



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 1105 (Substitute S-2 as reported by the Committee of the Whole)
House Bill 5192 (Substitute S-2 as reported by the Committee of the Whole)
Sponsor: Senator Michelle A. McManus (S.B. 1105)
Representative Scott Hummel (H.B. 5192)
Senate Committee: Natural Resources and Environmental Affairs
House Committee: Conservation, Forestry, and Outdoor Recreation (H.B. 5192)

Date Completed: 5-23-06

RATIONALE

Hunting traditionally has occupied a prominent position in Michigan's heritage. In 2002, there were approximately 865,000 licensed hunters in the State. While the number of hunters in Michigan has remained relatively unchanged over the last 40 years, the percentage of the population that hunts has declined, and the diversity of game being hunted is waning as more hunters focus on deer. According to the Department of Natural Resources (DNR), sales of hunting licenses drop by 1% to 2% every year. Reportedly, the sport is losing popularity among young people in particular.

In 2005, the DNR Director established the Hunter Recruitment and Retention Work Group to identify strategies to recruit new hunters and sustain the interest of those already involved in hunting. Among its final recommendations, the Work Group included suggestions that the State provide the opportunity for a wider spectrum of society to participate in hunting, and to create and expand opportunities to infuse hunting and related outdoor recreation into existing and emerging mentoring programs. Some people believe that the creation of an apprentice hunting program, as well as a reduction in the State's minimum hunting age, would be an effective way to implement these recommendations and help attract new people to the sport.

CONTENT

Senate Bill 1105 (S-2) would amend Part 435 (Hunting and Fishing Licensing) of the Natural Resources and

Environmental Protection Act to do the following:

- Provide for a hunting "apprentice license" that a person with no previous hunting experience could obtain.
- Allow a minor child (a person under 17) to hunt pursuant to an apprentice license.
- Allow a minor child to hunt on land upon which a parent or guardian was not regularly domiciled if accompanied by an authorized person who was at least 21 (rather than 17, as currently allowed).

House Bill 5192 (S-2) would amend Part 435 to do the following:

- Lower the minimum age for a hunting license from 12 to 10 years old.
- Allow a minor child to hunt on land upon which the parent or guardian was not regularly domiciled if the child were accompanied by the parent or guardian, or another person authorized by the parent or guardian who was at least 18 years old (rather than 17, as currently allowed).
- Lower the minimum age for a firearm deer, bear, or elk hunting license from 14 to 12 years old.
- Allow a child under 14 to hunt deer, bear, or elk with a firearm only on private property and when accompanied by a parent or

guardian, or another person authorized by the parent or guardian who was at least 18.

- Refer to a "minor child" instead of a person "who is 12 years of age through 16 years of age" in provisions establishing hunting license fees.**
- Require license fee revenue under Part 435 to be credited to the Game and Fish Protection Account or, if House Joint Resolution Z is not approved by the voters, to the Game and Fish Protection Fund.**

Both bills would require the DNR, by October 1, 2008, to submit to the standing committees of the Senate and the House of Representatives with primary responsibility for conservation and outdoor recreation issues a report on the effect of the reductions in minimum hunting age on recruitment of new hunters and other relevant issues, such as hunter safety.

The bills are described below in further detail.

Senate Bill 1105 (S-2)

Apprentice License

Under the Act, a person authorized to sell hunting licenses may not issue a license to a person born after January 1, 1960, unless the person presents proof of previous hunting experience in the form of a hunting license or a certification of completion of training in hunter safety. If an applicant does not have proof of a previous license or certification, the seller may issue a license if the applicant submits a signed affidavit stating that he or she has completed a hunter safety course or possessed a hunting license previously. Under the bill, these requirements would not apply to the issuance of an apprentice license. The bill specifies that an apprentice license or its equivalent would not satisfy the Act's requirements concerning proof of previous hunting experience.

