

CONDITIONS UNDER WHICH AN ADULT WITH A DEVELOPMENTAL DISABILITY MAY HUNT

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House Bill 5737 as introduced
Sponsor: Rep. Abraham Aiyash
Committee: Natural Resources
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Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5737 would amend sections 43517 and 43520 of the Natural Resources and Environmental Protection Act (NREPA) to establish when an adult with a *developmental disability* may participate in hunting.

Under NREPA, an individual must possess a valid license or permit that authorizes them to hunt the species specified by that license or permit. In order to be eligible for the standard hunting license, a person must be 17 years of age or older and, if born after January 1, 1960, have completed an approved hunter education course.

For those younger than 17, section 43517 establishes conditions under which their parent or legal guardian may allow that minor child to hunt. The bill would add language expanding the applicability of these exemptions to the guardian of an adult with a developmental disability.

Presently, for a minor child (under 17) to hunt under a license, one of the following must apply:

- The minor child hunts only on land on which a parent or guardian is regularly domiciled or a parent or guardian, or another individual at least 18 years old authorized by the child's parent or guardian, accompanies the minor child. (This exemption does not apply if the license is an apprentice license or if the minor child is younger than 10.)
- If the license is an apprentice license, a parent or guardian, or another individual at least 21 years old authorized by a parent or guardian, who is licensed to hunt that game under a license other than an apprentice license accompanies the minor child. The bill would allow an adult with a *developmental disability* to also qualify under this exemption.
- If the minor child is younger than 10 years old, they may only hunt with a mentor in compliance with the mentored youth hunting program.

House Bill 5737 also would allow an individual (i.e., adult or minor child) who has a developmental disability or *intellectual disability* to participate in the Mentored Youth Hunting Program (which the bill would rename as the "Mentored Hunting Program") if that individual is unable to obtain a certificate of completion of training in hunter safety—which would specifically include an adult with a developmental disability who has a guardian appointed under Chapter 6 (Guardianship for the Developmentally Disabled) of the Mental Health Code.¹

¹ <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-258-1974-6>

Developmental disability would mean (as defined in section 100a of the Mental Health Code²):

- If applied to an individual older than five years of age, a severe, chronic condition that meets all of the following requirements:
 - Is attributable to a mental or physical impairment or a combination of mental and physical impairments.
 - Is manifested before the individual is 22 years old.
 - Is likely to continue indefinitely.
 - Results in substantial functional limitations in three or more of the following areas of major life activity:
 - Self-care.
 - Receptive and expressive language.
 - Learning.
 - Mobility.
 - Self-direction.
 - Capacity for independent living.
 - Economic self-sufficiency.
 - Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.
- If applied to a minor from birth to five years of age, a substantial developmental delay or a specific congenital or acquired condition with a high probability of resulting in developmental disability as defined above if services are not provided.

Intellectual disability would mean (as defined in section 100b of the Mental Health Code³) a condition manifesting before the age of 18 years that is characterized by significantly subaverage intellectual functioning and related limitations in two or more adaptive skills and that is diagnosed based on the following assumptions:

- Valid assessment considers cultural and linguistic diversity, as well as differences in communication and behavioral factors.
- The existence of limitation in adaptive skills occurs within the context of community environments typical of the individual's age peers and is indexed to the individual's particular needs for support.
- Specific adaptive skill limitations often coexist with strengths in other adaptive skills or other personal capabilities.
- With appropriate supports over a sustained period, the life functioning of the individual with an intellectual disability will generally improve.

The bill would also amend section 43520, which outlines when the Department of Natural Resources may issue a hunting license to a minor child, to reflect when a license may be issued to an adult with a developmental disability who has a guardian appointed under Chapter 6 of the Mental Health Code.

² <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-330-1100A>

³ <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-330-1100b>

Currently, if the following are met, a license may be issued to a minor child:

- A parent or legal guardian of the minor child applies for the license on behalf of the minor child.
- The parent or guardian represents that the requirements of section 43517, as applicable, will be complied with.
- The license fee is paid.

House Bill 5737 would amend these provisions to provide that they also apply to the guardian of a developmentally disabled adult who is unable to obtain the certificate of completion of hunter safety.

The final change made by the bill would be to change responsibility for complying with the requirement for individuals born on or after January 1, 1960, to successfully complete the hunter safety course or presents proof of previous hunting experience in the form of a hunting license issued by another state, a province of Canada, or another country. Currently, the responsibility lies with a person authorized to sell hunting licenses to ensure they do not sell to an ineligible person. The bill would change this to prohibit an ineligible person from buying or attempting to buy a license.

MCLs 324.43517 and 324.43520

BACKGROUND:

The Natural Resources Commission established the following rules for hunters under 10 years old as part of the Mentored Youth Hunting Program:

- Mentored youths must be accompanied by an adult at least 21 years old, with hunting experience and possession of a valid Michigan license to hunt other than an apprentice license.
- The hunting party may not exceed two hunting devices (shotgun, rifle, bow, crossbow, or slingshot) in the field per mentor (adult).
- The youth hunter must be within arm's length of the mentor (adult) at all times when handling a hunting device and when in the act of hunting.
- Any hunting device possessed by a mentored youth must be sized appropriately to fit the physical abilities of the mentored youth. The mentor (adult) will be held responsible for all actions of the mentored youth hunter while in the field.

While there is no limit to how many mentees the mentor hunter may have in the field with them, the two hunting device limit applies to the mentor regardless of the number of mentees they might have accompanying them.

FISCAL IMPACT:

House Bill 5737 is likely to affect revenues for the Department of Natural Resources by expanding those who may qualify to participate in the Mentored Hunting Program. It is unclear whether this expansion will result in additional hunting license sales of various types, or whether the expansion will result in a reduction of sales revenue due to the discrepancy between mentor and apprentice license prices versus the extant adult base license price. The bill is unlikely to directly affect DNR costs, local government revenues, or local government

costs. The sale of hunting and fishing licenses generated an estimated \$63.1 million in revenue in FY 2022-23. The department's Wildlife Division funding totals \$47.7 million Gross (\$4.5 million GF/GP) and 230.5 FTE positions in FY 2023-24.

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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.