

# Legislative Analysis



## STATE FALCONRY PERMITS

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### Senate Bill 1228

**Sponsor: Sen. Jim Barcia**

**House Committee: Tourism, Outdoor Recreation and Natural Resources**

**Senate Committee: Hunting, Fishing and Outdoor Recreation**

**Complete to 5-10-10**

## A SUMMARY OF SENATE BILL 1228 AS PASSED BY THE SENATE 4-27-10

Migratory birds, including raptors (birds of prey), are protected by federal laws including the Migratory Bird Treaty Act, 16 USC 703 *et seq.* That act implements international conventions protecting migratory birds in the United States, Canada, Mexico, Japan, and Russia. The taking and possession of raptors is strictly prohibited except as allowed by federal regulations implementing the MBTA, as well as state laws and regulations.

The U.S. Fish and Wildlife Service, the federal agency with the primary responsibility for managing migratory birds, issued new falconry regulations on November 7, 2008. The new regulations announced that the federal falconry permit program would be discontinued as of January 1, 2014, after which time a falconer will need a state permit to continue to practice falconry. (Michigan falconers currently obtain a joint federal-state permit.) The federal government will exercise some continued oversight, however, and states must obtain federal certification of their permit programs to allow falconry to be practiced after that date. Among other things, state regulations must be at least as restrictive as the new federal standards.

Senate Bill 1228 would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to give the DNRE the authority to issue state falconry permits allowing the taking or possession of raptors for falconry. This bill, along with any regulatory changes needed for state law to conform to federal law, would allow Michigan to seek federal certification of a state-only permitting program. Falconry will not be allowed in Michigan after January 1, 2014, if a federally-certified state permit program is not in place.

MCL 324.40114

## FISCAL IMPACT:

Senate Bill 1228 would have no significant fiscal impact on the DNRE. According to the Department, there are 104 licensed falconers in Michigan. Under current law, falconers in Michigan must apply for a joint Federal-State falconry permit. The federal government will be discontinuing its permit program in 2014 and is allowing states to

develop state permitting programs in anticipation of that change. Senate Bill 1228 would give the DNRE the authority to issue State falconry permits.

Currently, the DNRE handles the administrative responsibilities and provides the facility inspections for the joint Federal-State falconry permits under the current permit system. Because the Department is already providing the administration for the permit system, moving to a State falconry permit system would not increase costs for the Department.

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