

HOUSE BILL NO. 5559

February 27, 2020, Introduced by Reps. Cherry, Howell and Wakeman and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding sections 48714a and 48714b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 **Sec. 48714a. (1) Beginning March 1, 2020, an individual shall**
2 **not act as a sport fishing guide on the inland waters of this state**
3 **unless that individual possesses both of the following:**
4 **(a) A valid license issued under subsection (2).**
5 **(b) A valid fishing license.**



1 (2) To obtain a license to act as a sport fishing guide, an
2 individual shall submit the application fee described in section
3 48714b and an application to the department. The application must
4 be in a format determined by the department. The department shall
5 only grant a license to an individual if the department determines
6 all of the following:

7 (a) That the individual holds a valid certification in first
8 aid and cardiopulmonary resuscitation issued by the American Red
9 Cross, the American Heart Association, or a comparable organization
10 as approved by the department.

11 (b) The individual has a valid, lawfully obtained Michigan
12 driver license issued under the Michigan vehicle code, 1949 PA 300,
13 MCL 257.1 to 257.923, an official state personal identification
14 card issued under 1972 PA 222, MCL 28.291 to 28.300, or a sportcard
15 issued under section 43522.

16 (c) The individual has not been convicted of any of the
17 following within the past 3 years:

18 (i) A violation of any of the following:

19 (A) Section 40112.

20 (B) Section 40118(2), (3), (4), (5), (6), (14), (15), (16), or
21 (17).

22 (C) Section 41105.

23 (D) Section 44524.

24 (E) Section 48738(2) or (3).

25 (F) Section 48739(1), (2), or (3).

26 (ii) Any felony.

27 (iii) A violation of a law of a participating state
28 substantially corresponding to a violation described in
29 subparagraphs (i) to (ii).



1 (d) The individual is eligible to purchase a license for the
2 fish species for which the individual is acting as a sport fishing
3 guide.

4 (3) An individual shall not act as a sport fishing guide on
5 commercial forestland.

6 (4) A license issued under this section is valid for 3 years
7 after the date it is issued. The department shall allow an
8 individual to obtain a public boating access entry pass required
9 under section 78105(3) with any sport fishing guide license issued
10 under this section for each year that the sport fishing guide
11 license is valid. The department may revoke a license under this
12 section, after notice and opportunity for hearing pursuant to the
13 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
14 24.328, for either of the following reasons:

15 (a) The department determines that an individual is not
16 eligible to hold a license under this section.

17 (b) The individual provides false information under this
18 section.

19 (5) A sport fishing guide shall file monthly reports to the
20 department, in a format determined by the department, that contain
21 information related to all of the following:

22 (a) The counties of this state where the individual acted as a
23 sport fishing guide.

24 (b) The species of fish for which the individual acted as a
25 sport fishing guide.

26 (c) The number of clients that the sport fishing guide had for
27 each fishing trip and the number of hours fished for each fishing
28 trip.

29 (d) The number of fish caught and released and the number of



1 fish harvested by the clients of the sport fishing guide.

2 (e) The bodies of water where the individual acted as a sport
3 fishing guide.

4 (f) Any additional information the department requires
5 regarding the fishing activity or biological characteristics of the
6 fish caught and released or harvested.

7 (g) For any month that the guide did not act as a sport
8 fishing guide, a report stating that the individual did not act as
9 a sport fishing guide during that month.

10 (6) If an individual fails to file a monthly report under
11 subsection (5) and that report remains unfiled for more than 90
12 days after the date it is due, the individual is subject to the
13 following:

14 (a) For a first violation, a \$100.00 civil fine.

15 (b) For a second violation, a \$200.00 civil fine.

16 (c) For a third violation, a \$500.00 civil fine.

17 (d) For a fourth violation, after notice and an opportunity
18 for hearing pursuant to the administrative procedures act of 1969,
19 1969 PA 306, MCL 24.201 to 24.328, a revocation of the individual's
20 license under this section.

21 (7) Information submitted in reports under subsection (5) is
22 confidential and is exempt from disclosure under the freedom of
23 information act, 1976 PA 442, MCL 15.231 to 15.246.

24 (8) The department shall annually post on its website all of
25 the following:

26 (a) The number of applications submitted under subsection (2)
27 in the previous year.

28 (b) The number of licenses issued under this section in the
29 previous year.



1 (c) A list of individuals who have valid licenses under this
2 section.

3 (9) An individual shall carry his or her sport fishing guide
4 license and shall exhibit the license upon the demand of a
5 conservation officer, a law enforcement officer, a tribal
6 conservation officer, or the owner or occupant of any land where
7 the individual is acting as a sport fishing guide.

8 (10) An individual who acts as a sport fishing guide without a
9 valid license issued under this section or who acts as a sport
10 fishing guide on commercial forestland is subject to a civil fine
11 of not more than \$500.00. An individual who acts as a sport fishing
12 guide without a valid license issued under this section or who acts
13 as a sport fishing guide on commercial forestland a second or
14 subsequent time is subject to a civil fine of not more than
15 \$1,000.00. A civil fine collected under this subsection or
16 subsection (6) must be deposited in the game and fish protection
17 account established in section 2010.

18 (11) An individual who provides false information to the
19 department under this section is subject to a civil fine of not
20 more than \$500.00 and the costs of prosecution.

21 (12) As used in this section:

22 (a) "Consideration of value" means an economic benefit,
23 inducement, right, or profit, including monetary payment accruing
24 to an individual or person. Consideration of value does not include
25 a voluntary sharing of the actual expenses of the guiding activity,
26 by monetary contribution or donation of fuel, food, beverage, or
27 other supplies.

28 (b) "Participating state" means that term as defined in
29 section 1615.



1 (c) "Sport fishing guide" means an individual who, for a fee
2 or other consideration, provides assistance to another individual
3 in pursuing, capturing, catching, killing, taking, or attempting to
4 take fish. Sport fishing guide does not include any of the
5 following:

6 (i) An employee or member of an organization conducting a not-
7 for-profit activity to recruit, retain, or promote fishing, while
8 providing assistance to another individual in taking fish during
9 that activity.

10 (ii) The owner of private land while providing assistance to
11 another individual in pursuing, capturing, catching, killing,
12 taking, or attempting to take fish on that private land.

13 (iii) An individual under the age of 18 if that individual is
14 working under the supervision of a licensed sport fishing guide.

15 Sec. 48714b. (1) Except as otherwise provided in this section,
16 the department shall charge a resident applying for a sport fishing
17 guide license under section 48714a an application fee of \$150.00.
18 The department shall charge a nonresident applying for a sport
19 fishing guide license under section 48714a an application fee of
20 \$300.00. The operator of a charter boat licensed under part 445 is
21 not required to pay an application fee under this section. Money
22 collected under this section must be deposited in the game and fish
23 protection account established in section 2010.

24 (2) If an individual elects to obtain a public boating access
25 entry pass with the sport fishing guide license under section
26 48714a, the department shall charge that individual a \$300.00 fee.
27 Money collected for a public boating access entry pass under this
28 section must be deposited in the waterways account established in
29 section 2035.



1 Enacting section 1. This amendatory act takes effect 90 days
2 after the date it is enacted into law.

3 Enacting section 2. This amendatory act does not take effect
4 unless all of the following bills of the 100th Legislature are
5 enacted into law:

6 (a) Senate Bill No. _____ or House Bill No.5560 (request no.
7 05300'19 *).

8 (b) Senate Bill No. _____ or House Bill No.5558 (request no.
9 06079'20).

