

HOUSE BILL No. 5291

October 12, 2005, Introduced by Reps. Brown, Adamini and Lemmons, III and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 2010 and 43553 (MCL 324.2010 and 324.43553),
section 2010 as added by 2004 PA 587 and section 43553 as amended
by 1996 PA 585, and by adding part 407 and section 43553a; and to
repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2010. (1) The game and fish protection account is
2 established as an account within the legacy fund.

3 (2) The game and fish protection account shall consist of
4 ~~both~~ **ALL** of the following:

5 (a) All money in the game and fish protection fund **AND THE**
6 **YOUTH HUNTING AND FISHING EDUCATION AND OUTREACH FUND**, formerly

1 created in section 43553, immediately prior to the effective date
2 of the amendatory act that added this section, which money is
3 hereby transferred to the game and fish protection account.

4 (B) ALL MONEY IN THE WILDLIFE DAMAGE FUND, WHICH, TOGETHER
5 WITH ALL MONEY IN THAT FUND IMMEDIATELY PRIOR TO THE EFFECTIVE DATE
6 OF THIS SECTION, IS TRANSFERRED TO THE GAME AND FISH PROTECTION
7 ACCOUNT AS A SUBACCOUNT TO BE MANAGED SUBJECT TO THE REQUIREMENTS
8 OF SECTION 40709.

9 (C) ~~-(b)-~~ Revenue from the following sources:

10 (i) Revenue derived from hunting and fishing licenses,
11 passbooks, permits, fees, concessions, leases, contracts, and
12 activities.

13 (ii) Damages paid for the illegal taking of game and fish.

14 (iii) Revenue derived from fees, licenses, and permits related
15 to game, game areas, and game fish.

16 (iv) Other revenues as authorized by law.

17 (3) Money in the game and fish protection account shall be
18 expended, upon appropriation, only as provided in ~~part~~ **PARTS 407**
19 **AND** 435 and for the administration of the game and fish protection
20 account, which may include payments in lieu of taxes on state owned
21 land purchased through the game and fish protection account or
22 through the former game and fish protection fund.

23 (4) Money in the game and fish protection account may be
24 expended pursuant to subsection (3) for grants to state colleges
25 and universities to implement programs funded by the game and fish
26 protection account.

27 **PART 407 WILDLIFE DAMAGE CLAIMS**

SEC. 40701. AS USED IN THIS PART:

(A) "AGRICULTURAL COMMODITY" MEANS ANY OF THE FOLLOWING:

(i) COMMERCIAL SEEDINGS OR CROPS GROWING ON LAND USED FOR AGRICULTURE.

(ii) CROPS THAT HAVE BEEN HARVESTED FOR SALE OR USE FROM LAND USED FOR AGRICULTURE BUT THAT HAVE NOT BEEN REMOVED FROM THE LAND WHERE HARVESTED.

(iii) ORCHARD TREES OR NURSERY STOCK.

(iv) APIARIES.

(v) LIVESTOCK.

(B) "AGRICULTURAL COMMODITY OWNER" MEANS AN OWNER, LESSEE, OR PERSON WHO CONTROLS LAND WHERE THE SEEDINGS, CROPS, ORCHARD TREES, OR NURSERY STOCK REFERRED TO IN SUBDIVISION (A)(i) TO (iii) ARE LOCATED OR THE OWNER OF THE APIARIES OR LIVESTOCK REFERRED TO IN SUBDIVISION (A)(iv) OR (v).

(C) "FUND" MEANS THE WILDLIFE DAMAGE FUND CREATED UNDER SECTION 40709.

(D) "GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL 286.472.

(E) "WILDLIFE DAMAGE" MEANS DAMAGE CAUSED BY ANY OF THE FOLLOWING NONCAPTIVE WILD ANIMALS:

(i) DEER.

(ii) BEAR.

(iii) GEESE.

(iv) TURKEY.

(v) SANDHILL CRANES, IF SANDHILL CRANES ARE CLASSIFIED AS GAME

1 UNDER PART 401.

2 SEC. 40703. SUBJECT TO THE REQUIREMENTS OF THIS PART, THE
3 DEPARTMENT SHALL IMPLEMENT A PROGRAM TO DO ALL OF THE FOLLOWING:

4 (A) RECOMMEND TO AGRICULTURAL COMMODITY OWNERS MEASURES TO
5 PREVENT WILDLIFE DAMAGE TO AGRICULTURAL COMMODITIES.

