

Act No. 585
Public Acts of 1996
Approved by the Governor
January 16, 1997
Filed with the Secretary of State
January 17, 1997

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Senator McManus

ENROLLED SENATE BILL No. 940

AN ACT to amend sections 2150, 43502, 43505, 43506, 43507, 43509, 43510, 43513, 43519, 43521, 43522, 43523, 43524, 43525, 43526, 43527, 43528, 43529, 43530, 43531, 43532, 43533, 43535, 43536, 43537, 43540, 43541, 43544, 43546, 43547, 43548, 43549, 43553, 43555, 43556, 43558, 43559, 43561, 51109, and 71104 of Act No. 451 of the Public Acts of 1994, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," section 2150 as added by Act No. 60 of the Public Acts of 1995, sections 43502, 43505, 43506, 43507, 43509, 43510, 43513, 43519, 43521, 43522, 43523, 43524, 43525, 43526, 43527, 43529, 43530, 43531, 43532, 43535, 43536, 43537, 43540, 43541, 43544, 43546, 43547, 43548, 43549, 43553, 43555, 43556, 43558, 43559, 43561, and 51109 as added by Act No. 57 of the Public Acts of 1995, sections 43546 and 43547 as amended by Act No. 425 of the Public Acts of 1996, section 43528 as amended by Act No. 103 of the Public Acts of 1996, section 43533 as amended by Act No. 356 of the Public Acts of 1996, and section 71104 as added by Act No. 58 of the Public Acts of 1995, being sections 324.2150, 324.43502, 324.43505, 324.43506, 324.43507, 324.43509, 324.43510, 324.43513, 324.43519, 324.43521, 324.43522, 324.43523, 324.43524, 324.43525, 324.43526, 324.43527, 324.43528, 324.43529, 324.43530, 324.43531, 324.43532, 324.43533, 324.43535, 324.43536, 324.43537, 324.43540, 324.43541, 324.43544, 324.43546, 324.43547, 324.43548, 324.43549, 324.43553, 324.43555, 324.43556, 324.43558, 324.43559, 324.43561, 324.51109, and 324.71104 of the Michigan Compiled Laws; and to add sections 43522a and 43536a.

The People of the State of Michigan enact:

Section 1. Sections 2150, 43502, 43505, 43506, 43507, 43509, 43510, 43513, 43519, 43521, 43522, 43523, 43524, 43525, 43526, 43527, 43528, 43529, 43530, 43531, 43532, 43533, 43535, 43536, 43537, 43540, 43541, 43544, 43546, 43547, 43548, 43549, 43553, 43555, 43556, 43558, 43559, 43561, 51109, and 71104 of Act No. 451 of the Public Acts of 1994, section 2150 as added by Act No. 60 of the Public Acts of 1995, sections 43502, 43505, 43506, 43507, 43509, 43510, 43513, 43519, 43521, 43522, 43523, 43524, 43525, 43526, 43527, 43529, 43530, 43531, 43532, 43533, 43535, 43536, 43537, 43540, 43541, 43544, 43546, 43547, 43548, 43549, 43553, 43555, 43556, 43558, 43559, 43561, and 51109 as added by Act No. 57 of the Public Acts of 1995, sections 43546 and 43547 as amended by Act No. 425 of the Public Acts of 1996, section 43528 as amended by Act No. 103 of the Public Acts of 1996, section 43533 as amended by Act No. 356 of the Public Acts of 1996, and section 71104 as added by Act No. 58 of the Public Acts of 1995, being sections 324.2150, 324.43502, 324.43505, 324.43506, 324.43507, 324.43509, 324.43510, 324.43513, 324.43519, 324.43521, 324.43522, 324.43523, 324.43524, 324.43525, 324.43526, 324.43527, 324.43528, 324.43529, 324.43530, 324.43531, 324.43532, 324.43533, 324.43535, 324.43536, 324.43537, 324.43540, 324.43541, 324.43544, 324.43546, 324.43547, 324.43548, 324.43549, 324.43553, 324.43555, 324.43556, 324.43558, 324.43559, 324.43561, 324.51109, and 324.71104 of the Michigan Compiled Laws, are amended and sections 43522a and 43536a are added to read as follows:

Sec. 2150. (1) On December 1 of each year, there shall be paid into the treasury of each county in which are located tax reverted, recreation, or forest lands under the control and supervision of the department, and any other lands held

by the department, except lands purchased after January 1, 1933 for natural resource purposes, a tax of \$2.50 per acre or major portion of an acre for years before December 1, 1994 and \$2.00 per acre or major portion of an acre for years after November 30, 1994 on all the lands that belong to this state on December 1 in each year. The tax imposed under this section shall be in lieu of all other taxes now levied against the state land under any existing law. State land on which payments in lieu of taxes are made pursuant to subpart 14 are exempt from this subpart. The department of treasury shall make a detailed statement of account between the state and each county in which the lands are situated, including the descriptions of the lands, and render the detailed statement of account to the county treasurer of the county. The department of treasury shall cause a warrant to be drawn on the state treasurer payable for the amount indicated on the detailed statement of account to be due to the county. The county treasurer of each county shall immediately make up a detailed statement of the account between the county and each township and school district, prorating the amount received by the county according to the number of acres of the lands located in each unit. For disbursements made before December 1, 1994, the proration shall be 40% to county general fund, 40% to township general fund, and 20% to school operating fund. For disbursements made after November 30, 1994, the proration shall be 50% to the county general fund and 50% to the township general fund. The county treasurer shall immediately issue his or her warrant to each of the units according to the detailed statement of account.

