

# Legislative Analysis



## ALLOW INDIVIDUALS WITH DEVELOPMENTAL OR INTELLECTUAL DISABILITIES TO PARTICIPATE IN MENTORED HUNT

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### House Bill 5737 (H-1) as reported from committee

**Sponsor:** Rep. Abraham Aiyash

**Committee:** Natural Resources

**Complete to 6-4-24**

**BRIEF SUMMARY:** House Bill 5737 would amend sections 43517 and 43520 of the Natural Resources and Environmental Protection Act (NREPA) to establish when an individual with a developmental disability or intellectual disability who is unable to successfully complete a hunter safety course may participate in hunting.

**FISCAL IMPACT:** The bill is likely to affect revenues for the Department of Natural Resources (DNR) 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.

### **THE APPARENT PROBLEM:**

Under current law, once an individual reaches 17 years of age, they can only hunt under a regular license in Michigan. However, a person is required to successfully complete an approved hunter safety course before they can receive the regular hunting license. Minor children under the age of 17 are also required to complete the hunter safety course to hunt under a regular license if they have hunted under the youth apprentice license for two years.

For some individuals with an intellectual or developmental disability (both minors and adults), completing the hunter safety course is a barrier to being able to progress to hunting under the regular license, as their learning style does not align to the test component of the hunter safety course. So, while an individual with one of these disabilities may be able to follow proper hunter safety protocols under the guidance of a friend or family member, they cannot demonstrate that understanding to satisfy the course requirements.

To remedy this, the bill would allow individuals with developmental and intellectual disabilities to participate in the mentored hunt, a program originally designed to allow hunters ages 10 and under to partner with an eligible adult to safely hunt under the adult's guidance.

### **THE CONTENT OF THE BILL:**

The bill would allow a minor child or an adult who has a *developmental disability* or *intellectual disability* to participate, or continue to participate, in the mentored youth hunting

program (which the bill would rename as the “mentored hunting program”) if that individual is unable to complete the required hunter safety 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 also would add language expanding the applicability of these exemptions to an individual with a developmental or intellectual 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 or intellectual 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.

***Developmental disability*** would mean (as defined in section 100a of the Mental Health Code<sup>1</sup>):

- 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.

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<sup>1</sup> <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-330-1100A>

**Intellectual disability** would mean (as defined in section 100b of the Mental health Code<sup>2</sup>) 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.

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 or intellectually disabled minor child or adult who is unable to obtain the certificate of completion of hunter safety, as long as the parent or guardian also complies with the requirements in section 43517 regarding the circumstances under which the individual is allowed to hunt.

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 present proof of previous hunting experience in the form of a hunting license issued by another state, a providence of Canada, or another country. Currently, the responsibility lies with the person authorized to sell hunting licenses to ensure they do not sell to an ineligible person. The bill changes this to prohibit an ineligible person from buying or attempting to buy a license.

MCL 324.43517 and 324.43520

### **BACKGROUND:**

Under NREPA, an individual must possess a valid license or permit that authorizes them to hunt the species specified by that license or permit. If an individual is younger than 17 years of age, they may participate in hunting either through the mentored youth hunt (if younger than 10 years old), or with an apprentice hunting license if they are 10 to 16 years old and have not

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

successfully completed an approved hunter safety course. An apprentice hunting license may be acquired twice, after which time the youth must complete the hunter safety class before they are eligible to obtain a regular hunting license. Until that child turns 17, they will still need to have adult supervision unless they are hunting on the property where their family lives or are supervised by an adult 18 years or older.

The Natural Resources Commission established the following rules for hunters under 10 years old as part of the Mentored Youth Hunting Program (these rules would presumably be amended to implement the changes made by the bill if enacted into law):

- 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).
- When handling a hunting device, the youth hunter must be within an arm's length of the mentor at all times 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-device limit applies to the mentor regardless of the number of mentees under their guidance.

***POSITIONS:***

Representatives of the following entities testified in support of the bill (5-27-24):

- Department of Natural Resources
- Michigan United Conservation Clubs
- Michigan Hunting Dog Federation

Legislative Analyst: Josh Roesner  
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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.