

HOUSE BILL No. 5741

February 14, 2008, Introduced by Reps. Sheltrown, Walker, Elsenheimer, Nitz, Hansen, Mayes, Ball, Melton, Gillard, Polidori, Booher, Casperson, LaJoy, Stakoe, David Law, Horn, Hildenbrand, Knollenberg, Huizenga, Simpson, Vagnozzi, Angerer, LeBlanc, Spade, Robert Jones, Griffin, McDowell, Lahti, Lindberg, Rick Jones, Stahl, Ebli, Calley, Acciavatti, Pavlov, Garfield, Cushingberry, Miller, Hammon, Hammel, Sheen, Emmons, Gonzales and Hune and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 40114 (MCL 324.40114), as amended by 2004 PA
587, and by adding sections 40115 and 40115a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40114. (1) The department may issue a permit to a person
2 who is unable to walk because the person is a paraplegic or an
3 amputee or because of a disease or injury that has rendered the
4 person permanently disabled. A permit issued under this subsection
5 authorizes the person to take game during the open season for that
6 game, including deer of either sex, from or upon a standing vehicle
7 if that person holds a license to take that game issued pursuant to
8 part 435 and complies with all other laws and rules for the taking

1 of game.

2 (2) The department may issue a permit to a person who is
3 permanently disabled and who has full use of only 1 arm and who
4 upon investigation is unable to hold, aim, and shoot a bow. A
5 permit issued under this subsection authorizes the person to take
6 game during the open season for that game with a bow that has been
7 modified so that the bow may be held, aimed, and shot with 1 arm **OR**
8 **FOOT**, if that person holds a license to take that game issued
9 pursuant to part 435 and complies with all other laws and rules for
10 the taking of game.

11 (3) In addition, the department may issue permits authorizing
12 1 or more of the following:

13 (a) The taking or possession of animals for the purpose of
14 rehabilitating animals.

15 (b) The taking of animals to prevent or control damage and
16 nuisance caused by the animals.

17 (c) The collection, transportation, possession, or disposition
18 of animals and parts of animals for scientific purposes.

19 (d) The public exhibition of animals.

20 (e) Taxidermy.

21 (f) The disposition of accidentally or unlawfully taken or
22 injured animals or animals that are unlawfully possessed.

23 (g) The taking of game with a crossbow by a person who is
24 permanently disabled **AS PROVIDED IN SECTION 40115**.

25 (4) A permit issued under this section may be suspended,
26 revoked, annulled, withdrawn, recalled, canceled, or amended
27 pursuant to the administrative procedures act of 1969, 1969 PA 306,

1 MCL 24.201 to 24.328. If the holder of a permit is convicted of
2 violating this section, his or her permit or license may be revoked
3 and any animal and the parts of any animal in his or her possession
4 shall be disposed of in a manner approved by the department.

5 (5) Fees received for permits and licenses issued under this
6 section shall be forwarded by the department to the state treasurer
7 to be credited to the game and fish protection account of the
8 Michigan conservation and recreation legacy fund provided for in
9 section 2010.

10 SEC. 40115. (1) THE DEPARTMENT MAY ISSUE A PERMIT TO A PERSON
11 WHO IS CERTIFIED AS BEING PERMANENTLY DISABLED BY A LICENSED
12 PHYSICAL THERAPIST AS PROVIDED IN THIS SECTION. THAT PERMIT SHALL
13 BE ISSUED WITHOUT COST TO THE APPLICANT AND SHALL AUTHORIZE THAT
14 PERSON TO TAKE GAME WITH A CROSSBOW DURING THE OPEN SEASON FOR THAT
15 GAME IF THAT PERSON HOLDS A LICENSE TO TAKE THAT GAME ISSUED
16 PURSUANT TO PART 435 AND COMPLIES WITH ALL OTHER LAWS AND RULES FOR
17 THE TAKING OF GAME.