6 (B) REIMBURSE AGRICULTURAL COMMODITY OWNERS FOR THE COSTS OF
7 IMPLEMENTING MEASURES DESCRIBED IN SUBDIVISION (A).

8 (C) COMPENSATE AGRICULTURAL COMMODITY OWNERS FOR WILDLIFE
9 DAMAGE TO AGRICULTURAL COMMODITIES.

10 SEC. 40705. (1) AN AGRICULTURAL COMMODITY OWNER MAY FILE WITH
11 THE DEPARTMENT A REQUEST THAT THE DEPARTMENT MAKE RECOMMENDATIONS
12 ON, AND A COMMITMENT TO PROVIDE REIMBURSEMENT FOR, MEASURES TO
13 PREVENT WILDLIFE DAMAGE TO THE AGRICULTURAL COMMODITY. THE
14 AGRICULTURAL COMMODITY OWNER SHALL FILE THE REQUEST ON A FORM
15 PROVIDED BY THE DEPARTMENT.

16 (2) THE DEPARTMENT SHALL REVIEW EACH REQUEST FILED UNDER
17 SUBSECTION (1). IF THE DEPARTMENT DETERMINES THAT WILDLIFE DAMAGE
18 TO AN AGRICULTURAL COMMODITY IS OCCURRING OR LIKELY TO OCCUR AND
19 THAT ANY OTHER REQUIREMENTS SET FORTH IN RULES ADOPTED UNDER THIS
20 PART ARE SATISFIED, THE DEPARTMENT SHALL RECOMMEND WILDLIFE DAMAGE
21 PREVENTION MEASURES TO THE AGRICULTURAL COMMODITY OWNER AND MAY
22 MAKE A COMMITMENT TO THE AGRICULTURAL COMMODITY OWNER TO PROVIDE
23 REIMBURSEMENT FOR THOSE MEASURES IF THEY ARE IMPLEMENTED.

24 (3) THE DEPARTMENT SHALL RECOMMEND UNDER SUBSECTION (2) ONLY
25 WILDLIFE DAMAGE PREVENTION MEASURES THAT ARE ALL OF THE FOLLOWING:

26 (A) AUTHORIZED IN RULES ADOPTED UNDER THIS PART.

27 (B) APPROPRIATE FOR THE TYPE OF WILDLIFE DAMAGE, TYPE OF

1 AGRICULTURAL COMMODITY, AND OTHER CIRCUMSTANCES.

2 (C) COST-EFFECTIVE IN RELATION TO THE WILDLIFE DAMAGE CLAIMS
3 THAT WOULD LIKELY BE PAID UNDER THIS PART IF THE WILDLIFE DAMAGE
4 PREVENTION MEASURES WERE NOT RECOMMENDED AND IMPLEMENTED.

5 SEC. 40707. (1) WITHIN 14 DAYS AFTER FIRST SUSTAINING WILDLIFE
6 DAMAGE TO AN AGRICULTURAL COMMODITY, THE AGRICULTURAL COMMODITY
7 OWNER MAY FILE WITH THE DEPARTMENT A CLAIM FOR COMPENSATION FOR
8 WILDLIFE DAMAGE TO THE AGRICULTURAL COMMODITY. THE AGRICULTURAL
9 COMMODITY OWNER SHALL FILE THE CLAIM ON A FORM PROVIDED BY THE
10 DEPARTMENT.

11 (2) THE DEPARTMENT SHALL INVESTIGATE EVERY CLAIM FILED UNDER
12 SUBSECTION (1) AND DETERMINE THE DOLLAR AMOUNT OF WILDLIFE DAMAGE
13 THAT OCCURRED. SUBJECT TO SUBSECTION (3) AND SECTION 40709(5), THE
14 DEPARTMENT SHALL PAY THE AGRICULTURAL COMMODITY OWNER THE DOLLAR
15 AMOUNT OF WILDLIFE DAMAGE IF ALL OF THE FOLLOWING APPLY:

16 (A) THE OWNER REQUESTED AND IMPLEMENTED RECOMMENDATIONS FOR
17 WILDLIFE DAMAGE PREVENTION MEASURES FOR THE AGRICULTURAL COMMODITY
18 UNDER SECTION 40705.

19 (B) THE AGRICULTURAL COMMODITY OWNER MANAGED THE AGRICULTURAL
20 COMMODITY IN A MANNER CONSISTENT WITH GENERALLY ACCEPTED
21 AGRICULTURAL AND MANAGEMENT PRACTICES.