(2) The tax on tax reverted, recreation, forest lands, or other lands under the control of the department on which payments are made under this subpart shall be paid from the general fund.

Sec. 43502. (1) "Amphibian" means any frog, toad, salamander, or any other member of the class amphibia.

(2) "Aquatic species" means any fish, reptile, amphibian, mollusk, aquatic insect, or crustacea or part thereof.

(3) "Bow" means a device for propelling an arrow from a string drawn, held, and released by hand where the force used to hold the string in the drawn position is provided by the archer's muscles.

(4) "Crossbow" means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string that is controlled by a mechanical or electric trigger and has a working safety and a draw weight of 100 pounds or more.

(5) "Crustacea" means any freshwater crayfish, shrimp, or prawn of the order decapoda.

Sec. 43505. (1) "Hunt" and "hunting" mean to pursue, capture, shoot, kill, chase, follow, harass, harm, rob, or trap a wild animal, or to attempt to engage in such an activity.

(2) "Identification" means a driver license issued by Michigan, another state, or a Canadian province as accepted by the department, a state of Michigan identification card issued by the secretary of state, or a sportcard issued by the department.

(3) "License" means a document or a tag, stamp, plastic card, or other device that may include a stamp or a tag that authorizes the licensee to hunt, fish, trap, or possess wild animals or aquatic species and other identification required by the department.

(4) "Minor child" means a person less than 17 years of age.

(5) "Nonresident" means a person who is not a resident who is 17 years of age or older.

Sec. 43506. (1) "Open season" means the time during which game animals, game birds, fur-bearing animals, and aquatic species may be legally taken or killed. Open season includes both the first and last day of the season or period.

(2) "Reptile" means a turtle, snake, lizard, or any other member of the class reptilia.

(3) "Resident" means any of the following:

(a) A person who resides in a settled or permanent home or domicile within the boundaries of this state with the intention of remaining in this state.

(b) A student who is enrolled in a full-time course at a college or university within this state and who resides in the state during the school year.

(c) A person regularly enlisted or commissioned as an officer in the armed forces of the United States and officially stationed in this state.

(d) A person regularly enlisted or commissioned as an officer in the armed forces of the United States who, at the time of enlistment, was a resident of this state and has maintained his or her residence in this state for purposes of obtaining a driver license or voter registration, or both.

Sec. 43507. (1) "Senior citizen" means a resident 65 years of age or older.

(2) "Slingshot" means a Y-shaped device with an elastic strip attached between the prongs used for projecting a stone or other object.

(3) "Small game" includes all species of protected game birds and game animals except bear, deer, elk, moose, wild turkey, and fur-bearing animals.

(4) "Small game season" means that period between September 15 and March 31.

(5) "Sportcard" means a folder, document, plastic card, or other device issued by the department containing the person's name, address, and vital statistics as required by the department.

Sec. 43509. (1) A person 17 years of age or older shall not take aquatic species, except aquatic insects, in or upon any waters over which this state has jurisdiction or in or upon any lands within the state, or possess aquatic species, except aquatic insects, without having in his or her possession a valid license as provided in this part.

(2) A person shall not hunt, trap, or possess a wild animal without having in his or her possession a valid license as provided in this part.

Sec. 43510. A person shall not carry or transport a firearm, slingshot, bow and arrow, crossbow, or a trap while in any area frequented by wild animals unless that person has in his or her possession a license as required under this part.

Sec. 43513. A person may carry, transport, or possess a firearm, a bow and arrow or a crossbow without a hunting license while at or going to and from a recognized rifle or target range, trap, or skeet shooting ground, or archery range if the firearm or bow and arrow or crossbow, while being carried or transported, is as follows:

(a) The firearm is unloaded in both barrel and magazine and either enclosed in a case or carried in the trunk of a vehicle.

(b) The bow or crossbow is unstrung, enclosed in a case, or carried in the trunk of a vehicle.

Sec. 43519. (1) To obtain any license, an applicant shall provide the department with 1 or more of the following as required by the department:

(a) Proof of residency or a signed affidavit of Michigan residency.

(b) Information required on the license application.

(c) The required license fee.

(d) Proof of identification.

(2) A person shall not obtain or attempt to obtain a license if a court order prohibits the person from obtaining that license.

Sec. 43521. Notwithstanding any other section of this part, the department may discount the price of a license for the following purposes:

(a) For marketing purposes to increase participation in hunting and fishing activities. The price of a license shall not be discounted more than 15% for marketing purposes.

(b) The price of the antlerless deer license may be reduced or eliminated in specific areas to help achieve the harvest of antlerless deer.

(c) If a person purchases 4 or more licenses for the same person at the same time, a sportsperson discount of 15% shall be provided. Waterfowl hunting licenses and limited fishing licenses are not eligible for the sportsperson discount.

Sec. 43522. If a person applying for a license or permit under this part does not possess a Michigan driver license or other identification, the department shall issue a sportcard. A person authorized by the department to issue licenses shall charge a \$1.00 fee for each sportcard that he or she issues. The authorized person shall forward the required form and the fee collected pursuant to this section to the department. The department shall issue a license and a sportcard provided for in this part if the applicant satisfies the license requirements and pays the license fees.

