



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 316 (as reported without amendment)
Sponsor: Senator Darwin L. Boher
Committee: Natural Resources

Date Completed: 5-30-17

RATIONALE

Under the Natural Resources and Environmental Protection Act, killing any species of frog is prohibited in Michigan from November 16 in any year to the second Friday immediately preceding the opening of black bass season of the following year. Frog season begins on either the second or third Friday of June, depending on the year. The Act also prohibits the spearing of frogs with the aid of an artificial light at any time of the year. Evidently, frog-spearing (also called gigging) is a popular sport in other areas of the country. Some people believe that allowing this practice in Michigan year-round would promote outdoor recreation, especially among young people.

CONTENT

The bill would repeal a section of Part 455 (Frogs) of the Natural Resources and Environmental Protection Act, that prohibits taking or killing frogs during certain times of the year or spearing frogs with the aid of an artificial light.

Under Section 45501, a person is prohibited from killing or taking any species of frogs in the State from November 16 in any year until the Friday before the opening of black bass season the following year. Section 45501 also prohibits a person from spearing a frog with the aid of an artificial light at any time.

A violation of Part 455 is a misdemeanor, punishable by imprisonment for up to 90 days, or a fine of up to \$50, or both, plus the costs of prosecution.

The bill would repeal the Section 45501.

MCL 324.45501

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

Frog-spearing is very popular among young people in certain southern regions of the United States. Like these regions, Michigan is home to a large variety of frog species that are common statewide. Frog-spearing could be very popular in Michigan as well. There is no biological reason to prohibit this activity because the breeding season of frog species in Michigan is over by June.

Response: According to the Department of Natural Resources (DNR), many common frog species in Michigan breed through the month of July.¹ The current prohibition against taking frogs

¹ Department of Natural Resources website, "Bullfrog (*Rana catesbeiana*)", http://www.michigan.gov/dnr/0,4570,7-153-10370_12145_12201-60118--,00.html, retrieved 5-24-

from November 16 through late spring protects frogs during this breeding cycle. According to the Detroit Zoological Society, allowing the hunting of adult frogs while the frogs are breeding could devastate Michigan's frog populations.

Supporting Argument

It is not clear why the law prohibits frog-spearing with the aid of artificial light. Frog-spearing commonly takes place at night, when the use of a flashlight or spotlight would be useful to locate the frogs and perhaps daze them. Since frog hunters already may net or hook frogs while using artificial light, it would be consistent to allow the use of lighting to assist with frog-spearing, as well.

Supporting Argument

Part 455 of the Act places the regulation of frog hunting under the authority of the Legislature. By repealing Section 45501, the bill would place the regulation of hunting frogs under the authority of the Natural Resources Commission (NRC). The NRC has the exclusive authority to regulate the taking of game and sportfish, and is authorized to designate game species and establish the first open season for animals. The NRC relies on biological research and observable data to determine the proper regulation of species conservation and is well equipped to determine the needs of different species. The NRC would be able to change the conditions under which frog hunting is legal.

Response: The Legislature should not abdicate its authority to set minimal standards for the hunting of frogs and turn full power over to the NRC. The NRC represents a small constituency within the Michigan population. Decisions about the hunting of frogs should be made by the entire population of Michigan through their representatives in the Legislature. According to testimony from the DNR, the NRC is likely to consider revising the regulations if the bill passes. The existing law provides minimal protections for these animals and the bill could open the door to more expansive hunting of frogs.

Opposing Argument

According to the National Amphibian Conservation Center at the Detroit Zoological Society, amphibian populations across the globe are declining in the face of what is widely called an amphibian extinction crisis. Amphibian populations need protection in order to prevent irreversible population decreases. Bullfrogs in Michigan, for example, are now rare over much of the State due to overharvesting, according to the DNR.² The current prohibition against taking frogs during their breeding cycle protects the species from population destabilization.

Opposing Argument

According to the Detroit Zoological Society, studies have shown that frogs feel pain, and that death caused by spearing or gigging is incredibly slow and painful. While a frog may appear dead, it often takes many hours to actually die from spearing. Spearing is an inhumane form of hunting and frogs should be protected from this practice.

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bill would have no fiscal impact on the State and could potentially have a positive fiscal impact on local government. It is not known how many future violations would be avoided by repealing the ban, but any reduction in misdemeanor arrests and convictions could reduce resource demands

2017; Department of Natural Resources website, "Green Frog (*Rana clamitans*)", http://www.michigan.gov/dnr/0,4570,7-153-10370_12145_12201-60117--,00.html, retrieved 5-24-2017; Department of Natural Resources website, "Mink Frog (*Rana septentrionalis*)", http://www.michigan.gov/dnr/0,4570,7-153-10370_12145_12201-60116--,00.html, retrieved 5-24-2017.

² Note 1.

on law enforcement, court systems, community supervision, and jails. Any associated decrease in fine revenue would reduce funding to public libraries.

Fiscal Analyst: Ryan Bergan

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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.