22 (C) ANY OTHER REQUIREMENTS SET FORTH IN RULES ADOPTED UNDER
23 THIS PART ARE SATISFIED.

24 (3) THE DEPARTMENT SHALL DETERMINE THE AMOUNT TO BE PAID FOR A
25 CLAIM UNDER SUBSECTION (1) AS FOLLOWS:

26 (A) IF THE AMOUNT OF THE CLAIM IS \$250.00 OR LESS, NOTHING
27 SHALL BE PAID.

1 (B) IF THE AMOUNT OF THE CLAIM IS MORE THAN \$250.00 BUT NOT
2 MORE THAN \$5,250.00, THE AMOUNT PAID SHALL BE 100% OF THE AMOUNT OF
3 THE CLAIM THAT EXCEEDS \$250.00.

4 (C) IF THE AMOUNT OF THE CLAIM IS MORE THAN \$5,250.00, THE
5 AMOUNT PAID SHALL BE \$5,000.00, PLUS 80% OF THE AMOUNT OF THE CLAIM
6 THAT EXCEEDS \$5,250.00, BUT NOT MORE THAN A TOTAL OF \$15,000.00 FOR
7 EACH CLAIM.

8 (4) THE DEPARTMENT SHALL PAY COMPENSATION FOR WILDLIFE DAMAGE
9 UNDER SUBSECTION (2) BY JUNE 1 OF THE YEAR AFTER THE YEAR IN WHICH
10 THE CLAIM WAS FILED.

11 SEC. 40709. (1) THE WILDLIFE DAMAGE FUND IS CREATED WITHIN THE
12 STATE TREASURY.

13 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
14 ANY SOURCE FOR DEPOSIT INTO THE FUND. FIFTEEN PERCENT OF THE
15 REVENUE FROM ALL BEAR HUNTING LICENSES ISSUED UNDER PART 435 SHALL
16 BE DEPOSITED IN THE FUND.

17 (3) THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE
18 FUND. THE STATE TREASURER SHALL CREDIT TO THE FUND INTEREST AND
19 EARNINGS FROM FUND INVESTMENTS.

20 (4) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
21 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

22 (5) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON
23 APPROPRIATION, ONLY FOR THE FOLLOWING PURPOSES:

24 (A) THE COSTS OF ADMINISTERING THIS PART.

25 (B) REIMBURSEMENT FOR WILDLIFE DAMAGE PREVENTION MEASURES
26 UNDER SECTION 40705.

27 (C) COMPENSATION FOR WILDLIFE DAMAGE UNDER SECTION 40707.

1 PAYMENTS UNDER THIS SUBDIVISION SHALL BE MADE FROM THE UNEXPENDED
2 BALANCE OF THE APPROPRIATION FROM THE FUND REMAINING AFTER PAYING
3 COSTS AND MAKING REIMBURSEMENTS UNDER SUBDIVISIONS (A) AND (B). IF
4 THE UNEXPENDED BALANCE OF THE APPROPRIATION IS NOT SUFFICIENT TO
5 PAY THE FULL AMOUNT REQUIRED UNDER SECTION 40707(2) AND (3), THE
6 DEPARTMENT SHALL COMPENSATE CLAIMANTS ON A PRORATED BASIS.

7 SEC. 40711. (1) SUBJECT TO SUBSECTIONS (2) AND (3), A PERSON
8 WHO RECEIVES REIMBURSEMENT FOR A WILDLIFE DAMAGE PREVENTION MEASURE
9 OR COMPENSATION FOR A WILDLIFE DAMAGE CLAIM UNDER THIS PART AND ANY
10 OTHER PERSON WHO OWNS, LEASES, OR CONTROLS THE LAND ON WHICH WAS
11 LOCATED THE AGRICULTURAL COMMODITY THAT WAS THE SUBJECT OF THE
12 WILDLIFE DAMAGE PREVENTION MEASURE OR THE WILDLIFE DAMAGE CLAIM
13 SHALL PERMIT HUNTING OF THE TYPE OF WILDLIFE THAT IS THE FOCUS OF
14 THE PREVENTION MEASURES OR THAT CAUSED THE WILDLIFE DAMAGE, DURING
15 THE APPROPRIATE OPEN SEASON. HUNTING SHALL BE PERMITTED ON AREAS OF
16 THAT LAND AND CONTIGUOUS LAND UNDER THE SAME OWNERSHIP, LEASE, OR
17 CONTROL DETERMINED BY THE DEPARTMENT TO BE SUITABLE FOR HUNTING.

