

EARLY HUNTING SEASON FOR DISABLED VETERANS (2007 PILOT PROGRAM)

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Senate Bill 633 (Substitute H-1)

Sponsor: Sen. Gerald Van Woerkom

House Committee: Tourism, Outdoor Recreation, and Natural Resources

Senate Committee: Natural Resources and Environmental Affairs

First Analysis (9-12-07)

BRIEF SUMMARY: The bill would establish a 2007 pilot program covering at least Marquette, Mason, and Oceana counties allowing disabled veterans who are Michigan residents to hunt during youth firearm deer hunting days (September 22 and 23, 2007). The bill would also broaden the definition of "disabled veteran." Veterans meeting the bill's definition of disability would be eligible for the September youth firearm deer season as well as reduced hunting and fishing license fees.

FISCAL IMPACT: This bill would have an indeterminate fiscal impact on the Game and Fish Protection Fund. There may be a revenue increase if the earlier hunting season enables more disabled veterans to participate in the firearm deer season. It should be noted that revenue may be credited to an earlier fiscal year if licenses are purchased before October 1. Depending on the effective date of this proposed legislation, it may not be possible to schedule a special hunting period during the 2007 hunting season. In such a case, the pilot program could be instituted in 2008.

THE APPARENT PROBLEM:

Under the Natural Resources and Environmental Protection Act, disabled veterans who are Michigan residents are eligible to purchase a senior hunting or fishing license, the fee for which is discounted 60 percent from the fee for a resident license. With this license, a disabled veteran may hunt during the regular November firearm deer hunting season. In addition, any person (whether or not a veteran) who, due to injury, disease, amputation or paralysis, is permanently disabled and unable to walk and unable to enter and exit a vehicle, may apply for a permit to hunt from a standing vehicle. Persons issued permits to hunt from a standing vehicle may hunt deer on private lands with proper permission (or on certain public lands if they are selected in a lottery) in a special season from October 20-21, 2007.

Adverse weather during October and November, however, can present obstacles to a disabled person's ability to hunt. To expand hunting opportunities for disabled veterans as a way of honoring their military service and sacrifice, some people have suggested that a special disabled veterans hunting season be created to coincide with youth hunting days, designated by the Natural Resources Commission (NRC) as an annual two-day youth hunting season near the end of September. Additionally, it has been suggested that the criteria to qualify as a "disabled veteran" be revised to include veterans who have

ratings of "individually unemployable" as well as those classified as totally and permanently disabled and entitled to benefits at a 100 percent rate for a disability other than blindness. This expanded definition would allow more veterans to qualify for the September hunt and reduced hunting fees.

THE CONTENT OF THE BILL:

The bill would amend Part 435 (Hunting and Fishing Licensing) of the Natural Resources and Environmental Protection Act (NREPA) to establish a pilot firearm deer hunting season for disabled veterans who are residents of Michigan. The pilot program would operate in at least three areas in 2007, including the counties of Marquette, Mason, and Oceana. (The bill refers to the Marquette County and "deer management units 053 and 064." Units 053 and 064 cover Mason and Oceana counties.)

The bill would establish the following rules for the pilot program:

- Season would take place during youth firearm deer season. The firearm deer season for disabled veterans would take place during the youth firearm deer hunting days, if any, established by order of the Natural Resources Commission (NRC). (In 2007, September 23 and 24 are designated as youth firearm deer hunting days.)
- Bag limit. A disabled veteran could take one deer during this special season.
- License or deer management assistance permit required. A disabled veteran would need one of the following to hunt during the pilot disabled veteran firearm season:
 - a current firearm deer license
 - a combination deer license
 - an antlerless deer license
 - a deer management assistance permit allowing the taking of a deer with a firearm on the land where the veteran was hunting.
- [Note, however, that, as is currently the case, a disabled veteran could purchase a firearm hunting license at a reduced senior rate (\$6 instead of \$15). Further, the bill would amend the definition of "disabled veteran" to allow more veterans to qualify for reduced license fees. See discussion below.]
- Same kind of deer as during regular firearm deer season. The same kind of deer could be taken during the disabled veteran season as during the regular November firearm deer season.
- NRC authority. The NRC would retain its authority to establish a special hunting season in any area of the state for disabled veterans or other classes of individuals. [See Background information, below, concerning a limited special hunt for disabled veterans planned for October 2007 at Fort Custer in Augusta, Michigan.)
- Definition of "disabled veteran." The bill would broaden the definition of "disabled veteran." Veterans who meet the bill's definition of "disabled" would be eligible to participate in the special season and for a hunting license with a reduced fee. Currently, the term is defined as "a resident who has been determined by the United States Department of Veterans Affairs to be permanently and totally

disabled and entitled to veterans' benefits at the 100 percent rate, for a disability other than blindness." Under the bill, the term would mean either:

- A resident who has been determined by the United States Department of Veterans Affairs to be permanently and totally disabled as a result of military service and entitled to veterans' benefits at the 100 percent rate, for a disability other than blindness.
- A resident rated by the United States Department of Veterans Affairs as individually unemployable.

In contrast, to be eligible for the special disabled season held on October 21 and 22 (or the limited "Freedom Hunt" for disabled persons at Fort Custer on October 19 and 20, see Background Section below), a person (whether or not a veteran) must have a physical disability that limits his or her ability to walk and enter or exit a vehicle. This bill would apply to veterans with any type of disability.