18 (2) AN APPLICANT FOR A PERMIT UNDER THIS SECTION SHALL SUBMIT
19 TO THE DEPARTMENT A SIGNED CERTIFICATION FROM A LICENSED PHYSICAL
20 THERAPIST INDICATING THE PERCENTAGE OF DISABILITY DETERMINED TO BE
21 PRESENT IN THE PERMIT APPLICANT BY THE LICENSED PHYSICAL THERAPIST.
22 BASED ON THE TEST FINDINGS, THE LICENSED PHYSICAL THERAPIST MAY
23 CERTIFY THAT THE APPLICANT IS PERMANENTLY DISABLED AS REQUIRED BY
24 THIS SECTION IF THE LICENSED PHYSICAL THERAPIST FINDS THAT THE
25 PERMIT APPLICANT HAS AT LEAST 60%, IN COMBINATION OR INDIVIDUAL
26 IMPAIRMENT, OF A HAND, ELBOW, OR SHOULDER. IN SUPPORT OF SUCH A
27 DETERMINATION, THE LICENSED PHYSICAL THERAPIST SHALL UTILIZE THE

1 FOLLOWING STANDARDS AND CRITERIA:

2 (A) IF APPLICABLE, MUSCLE WEAKNESSES WITH A GRADE OF FAIR OR
3 BELOW FOR INVOLVED UPPER EXTREMITY MUSCLE GROUPS WILL BE USED TO
4 DETERMINE IF A PERSON IS ELIGIBLE FOR A PERMIT UNDER THIS SECTION.
5 TESTING BY THE LICENSED PHYSICAL THERAPIST WILL USE AS A GUIDELINE
6 "TECHNIQUES OF MANUAL MUSCLE TESTING," BY DANIELS AND WORTHINGHAM,
7 OR OTHER GUIDELINES ACCEPTED BY THE AMERICAN MEDICAL ASSOCIATION.

8 (B) IMPAIRED RANGE OF MOTION. GONIOMETRIC MEASUREMENTS USING
9 THE "AMERICAN MEDICAL ASSOCIATION GUIDE TO EVALUATION AND PERMANENT
10 IMPAIRMENT RATING", OR OTHER GUIDELINES ACCEPTED BY THE AMERICAN
11 MEDICAL ASSOCIATION.

12 (C) PERIPHERAL NERVE INVOLVEMENT, USING THE "AMERICAN MEDICAL
13 ASSOCIATION GUIDE TO EVALUATION AND PERMANENT IMPAIRMENT RATING,"
14 OR OTHER GUIDELINES ACCEPTED BY THE AMERICAN MEDICAL ASSOCIATION.

15 (D) AMPUTATIONS INVOLVING 4 FINGERS AT THE PROXIMAL
16 INTERPHALANGEAL JOINT, WRIST, ELBOW, AND SHOULDER DO NOT REQUIRE
17 OBJECTIVE TEST FINDINGS. HOWEVER, THE APPLICANT IS REQUIRED TO
18 PRESENT A PHYSICIAN'S DIAGNOSIS TO BE QUALIFIED FOR A PERMIT.

19 (E) UNILATERAL HAND WEAKNESS DISABILITIES. IN ADDITION TO
20 MANUAL MUSCLE TESTING, A GRIP DYNAMOMETER, PINCH GRIP, AND LATERAL
21 GRIP MEASUREMENTS WILL BE USED TO COMPARE DOMINANT TO NONDOMINANT
22 HAND. A 5% DEFICIT IS STANDARD ACCEPTANCE FOR THE NONDOMINANT HAND.
23 BILATERAL HAND WEAKNESSES OR BILATERAL UPPER EXTREMITY WEAKNESSES,
24 OR BOTH, ARE SUBJECT TO MANUAL MUSCLE TESTING ONLY.

