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Senate Bill 572 (as enacted)  
Sponsor: Senator Jim Barcia  
Senate Committee: Natural Resources and Environmental Affairs  
House Committee: Tourism, Outdoor Recreation and Natural Resources

**PUBLIC ACT 169 of 2008**

Date Completed: 1-14-09

**RATIONALE**

Certain disabilities can interfere with a person's ability to hunt with a bow. Hunters with disabilities may use a crossbow, but the weapon is expensive and can be difficult to operate for those with use of only one arm. For a fraction of the price, a person can purchase a device that mounts on his or her traditional bow and holds the string back once it has been drawn and helps the user to make an accurate shot. The Natural Resources and Environmental Protection Act authorizes the Department of Natural Resources (DNR) to issue several types of special permits to accommodate the needs of hunters with disabilities, including a permit to hunt using a modified bow. The Act prescribes eligibility criteria for such a permit and other related regulations. The Act also provides that the Natural Resources Commission (NRC) has the exclusive authority to regulate the taking of game in Michigan. It was suggested that the authority to regulate the use of a modified bow be transferred from the Department to the Commission.

**require the disposal of any animal or animal parts in his or her possession.**

The bill took effect on July 2, 2008.

Modified Bow

Section 40114 of the Act allows the DNR to issue a permit to a person who is permanently disabled, has full use of only one arm, and is unable to hold, aim, and shoot a bow. A permit authorizes the person to take game during the open season for that game with a bow that has been modified so that it may be held, aimed, and shot with one arm, if the person holds a license to take that game and complies with all other laws and rules for the taking of game.

The bill allows the Natural Resources Commission to issue an order under Section 40113a regulating the taking of game with a modified bow that may be shot with one arm. The provisions described above do not apply on or after the effective date of such an order.

**CONTENT**

**The bill amended Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to do the following:**

- **Authorize the NRC to issue an order regulating the taking of game with a modified bow that may be shot with one arm.**
- **Allow revocation of the permit of a person convicted of violating it, and**

(Section 40113a provides that the NRC has the exclusive authority to regulate the taking of game in Michigan. To the greatest extent practicable, the Commission must use principles of sound scientific management in making decisions regarding the taking of game. Issuance of Commission orders regarding the taking of game must be made following a public meeting and an opportunity for public input. At least 30 days before issuing an order, the

NRC must give a copy of it to all of the following:

- Each member of each standing committee of the Senate or House of Representatives that considers legislation pertaining to conservation, the environment, natural resources, recreation, tourism, or agriculture.
- The chairpersons of the Senate and House Appropriations Committees.
- The members of the subcommittees of the Appropriations Committees that consider the DNR budget.)

#### Permit Violation

Section 40114 authorizes the DNR to issue a permit to hunt from a standing vehicle to a person who is unable to walk because he or she is a paraplegic or an amputee or because of a disease or injury that has rendered the person permanently disabled. The DNR also may issue permits authorizing any of the following:

- The taking or possession of animals for the purpose of rehabilitating them.
- The taking of animals to prevent or control damage and nuisance caused by them.
- The collection, transportation, possession, or disposition of animals and parts of animals for scientific purposes.
- The public exhibition of animals.
- Taxidermy.
- The disposition of accidentally or unlawfully taken or injured animals or animals that are unlawfully possessed.
- The taking of game with a crossbow by a person who is permanently disabled.

If a permit holder is convicted of violating Section 40114, his or her permit or license may be revoked and any animal and the parts of any animal in his or her possession must be disposed of in a manner approved by the DNR. Under the bill, this provision also applies if a permit holder is convicted of violating the permit.

MCL 324.40114

#### **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**

The transfer of authority to the NRC is consistent with the Commission's statutory exclusive authority to regulate the taking of game. Additionally, this transfer allows the State's policies regarding use of a modified bow to be amended in a more timely fashion, if necessary. The statutory provisions give the DNR little flexibility, and can be changed only through legislation. A segment of the potential hunting population has not been able to participate in the sport because they do not satisfy the statutory criteria for a modified bow permit, even though they are unable to draw a traditional bow. Under the bill, the NRC may specify eligibility criteria and other regulations, and be more responsive in adjusting the policy as needed. Reportedly, the number of hunters in the State has been declining steadily over the last few years, and a friendlier modified bow policy should help retain hunters who become disabled and attract new people to the sport.

Legislative Analyst: Julie Cassidy

#### **FISCAL IMPACT**

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: Jessica Runnels

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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.