

HOUSE BILL NO. 5358

October 05, 2021, Introduced by Reps. Howell, Martin, Sowerby, Cherry, Wakeman, Aiyash and Cambensy and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding sections 43528c and 43528d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 43528c. (1) Beginning March 1, 2021, 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 license issued under subsection (2).
- 5 (b) A valid base license issued under section 43523a.

1 (2) To obtain a license to act as a commercial hunting guide,
2 an individual shall submit the application fee described in section
3 43528d and an application to the department. The application must
4 be in a format determined by the department. The department shall
5 only grant a license to an individual if the department determines
6 all of the following:

7 (a) That the individual holds a valid certification in first
8 aid and cardiopulmonary resuscitation issued by the American Red
9 Cross, the American Heart Association, or a comparable organization
10 approved by the department, and that the individual can provide to
11 the department, upon request, a copy of the certification.

12 (b) The individual has a valid, lawfully obtained Michigan
13 driver license issued under the Michigan vehicle code, 1949 PA 300,
14 MCL 257.1 to 257.923, an official state personal identification
15 card issued under 1972 PA 222, MCL 28.291 to 28.300, or a sportcard
16 issued under section 43522.

17 (c) The individual has not been convicted of any of the
18 following within the past 3 years:

19 (i) A violation of any of the following:

20 (A) Section 40112.

21 (B) Section 40118(2), (3), (4), (5), (6), (14), (15), (16), or
22 (17).

23 (C) Section 41105.

24 (D) Section 44524.

25 (E) Section 48738(2) or (3).

26 (F) Section 48739(1), (2), or (3).

27 (ii) Any felony.

28 (iii) A violation of a law of a participating state
29 substantially corresponding to a violation described in

1 subparagraphs (i) to (ii).

2 (d) The individual is eligible to purchase a license for the
3 game species for which the individual is acting as a commercial
4 hunting guide. This subdivision does not apply to an individual who
5 is ineligible to obtain a hunting license solely because that
6 individual has previously been issued a hunting license for that
7 species.

8 (3) An individual shall not act as a commercial hunting guide
9 unless that individual, when acting as a commercial hunting guide,
10 carries a basic first aid kit that includes, but is not limited to,
11 all of the following:

12 (a) Tourniquet, chest seals, and compression gauze.

13 (b) CPR mask.

14 (c) Trauma shears.

15 (d) Sterile eyewash.

16 (e) Mylar emergency blanket.

17 (f) Bandages.

18 (g) Moleskin.

19 (h) Tweezers.

20 (4) An individual shall not act as a commercial hunting guide
21 on commercial forestland.

22 (5) A license issued under this section is valid for 3 years
23 after the date it is issued. The department may revoke a license
24 under this section, after notice and opportunity for hearing
25 pursuant to the administrative procedures act of 1969, 1969 PA 306,
26 MCL 24.201 to 24.328, for any of the following reasons:

27 (a) The department determines that the individual is not
28 eligible to hold a license under this section.

29 (b) The individual provides false information under this

1 section.

2 (c) The individual fails to file an annual report under
3 subsection (6), and that report remains unfiled for more than 90
4 days after it is due.

5 (6) A commercial hunting guide shall file an annual report
6 with the department, in a format determined by the department, that
7 contains information related to all of the following:

8 (a) The counties of this state where the individual acted as a
9 commercial hunting guide.

10 (b) The species of game for which the individual acted as a
11 commercial hunting guide.

12 (c) The number of clients that the commercial hunting guide
13 had during the year.

14 (d) The number of game animals harvested by the clients of the
15 commercial hunting guide.

16 (e) Any additional information the department requires
17 regarding the biological characteristics of the game animals
18 harvested.

19 (7) Information submitted in a report under subsection (6) is
20 confidential and is exempt from disclosure under the freedom of
21 information act, 1976 PA 442, MCL 15.231 to 15.246.

22 (8) The department shall annually post on its website all of
23 the following:

24 (a) The number of applications submitted under subsection (2)
25 in the previous year.

