SENATE BILL No. 1070

September 8, 2016, Introduced by Senators JONES and ZORN and referred to the Committee on Outdoor Recreation and Tourism.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 48714A. (1) BEGINNING MARCH 1, 2017, AN INDIVIDUAL SHALL NOT ACT AS A COMMERCIAL FISHING GUIDE ON THE INLAND WATERS OF THIS STATE UNLESS THAT INDIVIDUAL POSSESSES BOTH OF THE FOLLOWING:

(A) A VALID PERMIT ISSUED UNDER SUBSECTION (2).

(B) A VALID FISHING LICENSE.

(2) TO OBTAIN A PERMIT TO ACT AS A COMMERCIAL FISHING GUIDE, AN INDIVIDUAL SHALL SUBMIT THE APPLICATION FEE DESCRIBED IN SECTION 48714B AND AN APPLICATION TO THE DEPARTMENT CONTAINING THE APPLICANT'S NAME, DATE OF BIRTH, AND ADDRESS OF HIS OR HER PRIMARY RESIDENCE. THE APPLICATION SHALL BE ON A FORM PROVIDED BY THE

SENATE BILL No. 1070

1 DEPARTMENT. THE DEPARTMENT SHALL GRANT A PERMIT TO AN INDIVIDUAL IF
2 THE 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 AS 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 PERMIT
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) THE INDIVIDUAL HAS NOT BEEN CONVICTED OF VIOLATING ANY OF
17 THE FOLLOWING WITHIN THE PAST 5 YEARS:
18 (*i*) A VIOLATION OF THIS PART OR PART 435, 445, OR 487.
19 (*ii*) A VIOLATION OF AN ORDER OR INTERIM ORDER ISSUED UNDER
20 THIS PART OR PART 435, 445, OR 487.
21 (*iii*) ANY FELONY.
22 (3) AN INDIVIDUAL SHALL NOT ACT AS A COMMERCIAL FISHING GUIDE
23 ON COMMERCIAL FORESTLAND.
24 (4) A PERMIT ISSUED UNDER THIS SECTION IS VALID FOR 3 YEARS
25 AFTER THE DATE IT IS ISSUED. THE DEPARTMENT MAY REVOKE A PERMIT
26 UNDER THIS SECTION, AFTER NOTICE AND OPPORTUNITY FOR HEARING
27 PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306,

1 MCL 24.201 TO 24.328, FOR ANY OF THE FOLLOWING REASONS:
2 (A) THE DEPARTMENT DETERMINES THAT AN INDIVIDUAL IS NOT
3 ELIGIBLE TO HOLD A PERMIT UNDER THIS SECTION.
4 (B) THE INDIVIDUAL PROVIDES FALSE INFORMATION UNDER THIS
5 SECTION.
6 (C) THE INDIVIDUAL FAILS TO FILE AN ANNUAL REPORT UNDER
7 SUBSECTION (5), AND THAT REPORT REMAINS UNFILED FOR MORE THAN 90
8 DAYS AFTER IT IS DUE.
9 (5) A COMMERCIAL FISHING GUIDE SHALL FILE MONTHLY REPORTS AND
10 AN ANNUAL REPORT TO THE DEPARTMENT, IN A FORMAT DETERMINED BY THE
11 DEPARTMENT, THAT CONTAIN INFORMATION RELATED TO ALL OF THE
12 FOLLOWING:
13 (A) THE COUNTIES OF THIS STATE WHERE THE INDIVIDUAL ACTED AS A
14 COMMERCIAL FISHING GUIDE.
15 (B) THE SPECIES OF FISH FOR WHICH THE INDIVIDUAL ACTED AS A
16 COMMERCIAL FISHING GUIDE.
17 (C) THE NUMBER OF CLIENTS THAT THE COMMERCIAL FISHING GUIDE
18 HAD DURING THE YEAR.
19 (D) THE NUMBER OF FISH CAUGHT AND RELEASED AND THE NUMBER OF
20 FISH HARVESTED BY THE CLIENTS OF THE COMMERCIAL FISHING GUIDE.
21 (E) THE BODIES OF WATER WHERE THE INDIVIDUAL ACTED AS A
22 COMMERCIAL FISHING GUIDE.
23 (F) ANY ADDITIONAL INFORMATION THE DEPARTMENT REQUIRES
24 REGARDING THE BIOLOGICAL CHARACTERISTICS OF THE FISH CAUGHT AND
25 RELEASED OR HARVESTED.
26 (6) INFORMATION SUBMITTED IN REPORTS UNDER SUBSECTION (5) IS
27 CONFIDENTIAL AND IS NOT SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF

INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

(7) AN INDIVIDUAL WHO ACTS AS A COMMERCIAL FISHING GUIDE WITHOUT A VALID PERMIT ISSUED UNDER THIS SECTION IS SUBJECT TO A CIVIL FINE OF $2,000.00. AN INDIVIDUAL WHO ACTS AS A COMMERCIAL FISHING GUIDE WITHOUT A VALID PERMIT ISSUED UNDER THIS SECTION A SECOND OR SUBSEQUENT TIME IS SUBJECT TO A CIVIL FINE OF $4,000.00. A CIVIL FINE COLLECTED UNDER THIS SUBSECTION SHALL BE DEPOSITED IN THE GAME AND FISH PROTECTION ACCOUNT ESTABLISHED IN SECTION 2010.

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

(9) AS USED IN THIS SECTION, "COMMERCIAL FISHING GUIDE" MEANS AN INDIVIDUAL WHO, FOR A FEE OR OTHER CONSIDERATION OF VALUE OF MORE THAN $150.00, PROVIDES ASSISTANCE TO ANOTHER INDIVIDUAL IN PURSUING, CAPTURING, CATCHING, KILLING, TAKING, OR ATTEMPTING TO TAKE FISH.

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

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

(a) Senate Bill No.____ or House Bill No.____ (request no. 05555'16).

(b) Senate Bill No.____ or House Bill No.____ (request no. 06073'16).