

Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bill 388 (Substitute S-2 as reported)  
Sponsor: Senator Loren Bennett  
Committee: Hunting, Fishing and Forestry

Date Completed: 4-24-00

### **RATIONALE**

Hunters, especially those who participate in nighttime raccoon and predator hunting, sometimes use artificial lights to locate animals. According to the 1999-2000 Michigan Hunting and Trapping guide (which reflects provisions in statute and in the Wildlife Conservation Order), it is illegal to use an artificial light, including vehicle headlights, to locate wild animals at any time during November, and all other days of the year between 11 p.m. and 6 a.m. It is also illegal to use an artificial light on a highway or in a field, woodland, or forest while possessing or controlling a bow and arrow, firearm, or other device capable of shooting a projectile. A deer hunter may use an artificial light one hour before and one hour after shooting hours while carrying an unloaded firearm or bow and arrow when traveling on foot to or from the hunting location. Persons not possessing a firearm or bow and arrow while traveling on foot may use lights during dog training or field trials to follow dogs chasing raccoon, opossum, or fox. Lights should be similar to the type ordinarily held in the hand or on the person. Spotlights, floodlights, vehicle headlights, and other artificial lights are illegal.

Despite these restrictions on the use of artificial lights, some rural landowners apparently are bothered by the shining of artificial lights near their property late at night. To alleviate their concerns, it has been suggested that the shining restrictions should be tightened.

### **CONTENT**

The bill would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to prohibit a person from casting an artificial light for the purpose of locating animals, onto a barn or other building used in farm operations, onto any occupied dwelling, or onto land within 450 feet of, and not separated by a street, road, or highway from, a barn or other building used in farm operations or any occupied dwelling, without the written consent of the owner or lessee of

the barn or other building or dwelling. Further, if land were posted in a conspicuous manner "No Shining" as specified in the bill, then a person could not cast an artificial light from or onto that land for the purpose of locating animals without the written consent of the owner or lessee of the land. (Each sign would have to be at least 50 square inches and spaced to enable a person to observe at least one sign at any point of entry upon the property.) In either case, the person would have to exhibit the written consent upon the demand of a peace officer. These prohibitions would apply through December 31, 2003.

In addition, a person could not throw, cast, or cause to be thrown or cast, the rays of an artificial light in a field, woodland, or forest frequented by animals, for the purpose of locating animals, from January 1 to August 31, between the hours of 11 p.m. and 6 a.m., or from September 1 to December 31. Currently, a person must not throw, cast, or cause to be thrown or cast, the rays of an artificial light from December 1 to October 31 between the hours of 11 p.m. and 6 a.m., and from November 1 to November 30, for the purpose of locating animals.

Currently, the following are exempt from the Act's restrictions on using artificial light to locate animals: a peace officer while performing his or her duties; a person operating an emergency vehicle in an emergency; an employee of a public or private utility while working in the scope of his or her employment; a person operating a vehicle with headlights in a lawful manner upon a street, highway, or roadway; a person using an artificial light to identify a house or mailbox number; or the use of artificial lights to conduct a census by the Department of Natural Resources. The Act also exempts a person using an artificial light from November 1 to November 30 on property that is owned by that person or by a member of that person's immediate family. The bill

#### A9900s388a

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.

would delete this provision. The bill would add an exemption for farming, horticulture, silviculture, and ranching activities conducted by a person on land owned or leased by that person, by a member of that person's immediate family, or by that person's employer, unless conducted for the purpose of locating animals.

Fiscal Analyst: P. Graham

Currently, a person using artificial light need not obtain the written consent of a member of his or her immediate family or the owner or lessee of publicly owned land; the bill would retain this provision. Also, using an artificial light to take game would continue to be prohibited, except as otherwise allowed by department order.

MCL 324.40113

### **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**

By requiring the written consent of the property owner or lessee if lights were shined onto or near farm buildings or dwellings, or if a sign prohibiting shining were posted, the bill would provide rural landowners with relief from hunters using artificial light near their property to locate animals. The consent requirement would apply until the end of 2003, after which the State could determine whether the requirement was effective.

**Response:** Many private landowners would be unwilling to give written consent due to fear of perceived liability.

#### **Supporting Argument**

In addition to establishing a consent requirement, the bill would tighten shining restrictions by expanding the time of the year when shining is not allowed. Under the bill, shining would be prohibited from September through December, rather than only in November. The bill also would remove an exception that allows someone to use artificial lights during November on property owned by that person or his or her immediate family. As currently provided, these restrictions would apply except as otherwise provided in the Wildlife Conservation Order.

Legislative Analyst: N. Nagata

### **FISCAL IMPACT**

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