

# HOUSE BILL No. 6190

June 13, 2002, Introduced by Reps. Kuipers, Tabor, Drolet, Van Woerkom, Toy and Bradstreet and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43503, 43509, 43532, 43533, 43537, 43546, and 43558 (MCL 324.43503, 324.43509, 324.43532, 324.43533, 324.43537, 324.43546, and 324.43558), section 43503 as added by 1995 PA 57, sections 43509, 43533, 43537, 43546, and 43558 as amended by 1996 PA 585, and section 43532 as amended by 2002 PA 108; and to repeal acts and parts of acts.

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

1           Sec. 43503. (1) "DETROIT CONSUMER PRICE INDEX" MEANS THE  
2 MOST COMPREHENSIVE INDEX OF CONSUMER PRICES AVAILABLE FOR THE  
3 DETROIT AREA FROM THE UNITED STATES DEPARTMENT OF LABOR, BUREAU  
4 OF LABOR STATISTICS.

5           (2) ~~(1)~~ "Fish" means all species of fish.

1           (3) ~~(2)~~ "Fishing" means the pursuing, capturing, catching,  
2 killing, or taking of fish, and includes attempting to pursue,  
3 capture, catch, kill, or take fish.

4           (4) ~~(3)~~ "Firearm" means a weapon from which a dangerous  
5 projectile may be propelled by using explosives, gas, or air as a  
6 means of propulsion. Firearm does not include a smooth bore  
7 rifle or handgun designed and manufactured exclusively for pro-  
8 pelling BB's not exceeding .177 caliber by means of a spring or  
9 air or gas.

10          (5) ~~(4)~~ "Firearm deer season" means any period in which  
11 deer may be lawfully hunted with a firearm.

12          (6) ~~(5)~~ "Fur-bearing animals" includes badger, beaver,  
13 bobcat, coyote, fisher, fox, lynx, marten, mink, muskrat, opos-  
14 sum, otter, raccoon, skunk, weasel, and wolf.

15          Sec. 43509. (1) ~~A person 17 years of age or older~~ SUBJECT  
16 TO SUBSECTION (2), A PERSON shall not take aquatic species,  
17 except aquatic insects, in or upon any waters over which this  
18 state has jurisdiction or in or upon any lands within the state,  
19 or possess aquatic species, except aquatic insects, without  
20 having in his or her possession a valid license as provided in  
21 this part.

22          (2) SUBSECTION (1) DOES NOT APPLY TO EITHER OF THE  
23 FOLLOWING:

24           (A) A PERSON UNDER 17 YEARS OF AGE.

25           (B) A SENIOR CITIZEN. A SENIOR CITIZEN TAKING OR POSSESSING  
26 AQUATIC SPECIES SHALL POSSESS AN OPERATOR'S OR CHAUFFEUR'S  
27 LICENSE ISSUED TO HIM OR HER PURSUANT TO THE MICHIGAN VEHICLE

1 CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR A STATE PERSONAL  
2 IDENTIFICATION CARD ISSUED TO HIM OR HER UNDER 1972 PA 222,  
3 MCL 28.291 TO 28.300, AND SHALL FURNISH THE LICENSE OR IDENTIFI-  
4 CATION CARD TO A PEACE OFFICER UPON REQUEST.

5 (3) ~~(2)~~ A person shall not hunt, trap, or possess a wild  
6 animal without having in his or her possession a valid license as  
7 provided in this part.

8 Sec. 43532. (1) ~~A person 17 years of age or older shall~~  
9 ~~not take aquatic species, except aquatic insects, in the waters~~  
10 ~~over which this state has jurisdiction without a license. The~~  
11 SUBJECT TO SECTION 43522A, THE fee for a resident restricted  
12 fishing license is \$15.00. ~~The~~ SUBJECT TO SECTION 43522A, THE  
13 fee for a nonresident restricted fishing license is \$34.00.

14 (2) ~~The~~ A restricted fishing license entitles the licensee  
15 to take aquatic species as prescribed by law other than trout or  
16 salmon.

17 (3) ~~A~~ AS PROVIDED IN SECTION 43509, A person under 17  
18 years of age may take aquatic species in the waters over which  
19 this state has jurisdiction without a license. However, a person  
20 under 17 years of age may obtain an all-species fishing license.  
21 The fee for a resident or nonresident who is under 17 years of  
22 age, for an all-species fishing license is \$2.00. The department  
23 shall not sell or vendor the list of licensees under this  
24 subsection.

25 (4) ~~The~~ SUBJECT TO SECTION 43522A, THE fee for a resident  
26 all-species fishing license is \$28.00. ~~The~~ SUBJECT TO SECTION

1 43522A, THE fee for a nonresident all-species fishing license is  
2 \$42.00.

3 (5) ~~The~~ AN all-species fishing license entitles the  
4 licensee to take all species of aquatic species as prescribed by  
5 law.

6 (6) A person to whom a valid restricted fishing license has  
7 been issued may return the restricted license to the department  
8 or its authorized agent and receive an all-species fishing  
9 license by paying a fee equal to the difference in cost between  
10 the all-species fishing license and the restricted fishing  
11 license for which that person is eligible.

