

# HOUSE BILL No. 4993

September 18, 2013, Introduced by Reps. Bumstead, Rendon, Kivela, McBroom, Heise, Kurtz, Johnson, Leonard, Goike, VerHeulen, MacGregor, Crawford, Dianda, Haines, Nesbitt, Pettalia, Foster, Glardon, McCready, Haveman, Outman, Callton, Forlini, Schmidt, Potvin, Hooker, Brown, LaVoy, Pscholka, MacMaster, Victory, Genetski, Franz, Somerville, Yonker, Muxlow, Pagel, Jacobsen, Graves, Price, Zorn, Shirkey, Daley, Lyons and Cotter and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding sections 43532a and 43532b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 43532A. BEGINNING MARCH 1, 2014, THE DEPARTMENT SHALL  
2 CHARGE AN ADDITIONAL \$1.00 PER BASE LICENSE UNDER SECTIONS  
3 43523A(3) AND 43535(2), COMBINATION HUNT AND FISH LICENSE UNDER  
4 SECTION 43523B, AND ALL-SPECIES FISHING LICENSE UNDER SECTIONS  
5 43532(7) AND 43536(2). THE DEPARTMENT SHALL DEPOSIT MONEY GENERATED  
6 UNDER THIS SECTION IN THE MICHIGAN WILDLIFE MANAGEMENT PUBLIC  
7 EDUCATION FUND CREATED IN SECTION 43532B.

8        SEC. 43532B. (1) THE MICHIGAN WILDLIFE MANAGEMENT PUBLIC  
9 EDUCATION FUND IS CREATED WITHIN THE STATE TREASURY.

10        (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM  
11 ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL

1 DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT  
2 TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

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

5 (4) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR  
6 AUDITING PURPOSES.

7 (5) THE MICHIGAN WILDLIFE COUNCIL SHALL EXPEND MONEY FROM THE  
8 FUND, UPON APPROPRIATION, ONLY TO SUPPORT THE PROGRAM DESIGNED  
9 UNDER SUBSECTION (18) AND TO PAY THE DEPARTMENT'S ADMINISTRATIVE  
10 COSTS IN IMPLEMENTING THIS SECTION. NOT MORE THAN 5% OF THE ANNUAL  
11 APPROPRIATIONS FROM THE FUND SHALL BE SPENT ON THE ADMINISTRATIVE  
12 COSTS OF THE DEPARTMENT IN IMPLEMENTING THIS SECTION.

13 (6) THE MICHIGAN WILDLIFE COUNCIL IS CREATED WITHIN THE  
14 DEPARTMENT.

15 (7) THE MICHIGAN WILDLIFE COUNCIL SHALL CONSIST OF THE  
16 FOLLOWING 9 MEMBERS:

17 (A) THE DIRECTOR OR HIS OR HER DESIGNEE.

18 (B) FOUR INDIVIDUALS WHO HAVE PURCHASED HUNTING OR FISHING  
19 LICENSES IN THIS STATE ON A REGULAR BASIS, INCLUDING AT LEAST ONCE  
20 DURING EACH OF THE LAST 3 YEARS, AT LEAST 1 OF WHOM HAS PURCHASED A  
21 HUNTING LICENSE AND AT LEAST 1 OF WHOM HAS PURCHASED A FISHING  
22 LICENSE, APPOINTED BY THE DIRECTOR FROM A LIST RECOMMENDED BY  
23 STATEWIDE SPORTSMEN'S ORGANIZATIONS.

24 (C) ONE INDIVIDUAL REPRESENTING LOCAL BUSINESSES IN THIS STATE  
25 THAT ARE SUBSTANTIALLY IMPACTED BY HUNTING AND FISHING, APPOINTED  
26 BY THE DIRECTOR.

27 (D) ONE INDIVIDUAL REPRESENTING AGRICULTURAL PRODUCERS IN THIS

1 STATE, APPOINTED BY THE DIRECTOR.

2 (E) ONE INDIVIDUAL WITH A MEDIA OR MARKETING BACKGROUND, WHO  
3 IS NOT AN EMPLOYEE OF THE DEPARTMENT, APPOINTED BY THE DIRECTOR.

4 (F) ONE INDIVIDUAL REPRESENTING RURAL AREAS OF THIS STATE  
5 WHOSE ECONOMIES ARE SUBSTANTIALLY IMPACTED BY HUNTING AND FISHING,  
6 APPOINTED BY THE DIRECTOR.

7 (8) IN APPOINTING MEMBERS UNDER SUBSECTION (7), THE DIRECTOR  
8 SHALL MAKE AN EFFORT TO APPOINT MEMBERS FROM ALL GEOGRAPHIC AREAS  
9 OF THIS STATE, AT LEAST 1 OF WHOM IS FROM THE UPPER PENINSULA.

10 (9) THE MEMBERS FIRST APPOINTED TO THE MICHIGAN WILDLIFE  
11 COUNCIL SHALL BE APPOINTED WITHIN 90 DAYS AFTER THE EFFECTIVE DATE  
12 OF THIS SECTION.

