

# HOUSE BILL NO. 5593

March 05, 2020, Introduced by Reps. Markkanen and LaFave 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,"  
by amending sections 48701, 48703, and 48703a (MCL 324.48701,  
324.48703, and 324.48703a), section 48701 as amended by 2008 PA  
291, section 48703 as amended by 2018 PA 529, and section 48703a as  
amended by 2016 PA 382.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1**       Sec. 48701. As used in this part:



(a) "Amphibian" means any frog, toad, or salamander of the class ~~amphibia~~. **Amphibia**.

(b) "Crustacea" means any freshwater crayfish, shrimp, or prawn of the order ~~decapoda~~. **Decapoda**.

(c) "Dip net" means a square net that is constructed from a piece of webbing of heavy twine, hung on heavy cord or frame so as to be without sides or walls, and suspended from the corners and attached in such a manner that when the net is lifted no part is more than 4 feet below the plane formed by the imaginary lines connecting the corners from which the net is suspended. As used in fishing, it ~~shall~~**must** be lowered and raised vertically as nearly as possible.

(d) "Game fish" includes all of the following:

(i) Lake trout ~~(Salvelinus namaycush)~~. **(Salvelinus namaycush)**.

(ii) Brook trout ~~(Salvelinus fontinalis)~~. **(Salvelinus fontinalis)**.

(iii) Brown trout ~~(Salmo trutta)~~. **(Salmo trutta)**.

(iv) Rainbow or steelhead trout ~~(Oncorhynchus mykiss)~~. **(Oncorhynchus mykiss)**.

(v) Atlantic landlocked salmon ~~(Salmo salar sebago)~~. **(Salmo salar sebago)**.

(vi) Grayling ~~(Thymallus arcticus)~~. **(Thymallus arcticus)**.

(vii) Largemouth bass ~~(Micropterus salmoides)~~. **(Micropterus salmoides)**.

(viii) Smallmouth bass ~~(Micropterus dolomieu)~~. **(Micropterus dolomieu)**.

(ix) Bluegill ~~(Lepomis macrochirus)~~. **(Lepomis macrochirus)**.

(x) Pumpkinseed or common sunfish ~~(Lepomis gibbosus)~~. **(Lepomis**



1 ***gibbosus***).

2 (xi) Black crappie and white crappie, also known as calico bass  
3 and strawberry bass ~~(*Pomoxis nigromaculatus* and *Pomoxis*~~  
4 ~~*annularis*)~~. (***Pomoxis nigromaculatus* and *Pomoxis annularis***).

5 (xii) Yellow perch ~~(*Perca flavescens*)~~. (***Perca flavescens***).

6 (xiii) Walleye ~~(*Sander vitreus*)~~. (***Sander vitreus***).

7 (xiv) Northern pike ~~(*Esox lucius*)~~. (***Esox lucius***).

8 (xv) Muskellunge ~~(*Esox masquinongy*)~~. (***Esox masquinongy***).

9 (xvi) Lake sturgeon ~~(*Acipenser fulvescens*)~~. (***Acipenser***  
10 ***fulvescens***).

11 (xvii) Splake ~~(*Salvelinus namaycush* x *Salvelinus*~~  
12 ~~*fontinalis*)~~. (***Salvelinus namaycush* x *Salvelinus fontinalis***).

13 (xviii) Coho salmon ~~(*Oncorhynchus kisutch*)~~. (***Oncorhynchus***  
14 ***kisutch***).

15 (xix) Chinook (King) salmon ~~(*Oncorhynchus*~~  
16 ~~*tshawytscha*)~~. (***Oncorhynchus tshawytscha***).

17 (xx) Pink salmon ~~(*Oncorhynchus gorbuscha*)~~. (***Oncorhynchus***  
18 ***gorbuscha***).

19 (e) "Genetically engineered" refers to a fish whose genome,  
20 chromosomal or extrachromosomal, is modified permanently and  
21 heritably, using recombinant nucleic acid techniques.