Sec. 43522a. Notwithstanding any other section of this part, any portion of the license fee increases authorized in this part for 1999 or 2001, or both, may be deferred by the director for 1 or more years as determined to be appropriate by the director. If the director determines that any portion of the authorized license fee increases may be deferred, the amount deferred shall be an equal percentage of all authorized increases. The increases authorized in the year 2001 shall not be implemented until increases authorized in this part for 1999 are fully implemented.

Sec. 43523. (1) Except as otherwise provided in this part, a person shall not hunt small game without a current small game license. Each small game license authorizes the person named in the license to hunt for small game except for animals or birds that require a special license. The fee for a resident small game license is \$13.00. Beginning in 1999, the fee for a resident small game license is \$14.00. Beginning in 2001, the fee for a resident small game license is \$15.00. If authorized in an order issued under part 401, a resident possessing a current small game license may take specified fur-bearing animals by means other than trapping during the open season for hunting these fur-bearing animals. The fee for a resident or nonresident who is 12 years of age through 16 years of age for a small game license is \$1.00. The fee for a nonresident small game license is \$60.00. Beginning in 1999, the fee for a nonresident small game license is \$65.00. Beginning in 2001, the fee for a nonresident small game license is \$69.00.

(2) A nonresident may purchase a limited nonresident small game license entitling that person to hunt for a 3-day period all species of small game that are available to hunt under a nonresident small game license. The fee for a limited

nonresident small game license is \$26.00. Beginning in 1999, the fee for a limited nonresident small game license is \$28.00. Beginning in 2001, the fee for a limited nonresident small game license is \$30.00.

(3) A small game license is void between the hours of 1/2 hour after sunset and 1/2 hour before sunrise.

Sec. 43524. (1) A person shall not hunt wild turkey without a wild turkey hunting license. The fee for a resident wild turkey hunting license is \$13.00. Beginning in 1999, the fee for a resident wild turkey hunting license is \$14.00. Beginning in 2001, the fee for a resident wild turkey hunting license is \$15.00. The fee for a nonresident wild turkey hunting license is \$60.00. Beginning in 1999, the fee for a nonresident wild turkey hunting license is \$65.00. Beginning in 2001, the fee for a nonresident wild turkey hunting license is \$69.00. Applications for a wild turkey hunting license shall be entered into a lottery designed and run by the department. A person selected in the lottery, upon meeting the requirements of this part, is authorized to purchase a wild turkey hunting license. The license shall be issued for a specified hunting period and shall confer upon the holder of the license the right to hunt wild turkeys.

(2) From the fee collected for each wild turkey hunting license and application for a license, the following amounts shall be used for scientific research, biological survey work on wild turkeys, and wild turkey management in this state:

- (a) Resident wild turkey hunting license \$ 9.50
- (b) Nonresident wild turkey hunting license \$ 50.00
- (c) Senior wild turkey hunting license..... \$ 1.00
- (d) Wild turkey hunting application..... \$ 3.00.

(3) The department shall charge a nonrefundable application fee not to exceed \$4.00 for each person who applies for a wild turkey hunting license.

Sec. 43525. (1) A person 16 years of age or older shall not hunt waterfowl without a current waterfowl hunting license issued by this state. The annual license is in addition to the requirements for a small game license and federal migratory bird hunting stamp. The fee for the waterfowl hunting license is \$5.00.

(2) If issued as a stamp, a waterfowl hunting license shall be affixed to the small game license of the person and signed across the face of the stamp by the person to whom it is issued.

(3) A collector may purchase a waterfowl hunting license, if it is issued as a stamp, without being required to place it on a small game license, sign across its face, or provide proof of competency under section 43520(4). However, a license described in this subsection is not valid for hunting waterfowl.

(4) A person shall not hunt waterfowl or deer if deer hunting is regulated by permit in an area designated by the department as a managed waterfowl area without an annual or daily managed waterfowl area permit and any other license or permit required by this part. The fee for a daily managed waterfowl area permit is \$4.00. The fee for an annual managed waterfowl area permit is \$13.00.

(5) Following a lottery among applicants for hunting privileges in managed waterfowl areas, only those successful applicants who accept the hunting privileges are required to purchase a daily or annual managed waterfowl area permit.

(6) From the fees collected for a waterfowl hunting license, \$3.50 from each license sold shall be used to acquire wetlands and other lands to be managed for the benefit of waterfowl.

(7) The following amounts from the fees collected for each annual or daily managed waterfowl area permit sold shall be used to operate, maintain, and develop managed waterfowl areas in this state:

- (a) Daily managed waterfowl area permit \$ 3.00.
- (b) Annual managed waterfowl area permit \$ 10.00.

(8) The department shall charge a nonrefundable application fee not to exceed \$4.00 for each person who applies for a permit to hunt in a managed waterfowl area.

Sec. 43526. (1) A person shall not hunt deer during the firearm deer season without purchasing a firearm deer license. The fee for a resident firearm deer license is \$13.00. Beginning in 1999, the fee for a resident firearm deer license is \$14.00. Beginning in 2001, the fee for a resident firearm deer license is \$15.00. The fee for a nonresident firearm deer license is \$120.00. Beginning in 1999, the fee for a nonresident firearm deer license is \$129.00. Beginning in 2001, the fee for a nonresident firearm deer license is \$138.00. Where authorized by the department, a resident or nonresident may purchase a second firearm deer license in 1 season for the fee assessed under this subsection for the firearm deer license for which that person is eligible. However, a senior license discount is not available for the purchase of a second firearm deer license. The department may issue orders under part 401 designating the kind of deer that may be taken and the geographic area in which any license issued under this section is valid, when advisable in managing deer.

