

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

324.40107 Management of animals; orders of department; procedures for exercising power; revision of order; filing orders to take place of former 1929 PA 286; filing and effective date of orders.

Sec. 40107.

(1) The department shall manage animals in this state. In managing animals, the department may issue orders to do all of the following:

- (a) Make recommendations to the legislature regarding animals that should be added or deleted from the category of game.
- (b) Determine the kinds of animals that may be taken.
- (c) Determine the animals or kinds of animals that are protected.
- (d) Except as otherwise provided in section 40110, establish open seasons for taking or possessing game.
- (e) Establish lawful methods of taking game.
- (f) Establish lawful methods of taking game for persons who have certain disabilities.
- (g) Establish bag limits.
- (h) Establish geographic areas within the state where certain regulations may apply to the taking of animals.
- (i) Determine conditions under which permits may be issued by the department.
- (j) Establish fees for the issuing of permits by the department.
- (k) Regulate the hours during which animals may be taken.
- (l) Require that a person involved in a chase of an animal have in his or her possession a valid license that would authorize the taking of the animal being chased.
- (m) Establish conditions under which animals taken or possessed outside of this state may be imported into this state.
- (n) Regulate the buying and selling of animals and parts of animals.
- (o) Establish methods of taking animals that are primarily taken because of the value of their pelts, which methods supplement the lawful methods of taking such animals that exist on October 1, 1988.

(2) In exercising a power under this section, the department shall comply with the following procedures in a manner that assures adequate public notice, opportunity for public comment, and due regard for traditional methods and practices that were lawful prior to October 1, 1988:

(a) An order shall be prepared by the department after comments from department field personnel and interested persons have been solicited and considered.

(b) The order shall be on the department agenda for at least 1 month prior to its consideration.

(c) The department shall provide an opportunity for public comment on the order.

(d) Except as otherwise provided in this subdivision, the department prior to issuance of an order shall provide a copy of each order to each member of the senate and the house of representatives standing committees that consider legislation pertaining to conservation, environment, recreation, tourism, and natural resources. The members of the standing committees have 30 days to review and submit comments to the department regarding an order. This subdivision shall not apply to an order that does not alter the substance of a lawful provision that exists in the form of a statute, rule, regulation, or order at the time the order is prepared.

(e) The department shall approve, reject, or modify the order.

(3) The department may revise an order issued pursuant to this section, and any revision of such an order shall comply with the procedure set forth in subsection (2).

(4) Not later than January 1, 1990, the commission shall issue orders pursuant to subsection (1) and file orders with the secretary of state that the commission considers sufficient to take the place of former 1929 PA 286. The orders filed with the secretary of state pursuant to this subsection shall indicate that the orders become effective upon filing with the secretary of state. Following the effective date of this part, the department shall undertake all of the powers given to the commission in former 1988 PA 256.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 1998, Act 86, Imd. Eff. May 13, 1998

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