

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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Senate Bill 978 (Substitute S-4 as reported)  
Sponsor: Senator Mat J. Dunaskiss  
Committee: Hunting, Fishing and Forestry

Date Completed: 3-26-98

### **RATIONALE**

Under the Natural Resources and Environmental Protection Act (NREPA), the Natural Resources Commission has the exclusive authority to regulate the taking of game in Michigan. The Commission has to use principles of sound scientific management to the greatest extent practicable in making decisions regarding the taking of game. Certain game birds such as brant, Florida gallinule, crow, duck, geese, sora rail, and Virginia rail, however, are protected under the Migratory Bird Treaty Act. (See **BACKGROUND** for more details.) Some people have suggested that hunters should be allowed to take certain resident game birds not protected under Federal law, such as wild turkey, with a single shot handgun.

### **CONTENT**

The bill would amend Part 401 (Wildlife Conservation) of the NREPA to provide that an order issued under Part 401 could not prohibit the taking of nonmigratory game birds with a single shot handgun loaded only with shot shell. The bill also states that this provision could not be construed to violate Federal law.

Under the NREPA, the definition of "game" includes Hungarian partridge, pheasant, quail, ruffed grouse, sharptailed grouse, and wild turkey, as well as migratory game birds that are Federally protected.

MCL 324.40113b

### **BACKGROUND**

The Migratory Bird Treaty Act protects most wild birds that migrate each year and distinguishes those species that can be hunted from those that cannot. It also regulates and establishes outside limits on hunting season dates, season lengths, daily bag and possession limits, and shooting hours

for certain birds. Special hunting seasons currently exist for some teal, wood duck, sea duck, and Canada goose populations. The U.S. Fish and Wildlife Service has determined that hunting is allowed only for those species with a long tradition of being hunted, consistent with their population status and long-term conservation. Among the game birds established in Michigan law, the following wild birds are determined to be migratory, and therefore protected under the Migratory Bird Treaty Act: brant, crow, duck, geese, Florida gallinule, sora rail, and Virginia rail. Hunters are allowed to take other game birds, such as Hungarian partridge, pheasant, quail, ruffed grouse, sharptailed grouse, and wild turkey, which are considered nonmigratory and not protected under Federal law.

### **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 allowing the taking of nonmigratory game birds, such as wild turkey, with a single shot handgun, the bill would recognize changes in the technology of firearms. Some single shot handguns are now capable of accurately and effectively shooting down birds.

**Response:** The bill's provision would interfere with the Department of Natural Resource's (DNR's) current wildlife management policies. Ballot Proposal G of 1996 amended the NREPA to give the Commission the exclusive authority to regulate the taking of game in the State, using principles of sound scientific management. Hunting policies should be formed by professional wildlife managers.

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.