(2) The department may issue a kill tag with or as part of each deer license. The kill tag shall bear the license number. The kill tag may also include space for other pertinent information required by the department. The kill tag, if issued, is part of the license.

(3) The department shall charge a nonrefundable application fee not to exceed \$4.00 for each person who applies for an antlerless deer license. Except as otherwise provided in section 43521, the fee for a resident antlerless deer license

is \$13.00. Beginning in 1999, the fee for a resident antlerless deer license is \$14.00. Beginning in 2001, the fee for a resident antlerless deer license is \$15.00. The fee for a nonresident antlerless deer license is \$120.00. Beginning in 1999, the fee for a nonresident antlerless deer license is \$129.00. Beginning in 2001, the fee for a nonresident antlerless deer license is \$138.00.

Sec. 43527. (1) A person shall not hunt deer with a bow and arrow or crossbow during the bow and arrow deer season without a bow and arrow deer license. The fee for a resident bow and arrow deer license is \$13.00. Beginning in 1999, the fee for a resident bow and arrow deer license is \$14.00. Beginning in 2001, the fee for a resident bow and arrow deer license is \$15.00. The fee for a resident or nonresident who is 12 years of age through 16 years of age for a bow and arrow deer license shall be discounted 50% from the cost of the resident bow and arrow deer license. The fee for a nonresident bow and arrow deer license is \$120.00. Beginning in 1999, the fee for a nonresident bow and arrow deer license is \$129.00. Beginning in 2001, the fee for a nonresident bow and arrow deer license is \$138.00. Where authorized by the department, a person may purchase a second bow and arrow deer license in 1 season for the fee assessed under this subsection for the bow and arrow deer license for which that person is eligible. However, a senior license discount is not available for the purchase of a second bow and arrow deer license. The department may issue orders under part 401 designating the kind of deer which may be taken and the geographic area in which any license issued under this section is valid, when advisable in managing deer.

(2) The department may issue a kill tag with, or as a part of, each bow and arrow deer license. Section 43526(2) applies with respect to a bow and arrow deer license.

Sec. 43528. (1) A person shall not hunt bear without a bear hunting license. The fee for a resident bear hunting license is \$13.00. Beginning in 1999, the fee for a resident bear hunting license is \$14.00. Beginning in 2001, the fee for a resident bear hunting license is \$15.00. The fee for a nonresident bear hunting license is \$150.00.

(2) The department may issue a tag with, or as a part of, a bear hunting license. Section 43526(2) applies with respect to a bear hunting license.

(3) In addition to the license fees in subsection (1), the department shall charge a nonrefundable application fee not to exceed \$4.00 for each person who applies for a bear hunting license.

Sec. 43529. (1) A resident shall not hunt elk during the elk season without an elk hunting license. The fee for an elk hunting license is \$100.00. The department may establish a nonrefundable application fee not to exceed \$4.00 for each person who applies for an elk hunting license.

(2) The department may issue a kill tag with, or as a part of, an elk hunting license. Section 43526(2) applies with respect to an elk hunting license.

Sec. 43530. (1) A person shall not hunt small game on shooting preserves licensed under part 417 without a small game license as provided in section 43523. However, instead of a small game license, a person may obtain a special shooting preserve license for a fee of \$13.00. Beginning in 1999, the fee for a shooting preserve license is \$14.00. Beginning in 2001, the fee for a shooting preserve license is \$15.00.

(2) Each shooting preserve license shall have the date of issue affixed to the license and shall authorize the holder to hunt only on licensed shooting preserves and only for species for which the shooting preserve is licensed.

Sec. 43531. (1) Except as otherwise provided in section 43523(1), a person shall not trap or hunt fur-bearing animals without purchasing and possessing a fur harvester's license. The fee for a resident fur harvester's license is \$13.00. Beginning in 1999, the fee for a resident fur harvester's license is \$14.00. Beginning in 2001, the fee for a resident fur harvester's license is \$15.00. The fee for a resident or nonresident who is 12 years of age through 16 years of age for a fur harvester's license shall be discounted 50% from the cost of the resident fur harvester's license.

(2) The department may issue a nonresident fur harvester's license to a nonresident of this state if the state, province, or country in which the nonresident applicant resides allows residents of this state to obtain equivalent hunting and trapping privileges in that state, province, or country. The fee for an eligible nonresident fur harvester's license is \$150.00. Nonresident fur harvester's licenses shall not be sold or purchased prior to November 15 of each year.

(3) A person who holds a fur harvester's license may hunt fur-bearing animals during the season open to taking fur-bearing animals with firearms and may trap fur-bearing animals during the season open to trapping fur-bearing animals.

Sec. 43532. (1) A person 17 years of age or older shall not take aquatic species, except aquatic insects, in the waters over which this state has jurisdiction without a license. The fee for a resident restricted fishing license is \$13.00. Beginning in 1999, the fee for a resident restricted fishing license is \$14.00. Beginning in 2001, the fee for a resident restricted fishing license is \$15.00. The fee for a nonresident restricted fishing license is \$26.00. Beginning in 1999, the fee for a nonresident restricted fishing license is \$30.00. Beginning in 2001, the fee for a nonresident restricted fishing license is \$34.00.

(2) The restricted fishing license entitles the licensee to take aquatic species as prescribed by law other than trout or salmon.