18 (2) HUNTING UNDER SUBSECTION (1) IS SUBJECT TO ALL OF THE
19 FOLLOWING CONDITIONS:

20 (A) A HUNTER SHALL NOTIFY THE LANDOWNER OF HIS OR HER INTENT
21 TO HUNT ON THE LAND.

22 (B) A HUNTER SHALL NOT BRING A MOTOR VEHICLE ONTO THE LAND
23 WITHOUT THE PERMISSION OF THE LANDOWNER.

24 (C) A HUNTER SHALL NOT USE A HUNTING STAND ON THE LAND WITHOUT
25 THE PERMISSION OF THE LANDOWNER.

26 (D) A LANDOWNER MAY DENY A HUNTER ACCESS TO THE LAND FOR
27 REASONABLE CAUSE, INCLUDING, BUT NOT LIMITED TO, ANY OF THE

1 FOLLOWING:

2 (i) IF THE HUNTER HUNTS ON THE LAND, 3 OR MORE HUNTERS WILL BE
3 PRESENT PER 40 ACRES OF THE AREA DETERMINED UNDER SUBSECTION (1) TO
4 BE SUITABLE FOR HUNTING.

5 (ii) THE HUNTER APPEARS TO BE INTOXICATED OR IS UNRULY.

6 (iii) THE HUNTER CAUSES PROPERTY DAMAGE.

7 (iv) THE HUNTER VIOLATES ANY OF THE CONDITIONS UNDER
8 SUBDIVISIONS (A) TO (C).

9 (3) THE REQUIREMENT TO ALLOW HUNTING UNDER SUBSECTION (1) DOES
10 NOT APPLY IF THE AGRICULTURAL COMMODITY OWNER DOES NOT HAVE
11 AUTHORITY TO CONTROL ENTRY ON THE LAND FOR THE PURPOSE OF HUNTING.

12 (4) A PERSON WHO VIOLATES SUBSECTION (1) IS NOT ELIGIBLE FOR
13 REIMBURSEMENT OR COMPENSATION UNDER THIS PART FOR 10 YEARS AFTER
14 THE DAY ON WHICH THE REFUSAL TO PERMIT HUNTING OCCURRED. IN
15 ADDITION, THE PERSON IS LIABLE TO THE DEPARTMENT FOR ALL OF THE
16 FOLLOWING:

17 (A) REPAYMENT OF ANY REIMBURSEMENT RECEIVED BY THAT PERSON
18 UNDER THIS PART FOR WILDLIFE DAMAGE PREVENTION MEASURES IMPLEMENTED
19 ON THAT LAND OR ON CONTIGUOUS LAND UNDER THE SAME OWNERSHIP, LEASE,
20 OR CONTROL.

21 (B) REPAYMENT OF ANY COMPENSATION RECEIVED UNDER THIS PART BY
22 THAT PERSON FOR WILDLIFE DAMAGE ON THAT LAND OR ON CONTIGUOUS LAND
23 UNDER THE SAME OWNERSHIP, LEASE, OR CONTROL.

24 (C) PAYMENT OF THE COSTS INCURRED BY THE DEPARTMENT TO REVIEW
25 AND APPROVE ANY REIMBURSEMENT FOR WILDLIFE DAMAGE PREVENTION
26 MEASURES DESCRIBED IN SUBDIVISION (A) OR COMPENSATION FOR WILDLIFE
27 DAMAGE DESCRIBED IN SUBDIVISION (B).

1 (D) PAYMENT OF COSTS INCURRED BY THE DEPARTMENT TO INVESTIGATE
2 THE FAILURE TO PERMIT HUNTING ON THE LAND.

3 SEC. 40713. (1) AN AGRICULTURAL COMMODITY OWNER WHO FILES A
4 REQUEST FOR REIMBURSEMENT FOR WILDLIFE DAMAGE PREVENTION MEASURES
5 OR A CLAIM FOR COMPENSATION FOR WILDLIFE DAMAGE SHALL DO BOTH OF
6 THE FOLLOWING:

7 (A) RETAIN ALL RECORDS RELATING TO THE REIMBURSEMENT OR
8 COMPENSATION AS REQUIRED BY THE DEPARTMENT AND MAKE THEM AVAILABLE
9 TO THE DEPARTMENT FOR INSPECTION AT REASONABLE TIMES.