25 (F) ANY SPINAL CORD INJURY ABOVE THE LEVEL OF C-8, RESULTING
26 IN PERMANENT DISABILITY TO THE LOWER EXTREMITIES, LEAVING THE
27 APPLICANT PERMANENTLY NONAMBULATORY, AS DIAGNOSED BY A PHYSICIAN,

1 DO NOT REQUIRE OBJECTIVE TEST FINDINGS.

2 (G) COORDINATION ASSESSMENT TO ASSESS THE ABILITY OF MUSCLES
3 OR GROUPS OF MUSCLES TO WORK TOGETHER TO PERFORM A TASK.
4 COORDINATION IS THE ABILITY TO EXECUTE SMOOTH, ACCURATE, CONTROLLED
5 MOVEMENT. INCOORDINATION OR COORDINATION DEFICIT DESCRIBES ABNORMAL
6 MOTOR FUNCTION CHARACTERIZED BY AWKWARD, EXTRANEIOUS, UNEVEN, OR
7 INACCURATE MOVEMENTS, CAUSED BY CENTRAL NERVOUS DISORDERS,
8 INCLUDING, BUT NOT LIMITED TO, PARKINSON'S DISEASE, CEREBRAL PALSY,
9 HEMIPLEGIA, HEMIPARESIS, AND CLOSED HEAD TRAUMA; OR BY PROGRESSIVE
10 NEUROMUSCULAR DISEASES, SUCH AS MUSCULAR DYSTROPHY, MULTIPLE
11 SCLEROSIS, AND AMYOTROPHIC LATERAL SCLEROSIS. FOR SAFETY
12 CONSIDERATIONS, THIS TEST WILL ELIMINATE SEVERELY IMPAIRED
13 APPLICANTS FROM QUALIFYING FOR A PERMIT.

14 (3) A PERSON SHALL NOT SEEK DIAGNOSIS FROM A LICENSED PHYSICAL
15 THERAPIST FOR PURPOSES OF MEETING THE REQUIREMENTS OF THIS SECTION
16 ON MORE THAN 2 OCCASIONS WITHIN A 6-MONTH PERIOD. IF A PERSON SEEKS
17 A DIAGNOSIS FROM A LICENSED PHYSICAL THERAPIST AND THE RESULTS OF
18 THE TESTING DO NOT MEET THE REQUIREMENTS OF THIS SECTION FOR
19 ELIGIBILITY FOR A PERMIT, THE PERSON MAY DO EITHER OF THE
20 FOLLOWING:

21 (A) WITHIN 30 DAYS OF OBTAINING THE TEST RESULTS, SEEK ANOTHER
22 OPINION FROM THE SAME OR A DIFFERENT LICENSED PHYSICAL THERAPIST.

23 (B) AFTER 180 DAYS OR MORE, SEEK ANOTHER OPINION FROM THE SAME
24 OR A DIFFERENT LICENSED PHYSICAL THERAPIST.

25 (4) A CROSSBOW PERMIT ISSUED UNDER THIS SECTION IS VALID
26 UNLESS REVOKED PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF
27 1969, 1969 PA 306, MCL 24.201 TO 24.328.

1 (5) ARROWS, BOLTS, AND QUARRELS USED FOR TAKING DEER, BEAR,
2 ELK, AND TURKEY WITH A CROSSBOW UNDER A PERMIT ISSUED UNDER THIS
3 SECTION ARE REQUIRED TO HAVE A BROADHEAD HUNTING TYPE OF POINT NOT
4 LESS THAN 7/8 OF AN INCH WIDE AND MUST BE A MINIMUM OF 14 INCHES IN
5 LENGTH.

6 SEC. 40115A. THE DEPARTMENT MAY ISSUE A PERMIT UNDER THIS
7 SECTION TO A PERSON WHO IS 69 YEARS OR OLDER. THAT PERMIT SHALL BE
8 ISSUED WITHOUT COST TO THE APPLICANT AND SHALL AUTHORIZE THAT
9 PERSON TO TAKE GAME WITH A CROSSBOW DURING THE OPEN SEASON FOR THAT
10 GAME IF THAT PERSON HOLDS A LICENSE TO TAKE THAT GAME ISSUED
11 PURSUANT TO PART 435 AND COMPLIES WITH ALL OTHER LAWS AND RULES FOR
12 THE TAKING OF GAME.