



# SENATE BILL No. 1072

September 8, 2016, Introduced by Senators ZORN and JONES 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 43528c.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 43528C. (1) BEGINNING MARCH 1, 2017, 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 PERMIT ISSUED UNDER SUBSECTION (2).

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

6            (2) TO OBTAIN A PERMIT 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 CONTAINING THE  
9 APPLICANT'S NAME, DATE OF BIRTH, AND ADDRESS OF HIS OR HER PRIMARY  
10 RESIDENCE. THE APPLICATION SHALL BE IN A FORMAT DETERMINED BY THE  
11 DEPARTMENT. THE DEPARTMENT SHALL GRANT A PERMIT TO AN INDIVIDUAL IF

1 THE DEPARTMENT DETERMINES ALL OF THE FOLLOWING:

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

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

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

15 (D) THE INDIVIDUAL HAS NOT BEEN CONVICTED OF ANY OF THE  
16 FOLLOWING WITHIN THE PAST 5 YEARS:

17 (i) A VIOLATION OF THIS PART OR PART 401, 445, OR 487.

18 (ii) A VIOLATION OF AN ORDER OR INTERIM ORDER ISSUED UNDER  
19 THIS PART OR PART 401, 445, OR 487.

20 (iii) ANY FELONY.

21 (E) THE INDIVIDUAL IS ELIGIBLE TO PURCHASE A LICENSE FOR THE  
22 GAME SPECIES FOR WHICH THE INDIVIDUAL IS ACTING AS A COMMERCIAL  
23 HUNTING GUIDE.

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

26 (4) A PERMIT ISSUED UNDER THIS SECTION IS VALID FOR 3 YEARS  
27 AFTER THE DATE IT IS ISSUED. THE DEPARTMENT MAY REVOKE A PERMIT

1 UNDER THIS SECTION, AFTER NOTICE AND OPPORTUNITY FOR HEARING  
2 PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306,  
3 MCL 24.201 TO 24.328, FOR ANY OF THE FOLLOWING REASONS:

4 (A) THE DEPARTMENT DETERMINES THAT THE INDIVIDUAL IS NOT  
5 ELIGIBLE TO HOLD A PERMIT UNDER THIS SECTION.

6 (B) THE INDIVIDUAL PROVIDES FALSE INFORMATION UNDER THIS  
7 SECTION.

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

11 (5) A COMMERCIAL HUNTING GUIDE SHALL FILE AN ANNUAL REPORT  
12 WITH THE DEPARTMENT, IN A FORMAT DETERMINED BY THE DEPARTMENT, THAT  
13 CONTAINS INFORMATION RELATED TO ALL OF THE FOLLOWING:

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

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

18 (C) THE NUMBER OF CLIENTS THAT THE COMMERCIAL HUNTING GUIDE  
19 HAD DURING THE YEAR.

20 (D) THE NUMBER OF GAME ANIMALS HARVESTED BY THE CLIENTS OF THE  
21 COMMERCIAL HUNTING GUIDE.

22 (E) ANY ADDITIONAL INFORMATION THE DEPARTMENT REQUIRES  
23 REGARDING THE BIOLOGICAL CHARACTERISTICS OF THE GAME ANIMALS  
24 HARVESTED.

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

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

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

15           (9) AS USED IN THIS SECTION:

16           (A) "COMMERCIAL HUNTING GUIDE" MEANS AN INDIVIDUAL WHO, FOR A  
17 FEE OR OTHER CONSIDERATION OF VALUE OF MORE THAN \$150.00, PROVIDES  
18 ASSISTANCE TO ANOTHER INDIVIDUAL IN HUNTING GAME. COMMERCIAL  
19 HUNTING GUIDE DOES NOT INCLUDE ANY OF THE FOLLOWING:

20           (i) THE OWNER OR EMPLOYEE OF A PRIVATELY OWNED CERVID RANCH  
21 WHILE PROVIDING ASSISTANCE TO ANOTHER INDIVIDUAL IN PURSUING,  
22 CAPTURING, CATCHING, KILLING, TAKING, OR ATTEMPTING TO TAKE GAME ON  
23 THAT PRIVATELY OWNED CERVID RANCH.

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 AN  
7 EVENT TO RECRUIT, RETAIN, OR PROMOTE HUNTING FOR CHILDREN OR  
8 INDIVIDUALS WITH DISABILITIES, WHILE PROVIDING ASSISTANCE TO  
9 ANOTHER INDIVIDUAL IN HUNTING GAME DURING THAT EVENT.

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

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

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

17 (a) Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
18 05555'16).

19 (b) Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
20 06074'16).