(3) A person 12 years of age or older but less than 17 years of age may take aquatic species in the waters over which this state has jurisdiction without a license. However, a person 12 years of age or older but less than 17 years of age may obtain an all-species fishing license. The fee for a resident or nonresident who is 12 years of age or older but less than 17 years of age for an all-species fishing license is \$2.00. The department shall provide a Michigan fishing patch to the licensee with the license. The department shall not sell or vendor the list of licensees under this subsection.

(4) A resident may purchase an all-species fishing license upon payment of a fee of \$26.00. Beginning in 1999, the fee for a resident all-species fishing license is \$27.00. Beginning in 2001, the fee for a resident all-species fishing license is \$28.00. The fee for a nonresident all-species fishing license is \$39.00. Beginning in 1999, the fee for a nonresident all-species fishing license is \$41.00. Beginning in 2001, the fee for a nonresident all-species fishing license is \$42.00.

(5) The all-species fishing license entitles the licensee to take all species of aquatic species as prescribed by law.

(6) Any holder of a valid restricted fishing license may return the restricted license to the department or its authorized agent 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 that person is eligible.

Sec. 43533. A resident or nonresident may purchase a limited fishing license entitling that person to take all aquatic species as prescribed by law. Except as provided in this section, the fee for a limited fishing license is \$6.00 per designated consecutive 24-hour period. Except as provided in this section, beginning in 2001, the fee for a limited fishing license is \$7.00 per designated consecutive 24-hour period. Notwithstanding any other provision of this section, the fee for a limited fishing license for a senior citizen is \$3.00.

Sec. 43535. A resident of this state who is 65 years of age or older may obtain a senior small game license, a senior firearm deer license, a senior bow and arrow deer license, a senior bear hunting license, a senior wild turkey hunting license, or a senior fur harvester's license. The fee for each senior license shall be discounted 60% from the fee for the resident license.

Sec. 43536. (1) A resident of this state who is 65 years of age or older may obtain a senior restricted fishing license. The fee for a senior restricted fishing license is discounted 60% from the fee for a resident restricted fishing license.

(2) A resident of this state who is 65 years of age or older may obtain a senior all-species fishing license. The fee for a senior all-species fishing license is discounted 60% from the fee for a resident all-species fishing license.

Sec. 43536a. A person described in section 43506(3)(d) who is stationed outside of this state may obtain any license under this part for which a lottery is not required for \$1.00 upon presentation of leave papers. The license shall be valid for a period of up to 2 weeks designated by the person but only during the season in which such a license would otherwise be valid.

Sec. 43537. (1) A resident who is declared legally blind is eligible to purchase a senior restricted or senior all-species fishing license. The department may demand proof of blindness. The licensee, when fishing, shall possess proof of blindness and shall furnish the proof upon the request of a peace officer.

(2) A resident who has been determined by the United States department of veterans affairs to be permanently and totally disabled and entitled to veteran benefits at the 100% rate, for a disability other than blindness, is eligible to purchase any senior hunting license as described in section 43535 or any senior fishing license described in section 43536, or both. The department may demand proof of eligibility under this subsection. The licensee, when hunting or taking aquatic species, shall possess proof of his or her eligibility under this subsection and shall furnish the proof upon the request of a peace officer.

(3) The department shall process licenses issued under this section in the same manner as licenses issued to senior citizens for purposes of receiving appropriations from the legislature under section 43546.

Sec. 43540. (1) An application for 1 or more licenses issued under this part may be made by mail, on-line computer service, or telephone to the department, or to a person designated by the department, who shall forward the license issued to the applicant to an address as directed by the applicant. An applicant shall satisfy all the requirements of this part for obtaining a license before a license is issued by mail or telephone. The department may charge a fee for an application made by mail, on-line computer service, or telephone in addition to the fee for the license or licenses. Total fees collected by the department under this subsection in any license year shall not exceed the additional cost of providing mail or telephone service in that year.

(2) If a check or draft of a required fee is not paid on its first presentation, the fee is delinquent as of the date the check or draft was tendered. The person tendering the check or draft remains liable for the payment of each fee and any penalty.

(3) The department may revoke a license, duplicate license, application, or permit if the department has determined that a fee prescribed in this part has not been paid and remains unpaid after reasonable notice or demand.

(4) If a fee is still delinquent 15 days after the department has given notice to a person who tendered the check or draft, the department shall assess and collect a \$15.00 penalty in addition to the license and transaction fee.

(5) The director may refuse to issue additional licenses under this part to a person who is delinquent in payment of fees or penalties provided in subsection (4) at the time the application is submitted.

Sec. 43541. (1) A person authorized by the department to issue licenses on March 15, 1993, may retain 7.5% of the fees for each sportcard, license, duplicate license, application, or permit that the person sells. A person authorized by the department after March 15, 1993 to issue licenses may retain 5% of the fees for each sportcard, license, duplicate license, application, or permit that the person sells. The department shall consider any additional location established after March 15, 1993 at which licenses are sold as a new authorized agent for purposes of determining the percentage of fees that may be retained for sales at the new location by that authorized agent.

(2) In addition to the fees authorized under subsection (1), the department may also authorize a person who is authorized to issue licenses to charge and retain a 50-cent transaction fee for collecting migratory bird survey responses.

