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## PROVIDE FOR RESCISSION OF LOCAL WATERCRAFT CONTROL RULES

**House Bills 5520 and 5521**

**Sponsor: Rep. Mike Kowall**

**Committee: Conservation and Outdoor  
Recreation**

**Complete to 4-26-00**

### **A SUMMARY OF HOUSE BILL 5520 - 5521 AS INTRODUCED 3-21-00**

The bills would provide that special local watercraft controls would remain in effect unless rescinded under certain provisions of the Natural Resources and Environmental Protection Act (NREPA), rather than the Administrative Procedures Act (APA). Recent amendments to the Administrative Procedures Act, which took effect on April 1, 2000, significantly changed the nature of the rule making process under the APA. [For further information about these changes see the Senate Fiscal Agency's Revised Enrolled Summary for Senate Bills 877-879, dated 1-25-00.]

House Bill 5221 would amend the Administrative Procedures Act's (MCL 24.207) definition of a "rule." A rule under the act would not include a rule that established special local watercraft controls that had been promulgated under the old APA (Public Act 303 of 1967). The bill would further provide that a rule that established special local watercraft controls could be rescinded as provided in section 80113 of the Natural Resources and Environmental Protection Act (NREPA), which would be amended by House Bill 5220.

House Bill 5520 would amend the NREPA (MCL 324.80113) to provide that all rules establishing special local watercraft controls that had been promulgated under the old APA (Public Act 303 of 1967) before March 17, 1987 would remain in effect unless they were rescinded under certain sections of the NREPA. The specific sections of the act referenced in the bill include: Section 80108, which provides for the regulation of waterborne vehicles; Section 80110, which allows the department to initiate investigations of the need for special rules and describes the means for proposal of such rules; Section 80111, which provides for the approval or disapproval and enactment of proposed local ordinances; and Section 80112, which provides for requests by local political subdivisions for assistance in creating such rules.

The bills are tie-barred to one another and neither would take effect unless the other was also enacted into law.

Analyst: W. Flory

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.