

# Legislative Analysis

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## ALLOW TAKING OF BEAR TO REMEDY CROP DAMAGE

Mary Ann Cleary, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5226 as enrolled**  
**Public Act 407 of 2014**  
**Sponsor: Rep. Ed McBroom**  
**House Committee: Agriculture**  
**Senate Committee: Agriculture**

**Complete to 2-4-15**

**BRIEF SUMMARY:** The bill would amend the Natural Resources and Environmental Protection Act to allow individuals to obtain a bear permit to hunt bear outside of open season if a bear is determined by the Department of Natural Resources (DNR) to be the cause of damage to emerging, standing, or harvested crops, or properly stored feed.

**FISCAL IMPACT:** House Bill 5226 would have minimal fiscal impact to the Department of Natural Resources. Any additional costs to the DNR would be related to increased administrative costs from requiring the department to evaluate and make a determination upon a permit request within four business days and, if denied, respond to the requestor in writing within 10 business days with advice on other preventative techniques that can be used. These bear damage permits would be issued at no cost to the applicant, but may only be issued to current bear license holders for that calendar year.

### ***THE APPARENT PROBLEM:***

Under current law, the DNR is allowed to issue permits to hunt deer outside of open season if the deer are damaging crops, but there is no such program for bear. The fact that erecting fencing or electrifying current fencing does not appear to have the same preventive effect on bears as it does with deer provides additional justification, say supporters of this legislation, for using lethal force to stop bear damage.

### ***THE CONTENT OF THE BILL:***

As noted above, the bill would amend the Natural Resources and Environmental Protection Act to allow individuals to obtain a bear permit to hunt bear outside of open season if a bear is determined by the Department of Natural Resources (DNR) to be the cause of damage to emerging, standing, or harvested crops, or properly stored feed. However, a bear cub or a female bear accompanied by a bear cub could not be taken. A bear cub means a bear less than one year old.

A permit obtained under this bill would only allow an individual with a current bear hunting license to take a bear. It also would prohibit individuals from taking more than one bear per calendar year if they kill a bear using a permit obtained through this bill. Individuals would also be prohibited from using bait to take a bear under the terms of the

permit. Further, no more than 5% of the bear hunting licenses within a given bear management unit could be used for this purpose. In a unit with fewer than 20 such licenses, the DNR would be able to allow one of those licenses to be used.

The bill would establish a timeframe for the Department of Natural Resources (DNR) to make a determination on a permit request. The DNR would be required to respond to the applicant within four business days of receiving the request and either approve or deny the request in writing within 10 days after initially responding to the request. The DNR would have the ability to attempt, or recommend that the applicant attempt, other methods for controlling or preventing damage caused by a bear (as long as the applicant is not required to pay for those methods) within the 10 day period following the initial response to the application.

If the DNR denies a permit, it must advise the applicant on other methods for controlling or preventing damage caused by the bear. When a bear is killed by a license the individual who takes the bear must register that bear with the DNR field office within 72 hours.

Within three years from the date of enactment, the DNR would be required to issue a report in electronic form to each member of the Legislature containing information on the number of bear permits issued as a result of crop damage, the number of bears killed as a result of those permits, and any recommendations for changes to the bear damage shooting permits.

MCL 324.40114

### ***ARGUMENTS:***

#### ***For:***

Proponents say the bill would allow farmers a way to remedy crop damage caused by bears outside of open season just as they can with deer. The bill sponsor has testified that he annually loses 10-15 acres of corn as a result of bear damage on his Upper Peninsula farm. And particular concern has been expressed about damage to beehives. Because the bill would not increase the number of hunting permit holders, nor the overall quota for the number of bears taken in a year, it would not have a negative effect on the DNR's current bear management programs. Supporters say Wisconsin has a similar crop damage program.

#### ***Against:***

Critics say that there have been few reports of damage to crops caused by bears, and that it is unnecessary to hunt them, as there are other options for controlling bear and reducing damage to crops.

Legislative Analyst: Josh Roesner  
Fiscal Analyst: Viola Bay Wild

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