

SUBSTITUTE FOR  
SENATE BILL NO. 1072

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding section 43528c.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **SEC. 43528C. (1) BEGINNING MARCH 1, 2019, AN INDIVIDUAL SHALL**  
2 **NOT ACT AS A COMMERCIAL HUNTING GUIDE IN THIS STATE UNLESS THAT**  
3 **INDIVIDUAL POSSESSES BOTH OF THE FOLLOWING:**

4           **(A) A VALID LICENSE ISSUED UNDER SUBSECTION (2).**

5           **(B) A VALID BASE LICENSE ISSUED UNDER SECTION 43523A.**

6           **(2) TO OBTAIN A LICENSE TO ACT AS A COMMERCIAL HUNTING GUIDE,**  
7 **AN INDIVIDUAL SHALL SUBMIT THE APPLICATION FEE DESCRIBED IN SECTION**  
8 **43528D AND AN APPLICATION TO THE DEPARTMENT. THE APPLICATION SHALL**  
9 **BE IN A FORM AND FORMAT DETERMINED BY THE DEPARTMENT. THE**

1 DEPARTMENT SHALL ONLY GRANT A LICENSE TO AN INDIVIDUAL IF THE  
2 DEPARTMENT DETERMINES ALL OF THE FOLLOWING:

3 (A) THAT THE INDIVIDUAL HOLDS A VALID CERTIFICATION IN FIRST  
4 AID AND CARDIOPULMONARY RESUSCITATION ISSUED BY THE AMERICAN RED  
5 CROSS, THE AMERICAN HEART ASSOCIATION, OR A COMPARABLE ORGANIZATION  
6 APPROVED BY THE DEPARTMENT.

7 (B) THAT THE INDIVIDUAL IS COVERED BY COMMERCIAL GENERAL  
8 LIABILITY INSURANCE WITH LIMITS OF NOT LESS THAN \$300,000.00 PER  
9 CLAIM AND \$1,000,000.00 AGGREGATE, FOR THE PERIOD THAT THE LICENSE  
10 IS VALID.

11 (C) THE PERSON HAS A VALID, LAWFULLY OBTAINED MICHIGAN DRIVER  
12 LICENSE ISSUED UNDER THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL  
13 257.1 TO 257.923, AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD  
14 ISSUED UNDER 1972 PA 222, MCL 28.291 TO 28.300, OR A SPORTCARD  
15 ISSUED UNDER SECTION 43522.

16 (D) UNTIL FEBRUARY 29, 2020, THE INDIVIDUAL HAS NOT BEEN  
17 CONVICTED OF ANY OF THE FOLLOWING WITHIN THE PAST 2 YEARS:

18 (i) A VIOLATION OF THIS PART OR PART 401, 411, 413, 445, OR  
19 487.

20 (ii) A VIOLATION OF AN ORDER OR INTERIM ORDER ISSUED UNDER  
21 THIS PART OR PART 401, 411, 413, 445, OR 487.

22 (iii) ANY FELONY.

23 (iv) A VIOLATION OF A LAW OF A PARTICIPATING STATE  
24 SUBSTANTIALLY CORRESPONDING TO A VIOLATION DESCRIBED IN  
25 SUBPARAGRAPHS (i) TO (iii).

26 (E) BEGINNING MARCH 1, 2020, THE INDIVIDUAL HAS NOT BEEN  
27 CONVICTED OF ANY OF THE FOLLOWING WITHIN THE PAST 3 YEARS:

1 (i) A VIOLATION OF THIS PART OR PART 401, 411, 413, 445, OR  
2 487.

3 (ii) A VIOLATION OF AN ORDER OR INTERIM ORDER ISSUED UNDER  
4 THIS PART OR PART 401, 411, 413, 445, OR 487.

5 (iii) ANY FELONY.

6 (iv) A VIOLATION OF A LAW OF A PARTICIPATING STATE  
7 SUBSTANTIALLY CORRESPONDING TO A VIOLATION DESCRIBED IN  
8 SUBPARAGRAPHS (i) TO (iii).

9 (F) THE INDIVIDUAL IS ELIGIBLE TO PURCHASE A LICENSE FOR THE  
10 GAME SPECIES FOR WHICH THE INDIVIDUAL IS ACTING AS A COMMERCIAL  
11 HUNTING GUIDE.