Under the bill, a person who did not meet the previous experience requirements could obtain an apprentice license for the same price as the corresponding regular license that he or she otherwise would be qualified to obtain. An apprentice license would have

to be distinguished from a regular license by a notation or other means. A person would not be eligible to obtain a specific type of apprentice license, such as a firearm deer license, an archery deer license, a combination deer license, a small game license, or a turkey license, for more than two license years.

A person who was at least 17 could not hunt game under an apprentice license unless another person at least 21 who had a license other than an apprentice license to hunt that game accompanied him or her and did not accompany more than one other apprentice licensee.

("Accompany" would mean to go along with another person under circumstances that allowed one to come to the immediate aid of the other person and while staying within a distance from the person that permitted uninterrupted, unaided visual and auditory communication.)

A person could not go along with more than two apprentice licensees of any age for the purpose of accompanying them while they were hunting. If a person had represented to an apprentice licensee, or, if the apprentice licensee were a minor child, to the child's parent or legal guardian, that he or she would accompany the apprentice licensee, he or she could not go along with the apprentice licensee while the apprentice licensee was hunting unless he or she actually accompanied the apprentice licensee and possessed a license, other than an apprentice license, to hunt the same game as the apprentice licensee.

Minor Child

Currently, the Act prohibits a parent or legal guardian from allowing a minor child (a person under 17) to hunt under the authority of a license issued under Part 435 on land upon which the parent or guardian is not regularly domiciled unless the minor child is accompanied by the parent or guardian, or another person authorized by the parent or guardian who is at least 17 years old.

Under the bill, the authorized person would have to be at least 21 years old. Additionally, this provision would not apply if the license were an apprentice license. In that case, the minor child would have to be

accompanied by a parent or guardian, or another person who was at least 21 years old and licensed to hunt that game under a license other than an apprentice license.

The Act allows the Department of Natural Resources to issue a hunting license to a minor child on application of a parent or legal guardian, if the child, when hunting on land upon which the parents are not regularly domiciled, is accompanied by the parent or guardian or an authorized individual who is at least 17; and upon payment of the license fee.

Under the bill, the parent or legal guardian would have to represent either that the apprentice license requirements would be complied with, or that the child would hunt only on land upon which the parent or guardian was domiciled or would be accompanied by the parent or guardian or an authorized person at least 21 years old.

House Bill 5192 (S-2)

Minor Child

The Act prohibits the Department of Natural Resources from issuing a license to hunt deer, bear, or elk with a firearm to a person under the age of 14, and from issuing a hunting license to a person younger than 12. The bill would delete these provisions.

Also, under the Act, a parent or legal guardian may not allow a minor child to hunt under the authority of a license issued under Part 435 on land upon which the parent or guardian is not regularly domiciled unless the child is accompanied by the parent or guardian, or another person authorized by the parent or guardian who is at least 17 years old. Under the bill, an authorized person accompanying the minor child would have to be at least 18 years old, and this provision would not apply if the child were younger than 14 and the license were a license to hunt deer, bear, or elk with a firearm. In that case, the child could hunt only on private property and would have to be accompanied by the parent or guardian.

The Act allows the DNR to issue a hunting license to a minor child on application of a parent or legal guardian, if the child, when hunting on land upon which the parents are not regularly domiciled, is accompanied by the parent or guardian or an authorized

individual who is at least 17; and upon payment of the license fee.

Under the bill, the parent or legal guardian would have to represent that the requirements related to accompaniment and where a minor child may hunt would be complied with. Also, the minor child could not be younger than 10, or, for a license to hunt deer, bear, or elk with a firearm, 12.

The bill would define "accompany" as that term would be defined in Senate Bill 1105 (S-2).

Currently, a combination deer license, which authorizes the licensee to hunt deer during both the firearm and bow and arrow seasons, issued to a person younger than 14 is valid for the taking of deer only with a bow and arrow, until he or she reaches age 14. House Bill 5192 (S-2) would refer to age 12 instead.