26 (b) The number of licenses issued under this section in the
27 previous year.

28 (c) A list of individuals who have valid licenses under this
29 section.

1 (9) An individual shall carry his or her commercial hunting
2 guide license and shall exhibit the license upon the demand of a
3 conservation officer, a peace officer, a tribal conservation
4 officer, a park and recreation officer if commercial hunting
5 guiding takes place on property regulated under part 741 or 781, or
6 the owner or occupant of any land where the individual is acting as
7 a commercial hunting guide.

8 (10) An individual who acts as a commercial hunting guide
9 without a valid license issued under this section or who acts as a
10 commercial hunting guide on commercial forestland is subject to a
11 civil fine of not more than \$500.00. An individual who acts as a
12 commercial hunting guide without a valid license issued under this
13 section or who acts as a commercial hunting guide on commercial
14 forestland a second or subsequent time is subject to a civil fine
15 of not more than \$1,000.00. A civil fine collected under this
16 subsection must be deposited in the game and fish protection
17 account established in section 2010.

18 (11) An individual who provides false information to the
19 department under this section is subject to a civil fine of not
20 more than \$500.00.

21 (12) As used in this section:

22 (a) "Commercial hunting guide" means an individual who, for a
23 fee or other consideration of value, provides assistance to another
24 individual in hunting game. Commercial hunting guide does not
25 include any of the following:

26 (i) The owner of private land while providing assistance to
27 another individual in pursuing, capturing, catching, killing,
28 taking, or attempting to take game on that private land.

29 (ii) The owner, employee, or member of a game bird hunting

1 preserve licensed under part 417, or his or her designee, while
2 providing assistance to another individual in pursuing, capturing,
3 catching, killing, taking, or attempting to take game birds
4 authorized to be hunted on that game bird hunting preserve.

5 (iii) The owner or employee of a privately owned game ranch
6 while providing assistance to another individual in pursuing,
7 capturing, catching, killing, taking, or attempting to take
8 privately owned game that he or she is permitted to own on his or
9 her privately owned game ranch. As used in this subparagraph,
10 "privately owned game ranch" includes a cervidae livestock facility
11 registered under the privately owned cervidae producers marketing
12 act, 2000 PA 190, MCL 287.951 to 287.969.

13 (iv) An individual, business, agency, or nonprofit organization
14 issued a permit from the department to provide damage or nuisance
15 animal control services, while providing those damage or nuisance
16 animal control services.

17 (v) An employee or member of an organization conducting a not-
18 for-profit event to recruit, retain, or promote hunting, while
19 providing assistance to another individual in hunting game during
20 that event.

21 (vi) An individual who complies with subsection (2)(c) and who
22 is working under the direct supervision of a licensed commercial
23 hunting guide. As used in this subparagraph, "direct supervision"
24 means that visual and vocal contact is constantly maintained
25 between the individual and the licensed commercial hunting guide.

26 (b) "Consideration of value" means an economic benefit,
27 inducement, right, or profit, including monetary payment accruing
28 to an individual or person. Consideration of value does not include
29 a voluntary sharing of the actual expenses of the guiding activity

1 by monetary contribution or donation of fuel, food, beverages, or
2 other supplies.

3 (c) "Participating state" means that term as defined in
4 section 1615.

5 Sec. 43528d. Except as otherwise provided in this section, the
6 department shall charge a resident applying for a commercial
7 hunting guide license under section 43528c an application fee of
8 \$150.00. The department shall charge a nonresident applying for a
9 commercial hunting guide license under section 43528c an
10 application fee of \$300.00. Money collected under this section must
11 be deposited in the game and fish protection account established in
12 section 2010.

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

15 Enacting section 2. This amendatory act does not take effect
16 unless all of the following bills of the 101st Legislature are
17 enacted into law:

18 (a) Senate Bill No. ____ or House Bill No. 5359 (request no.
19 01368'21).

20 (b) Senate Bill No. ____ or House Bill No. 5360 (request no.
21 01369'21).