

Legislative Analysis



INCREASE AUTHORIZED SHOOTERS UNDER A DEER DAMAGE SHOOTING PERMIT

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Senate Bill 685 (Substitute H-1)
Sponsor: Sen. John Proos
House Committee: Agriculture
Senate Committee: Outdoor Recreation and Tourism

First Analysis (3-14-12)

BRIEF SUMMARY: The bill would amend the Natural Resources and Environmental Protection Act (NREPA) to, among other things, allow an individual holding a deer damage shooting permit to authorize up to 15 authorized shooters to implement the permit. Currently, only three authorized shooters are allowed under provisions of the Wildlife Conservation Order. The bill would also establish time frames for the Department of Natural Resources (DNR) to act on permit requests.

FISCAL IMPACT: Senate Bill 685 would have no significant fiscal impact on the Department of Natural Resources and no fiscal impact on local units of government. Any additional costs to the Department would depend upon whether there is any increased administrative workload incurred from the bill's provisions that the Department make a determination upon a permit request within five business days and, if denied, respond to the requestor in writing within 10 business days with advice on other preventative techniques that can be used.

THE APPARENT PROBLEM:

Part 401 (Wildlife Conservation) of NREPA allows the Department of Natural Resources (DNR) to issue permits for the taking of certain animals for various purposes, including to prevent or control damage and nuisance caused by the animals.

As authorized under Part 401, Chapter 5 (Special Permit Regulations), Section 5.41, of the DNR Wildlife Conservation Order establishes guidelines for the issuance of deer damage shooting permits statewide to owners of land with significant, documented agricultural or horticultural crop damage. (See **Background Information**.) Permits authorize both the number of deer that can be taken and the time period during which the permit is valid. Currently, the Order provides that it is unlawful for a permittee to designate more than three authorized shooters to implement the provisions of the permit, unless the additional shooters are approved by the wildlife management unit supervisor and district law enforcement supervisor.

According to committee testimony, the deer population causes significant crop damage throughout the state. To remedy this problem, farmers are able to apply to the DNR for a deer damage shooting permit to take a certain number of deer on the property. However, the current limit on three authorized shooter per permit has made it challenging to fully

implement the provisions of an issued permit. It can be difficult to find three shooters that are always available when a deer needs to be taken. Expanding the limit to fifteen shooters per permit will give farmers additional flexibility in implementing permits by expanding the pool from which to draw shooters.

THE CONTENT OF THE BILL:

The bill would amend the Natural Resources and Environmental Protection Act (NREPA) to, among other things, allow an individual holding a deer damage shooting permit to authorize up to 15 authorized shooters to implement the permit. Currently, only three authorized shooters are allowed under provisions of the Wildlife Conservation Order. The bill would also establish time frames for the Department of Natural Resources (DNR) to act on deer damage permit requests.

The bill would amend a provision of Part 401 (Wildlife Conservation) of NREPA that provides the DNR with statutory authority to issue miscellaneous animal-related permits authorizing the following:

- The taking or possession of animals for the purpose of rehabilitation.
- The taking of animals to prevent or control damage and nuisance.
- The collection, transportation, possession, or disposition of animals or animal parts for scientific purposes.
- The public exhibition of animals.
- Taxidermy.
- The disposition of accidentally or unlawfully taken or injured animals or animals that are unlawfully possessed.
- The taking of game with a crossbow by a person who is permanently or temporarily disabled.
- The taking or possession of raptors for the purposes of falconry.

Specifically, the bill would amend Section 40114(4)(b), which authorizes a permit for the taking of animals to prevent or control damage and nuisance caused by animals, to add language that allows for the taking of deer if the DNR determines that deer have caused damage to emerging, standing, or harvested crops or to feed that is property stored in accordance with normal agricultural practices.

Additionally, the department would be required to make a determination on such a deer damage permit application within five business days of receiving the request. If a permit is denied, the department would be required to issue written notice within ten days and provide advice to the applicant on other techniques for controlling or preventing crop damage caused by deer.

As noted, the bill would allow an individual holding a deer damage shooting permit to authorize up to 15 authorized shooters to implement the permit, unless the DNR authorizes otherwise.

MCL 324.40114

HOUSE COMMITTEE ACTION:

The committee substitute added (1) a provision stating that as a condition of issuance of a permit to prevent damage and nuisance caused by animals, the department would have to determine that deer caused the damage to emerging, standing, or harvested crops or to feed properly stored, and (2) a five-day time limit to issue a permit and a ten-day time limit to issue a written denial.

BACKGROUND INFORMATION:

Wildlife Conservation Order (as updated 2-14-12). Chapter V of the Wildlife Conservation Order, along with Part 401 of NREPA, authorize the Department of Natural Resources to issue deer damage shooting permits to owners of specific lands with significant agricultural or horticultural crop damage.

The current Wildlife Conservation Order (Chapter V) governing the issuance of deer damage shooting permits may be found at:
http://www.michigan.gov/dnr/0,4570,7-153-10366_37141-120756--,00.html

ARGUMENTS:

For:

Limiting authorized shooters to three individuals per deer damage permit makes it difficult for farmers to fully implement the permit. It is often the case that none of the authorized shooters are present when a deer is present. Expanding the number of authorized shooters on a deer damage shooting permit will allow farmers to draw individuals from a larger pool and provide additional flexibility when recruiting shooters.

Against:

There was no opposition at the committee level.

POSITIONS:

Michigan Corn Growers Association supports the bill. (3-7-12)

Michigan Farm Bureau supports the bill. (3-7-12)

Michigan Department of Natural Resources is neutral on the bill. (3-7-12)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.