

SFA

BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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House Bill 4863 (Substitute S-1 as reported)

House Bill 4864 (as reported without amendment)

Sponsor: Representative Jerry C. Bartnik

House Committee: Tourism, Fisheries, and Wildlife

Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 10-24-89

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RATIONALE

Michigan law contains various special provisions to allow disabled people to hunt by using methods generally prohibited to others. For instance, a person unable to walk can obtain a special permit to hunt from a vehicle and a person with the full use of only one arm can obtain a permit to use a modified bow to hunt game. Reportedly, however, these provisions fail to meet the needs of all the physically challenged people who wish to hunt. Many handicappers, both those unable to walk and those with the use of only one arm, find it difficult if not impossible to use even a modified bow, but desire to participate in Michigan's archery deer season. Some hunting groups have suggested that those who have lost the use of their legs and must use a wheelchair and those with the use of only one arm who can't use a modified bow be permitted to hunt deer with a shotgun during the season for taking deer with a bow and arrow.

CONTENT

House Bill 4863 (S-1) and House Bill 4864 would amend the Wildlife Conservation Act and the Hunting and Fishing License Act, respectively, to authorize the Director of the Department of Natural Resources (DNR) to issue to persons with certain physical disabilities a special permit for the taking of deer with a shotgun during bow hunting season. The bills are tie-barred.

House Bill 4863 (S-1) would authorize the DNR Director to issue such a permit to a person who was permanently unable to walk due to

paralysis, disease, or amputation and required a wheelchair or other mechanical device for transportation. The Director also could issue a permit to a person who permanently lost the use of one arm due to paralysis, disease, or amputation and was unable to hunt under a permit to take game with a modified bow. A disabled hunter holding a special permit could take deer with a shotgun during bow season only if he or she held a valid bow and arrow license, junior bow and arrow license, senior citizen hunting license, or sportsperson's license. The permit holder also would have to comply with all other hunting laws and rules, carry the special permit when afield, and exhibit it upon the demand of a conservation or other peace officer.

The Act currently authorizes the Director to issue permits to a person who has lost the use of his or her legs to allow the person to hunt from or upon a standing vehicle and to a person who has lost the use of one arm to allow him or her to hunt during the bow and arrow deer season with a modified bow. The bill would require that those permits be carried when the hunter was afield and be exhibited upon the demand of a conservation or other peace officer. In addition, a person issued a shotgun permit could not hunt from a motor vehicle unless he or she was issued a permit to do so.

Finally, the bill would require the DNR to implement a 10-year plan to study ways of enhancing handicappers' hunting experience, implement policies and procedures for that purpose, propose related legislation, and educate

H.B. 4863 & 4864 (10-24-89)

the hunting public on the value of such a program.

House Bill 4864 would exempt permit holders under House Bill 4863 from the prohibitions against carrying a firearm while bow hunting for deer and against carrying a loaded rifle or shotgun in an area frequented by deer during the five days preceding the opening of the firearm deer season.

MCL 300.264 (H.B. 4863)

316.802 and 316.805 (H.B. 4864)

SENATE COMMITTEE ACTION

The Senate Committee on Natural Resources and Environmental Affairs adopted a substitute (S-1) to House Bill 4863 which specifies that a shotgun permit holder could not hunt from within or on a vehicle unless he or she also held a permit to do so. The substitute also would require the DNR to implement a 10-year plan to study ways of enhancing handicappers' hunting experience, implement policies and procedures for that purpose, propose related legislation, and educate the hunting public on the value of such a program.

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

ARGUMENTS

Supporting Argument

The bills would expand hunting opportunities for people unable to walk and for people lacking the use of one arm. By allowing the DNR Director to issue a permit to hunt deer with a shotgun during the bow and arrow deer season, House Bill 4863 (S-1) not only would give disabled hunters a better chance of getting a deer, but also would allow them to enjoy the hunting experience to a greater extent. While some may be concerned about the use of guns during bow season, it should be noted that the anticipated number of special permits is relatively small (reportedly no more than a few hundred).

Opposing Argument

For several years, disabled hunters have expressed a desire to participate in the bow

season for taking deer. Handicappers repeatedly have asked the Legislature to permit the taking of deer with crossbows, which are much more manageable than standard long bows or compound bows, in order to enable them to hunt during that season. Opponents of crossbow hunting, led by hunting associations whose members are not disabled, have quashed those efforts. Now, without seeking the opinions or support of disabled hunters, several hunting groups have recommended that those disabled hunters who wish to use crossbows be allowed to use shotguns instead. Disabled hunters, for the most part, have not sought this "privilege" and do not desire it.

Response: The crossbow proposal has been denied several times by the Legislature because crossbows are simply too dangerous. Since crossbows must be cocked and loaded in advance, their danger of misfiring is greater than that of other bows or shotguns. While some disabled hunters could choose not to take advantage of the bill's shotgun permit, others would apply. The fact that many handicappers wish to be allowed to use a crossbow is no reason not to allow those who would like a shotgun permit to receive one. The bill would not preclude those who wish to continue to lobby the Legislature for crossbow authorization from doing so.

Opposing Argument

Although the bills' proposal is relatively limited, expanding the use of shotguns during bow hunting season would set a dangerous precedent. Bow season traditionally has been a time of year during which hunters with the special skills and patience necessary to hunt with bow and arrows can use those skills without the noise and commotion of firearm season. Bow season should be left uncluttered.

Response: There already are firearms in the woods during bow season, as bow season and small game season overlap.

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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.