

SUBSTITUTE FOR
HOUSE BILL NO. 5312

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by amending the title, as amended by
1996 PA 434, and by adding sections 43540a and 43540c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to protect the environment and natural resources of
3 the state; to codify, revise, consolidate, and classify laws
4 relating to the environment and natural resources of the state;
5 to regulate the discharge of certain substances into the
6 environment; to regulate the use of certain lands, waters, and
7 other natural resources of the state; to prescribe the powers and
8 duties of certain state and local agencies and officials; to
9 provide for certain charges, fees, ~~and~~ assessments, **and**
10 **donations**; to provide certain appropriations; to prescribe

1 penalties and provide remedies; ~~to repeal certain parts of this~~
2 ~~act on a specific date;~~ and to repeal ~~certain~~ acts and parts
3 of acts.

4 Sec. 43540a. (1) The department shall create a program to
5 distribute wild game or other food to people in need. The
6 program shall be known as the sportsmen against hunger program.

7 (2) Under the program, the department shall do all of the
8 following:

9 (a) Collect from licensed hunters donations of legally taken
10 game that complies with all state and federal game laws,
11 including any requirement that the parts of the game be intact.

12 (b) Contract for processing the donated game.

13 (c) Distribute the processed game to food banks, soup
14 kitchens, and other charitable organizations that provide meals
15 or food to people free of charge.

16 (d) Promote the program through the hunting license
17 distribution system and other means that will further the mission
18 of the program.

19 (3) Under the program, the department may request financial
20 donations from hunters to offset the cost of processing donated
21 game. The financial donations are tax deductible.

22 (4) The department may contract for the administration of the
23 program by a nonprofit organization that is exempt from taxation
24 under section 501(c)(3) of the internal revenue code, 26 USC 501,
25 if the department determines that it is more efficient to do so.
26 Subject to this subsection, payments under the contract shall be
27 adequate to cover the nonprofit organization's costs in

1 administering the program. However, payments shall not exceed
2 the amount of revenue available for such payments in the
3 sportsmen against hunger fund created under section 43540c.

4 (5) To qualify to enter a contract under subsection (4), a
5 nonprofit organization must have demonstrated a commitment to the
6 goals of the program and have at least 5 years of business
7 experience in providing meals or food to people free of charge.
8 The contract shall require that the contracting nonprofit
9 organization do all of the following:

10 (a) Maintain a license under the charitable organizations and
11 solicitations act, 1975 PA 169, MCL 400.271 to 400.294.

12 (b) Maintain adequate staff to perform the tasks outlined in
13 the contract.

14 (c) Undergo an annual financial audit and make the audit
15 information and report available to the department.

16 (6) As used in this section, "program" means the sportsmen
17 against hunger program created under subsection (1).

18 Sec. 43540c. (1) Subject to subsection (2), when a person
19 applies for a license under this part, the department or the
20 department's agent shall ask whether the person would like to
21 donate \$1.00 to the sportsmen against hunger program created by
22 the department under section 43540a and, if so, shall collect the
23 donation with the license fee. A person designated by the
24 department to issue licenses shall not receive a commission under
25 section 43541 for the donation.

26 (2) Subsection (1) applies to license applications made in
27 person beginning November 1, 2005. Subsection (1) applies to

1 license applications made by on-line computer service or any
2 other authorized means beginning March 1, 2005.

3 (3) A donation under subsection (1) is in addition to the
4 license fee.

5 (4) The department shall transfer donations under subsection
6 (1) to the state treasurer for deposit in the fund.

7 (5) The sportsmen against hunger fund is created within the
8 state treasury.

9 (6) The state treasurer may receive money or other assets
10 from any source for deposit into the fund. The state treasurer
11 shall direct the investment of the fund. The state treasurer
12 shall credit to the fund interest and earnings from fund
13 investments.

14 (7) Money in the fund at the close of the fiscal year shall
15 remain in the fund and shall not lapse to the general fund.

16 (8) The department shall expend money from the fund, upon
17 appropriation, only for 1 or more of the following purposes:

18 (a) The costs of administering the fund, including the costs
19 of collecting donations to the fund.

20 (b) The administration of the sportsmen against hunger
21 program created under section 43540a, including, if applicable,
22 the costs of any contract with a nonprofit organization to
23 administer the sportsmen against hunger program, as authorized
24 under section 43540a(4).

25 (9) As used in this section, "fund" means the sportsmen
26 against hunger fund created in subsection (5).