HOUSE COMMITTEE ACTION:

The House Tourism, Outdoor Recreation, and Natural Resources Committee reported with recommendation a Substitute H-1 version of the bill on September 11, 2007.

BACKGROUND INFORMATION:

According to the Department of Natural Resources (DNR) website, the statewide youth hunting season in 2007 is scheduled for September 22 and 23. (The bill would allow disabled veterans to hunt during these days in three counties as a pilot program in 2007.)

Currently, any person (whether or not a veteran) who, due to injury, disease, amputation or paralysis, is permanently disabled and unable to walk and unable to enter and exit a vehicle, may apply for a permit to hunt from a standing vehicle. This permit allows a person to hunt, and shoot from, a parked motor vehicle or ORV. Subject to all other regulations, this permit also entitles the holder to take a deer of either sex under a valid deer license. Persons issued permits to hunt from a standing vehicle may hunt deer on private lands with proper permission in a special season from October 20-21, 2007. Disabled persons may also hunt on certain public lands with a permit distributed by lottery.

In addition, on October 19 and 21, the Department of Military and Veterans Affairs, the Fort Custer Training Center, and the DNR will host the first annual "Freedom Hunt" for disabled individuals at Fort Custer, Augusta, Michigan. This special hunt is limited to 15 hunters, chosen by a point system. Veterans with disabilities will be given preference but military service is not required for eligibility. Applicants for this program were required to present a DNR certificate stating they are eligible to hunt from a standing vehicle.

Earlier this year, the DNR formed a new advisory council to help improve access to natural resources and outdoor recreation opportunities for disabled persons.

For more information on programs for hunters with disabilities in Michigan, see the DNR website.

ARGUMENTS:

For:

We all owe an immense debt of gratitude to those men and women who have served our country in the armed forces. This bill would honor that service by making it easier for disabled veterans to participate in deer hunting, an important traditional outdoor recreational activity in Michigan. Many people enjoy getting outdoors and the recreational aspects of hunting. Further, many individuals use venison to supplement their diets. This bill would help make it easier for Michigan's disabled veterans who perhaps enjoyed hunting before their military service led to injuries or illnesses to have increased opportunities to do so again. During September, the weather is better and there are fewer hunters in the field.

Revising the definition of "disabled veteran" would take into account that many veterans have experienced significant disabilities as a result of military service, but do not meet the current statutory threshold of being permanently and totally disabled and entitled to veterans' benefits at the 100 percent rate. "Individually unemployable" is a rating by the U.S. Department of Veterans Affairs that acknowledges that the effects of some service-connected conditions do not meet the criteria for permanent and total disability but can interfere with a person's ability to work. By revising the definition of "disabled veteran" to include those rated individually unemployable, the bill would allow more veterans to qualify for the September hunt and for lower license fees for hunting and fishing in Michigan.

In particular, interested private citizens are planning to help facilitate the participation of disabled veterans who live at Veterans Administration facilities in Michigan in Grand Rapids and Marquette to participate in this special September hunting season. Although there is currently an early deer hunting season in October for persons (veterans or not) with disabilities that limit mobility, and a special hunt planned for disabled persons (limited to 15 persons, with veterans given preference) at Fort Custer in October, some veterans have disabilities that might interfere with their ability to perceive when their limbs, hands, or feet are getting dangerously cold and would be better off hunting in September during the youth hunting days.

Against:

This same rationale—that paralyzed veterans or other disabled veterans with limited mobility should be allowed to hunt in September when it is warmer—would apply with equal force to other persons with disabilities who must wait for the October hunt days or the regular November deer season. These disabled persons, too, would benefit from hunting during warmer weather. Why not move the hunting season for *any* individuals with mobility issues from October?

Moreover, although perhaps designed with persons of limited mobility in mind, the bill would cover all of the most seriously disabled veterans, include those with disabling psychiatric conditions. Many veterans suffer from traumatic brain injuries and from post-traumatic stress disorder or other mental illnesses caused by or worsened by military service. While most people have the utmost respect and sympathy for veterans who have developed psychiatric conditions as a result of their military service and many would presumably support demonstrating gratitude for their service with special hunting opportunities, is it advisable to schedule the hunt for disabled veterans, including those with serious psychiatric conditions, during the special youth season? Should the proposed disabled veterans hunt perhaps precede or follow the youth hunt rather than coincide with it?

[It should be noted, however, that although the bill does not exclude veterans with serious psychiatric conditions from hunting during the youth season, certain citizens (veterans and non-veterans alike) are prohibited by federal law from possessing a firearm and may not legally hunt during any season. Federal gun control law prohibits individuals who have been "adjudicated mentally defective" or have been institutionalized for mental illness from possessing firearms. Most states, however, have had difficulties enforcing this prohibition. The U.S. Congress is considering a bill this session (H.R. 2640, the "NICS Improvement Amendments Act") to improve information available during background checks about persons' criminal and psychiatric histories. No background check is required to obtain a hunting license in Michigan.]

POSITIONS:

The Department of Natural Resources indicated support for the bill. (9-11-07)

The Michigan United Conservation Clubs indicated support for the bill. (9-11-07)

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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.