

HOUSE BILL NO. 5558

February 27, 2020, Introduced by Reps. Howell, Wakeman and Cherry 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, 2020, 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.

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

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

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

18 (A) Section 40112.

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

21 (C) Section 41105.

22 (D) Section 44524.

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

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

25 (ii) Any felony.

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

29 (d) The individual is eligible to purchase a license for the



1 game species for which the individual is acting as a commercial
2 hunting guide.

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

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

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

12 (b) The individual provides false information under this
13 section.

14 (c) The individual fails to file an annual report under
15 subsection (5), and that report remains unfiled for more than 90
16 days after it is due.

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

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

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

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

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

28 (e) Any additional information the department requires
29 regarding the biological characteristics of the game animals



1 harvested.

2 (6) Information submitted in a report under subsection (5) is
3 confidential and is exempt from disclosure under the freedom of
4 information act, 1976 PA 442, MCL 15.231 to 15.246.

5 (7) The department shall annually post on its website all of
6 the following:

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

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

11 (c) A list of individuals who have valid licenses under this
12 section.

13 (8) An individual shall carry his or her commercial hunting
14 guide license and shall exhibit the license upon the demand of a
15 conservation officer, a law enforcement officer, a tribal
16 conservation officer, or the owner or occupant of any land where
17 the individual is acting as a commercial hunting guide.

18 (9) An individual who acts as a commercial hunting guide
19 without a valid license issued under this section or who acts as a
20 commercial hunting guide on commercial forestland is subject to a
21 civil fine of not more than \$500.00. An individual who acts as a
22 commercial hunting guide without a valid license issued under this
23 section or who acts as a commercial hunting guide on commercial
24 forestland a second or subsequent time is subject to a civil fine
25 of not more than \$1,000.00. A civil fine collected under this
26 subsection must be deposited in the game and fish protection
27 account established in section 2010.

28 (10) An individual who provides false information to the
29 department under this section is subject to a civil fine of not



1 more than \$500.00.

2 (11) As used in this section:

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

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

10 (ii) The owner, employee, or member of a game bird hunting
11 preserve licensed under part 417, or his or her designee, while
12 providing assistance to another individual in pursuing, capturing,
13 catching, killing, taking, or attempting to take game birds
14 authorized to be hunted on that game bird hunting preserve.

15 (iii) The owner or employee of a privately owned game ranch
16 while providing assistance to another individual in pursuing,
17 capturing, catching, killing, taking, or attempting to take
18 privately owned game that he or she is permitted to own on his or
19 her privately owned game ranch. As used in this subparagraph,
20 "privately owned game ranch" includes a cervidae livestock facility
21 registered under the privately owned cervidae producers marketing
22 act, 2000 PA 190, MCL 287.951 to 287.969.

23 (iv) An individual, business, agency, or nonprofit organization
24 issued a permit from the department to provide damage or nuisance
25 animal control services, while providing those damage or nuisance
26 animal control services.

27 (v) An employee or member of an organization conducting a not-
28 for-profit event to recruit, retain, or promote hunting, while
29 providing assistance to another individual in hunting game during



1 that event.

2 (vi) An individual under the age of 18 if that individual is
3 working under the supervision of a licensed commercial hunting
4 guide.

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 100th Legislature are
25 enacted into law:

26 (a) Senate Bill No. ____ or House Bill No.5559 (request no.
27 05299'19).

28 (b) Senate Bill No. ____ or House Bill No.5560 (request no.
29 05300'19 *).

