

**SFA**



BILL ANALYSIS

Senate Fiscal Agency

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House Bill 4007 (Substitute S-1 as reported)  
House Bill 4008 (Substitute S-1 as reported)  
Sponsor: Representative John D. Pridnia  
House Committee: Tourism, Fisheries, and Wildlife  
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 4-4-89

### RATIONALE

Within the past few years, efforts have been made to increase Michigan's wild turkey population. The number of these birds continues to decrease dramatically, however, due to the introduction of domestic (farm-bred) wild turkeys into the population. Reportedly, domestic birds are sometimes introduced into the wild by people attempting to establish a wild turkey population. These efforts generally fail, though, because domestic wild turkeys typically are tame and easy prey in the wilderness. In addition, the domestic birds often spread diseases, to which they have developed immunities, to the wild population. Although current law prohibits the introduction of domestic birds into the wild, apparently the law has not served as an adequate deterrent to the illegal release of turkeys. Some believe that requiring that a domestic wild turkey's wing be pinioned (clipped or bound) would deter the illegal practice of releasing such birds into the wild.

In addition, some people have complained of encountering animals not native to Michigan outside the boundaries of shooting preserves, and believe that more adequate containment of such animals in preserves should be required. Further, some claim that the regulation of shooting preserves should not have to be accomplished according to the administrative rules process, but should be subject to Natural Resources Commission orders pursuant to the Wildlife Conservation Act.

### CONTENT

The bills would require licensed game breeders and shooting preserves to pinion one wing of a wild turkey or wild turkey hybrid, and would regulate the removal of wild game from licensed premises.

House Bill 4007 (S-1) would amend Public Act 191 of 1929, which requires the Director of the Department of Natural Resources (DNR) to issue licenses for propagating and selling game, to require that one wing of a wild turkey or wild turkey hybrid be pinioned within 14 days of hatching. The bill also provides that fertile eggs from wild turkeys or wild turkey hybrids could not be removed from licensed premises, and that no game birds could be released without the written permission of the DNR Director.

In addition, the bill would replace the definition of "game birds" with the definition of "game" found in the Wildlife Conservation Act (MCL 300.254). (That definition lists over 30 types of animals including wild turkeys.) The bill specifies that live game could be removed from licensed premises only by licensed game breeders, shooting preserve operators, or persons who held permits authorizing the possession of game. Finally, the bill would allow the Natural Resources Commission to issue orders to permit the shooting of game birds, protect the public interest, and provide for the proper administration of the Act. Such

H.B. 4007 & 4008 (4-4-89)

orders would have to be issued according to the provisions in the Wildlife Conservation Act governing the issuance of Commission orders.

House Bill 4008 (S-1) would amend Public Act 134 of 1957, which regulates shooting preserves, to require that shooting preserves that include animals not native to, or commonly found in the wild in Michigan be "adequately fenced and maintained" to keep such animals in captivity. The bill also would require that one wing of a wild turkey or wild turkey hybrid be pinioned and that such turkeys authorized under a license be fenced and released in compliance with DNR regulations. Further, the bill would state specifically that birds that could be hunted under a shooting preserve license would be limited to artificially propagated wild turkeys and wild turkey hybrids and other artificially propagated species as prescribed by the Director. (The Act just specifies artificially propagated species.)

In addition, the Act requires that birds held under a suspended or revoked license be disposed of only in a manner approved by the DNR Director; the bill would extend that provision to include other animals. The bill also would delete a provision that requires the release on the licensed premises of not less than 100 birds for hunting during the shooting preserve season in any single year. Further, the bill would authorize the DNR Director to promulgate rules governing the Act's administration. (Currently, the Director is authorized to "promulgate and enforce" rules and regulations.)

Finally, the bill would allow the Natural Resources Commission to issue orders governing the administration of the Act; such orders would have to be issued according to provisions in the Wildlife Conservation Act governing the issuance of Commission orders.

MCL 317.71 et al (House Bill 4007)  
317.301 et al. (House Bill 4008)

#### **SENATE COMMITTEE ACTION**

The Senate Committee on Natural Resources and Environmental Affairs adopted substitutes to the bills that would allow the Natural Resources Commission to "issue orders"

pursuant to the Wildlife Conservation Act, rather than "promulgate rules" pursuant to the Administrative Procedures Act, for the administration of the two Acts.

#### **FISCAL IMPACT**

The bills would have no immediate fiscal impact on State government; however, reduction in the wild turkey population due to inbreeding with or disease from domestic turkeys could result in decreased State revenue and potentially increased State costs.

Turkey hunting permit sales have been steadily increasing and generated over \$350,000 in revenue for FY 1987-88. Reduction in the population could result in a decrease in this revenue source.

For FY 1988-89, the DNR utilized 2.0 FTEs and \$160,000 (from permit revenue) to administer the turkey habitat program. The DNR has made an approximately \$300,000 investment in importing wild turkeys from other states, and at present does not intend to continue this aspect of the program. A decrease in the wild turkey flock may prompt the need for renewal of importation or additional trapping and transporting activities.

#### **ARGUMENTS**

##### **Supporting Argument**

The DNR has implemented a program, designed to increase the State's wild turkey population, that involved the importation of wild turkeys from other states for release in Michigan. The DNR reportedly imported 600 wild turkeys at a cost of \$500 each and projects an increase of 100,000 in the wild turkey population by the year 2000. At the same time, however, other people are releasing domestic turkeys into the wild and the spread of diseases to the wild turkey population by such birds has hindered the DNR's efforts. Requiring people who keep domestic turkeys to pinion the birds' wings would help to protect the State's considerable investment by decreasing the probability of the decimation of the wild turkey population. If a domestic turkey were released with one wing pinioned, the chances of its survival would be very slim, because it would not be able to fly away from predators. Consequently, the domestic turkey

would have less of a chance to breed with wild turkeys and spread diseases to that population.

#### **Supporting Argument**

The DNR reportedly has received many complaints concerning animals not native to Michigan that have been found outside of shooting preserve areas. For example, during the 1987 firearm deer hunting season, a hunter shot a wild boar that escaped from an inadequately fenced shooting preserve. House Bill 4008 (S-1) would address this problem by requiring preserve areas with non-native animals to be fenced and maintained adequately.

In addition, when birds and other animals are held under a suspended or revoked license and must be disposed of, it is not clear who is responsible for disposing of the game or in what manner the game is to be disposed of. Animals sometimes are shipped to zoos or temporarily housed by the DNR, but a procedure has not been established to deal with this issue. House Bill 4008 (S-1) specifies that animals (in addition to birds) held under a suspended or revoked license would have to be disposed of only in a manner approved by the DNR.

#### **Supporting Argument**

By permitting the Natural Resources Commission to issue orders for the Acts' administration, rather than requiring the promulgation of rules, the bill would allow the Commission to regulate the propagation of game and the operation of shooting preserves more efficiently.

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#### **H8990/S4007A**

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.