22 (f) "Hand net" means a mesh bag of webbing or wire suspended  
23 from a circular, oval, or rectangular frame attached to a handle.

24 (g) "Inland waters of this state" means the waters within the  
25 jurisdiction of the state except Saginaw ~~river,~~ **River**, Lakes  
26 Michigan, Superior, Huron, and Erie, and the bays and the  
27 connecting waters. The connecting waters between Lake Superior and  
28 Lake Huron are that part of the Straits of St. Mary in this state



1 extending from a line drawn from Birch Point Range front light to  
 2 the most westerly point of Round Island, thence following the shore  
 3 of Round Island to the most northerly point thereof, thence from  
 4 the most northerly point of Round Island to Point Aux Pins light,  
 5 Ontario, to a line drawn due east and west from the most southerly  
 6 point of Little Lime Island. The connecting waters of Lake Huron  
 7 and Lake Erie are all of the St. Clair ~~river,~~ **River**, all of Lake  
 8 St. Clair, and all of the Detroit ~~river~~ **River** extending from Fort  
 9 Gratiot light in Lake Huron to a line extending due east and west  
 10 of the most southerly point of Celeron Island in the Detroit  
 11 ~~river.~~ **River.**

12 (h) "Mollusks" means any mollusk of the classes ~~bivalvia and~~  
 13 ~~gastropoda.~~ **Bivalvia and Gastropoda.**

14 (i) "Nongame fish" includes all kinds of fish except game  
 15 fish.

16 (j) "Nonresident" means a person who is not a resident.

17 (k) "Nontrout streams" means all streams or portions of  
 18 streams other than trout streams.

19 (l) "Open season" means the time during which fish may be  
 20 legally taken or killed and includes both the first and last day of  
 21 the season or period designated by this part.

22 (m) "Recombinant nucleic acid techniques" means laboratory  
 23 techniques through which genetic material is isolated and  
 24 manipulated in vitro and then inserted into an organism.

25 (n) "Reptiles" means any turtle, snake, or lizard of the class  
 26 ~~reptilia.~~ **Reptilia.**

27 (o) "Resident" means either of the following:

28 (i) A person who resides in a settled or permanent home or  
 29 domicile with the intention of remaining in this state.



(ii) A student who is enrolled in a full-time course at a college or university within this state.

(p) "Trout lake" means a lake designated by the department in which brook trout, brown trout, or rainbow trout are the predominating species of game fish. The department may designate certain trout lakes in which certain species of fish are not desired and in which it is unlawful to use live fish of any kind for bait.

(q) "Trout stream" means any stream or portion of a stream that contains a significant population of any species of trout or salmon as determined by the department. The department shall designate not more than 212 miles of trout streams in which only lures or baits as the department prescribes may be used in fishing, and the department may prescribe the size and number of fish that may be taken from those trout streams. The department shall not restrict children under 12 years old from taking a minimum of 1 fish, except for lake sturgeon ~~(Acipenser fulvescens)~~, **(Acipenser fulvescens)**, in any trout stream. Any trout stream in a county that includes a city with a population of 750,000 or more ~~shall~~**must** be so designated. In addition, the department shall issue an order adopting criteria for determining which trout streams should be so designated. Before the department issues the order, the department shall submit the proposed order to the commission. The commission shall receive public comment on the proposed order. The department shall consider any guidance provided by the commission on the proposed order and may make changes to the proposed order based on that guidance.

(r) "Waters of the Upper Peninsula" means all of the following waters within the jurisdiction of this state:



1 (i) Lake Superior.

2 (ii) The St. Marys River.

3 (iii) Any inland lake, stream, river, pond, or other body of  
4 water located in the Upper Peninsula.

