

PROHIBIT DEER HARVEST REPORTING REQUIREMENTS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 6354 as enrolled

Sponsor: Rep. Michele Hoytenga

House Committee: Government Operations

Senate Committee: Natural Resources [Discharged]

Complete to 2-7-23

Analysis available at
<http://www.legislature.mi.gov>

(Vetoed by the Governor 10-14-22)

SUMMARY:

House Bill 6354 would amend the Natural Resources and Environmental Protection Act (NREPA) to prohibit the Natural Resources Commission from issuing an order or interim order requiring a hunter to report the harvest of deer or to retain a harvest confirmation number for that deer. However, this prohibition would not apply to deer damage shooting permits or disease control permits.

MCL 324.40118

BACKGROUND:

Section 40113a of NREPA provides that the Natural Resources Commission “has the exclusive authority to regulate the taking of game” in Michigan and requires the commission, to the greatest extent practicable, to use principles of sound scientific management in making decisions regarding the taking of game. This provision was approved by 68.7% of Michigan voters in 1996, when it was on the ballot as Proposal G (also known as the Michigan Wildlife Management Referendum). Generally speaking, the Natural Resources Commission exercises this exclusive authority by issuing and amending an order containing the rules for taking game in Michigan called the Wildlife Conservation Order.

In June 2022, the Natural Resources Commission unanimously approved an amendment¹ to the Wildlife Conservation Order that requires mandatory deer harvest reporting² beginning with the 2022 deer season. Among other things, the new rules require hunters to report their deer harvest within 72 hours of retrieving the deer and before the deer is transferred to someone else (such as a processor). A hunter may designate someone else to make this report. Reports result in a harvest confirmation number, which the rules require the reporting person to retain.³

Under default penalties provided in section 40118 of NREPA for violations of Part 401 (Wildlife Conservation) and orders issued under it, a violation of the new deer harvest reporting rules is a misdemeanor punishable by imprisonment for up to 90 days or a fine of \$50 to \$500, or both, and the costs of prosecution. (Because the reporting process is new for the 2022 season,

¹ https://www.michigan.gov/dnr/-/media/Project/Websites/dnr/Documents/Boards/NRC/2022/June-2022/Signed_04WCO2022.pdf

² <https://www.michigan.gov/dnr/things-to-do/hunting/deer/harvest-reporting>

³ See <https://www.michigan.gov/dnr/things-to-do/hunting/deer/deer-harvest-reporting-faqs>

The rule is 3.103 on page 28 of the Wildlife Conservation Order: <https://www.michigan.gov/dnr/-/media/Project/Websites/dnr/Documents/Orders/Wildlife-Conservation-Order/WCO.pdf>

the Department of Natural Resources has said, “this first year we will emphasize an educational approach to hunters rather than enforcement in most circumstances.”)

As introduced and as reported from House committee, House Bill 6354 would have amended the default penalties section of NREPA to instead make a violation of the new rules a civil infraction with a civil fine of up to \$150.

The bill as enrolled would amend section 40118, the default penalties section, to prohibit the Natural Resources Commission from issuing an order or interim order requiring a hunter to report the harvest of deer or retain a harvest confirmation number for that deer.

FISCAL IMPACT:

House Bill 6354 is unlikely to directly affect costs or revenues for the Department of Natural Resources.

Vetoed 12-22-22:

In her veto message, Governor Whitmer noted that her administration had supported the bill as introduced, which would have reduced penalties for failure to report a deer harvest. She said the bill as enrolled would “limit the ability of the Department of Natural Resources and the Natural Resources Commission... to collect timely, high-quality information on deer harvests, hindering the state’s ability to scientifically manage our deer population and reducing opportunities for the public and Michigan’s hunters to participate in decisions around wildlife management.” She concluded by noting that the bill’s original intent to decriminalize the failure to report deer harvests is still a desirable change that can only be made by the legislature.

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