

# Legislative Analysis



## DNR AND NRC PROMOTION OF HUNTING

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**House Bill 6272 (Substitute H-1)**

**Sponsor: Rep. Sue Tabor**

**Committee: Conservation and Outdoor Recreation**

### **First Analysis (11-19-04)**

**BRIEF SUMMARY:** The bill would 1) allow the DNR and NRC to promote legislation classifying game animals and declaring the first open season for game and 2) require them "to promote the heritage of recreational hunting."

**FISCAL IMPACT:** There would be no increased appropriation requirement if the bill is enacted. There would be no fiscal impact on local governmental units.

### **THE APPARENT PROBLEM:**

In 1985, the Natural Resources Commission (NRC) voted to establish a mourning dove hunting season. Following the decision of the NRC, the Department of Natural Resources (DNR) promulgated regulations for a 22-day mourning dove hunting season in the fall of 1985. The Michigan Humane Society subsequently filed a lawsuit against the NRC and DNR challenging their authority to establish a mourning dove season. In September 1985, the Ingham County Circuit Court ruled that the NRC did not have such authority and entered a permanent injunction prohibiting the NRC and DNR from holding, administering, overseeing, or promoting an open mourning dove hunting season.

During the course of the legislature's deliberations this session on a bill to establish a mourning dove hunting season (House Bill 5029, which became Public Act 160 of 2004), the DNR was constrained by the 1985 injunction from advocating for the bill's passage or defeat, and could not provide its expertise as to the appropriateness of establishing a mourning dove season. The injunction was finally lifted by the court on July 5, 2004 after House Bill 5029 was enacted.

The debate surrounding the hunting of mourning doves was emotional, and some people believe that a more reasoned, fact-based discussion could have occurred if the DNR and NRC been able to freely discuss the issue.

### **THE CONTENT OF THE BILL:**

The bill would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act

1) to require the Department of Natural Resources and the Natural Resources Commission to preserve and promote the "heritage of recreational hunting" in the state, and

2) to allow the DNR and NRC to promote legislation classifying animals as game or declaring the first open season for game.

MCL 324.40110

***ARGUMENTS:***

***For:***

For nearly 20 years, the Department of Natural Resources and the Natural Resources Commission have been limited in their ability to discuss the appropriateness of establishing a mourning dove season. The DNR, through its staff of experts, can add reasoned discourse to discussions over state wildlife policy. The bill, by specifically authorizing the DNR and NRC to promote legislation classifying game animals or establishing the first hunting season, would ensure that the DNR and NRC have the full statutory authority to properly manage the state's varied wildlife resources.

***POSITIONS:***

The Department of Natural Resources supports the bill. (11-10-04)

The Michigan United Conservation Clubs supports the bill. (11-10-04)

The Michigan Coalition of Responsible Gun Owners supports the bill. (11-10-04)

The Shooters Alliance for Firearms Rights supports the bill. (11-10-04)

The Great Lakes Shooting Sports Association supports the bill. (11-10-04)

The Michigan Hunting Dog Federation supports the bill. (11-10-04)

The Humane Society of the United States opposes the bill. (11-10-04)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.