

SENATE BILL NO. 104

March 01, 2023, Introduced by Senators DALEY, CHERRY and MCCANN and referred to the Committee on Natural Resources and Agriculture.

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, 2024, 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.**
6 **(2) To obtain a license to act as a commercial hunting guide,**

1 an individual shall submit the application fee described in section
2 43528d and an application to the department. The application must
3 be in a format determined by the department. The department shall
4 only grant a license to an individual if the department determines
5 all of the following:

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

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

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

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

19 (A) Section 40112.

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

22 (C) Section 41105.

23 (D) Section 44524.

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

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

26 (ii) Any felony.

27 (iii) A violation of a law of a participating state
28 substantially corresponding to a violation described in
29 subparagraphs (i) to (ii).

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

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

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

12 (b) CPR mask.

13 (c) Trauma shears.

14 (d) Sterile eyewash.

15 (e) Mylar emergency blanket.

16 (f) Bandages.

17 (g) Moleskin.

18 (h) Tweezers.

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

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

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

28 (b) The individual provides false information under this
29 section.

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

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

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

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

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

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

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

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

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

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

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

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

29 (9) An individual shall carry that individual's commercial

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

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

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

20 (12) As used in this section:

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

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

28 (ii) The owner, employee, or member of a game bird hunting
29 preserve licensed under part 417, or a designee of the owner,

1 employee, or member, while providing assistance to another
2 individual in pursuing, capturing, catching, killing, taking, or
3 attempting to take game birds authorized to be hunted on that game
4 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 the individual is permitted to own on the
9 individual's privately owned game ranch. As used in this
10 subparagraph, "privately owned game ranch" includes a cervidae
11 livestock facility registered under the privately owned cervidae
12 producers marketing 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 when a hunting client is present. As used in this
24 subparagraph, "direct supervision" means that visual and vocal
25 contact is constantly maintained between the individual and the
26 licensed commercial hunting guide.

27 (vii) An individual who provides assistance when a hunting
28 client is not present.

29 (viii) An individual who is compensated for providing assistance

1 to an individual with a disability or physical limitation. As used
2 in this subparagraph, "individual with a disability or physical
3 limitation" means a disabled person as that term is defined in
4 section 19a of the Michigan vehicle code, 1949 PA 300, MCL 257.19a.

5 (b) "Consideration of value" means an economic benefit,
6 inducement, right, or profit, including monetary payment accruing
7 to an individual or person. Consideration of value does not include
8 a voluntary sharing of the actual expenses of the guiding activity
9 by monetary contribution or donation of fuel, food, beverages, or
10 other supplies.

11 (c) "Participating state" means that term as defined in
12 section 1615.

13 Sec. 43528d. Except as otherwise provided in this section, the
14 department shall charge a resident applying for a commercial
15 hunting guide license under section 43528c an application fee of
16 \$150.00. The department shall charge a nonresident applying for a
17 commercial hunting guide license under section 43528c an
18 application fee of \$300.00. Money collected under this section must
19 be deposited in the game and fish protection account established in
20 section 2010.

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

23 Enacting section 2. This amendatory act does not take effect
24 unless all of the following bills of the 102nd Legislature are
25 enacted into law:

26 (a) Senate Bill No. 103.

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28 (b) Senate Bill No. 105.

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