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House Bill 4080 (as passed by the House)  
Sponsor: Representative Beau Matthew LaFave  
House Committee: Natural Resources and Outdoor Recreation  
Senate Committee: Natural Resources

Date Completed: 3-15-22

### **CONTENT**

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

- **Modify the definition of "firearm" and define "pneumatic gun".**
- **Allow the Natural Resources Commission to issue orders allowing an individual to take game with a pneumatic gun during any open season in which a firearm could be used for taking that game.**
- **Allow the Department of Natural Resources (DNR) to issue a permit to an individual with a disability or physical limitation to take game with a pneumatic gun during any open season in which a bow could be used for taking game if that individual submitted certification from a medical professional who had determined that the individual could not use a bow or crossbow.**
- **Require the DNR to develop and make available a certification form.**
- **Modify the conditions under which the DNR may issue a permit to allow an individual with a disability to take game from or upon a standing vehicle.**

The bill would take effect 90 days after its enactment.

Under the bill, the Commission could issue orders allowing an individual to take game with a pneumatic gun during any open season in which a firearm could be used for taking that game.

"Firearms" means any weapon that will, is designed to, or may readily be converted to expel a projectile by action of an explosive. A pneumatic gun, as defined in Section 1 of Public Act 319 of 1990, other than a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact, is also considered a firearm for the purposes of the Act. The bill would remove references to Public Act 319 and paintball guns from the definition. Under the bill, "pneumatic gun" would mean any implement, designed as a gun, that will expel a BB, bolt, arrow, or pellet by spring, gas, or air. The term would not include a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

The bill would allow the DNR to issue a permit to an individual with a disability or physical limitation to take game with a pneumatic gun during any open season in which a bow could be used for taking game if that individual submitted a certification for a physician, physical therapist, occupational therapist, or other medical professional stating that after examination he or she had determined that because of a physical disability or limitation, the individual was unable to hold, aim, and shoot a bow or crossbow. The DNR would have to develop and

make available for use a certification form for this purpose. The bill would define "individual with a disability or physical limitation" as a disabled person as that term is defined in Section 19a of the Michigan Vehicle Code: a person who is determined by a physician, a physician assistant, or an optometrist licensed to practice in the State to have one or more of the physical characteristics listed in the Code.

Under the Act, the DNR may issue a permit to an individual who is unable to walk because he or she is a paraplegic or an amputee or because of a disease or injury that had rendered the individual disabled. The permit authorizes that individual to take game during the open season for that game from or upon a standing vehicle if he or she holds a license to take that game issued under Part 435 (Hunting and Fishing Licensing) and complies with all other laws and rules for the taking of game. Under the bill, the DNR instead could issue this permit to an individual who was unable to walk through a dense wooded area or was unable to walk 200 feet in field conditions due to a permanent or temporary disability or medical condition. All other conditions of the permit would remain the same.

The Act allows the DNR to issue a permit to an individual who is permanently disabled, who has full use of only one arm and is unable to hold, aim, and shoot a bow. This permit authorizes that individual 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 that individual holds a license to take that game issued under Part 435 and complies with all other laws and rules for the taking of game. The bill specifies that this permit could be issued to an individual who had full use of only one arm *or less*.

Under the Act, the Commission may issue an order under Section 40113a regulating the taking of game with a modified bow that may be shot with one arm. The permit described above does not apply on or after the effect date of such an order. The bill would remove this language. (Section 40113a of the Act grants the Commission the exclusive authority to regulate the taking of game in Michigan.)

MCL 324.40102 et al.

Legislative Analyst: Eleni Lionas

### **FISCAL IMPACT**

The bill would have a minor fiscal impact on DNR and no fiscal impact on local units of government. The amount of the impact is indeterminate and would depend on the amount of increase in administrative costs the bill could have on the Department's existing enforcement and permitting operations.

Fiscal Analyst: Ben Dawson

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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.