House
Legislative
Analysis
Section

Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

SMALL-GAME HUNTING LICENSES

House Bill 4531 (Substitute H-3)
First Analysis (9-21-93)

Sponsor: Rep. James McNutt
Committee: Conservation, Environment and Great Lakes

THE APPARENT PROBLEM:

The Hunting and Fishing License Act was amended in 1986 to create a special license--the fur harvester's license--which allows its holder to hunt or trap "fur-bearing animals," which include certain non-protected wild animals that are pursued for their meat or for sport, or whose pelts are valuable and can be sold for profit. Under the act, a fur-harvester's license is not required specifically to hunt a fur-bearing animal if the hunting of that animal is otherwise not restricted by law. The hunting of most fur-bearing animals is permitted (except for the wolf and the lynx, which are protected species) but seasonally restricted under the act; thus, since the 1986 amendments, people who specifically hunt fur-bearers generally have been required to obtain both a small-game hunting license and a fur-harvester's license. (Prior to 1986, hunters of fur-bearers had to purchase and carry only the small-game license.) Apparently, this change in law has resulted in a situation where some people who hunt certain fur-bearers--specifically, fox, coyote and raccoon--have purchased both of the licenses, while others who hunt the same species have bought only the small-game license. This situation reportedly has caused resentment among hunters of these animals where those who have bought both licenses have grumbled about those who buy only the small-game license, while those who have bought only the small-game license complain that the hunting of these "nuisance" animals traditionally has been allowed under this license alone. The problem seems to be so widespread that even conservation officers are unsure about how to enforce the act's licensing requirements.

THE CONTENT OF THE BILL:

Currently, under the Hunting and Fishing License Act, a small game license is required for the hunting of all protected game birds and game animals, with the exception of bear, deer, elk and moose (which require separate licenses). A fur harvester's license is required for the trapping or hunting of those fur-bearing animals that are restricted under the act. House Bill 4531 (Substitute H-3)** would specify that a person who held a fur-harvester's license could trap fur-bearing animals without a small game license, and that a current small game licensee could take specified fur-bearing animals by means other than trapping during the open firearm season for this activity, if authorized by an order under Section 8 of the Wildlife Conservation Act. (Under the Wildlife Conservation Act, the Natural Resources Commission is charged with management of game animals in Michigan, and may determine which animals may be hunted, methods for hunting, seasons, and the like, with public and legislative input. Under Governor Engler's reorganization of the Department of Natural Resources, which has recently been upheld by the state supreme court, the director of the DNR assumes those responsibilities.) In addition, the bill would strike from the act a provision which says that a fur harvester's license is not required to hunt a fur-bearing animal if the hunting of that animal is not otherwise restricted by law.

** Note: The House Committee on Conservation, Recreation and Great Lakes reported out House Bill 4531 with a Substitute H-2. According to the Legislative Service Bureau, Substitute H-2 contains a technical error; thus, this analysis reflects the content of Substitute H-3, which is expected to be offered as a floor substitute. Substitute H-3 contains no substantive changes from Substitute H-2.

MCL 316.305 and 316.314

House Bill 4531 (9-21-93)

FISCAL IMPLICATIONS:

According to the Department of Natural Resources, implementation of the bill could result in a revenue loss to the Game and Fish Fund of $16,000 to 41,000. (9-20-93)

ARGUMENTS:

For:

The bill would solve what has become a minor dispute among some hunters of certain kinds of fur-bearing animals--specifically, fox, coyote and raccoon. While some people shoot these animals because they're considered pests that raid chicken houses, kill domestic pets, and disrupt other farm activities, others hunt them for their meat and somewhat-valuable hides, or simply for the sport of it. Before 1986, when changes were made to the Hunting and Fishing License Act, people only needed to purchase and carry a small-game hunting license in order to hunt these and other fur-bearing animals. Since amendments were added in 1986, however, the act has required a person wishing to hunt these animals to purchase and carry both a small-game license and a fur-harvester's license. Unfortunately, the new requirement never really caught on with some hunters--resulting in a situation where many hunters of these animals have consistently purchased both licenses every year since the change was made, while a significant number of others have continued to purchase only the small-game license. The bill would solve the problem by allowing hunting of certain fur-bearing animals (the most likely candidates being coyote, fox and raccoon) with only a small game license, if the Natural Resources Commission (or the DNR director, under the terms of the newly upheld DNR reorganization) issues an order to allow the practice. In making the determination, the department will consider sound resource management practices as well as the potential for revenue loss.

Against:

Making this change in licensing requirements could result in a revenue loss to the Department of Natural Resources, since many hunters who now purchase two licenses would purchase only one. The proposed change should therefore be accompanied by an increase in the small-game hunting license fee to offset this loss in revenue, as was proposed in a similar bill in 1992.

POSITIONS:

The Michigan United Conservation Clubs supports the bill. (9-15-93)

The Department of Natural Resources supports the bill. (9-20-93)