

# Legislative Analysis

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## DISABLED HUNTING ON A GAME BIRD PRESERVE

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**Senate Bill 1045 (Substitute S-2)**

**Sponsor: Sen. John J. Gleason**

**House Committee: Natural Resources, Tourism, and Outdoor Recreation**

**Senate Committee: Outdoor Recreation and Tourism**

**Complete to 6-6-12**

*(Enacted as Public Act 246 of 2012)*

## **A SUMMARY OF SENATE BILL 1045 AS REPORTED FROM HOUSE COMMITTEE 6-5-12**

The bill would allow a person with a disability to do the following on a state-licensed game bird hunting preserve:

- Transport or possess a firearm in a vehicle (except for a car or truck), provided the firearm is unloaded and the vehicle does not exceed ten miles per hour.
- Possess a loaded firearm and discharge it from inside a vehicle to take an animal (except for a car or truck), provided the vehicle is not moving.

Individuals would be required to possess proof of eligibility and provide that proof upon the request of a peace officer.

The bill would amend Parts 401 (Wildlife Conservation) and 811 (Off-Road Recreation Vehicles) of the Natural Resources and Environmental Protection Act.

Currently under Part 401, individuals are prohibited from taking animals while in a vehicle, and from transporting or possessing a firearm in a vehicle, unless the firearm is unloaded in the barrel and magazine and enclosed in a case or carried in the trunk.

The bill would also exempt the operator or a passenger in an ORV that is operated on a state-licensed game bird hunting preserve at a maximum of ten miles per hour from having to wear crash helmets and protective eyewear.

### **FISCAL IMPACT:**

The bill would have no significant fiscal impact to the State of Michigan or local units of government.

### **BACKGROUND INFORMATION AND DISCUSSION:**

According to testimony, the bill would individuals with a disability to be able to transport unloaded firearms in ORVs or ATVs (although the bill would allow for other vehicles), and take game from within an ORV or ATV, provided the vehicle is not moving. This is

intended to extend hunting opportunities within state-licensed game bird hunting preserves to more individuals, especially veterans with disabilities. Supporters would like to see the bill signed into law prior to the opening of the game bird hunting preserve season, which opens on August 15.

While there was no opposition to the bill, there was some concern that allowing firearms to be transported and discharged from a vehicle could pose an increased safety risk. According to testimony, preserve operators would still retain the authority to deny participants access to the preserve or the use of a vehicle if either posed a risk to participant safety.

**POSITIONS:**

Michigan Department of Natural Resources supports the bill. (6-5-12)

Disability Network of Flint supports the bill. (6-5-12)

Michigan Association of Game Bird Breeders and Hunting Preserves supports the bill. (6-5-12)

Michigan United Conservation Clubs supports the bill. (6-5-12)

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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.