12 Sec. 43533. A resident or nonresident may purchase a  
13 limited fishing license entitling that person to take all aquatic  
14 species as prescribed by law. ~~Except as provided in this sec-~~  
15 ~~tion, the fee for a limited fishing license is \$6.00 per desig-~~  
16 ~~nated consecutive 24-hour period. Except as provided in this~~  
17 ~~section, beginning in 2001, the~~ THE fee for a limited fishing  
18 license is \$7.00 per designated consecutive 24-hour period.  
19 ~~Notwithstanding any other provision of this section, the fee for~~  
20 ~~a limited fishing license for a senior citizen is \$3.00.~~

21 Sec. 43537. (1) A resident who is declared legally blind is  
22 eligible to purchase a ~~senior restricted or senior~~ RESTRICTED  
23 FISHING LICENSE OR all-species fishing license AT A FEE THAT IS  
24 DISCOUNTED 60% FROM THE FEE FOR A RESIDENT RESTRICTED FISHING  
25 LICENSE OR RESIDENT ALL-SPECIES FISHING LICENSE, RESPECTIVELY.  
26 The department may demand proof of blindness. The licensee, when

1 fishing, shall possess proof of blindness and shall furnish the  
2 proof upon the request of a peace officer.

3 (2) A resident who has been determined by the United States  
4 department of veterans affairs to be permanently and totally dis-  
5 abled and entitled to veteran benefits at the 100% rate, for a  
6 disability other than blindness, is eligible to purchase any  
7 senior hunting license as described in section 43535, or ~~any~~  
8 ~~senior fishing license described in section 43536, or both~~ A  
9 FISHING LICENSE DESCRIBED IN SUBSECTION (1) AT THE FEE SET FORTH  
10 IN THAT SUBSECTION. The department may demand proof of eligibil-  
11 ity under this subsection. The licensee, when hunting or taking  
12 aquatic species, shall possess proof of his or her eligibility  
13 under this subsection and shall furnish the proof upon the  
14 request of a peace officer.

15 (3) The department shall process SENIOR HUNTING licenses  
16 issued under this section in the same manner as licenses issued  
17 to senior citizens for purposes of receiving appropriations from  
18 the legislature under section 43546.

19 Sec. 43546. (1) Before June 1, ~~of each year~~ 2003, the  
20 department shall determine the total number of senior hunting and  
21 fishing licenses issued and the total fees collected FOR THOSE  
22 LICENSES the preceding license year. The department shall deter-  
23 mine the total fees that would have been collected if those  
24 senior citizens had been required to purchase full-price resident  
25 hunting and fishing licenses during the preceding license year.  
26 From this total, the department shall subtract the fees collected  
27 from the sale of senior hunting and fishing licenses during the

1 preceding license year. The difference, FOR THE PURPOSES OF  
2 SUBSECTION (3), is the amount that would otherwise be collected.

3 (2) BEFORE JUNE 1 OF EACH YEAR BEGINNING IN 2004, THE  
4 DEPARTMENT SHALL DETERMINE THE TOTAL NUMBER OF FISHING LICENSES  
5 ISSUED UNDER SECTION 43537 AND SENIOR HUNTING LICENSES ISSUED  
6 UNDER THIS PART AND THE TOTAL FEES COLLECTED FOR THOSE LICENSES  
7 THE PRECEDING LICENSE YEAR. THE DEPARTMENT SHALL DO ALL OF THE  
8 FOLLOWING TO DETERMINE, FOR THE PURPOSES OF SUBSECTION (3), THE  
9 AMOUNT THAT WOULD OTHERWISE BE COLLECTED:

10 (A) DETERMINE THE TOTAL FEES THAT WOULD HAVE BEEN COLLECTED  
11 IF THOSE LICENSEES HAD BEEN REQUIRED TO PURCHASE FULL-PRICE RESI-  
12 DENT HUNTING AND FISHING LICENSES DURING THE PRECEDING LICENSE  
13 YEAR.

14 (B) FROM THE TOTAL IN SUBDIVISION (A), SUBTRACT THE FEES  
15 COLLECTED FOR FISHING LICENSES ISSUED UNDER SECTION 43537 AND  
16 SENIOR HUNTING LICENSES ISSUED UNDER THIS PART DURING THE PRECED-  
17 ING LICENSE YEAR.

18 (C) TO THE REMAINDER UNDER SUBDIVISION (B), ADD AN AMOUNT  
19 DETERMINED AS FOLLOWS:

20 (i) DETERMINE THE DIFFERENCE BETWEEN THE TOTAL FEES COL-  
21 LECTED DURING THE LICENSE YEAR ENDING IN 2003 FOR THE ISSUANCE OF  
22 SENIOR FISHING LICENSES TO SENIOR CITIZENS AND THE TOTAL FEES  
23 THAT WOULD HAVE BEEN COLLECTED IF THOSE SENIOR CITIZENS HAD BEEN  
24 REQUIRED TO PURCHASE FULL-PRICE RESIDENT FISHING LICENSES DURING  
25 THAT LICENSE YEAR.