13 (10) THE APPOINTED MEMBERS OF THE MICHIGAN WILDLIFE COUNCIL  
14 SHALL SERVE FOR TERMS OF 4 YEARS OR UNTIL A SUCCESSOR IS APPOINTED,  
15 WHICHEVER IS LATER, EXCEPT THAT OF THE MEMBERS FIRST APPOINTED 2  
16 SHALL SERVE FOR 2 YEARS, 3 SHALL SERVE FOR 3 YEARS, AND 3 SHALL  
17 SERVE FOR 4 YEARS. THE APPOINTED MEMBERS SHALL NOT SERVE MORE THAN  
18 2 FULL TERMS.

19 (11) IF A VACANCY OCCURS ON THE MICHIGAN WILDLIFE COUNCIL, THE  
20 DIRECTOR SHALL MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM IN THE  
21 SAME MANNER AS THE ORIGINAL APPOINTMENT.

22 (12) THE DIRECTOR, WITH THE APPROVAL OF THE MAJORITY OF THE  
23 COUNCIL, MAY REMOVE A MEMBER OF THE MICHIGAN WILDLIFE COUNCIL FOR  
24 INCOMPETENCE, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR  
25 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

26 (13) THE FIRST MEETING OF THE MICHIGAN WILDLIFE COUNCIL SHALL  
27 BE CALLED BY THE DIRECTOR. AT THE FIRST MEETING, THE MICHIGAN

1 WILDLIFE COUNCIL SHALL ADOPT BYLAWS AND THEN ELECT FROM AMONG ITS  
2 MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS NECESSARY  
3 OR APPROPRIATE. AFTER THE FIRST MEETING, THE MICHIGAN WILDLIFE  
4 COUNCIL SHALL MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE  
5 CALL OF THE CHAIRPERSON OR IF REQUESTED BY A MAJORITY OF THE  
6 MEMBERS SERVING.

7 (14) A MAJORITY OF THE MEMBERS OF THE MICHIGAN WILDLIFE  
8 COUNCIL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A  
9 MEETING OF THE MICHIGAN WILDLIFE COUNCIL. A MAJORITY OF THE MEMBERS  
10 SERVING ARE REQUIRED FOR OFFICIAL ACTION OF THE MICHIGAN WILDLIFE  
11 COUNCIL.

12 (15) THE BUSINESS THAT THE MICHIGAN WILDLIFE COUNCIL MAY  
13 PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE MICHIGAN  
14 WILDLIFE COUNCIL HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT,  
15 1976 PA 267, MCL 15.261 TO 15.275.

16 (16) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR  
17 RETAINED BY THE MICHIGAN WILDLIFE COUNCIL IN THE PERFORMANCE OF AN  
18 OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT,  
19 1976 PA 442, MCL 15.231 TO 15.246.

20 (17) MEMBERS OF THE MICHIGAN WILDLIFE COUNCIL SHALL SERVE  
21 WITHOUT COMPENSATION. HOWEVER, MEMBERS OF THE MICHIGAN WILDLIFE  
22 COUNCIL MAY BE REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES  
23 INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF  
24 THE MICHIGAN WILDLIFE COUNCIL.

25 (18) THE MICHIGAN WILDLIFE COUNCIL SHALL DO ALL OF THE  
26 FOLLOWING:

27 (A) DEVELOP AND IMPLEMENT, IN CONJUNCTION WITH A THIRD-PARTY

1    MARKETING OR ADVERTISING AGENCY, A COMPREHENSIVE MEDIA-BASED PUBLIC  
2    INFORMATION PROGRAM TO EDUCATE THIS STATE'S GENERAL PUBLIC ABOUT  
3    THE BENEFITS OF WILDLIFE, WILDLIFE MANAGEMENT, AND THE IMPORTANT  
4    ROLE THAT LICENSED HUNTERS, ANGLERS, TRAPPERS, SPORTSMEN, AND  
5    SPORTSWOMEN PLAY IN WILDLIFE AND WILDLIFE MANAGEMENT.

6            (B) PROVIDE A BIENNIAL REPORT TO THE LEGISLATURE ON THE  
7    PROGRAM AND EXPENDITURES UNDER THIS SECTION.

8            (C) PREPARE AN OPERATIONAL PLAN FOR THE DIRECTOR'S APPROVAL NO  
9    LATER THAN 120 DAYS AFTER THE FIRST MEETING OF THE MICHIGAN  
10   WILDLIFE COUNCIL AND NO LATER THAN APRIL 30 IN SUBSEQUENT YEARS.

11           (D) EXPEND MONEY FROM THE WILDLIFE MANAGEMENT PUBLIC EDUCATION  
12   FUND IN ACCORDANCE WITH THE OPERATIONAL PLAN APPROVED BY THE  
13   DIRECTOR, EXCEPT THAT ALL EXPENDITURES SHALL BE WITHIN THE SCOPE OF  
14   THE ACTIVITIES AND FUNDING LEVELS AUTHORIZED IN THE OPERATIONAL  
15   PLAN.

16           Enacting section 1. This amendatory act takes effect upon the  
17   expiration of 90 days after the date it is enacted into law.