

HOUSE BILL NO. 5078

June 22, 2021, Introduced by Reps. Aiyash, Sowerby, Hood, Tyrone Carter, Brabec, Clemente, Ellison, Stone, Brixie, Rabhi, Pohutsky, Puri, Hope, O'Neal, Cavanagh, Weiss and Kupp and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 43532b (MCL 324.43532b), as added by 2013 PA
246.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1** Sec. 43532b. (1) The Michigan wildlife management public
2 education subaccount is created within the game and fish protection
3 account.
4 (2) The state treasurer may receive money or other assets from

1 any source for deposit into the subaccount. The state treasurer
2 shall direct the investment of the subaccount. The state treasurer
3 shall credit to the subaccount interest and earnings from
4 subaccount investments.

5 (3) Money in the subaccount at the close of the fiscal year
6 shall remain in the subaccount and shall not lapse to the game and
7 fish protection account or the general fund.

8 (4) The department shall be the administrator of the
9 subaccount for auditing purposes.

10 (5) The Michigan wildlife council **created in subsection (6)**
11 shall expend money from the subaccount, upon appropriation, only to
12 support the program designed under subsection (18) and to pay the
13 department's administrative costs in implementing this section. Not
14 more than 5% of the annual appropriations from the subaccount shall
15 be spent on the administrative costs of the department in
16 implementing this section.

17 (6) The Michigan wildlife council is created within the
18 department.

19 (7) The Michigan wildlife council shall consist of the
20 following ~~9~~ members:

21 (a) The director or his or her designee.

22 (b) Four individuals who have purchased hunting or fishing
23 licenses in this state on a regular basis, including at least once
24 during each of the last 3 years, at least 1 of whom has purchased a
25 hunting license and at least 1 of whom has purchased a fishing
26 license, appointed by the governor with the advice and consent of
27 the senate from a list recommended by statewide ~~sportsmen's~~
28 **hunting, fishing, or trapping** organizations.

29 (c) One individual representing local businesses in this state

1 that are substantially impacted by hunting and fishing, appointed
2 by the governor with the advice and consent of the senate.

3 (d) One individual representing agricultural producers in this
4 state, appointed by the governor with the advice and consent of the
5 senate.

6 (e) One individual with a media or marketing background, who
7 is not an employee of the department, appointed by the governor
8 with the advice and consent of the senate.

9 (f) One individual representing rural areas of this state
10 whose economies are substantially impacted by hunting and fishing,
11 appointed by the governor with the advice and consent of the
12 senate.

13 (g) **Two individuals with expertise in wildlife issues,**
14 **wildlife habitat, or wildlife management, appointed by the governor**
15 **with the advice and consent of the senate. Each individual shall be**
16 **a representative of a nonprofit organization that does both of the**
17 **following:**

18 (i) **Supports the conservation and enhancement of wildlife and**
19 **habitat in this state.**

20 (ii) **Promotes primarily nonconsumptive wildlife use.**

21 (h) **An individual representing a tribal government in this**
22 **state, appointed by the governor with the advice and consent of the**
23 **senate.**

24 (i) **An individual with a master's degree, from an accredited**
25 **institution of higher education, in zoology, wildlife management,**
26 **or a related discipline of science and the equivalent of 6 years of**
27 **full-time relevant experience, appointed by the governor with the**
28 **advice and consent of the senate.**

29 (8) In appointing members under subsection (7), the governor

1 shall make an effort to appoint members from all geographic areas
2 of this state, at least 1 of whom is from the Upper Peninsula.