Game & Fish Protection Account/Fund

Public Act 587 of 2004 will amend the Act to establish the Conservation and Recreation Legacy Fund if the voters approve House Joint Resolution (HJR) Z of the 2003-2004 session, which the Legislature approved in 2004. Under Public Act 587, several existing funds, including the Game and Fish Protection Account, will be contained as separate accounts within the proposed Conservation and Recreation Legacy Fund. If approved by the voters, the joint resolution will establish the Conservation and Recreation Legacy Fund, including the existing funds, in the State Constitution, and the Legislature will be precluded from transferring funds from the Conservation and Recreation Legacy Fund to other State funds. The joint resolution will be on the November 7, 2006, general election ballot.

Under the Act, the DNR must transmit all money received from the sale of licenses to the State Treasurer, together with a statement indicating the amount of money received and the source of the money. Currently, Section 43553 requires the State Treasurer to credit the money to the Game and Fish Protection Fund, and make payments from the Fund for purposes specified in Part 435. Under Public Act 587 of 2004 (if approved), this section will require the State Treasurer to credit the money to the Game and Fish Protection

Account, and make payments out of the Account for specified purposes.

The bill would amend (and thereby enact) the version of Section 43553 under Public Act 587. The bill specifies that the Game and Fish Protection Fund formerly created as a separate fund in the State Treasury would continue unless all the money in it were transferred to the Game and Fish Protection Account as a result of HJR Z becoming part of the State Constitution. The State Treasurer would have to credit the money received from the sale of passbooks and licenses to the Game and Fish Protection Fund, unless HJR Z were approved by voters and became part of the State Constitution. In that case, the money would have to be credited to the Game and Fish Protection Account.

The bill also would refer to "minor children", rather than "youth under 17 years of age" in several provisions of Section 43553.

MCL 324.43502 et al. (S.B. 1105)
324.43502 et al. (H.B. 5192)

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

A rich hunting tradition is one of Michigan's defining characteristics, contributing to wildlife management and conservation, providing a positive family experience, and stimulating economic activity. Due to the positive impact of hunting on the State, some people are concerned about the sport's decline in recent years, particularly among the younger population. These concerns are magnified when one acknowledges that fewer young hunters today will result in a smaller teaching class, and therefore a smaller pupil class, in the future. Due to the decline in hunting among minors, it is important that the State take action to eliminate barriers to hunter participation. Evidently, Michigan ranks last among the states for new hunter recruitment. According to a report on youth hunting by the National Shooting Sports Foundation (NSSF) and the National Wild Turkey Federation (NWTF), youth recruitment is less successful in states with

more restrictive youth hunting laws, such as minimum age and education requirements.

Children are offered a vast array of leisure time choices, often at younger and younger ages. By the time they reach age 12, the State's minimum hunting age, many have not had any exposure to hunting and already have become involved in other activities. Lowering the minimum age, as House Bill 5192 (S-2) would do, would enable more people to be introduced to hunting at an earlier age and develop enthusiasm for the sport and being outdoors and protecting the environment. Reportedly, states with no minimum age requirement have better safety records than other states because parents are heavily involved with their children's hunting experience, beginning with the determination of when their children are ready to hunt safely and responsibly.

The apprentice program under Senate Bill 1105 (S-2) would help ensure that the young people being introduced to hunting were supervised properly. According to the youth hunting report by the NSSF and the NWTF, the presence of an attentive, responsible adult is a major factor in the safety of young hunters. In addition to extending the hunting experience to youths, Senate Bill 1105 (S-2) could help draw adults with little or no previous experience to the sport. The requirement that an individual successfully complete a hunter safety class in order to obtain a hunting license can be a deterrent to potential new hunters. A typical course generally requires three to five days, which might be inconvenient for a person who is not entirely sure he or she will continue to hunt in the long term. The bill would enable people of all ages to gain exposure to hunting before making a substantial commitment.

