

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4071

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 section 43540a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to protect the environment and natural resources of the
state; to codify, revise, consolidate, and classify laws relating
to the environment and natural resources of the state; to regulate
the discharge of certain substances into the environment; to
regulate the use of certain lands, waters, and other natural
resources of the state; to prescribe the powers and duties of
certain state and local agencies and officials; to provide for
certain charges, fees, ~~and~~ assessments, **AND DONATIONS**; to provide
certain appropriations; to prescribe penalties and provide

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

3 SEC. 43540A. (1) SUBJECT TO SUBSECTION (4), BY JANUARY 1,
4 2007, THE DEPARTMENT SHALL IMPLEMENT A PROGRAM TO DISTRIBUTE WILD
5 GAME TO PEOPLE IN NEED. THE PROGRAM SHALL BE KNOWN AS THE SPORTSMEN
6 AGAINST HUNGER PROGRAM.

7 (2) UNDER THE PROGRAM, THE DEPARTMENT SHALL DO ALL OF THE
8 FOLLOWING:

9 (A) COLLECT DONATIONS OF LEGALLY TAKEN GAME THAT COMPLIES WITH
10 ALL STATE AND FEDERAL GAME LAWS, INCLUDING ANY REQUIREMENT THAT THE
11 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 OR
15 FOOD TO PEOPLE FREE OF CHARGE.

16 (D) PROMOTE THE PROGRAM THROUGH THE LICENSE DISTRIBUTION
17 SYSTEM AND OTHER MEANS THAT WILL FURTHER THE MISSION OF THE
18 PROGRAM.

19 (3) UNDER THE PROGRAM, THE DEPARTMENT MAY REQUEST FINANCIAL
20 DONATIONS TO OFFSET THE COST OF PROCESSING DONATED GAME. THE
21 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 SECTION 43540C(9), PAYMENTS UNDER THE CONTRACT SHALL BE
27 ADEQUATE TO COVER THE NONPROFIT ORGANIZATION'S COSTS IN

1 ADMINISTERING THE PROGRAM. BEFORE ENTERING SUCH A CONTRACT, THE
2 DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS. IF THE REQUEST FOR
3 PROPOSALS DOES NOT YIELD A BID THAT MEETS THE REQUIREMENTS OF THIS
4 SECTION, BOTH OF THE FOLLOWING APPLY:

5 (A) THE DEPARTMENT IS NOT REQUIRED TO IMPLEMENT THE SPORTSMEN
6 AGAINST HUNGER PROGRAM.

7 (B) THE DEPARTMENT SHALL, WITHIN 30 DAYS, SUBMIT A REPORT TO
8 THE STANDING COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES
9 WITH PRIMARY RESPONSIBILITY FOR HUNTING ISSUES. THE REPORT, AS
10 APPLICABLE, SHALL EXPLAIN THAT NO BIDS WERE RECEIVED OR SHALL
11 SPECIFY WHY EACH BID RECEIVED WAS UNACCEPTABLE. THE REPORT SHALL
12 ALSO INDICATE WHETHER THE DEPARTMENT INTENDS TO IMPLEMENT THE
13 SPORTSMEN AGAINST HUNGER PROGRAM.

14 (5) TO QUALIFY TO ENTER A CONTRACT UNDER SUBSECTION (4), A
15 NONPROFIT ORGANIZATION MUST HAVE DEMONSTRATED A COMMITMENT TO THE
16 GOALS OF THE PROGRAM AND HAVE AT LEAST 5 YEARS OF EXPERIENCE IN
17 PROVIDING WILD GAME OR OTHER FOOD TO PEOPLE FREE OF CHARGE. THE
18 CONTRACT SHALL REQUIRE THAT THE CONTRACTING NONPROFIT ORGANIZATION
19 DO ALL OF THE FOLLOWING:

20 (A) MAINTAIN A LICENSE UNDER THE CHARITABLE ORGANIZATIONS AND
21 SOLICITATIONS ACT, 1975 PA 169, MCL 400.271 TO 400.294.

22 (B) MAINTAIN ADEQUATE STAFF TO PERFORM THE TASKS OUTLINED IN
23 THE CONTRACT.

24 (C) ANNUALLY UNDERGO AN INDEPENDENT FINANCIAL AUDIT AND
25 PROVIDE THE AUDIT INFORMATION AND REPORT TO ALL OF THE FOLLOWING:

26 (i) THE DEPARTMENT.

27 (ii) THE SUBCOMMITTEE OF THE SENATE APPROPRIATIONS COMMITTEE

1 AND THE SUBCOMMITTEE OF THE HOUSE OF REPRESENTATIVES APPROPRIATIONS
2 COMMITTEE WITH RESPONSIBILITY FOR THE BUDGET OF THE DEPARTMENT.

3 (iii) THE COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES
4 WITH PRIMARY RESPONSIBILITY FOR NATURAL RESOURCES ISSUES.

5 (6) AS USED IN THIS SECTION, "PROGRAM" MEANS THE SPORTSMEN
6 AGAINST HUNGER PROGRAM CREATED UNDER SUBSECTION (1).

7 Enacting section 1. This amendatory act does not take effect
8 unless House Bill No. 4145 of the 93rd Legislature is enacted into
9 law.