



**Senate Fiscal Agency**  
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BILL



ANALYSIS

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House Bill 5866 (Substitute H-2 as passed by the House)  
Sponsor: Representative Joseph Bellino  
House Committee: Natural Resources  
Senate Committee: Outdoor Recreation and Tourism

Date Completed: 12-5-18

### **CONTENT**

**The bill would amend Part 487 (Sport Fishing) of the Natural Resources and Environmental Protection Act to do the following:**

- **Authorize the Department of Natural Resources (DNR) to issue permits for the removal of fish, except for game fish, instead of certain specified species.**
- **Allow the DNR to issue a permit authorizing the donation of fish, except game fish, taken during a fishing tournament to a person who had registered a tournament under orders issued by the Natural Resources Commission.**
- **Eliminate a provision pertaining to the number of hooks used for the taking of smelt, alewife, or other bait fish, and a provision pertaining to the use of artificial light to take white bass.**
- **Change certain references to "Department" and "person" to refer to "Commission" and "individual", respectively.**

The bill would repeal Sections 48704, 48708, 48714, 48715, 48716, 48717, 48718, 48719, 48720, 48725, 48727, and 48733 of the Act. (These Sections are described in greater detail below.)

#### **Licenses and Permits; Revised**

Under the Act, the DNR may issue permits for the removal of dogfish, carp, garfish, sheepshead, and other noxious fish from all the waters under the State's jurisdiction with seines, nets, spears, or in any other manner, and then sell or authorize the sale of the fish for the purpose of paying the expenses associated with the removal on terms that are in the best advantage of the State. The Department must be present at the time and place of the taking of the fish and a representative of the Department must superintend the taking and removal.

The bill would authorize the Department to issue permits for the removal of fish, except for game fish, from the waters over which the State had jurisdiction to manage fish and sell or authorize the sale of those fish to pay for the expense of the removal on terms that be in the best advantage of the State. The bill would remove language mandating that the Department be present at the time and place of the taking, as well as the language mandating that a member of the Department personally superintend the taking.

The bill also would allow the Department to issue a permit to a person who had registered a fishing tournament under the orders issued by the Commission authorizing that any fish taken

under a sport fishing tournament, except for game fish, during a registered tournament could be donated, not for pecuniary profit, to a person. Donated fish would not be subject to Section 48723 of the Act (which prohibits the purchase, sale, transportation, or possession of certain fish) and the person accepting the donated fish could process, use, and sell any fish or fish product resulting from the donation. The person taking the fish or accepting the donated fish would have to retain a copy of the permit with the fish for transport and final disposition. A person taking a fish under a permit described above would have to conform to all the regulations and restrictions specified in the permit and any reporting standards established by the DNR.

The Act requires a nonresident who operates under a permit for the removal of fish described above to pay the required nonresident licensee fee as provided for a nonresident under the commercial fishing laws of the State, in addition to the percentage paid to the State. The bill would remove this provision.

#### Fishing Devices; Revised

The Act currently allows any number of hooks, attached to a single line, in the Great Lakes or recognized smelt waters, to be used for the taking of smelt, alewife, or other bait fish. A person also may have in his or her possession an artificial light of any kind for the purpose of taking white bass. The bill would delete these provisions.

#### Repealed Provisions

The bill would repeal all of the following sections.

Section 48704 allows a person holding a resident fishing license to take cisco with one gill net. Section 48708 allows a person to use a net of a specified size to take smelt in waters along the shores of the Great Lakes and connecting waters of the Great Lakes.

Section 48714 prohibits a nonresident who resides in a state or country that does not allow residents of Michigan to act as commercial fishing guides within that state or country from acting as a commercial fishing guide on the inland waters of the State.

Section 48715 of the Act generally prohibits a person from taking, catching, or killing or attempting to take, catch, or kill any species of fish in a trout stream or any inland lake designated as a trout lake under Part 487 except as specified.

Section 48716 of the Act prohibits a person from taking, catching, or killing or attempting to take, catch, or kill any fish of the specified species in any of the waters over which the State has jurisdiction except during the specified open seasons.

Section 48717 prescribes the open season for trout.

Section 48718 allows the DNR to establish a closed season on any spawning bed when it appears that spawning or guarding does not coincide with the time of the closed season provided by law.

Section 48719 prohibits a person from possessing on any waters over which the State has jurisdiction any fish that is so mutilated that the identification or measurement of that fish is impossible.

Section 48720 allows the Department to designate Crystal Lake in Benzie County as open to fishing whenever it appears that this action is not inimical to the public interest. Section 48725

of the Act prohibits a person taking at any time, or attempting to take, or possess any grayling taken from any of the waters over which the State has jurisdiction.

Section 48727 specifies that after October 26, 1993, the snagging of fish is illegal in Michigan.

Section 48733 allows the Department to designate the lakes or streams in the State from which cisco, whitefish, suckers, and carp may be taken by means of a spear and artificial light during certain dates and at certain locations.

MCL 324.48703 et al.

Legislative Analyst: Tyler VanHuyse

### **FISCAL IMPACT**

The bill would have a very minor, likely negative, fiscal impact on the Department of Natural Resources and no fiscal impact on local units of government. The bill would remove the requirement for individuals from out-of-State who operate under a permit to remove nongame fish also to pay the fee for a nonresident commercial fishing license. It is unknown how much revenue would be lost under this provision.

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.