

Legislative Analysis



FROG HUNTING AND TAKING FROGS FOR SCIENTIFIC OR COMMERCIAL USE

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

**Senate Bill 316 as enacted
Public Act 20 of 2018
Sponsor: Sen. Darwin Booher**

Analysis available at
<http://www.legislature.mi.gov>

**House Bill 5200 as enacted
Public Act 36 of 2018
Sponsor: Rep. Gary Howell**

**House Committee: Natural Resources
Senate Committee: Natural Resources
Complete to 6-22-18**

BRIEF SUMMARY: Senate Bill 316 would amend the Natural Resources and Environmental Protection Act (NREPA) by repealing Part 455 (Frogs), to eliminate statutory restrictions on the hunting and collection of frogs. House Bill 5200 would revise NREPA to prohibit statutorily the taking of reptiles or amphibians for commercial purposes, to allow for permits to take amphibians and reptiles for scientific purposes, to eliminate a prohibition against large landing nets on trout streams, and to revise the provisions of Part 13 (Permits) to reflect permitting changes made by both of these bills.

FISCAL IMPACT: Taken together, the bills would reduce law enforcement costs and fine revenue by eliminating certain restrictions on frog hunting and would reduce potential permit revenue by eliminating certain permit requirements. (See *Fiscal Information*, below, for further discussion.)

THE APPARENT PROBLEM:

According to committee testimony, “gigging” (spearing frogs) is a time-honored tradition, yet the sport is becoming less popular in Michigan. Some people believe that the decline in hunting frogs is due to strict regulations, such as short hunting seasons and being unable to spear frogs at night with the assistance of an artificial light.

Senate Bill 316 would repeal Part 455, which currently prescribes the open season and other conditions for frog hunting, while House Bill 5200 would statutorily prohibit commercial hunting of frogs and other reptiles and amphibians and make technical changes to NREPA to account for the removal of Part 455.

THE CONTENT OF THE BILLS:

Senate Bill 316

Part 455 of NREPA, which would be repealed by the bill, consists of Sections 45501, 45502, 45503, and 45504. Currently, Section 45501 prohibits a person from hunting frogs from November 16 to the Friday immediately preceding the opening of the fishing season on black bass, which is sometime in late spring. Additionally, it prohibits a person from spearing frogs with the aid of an artificial light at any time. SB 316 would repeal this section.

Section 45502 states that Part 455 does not prevent the purchase, sale, or possession of frogs legally taken or shipped from outside the state, while Section 45503 allows the Department of Natural Resources to issue permits to take frogs at any time of the year for scientific or experimental purposes. Finally, Section 45504 sets forth penalties for a violation of Part 455. These sections are also repealed by the bill.

The repeal of Part 455 would remove statutory restrictions on hunting frogs, but the activity would still be subject to the Commission's authority to set open seasons, possession limits, licensure requirements, etc., under NREPA.

MCL 324.45501 et al.

House Bill 5200

Under current law, a person may not take, trap, catch, or fish for reptiles or amphibians for commercial purposes unless the person obtains an annual commercial reptile and amphibian license for a fee of \$150. HB 5200 would amend Section 48705 of NREPA to remove the license provision and create a full statutory prohibition on taking, trapping, catching, or fishing for reptiles or amphibians for commercial purposes.

While SB 316 would repeal Section 45503, relating to permits to take frogs for scientific or experimental purposes, HB 5200 would allow the DNR to issue a permit to take amphibians and reptiles for scientific or educational use under Section 48705 of Part 487 (Sport Fishing). The bill would add that the DNR also could revoke such a permit.

The bill would also amend the part of NREPA that deals with permits and permitting procedures to reflect the changes to Sections 45503 and 48705 described in the above paragraph.

Additionally, a person cannot currently use or possess a landing net more than 5-½ feet in circumference or with a handle exceeding 14 inches in length on a trout stream from April through June. HB 5200 would remove this provision.

House Bill 5200 is tie-barred to SB 316, which means that HB 5200 could not take effect unless SB 316 were also enacted.

MCL 324.1301 et al.

HOUSE COMMITTEE ACTION:

House substitute H-2, introduced in committee, amended the Senate-passed version of SB 316 to repeal all of Part 455, instead of only one section contained within the Part. The substitute was concurred in by the Senate.

FISCAL INFORMATION:

Senate Bill 316 would reduce costs for state and local law enforcement by eliminating certain restrictions on frog hunting, thereby reducing required enforcement actions. The bill would also reduce fine revenue by removing frog hunting under certain conditions as a finable offense. The extent of these reductions is dependent on the number of frog takings that otherwise would have been subject to the statute repealed by the bill. Consequently, the magnitude of the bill's fiscal impact is unknown.

House Bill 5200 would reduce potential permit revenue for the department by eliminating a requirement to purchase a \$150 annual commercial reptile and amphibian license for individuals seeking to take, trap, catch, or fish for these animals. However, the DNR has not sold any of these licenses since 2006 as a result of Fisheries Order 224, which prohibited the commercial harvest of all reptiles and amphibians; consequently, the bill would not have an impact on actual departmental revenue. The bill would also eliminate a permit to take frogs for scientific use. A revision to section 48705 would allow the DNR to issue and revoke permits for the taking of amphibians and reptiles for scientific use, though it is unclear what fiscal impact this provision may have on the DNR. It is unlikely that the bill would affect departmental costs beyond whatever administrative savings may be realized through the elimination of an existing licensure requirement. The bill would not affect costs or revenues for local units of government.

ARGUMENTS:

For:

Supporters of Senate Bill 316 argue that hunting frogs not only supports a traditional cuisine, but is a sporting tradition as well. Many southern states participate in the hunting of frogs, including the gigging method. However, Michigan's law prohibiting hunting during certain seasons and the use of an artificial light while gigging has hurt the sport of hunting frogs, with less participation in the sport each year.

Proponents also argue that artificial lights already are allowed for other forms of gathering frogs, such as netting or catching them with bare hands. If the purpose of prohibiting the use of an artificial light while spearing frogs is to ensure a fair hunt, then why can artificial lights be used for other methods of collection?

In addition, supporters argue that although the hunting season and collection of frogs would be removed from statute, the Natural Resources Commission would still be tasked with setting hunting seasons and other guidelines.

Against:

Critics of Senate Bill 316 argue that eliminating from law the current limited hunting season for frogs would dramatically and detrimentally decrease frog populations in Michigan. The current hunting season bans the collection of frogs during the frog's hibernation period and mating season. During the winter months, when hunting frogs is prohibited, frogs are inactive and burrow into lakebeds or underground to protect themselves from the cold. They reappear during the spring to breed, after which (under current law) the hunting season begins again. Opening the door to year-round hunting of frogs could not only harm frogs' breeding cycles, but also allow for collection during hibernation, when they are most vulnerable.

Opponents also argue that using an artificial light while gigging would create an unsportsmanlike advantage over the frogs, as they are temporarily blinded from the light, making them easier to hunt. Additionally, artificial lights are prohibited while hunting for other species in Michigan, such as white-tailed deer.

Geologists and Michigan departments agree that Michigan's frog population is already declining, so combining the effects of a longer season for hunting frogs with the use of an artificial light while gigging would negatively impact Michigan's ecosystem. Frogs help control insect populations, including mosquitoes, and are also a food source for other wildlife. Opponents of the bill have stressed the need for studies on frog populations to see if more hunting of frogs could be allowed in Michigan, or if more hunting would cause further and irreparable harm.

Legislative Analyst: Emily S. Smith
Fiscal Analyst: Austin Scott

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