

ESTABLISH THE MICHIGAN WILDLIFE COUNCIL

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House Bill 4993 as enacted

Public Act 246 of 2013

Sponsor: Rep. Jon Bumstead

House Committee: Natural Resources

Senate Committee: Natural Resources, Environment and Great Lakes

Complete to 4-14-14

A SUMMARY OF HOUSE BILL 4993 AS ENACTED

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 implements 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 Subaccount;
- Establish the Michigan Wildlife Management Public Education Subaccount within the Game and Fish Protection Account; 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 Subaccount

The bill creates the Michigan Wildlife Management Public Education Subaccount within the Game and Fish Protection Account. The State Treasurer is responsible for directing the investment of the subaccount and all interest and earnings from subaccount investments are to be credited back to the subaccount. Money in the subaccount at the close of the fiscal year remains in the subaccount and does not lapse to the Game and Fish Protection Account or the General Fund. The Michigan Wildlife Council is responsible for spending money from the subaccount, as appropriated by the Legislature. Money can 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 can spend no more than 5% of the annual appropriations from the fund on administrative costs.

Michigan Wildlife Council

The bill creates the Michigan Wildlife Council within the DNR, consisting of the following members appointed by the Governor with the advice and consent of the Senate:

- 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 Governor 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 directs the Governor 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 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 are to 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 Governor for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

Open Meetings Act and FOIA

At the first meeting of the council, members must adopt bylaws and elect a chairperson and any other officers it deems appropriate. After its initial meeting the council is 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 must 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 is 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 is required to do 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 must 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 took effect 90 days after being signed into law. [The bill took effect on March 27, 2014.]

FISCAL IMPACT:

Beginning March 1, 2014, a new fee structure for Michigan's hunting and fishing licenses was 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.

Revenues generated from the sale of hunting and fishing licenses are constitutionally-required to be deposited into the Game and Fish Protection Account. Funds in the account are intended to support statewide hunting and fishing programs.

The bill creates a new subaccount within the Game and Fish Protection Account—the Michigan Wildlife Management Public Education Subaccount—and requires that the revenues from the \$1 fee be deposited into the subaccount. 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 creates 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 also establishes 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 likely 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 among people that may be open to hunting.

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■ 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.