

ALLOW USE OF PNEUMATIC BOW

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House Bill 5180 (proposed H-1 substitute)
Sponsor: Rep. Beau Matthew LaFave
Committee: Natural Resources
Complete to 1-16-18

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

SUMMARY:

House Bill 5180 would amend the Natural Resources and Environmental Protection Act (NREPA) to allow the use of a pneumatic bow under certain circumstances.

Pneumatic Bows

House Bill 5180 would require the Department of Natural Resources (DNR) to promulgate rules regarding an *individual* taking game with a pneumatic bow during any open season in which a *firearm* may be used. A “*pneumatic bow*” would be defined by the bill as a device with compressed air and a triggering mechanism that expels a bolt or arrow using the force of that compressed air.

The bill would also require the DNR to issue a permit to *an individual with a disability or physical limitation* to take game with a pneumatic bow during an open season in which a *bow* may be used for taking game if that individual submits a certification from a physician stating that the physician has examined the individual and determined that because of the individual’s disability or physical limitation, the individual should be able to take game with the use of a pneumatic bow. The DNR would have to develop a certification form and make it available to the public.

Under the bill, an “*individual with a disability or physical limitation*” would mean a disabled person as defined in Section 19a of the Michigan Vehicle Code (MCL 257.19a). That section defines “disabled person” as an individual who is determined by a physician to have 1 or more of the following:

- Blindness (this condition may be determined by an optometrist or a physician assistant as well as by a physician).
- The inability to walk more than 200 feet without having to stop and rest.
- Both the inability to use 1 or both legs or feet and the inability to walk without the assistance of another person or the use of a wheelchair, walker, crutch, brace, prosthetic, or other device.
- A lung disease from which the person’s forced expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, or from which the person’s arterial oxygen tension is less than 60 mm/hg of room air at rest.
- A cardiovascular condition that causes the person to measure between 3 and 4 on the New York heart classification scale, or that renders the person incapable of meeting a minimum standard for cardiovascular health that is established by the American Heart Association and approved by the Department of Health and Human Services.

- An arthritic, neurological, or orthopedic condition that severely limits the person’s ability to walk.
- The persistent reliance upon an oxygen source other than ordinary air.

Other Amendments

NREPA currently allows the DNR to issue, to an individual who is unable to walk because the individual is a paraplegic, an amputee, or permanently disabled, a permit that authorizes the individual to take game from or upon a standing vehicle, if the game is in season and the individual holds a license for it and complies with all other laws and rules for taking it. HB 5180 would require the DNR to issue such a permit to such an individual, and would further change the qualifying threshold from the inability to walk (at all) to the inability to walk through a dense wooded area or to walk 200 feet in field conditions due to a permanent or temporary disability or a medical condition.

NREPA also currently allows the Department of Natural Resources (DNR) to issue, to a disabled individual who has full use of only one arm and is unable to hold, aim, and shoot a bow, a permit that authorizes the individual to take game using a modified bow that may be held, aimed, and shot with one arm, if the game is in season and the individual holds a license for it and complies with all other laws and rules for taking it. HB 5180 would require the DNR to issue such a permit to such an individual, and would further change the qualifying threshold by removing “who has full use of only one arm.” The bill would also remove a provision that now authorizes the Commission of Natural Resources to issue an order regarding bows that are modified as described above.

MCL 324.40102 et al.

FISCAL IMPACT:

House Bill 5180 would have an indeterminate fiscal impact on the Department of Natural Resources. It is unclear whether the addition of pneumatic bow to NREPA or the expansion of hunting opportunities for persons with disabilities would result in an increase in permit revenue for the department. It is also unclear whether these new provisions, as well as the mandate for the DNR to issue a permit to a person unable to walk through a dense wooded area due to disability, would affect departmental costs. These changes would be unlikely to affect local government revenues or costs.

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■ 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.