5 Sec. 48703. (1) An individual shall not take, catch, or kill  
6 or attempt to take, catch, or kill a fish in the waters of this  
7 state with a grab hook, snag hook, or gaff hook, by the use of a  
8 set or night line or a net or firearm or an explosive substance or  
9 combination of substances that have a tendency to kill or stupefy  
10 fish, or by any other means or device other than a single line or a  
11 single rod and line while held in the hand or under immediate  
12 control, and with a hook or hooks attached, baited with a natural  
13 or artificial bait while being used for still fishing, ice fishing,  
14 casting, or trolling for fish, which is a means of the fish taking  
15 the bait or hook in the mouth. An individual shall not use more  
16 than 3 single lines or 3 single rods and lines, or a single line  
17 and a single rod and line, and shall not attach more than 6 hooks  
18 on all lines. The **UP commission or the** commission may decrease the  
19 number of rods per angler. However, the **UP commission or the**  
20 commission shall not reduce the number of rods per angler to less  
21 than 2. For the purposes of this part, a hook is a single, double,  
22 or treble pointed hook. A hook, single, double, or treble pointed,  
23 attached to a manufactured artificial bait is counted as 1 hook.  
24 The **UP commission or the** commission may designate waters where a  
25 treble hook and an artificial bait or lure having more than 1  
26 single pointed hook must not be used during the periods the **UP**  
27 **commission or the** commission designates.

28 (2) An individual shall not set or use a tip-up or other  
29 similar device for the purpose of taking fish through the ice



1 unless the name and address of the individual owning the tip-up or  
2 other similar device is marked in legible English on the tip-up or  
3 other similar device or securely fastened to it by a plate or tag.

4 (3) The **UP commission or the** commission may issue an order to  
5 regulate the taking of fish with a spear, bow and arrow, or  
6 crossbow in the waters of this state.

7 (4) The **UP commission or the** commission may issue an order to  
8 regulate the taking of fish with nets in the waters of this state.

9 Sec. 48703a. (1) The legislature finds and declares that  
10 aquatic invasive species, including Asian carp, represent a  
11 significant threat to the state's fisheries, aquatic resources,  
12 outdoor recreation and tourism economies, and public safety.

13 (2) ~~The~~ **Except as otherwise provided in this subsection, the**  
14 commission has the exclusive authority to regulate sport fishing  
15 under this part. **The UP commission has the exclusive authority to**  
16 **regulate sport fishing in the waters of the Upper Peninsula.** The **UP**  
17 **commission or the** commission shall, to the greatest extent  
18 practicable, utilize principles of sound scientific management in  
19 making decisions regarding the regulation of sport fishing under  
20 this part. The **UP commission or the** commission may take testimony  
21 from department personnel, independent experts, and others, and  
22 review scientific literature and data, among other sources, in  
23 support of the commission's duty to use principles of sound  
24 scientific management. The **UP commission or the** commission shall  
25 issue orders regarding the regulation of sport fishing under this  
26 part following a public meeting and an opportunity for public  
27 input. Not less than 30 days before issuing an order, the **UP**  
28 **commission or the** commission shall provide a copy of the order to  
29 each of the following:



(a) Each member of each standing committee of the senate or house of representatives that considers legislation pertaining to conservation, the environment, natural resources, recreation, tourism, or agriculture.

(b) The chairperson of the senate appropriations committee and the chairperson of the house of representatives appropriations committee.

(c) The members of the subcommittee of the senate appropriations committee and the subcommittee of the house of representatives appropriations committee that consider the budget of the department of natural resources.

(3) For the fiscal year ending September 30, 2017, there is appropriated for the department the sum of \$1,000,000.00 to implement management practices necessary for rapid response, prevention, control, or elimination of aquatic invasive species, including Asian carp. Any portion of the amount under this section that is not expended in the fiscal year ending September 30, 2017 ~~shall~~**does** not lapse to the general fund but ~~shall be~~**is** carried forward in a work project account that is in compliance with section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 100th Legislature are enacted into law:

(a) Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no. 04011'19).

(b) Senate Bill No.\_\_\_\_ or House Bill No. 5592 (request no. 04012'19).

(c) Senate Bill No.\_\_\_\_ or House Bill No. 5594 (request no.





1 04022'19) .

