

WILDLIFE MANAGEMENT PUBLIC EDUCATION FUND

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4993 (Substitute H-2)

Sponsor: Rep. Jon Bumstead

Committee: Natural Resources

Complete to 10-8-13

A SUMMARY OF HOUSE BILL 4993 (H-2) AS REPORTED FROM COMMITTEE

This bill is associated with the creation of a new hunting and fishing license fee structure enacted by Public Act 108 of 2013 (House Bill 4668). That bill contained a provision stating:

Beginning March 1, 2014, the department shall charge an additional \$1.00 per base license . . . combination hunt and fish license . . . , and all-species fishing license. The department shall use money generated under this section for marketing, education, and outreach activities.

House Bill 4993 would implement that provision by adding a new section to Part 435 (Hunting and Fishing Licensing) of the Natural Resources and Environmental Protection Act to do the following:

- Require the \$1 charge to base licenses, combination hunting and fishing licenses, and all-species fishing licenses to be deposited into the newly created Michigan Wildlife Management Public Education Fund;
- Establish the Michigan Wildlife Management Public Education Fund; and
- Create the Michigan Wildlife Council to develop a comprehensive media-based public information program about the benefits of wildlife and wildlife management.

Michigan Wildlife Management Public Education Fund

The bill would create the Michigan Wildlife Management Public Education Fund within the Department of Treasury. The State Treasurer would be responsible for directing the investment of the fund and all interest and earnings from fund investments would be credited back to the fund. Money in the fund at the close of the fiscal year would remain in the fund and would not lapse to the General Fund. The Michigan Wildlife Council would be responsible for spending money from the fund, as appropriated by the Legislature. Money could only be spent to support its program and pay administrative costs of the Department of Natural Resources (DNR) to implement this new section. Under the bill, the DNR could spend no more than 5% of the annual appropriations from the fund on administrative costs.

Michigan Wildlife Council

The bill would create the Michigan Wildlife Council within the DNR, consisting of the following members appointed by the DNR director:

- The DNR director or a designee.
- Four individuals who have bought hunting or fishing licenses on a regular basis, including at least once during each of the previous three years, with at least one who has bought a hunting license and at least one who has bought a fishing license. These members would be appointed by the DNR director from a list recommended by statewide sportsmen's organizations.
- One individual representing local businesses substantially impacted by hunting and fishing.
- One individual representing agricultural producers.
- One individual with a media or marketing background who is not an employee of the DNR.
- One individual representing rural areas with economies that are substantially impacted by hunting and fishing.

The bill would direct the DNR director to make an effort to appoint members to the Council from all geographic areas of the state, with at least one member from the Upper Peninsula. Members would have to be appointed within 90 days after the bill was signed into law.

Terms of office

Council members would serve four-year terms and could serve additional time at the end of a term until a successor is appointed. Initial members of the Council would serve the following staggered terms: two serving two-year terms, three serving three-year terms, and three serving four-year terms. Appointed members would be limited to serving more than two full terms.

Removal of members

Members could be removed by the DNR director for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause, with the approval of a majority of the Council members.

Open Meetings Act and FOIA

At the first meeting of the Council, members would have to adopt bylaws and elect a chairperson and any other officers it deems appropriate. After its initial meeting the Council would be required to meet at least once every three months, but could meet more frequently at the request of the chairperson or a majority of the members. A majority of the members serving would be needed for official action. All business of the council would have to be conducted at public meetings held in compliance with the Open Meetings Act, and any writing used by the Council in the performance of an official function would be subject to the Freedom of Information Act.

Compensation of members

Members would not receive compensation for serving on the Council but could be reimbursed for actual and necessary expenses that are incurred in the performance of official duties.

Responsibilities of the Council

Under the bill, the Council would be charged with doing all of the following:

- Develop and implement a comprehensive media-based public information program, in conjunction with a third-party marketing agency, to educate the general public on the benefits of wildlife, wildlife management, and the role that licensed hunters, anglers, trappers, sportsmen, and sportswomen play in wildlife management, and to educate the general public about hunting, fishing, and the taking of game. The education could include teaching that hunting, fishing, and taking game are (1) necessary for the conservation, preservation, and management of Michigan's natural resources; (2) a valued and integral part of the cultural heritage of Michigan and should be preserved forever; and (3) is an important part of Michigan's economy.
- Provide a semi-annual report to the legislature on the program and its expenditures.
- Prepare an operational plan within at least 120 days after the Wildlife Council conducts its first meeting and by April 30 in each subsequent year.
- Spend money from the Wildlife Management Public Education Fund in accordance with the operational plan and with Section 40501 of NREPA, except that all expenditures must be within the scope of the activities and funding levels authorized in the plan.

