

REPEAL FIREARM BAN DURING SPRING WILD TURKEY SEASON

House Bill 5002 (Substitute H-1) First Analysis (10-28-97)

Sponsor: Rep. Larry DeVuyst
**Committee: Conservation, Environment
and Recreation**

THE APPARENT PROBLEM:

Currently, the Natural Resources and Environmental Protection Act (NREPA) prohibits carrying a firearm or bow and arrow in an area open for wild turkey hunting during the spring wild turkey hunting season without a valid turkey license. According to a provision of the act, the only license valid in the wild turkey areas is the wild turkey license. This licensing requirement has the effect of prohibiting a farmer from carrying a firearm or bow and arrow for the purpose of hunting animals that destroy crops, and for which hunting licenses are not necessary.

THE CONTENT OF THE BILL:

House Bill 5002 would repeal section 43512 of the Natural Resources and Environmental Protection Act (MCL 324.43512). That section reads: "A person shall not carry a firearm or a bow and arrow while in any area open for wild turkey hunting during the spring wild turkey hunting season, unless the person possesses a valid turkey license issued under section 43524."

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, House Bill 5002 would not have a fiscal impact on the state or on local governmental units. (10-20-97)

ARGUMENTS:

For:

When the Department of Natural Resources and advocacy groups began re-establishing the population of wild turkeys more than a decade ago, they wished to protect the animals in the small, discrete areas that were set aside for their habitat. The program has been very successful, and now wild turkeys' range has expanded, due largely to the efforts of wildlife officers who have trapped and relocated the birds. The success of the wild turkey re-population program has recently begun to have an impact on a lot of hunting areas. Further, during the spring when only a wild turkey hunting license is valid, small

game licenses are invalid in a wild turkey area. However, since the wild turkey population is firmly re-established, the DNR supports repealing this provision in the act, and believes it can manage hunting in the wild turkey range through its customary law enforcement efforts.

For:

This section of the Natural Resources and Protection Act was added by Public Act 57 of 1995, and given immediate effect beginning on May 24, 1995. The language as drafted is now over broad, and has the effect of prohibiting practices that the sponsors never intended to prohibit. For example, some wild turkey re-population areas extend to farmers' fields. There, woodchucks damage pasture through extensive burrowing that poses a threat to livestock and horses, and a safety hazard for farm implements. In usual practice, destructive woodchucks are shot by those who own farmland, with no hunting license required. This bill will restore farmers' historical practice, and would eliminate what has become an overly broad hunting prohibition in the act.

For:

Repeal of this provision in the act would more easily enable people to carry firearms without needing also to have obtained hunting licenses.

POSITIONS:

The Department of Natural Resources supports the bill. (10-23-97)

The Michigan Farm Bureau supports the bill. (10-22-97)

The Michigan United Conservation Clubs supports the bill. (10-23-97)

Analyst: J. Hunault

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