



**House  
Legislative  
Analysis  
Section**

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**"HUNTER ORANGE" GEAR**

AS ENROLLED

**House Bill 5453 (Substitute H-1\*)  
First Analysis (1-31-96)**

**Sponsor: Rep. Mike Green  
Committee: Conservation, Environment  
and Great Lakes**

***THE APPARENT PROBLEM:***

Public Act 256 of 1988 created the Wildlife Conservation Act to regulate the management, taking, and possession of game and protected animals in the state, and to establish penalties for violations of the act. (The Wildlife Conservation Act is now part of the new Natural Resources and Environmental Protection Act.) Among other provisions, the act requires that hunters wear "hunter orange" colored outer garments when hunting during the established daylight shooting hours from August 15 through April 30. Only bow and arrow deer hunters and those hunting game such as waterfowl, crow, or turkey are exempt from this requirement. Reportedly, it was originally intended that bow and arrow bear hunters should also be exempt from the requirement to wear orange, especially since many bow and arrow hunters hunt both deer and bear, or, at least, want to have this option. However, the provision was inadvertently excluded from the act, although the Department of Natural Resources recognized the omission and did not enforce the "hunter orange" requirement for bear hunters. Legislation has now been introduced to correct the oversight.

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

Currently, under the Natural Resources and Environmental Protection Act (NREPA), a game hunter must wear a cap, hat, vest, jacket, or rain gear in the color "hunter orange," during the established daylight shooting hours from August 15 through April 30. "Hunter orange" includes blaze orange, flame orange, or fluorescent blaze orange, and camouflage that is at least 50 percent hunter orange. However, the act exempts bow and arrow deer hunters during archery deer season, and those engaged in the taking of waterfowl, crow, or turkey from this requirement. House Bill 5453 would amend the act to exempt bow and arrow bear hunters from the requirement.

MCL 324.40116

***FISCAL IMPLICATIONS:***

The House Fiscal Agency estimates that the bill would have no impact on state funds. (1-26-96 )

***ARGUMENTS:***

***For:***

It makes sense that all bow and arrow hunters be exempt from having to wear brightly colored, orange hunting gear. Bow and arrow hunters must, of necessity, hunt closer to their prey than other hunters, and would therefore be observed more easily by the animal. Furthermore, according to Department of Natural Resources personnel, there is some evidence that some animals are able to distinguish between different colors, although biologists have not reach a final conclusion on this point. It was for these reasons that the sponsors of the act originally intended to exclude bow and arrow bear hunters from the "hunter orange" requirement.

***Response:***

The provisions of the bill would seem to place bow and arrow bear hunters in danger. If, as maintained, bow and arrow hunters must hunt closer to their prey than other types of hunters, it would seem that they should be required to wear "hunter orange" outer gear to ensure that they're identified by hunters to their rear. Both bow and arrow and firearm bear hunters now hunt during the bear hunting season of September 10th through October 26th, and even though the former hunt from tree stands, it would seem that accidents could result by not having them wear orange gear.

***Against:***

As written, the bill would seem to give bow and arrow bear hunters wider latitude than was intended. As introduced, the bill would have specified that the [hunter orange] provision did not apply "in the taking of deer or bear with a bow during archery season or [to] a person engaged in the taking of waterfowl, crow,

House Bill 5453 (1-31-96)

or turkey." However, the substitute version of the bill, as reported out of the House committee, now specifies that the [hunter orange] provision does not apply to "a person engaged in the taking of deer with a bow during archery deer season, a person taking bear with a bow, or a person engaged in the taking of waterfowl, crow, or turkey." The language could be interpreted to allow the hunting of bear during periods other than the archery season.

***POSITIONS:***

The Department of Natural Resources supports the bill.  
(1-30-95)

The Michigan Bow Hunters supports the bill. (1-30-95)

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