



Senate Fiscal Agency  
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BILL ANALYSIS

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Senate Bill 1183 (as introduced 3-21-06)

Sponsor: Senator Jud Gilbert, II

Committee: Natural Resources and Environmental Affairs

Date Completed: 5-2-06

### **CONTENT**

**The bill would amend Part 11 (General Appellate Rights and Public Access to Government) of the Natural Resources and Environmental Protection Act to create a hunting and fishing board of review within the Department of Natural Resources (DNR).**

Under the bill, administrative appeals concerning licenses or permits under Part 401 (Wildlife Conservation) or 435 (Hunting and Fishing Licensing) would be governed by Section 1101 (described below, under **BACKGROUND**), except that the hunting and fishing board of review would have to exercise the powers and perform the duties otherwise assigned to the Natural Resources Commission under that section.

The DNR would have to promulgate rules to implement the bill's requirements, and submit proposed rules for a public hearing within six months after the bill took effect.

Proposed MCL 324.1101a

Legislative Analyst: Julie Koval

### **BACKGROUND**

Under Section 1101, if a person has legal standing to challenge a final decision of the DNR regarding the issuance, denial, suspension, revocation, annulment, withdrawal, recall, cancellation, or amendment of a permit or operating license, upon that person's request, the Natural Resources Commission must review the decision and make the final agency decision. A preliminary, procedural, or intermediate decision of the DNR is reviewable by the Commission only if it elects to grant a review. If the Commission grants a person a review, he or she is considered to have exhausted his or her administrative remedies with regard to that matter. The Commission may use administrative law judges or hearing officers to conduct the reviews as contested case hearings and to issue proposals for decisions as provided by law or rule.

Except as described above, a person who has legal standing to challenge a final decision of the DNR may seek direct review by the courts as provided by law. Direct review by the courts is available to that person as an alternative to any administrative remedy provided in the Act. A preliminary, procedural, or intermediate action or ruling of the DNR is not immediately reviewable, although the court may grant leave for review of an action or ruling if it determines that review of the final decision would not provide an adequate remedy. If the courts grant a person direct review, he or she is considered to have exhausted his or her administrative remedies with regard to that matter.

If the court does not review a decision brought before it, the person with legal standing retains any administrative appeal rights that are otherwise provided by law.

If the court reviews a preliminary, procedural, or intermediate decision of the DNR, the person with legal standing retains the right to judicial review of the final decision of the DNR as provided by law.

### **FISCAL IMPACT**

The bill would have no fiscal impact on the State. A different entity would perform the final review of administrative appeals concerning hunting and fishing licenses and permits, but the staff work and procedures would continue.

Fiscal Analyst: Jessica Runnels