

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 54

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 40112 and 48703a (MCL 324.40112 and
324.48703a), section 40112 as amended by 1996 PA 316 and section
48703a as amended by 2014 PA 281.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40112. (1) ~~A person~~**AN INDIVIDUAL** shall not obstruct or
2 interfere in the lawful taking of animals **OR FISH** by another
3 ~~person~~**INDIVIDUAL**.

4 (2) ~~A person~~**AN INDIVIDUAL** violates this section when the
5 ~~person~~**INDIVIDUAL** intentionally or knowingly does any of the
6 following:

7 (a) Drives or disturbs animals **OR FISH** for the purpose of
8 disrupting a lawful taking.

9 (b) Blocks, impedes, or harasses another ~~person~~**INDIVIDUAL** who

1 is engaged in the process of lawfully taking an animal **OR FISH**.

2 (c) Uses a natural or artificial visual, aural, olfactory,
3 gustatory, or physical stimulus **OR AN UNMANNED VEHICLE OR UNMANNED**
4 **DEVICE THAT USES AERODYNAMIC FORCES TO ACHIEVE FLIGHT OR THAT**
5 **OPERATES ON THE SURFACE OF THE WATER OR UNDERWATER**, to affect
6 animal **OR FISH** behavior in order to hinder or prevent the lawful
7 taking of an animal **OR A FISH**.

8 (d) Erects barriers to deny ingress or egress to areas where
9 the lawful taking of animals **OR FISH** may occur. This subdivision
10 does not apply to ~~a person~~ **AN INDIVIDUAL** who erects barriers to
11 prevent trespassing on his or her property.

12 (e) Interjects himself or herself into the line of fire of a
13 ~~person~~ **AN INDIVIDUAL** lawfully taking wildlife.

14 (f) Affects the condition or placement of personal or public
15 property intended for use in the lawful taking of an animal **OR A**
16 **FISH** in order to impair the usefulness of the property or prevent
17 the use of the property.

18 (g) Enters or remains upon private lands without the
19 permission of the owner or the owner's agent, for the purpose of
20 violating this section.

21 (h) Engages in any other act or behavior for the purpose of
22 violating this section.

23 (3) Upon petition of an aggrieved person or ~~a person~~ **AN**
24 **INDIVIDUAL** who reasonably may be aggrieved by a violation of this
25 section, a court of competent jurisdiction, upon a showing that a
26 ~~person~~ **AN INDIVIDUAL** was engaged in and threatens to continue to
27 engage in illegal conduct under this section, may enjoin that

1 conduct.

2 (4) ~~A person~~ **AN INDIVIDUAL** who violates this section is guilty
 3 of a misdemeanor ~~punishable by imprisonment for not more than 93~~
 4 days ~~or a fine of not less than \$500.00 or more than \$1,000.00,~~
 5 or both, and the costs of prosecution. ~~A person~~ **AN INDIVIDUAL** who
 6 violates this section a second or subsequent time is guilty of a
 7 misdemeanor ~~punishable by imprisonment for not more than 1 year or~~
 8 or a fine of not less than \$1,000.00 or more than \$2,500.00, or
 9 both, and the costs of prosecution. In addition to the penalties
 10 provided for in this subsection, any permit or license issued by
 11 the department authorizing the ~~person~~ **INDIVIDUAL** to take animals **OR**
 12 **FISH** shall be revoked. A prosecution under this section does not
 13 preclude prosecution or other action under any other criminal or
 14 civil statute.

15 (5) This section does not apply to a peace officer while the
 16 peace officer performs his or her lawful duties.

17 Sec. 48703a. (1) The legislature finds and declares that
 18 aquatic invasive species, including Asian carp, represent a
 19 significant threat to the state's fisheries, aquatic resources,
 20 outdoor recreation and tourism economies, and public safety.

21 (2) The ~~natural resources~~ commission has the exclusive
 22 authority to regulate ~~the taking of fish in this state.~~ **SPORT**
 23 **FISHING UNDER THIS PART.** The ~~natural resources~~ commission shall, to
 24 the greatest extent practicable, utilize principles of sound
 25 scientific management in making decisions regarding the ~~taking of~~
 26 ~~fish.~~ **REGULATION OF SPORT FISHING UNDER THIS PART.** The ~~natural~~
 27 ~~resources~~ commission may take testimony from department personnel,

1 independent experts, and others, and review scientific literature
 2 and data, among other sources, in support of ~~its~~**THE COMMISSION'S**
 3 duty to use principles of sound scientific management. The ~~natural~~
 4 ~~resources~~ commission shall issue orders regarding the ~~taking of~~
 5 ~~fish~~**REGULATION OF SPORT FISHING UNDER THIS PART** following a public
 6 meeting and an opportunity for public input. Not less than 30 days
 7 before issuing an order, the ~~natural resources~~ commission shall
 8 provide a copy of the order to each of the following:

9 (a) Each member of each standing committee of the senate or
 10 house of representatives that considers legislation pertaining to
 11 conservation, the environment, natural resources, recreation,
 12 tourism, or agriculture.

13 (b) The chairperson of the senate appropriations committee and
 14 the chairperson of the house of representatives appropriations
 15 committee.

16 (c) The members of the subcommittee of the senate
 17 appropriations committee and the subcommittee of the house of
 18 representatives appropriations committee that consider the budget
 19 of the department of natural resources.

20 (3) ~~(d)~~For the fiscal year ending September 30, 2015, there
 21 is appropriated for the department the sum of \$1,000,000.00 to
 22 implement management practices necessary for rapid response,
 23 prevention, control, ~~and/or~~**OR** elimination of aquatic invasive
 24 species, including Asian carp. Any portion of the amount under this
 25 section that is not expended in the fiscal year ending September
 26 30, 2015 shall not lapse to the general fund but shall be carried
 27 forward in a work project account that is in compliance with

1 section 451a of the management and budget act, 1984 PA 431, MCL
2 18.1451a.

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