Sec. 43544. (1) If a license or sportcard issued pursuant to this part or a kill tag is lost or destroyed, a licensee may procure a duplicate from the department. To obtain a duplicate license, sportcard, or kill tag, the licensee shall file a certification of loss form with the department and shall pay the duplicate fee as provided in subsection (2) for each duplicate requested.

(2) If the licensee meets the requirements of subsection (1) and all other requirements of this part for procuring a license or sportcard, or, if required by this part, a kill tag, the department shall verify the purchase of the original and issue to the licensee the duplicates requested and collect the following applicable duplicate fees:

(a) Except as provided in subdivision (b), \$3.00 for each license included in a certification of loss.

(b) For a duplicate of a kill tag, the fee shall equal the amount that the person would pay for a license to which the kill tag applies without regard to marketing discounts or multilicense discounts.

(c) For a duplicate of a sportcard, \$1.00.

Sec. 43546. (1) Before June 1 of each year, the department shall determine the total number of senior hunting and fishing licenses issued and the total fees collected the preceding license year. The department shall determine the total fees that would have been collected if those senior citizens had been required to purchase full-price resident hunting and fishing licenses during the preceding license year. From this total, the department shall subtract the fees collected from the sale of senior hunting and fishing licenses during the preceding license year. The difference is the amount that would otherwise be collected.

(2) The legislature shall annually appropriate from the general fund a sum equal to the fees that would otherwise be collected as determined pursuant to subsection (1). The sum appropriated shall be credited to the game and fish protection fund.

Sec. 43547. (1) The department shall prepare sportcards, if necessary, and licenses to comply with this part and may authorize persons to issue sportcards and licenses.

(2) A sportcard shall provide the following information as required by the department:

(a) The name of the applicant.

(b) The height and weight of the applicant.

(c) The address of the applicant.

(d) The birth date of the applicant.

(e) The applicant's social security number.

(f) Other information as required by the department.

(3) A license may include the following information:

(a) The date and time of issuance of the license.

(b) The identification code of the person issuing the license.

(c) The form of proof of eligibility to receive a license by the applicant as required.

(d) Other information as required by the department.

(e) The applicant's date of birth.

(4) The department may require persons authorized to issue licenses under this part to purchase or rent equipment necessary for the issuance of licenses. The purchase or lease charge shall not exceed the actual cost incurred by the department in making the equipment available for purchase or lease. However, notwithstanding the equipment rental or purchase charges otherwise required under this section, if the department requires the use of designated computer equipment for the issuance of licenses, the department shall supply each licensed agent who is entitled to retain 7.5% of the fees received with a computer system at no charge to the licensed agent for each location at which that licensed agent sells licenses. A person who is eligible to receive equipment without charge may be required to purchase a service and maintenance contract for that equipment. The cost of the contract shall not be more than \$200.00 for the first year of the contract and thereafter the actual cost to the state of maintaining the computer system. Equipment that is

supplied without charge to a licensed agent shall be returned to the department at such time as the person is no longer a licensed agent.

(5) A person who is authorized after March 15, 1993 to issue licenses shall pay the full annual rental or purchase fee for equipment required under subsection (4).

(6) A person who on March 15, 1993 is authorized to issue licenses who rents the equipment for the issuance of licenses required under subsection (4) shall pay rent or service and maintenance contract cost, as applicable for that equipment not to exceed 50% of the total of the annual amount the person is authorized to retain under section 43541, or the rental charge otherwise determined by the department, whichever is less.

(7) The department may provide persons authorized to issue licenses under this part with conservation law enforcement stamps to enable the purchaser of the stamps to contribute to the wildlife resource protection fund created in section 43555. Conservation law enforcement stamps may be issued by the department in the amounts of \$2.00 and \$5.00.

Sec. 43548. (1) The department may require a person authorized to issue limited fishing licenses without the equipment described in section 43547 to file a bond with the department. The type and amount of the bond shall be determined by the department.

(2) A person issuing a sportcard, license, or permit shall remit to the department money required to be charged for the sale of each license, duplicate license or sportcard, application, or permit by the method and at the frequency prescribed by the department.

(3) A person shall not charge a fee for a sportcard or a license in an amount that is more than the license and transaction fee printed on the sportcard or license by the department.

(4) All fees collected from the sale of sportcards, licenses, duplicate licenses or sportcards, applications, or permits, except for the fees and commissions provided in section 43541(1) and (2), are held in trust for the state.

Sec. 43549. A person who violates section 43548, in addition to other penalties provided by law, forfeits the right to issue licenses and sportcards and forfeits the right to retain any percentage of the license or sportcard fees not received by the department within 48 hours after the date and time the license or sportcard fees should have been deposited as required by the department.

Sec. 43553. (1) Except as provided in sections 43555 and 43556, the department shall transmit all money received from the sale of licenses to the state treasurer, together with a statement indicating the amount of money received and the source of the money.

(2) The game and fish protection fund is created as a separate fund in the department of treasury. Except as provided in subsection (5), the state treasurer shall credit the money received from the sale of passbooks and licenses to the game and fish protection fund.

(3) Except as provided in sections 43524, 43525, 43531, 43554, and 43556 and subsection (4), money credited to the game and fish protection fund shall be paid out by the state treasurer pursuant to the accounting laws of this state for the following purposes:

(a) Services rendered by the department, together with the expenses incurred in the enforcement and administration of the game, fish, and fur laws of the state, including the necessary equipment and apparatus incident to the operation and enforcement of the game, fish, and fur laws, and the protection, propagation, distribution, and control of game, fish, birds, fur-bearing animals, and other wildlife forms.

