

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 438 (as reported without amendment)

Sponsor: Senator Dave Jaye

Committee: Hunting, Fishing and Forestry

Date Completed: 5-12-99

RATIONALE

The Natural Resources and Environmental Protection Act (NREPA), which regulates the taking of game in the State, allows a person to hunt with a firearm, a slingshot, a bow and arrow, a crossbow, or a trap. A person also may use a dog, raptor, or other wild or domestically trained animal to assist in the kill, chase, harassment, pursuit, entrapment, capture, or collection of game. The Act restricts the use of artificial light to locate game during December to November between specific night hours. In 1998, the Natural Resources Commission voted to allow firearm deer and bear hunters to use raised platforms. Some people believe that platform use for lawful firearm hunting should not be subject to change and therefore, should be addressed in the statute.

CONTENT

The bill would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to allow an individual to use a platform for lawful firearm hunting.

The term "platform" would mean a raised horizontal surface constructed or erected by a person that would increase the person's field of vision using the horizontal surface beyond the field of vision that would normally be attained by that person standing on the ground.

Proposed MCL 324.40113b

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 use of a platform for lawful firearm hunting would be a fair method of taking of game. By increasing a hunter's field of vision, a firearm platform would enhance the hunter's skill and ability to shoot game successfully. The bill would complement an order issued by the Natural Resources Commission that allows firearm deer hunters and firearm bear hunters to use firearm platforms.

Opposing Argument

Ballot Proposal G of 1996 amended the NREPA to give the Commission exclusive authority to regulate the taking of game in the State, using principles of sound scientific management. According to the Department, regulations such as allowing raised platforms for firearm hunting, continue to be within the scope of the Commission's authority. The bill could divest the Commission of its ability to repeal the current order if the situation were to change. Furthermore, the bill's provisions would not simply reiterate the Department of Natural Resources' current wildlife management policies. The Commission's order specifies that a person may hunt with a bow and arrow from a scaffold, raised platform, or tree, and may use a scaffold, raised platform, or tree to take deer or bear with a firearm. The order restricts the use of a platform on public land, prohibits a person from permanently affixing a platform to a tree or other natural feature, and requires the name and address of the user of a scaffold to be printed on it and visible from the ground.

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.