

HOUSE BILL NO. 4509

May 04, 2023, Introduced by Reps. Prestin, Markkanen and Friske and referred to the Committee on Natural Resources, Environment, Tourism 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:
- 2 (a) "Amphibian" means any frog, toad, or salamander of the

1 class ~~amphibia~~. **Amphibia**.

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (xi) Black crappie and white crappie, also known as calico bass

1 and strawberry bass (~~Pomoxis nigromaculatus and Pomoxis~~
2 ~~annularis~~). (**Pomoxis nigromaculatus and Pomoxis annularis**).

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

4 (xiii) Walleye (~~Sander vitreous~~). (**Sander vitreous**).

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

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

7 (xvi) Lake sturgeon (~~Acipenser fulvescens~~). (**Acipenser**
8 **fulvescens**).

9 (xvii) Splake (~~Salvelinus namaycush x Salvelinus~~
10 ~~fontinalis~~). (**Salvelinus namaycush x Salvelinus fontinalis**).

11 (xviii) Coho salmon (~~Oncorhynchus kisutch~~). (**Oncorhynchus**
12 **kisutch**).

13 (xix) Chinook (King) salmon (~~Oncorhynchus~~
14 ~~tshawytscha~~). (**Oncorhynchus tshawytscha**).

15 (xx) Pink salmon (~~Oncorhynchus gorbuscha~~). (**Oncorhynchus**
16 **gorbuscha**).

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

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

22 (g) "Inland waters of this state" means the waters within the
23 jurisdiction of the state except **the** Saginaw ~~river,~~ **River**, Lakes
24 Michigan, Superior, Huron, and Erie, and the bays and the
25 connecting waters. The connecting waters between Lake Superior and
26 Lake Huron are that part of the Straits of St. Mary in this state
27 extending from a line drawn from Birch Point Range front light to
28 the most westerly point of Round Island, thence following the shore
29 of Round Island to the most northerly point thereof, thence from

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

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

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

13 (j) "Nonresident" means ~~a person~~ **an individual** who is not a
 14 resident.

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

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

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

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

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

26 (i) ~~A person~~ **An individual** who resides in a settled or
 27 permanent home or domicile with the intention of remaining in this
 28 state.

29 (ii) A student who is enrolled in a full-time course at a

1 college or university within this state.

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

8 (q) "Trout stream" means any stream or portion of a stream
9 that contains a significant population of any species of trout or
10 salmon as determined by the department. The department shall
11 designate not more than 212 miles of trout streams in which only
12 lures or baits as the department prescribes may be used in fishing,
13 and the department may prescribe the size and number of fish that
14 may be taken from those trout streams. The department shall not
15 restrict children under 12 years old from taking a minimum of 1
16 fish, except for lake sturgeon (~~Acipenser fulvescens~~), **(Acipenser**
17 **fulvescens)**, in any trout stream. Any trout stream in a county that
18 includes a city with a population of ~~750,000~~ **500,000** or more ~~shall~~
19 **must** be so designated. In addition, the department shall issue an
20 order adopting criteria for determining which trout streams should
21 be so designated. Before the department issues the order, the
22 department shall submit the proposed order to the commission. The
23 commission shall receive public comment on the proposed order. The
24 department shall consider any guidance provided by the commission
25 on the proposed order and may make changes to the proposed order
26 based on that guidance.

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

29 (i) **Lake Superior.**

1 (ii) **The St. Marys River.**

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

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

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

1 other similar device is marked in legible English on the tip-up or
2 other similar device or securely fastened to it by a plate or tag.

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

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

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

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

29 (a) Each member of each standing committee of the senate or

1 house of representatives that considers legislation pertaining to
2 conservation, the environment, natural resources, recreation,
3 tourism, or agriculture.

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

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

11 (3) For the fiscal year ending September 30, 2017, there is
12 appropriated for the department the sum of \$1,000,000.00 to
13 implement management practices necessary for rapid response,
14 prevention, control, or elimination of aquatic invasive species,
15 including Asian carp. Any portion of the amount under this section
16 that is not expended in the fiscal year ending September 30, 2017
17 ~~shall~~**does** not lapse to the general fund but ~~shall be~~**is** carried
18 forward in a work project account that is in compliance with
19 section 451a of the management and budget act, 1984 PA 431, MCL
20 18.1451a.

21 Enacting section 1. This amendatory act does not take effect
22 unless all of the following bills of the 102nd Legislature are
23 enacted into law:

24 (a) Senate Bill No. ____ or House Bill No. 4506 (request no.
25 00049'23).

26 (b) Senate Bill No. ____ or House Bill No. 4507 (request no.
27 00051'23).

28 (c) Senate Bill No. ____ or House Bill No. 4508 (request no.
29 00052'23).