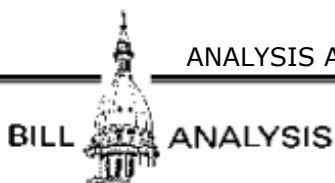




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Senate Bill 483 (as reported without amendment)
Sponsor: Senator Jason E. Allen
Committee: Hunting, Fishing and Outdoor Recreation

(as enacted)

Date Completed: 6-1-09

RATIONALE

Public Act 347 of 2008 amended the Natural Resources and Environmental Protection Act to specify that a person accompanying a licensed hunter on a bear or bobcat hunt does not have to be licensed, as long as he or she does not carry a weapon or own or possess dogs used during the hunt. This addressed a participation license requirement that the Natural Resources Commission (NRC) had implemented in 1987 in response to concerns that large groups of nonresident houndsmen commonly would hunt using one or two individual hunting licenses. At that time, the bear kill was uncapped and licenses were unlimited; evidently, these hunters simply would purchase the licenses as they bagged bears. This practice contributed to harm to the State's bear population. For several years, the cost of the participation license served as a deterrent to these large groups.

In 1990, a statewide bear permit system involving license quotas was implemented, controlling the harvest by capping the number of licensed bear hunters. In the following years, some people questioned whether the participation license requirement was still necessary to protect the bear population. Public Act 347 eliminated the participation license requirement for a person who does not carry a weapon and "...does not own or possess dogs used to chase or locate a bobcat [or bear] during the hunt" (emphasis added). Some people believe that this language is too broad and that only the dogs' owner should be required to have a hunting license.

CONTENT

The bill would amend Part 435 (Hunting and Fishing Licensing) of the Natural Resources and Environmental Protection Act to delete a requirement that a person not possess dogs used during the hunt, when accompanying a licensed hunter on a bear or bobcat hunt without a hunting license.

Part 435 prohibits a person from hunting small game or bear, or trapping or hunting fur-bearing animals, unless he or she possesses the appropriate license. If authorized, a resident possessing a current small game license may take specified fur-bearing animals by means other than trapping during the open season for hunting them. A person who goes on a bobcat or bear hunt with a licensed hunter does not have to possess a license if he or she does not carry a firearm, bow, or crossbow and does not own or possess dogs used to chase or locate a bear or bobcat during the hunt. The bill would delete the reference to possession of dogs.

MCL 324.43523 et al.

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

The current statutory language regarding the participation license applies to a person who owns or possesses dogs. "Possess" can be interpreted to include any person who handles dogs, even briefly, on a bear or bobcat hunt. This means, for example, that

if a hunter brings his or her 10-year-old son or daughter along and the child helps put dogs on a bear track, he or she might be subject to the license requirement (depending on the interpretation of an individual conservation officer). This is inconsistent with the goals of promoting hunting as a family activity, and encouraging youths to take an interest in the sport. Thus, the participation license requirement should be limited to the owner of dogs used in a hunt. Furthermore, neither NRC regulations nor State statute require a participation license for any other game for dog owners, borrowers, or handlers, so it would be appropriate to limit the scope of this requirement in the case of bear and bobcat.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no impact on State or local government.

Fiscal Analyst: Bill Bowerman

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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.