10 (B) ALLOW REPRESENTATIVES OF THE DEPARTMENT TO ENTER AND
11 INSPECT, AT REASONABLE TIMES, ANY LAND FOR WHICH THE APPLICATION OR
12 CLAIM WAS FILED.

13 (2) THE DEPARTMENT, IF REQUESTED, SHALL FURNISH TO AN
14 AGRICULTURAL COMMODITY OWNER DESCRIBED IN SUBSECTION (1) A REPORT
15 SETTING FORTH ALL OF THE FACTUAL FINDINGS BY THE DEPARTMENT THAT
16 RELATE TO AN INSPECTION UNDER THIS SECTION.

17 SEC. 40715. THE DEPARTMENT SHALL ARRANGE FOR AN ANNUAL AUDIT
18 OF ANY REIMBURSEMENTS FOR WILDLIFE DAMAGE PREVENTION MEASURES AND
19 COMPENSATION FOR WILDLIFE DAMAGE PAID UNDER SECTION 40705 OR 40707,
20 RESPECTIVELY, TO DEPARTMENT OFFICERS AND EMPLOYEES.

21 SEC. 40717. (1) A PERSON WHO MAKES, OR CAUSES TO BE MADE, A
22 FALSE STATEMENT OR REPRESENTATION OF A MATERIAL FACT IN A REQUEST
23 FOR REIMBURSEMENT FOR A WILDLIFE DAMAGE PREVENTION MEASURE OR IN A
24 CLAIM FOR COMPENSATION FOR WILDLIFE DAMAGE IS CIVILLY LIABLE FOR
25 BOTH OF THE FOLLOWING:

26 (A) REPAYMENT OF ANY MONEY PAID BY THE DEPARTMENT AS
27 REIMBURSEMENT FOR THE WILDLIFE DAMAGE PREVENTION MEASURE OR

1 COMPENSATION FOR THE WILDLIFE DAMAGE.

2 (B) PAYMENT OF THE COSTS FOR REVIEWING AND APPROVING THE
3 APPLICATION FOR REIMBURSEMENT OR CLAIM FOR COMPENSATION AND THE
4 COSTS IN INVESTIGATING AND DETERMINING THAT A FALSE STATEMENT OR
5 REPRESENTATION WAS MADE.

6 (2) A PERSON WHO KNOWINGLY MAKES OR CAUSES TO BE MADE A FALSE
7 STATEMENT OR REPRESENTATION OF MATERIAL FACT IN A REQUEST FOR
8 REIMBURSEMENT FOR A WILDLIFE DAMAGE PREVENTION MEASURE OR IN A
9 CLAIM FOR COMPENSATION FOR WILDLIFE DAMAGE IS GUILTY OF A
10 MISDEMEANOR. UPON CONVICTION, THE COURT SHALL PROHIBIT THE PERSON
11 FROM RECEIVING ANY REIMBURSEMENT OR COMPENSATION UNDER THIS PART
12 FOR 10 YEARS BEGINNING ON THE DATE OF CONVICTION. IN ADDITION, THE
13 PERSON MAY BE PUNISHED BY EITHER OR BOTH OF THE FOLLOWING:

14 (A) PAYMENT OF A FINE EQUAL TO 2 TIMES THE TOTAL AMOUNT OF THE
15 REIMBURSEMENT OR COMPENSATION RECEIVED, PLUS AN AMOUNT NOT TO
16 EXCEED \$1,000.00.

17 (B) REVOCATION OF THE PERSON'S HUNTING, FISHING, OR TRAPPING
18 LICENSES IF THE PERSON IS LICENSED TO HUNT, FISH, OR TRAP IN THIS
19 STATE, AND A PROHIBITION AGAINST SEEKING OR POSSESSING SUCH A
20 LICENSE FOR THE REMAINDER OF THE CALENDAR YEAR IN WHICH THE PERSON
21 IS CONVICTED AND FOR UP TO 3 SUCCEEDING CALENDAR YEARS.

22 (3) AN OWNER OF AN AGRICULTURAL COMMODITY WITH RESPECT TO
23 WHICH ANOTHER PERSON WAS CONVICTED UNDER SUBSECTION (2) IS NOT
24 ELIGIBLE FOR REIMBURSEMENT OR COMPENSATION UNDER THIS PART FOR 10
25 YEARS BEGINNING ON THE DATE OF CONVICTION.