12 (3) AN INDIVIDUAL SHALL NOT ACT AS A COMMERCIAL HUNTING GUIDE  
13 ON COMMERCIAL FORESTLAND.

14 (4) A LICENSE ISSUED UNDER THIS SECTION IS VALID FOR 3 YEARS  
15 AFTER THE DATE IT IS ISSUED. THE DEPARTMENT MAY REVOKE A LICENSE  
16 UNDER THIS SECTION, AFTER NOTICE AND OPPORTUNITY FOR HEARING  
17 PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306,  
18 MCL 24.201 TO 24.328, FOR ANY OF THE FOLLOWING REASONS:

19 (A) THE DEPARTMENT DETERMINES THAT THE INDIVIDUAL IS NOT  
20 ELIGIBLE TO HOLD A LICENSE UNDER THIS SECTION.

21 (B) THE INDIVIDUAL PROVIDES FALSE INFORMATION UNDER THIS  
22 SECTION.

23 (C) THE INDIVIDUAL FAILS TO FILE AN ANNUAL REPORT UNDER  
24 SUBSECTION (5), AND THAT REPORT REMAINS UNFILED FOR MORE THAN 90  
25 DAYS AFTER IT IS DUE.

26 (5) A COMMERCIAL HUNTING GUIDE SHALL FILE AN ANNUAL REPORT  
27 WITH THE DEPARTMENT, IN A FORMAT DETERMINED BY THE DEPARTMENT, THAT

1 CONTAINS INFORMATION RELATED TO ALL OF THE FOLLOWING:

2 (A) THE COUNTIES OF THIS STATE WHERE THE INDIVIDUAL ACTED AS A  
3 COMMERCIAL HUNTING GUIDE.

4 (B) THE SPECIES OF GAME FOR WHICH THE INDIVIDUAL ACTED AS A  
5 COMMERCIAL HUNTING GUIDE.

6 (C) THE NUMBER OF CLIENTS THAT THE COMMERCIAL HUNTING GUIDE  
7 HAD DURING THE YEAR.

8 (D) THE NUMBER OF GAME ANIMALS HARVESTED BY THE CLIENTS OF THE  
9 COMMERCIAL HUNTING GUIDE.

10 (E) ANY ADDITIONAL INFORMATION THE DEPARTMENT REQUIRES  
11 REGARDING THE BIOLOGICAL CHARACTERISTICS OF THE GAME ANIMALS  
12 HARVESTED.

13 (6) INFORMATION SUBMITTED IN A REPORT UNDER SUBSECTION (5) IS  
14 CONFIDENTIAL AND IS NOT SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF  
15 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

16 (7) THE DEPARTMENT SHALL ANNUALLY POST ON ITS WEBSITE ALL OF  
17 THE FOLLOWING:

18 (A) THE NUMBER OF APPLICATIONS SUBMITTED UNDER SUBSECTION (2)  
19 IN THE PREVIOUS YEAR.

20 (B) THE NUMBER OF LICENSES ISSUED UNDER THIS SECTION IN THE  
21 PREVIOUS YEAR.

22 (C) A LIST OF INDIVIDUALS WHO HAVE VALID LICENSES UNDER THIS  
23 SECTION.

24 (8) A INDIVIDUAL SHALL CARRY HIS OR HER COMMERCIAL HUNTING  
25 GUIDE LICENSE AND SHALL EXHIBIT THE LICENSE UPON THE DEMAND OF A  
26 CONSERVATION OFFICER, A LAW ENFORCEMENT OFFICER, A TRIBAL  
27 CONSERVATION OFFICER, OR THE OWNER OR OCCUPANT OF ANY LAND WHERE

1 THE INDIVIDUAL IS ACTING AS A COMMERCIAL HUNTING GUIDE.

2 (9) AN INDIVIDUAL WHO ACTS AS A COMMERCIAL HUNTING GUIDE  
3 WITHOUT A VALID LICENSE ISSUED UNDER THIS SECTION OR WHO ACTS AS A  
4 COMMERCIAL HUNTING GUIDE ON COMMERCIAL FORESTLAND IS SUBJECT TO A  
5 CIVIL FINE OF \$2,000.00. AN INDIVIDUAL WHO ACTS AS A COMMERCIAL  
6 HUNTING GUIDE WITHOUT A VALID LICENSE ISSUED UNDER THIS SECTION OR  
7 WHO ACTS AS A COMMERCIAL HUNTING GUIDE ON COMMERCIAL FORESTLAND A  
8 SECOND OR SUBSEQUENT TIME IS SUBJECT TO A CIVIL FINE OF \$4,000.00.  
9 A CIVIL FINE COLLECTED UNDER THIS SUBSECTION SHALL BE DEPOSITED IN  
10 THE GAME AND FISH PROTECTION ACCOUNT ESTABLISHED IN SECTION 2010.

