



**Senate Fiscal Agency**  
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BILL



ANALYSIS

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Senate Bills 1073, 1074, and 1075 (as reported without amendment)

Sponsor: Senator Arlan Meekhof (S.B. 1073)

Senator Dale W. Zorn (S.B. 1074)

Senator Wayne Schmidt (S.B. 1075)

Committee: Outdoor Recreation and Tourism

Date Completed: 10-13-16

### **RATIONALE**

The Natural Resources and Environmental Protection Act governs, among other things, the issuance of hunting and fishing licenses. These licenses are issued in paper form, though they can be purchased online. As smartphone technology has expanded in prevalence and sophistication, an increasing number of tools and resources have been developed to meet consumer demands for products and services, including avenues to gain access to government services. Apparently, there is interest in developing and using mobile applications to purchase and display hunting and fishing licenses or to provide additional information or services pertaining to hunting and fishing opportunities in Michigan. Thus, it has been suggested that the Act should provide for those tools and their use.

### **CONTENT**

**Each of the bills would amend Part 435 (Hunting and Fishing Licensing) of the Natural Resources and Environmental Protection Act to do the following:**

- **Require an individual who held a hunting, fur harvester's, or fishing license, beginning March 1, 2018, to carry it or, if applicable, an electronic copy of the license, and to exhibit it upon demand under certain conditions.**
- **Specify that an individual who displayed an electronic copy of his or her license would not be presumed to have consented to a search of the device.**
- **Specify that the State or a law enforcement agency, or its employees, would not be liable for damage to an electronic device that occurred as a result of a conservation officer or law enforcement officer viewing an electronic copy of the license.**
- **Require the Department of Natural Resources (DNR) to continue to explore the expanded use of electronic technology.**

**Senate Bill 1073 also would:**

- **Require the DNR, by March 1, 2018, to develop an electronic base license for display on an electronic device.**
- **Allow the Department to develop an electronic license that allowed an individual to display an electronic copy of his or her kill tag for various hunting licenses.**

**In addition, the bill would repeal Section 43545, which prohibits the Department, beginning March 1, 2019, from assessing or collecting any license or permit fees authorized under Part 435.**

**Senate Bill 1074 also would require the DNR, by March 1, 2018, to develop an electronic license that an individual could use to display his or her waterfowl license on an electronic device.**

**Senate Bill 1075 also would do the following:**

- **Require the DNR, by March 1, 2018, to develop an electronic license that an individual could use to display his or her all-species or 24- or 72-hour fishing license on an electronic device.**
- **Eliminate various provisions pertaining to a restricted fishing license.**

**Senate Bill 1073**

Currently, an individual who holds a hunting, fur harvester's, or fishing license must carry it and exhibit the license upon the demand of a conservation officer, a law enforcement officer, a tribal conservation officer under certain conditions, or the owner or occupant of the land if either or both of the following apply:

- The individual is hunting, trapping, or fishing.
- Except as otherwise provided, the individual is in possession of a firearm or other hunting, trapping, or fishing apparatus in an area frequented by wild animals or fish, as applicable.

Under the bill, this requirement would apply until March 1, 2018. Beginning on that date, an individual who held a hunting, fur harvester's, or fishing license would have to carry it or, if applicable, an electronic copy of the license and would have to exhibit it as currently required.

An individual who displayed an electronic copy of his or her license using an electronic device would not be presumed to have consented to a search of the device. The State or a law enforcement agency, or its employees, would not be liable for damage to or loss of an electronic device that occurred as a result of a conservation officer or law enforcement officer viewing an electronic copy of the license, regardless of whether the officer or individual was in possession of the electronic device at the time the damage or loss occurred.

The bill would require the Department to continue to explore the expanded use of electronic technology to provide additional services that would enhance hunting and fishing experiences for individuals in the State.

Under Part 435, except as otherwise provided, an individual may not hunt small game unless he or she possesses a current base license. A base license authorizes the individual named in the license to hunt for small game, except for animals or birds that require a special license. The bill would require the DNR, by March 1, 2018, to develop an electronic license that allowed an individual to display a copy of his or her base license using an electronic device.

The bill would permit the Department to develop an electronic license that allowed an individual to display an electronic copy of his or her kill tag under Sections 43524, 43527a, 43528, 43528a, 43528b, and 43529. (Those sections provide for wild turkey hunting licenses, second deer licenses and kill tags, bear hunting licenses and kill tags, moose hunting licenses and kill tags, wolf hunting licenses and kill tags, and elk hunting licenses and kill tags, respectively.)