Many parents who like to take their children hunting spend money on hunting licenses and travel in states with less restrictive laws, but not all parents can afford to do so. By expanding in-State hunting opportunities, the bills would boost revenue from license sales, which funds the DNR's wildlife management programs, and help to reverse the trend of low hunter replacement ratios. A decline in the number of hunters, as well as license revenue, can result in wildlife overpopulation, which can lead to increased crop damage, vehicular accidents, and

property damage. In addition to providing economic benefits, the bills would enhance safety, help foster a sense of stewardship among youths, and reinforce the bonds between hunters and the family members and friends who introduce them to the sport and mentor them.

Response: Senate Bill 1105 (S-2) should allow a person to hunt under an apprentice license for one year, rather than two, before he or she would have to complete a hunter safety course and obtain a regular hunting license. The State currently experiences only a handful of reported hunting accidents annually, in relation to the number of people who hunt. One reason for this is the requirement for hunter safety education. Although allowing a new hunter to forgo the course for one year could remove a barrier to entry to the sport, care must be taken not to interfere with the development of well educated, safe hunters.

Additionally, the proposed definition of "accompany" should require that the person accompanying the apprentice or minor child stay within 50 feet of the other person while hunting small game and within an arm's length of the person while hunting deer, bear, and elk.

Senate Bill 1105 (S-2) also should place issues related to the apprentice license program within the purview of the Natural Resources Commission so any changes to the program could be made in a more timely manner than if legislative action were required.

In addition, Michigan's hunter safety courses are developed for approximately a sixth-grade level. By reducing the minimum age and providing for an apprentice program, the bills could result in a wide age range of people seeking education. Hunter safety instructors are volunteers, who, while knowledgeable, might be ill equipped to teach groups with such varied needs related to instructional methods and materials.

Opposing Argument

The bills could compromise the safety of young hunters and those around them. An adult hunter should be focused on his or her own actions, as well as the actions of others, to reduce the level of endangerment to all. Under the proposed apprentice program, a hunter could be required to attend to two

other people with little to no previous hunting experience or education. Some children inherently are less responsible and demonstrate a lower level of skill or instinct than others. It is questionable whether one licensed hunter adequately could supervise apprentice hunters under these conditions.

Response: All activities carry some risk of injury or death, and hunting actually is safer than many other activities. The sport is unfairly stigmatized as dangerous, placing it at a disadvantage when it comes to the choices children and parents make regarding participation. When young or inexperienced hunters are supervised properly and observe their mentors engaging in responsible behavior, they also become safe hunters. Under the apprentice program, parents would determine if their children were ready to hunt. Furthermore, once an individual reached the minimum hunting age, he or she could hunt under an apprentice license for only two years. After that, he or she would have to complete a hunter safety course successfully and obtain a standard hunting license. The Senate bill actually could improve safety because, presumably, people who tried hunting under an apprentice license would decide to continue after the two-year apprentice period and would have some experience before completing a hunter safety course.

Legislative Analyst: Julie Koval

FISCAL IMPACT

Senate Bill 1105 (S-2)

The bill's provisions concerning an apprentice hunting license would increase revenue to the Game and Fish Protection Fund by an indeterminate amount depending on the number of apprentice hunting licenses sold and the type of hunting licenses.

House Bill 5192 (S-2)

The bill would increase revenue to the State by an indeterminate amount. Lowering the minimum hunting age from 12 to 10 years old could result in the issuance of additional hunting licenses. The minimum age for hunting deer, bear, or elk would be lowered from 14 to 12 years, also expanding the number of people eligible to hunt. It is unknown how many additional hunting licenses would be issued for minor children.

Hunting license revenue is deposited into the Game and Fish Protection Fund for use in habitat development, fisheries activities, and the promotion of hunting and fishing.

Fiscal Analyst: Jessica Runnels

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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.