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SMALL-GAME HUNTING LICENSES

House Bill 4531 as enrolled
Second Analysis (3-31-94)

Sponsor: Rep. James McNutt
House Committee: Conservation,
Environment and Great Lakes
Senate Committee: Natural Resources
and Environmental Affairs

THE APPARENT PROBLEM:

The Hunting and Fishing License Act was amended in 1986 to create a special license--the fur harvester's license--which allows its holder to hunt or trap "fur-bearing animals," which include certain non-protected wild animals that are pursued for their meat or for sport, or whose pelts are valuable and can be sold for profit. Under the act, a fur-harvester's license is not required specifically to hunt a fur-bearing animal if the hunting of that animal is otherwise not restricted by law. The hunting of most fur-bearing animals is permitted (except for the wolf and the lynx, which are protected species) but seasonally restricted under the act; thus, since the 1986 amendments, people who specifically hunt fur-bearers generally have been required to obtain both a small-game hunting license and a fur-harvester's license. (Prior to 1986, hunters of fur-bearers had to purchase and carry only the small-game license.) Apparently, this change in law has resulted in a situation where some people who hunt certain fur-bearers--specifically, fox, coyote and raccoon--have purchased both of the licenses, while others who hunt the same species have bought only the small-game license. This situation reportedly has caused resentment among hunters of these animals where those who have bought both licenses have grumbled about those who buy only the small-game license, while those who have bought only the small-game license complain that the hunting of these "nuisance" animals traditionally has been allowed under this license alone. The problem seems to be so widespread that even conservation officers are unsure about how to enforce the act's licensing requirements.

THE CONTENT OF THE BILL:

Small Game Hunting Licenses. Currently, under the Hunting and Fishing License Act, a small game license is required for the hunting of all protected game birds and game animals, with the exception of bear, deer, elk and moose (which require separate licenses). A fur harvester's license is required for the trapping or hunting of those fur-bearing animals that are restricted under the act. House Bill 4531 would specify that a person who held a fur-harvester's license could trap fur-bearing animals without a small game license, and that a current small game licensee could take specified fur-bearing animals by means other than trapping during the open firearm season for this activity, if authorized by an order under Section 8 of the Wildlife Conservation Act. (Under the Wildlife Conservation Act, the Natural Resources Commission is charged with management of game animals in Michigan, and may determine which animals may be hunted, methods for hunting, seasons, and the like, with public and legislative input. Under Governor Engler's reorganization of the Department of Natural Resources, which has recently been upheld by the state supreme court, the director of the DNR assumes those responsibilities.) In addition, the bill would strike from the act a provision which says that a fur harvester's license is not required to hunt a fur-bearing animal if the hunting of that animal is not otherwise restricted by law.

Transaction Fees. As part of a plan to modernize the system under which hunting and fishing licenses are sold, Public Act 144 of 1993 amended the Hunting and Fishing License Act to require that,

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beginning March 1, 1994, agents either purchase or rent computer terminals and printers (see the Senate Fiscal Agency's analysis of Senate Bill 147, dated 6-30-93). Under the act, a person authorized after March 15, 1993 to issue licenses may retain 5 percent of the fees for each license, duplicate license, application, permit, and passbook sold. A person authorized before March 15, 1993 to issue licenses may retain 7.5 percent of the fees. The bill would amend the act to increase this, temporarily, to 8 percent; the provision would be in force until the DNR implemented an automated licensing system. After the automated system was in effect, the percentage that could be retained would return to 7.5 percent. At present, in addition to license, application, and permit fees, a licensee must also charge and forward to the department a 50-cent transaction fee. The bill would specify that this provision would apply after the automated licensing system was implemented.

Deposit of Licensing Fees. Currently, the act requires that a licensee deposit in a bank money received from the sale of passbooks, licenses, or permits. House Bill 4531 would amend the act to require that the money be remitted to the department by the method the department prescribed.

Bond. The act specifies that, until April 1, 1994, the director may require that a licensee file a bond with the department. Under the bill, the department could still require a bond, but only until it had implemented an automated licensing system.

MCL 316.103 et al.

FISCAL IMPLICATIONS:

According to the Department of Natural Resources, implementation of the bill's provisions regarding small-game and fur-bearing license requirements would result in a revenue loss to the Game and Fish Fund of \$16,000 to \$41,000. Implementation of the provisions of the bill that would temporarily increase agents' percentage of license fees to by one-half percent would have no impact on state funds. (However, without this provision, the department would have gained \$2 million in revenues from license fees and agents would have incurred a \$100,000 loss.) (3-30-94)

ARGUMENTS:

For:

The bill would solve what has become a minor dispute among some hunters of certain kinds of fur-bearing animals--specifically, fox, coyote and raccoon. While some people shoot these animals because they're considered pests that raid chicken houses, kill domestic pets, and disrupt other farm activities, others hunt them for their meat and somewhat-valuable hides, or simply for the sport of it. Before 1986, when changes were made to the Hunting and Fishing License Act, people only needed to purchase and carry a small-game hunting license in order to hunt these and other fur-bearing animals. Since amendments were added in 1986, however, the act has required a person wishing to hunt these animals to purchase and carry both a small-game license and a fur-harvester's license. Unfortunately, the new requirement never really caught on with some hunters--resulting in a situation where many hunters of these animals have consistently purchased both licenses every year since the change was made, while a significant number of others have continued to purchase only the small-game license. The bill would solve the problem by allowing hunting of certain fur-bearing animals (the most likely candidates being coyote, fox and raccoon) with only a small game license, if the Natural Resources Commission (or the DNR director, under the terms of the newly upheld DNR reorganization) issues an order to allow the practice. In making the determination, the department will consider sound resource management practices as well as the potential for revenue loss.

Against:

Making this change in licensing requirements could result in a revenue loss to the Department of Natural Resources, since many hunters who now purchase two licenses would purchase only one. The proposed change should therefore be accompanied by an increase in the small-game hunting license fee to offset this loss in revenue, as was proposed in a similar bill in 1992.

For:

Each year, the Department of Natural Resources sells more than 4 million hunting and fishing

licenses through 1,900 licensed agents, who are allowed to retain 7.5 percent of the license and passbook fees they collect. The program has not been cost effective for many agents, who sell licenses only as a service to their customers. The DNR intends to streamline this licensing system. Once the fully automated licensing system is in place, computer terminals and printers will eliminate the need for time-consuming paperwork. However, until then, the bill would ensure that these agents are adequately compensated for performing this service by temporarily allowing them to retain a higher percentage of the fees that they collect.