



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 1073, 1074, and 1075 (as enacted)
Sponsor: Senator Arlan Meekhof (S.B. 1073)
Senator Dale W. Zorn (S.B. 1074)
Senator Wayne Schmidt (S.B. 1075)
Senate Committee: Outdoor Recreation and Tourism
House Committee: Tourism and Outdoor Recreation

PUBLIC ACTS 461-463 of 2016

Date Completed: 4-4-17

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 was suggested that the Act should provide for those tools and their use.

CONTENT

Each of the bills amended the Part 435 (Hunting and Fishing Licensing) of the Natural Resources and Environmental Protection Act.

Senate Bill 1073 amended the Act to do the following:

- **Require an individual who holds 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 displays an electronic copy of his or her license will not be presumed to have consented to a search of the device.**
- **Specify that the State or a law enforcement agency, or its employees, will not be liable for damage to an electronic device that occurs 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.**
- **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 allows an individual to display an electronic copy of his or her kill tag for various hunting licenses.**

In addition, the bill repealed Section 43545, which prohibited the Department, beginning March 1, 2019, from assessing or collecting any license or permit fees authorized under Part 435.

Senate Bill 1074 requires the DNR, by March 1, 2018, to develop an electronic license that an individual may use to display his or her waterfowl license on an electronic device.

Senate Bill 1075 requires the DNR, by March 1, 2018, to develop an electronic license that an individual may use to display his or her all-species or 24- or 72-hour fishing license on an electronic device; and eliminates various provisions pertaining to a restricted fishing license.

Each bill took effect on March 29, 2017.

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 applies until March 1, 2018. Beginning on that date, an individual who holds a hunting, fur harvester's, or fishing license will have to carry it or, if applicable, an electronic copy of the license and will have to exhibit it as currently required.

An individual who displays an electronic copy of his or her license using an electronic device will not be presumed to have consented to a search of the device. The State, a law enforcement agency, a tribal conservation officer, a State or law enforcement agency employee, or the owner or occupant of the land will not be liable for damage to or loss of an electronic device that occurs as a result of the officer, employee, or owner or occupant viewing an electronic copy of the license, regardless of who is in possession of the electronic device at the time the damage or loss occurs.

The bill requires the Department to continue to explore the expanded use of electronic technology to provide additional services that will 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 requires the DNR, by March 1, 2018, to develop an electronic license that allows an individual to display a copy of his or her base license using an electronic device.

The bill permits the Department to develop an electronic license that allows 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

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 the bill, by March 1, 2018, the Department must develop an electronic license that allows an individual to display an electronic copy of his or her Michigan waterfowl hunting license using an electronic device.

Senate Bill 1075

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 the bill, by March 1, 2018, the DNR must develop an electronic license that allows 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. Formerly, a restricted fishing license entitled 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 held a valid restricted fishing license could 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 was eligible.

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

The bill eliminated all of the above provisions.

MCL 324.43516 et al. (S.B. 1073)

324.43525b (S.B. 1074)

324.43532 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 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 may 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 has 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 may 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 will have an indeterminate fiscal impact on the Department of Natural Resources and no fiscal impact on local units of government. The bills 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 will cost, or if it will be possible within existing contracts. Any additional costs will likely be borne by existing appropriations from the Game and Fish Protection Fund.

Senate Bill 1073 also repealed 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.