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BILL



ANALYSIS

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Senate Bill 10 (as reported without amendment)
Sponsor: Senator Randy Richardville
Committee: Natural Resources and Environmental Affairs

(as enacted)

Date Completed: 2-2-09

RATIONALE

Public Act 470 of 1998 amended the Natural Resources and Environmental Protection Act to require the Department of Natural Resources (DNR) to issue an order establishing a season for falconers to take up to 25 live raptors per year for use in falconry, the use of birds of prey in hunting. Raptors are live migratory birds of the family Accipitridae, which include birds such as peregrines, kestrels, and red-tailed hawks. Before the legislation was enacted, licensed falconers in Michigan could acquire a raptor only through lawful importation, purchase or barter, or gift or donation. Public Act 470 included a January 2, 2004, sunset, which was delayed until January 4, 2009, under subsequent legislation. (The repealed provisions are described below, under **BACKGROUND**.) It has been suggested that provisions allowing the taking of live raptors be reenacted, and that specific regulations regarding their taking be left to the discretion of the DNR.

CONTENT

The bill would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to require the Department of Natural Resources to issue an order establishing a season or seasons for falconers to take live raptors for use in falconry.

The order would have to designate the number of raptors that could be taken and possessed and any other conditions pertaining to their taking and possession that the DNR considered advisable. The

Department would have to issue the order in the manner provided in Section 40107(2).

(That section requires the DNR to comply with specific procedures when issuing animal management orders. The DNR must prepare an order after soliciting and considering comments from field personnel and interested people; provide an opportunity for public comment; and give a copy to each member of the Senate and House standing committees that consider related legislation. The committees then have 30 days to review the order and submit comments to the DNR.)

The bill specifies that the section it would add and an order issued under it would not designate any species of raptor as game, nor would the section prohibit the DNR from determining that any species of raptor was a protected animal.

Proposed MCL 324.40107b

BACKGROUND

Part 401 previously required the DNR to issue an order establishing a season or seasons for falconers to take a total of up to 25 live raptors per year from any combination of red-tailed hawks, Cooper's hawks, American kestrels, and sharp-shinned hawks for use in falconry. In addition to these 25 raptors, the order had to allow the issuance of two permits annually to take northern goshawks during the fall passage season. The order had to designate the number of raptors that could be taken and possessed and any other

conditions pertaining to the taking and possession of raptors that the DNR considered advisable.

The order also had to prohibit the taking of raptors on national lakeshores, national recreation areas, and all State land. It had to require licensed falconers to contact property owners or land managers and obtain written permission before making direct contact with any raptor nest. It had to provide that only licensed falconers could have direct contact with the raptor nest and that a licensed falconer had to leave in a nest at least two healthy young raptors. A licensed falconer had to report the nest location from which a raptor was taken by county, township, range, and section to the DNR within five business days after taking the raptor.

These provisions were enacted by Public Act 470 of 1998, which included a sunset date of January 2, 2004. Public Act 242 of 2003 delayed the sunset to January 4, 2009.

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

When the original legislation allowing the taking of raptors for falconry was enacted in 1998, it contained a sunset to allow for an assessment of the effect on the raptor population. Amendments enacted in 2003 delayed the sunset until 2009 and allowed the DNR to issue two permits each year for northern goshawks beyond the 25-bird maximum. Since 1999, the DNR has developed an extensive permitting and management program. The number of licensed falconers in Michigan has increased since the original legislation was enacted, but not at a rate that has had a negative impact on the State's raptor population. In fact, the sport of falconry potentially could have a positive impact. Many raptors do not survive their first winter; the mortality rate of birds of prey in the first year is about 70%. Some falconers trap the birds in the fall, give them training and experience through the hunting season, and set them free in the spring. These birds are better equipped to survive in the wild and grow to reproductive age. In light of the sport's benefits to the raptor population as well as

recreation and tourism, provisions allowing the taking of live birds should be reinstated without a sunset.

Supporting Argument

Previously, the statute required the DNR to issue an order prescribing conditions for the taking of raptors, in addition to the conditions specified in the Act. Chapter 10 of the Wildlife Conservation Act Order contains extensive provisions governing falconry, including rules for the taking of raptors. By reenacting a requirement for the DNR order without a statutory maximum, references to particular species, or the other specific regulations, the bill would enable the DNR to assess the status of the raptor population and establish limits and other policies based on sound data in a timely manner.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would increase revenue to the Game and Fish Protection Fund by a small and indeterminate amount due to the purchase of additional hunting licenses by individuals who would participate in a falconry hunting season.

Fiscal Analyst: Jessica Runnels

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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.