

SUBSTITUTE FOR
HOUSE BILL NO. 5021

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 1615.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1615. The governor of this state may enter into a
2 compact on behalf of this state with any of the other states of
3 the United States legally joining in the compact in the form
4 substantially as follows:

5 ARTICLE I

6 FINDINGS, DECLARATION OF POLICY, AND PURPOSE

7 (a) The participating states find that:

8 (1) Wildlife resources are managed in trust by the
9 respective states for the benefit of all residents and visitors.

10 (2) The protection of the wildlife resources of a state is
11 materially affected by the degree of compliance with state

1 statutes, state laws, state regulations, state ordinances, and
2 state administrative rules relating to the management of such
3 resources.

4 (3) The preservation, protection, management, and
5 restoration of wildlife contributes immeasurably to the
6 aesthetic, recreational, and economic aspects of such natural
7 resources.

8 (4) Wildlife resources are valuable without regard to
9 political boundaries; therefore, every person should be required
10 to comply with wildlife preservation, protection, management, and
11 restoration laws, ordinances, and administrative rules and
12 regulations of the participating states as a condition precedent
13 to the continuance or issuance of any license to hunt, fish,
14 trap, or possess wildlife.

15 (5) Violation of wildlife laws interferes with the
16 management of wildlife resources and may endanger the safety of
17 persons and property.

18 (6) The mobility of many wildlife law violators necessitates
19 the maintenance of channels of communication among the various
20 states.

21 (7) In most instances, a person who is cited for a wildlife
22 violation in a state other than his home state:

23 (i) Is required to post collateral or a bond to secure
24 appearance for a trial at a later date; or

25 (ii) Is taken into custody until the collateral or bond is
26 posted; or

27 (iii) Is taken directly to court for an immediate

1 appearance.

2 (8) The purpose of the enforcement practices set forth in
3 paragraph (7) of this article is to ensure compliance with the
4 terms of a wildlife citation by the cited person who, if
5 permitted to continue on his way after receiving the citation,
6 could return to his home state and disregard his duty under the
7 terms of the citation.

8 (9) In most instances, a person receiving a wildlife
9 citation in his home state is permitted to accept the citation
10 from the officer at the scene of the violation and immediately
11 continue on his way after agreeing or being instructed to comply
12 with the terms of the citation.

13 (10) The practices described in paragraph (7) of this
14 article cause unnecessary inconvenience and, at times, a hardship
15 for the person who is unable at the time to post collateral,
16 furnish a bond, stand trial, or pay a fine, and thus is compelled
17 to remain in custody until some alternative arrangement is made.

18 (11) The enforcement practices described in paragraph (7) of
19 this article consume an undue amount of law enforcement time.

20 (b) It is the policy of the participating states to:

21 (1) Promote compliance with the state statutes, state laws,
22 state ordinances, state regulations, and state administrative
23 rules relating to management of wildlife resources in their
24 respective states.

25 (2) Recognize the suspension of wildlife license privileges
26 of any person whose license privileges have been suspended by a
27 participating state and treat such suspension as if it had

1 occurred in their state.

2 (3) Allow a violator, except as provided in paragraph (b) of
3 article III, to accept a wildlife citation and, without delay,
4 proceed on his way, whether or not a resident of the state in
5 which the citation was issued, provided that the violator's home
6 state is party to this compact.

7 (4) Report to the appropriate participating state, as
8 provided in the compact manual, any conviction recorded against
9 any person whose home state was not the issuing state.

10 (5) Allow the home state to recognize and treat convictions
11 recorded against its residents, which convictions occurred in a
12 participating state, as though they had occurred in the home
13 state.

14 (6) Extend cooperation to its fullest extent among the
15 participating states for enforcing compliance with the terms of a
16 wildlife citation issued in one participating state to a resident
17 of another participating state.

18 (7) Maximize effective use of law enforcement personnel and
19 information.

20 (8) Assist court systems in the efficient disposition of
21 wildlife violations.

22 (c) The purpose of this compact is to:

23 (1) Provide a means through which participating states may
24 join in a reciprocal program to effectuate the policies
25 enumerated in paragraph (b) of this article in a uniform and
26 orderly manner.

27 (2) Provide for the fair and impartial treatment of wildlife

1 violators operating within participating states in recognition of
2 the violator's right to due process and the sovereign status of a
3 participating state.

4 ARTICLE II

5 DEFINITIONS

6 As used in this compact, unless the context requires
7 otherwise:

8 (a) "Citation" means any summons, complaint, summons and
9 complaint, ticket, penalty assessment, or other official document
10 issued to a person by a wildlife officer or other peace officer
11 for a wildlife violation which contains an order requiring the
12 person to respond.

