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SFA



BILL ANALYSIS

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Senate Bill 493 (Substitute S-1 as passed by the Senate)
Sponsor: Senator Don Koivisto
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 have in his or her possession game or a protected animal, whether living or dead, or parts of any game or protected animal, from the State or from outside the State, except as provided for in the Act. The term "game" includes rabbits, as well as 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, raccoon, ruffed grouse, sharptailed grouse, skunk, snipe, sora rail, squirrels, weasel, wild turkey, woodchuck, woodcock, and Virginia rail. Reportedly, the Department of Natural Resources has been conducting investigations in efforts to stop violations of the Act, such as rabbit trafficking operations that sell rabbits to beagle clubs, and possession of game animals for competition. These efforts apparently have been problematic for a nationally registered beagle club that conducts a number of "field trials" during the year, which allow beagles to chase rabbits for kill or capture. Some people feel that members of the club should be able to live trap and release a specified number of cottontail rabbits or varying hares on club property.

CONTENT

The bill would amend Part 401 (Wildlife Conservation) of the NREPA to allow a member of a registered beagle club to live trap on private property with the owner's permission, and release on beagle club property up to five cottontail rabbits or varying hares per year. The beagle club would be required to maintain on its premises a record of the number of cottontail rabbits and varying hares captured and released by each member and the

date and location of the capture and release. The beagle club would have to submit the record to the Department of Natural Resources on request, and make the record available for inspection by the Department at reasonable hours with reasonable notice.

MCL 324.40106

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

Beagle clubs enable beagle owners to evaluate and grade the hunting abilities of their dogs by training the beagles to chase rabbits for kill or capture under simulated but near-natural settings. The beagle clubs, however, have been having difficulty in keeping the cottontail rabbit population restocked because of the natural predators and the snow level, which enables the rabbits to flee more easily. The bill would reduce the problem by allowing each beagle club member to trap and release up to five rabbits per year on club property.

Supporting Argument

Since licensed hunters are permitted to shoot and hunt rabbits, then beagle club members also should be permitted to possess and use rabbits for live trapping.

Response: Currently, game (which includes rabbits) is reduced to a single person's possession after it has been successfully *hunted*. The bill is unfair since it would allow only select individuals, the beagle club members, to possess game that was not hunted.

Opposing Argument

The bill does not contain definitions that would enable the Department of Natural Resources to regulate the individuals taking advantage of the bill. Since "registered beagle club" is undefined, individuals could establish themselves as a "club" and issue membership cards to anyone. The bill also would fail to limit the number of rabbits that could be trapped by any one organization, which could result in the overharvesting of large areas in a club's vicinity. As written, the bill would allow the virtually unrestricted take of rabbits by live trapping, and leave the Department unable to provide the resource protection expected by the public.

Response: Reportedly, beagle clubs are nationally registered organizations. The record-keeping requirements would inform the Department of who had trapped his or her limit of five rabbits.

Opposing Argument

There are several breeds of dogs, besides beagles, that are used in hunting. Allowing the live trapping of rabbits in order to train a single breed would likely lead to further requests to permit others to capture live, public wildlife to train a particular type of dog. It also could lead to renewed requests to allow the capture of live animals for such uses as scent production, breeding, and domestication. Once the precedent was established, it would be difficult to prevent expansion.

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.