(b) The propagation and liberation of game, fur-bearing animals, birds, or fish and for their increase at the time, place, and manner as the department considers advisable.

(c) The purchase, lease, and management of lands, together with the necessary equipment for the purpose of propagating and rearing game, fur-bearing animals, birds, or fish, and for establishing and maintaining game refuges, wildlife sanctuaries, and public shooting and fishing grounds.

(d) Conducting investigations and compiling and publishing information relative to the propagation, protection, and conservation of wildlife.

(e) Delivering lectures, developing cooperation, and carrying on appropriate educational activities relating to the conservation of the wildlife of this state.

(4) The department may make direct grants to colleges and universities in this state, out of funds appropriated from the game and fish protection fund, to conduct fish or wildlife research or both fish and wildlife research.

(5) The youth hunting and fishing education and outreach fund is created as a separate fund in the department of treasury. The state treasurer shall credit to the youth hunting and fishing education and outreach fund the money received from the sale of small game licenses and all-species fishing licenses under sections 43523 and 43532, respectively, to persons who are 12 years of age through 16 years of age. Money in the youth hunting and fishing education and outreach fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(6) Money credited to the youth hunting and fishing education and outreach fund shall be paid out by the state treasurer pursuant to the accounting laws of this state for hunting and fishing education and outreach programs for youth through 16 years of age.

(7) The department and any other executive department of the state that receives money from the game and fish protection fund or the youth hunting and fishing education and outreach fund shall submit an annual report to the legislature showing the amount of money received by the department or other executive department from the game and fish protection fund or the youth hunting and fishing education and outreach fund and how that money was spent. An executive department required to submit a report as provided in this subsection shall send a copy of the report to the legislature and to the department.

Sec. 43555. (1) Thirty-five cents from each license and stamp fee prescribed in this part, except for fees for licenses described in section 43553(5), shall be transmitted to the department for deposit in the wildlife resource protection fund created in this section.

(2) The wildlife resource protection fund is created as a separate fund within the state treasury. The state treasurer shall credit the money received from the department under this section to the wildlife resource protection fund. The money in the fund shall be expended by the department for the following purposes:

(a) Rewards for information leading to the arrest and prosecution of poachers.

(b) Hiring conservation officers for the investigation of poaching and the investigation of tips regarding potential poaching.

(c) A promotional and educational campaign to inform the general public on 1 or more of the following:

(i) The harm and danger of poaching.

(ii) The reward for information that leads to the arrest and prosecution of poachers.

(iii) Other antipoaching programs undertaken by the department.

(3) At the time a person purchases a license or stamp under this part, he or she may make a voluntary contribution in any amount to the wildlife resource protection fund to be expended for the purposes provided in subsection (2). A person who wishes to make such a contribution may purchase 1 or more conservation law enforcement stamps from a person authorized to issue licenses and sportcards under this part.

(4) The department shall annually report to the legislature on the expenditures from the wildlife resource protection fund.

Sec. 43556. (1) The department may utilize the game and fish protection fund for the purpose of acquiring and administering hunter access leases on private land.

(2) The department may determine and provide lease payments in amounts that are related to the benefits the leased land provides for public use if for a designated lease period a participating landowner agrees to allow public access to certain lands for the purpose of hunting. Department field personnel shall inspect the lands and determine their value to the program. Final approval of lease proposals shall be made by the department.

(3) Participating landowners have authority to control hunter access according to the terms of the lease agreement, including terms requiring a hunter to obtain verbal or written permission to hunt on the participating landowners' land.

(4) Pursuant to rules adopted under this section, participating landowners may cancel their lease agreement at any time prior to the expiration of the lease. Cancellation of the agreement prior to the expiration of the lease shall result in the forfeiture of all lease payments that have been received by the participating landowner for the year in which cancellation occurs.

(5) Participating landowners shall post, with signs provided by the department, the boundaries of land leased under this section.

(6) A cause of action shall not arise for injuries to persons hunting on lands leased under this section unless the injuries were caused by the gross negligence or willful and wanton misconduct of the owner, tenant, or lessee.

(7) The department may issue orders pursuant to part 401 governing the administration and operation of a hunting access program.

Sec. 43558. (1) A person is guilty of a misdemeanor if the person does any of the following:

(a) Makes a false statement as to material facts for the purpose of obtaining a license or uses or attempts to use a license obtained by making a false statement.

(b) Affixes to a license a date or time other than the date or time issued.

(c) Issues a license without receiving and remitting the fee to the department.

(d) Without a license, takes or possesses a wild animal, wild bird, or aquatic species, except aquatic insects. This subdivision does not apply to a person less than 17 years of age who without a license takes or possesses aquatic species.

(e) Sells, loans, or permits in any manner another person to use the person's license or uses or attempts to use another person's license.

(f) Falsely makes, alters, forges, or counterfeits a sportcard or a hunting, fishing, or fur harvester's license or possesses an altered, forged, or counterfeited hunting, fishing, or fur harvester's license.

(g) Uses a tag furnished with a firearm deer license, bow and arrow deer license, bear hunting license, elk hunting license, or wild turkey hunting license more than 1 time, or attaches or allows a tag to be attached to a deer, bear, elk, or turkey other than a deer, bear, elk, or turkey lawfully killed by the person.

