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:

Sec. 48701. As used in this part:
(a) "Amphibian" means any frog, toad, or salamander of the class Amphibia.

(b) "Crustacea" means any freshwater crayfish, shrimp, or prawn of the order 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 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 gibbosus).
Black crappie and white crappie, also known as calico bass and strawberry bass (*Pomoxis nigromaculatus* and *Pomoxis annularis*). (1) Yellow perch (*Perca flavescens*). (2) Walleye (*Sander vitreous*). (3) Northern pike (*Esox lucius*). (4) Muskellunge (*Esox masquinongy*). (5) Lake sturgeon (*Acipenser fulvescens*). (6) Splake (*Salvelinus namaycush x Salvelinus fontinalis*). (7) Coho salmon (*Oncorhynchus kisutch*). (8) Chinook (King) salmon (*Oncorhynchus tshawytscha*). (9) Pink salmon (*Oncorhynchus gorbuscha*). (e) "Genetically engineered" refers to a fish whose genome, chromosomal or extrachromosomal, is modified permanently and heritably, using recombinant nucleic acid techniques. (f) "Hand net" means a mesh bag of webbing or wire suspended from a circular, oval, or rectangular frame attached to a handle. (g) "Inland waters of this state" means the waters within the jurisdiction of the state except Saginaw River, Rivers, Lakes Michigan, Superior, Huron, and Erie, and the bays and the connecting waters. The connecting waters between Lake Superior and Lake Huron are that part of the Straits of St. Mary in this state.
extending from a line drawn from Birch Point Range front light to the most westerly point of Round Island, thence following the shore of Round Island to the most northerly point thereof, thence from the most northerly point of Round Island to Point Aux Pins light, Ontario, to a line drawn due east and west from the most southerly point of Little Lime Island. The connecting waters of Lake Huron and Lake Erie are all of the St. Clair River, all of Lake St. Clair, and all of the Detroit River extending from Fort Gratiot light in Lake Huron to a line extending due east and west of the most southerly point of Celeron Island in the Detroit River.

(h) "Mollusks" means any mollusk of the classes Bivalvia and Gastropoda.

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

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

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

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

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

(n) "Reptiles" means any turtle, snake, or lizard of the class Reptilia.

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

(i) A person who resides in a settled or permanent home or 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), in any trout stream. Any trout stream in a county that includes a city with a population of 750,000 or more shall 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:
(i) Lake Superior.

(ii) The St. Marys River.

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

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

(2) An individual shall not set or use a tip-up or other similar device for the purpose of taking fish through the ice
unless the name and address of the individual owning the tip-up or
other similar device is marked in legible English on the tip-up or
other similar device or securely fastened to it by a plate or tag.

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

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

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

(2) Except as otherwise provided in this subsection, the
commission has the exclusive authority to regulate sport fishing
under this part. The UP commission has the exclusive authority to
regulate sport fishing in the waters of the Upper Peninsula. The UP
commission or the commission shall, to the greatest extent
practicable, utilize principles of sound scientific management in
making decisions regarding the regulation of sport fishing under
this part. The UP commission or the commission may take testimony
from department personnel, independent experts, and others, and
review scientific literature and data, among other sources, in
support of the commission's duty to use principles of sound
scientific management. The UP commission or the commission shall
issue orders regarding the regulation of sport fishing under this
part following a public meeting and an opportunity for public
input. Not less than 30 days before issuing an order, the UP
commission or the commission shall provide a copy of the order to
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 not lapse to the general fund but shall be 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).