26 (ii) ADJUST THE FIGURE DETERMINED UNDER SUBPARAGRAPH (i) BY  
27 AN AMOUNT DETERMINED BY THE STATE TREASURER TO REFLECT THE

1 CUMULATIVE ANNUAL PERCENTAGE CHANGE IN THE DETROIT CONSUMER PRICE  
2 INDEX AS OF THE END OF THE PRECEDING CALENDAR YEAR. THE STATE  
3 TREASURER SHALL MAKE THIS ADJUSTMENT.

4 (3) ~~-(2)-~~ The legislature shall annually appropriate from  
5 the general fund a sum equal to the fees that would otherwise be  
6 collected as determined pursuant to subsection (1) FOR THE FISCAL  
7 YEAR ENDING SEPTEMBER 30, 2003 OR SUBSECTION (2) FOR SUBSEQUENT  
8 FISCAL YEARS. The sum appropriated shall be credited to the game  
9 and fish protection fund.

10 Sec. 43558. (1) A person is guilty of a misdemeanor if the  
11 person does any of the following:

12 (a) Makes a false statement as to material facts for the  
13 purpose of obtaining a license or uses or attempts to use a  
14 license obtained by making a false statement.

15 (b) Affixes to a license a date or time other than the date  
16 or time issued.

17 (c) Issues a license without receiving and remitting the fee  
18 to the department.

19 (d) Without a license, takes or possesses a wild animal,  
20 wild bird, or aquatic species, except aquatic insects. This sub-  
21 division does not apply to a person less than 17 years of age OR  
22 A SENIOR CITIZEN who without a license takes or possesses aquatic  
23 species.

24 (e) Sells, loans, or permits in any manner another person to  
25 use the person's license or uses or attempts to use another  
26 person's license.

1           (F) SELLS, LOANS, OR PERMITS IN ANY MANNER A PERSON TO USE  
2 THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED PURSUANT TO  
3 THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR  
4 STATE PERSONAL IDENTIFICATION CARD ISSUED UNDER 1972 PA 222,  
5 MCL 28.291 TO 28.300, FOR THE PURPOSES OF THIS PART.

6           (G) ~~(f)~~ Falsely makes, alters, forges, or counterfeits a  
7 sportcard or a hunting, fishing, or fur harvester's license or  
8 possesses an altered, forged, or counterfeited hunting, fishing,  
9 or fur harvester's license.

10          (H) ~~(g)~~ Uses a tag furnished with a firearm deer license,  
11 bow and arrow deer license, bear hunting license, elk hunting  
12 license, or wild turkey hunting license more than 1 time, or  
13 attaches or allows a tag to be attached to a deer, bear, elk, or  
14 turkey other than a deer, bear, elk, or turkey lawfully killed by  
15 the person.

16          (I) ~~(h)~~ Except as provided by law, makes an application  
17 for, obtains, or purchases more than 1 license for a hunting,  
18 fishing, or trapping season, not including a limited fishing  
19 license, second bow and arrow license, second firearm deer  
20 license, antlerless deer license, or other license specifically  
21 authorized by law, or if the applicant's license has been lost or  
22 destroyed.

23          (J) ~~(i)~~ Applies for, obtains, or purchases a license  
24 during a time that the person is ineligible to secure a license.

25          (K) ~~(j)~~ Knowingly obtains, or attempts to obtain, a resi-  
26 dent or a senior license if that person is not a resident of this  
27 state.



1           (2) Except as provided in subsection (5), a person who  
2 violates subsection (1) shall be punished by imprisonment for not  
3 more than 90 days, or a fine of not less than \$25.00 or more than  
4 \$250.00 and the costs of prosecution, or both. In addition, the  
5 person shall surrender any license and license tag that was  
6 wrongfully obtained.

7           (3) A person licensed to carry a firearm under this part is  
8 prohibited from doing so while under the influence of a con-  
9 trolled substance or alcohol or a combination of a controlled  
10 substance and alcohol. A person who violates this subsection is  
11 guilty of a misdemeanor, punishable by imprisonment for 90 days,  
12 or a fine of \$500.00, or both.

13           (4) An applicant for a license under this part who has pre-  
14 viously been convicted of a violation of the game and fish laws  
15 of this state may be required to file an application with the  
16 department together with other information that the department  
17 considers expedient. The license may be issued by the  
18 department.

19           (5) A person who violates subsection (1)(d), upon a showing  
20 that the person was ineligible to secure a license pursuant to  
21 court order or other lawful authority, is guilty of a misdemea-  
22 or, punishable by imprisonment for not more than 180 days, or a  
23 fine of not less than \$500.00 and not more than \$2,500.00, or  
24 both, and the costs of prosecution.

25           Enacting section 1. Section 43536 of the natural resources  
26 and environmental protection act, 1994 PA 451, MCL 324.43536, is  
27 repealed.