26 SEC. 40719. THE DEPARTMENT SHALL PROMULGATE RULES TO IMPLEMENT
27 THIS PART. THE RULES SHALL ADDRESS ALL OF THE FOLLOWING:

1 (A) ELIGIBILITY AND FUNDING REQUIREMENTS FOR REIMBURSEMENT FOR
2 WILDLIFE DAMAGE PREVENTION MEASURES AND COMPENSATION FOR WILDLIFE
3 DAMAGE THAT MAXIMIZE THE COST-EFFECTIVENESS OF THE PROGRAM UNDER
4 THIS PART.

5 (B) AUTHORIZED WILDLIFE DAMAGE PREVENTION MEASURES AND METHODS
6 FOR IMPLEMENTING THOSE PREVENTION MEASURES.

7 (C) PROCEDURES FOR PROCESSING AND PAYING REIMBURSEMENT FOR
8 WILDLIFE DAMAGE PREVENTION MEASURES, INCLUDING VERIFICATION OF THE
9 COSTS AND IMPLEMENTATION OF THOSE MEASURES.

10 (D) PROCEDURES FOR PROCESSING AND PAYING CLAIMS FOR
11 COMPENSATION FOR WILDLIFE DAMAGE, INCLUDING BOTH OF THE FOLLOWING:

12 (i) STANDARDS FOR DETERMINING THE AMOUNT OF WILDLIFE DAMAGE.

13 (ii) A METHODOLOGY FOR PRORATION OF COMPENSATION FOR WILDLIFE
14 DAMAGE UNDER SECTION 40709.

15 (E) PROCEDURES FOR INSPECTIONS UNDER SECTION 40713.

16 (F) ANY OTHER MATTER NECESSARY FOR THE ENFORCEMENT AND
17 ADMINISTRATION OF THIS PART.

18 SEC. 40721. (1) THE DEPARTMENT SHALL PREPARE AN ANNUAL REPORT
19 CONCERNING WILDLIFE DAMAGE AND THE PROGRAM PROVIDED FOR BY THIS
20 PART. THE REPORT SHALL INCLUDE AT LEAST A SUMMARY OF EACH OF THE
21 FOLLOWING:

22 (A) ALL OF THE WILDLIFE DAMAGE TO APIARIES BELIEVED TO HAVE
23 OCCURRED IN THIS STATE.

24 (B) THE CLAIMS FOR COMPENSATION FOR WILDLIFE DAMAGE THAT WERE
25 FILED UNDER THIS PART.

26 (C) THE WILDLIFE DAMAGE PREVENTION MEASURES THAT WERE
27 RECOMMENDED OR IMPLEMENTED UNDER THIS PART.

1 (D) THE PERCENTAGE OF THE TOTAL NUMBER OF CLAIMS FOR
2 COMPENSATION FOR WILDLIFE DAMAGE THAT ARE REJECTED FOR FAILURE TO
3 MEET THE REQUIREMENTS OF THIS PART OR RULES PROMULGATED UNDER THIS
4 PART.

5 (E) THE PERCENTAGE OF THE TOTAL NUMBER OF CLAIMS FOR
6 COMPENSATION FOR WILDLIFE DAMAGE FOR WHICH THE AMOUNT OF THE
7 PAYMENT TO THE CLAIMANT WAS PRORATED UNDER SECTION 40709.

8 (2) THE DEPARTMENT SHALL SUBMIT THE REPORT PREPARED UNDER
9 SUBSECTION (1) BY JUNE 1 OF EACH YEAR TO THE STANDING COMMITTEES OF
10 THE SENATE AND HOUSE OF REPRESENTATIVES WITH PRIMARY RESPONSIBILITY
11 FOR LEGISLATION RELATED TO AGRICULTURE OR WILDLIFE CONSERVATION.
12 THE FIRST REPORT SHALL BE SUBMITTED BY JUNE 1, 2006. EACH REPORT
13 SHALL COVER THE 12-MONTH PERIOD ENDING ON THE DECEMBER 31 THAT
14 IMMEDIATELY PRECEDES THE DATE OF THE REPORT.

15 SEC. 40723. THE DEPARTMENT SHALL ISSUE GUIDELINES UNDER
16 CHAPTER 2 OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA
17 306, MCL 24.221 TO 24.228, TO ESTABLISH STANDARDS FOR TOLERABLE
18 LEVELS OF DAMAGE CAUSED BY DEER LIVING IN THE WILD TO CROPS ON
19 AGRICULTURAL LAND, INCLUDING COMMERCIAL SEEDINGS, ORCHARD TREES,
20 AND NURSERY STOCK. THE DEPARTMENT SHALL USE THE STANDARDS IN
21 SETTING GOALS FOR MANAGING THE DEER HERD.

