

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.48703a Sport fishing; regulation by commission; issuance of orders; providing copy of order to legislature; appropriation.

Sec. 48703a.

(1) The legislature finds and declares that aquatic invasive species, including Asian carp, represent a significant threat to the state's fisheries, aquatic resources, outdoor recreation and tourism economies, and public safety.

(2) The commission has the exclusive authority to regulate sport fishing under this part. The commission shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the regulation of sport fishing under this part. The commission may take testimony from department personnel, independent experts, and others, and review scientific literature and data, among other sources, in support of the commission's duty to use principles of sound scientific management. The commission shall issue orders regarding the regulation of sport fishing under this part following a public meeting and an opportunity for public input. Not less than 30 days before issuing an order, the commission shall provide a copy of the order to each of the following:

(a) Each member of each standing committee of the senate or house of representatives that considers legislation pertaining to conservation, the environment, natural resources, recreation, tourism, or agriculture.

(b) The chairperson of the senate appropriations committee and the chairperson of the house of representatives appropriations committee.

(c) The members of the subcommittee of the senate appropriations committee and the subcommittee of the house of representatives appropriations committee that consider the budget of the department of natural resources.

(3) For the fiscal year ending September 30, 2017, there is appropriated for the department the sum of \$1,000,000.00 to implement management practices necessary for rapid response, prevention, control, or elimination of aquatic invasive species, including Asian carp. Any portion of the amount under this section that is not expended in the fiscal year ending September 30, 2017 shall not lapse to the general fund but shall be carried forward in a work project account that is in compliance with section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

History: Add. 2013, Act 21, Imd. Eff. May 8, 2013 ;-- Am. 2014, Act 281, Eff. Mar. 31, 2015 ;-- Am. 2015, Act 12, Eff. July 13, 2015 ;-- Am. 2016, Act 382, Imd. Eff. Dec. 22, 2016

Compiler's Notes: Enacting section 1 of Act 281 of 2014 provides: "Enacting section 1. This act reenacts all or portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108. If any portions of 2012 PA 520 or 2013 PA 21 or 2013 PA 22 or 2013 PA 108 not amended by this act are invalidated pursuant to referendum or any other reason, then any such invalidated portions of 2012 PA 520, 2013 PA 21, 2013 PA 22 and 2013 PA 108 which are otherwise included in this act, shall be deemed to be reenacted pursuant to this act." Enacting section 2 of Act 281 of 2014 provides: "Enacting section 2. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act." Public Act 281 of 2014 was proposed by initiative petition pursuant to Const 1963, art II, § 9. The initiative petition was approved by an affirmative vote of the majority of the Senate on August 13, 2014 and by the House of Representatives on August 27, 2014. The initiative petition was filed with the Secretary of State on August 27, 2014. In *Keep Michigan Wolves Protected v State of Michigan*, an unpublished opinion issued November 22, 2016, (Docket No. 328604), the Michigan Court of Appeals held that 2014 PA 281, which amended sections of the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, is unconstitutional as it violates the title-object clause of section 24 of article IV of the state constitution of 1963.

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