

Legislative Analysis



FALCONRY

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House Bill 4757 as introduced

Sponsor: Rep. Goeff Hansen

Committee: Tourism, Outdoor Recreation and Natural Resources

First Analysis (5-5-09)

BRIEF SUMMARY: The bill would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act (NREPA) to require the Department of Natural Resources (DNR) to issue an order establishing one or more seasons in which falconers could take live raptors for use in falconry. The previous law governing this practice expired on January 4, 2009.

FISCAL IMPACT: The bill would have no fiscal impact on the state or on local governmental units.

THE APPARENT PROBLEM:

Falconry is the sport of hunting game with a trained raptor or bird of prey, such as a hawk. According to the Michigan Hawking Club, falconry is a very highly-regulated sport. To become a falconer, a person must pass a test on the care, training, and biology of raptors; serve a two-year apprenticeship under a general or master falconer; and construct housing facilities and equipment in accordance with federal regulations.

The use of wild-caught raptors is essential to the sport. For example, an apprentice falconer must learn the sport using a wild-caught red-tailed hawk or American kestrel that the apprentice caught in the wild. Since 1999, state law has allowed for a controlled take of up to 25 specified live raptors by falconers. Initially, the law had a sunset date of January, 2004, to make sure that there was no impact on wild raptor populations. In 2003, the sunset was extended for another five years and the law was expanded to allow an additional two permits for the capture of northern goshawks in falconry. Because this law expired by operation of its sunset provision on January 4, 2009, Michigan falconers are currently unable to obtain wild raptors for falconry use.

Legislation has been introduced to require the DNR to issue an order establishing one or more seasons for falconers to take live raptors for use in falconry. Unlike the previous law, the bill would not contain a sunset or spell out all program details, allowing details such as the number and types of raptors allowed to be taken to be set by the DNR.

THE CONTENT OF THE BILL:

The bill would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act (NREPA) to require the DNR to issue an order establishing one or more seasons for falconers to take live raptors for use in falconry. The order

would designate the number of raptors that could be taken and possessed, and could contain other conditions considered appropriate by the DNR.

Procedural requirements. In issuing the order, the DNR would have to comply with existing requirements for issuing an animal management order found in Section 40107(2) of NREPA, MCL 324.40107(2). Those requirements include soliciting comments from field personnel and interested persons before preparing the order, providing the general public notice and an opportunity to comment, and giving a copy of a proposed order to each member of a relevant legislative standing committee at least 30 days before it is issued for review and an opportunity to comment. (Specific notice to legislators is not required if the order does not alter the substance of a lawful provision that already exists in statute, rule, regulation, or order.)

Designation of falcons as game or protected animals. The bill would specifically prohibit the issuance of an order designating any raptor species as game. It would not, however, prohibit the DNR from designating a raptor as a protected animal.

MCL 324.40107b

ARGUMENTS:

For:

Despite bipartisan support for its extension, the previous law governing the take of live raptors for falconry expired on January 1, 2009. As a result, Michigan falconers are currently unable to obtain permits for taking wild raptors for use in falconry.

The law would allow the DNR's falconry management and permitting program to be reinstated and allow the taking of live raptors for falconry again. Because the program has not harmed wild raptor populations, it is no longer necessary for the law to contain a sunset provision. Details such as the number and types of raptors allowed to be taken, the necessary permits, and the dates for one or more falconry seasons could be provided DNR giving it more flexibility in managing the program.

POSITIONS:

The Department of Natural Resources, the Michigan Hawking Club, and the Michigan United Conservation Clubs indicated support of the bill. (5-5-09)

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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.