

SUBSTITUTE FOR  
HOUSE BILL NO. 4071

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by amending the title, as amended by  
1996 PA 434, and by adding section 43540a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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TITLE

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, **AND DONATIONS**; to provide  
certain appropriations; to prescribe penalties and provide

1 remedies; ~~to repeal certain parts of this act on a specific date;~~  
2 and to repeal ~~certain~~ acts and parts of acts.

3 SEC. 43540A. (1) BY JANUARY 1, 2007, THE DEPARTMENT SHALL  
4 IMPLEMENT A PROGRAM TO DISTRIBUTE WILD GAME TO PEOPLE IN NEED. THE  
5 PROGRAM SHALL BE KNOWN AS THE SPORTSMEN AGAINST HUNGER PROGRAM.

6 (2) UNDER THE PROGRAM, THE DEPARTMENT SHALL DO ALL OF THE  
7 FOLLOWING:

8 (A) COLLECT DONATIONS OF LEGALLY TAKEN GAME THAT COMPLIES WITH  
9 ALL STATE AND FEDERAL GAME LAWS, INCLUDING ANY REQUIREMENT THAT THE  
10 PARTS OF THE GAME BE INTACT.

11 (B) CONTRACT FOR PROCESSING THE DONATED GAME.

12 (C) DISTRIBUTE THE PROCESSED GAME TO FOOD BANKS, SOUP  
13 KITCHENS, AND OTHER CHARITABLE ORGANIZATIONS THAT PROVIDE MEALS OR  
14 FOOD TO PEOPLE FREE OF CHARGE.

15 (D) PROMOTE THE PROGRAM THROUGH THE LICENSE DISTRIBUTION  
16 SYSTEM AND OTHER MEANS THAT WILL FURTHER THE MISSION OF THE  
17 PROGRAM.

18 (3) UNDER THE PROGRAM, THE DEPARTMENT MAY REQUEST FINANCIAL  
19 DONATIONS TO OFFSET THE COST OF PROCESSING DONATED GAME. THE  
20 FINANCIAL DONATIONS ARE TAX DEDUCTIBLE.

21 (4) THE DEPARTMENT MAY CONTRACT FOR THE ADMINISTRATION OF THE  
22 PROGRAM BY A NONPROFIT ORGANIZATION THAT IS EXEMPT FROM TAXATION  
23 UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE, 26 USC 501,  
24 IF THE DEPARTMENT DETERMINES THAT IT IS MORE EFFICIENT TO DO SO.  
25 SUBJECT TO THIS SUBSECTION, PAYMENTS UNDER THE CONTRACT SHALL BE  
26 ADEQUATE TO COVER THE NONPROFIT ORGANIZATION'S COSTS IN  
27 ADMINISTERING THE PROGRAM. HOWEVER, PAYMENTS SHALL NOT EXCEED THE

1 AMOUNT OF REVENUE AVAILABLE FOR SUCH PAYMENTS IN THE SPORTSMEN  
2 AGAINST HUNGER FUND CREATED UNDER SECTION 43540C.

3 (5) TO QUALIFY TO ENTER A CONTRACT UNDER SUBSECTION (4), A  
4 NONPROFIT ORGANIZATION MUST HAVE DEMONSTRATED A COMMITMENT TO THE  
5 GOALS OF THE PROGRAM AND HAVE AT LEAST 5 YEARS OF EXPERIENCE IN  
6 PROVIDING WILD GAME OR OTHER FOOD TO PEOPLE FREE OF CHARGE. THE  
7 CONTRACT SHALL REQUIRE THAT THE CONTRACTING NONPROFIT ORGANIZATION  
8 DO ALL OF THE FOLLOWING:

9 (A) MAINTAIN A LICENSE UNDER THE CHARITABLE ORGANIZATIONS AND  
10 SOLICITATIONS ACT, 1975 PA 169, MCL 400.271 TO 400.294.

11 (B) MAINTAIN ADEQUATE STAFF TO PERFORM THE TASKS OUTLINED IN  
12 THE CONTRACT.

13 (C) ANNUALLY UNDERGO AN INDEPENDENT FINANCIAL AUDIT AND  
14 PROVIDE THE AUDIT INFORMATION AND REPORT TO ALL OF THE FOLLOWING:

15 (i) THE DEPARTMENT.

16 (ii) THE SUBCOMMITTEE OF THE SENATE APPROPRIATIONS COMMITTEE  
17 AND THE SUBCOMMITTEE OF THE HOUSE OF REPRESENTATIVES APPROPRIATIONS  
18 COMMITTEE WITH RESPONSIBILITY FOR THE BUDGET OF THE DEPARTMENT.

19 (iii) THE COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES  
20 WITH PRIMARY RESPONSIBILITY FOR NATURAL RESOURCES ISSUES.

21 (6) AS USED IN THIS SECTION, "PROGRAM" MEANS THE SPORTSMEN  
22 AGAINST HUNGER PROGRAM CREATED UNDER SUBSECTION (1).

23 Enacting section 1. This amendatory act does not take effect  
24 unless House Bill No. 4145 of the 93rd Legislature is enacted into  
25 law.