(h) Except as provided by law, makes an application for, obtains, or purchases more than 1 license for a hunting, fishing, or trapping season, not including a limited fishing license, second bow and arrow license, second firearm deer license, antlerless deer license, or other license specifically authorized by law, or if the applicant's license has been lost or destroyed.

(i) Applies for, obtains, or purchases a license during a time that the person is ineligible to secure a license.

(j) Knowingly obtains, or attempts to obtain, a resident or a senior license if that person is not a resident of this state.

(2) Except as provided in subsection (5), a person who violates subsection (1) shall be punished by imprisonment for not more than 90 days, or a fine of not less than \$25.00 or more than \$250.00 and the costs of prosecution, or both. In addition, the person shall surrender any license and license tag that was wrongfully obtained.

(3) A person licensed to carry a firearm under this part is prohibited from doing so while under the influence of a controlled substance or alcohol or a combination of a controlled substance and alcohol. A person who violates this subsection is guilty of a misdemeanor, punishable by imprisonment for 90 days, or a fine of \$500.00, or both.

(4) An applicant for a license under this part who has previously been convicted of a violation of the game and fish laws of this state may be required to file an application with the department together with other information that the department considers expedient. The license may be issued by the department.

(5) A person who violates subsection (1)(d), upon a showing that the person was ineligible to secure a license pursuant to court order or other lawful authority, is guilty of a misdemeanor, punishable by imprisonment for not more than 180 days, or a fine of not less than \$500.00 and not more than \$2,500.00, or both, and the costs of prosecution.

Sec. 43559. If a person is convicted of violating this part, or another law relative to hunting, fishing, or trapping that does not otherwise require the revocation of, or prohibit the securing of, 1 or more licenses, the court may order the revocation of 1 or more of the person's licenses and may by order provide that the person shall not secure 1 or more licenses for not less than the remainder of the year in which convicted and during the next succeeding year, or longer in the discretion of the court.

Sec. 43561. The department may promulgate rules for the administration of this part.

Sec. 51109. (1) For revenues disbursed after June 30, 1994, to determine the proportion for the disbursement of revenues under this part and for attribution of revenues under subsection (2)(b) for revenues collected under this part, the number of mills levied for local school district operating purposes to be used in the calculation shall equal the number of mills for local school district operating purposes levied in 1993 minus the number of mills levied under the state education tax act, Act No. 331 of the Public Acts of 1993, being sections 211.901 to 211.906 of the Michigan Compiled Laws, for the year for which the disbursement is calculated.

(2) Except as provided in subdivision (b), for revenues disbursed after June 30, 1994, the revenues collected under this part shall be distributed as follows:

(a) In the case of intermediate school districts receiving state aid under sections 56, 62, and 81 of the state school aid act of 1979, Act No. 94 of the Public Acts of 1979, being sections 388.1656, 388.1662, and 388.1681 of the Michigan Compiled Laws, all or a portion of the amount that would otherwise be disbursed to these intermediate school districts from the following revenue sources, as determined under a formula prescribed by the department of management and budget on the basis of the tax rate utilized to compute the amount of state aid for the intermediate school district, shall be paid instead to the state treasury to the credit of the state school aid fund established by section 11 of article IX of the state constitution of 1963:

(i) Revenues from that portion of the levy of a specific tax over 15 cents per acre pursuant to section 51105.

(ii) Revenues from that portion of state payments in excess of 25 cents per acre which are made pursuant to section 51106.

(iii) Revenues from remitted withdrawal penalties and fees imposed pursuant to section 51108.

(iv) Revenues from declassification penalties and fees pursuant to section 51116.

(v) Revenues from remitted stumpage or yield tax collections made under former Act No. 94 of the Public Acts of 1925.

(b) For revenues disbursed after June 30, 1994, the amount that would otherwise be disbursed to a local school district for school operating purposes shall be paid instead to the state treasury and credited to the state school aid fund established by section 11 of article IX of the state constitution of 1963.

(3) Except as provided in subsection (2)(a), as used in this section "revenues" means all of the following:

- (a) The specific tax levied pursuant to section 51105.
- (b) State payments made pursuant to section 51106.
- (c) Withdrawal penalties and fees imposed pursuant to section 51108.
- (d) Declassification penalties and fees pursuant to section 51116.
- (e) Revenue from remitted stumpage or yield tax collections made under former Act No. 94 of the Public Acts of 1925.

Sec. 71104. (1) The purchaser of gasoline or diesel fuel for the operation of vessels excepted by section 71101 is entitled to a refund of tax paid on that gasoline or diesel fuel, upon filing a sworn claim with the department of treasury, upon forms prescribed and furnished by it, within 6 months from the date of purchase, as shown by the invoice. The retail distributor shall furnish a purchaser with an invoice showing the amount of gasoline or diesel fuel purchased, the date of the purchase, and the total amount of tax paid on the purchase. Each dealer or distributor shall keep a copy of the invoices issued for a period of 2 years subject to examination by the department of treasury. Each claim for refund shall have attached to the claim the original invoice received by the purchaser and, when approved by the department of treasury, the claims shall be paid out of the state waterways fund upon warrant of the department of treasury.

(2) A person who makes a false statement in a claim or invoice presented to the department of treasury, or who presents to the department of treasury a claim or invoice containing a false statement, or who collects or causes to be paid to the person or any other person a refund without being entitled to the refund, shall forfeit the full amount of the claim and is guilty of a misdemeanor.

Section 2. This amendatory act shall take effect March 1, 1997.

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved _____

Governor.