A kind PRESCRIBED  
22 BY THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES and shall  
23 be placed in ~~such~~ THE manner ~~as shall be~~ prescribed by the  
24 director of ~~conservation~~ THE DEPARTMENT OF NATURAL RESOURCES.  
25 THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES SHALL NOT  
26 ISSUE AN ORDER UNDER THIS SECTION UNLESS THE ORDER IS APPROVED BY  
27 THE COMMISSION OF NATURAL RESOURCES.