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Senate Bill 288 (as introduced 4-9-13)
Sponsor: Senator Tom Casperson
Committee: Natural Resources, Environment and Great Lakes

Date Completed: 4-10-13

CONTENT

The bill would amend Parts 401 (Wildlife Conservation) and 487 (Sport Fishing) of the Natural Resources and Environmental Protection Act to do the following:

- **Authorize the Natural Resources Commission (in addition to the Legislature) to designate a species as game.**
- **Appropriate \$1.0 million to the Department of Natural Resources for fiscal year 2012-13 to implement management practices for fish and game animals and perform research, education, and outreach.**
- **Grant the Natural Resources Commission the exclusive authority to regulate the taking of fish in Michigan, and require it to issue related orders and notify the Legislature before doing so.**

The bill also would amend Part 435 (Hunting and Fishing Licensing) to revise provisions pertaining to hunting and fishing licenses issued to members of the military, including eliminating the fee, and a requirement that a member be stationed outside the State.

Designation of Game Species

Under Section 40110, only the Legislature may designate a species as game and authorize the establishment for the first open season for an animal designated as game. After the Legislature authorizes the establishment of the first open season for game, the Department of Natural Resources may issue orders pertaining to that animal for specific purposes (e.g., lawful methods of taking game, bag limits, and hunting hours). The bill would refer to the Legislature or the Natural Resource Commission (NRC) in these provisions. The Commission would have to exercise its authority under these provisions by issuing orders.

The bill specifies that only the Legislature could remove a species from the list of game.

The definition of "game" includes a number of specific animal species. Under the bill, the term also would include any animal designated as game under Section 40110.

Appropriation

For fiscal year 2012-13, the bill would appropriate for the Department of Natural Resources \$1.0 million to implement management practices for fish and game animals, and perform

research, education, and outreach related to hunting, fishing, game animals, predators, and prey.

Rather than lapsing to the General Fund, any portion of the money that was not spent in that fiscal year would be carried forward in a work project account that complied with Section 451a of the Management and Budget Act.

(Under that section, a designated work project must be for a specific purpose, contain a specific plan to accomplish its objective, and have an estimated completion cost and date. A work project appropriation is available until completion of the work or 48 months after the last day of the fiscal year in which the appropriation was made originally, whichever comes first. After that, the remaining balance lapses to the State fund from which it was appropriated.)

Taking of Fish

The bill would grant the Natural Resources Commission the exclusive authority to regulate the taking of fish in Michigan under Part 487. To the greatest extent possible, the NRC would have to use principles of sound scientific management in making decisions regarding the taking of fish.

The Commission would have to issue orders regarding the taking of fish following a public meeting and an opportunity for public input. At least 30 days before issuing an order, the Commission would have to give a copy of it to each of the following:

- Each member of each standing committee of the Senate or House of Representatives that considers legislation pertaining to conservation, the environment, natural resources, recreation, tourism, or agriculture.
- The chairperson of the Senate and House Appropriations Committees.
- The members of the subcommittees of the Senate and House Appropriations Committees that consider the budget of the Department of Natural Resources.

(Part 401 contains similar language applicable to the NRC and the taking of game.)

Military License

Currently, a member of the military may obtain any license under Part 435 for which a lottery is not required, for \$1, upon presenting leave papers, duty papers, military orders, or other evidence verifying that he or she is stationed outside of Michigan. The license is valid for up to a two-week period designated by the individual during the season in which the license would otherwise be valid.

Under the bill, instead, a member of the military could obtain any license under Part 435 free of charge, subject to any lottery and other eligibility requirements. The bill would require the person to present evidence that he or she was a member of the military, rather than stationed outside of the State. The bill would delete the provision limiting the validity of the license to two weeks.

"Member of the military" means a person regularly enlisted or commissioned as an officer in the U.S. Armed Forces who, at the time of enlistment, was a Michigan resident and has maintained his or her residence in Michigan for the purposes of obtaining a driver license and/or voter registration, and who is stationed outside the State.

Additionally, "member of the military" includes a person who meets all of the following requirements:

- The person is a reserve component soldier, sailor, airman, or marine or member of the Michigan National Guard and is called to Federal active duty.
- The person was a Michigan resident at the time he or she was called to Federal active duty.
- The person is stationed outside the State.

The bill would eliminate the references to being stationed outside the State.

MCL 324.40103 et al.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would appropriate \$1.0 million in General Fund/General Purpose revenue to the Department of Natural Resources (DNR), and also have a significant negative fiscal impact on the DNR.

Under the bill, the DNR would receive a \$1.0 million fiscal year (FY) 2012-13 GF/GP appropriation to implement management practices for fish and game, and to perform research, education and outreach. This appropriation would be carried forward into subsequent fiscal years if it were not spent during FY 2012-13.

The bill also would allow members of the military to obtain hunting and fishing licenses for free. Currently, there are fee exemptions in Part 435 of NREPA for disabled veterans and members of the military who are stationed out-of-State. These exemptions allow for free or reduced-price licenses for veterans who meet certain criteria. The bill would allow any member of the military who was a Michigan resident at the time he or she enlisted to obtain a hunting or fishing license free of charge. This would result in the loss of an unknown amount of revenue that would normally be credited to the Game and Fish Protection Fund. It also would reduce Federal apportionment of Pittman-Robertson and Dingell-Johnson funds that are distributed based on the number of paid hunting and fishing license holders. By making members of the military nonpaying license holders, the bill would prevent these hunting and fishing licenses from counting toward Michigan's Federal apportionment and would result in the loss of an unknown amount of Federal revenue.

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.