22 Sec. 43553. (1) ~~Except as provided in sections 43555 and~~
23 ~~43556, the~~ THE department shall transmit all money received from
24 the sale of licenses to the state treasurer, together with a
25 statement indicating the amount of money received and the source of
26 the money.

27 (2) The game and fish protection fund is created as a separate

1 fund in the ~~department of~~ **STATE** treasury. Except as provided in
2 subsection (5) **AND SECTIONS 40709 AND 43555**, the state treasurer
3 shall credit the money received from the sale of ~~passbooks and~~
4 licenses to the game and fish protection fund.

5 (3) Except as provided in sections 43524, 43525, ~~43531, AND~~
6 43554 ~~, and 43556~~ and subsection (4), money credited to the game
7 and fish protection fund shall be paid out by the state treasurer
8 pursuant to the accounting laws of this state for the following
9 purposes:

10 (a) Services rendered by the department, together with the
11 expenses incurred in the enforcement and administration of the
12 game, fish, and fur laws of the state, including the necessary
13 equipment and apparatus incident to the operation and enforcement
14 of the game, fish, and fur laws, and the protection, propagation,
15 distribution, and control of game, fish, birds, fur-bearing
16 animals, and other wildlife. ~~forms.~~

17 (b) The propagation and liberation of game, fur-bearing
18 animals, birds, or fish and for their increase at the time, place,
19 and manner as the department considers advisable.

20 (c) The purchase, lease, and management of lands ~~, together~~
21 ~~with the necessary~~ **AND** equipment for the purpose of propagating
22 and rearing game, fur-bearing animals, birds, or fish, and for
23 establishing and maintaining game refuges, wildlife sanctuaries,
24 and public shooting and fishing grounds.

25 (d) Conducting investigations and compiling and publishing
26 information relative to the propagation, protection, and
27 conservation of wildlife.

1 (e) Delivering lectures, developing cooperation, and carrying
2 on appropriate educational activities relating to the conservation
3 of the wildlife of this state.

4 (4) The department may make direct grants to colleges and
5 universities in this state, out of funds appropriated from the game
6 and fish protection fund, to conduct fish or wildlife research or
7 both fish and wildlife research.

8 (5) The youth hunting and fishing education and outreach fund
9 is created as a separate fund in the department of treasury. The
10 state treasurer shall credit to the youth hunting and fishing
11 education and outreach fund the money received from the sale of
12 small game licenses and all-species fishing licenses under sections
13 43523 and 43532, respectively, to persons who are ~~12 years of age~~
14 ~~through 16~~ **UNDER 17** years of age. Money in the youth hunting and
15 fishing education and outreach fund at the close of the fiscal year
16 shall remain in the fund and shall not lapse to the general fund.

17 (6) Money credited to the youth hunting and fishing education
18 and outreach fund shall be paid out by the state treasurer pursuant
19 to the accounting laws of this state for hunting and fishing
20 education and outreach programs for youth ~~through 16~~ **UNDER 17**
21 years of age.

22 (7) The department and any other executive department of the
23 state that receives money from the game and fish protection fund or
24 the youth hunting and fishing education and outreach fund shall
25 submit an annual report to the legislature showing the amount of
26 money received by the department or other executive department from
27 the game and fish protection fund or the youth hunting and fishing

1 education and outreach fund and how that money was spent. An
2 executive department required to submit a report as provided in
3 this subsection shall send a copy of the report to the legislature
4 and to the department.

5 SEC. 43553A. (1) THE DEPARTMENT SHALL TRANSMIT ALL MONEY
6 RECEIVED FROM THE SALE OF LICENSES TO THE STATE TREASURER, TOGETHER
7 WITH A STATEMENT INDICATING THE AMOUNT OF MONEY RECEIVED AND THE
8 SOURCE OF THE MONEY.

9 (2) EXCEPT AS PROVIDED IN SECTION 43555 AND SUBSECTION (5) AND
10 SUBJECT TO SECTION 40709, THE STATE TREASURER SHALL CREDIT THE
11 MONEY RECEIVED FROM THE SALE OF LICENSES TO THE GAME AND FISH
12 PROTECTION ACCOUNT.