3 (9) The members first appointed to the Michigan wildlife
4 council **under subsection (7) (b) to (f)** shall be appointed within 90
5 days after ~~the effective date of this section.~~**March 27, 2014. The**
6 **members first appointed under subsection (7) (g) to (i) shall be**
7 **appointed within 90 days after the effective date of the amendatory**
8 **act that added subsection (7) (g) to (i).**

9 (10) The appointed members of the Michigan wildlife council
10 shall serve for terms of 4 years or until a successor is appointed,
11 whichever is later, except that of the members first appointed
12 **under subsection (7) (b) to (f)**, 2 shall serve for 2 years, 3 shall
13 serve for 3 years, and 3 shall serve for 4 years. **The members first**
14 **appointed under subsection (7) (g) to (i) shall serve for terms of**
15 **1, 2, 3, or 4 years such that the terms of 1 or more members of the**
16 **Michigan wildlife council subsequently expire each year and, as**
17 **nearly as possible, the same number expire each year.** The appointed
18 members shall not serve more than 2 full terms.

19 (11) If a vacancy occurs on the Michigan wildlife council, the
20 governor shall make an appointment for the unexpired term in the
21 same manner as the original appointment.

22 (12) The governor may remove a member of the Michigan wildlife
23 council for incompetence, dereliction of duty, malfeasance,
24 misfeasance, or nonfeasance in office, or any other good cause.

25 (13) The first meeting of the Michigan wildlife council shall
26 be called by the director. At the first meeting, the Michigan
27 wildlife council shall adopt bylaws and then elect from among its
28 members a chairperson and other officers as it considers necessary
29 or appropriate. After the first meeting, the Michigan wildlife

1 council shall meet at least quarterly, or more frequently at the
2 call of the chairperson or if requested by a majority of the
3 members serving.

4 (14) A majority of the members of the Michigan wildlife
5 council constitute a quorum for the transaction of business at a
6 meeting of the Michigan wildlife council. A majority of the members
7 serving are required for official action of the Michigan wildlife
8 council.

9 (15) The business that the Michigan wildlife council may
10 perform shall be conducted at a public meeting of the Michigan
11 wildlife council held in compliance with the open meetings act,
12 1976 PA 267, MCL 15.261 to 15.275.

13 (16) A writing prepared, owned, used, in the possession of, or
14 retained by the Michigan wildlife council in the performance of an
15 official function is subject to the freedom of information act,
16 1976 PA 442, MCL 15.231 to 15.246.

17 (17) Members of the Michigan wildlife council shall serve
18 without compensation. However, members of the Michigan wildlife
19 council may be reimbursed for their actual and necessary expenses
20 incurred in the performance of their official duties as members of
21 the Michigan wildlife council.

22 (18) The Michigan wildlife council shall do all of the
23 following:

24 (a) Develop and implement, in conjunction with a third-party
25 marketing or advertising agency, a comprehensive media-based public
26 information program to promote the essential role that sportsmen
27 and sportswomen play in furthering wildlife conservation and to
28 educate the general public about hunting, fishing, and the taking
29 of game. That education shall include, but is not limited to,

1 teaching ~~that~~ **both of the following:**

2 **(i) That** hunting, fishing, and the taking of game are any of
3 the following:

4 **(A)** ~~(i)~~ Necessary for the conservation, preservation, and
5 management of this state's natural resources.

6 **(B)** ~~(ii)~~ A valued and integral part of the cultural heritage of
7 this state ~~and that~~ should forever be preserved.

8 **(C)** ~~(iii)~~ An important part of this state's economy.

9 **(ii) The importance of balancing, though the protection of**
10 **certain species, the needs of animals that have been adversely**
11 **affected by human activity.**

12 (b) Provide a semiannual report to the legislature on the
13 program and expenditures under this section.

14 (c) Prepare an operational plan ~~no later than 120 days after~~
15 ~~the first meeting of the Michigan wildlife council and no later~~
16 ~~than April 30 in subsequent years.~~ **by April 30 each year.**

17 (d) Expend money from the Michigan wildlife management public
18 education subaccount ~~in accordance with the operational plan and in~~
19 ~~compliance with section 40501 , except that all expenditures shall~~
20 ~~be within~~ **and with the operational plan, including** the scope of the
21 activities and funding levels authorized in the operational plan.

22 (19) The Michigan wildlife council may give preference to
23 Michigan-based firms when hiring a third-party marketing or
24 advertising agency under subsection (18).