**Senate Bill 1074**

The bill contains the same provisions as proposed in Senate Bill 1073 that would do the following: require an individual to carry his or her hunting, fur harvester's, or fishing license or an electronic copy of it beginning on March 1, 2018; provide that an individual who displayed an electronic copy of his or her license would not be presumed to have consented to a search of his or her electronic device; provide that the State or a law enforcement agency, or its employees, would not be liable for damage to or loss of an electronic device; and require the DNR to continue exploring the expanded use of electronic technology to provide additional services.

Under Part 435, except as otherwise provided, an individual 16 years of age or older is prohibited from hunting waterfowl without a current waterfowl hunting license issued by the State. This license requirement is in addition to the requirements for a base hunting license and Federal

migratory bird hunting stamp. Under Senate Bill 1074, by March 1, 2018, the Department would have to develop an electronic license that allowed an individual to display an electronic copy of his or her waterfowl hunting license using an electronic device.

### **Senate Bill 1075**

#### **Display of Electronic Hunting, Fur Harvester's, or Fishing License**

The bill contains the same provisions as proposed in Senate Bill 1073 that would do the following: require an individual to carry his or her hunting, fur harvester's, or fishing license or an electronic copy of it beginning on March 1, 2018; provide that an individual who displayed an electronic copy of his or her license would not be presumed to have consented to a search of his or her electronic device; provide that the State or a law enforcement agency, or its employees, would not be liable for damage to or loss of an electronic device; and require the DNR to continue exploring the expanded use of electronic technology to provide additional services.

#### **Electronic All-Species & Other Fishing Licenses**

As described below, an individual 17 years of age or older is generally prohibited from taking or possessing an aquatic species, except aquatic insects, without a license. An all-species fishing license allows the licensee to take and possess all aquatic species as prescribed by law. A resident of this State who is 65 years of age or older may obtain a senior all-species fishing license.

A resident or nonresident may purchase a 24-hour or 72-hour fishing license that entitles the individual to take, for a designated 24- or 72-hour period, and possess all aquatic species as prescribed by law.

Under Senate Bill 1075, by March 1, 2018, the DNR would have to develop an electronic license that allowed an individual to display an electronic copy of his or her all-species fishing license, senior all-species fishing license, or 24- or 72-hour fishing license using an electronic device.

#### **Restricted Fishing License**

Under Part 435, an individual 17 years of age or older is prohibited from taking or possessing an aquatic species, except aquatic insects, in the waters over which the State has jurisdiction without a license. A restricted fishing license entitles the licensee to take and possess aquatic species as prescribed by law, other than trout, salmon, lake sturgeon, lake herring, amphibians, reptiles, or crustaceans. An individual who holds a valid restricted fishing license may return it and receive an all-species fishing license by paying a fee equal to the difference in cost between the all-species fishing license and the restricted fishing license for which the individual is eligible.

An individual under 17 years of age may take aquatic species in the waters over which this State has jurisdiction without a license, but also may obtain an all-species fishing license.

The bill would eliminate all of the above provisions.

MCL 324.43516 et al. (S.B. 1073)  
324.43516 & 324.43525b (S.B. 1074)  
324.43516 et al. (S.B. 1075)

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

Many people now carry smartphones and use them to send and receive email, display documents, take photographs, and obtain information and services. The bills would allow a person to carry an electronic copy of a hunting or fishing license subject to the same requirements and conditions

applicable to a paper copy of the license. The Department of Natural Resources also could develop and implement new technologies to provide additional hunting- and fishing-related services or information. These might include programs or mobile applications for smartphones (to provide information on public access areas and State parks, descriptions of game species, or electronic maps of hunting areas, for example), or electronic copies of kill tags.

Other states have already begun developing new electronic tools for individuals to enhance their hunting or fishing experience. For example, the Utah Division of Wildlife Resources recently developed the "Utah Hunting and Fishing" application for mobile phones. On it, a person can purchase and download licenses and permits, report poachers, learn about season dates and other events, view hunting unit maps, and view guides to identify fish and game.

New technology could increase convenience, provide better access for residents and tourists to enjoy Michigan's hunting and fishing opportunities, and, in some instances, reduce costs for programs administered by the Department.

Legislative Analyst: Jeff Mann

### **FISCAL IMPACT**

The bills would have an indeterminate fiscal impact on the Department of Natural Resources and no fiscal impact on local units of government. The bills would require the DNR to develop electronic base hunting, waterfowl hunting, and fishing licenses by March 1, 2018. It is not clear how much the development would cost, or if it would be possible within existing contracts. Any additional costs would likely be borne by existing appropriations from the Game and Fish Protection Fund.

Senate Bill 1073 also would repeal a March 1, 2019, sunset on all hunting and fishing license fees. In total, those fees generate approximately \$62.5 million per year, are credited to the Game and Fish Protection Fund, and support the DNR's fish and game management programs.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.