



Senate Fiscal Agency
 P. O. Box 30036
 Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 1033 (as enrolled)
 Sponsor: Senator Mat J. Dunaskiss
 Senate Committee: Natural Resources and Environmental Affairs
 House Committee: Conservation, Environment and Great Lakes

PUBLIC ACT 377 of 1996

Date Completed: 10-23-96

RATIONALE

The Director of the Department of Natural Resources (DNR) currently has the authority to manage the State's wildlife resources and uses such management techniques as establishing harvest quotas and hunting zones, adjusting the number and types of hunting licenses issued and the duration of the hunting seasons, and applying the enforcement and penalty provisions of the Natural Resources and Environmental Protection Act. Proposal D, a citizen initiative to outlaw the use of bait and dogs in bear hunting, has been placed on the November 5, 1996, ballot for ratification by the State's voters. Other people, however, suggested that the ballot include an alternative proposal to shift decision-making authority over all hunting in the Natural Resources Commission, rather than the Director.

bear, is declared to be in the public interest."
 -- "The sound scientific management of bear populations in this state is necessary to minimize human/bear encounters and to prevent bears from threatening or harming humans, livestock, and pets."

Further, the bill specifies that it will not take effect unless it is submitted to the qualified voters of the State at the general election to be held on November 5, 1996, in the same manner as provided by law for proposed amendments to the State Constitution of 1963. If approved by the voters, the bill will take effect 10 days after the date of the official declaration of the vote. (The bill will appear as Proposal G on the November ballot.)

CONTENT

The bill would amend Part 401 of the Natural Resources and Environmental Protection Act, which concerns wildlife conservation, to specify that the Commission of Natural Resources would have the exclusive authority to regulate the taking of game in Michigan. The Commission would have to use principles of sound scientific management to the greatest extent practicable in making decisions regarding the taking of game. The issuance of orders by the Commission regarding the taking of game would have to be made after a public meeting and an opportunity for public input.

MCL 324.40113a

BACKGROUND

Proposal G was placed on the ballot pursuant to Article IV, Section 34 of the State Constitution, which states that any bill passed by the Legislature and approved by the Governor, except for appropriations bills, may provide that it will not become law unless approved by a majority of the electors voting on it. A law approved under Article IV, Section 34 can be amended by the Legislature during any subsequent session.

The bill also contains the following legislative findings:

If two or more proposals on the ballot contain conflicting language, the one receiving the most affirmative votes becomes law.

- "The wildlife populations of the state and their habitat are of paramount importance to the citizens of this state."
- "The sound scientific management of wildlife populations of the state, including hunting of

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

Prior to 1992, the Natural Resources Commission was responsible for managing and protecting the State's natural resources, wildlife, and environmental quality. In 1991, the Governor issued an executive order that created a "new" Department of Natural Resources and transferred most of the statutory authority, powers, and duties of the Commission to the Director of the new DNR. Proposal G would transfer the decision-making authority back to the Commission.

By doing so, the proposal would place in statute a provision that a public body that is required to receive input from citizens before issuing orders, and has access to wildlife experts and other data within the DNR, would be responsible for setting policy pertaining to the hunting game. Hunting methods and kill quotas should be established based on scientific principles and sound, biological facts and not on emotions. The goal should be to have healthy wildlife populations, and this is accomplished through consultation with experts in the field. Proposal G would allow current practices to continue yet would ensure that the public continued to be able to have input into regulations, should there be a future need to make changes in the system. This ballot proposal allows voters in the State to decide who should determine when and how game will be taken--the Director of the DNR, as is current policy; the Natural Resources Commission, which is accessible to the public; or a citizen group that would regulate bear hunting based on perceptions that may or may not have any basis in fact. Proposal G would establish the exclusive authority of the Commission to determine hunting regulations, with public input.

Response: Although policies pertaining to wildlife management should be based on scientific principles, the authority to regulate game should not be split between departments or agencies. The phrase "utilize... scientific management" relates more to a director or a department than to the Commission, because biologists and statisticians within a department report to their supervisor; the Commission on the other hand, historically has been used as a focal point to get public input. If the goal is to retain the scientific information from the DNR, yet allow for additional public input into the decision-making process, the law should retain the Director's authority to regulate game species, yet require the Director to hold a public meeting for the purpose of obtaining citizen input before issuing orders.

Opposing Argument

Proposal G offers a conflicting and/or confusing counterproposal to Proposal D. Rather than dealing with concerns over the practice of hunting bear with bait and dogs, Proposal G would make

no substantive change in current law and is designed to confuse the voters. It would make a shift in the regulation from the Director to the DNR Commission, where it had been vested prior to Executive Order 1991-31. Proposal G would not change management of bear or other game species in any way.

Response: The Michigan Constitution grants the Legislature the authority to offer counterproposals in response to citizen initiative proposals, and also to submit any legislation it chooses to a vote of the people. Therefore, the Legislature is well within its authority to offer this proposal to the voters of the State. Furthermore, although Proposal G might represent an alternative to Proposal D, Proposal G is not simply a referendum on bear hunting. In fact, there is nothing in this proposal that would prevent the Natural Resources Commission from adopting the very prohibitions contained in Proposal D.

Opposing Argument

Proposal G does not define "sound scientific management" and indeed there is no consensus among the experts on what constitutes sound scientific management. "Sound scientific management" needs to be adequately defined and adhered to, in order to ensure that no one group is catered to and that what is in the best interest of the bear population and the citizens is determined and implemented. To put it another way, the issue seems to be a matter of values, not science. The DNR looks at game management through the perspective of hunter enjoyment, and social carrying capacity, not from a biological basis. The Ursid Research Center in Montana, an institute of the Rockies Project under the Environmental Media Center, reports many scientific reasons to prohibit baiting and using dogs for bear hunting. The important thing is that if the voters choose "scientific" methods to manage bear or other wildlife species, then the Department must be prepared in fact to use scientific methods, and a strong scientific case can be made that the DNR should stop the unethical practice of using dogs and bait in hunting bears.

Legislative Analyst: L. Burghardt

FISCAL IMPACT

Proposal G would have no fiscal impact on State or local units of government.

Fiscal Analyst: G. Cutler

A9596\S1033EA

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.