

Senate Fiscal Agency
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SFA



BILL ANALYSIS

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Senate Bill 964 (Substitute S-1 as passed by the Senate)
Sponsor: Senator Loren Bennett
Committee: Hunting, Fishing and Forestry

Date Completed: 5-11-98

RATIONALE

Under the Natural Resources and Environmental Protection Act (NREPA), a person must not take, release, transport, sell, buy, or possess game or any protected animal, whether living or dead, or parts of any game or protected animal from the State or outside of the State, except as provided for in the Act or by an order or interim order of the Department of Natural Resources (DNR). The Department has established that game or dead game that was lawfully taken, acquired, and transported may be possessed by any person. Under the Wildlife Conservation Order issued by the Natural Resources Commission, a person storing game for more than 60 days after the close of the hunting or fishing season, or storing game after 60 days after importation or acquisition of a highway-killed deer or bear, must obtain a special permit from the DNR. On April 11, 1996, however, the Commission ordered that the storage permit and storage time limit be eliminated. Some people feel, however, that the statute should specifically prohibit the DNR from issuing an order to limit, regulate, or prohibit the storage of lawfully taken game.

CONTENT

The bill would amend Part 401 (Wildlife Conservation) of the NREPA to prohibit the DNR from issuing an order that would limit, require a permit or authorization for, or prohibit the possession of lawfully taken game or fish during any time period, or at any location, after the close of hunting or fishing season.

(The Act defines "game" as any of the following animals: badger, bear, beaver, bobcat, brant, coot, coyote, crow, deer, duck, elk, fisher, Florida gallinule, fox, geese, hare, Hungarian partridge, marten, mink, moose, muskrat, opossum, otter, pheasant, quail, rabbit, raccoon, ruffed grouse, sharp-tailed grouse, skunk, snipe, sora rail,

squirrels, weasel, wild turkey, woodchuck, woodcock, and Virginia rail.)

Proposed MCL 324.40109a

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would prohibit the Commission from issuing an order that would limit, regulate, or prohibit the possession of lawfully taken game after the close of hunting or fishing season. The bill would codify this policy into statutory law. The DNR has determined that the permitting process was unnecessarily burdensome to the Department and the public.

Response: The bill's provisions would reiterate the DNR's current wildlife management policies. In 1996, the Commission issued a Director's Order that allowed lawfully taken, acquired, or imported game to be stored over 60 days without a permit. Ballot Proposal G of 1996 amended the NREPA to give the Commission exclusive authority to regulate the taking of game in the State, using principles of sound scientific management. Hunting policies should be formed by professional wildlife managers.

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: G. Cutler

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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.