11 (10) AN INDIVIDUAL WHO PROVIDES FALSE INFORMATION TO THE  
12 DEPARTMENT UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE  
13 BY IMPRISONMENT FOR NOT MORE THAN 180 DAYS OR A FINE OF NOT LESS  
14 THAN \$1,000.00 OR MORE THAN \$2,500.00, OR BOTH, AND THE COSTS OF  
15 PROSECUTION.

16 (11) AS USED IN THIS SECTION:

17 (A) "COMMERCIAL HUNTING GUIDE" MEANS AN INDIVIDUAL WHO, FOR A  
18 FEE OR OTHER CONSIDERATION OF VALUE, PROVIDES ASSISTANCE TO ANOTHER  
19 INDIVIDUAL IN HUNTING GAME. COMMERCIAL HUNTING GUIDE DOES NOT  
20 INCLUDE ANY OF THE FOLLOWING:

21 (i) THE OWNER OF PRIVATE LAND WHILE PROVIDING ASSISTANCE TO  
22 ANOTHER INDIVIDUAL IN PURSUING, CAPTURING, CATCHING, KILLING,  
23 TAKING, OR ATTEMPTING TO TAKE GAME ON THAT PRIVATE LAND.

24 (ii) THE OWNER, EMPLOYEE, OR MEMBER OF A GAME BIRD HUNTING  
25 PRESERVE LICENSED UNDER PART 417, OR HIS OR HER DESIGNEE, WHILE  
26 PROVIDING ASSISTANCE TO ANOTHER INDIVIDUAL IN PURSUING, CAPTURING,  
27 CATCHING, KILLING, TAKING, OR ATTEMPTING TO TAKE GAME BIRDS

1 AUTHORIZED TO BE HUNTED ON THAT GAME BIRD HUNTING PRESERVE.

2 (iii) AN INDIVIDUAL, BUSINESS, AGENCY, OR NONPROFIT  
3 ORGANIZATION ISSUED A PERMIT FROM THE DEPARTMENT TO PROVIDE DAMAGE  
4 OR NUISANCE ANIMAL CONTROL SERVICES, WHILE PROVIDING THOSE DAMAGE  
5 OR NUISANCE ANIMAL CONTROL SERVICES.

6 (iv) AN EMPLOYEE OR MEMBER OF AN ORGANIZATION CONDUCTING A  
7 NOT-FOR-PROFIT EVENT TO RECRUIT, RETAIN, OR PROMOTE HUNTING, WHILE  
8 PROVIDING ASSISTANCE TO ANOTHER INDIVIDUAL IN HUNTING GAME DURING  
9 THAT EVENT.

10 (B) "CONSIDERATION OF VALUE" MEANS AN ECONOMIC BENEFIT,  
11 INDUCEMENT, RIGHT, OR PROFIT, INCLUDING MONETARY PAYMENT ACCRUING  
12 TO AN INDIVIDUAL OR PERSON. CONSIDERATION OF VALUE DOES NOT INCLUDE  
13 A VOLUNTARY SHARING OF THE ACTUAL EXPENSES OF THE GUIDING ACTIVITY  
14 BY MONETARY CONTRIBUTION OR DONATION OF FUEL, FOOD, BEVERAGES, OR  
15 OTHER SUPPLIES.

16 (C) "PARTICIPATING STATE" MEANS THAT TERM AS DEFINED IN  
17 SECTION 1615.

18 (D) "PRIVATELY OWNED CERVID RANCH" MEANS THAT TERM AS DEFINED  
19 IN SECTION 6 OF THE ANIMAL INDUSTRY ACT, 1988 PA 466, MCL 287.706.

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

22 Enacting section 2. This amendatory act does not take effect  
23 unless all of the following bills of the 98th Legislature are  
24 enacted into law:

25 (a) Senate Bill No. 1070.

26 (b) Senate Bill No. 1071.