



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 1075 (as introduced 9-8-16)
Sponsor: Senator Wayne Schmidt
Committee: Outdoor Recreation and Tourism

Date Completed: 9-20-16

CONTENT

The bill would amend Part 435 (Hunting and Fishing Licensing) of the Natural Resources and Environmental Protection Act to do the following:

- **Require an individual who held a hunting, fur harvester's, or fishing license, beginning March 1, 2018, to carry it or, if applicable, an electronic copy of the license, and to exhibit it upon demand under certain conditions.**
- **Specify that an individual who displayed an electronic copy of his or her license would not be presumed to have consented to a search of the device.**
- **Specify that the State or a law enforcement agency, or its employees, would not be liable for damage to an electronic device that occurred as a result of a conservation officer or law enforcement officer viewing an electronic copy of the license.**
- **Require the Department of Natural Resources, by March 1, 2018, to develop an electronic license that an individual could use to display his or her all-species or 24- or 72-hour fishing license on an electronic device.**
- **Eliminate various provisions pertaining to a restricted fishing license.**

Display of Electronic Hunting, Fur Harvester's, or Fishing License

Currently, an individual who holds a hunting, fur harvester's, or fishing license must carry it and exhibit the license upon the demand of a conservation officer, a law enforcement officer, a tribal conservation officer under certain conditions, or the owner or occupant of the land if either or both of the following apply:

- The individual is hunting, trapping, or fishing.
- Except as otherwise provided, the individual is in possession of a firearm or other hunting, trapping, or fishing apparatus in an area frequented by wild animals or fish, as applicable.

Under the bill, this requirement would apply until March 1, 2018. Beginning on that date, an individual who held a hunting, fur harvester's, or fishing license would have to carry it or, if applicable, an electronic copy of the license and would have to exhibit it as currently required.

An individual who displayed an electronic copy of his or her license using an electronic device would not be presumed to have consented to a search of the device. The State or a law enforcement agency, or its employees, would not be liable for damage to or loss of an electronic device that occurred as a result of a conservation officer or law enforcement officer viewing an electronic copy of the license, regardless of whether the officer or individual was in possession of the electronic device at the time the damage or loss occurred.

The bill would require the Department to continue to explore the expanded use of electronic technology to provide additional services that would enhance hunting and fishing experiences for individuals in the State.

Electronic All-Species & Other Fishing Licenses

As described below, an individual 17 years of age or older is generally prohibited from taking or possessing an aquatic species, except aquatic insects, without a license. An all-species fishing license allows the licensee to take and possess all aquatic species as prescribed by law. A resident of this State who is 65 years of age or older may obtain a senior all-species fishing license.

A resident or nonresident may purchase a 24-hour or 72-hour fishing license that entitles the individual to take, for a designated 24- or 72-hour period, and possess all aquatic species as prescribed by law.

Under the bill, by March 1, 2018, the Department would have to develop an electronic license that allowed an individual to display an electronic copy of his or her all-species fishing license, senior all-species fishing license, or 24- or 72-hour fishing license using an electronic device.

Restricted Fishing License

Under Part 435 of the Act, an individual 17 years of age or older is prohibited from taking or possessing an aquatic species, except aquatic insects, in the waters over which the State has jurisdiction without a license. A restricted fishing license entitles the licensee to take and possess aquatic species as prescribed by law, other than trout, salmon, lake sturgeon, lake herring, amphibians, reptiles, or crustaceans. An individual who holds a valid restricted fishing license may return it and receive an all-species fishing license by paying a fee equal to the difference in cost between the all-species fishing license and the restricted fishing license for which the individual is eligible.

An individual under 17 years of age may take aquatic species in the waters over which this State has jurisdiction without a license, but also may obtain an all-species fishing license.

The bill would eliminate all of the above provisions.

MCL 324.43516 et al.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the Department of Natural Resources (DNR) and no fiscal impact on local units of government. The bill would require the DNR to develop an electronic fishing license by March 1, 2018. It is not clear how much the development would cost, or if development would be possible within existing contracts. Any additional costs would likely be borne by existing appropriations from the Game and Fish Protection Fund.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.