

Legislative Analysis



ALLOW THE USE OF CROSSBOWS IN ALL MICHIGAN GAME SEASONS

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House Bill 5741 (Substitute H-2)

Sponsor: Rep. Joel Sheltroun

Committee: Tourism, Outdoor Recreation and Natural Resources

First Analysis (6-19-08)

BRIEF SUMMARY: The bill would allow crossbows to be used by anyone during any open season for any type of game in Michigan, thereby eliminating the current process by which permanently disabled hunters may hunt with crossbows during the archery deer season only with a permit. (Crossbows may already be used by any hunter, disabled or otherwise, during the firearms deer hunting season.) The bill would allow anyone to use a crossbow during any open game season for any type of game so long as they have a license for that game under Part 435 and comply with all other rules. On the other hand, hunters would still need a permit to use a modified traditional bow, but would be allowed, under the bill, to use a modified bow that could be shot with one arm *or one foot*.

FISCAL IMPACT: The bill would have an indeterminate fiscal impact on the Game and Fish Protection Fund. The amount of additional revenue would be dependent on the number of new archery licensees.

THE APPARENT PROBLEM:

Some say that the numbers of archery hunters in Michigan are declining and the process by which disabled persons obtain a permit to hunt with a crossbow during the archery deer seasons is too difficult and expensive. Supporters point to some other states such as Ohio that have opened up archery deer seasons to crossbows without any apparent problems. Supporters would like Michigan to likewise allow anyone to use a crossbow during any open game season as a way of retaining and recruiting hunters, promoting equipment sales, and making things easier for disabled persons who cannot hunt with traditional archery equipment but find the permitting process for modified equipment to be difficult.

THE CONTENT OF THE BILL:

The bill would add a new Section 40115 to the Natural Resources and Environmental Protection Act to allow a person to take game with a crossbow during any open hunting season in Michigan if the person holds a license to take the game issued under Part 435 and complies with all other laws and rules for the taking of that game. It would eliminate a reference concerning the issuance of permits to permanently disabled persons to use crossbows, as such permits would no longer be needed.

A permit would still be required, however, to use a modified bow during an archery season, but the bill would allow the use of modified bows that could be shot with one arm *or one foot*. (New language in italics.)

ARGUMENTS:

For:

Currently, only those individuals who are permanently disabled can use a crossbow during the archery deer season. Some say that only the most severely disabled meet the criteria. Others do not qualify, but still are physically unable to pull or hold a more traditional bow. Moreover, to prove that they have a right to use a crossbow during archery season, a disabled individual must go to the expense, inconvenience, and invasion of privacy involved in getting a physical therapist or doctor to evaluate and certify the extent of his or her disabilities. Why make it so difficult? Why not just let anyone who wants to hunt during archery season choose the equipment that best suits their needs, whether a traditional bow, a compound bow, a crossbow, or a bow that has been modified in some way to accommodate the hunter's physical limitations? This would make the sport more open to all—men and women, young and old, disabled and not—without requiring disabled persons to prove the extent of their limitations in order to have the privilege of using this type of weapon during an archery season.

Michigan has no shortage of deer and is in no danger of having its deer population decimated by allowing the use of crossbows during deer hunting season. In fact, allowing the use of more powerful and easier to use weapons may help control the overpopulation of deer that exists in many areas.

Opening up archery seasons to crossbows will help with hunter recruitment and retention and provide an economic boost to Michigan by potentially expanding the numbers of hunters from Michigan and other states and by spurring sales of crossbow equipment and related gear. (The sponsor's office indicated it was not aware of any crossbow manufacturers currently located in Michigan, so any economic boost from the bill would be to retailers and from increased hunting-related tourism dollars.)

An increase in the sales of archery equipment and components could result in more federal excise sales tax dollars being funneled to Michigan's DNR under the federal Pittman-Robertson Act, which distributes excise tax dollars to state wildlife agencies under a federal formula. To the extent that wider use of crossbows led to an increase in the number of hunters, there could be a potential increase in license revenue to the DNR.

Against:

The Natural Resources Council should be making this decision, not the Legislature, under Proposal G, passed in 1996, through which the public chose to entrust the Natural Resources Council with the authority to regulate hunting.

An NRC Crossbow Disability Work Group has been meeting monthly since March of this year. The recommendations of the NRC workgroup would be a better place to start rather than this more hastily developed and broader approach. The legitimate rights of the disabled can be accommodated without opening all archery hunting seasons to hunting with crossbows.

Allowing crossbows to be widely used in all game seasons will sooner or later have an impact on the deer population and lead to adjustments of the seasons or bag limits. There will be fewer deer available during the firearms season if many hunters who have hunted with firearms in the past obtain a crossbow to hunt earlier in the fall when temperatures are

warmer, conditions are easier, and deer more plentiful. The bill will not recruit or retain new bow hunters but instead will encourage existing firearms hunters to migrate to the bow season. This could eventually end the traditional bow hunting season.

Traditional bow hunters say that the reason that they have a relatively long season is that it is difficult to be successful as a bow hunter, particularly a novice bow hunter. Bow hunting requires different skills than does hunting with a firearm or a crossbow. To be successful, a bow hunter must get very close to unaware prey and pull back on the bow without alerting the animal. To allow crossbow hunting with a trigger-operated weapon with a longer range with no pull back required is to fundamentally change the nature of archery hunting. While traditional bow hunters do not oppose allowing those *with disabilities* to use crossbows or modified bows that more closely resemble traditional archery equipment, they do not welcome allowing the general public to hunt during bow seasons with equipment that they do not consider to be archery equipment or that does not require traditional archery skills to use.

Given the significant change being made by this bill to a traditional hunting activity of long standing, it would be prudent to take time and care in exploring the ramifications and not rush to act. Are there safety or game regulation concerns relating to the use of crossbows during game seasons other than the firearms deer season? What would be the impact on open game seasons other than the archery deer season? Why would we allow an able-bodied hunter to use a crossbow, which presumably confers a greater advantage to the hunter than a modified bow, but still require a disabled person to obtain a permit to use a modified bow? These questions need careful consideration.

POSITIONS:

The American Crossbow Federation testified in support of the bill. (6-10-08)

The Department of Natural Resources has concerns about the bill. (6-19-08)

The Michigan United Conservation Clubs currently has no position on the use of crossbows during the archery deer season but does support the use of crossbows when they do not do not conflict with existing archery seasons. (6-19-08)

Michigan Bow Hunters is opposed to the bill. (6-18-08)

The North American Bow Hunting Coalition is opposed to the bill. (6-10-08)

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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.