13 (3) EXCEPT AS PROVIDED IN SECTIONS 40709, 43524, 43525, AND
14 43554 AND SUBSECTION (4), MONEY CREDITED TO THE GAME AND FISH
15 PROTECTION ACCOUNT SHALL BE PAID OUT BY THE STATE TREASURER
16 PURSUANT TO THE ACCOUNTING LAWS OF THIS STATE FOR THE FOLLOWING
17 PURPOSES:

18 (A) SERVICES RENDERED BY THE DEPARTMENT, TOGETHER WITH THE
19 EXPENSES INCURRED IN THE ENFORCEMENT AND ADMINISTRATION OF THE
20 WILDLIFE AND FISHERIES LAWS OF THE STATE, INCLUDING THE NECESSARY
21 EQUIPMENT AND APPARATUS INCIDENT TO THE OPERATION AND ENFORCEMENT
22 OF THE WILDLIFE AND FISHERIES LAWS, AND THE PROTECTION,
23 PROPAGATION, DISTRIBUTION, AND CONTROL OF WILDLIFE AND FISH.

24 (B) THE PROPAGATION AND LIBERATION OF WILDLIFE OR FISH AND FOR
25 THEIR INCREASE AT THE TIME, PLACE, AND MANNER AS THE DEPARTMENT
26 CONSIDERS ADVISABLE.

27 (C) THE PURCHASE, LEASE, AND MANAGEMENT OF LANDS AND EQUIPMENT

1 FOR THE PURPOSE OF PROPAGATING AND REARING WILDLIFE OR FISH, AND
2 FOR ESTABLISHING AND MAINTAINING GAME REFUGES, WILDLIFE
3 SANCTUARIES, AND PUBLIC SHOOTING AND FISHING GROUNDS.

4 (D) CONDUCTING INVESTIGATIONS AND COMPILING AND PUBLISHING
5 INFORMATION RELATIVE TO THE PROPAGATION, PROTECTION, AND
6 CONSERVATION OF WILDLIFE.

7 (E) DELIVERING LECTURES, DEVELOPING COOPERATION, AND CARRYING
8 ON APPROPRIATE EDUCATIONAL ACTIVITIES RELATING TO THE CONSERVATION
9 OF THE WILDLIFE OF THIS STATE.

10 (F) HUNTING AND FISHING EDUCATION AND OUTREACH PROGRAMS,
11 INCLUDING PROGRAMS FOR YOUTH UNDER 17 YEARS OF AGE.

12 (4) THE DEPARTMENT MAY MAKE DIRECT GRANTS TO COLLEGES AND
13 UNIVERSITIES IN THIS STATE, OUT OF FUNDS APPROPRIATED FROM THE GAME
14 AND FISH PROTECTION ACCOUNT, TO CONDUCT FISH OR WILDLIFE RESEARCH
15 OR BOTH FISH AND WILDLIFE RESEARCH.

16 (5) THE DEPARTMENT AND ANY OTHER EXECUTIVE DEPARTMENT OF THE
17 STATE THAT RECEIVES MONEY FROM THE GAME AND FISH PROTECTION ACCOUNT
18 SHALL SUBMIT AN ANNUAL REPORT TO THE LEGISLATURE SHOWING THE AMOUNT
19 OF MONEY RECEIVED BY THE DEPARTMENT OR OTHER EXECUTIVE DEPARTMENT
20 FROM THE GAME AND FISH PROTECTION ACCOUNT OR THE YOUTH HUNTING AND
21 FISHING EDUCATION AND OUTREACH FUND AND HOW THAT MONEY WAS SPENT.
22 AN EXECUTIVE DEPARTMENT REQUIRED TO SUBMIT A REPORT AS PROVIDED IN
23 THIS SUBSECTION SHALL SEND A COPY OF THE REPORT TO THE LEGISLATURE
24 AND TO THE DEPARTMENT.

25 Enacting section 1. Section 43553 of the natural resources
26 and environmental protection act, 1994 PA 451, MCL 324.43553, is
27 repealed upon House Joint Resolution Z of the 92nd Legislature

1 becoming a part of the state constitution of 1963 as provided in
2 section 1 of article XII of the state constitution of 1963.

3 Enacting section 2. Section 2010 as amended by this
4 amendatory act and section 43553a as added by this amendatory act
5 do not take effect unless House Joint Resolution Z of the 92nd
6 Legislature becomes a part of the state constitution of 1963 as
7 provided in section 1 of article XII of the state constitution of
8 1963.