The Council would be permitted to give preference to Michigan-based firms when hiring a third-party marketing or advertising agency to create a public information program.

Enacting Section 1

The bill would take effect 90 days after being signed into law.

FISCAL IMPACT:

Beginning March 1, 2014, a new fee structure for Michigan's hunting and fishing licenses will be established that includes an increase in license fees and a new base hunting license in order to hunt any species of wildlife (PA 108 of 2013). This new structure requires the DNR to charge an additional \$1.00 for each new hunting base license, combination hunting and fishing license, and all-species fishing license. It is estimated that the new \$1.00 charge will generate approximately \$1.6 million in additional revenue annually.

In FY 2011-12, the sale of hunting and fishing licenses in Michigan generated \$48.6 million. Because of the restructuring of the hunting and fishing license fees, when the new fee structures go into effect, these fees are expected to generate an additional \$19.7 million annually. Of this amount, \$1.6 million would be from the additional \$1.00 charge to the specific licenses mentioned above.

The bill creates a new fund, the Michigan Wildlife Management Public Education Fund, and requires that the revenues from the \$1 fee be deposited into the fund. After appropriation by the Legislature, expenditures from the fund may be made by the Michigan Wildlife Council, a new council that would be created by the bill. The fund may only be expended as dictated by the Council's operational plan and for the Department's administrative costs for the program (up to 5% of the annual appropriations).

The majority of the Council's expenditures will be used to fund a comprehensive media-based information program promoting the role sportsmen and sportswomen play in furthering wildlife conservation and to provide education about the importance of hunting, fishing, and the taking of game to the state's economy, cultural heritage, and management of state natural resources. It is anticipated that this provision of up to 5% of the appropriations would be sufficient to fund any additional administrative costs to the DNR arising from the bill's provisions.

BACKGROUND INFORMATION AND DISCUSSION:

The bill would create a Michigan Wildlife Management Public Education Fund, which would receive a \$1 charge added to base licenses, combination hunting and fishing licenses, and all-species fishing licenses as part of the new hunting and fishing license fee structure enacted by Public Act 108 of 2013. The bill would also establish the Michigan Wildlife Council, whose purpose would be to develop a comprehensive media-based public information program about the benefits of wildlife and wildlife management.

According to testimony, the general public has little knowledge of Michigan's hunting heritage and the role that hunters, trappers, and anglers play in managing the state's wildlife. Other states, specifically Colorado, have seen voter-approved ballot initiatives enacted that limited certain hunting opportunities on public lands. The intent of the bill and the purpose of the \$1 charge would be to mount a public education campaign targeted at the non-hunting and fishing public in an effort to educate them on the importance of hunting as a wildlife management tool. Testimony underscored the important role that hunters, anglers, and trappers play in the stewardship of wildlife and their habitat.

Additionally, it was noted that the public lands that are generally enjoyed by hunters and non-hunters alike are made possible through fees and excise taxes paid on licenses, certain sporting equipment and ammunition.

However, concern was expressed that a public education campaign targeted at non-hunters and fishermen and intended to counter potential efforts from anti-hunting and anti-fishing groups would be unsuccessful. According to testimony, the bill is intended as a public education campaign and is not meant to increase participation or recruit new hunters, although an advertising campaign of this nature could have that side effect. Generally, individuals and organizations that oppose the taking of game have very strong feelings and will not likely be swayed by a public education effort. Instead, it was suggested that instead of directing educational efforts toward non-hunters, the money be redirected toward promoting outdoor activities and trying to increase participation amongst people that may be open to hunting.

POSITIONS:

Michigan Department of Natural Resources supports the bill. (10-1-13)

Michigan Farm Bureau supports the bill. (10-1-13)

Michigan Steelhead & Salmon Fisherman's Association supports the bill. (10-1-13)

Michigan United Conservation Clubs supports the bill. (10-1-13)

National Rifle Association supports the bill. (10-1-13)

Safari Club International supports the bill. (10-1-13)

Legislative Analyst: Jeff Stoutenburg
Fiscal Analyst: Viola Bay Wild

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.