

# Legislative Analysis

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## SPORT FISHING REGULATIONS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5866 as introduced**  
**Sponsor: Rep. Joseph N. Bellino, Jr.**  
**Committee: Natural Resources**  
**Complete to 5-15-18**

Analysis available at  
<http://www.legislature.mi.gov>

## SUMMARY:

House Bill 5866 would amend Part 487 (Sport Fishing) under the Natural Resources and Environmental Protection Act (NREPA) to revise, remove, or repeal various provisions concerning fishing in Michigan.

### **Revised provisions**

Throughout the bill, “department” (DNR) would be replaced with “commission” (NRC) to reflect the NRC’s authority under current law to regulate the taking of fish in the waters of Michigan.<sup>1</sup>

The bill would also change “person” to “individual” in several provisions involving fishing. Under NREPA, *person* means an individual, partnership, corporation, association, governmental entity, or other legal entity. The provisions in question apply to individuals and not to private or public organizations; the change in terminology would make this clear.

### **Removed provisions**

The bill would remove a provision relating to an appropriation made to the DNR to implement invasive species management practices (including for the prevention, control, or elimination of Asian carp) in the fiscal year ending September 30, 2017. The provision also allows unexpended funds to be carried forward in a work project account.

Currently, in the Great Lakes or recognized smelt waters, any number of hooks may be attached to a single line for the taking of smelt, alewife, or other bait fish. The removal of this provision would allow the NRC to determine how many hooks per single line could be used for taking bait fish.

The bill would remove a provision that currently allows a person to have in his or her possession an artificial light of any kind for taking white bass.

The DNR currently has authority to manage fisheries on the Pere Marquette River at or above the site of the lamprey blocking weir. This provision would be removed because the weir no longer exists.

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<sup>1</sup> See the HFA summary for SB 288 of 2013, enacted as Public Act 21 of 2013:  
<http://www.legislature.mi.gov/documents/2013-2014/billanalysis/House/pdf/2013-HLA-0288-5519C5CD.pdf>

The bill would also remove a provision specifying that an individual operating a private fish pond may take fish from his or her own pond for the purpose of propagation, scientific investigation, or sale under Part 459 (Propagation of Game Fish in Private Waters) without obtaining a fish culture or scientific investigation permit from the DNR.

**Repealed provisions**

Finally, the bill would repeal the following sections in Part 487 of NREPA:

- Section 48704: allowing gill net use for the taking of cisco.
- Section 48708: regulations regarding smelt nets, including licensing fees.
- Section 48714: prohibition of nonresident acting as a commercial fishing guide in Michigan.
- Sections 48715 through 48720, 48725, and 48733: fishing seasons and the taking of certain fish species, including the allowable means to take those species.

MCL 324.48703 et al.

**FISCAL IMPACT:**

House Bill 5866 would eliminate existing spending authority for the Department of Natural Resources. The bill would delete an ongoing work project appropriation for the control and management of aquatic invasive species. Funding of \$1.0 million GF/GP was initially appropriated in FY 2016-17 and designated as a work project in accordance with the Management and Budget Act. A total of \$572,235 has been expended or encumbered according to the DNR; the department would no longer have the authority to use the remaining balance of \$427,765 under the bill.

House Bill 5866 is unlikely to affect local government revenues or costs.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.