13 (b) "Collateral" means any cash or other security deposited
14 to secure an appearance for trial in connection with the issuance
15 by a wildlife officer or other peace officer of a citation for a
16 wildlife violation.

17 (c) "Compliance" with respect to a citation means the act of
18 answering a citation through an appearance in a court or
19 tribunal, or through the payment of fines, costs, and surcharges,
20 if any.

21 (d) "Conviction" means a conviction, including any court
22 conviction, for any offense related to the preservation,
23 protection, management, or restoration of wildlife which is
24 prohibited by state statute, state law, state regulation, state
25 ordinance, or state administrative rule, and such conviction
26 shall also include the forfeiture of any bail, bond, or other
27 security deposited to secure appearance by a person charged with

1 having committed any such offense, the payment of a penalty
2 assessment, a plea of nolo contendere and the imposition of a
3 deferred or suspended sentence by the court.

4 (e) "Court" means a court of law, including magistrate's
5 court and the justice of the peace court.

6 (f) "Home state" means the state of primary residence of a
7 person.

8 (g) "Issuing state" means the participating state which
9 issues a wildlife citation to the violator.

10 (h) "License" means any license, permit, or other public
11 document which conveys to the person to whom it was issued the
12 privilege of pursuing, possessing, or taking any wildlife
13 regulated by state statute, state law, state regulation, state
14 ordinance, or state administrative rule of a participating
15 state.

16 (i) "Licensing authority" means the department or division
17 within each participating state which is authorized by law to
18 issue or approve licenses or permits to hunt, fish, trap, or
19 possess wildlife.

20 (j) "Participating state" means any state which enacts
21 legislation to become a member of this wildlife compact.

22 (k) "Personal recognizance" means an agreement by a person
23 made at the time of issuance of the wildlife citation that such
24 person will comply with the terms of the citation.

25 (l) "State" means any state, territory, or possession of the
26 United States, the District of Columbia, the Commonwealth of
27 Puerto Rico, the Provinces of Canada, and other countries.

1 (m) "Suspension" means any revocation, denial, or withdrawal
2 of any or all license privileges, including the privilege to
3 apply for, purchase, or exercise the benefits conferred by any
4 license.

5 (n) "Terms of the citation" means those conditions and
6 options expressly stated upon the citation.

7 (o) "Wildlife" means all species of animals including, but
8 not limited to, mammals, birds, fish, reptiles, amphibians,
9 mollusks, and crustaceans, which are defined as "wildlife" and
10 are protected or otherwise regulated by statute, law, regulation,
11 ordinance, or administrative rule in a participating state.
12 Species included in the definition of "wildlife" vary from state
13 to state and determination of whether a species is "wildlife" for
14 the purposes of this compact shall be based on local law.

15 (p) "Wildlife law" means any state statute, state law, state
16 regulation, state ordinance, or state administrative rule
17 developed and enacted for the management of wildlife resources
18 and the uses thereof.

19 (q) "Wildlife officer" means any individual authorized by a
20 participating state to issue a citation for a wildlife
21 violation.

22 (r) "Wildlife violation" means any cited violation of a
23 state statute, state law, state regulation, state ordinance, or
24 state administrative rule developed and enacted for the
25 management of wildlife resources and the uses thereof.

26 ARTICLE III

27 PROCEDURES FOR ISSUING STATE

1 (a) When issuing a citation for a wildlife violation, a
2 wildlife officer shall issue a citation to any person whose
3 primary residence is in a participating state in the same manner
4 as though the person were a resident of the issuing state and
5 shall not require such person to post collateral to secure
6 appearance, subject to the exceptions noted in paragraph (b) of
7 this article, if the officer receives the recognizance of such
8 person that he will comply with the terms of the citation.

9 (b) Personal recognizance is acceptable (1) if not
10 prohibited by local law or the compact manual and (2) if the
11 violator provides adequate proof of identification to the
12 wildlife officer.

13 (c) Upon conviction or failure of a person to comply with
14 the terms of a wildlife citation, the appropriate official shall
15 report the conviction or failure to comply to the licensing
16 authority of the participating state in which the wildlife
17 citation was issued. The report shall be made in accordance with
18 procedures specified by the issuing state and shall contain
19 information as specified in the compact manual as minimum
20 requirements for effective processing by the home state.

21 (d) Upon receipt of the report of conviction or
22 noncompliance pursuant to paragraph (c) of this article, the
23 licensing authority of the issuing state shall transmit to the
24 licensing authority of the home state of the violator the
25 information in the form and with the content as prescribed in the
26 compact manual.

27 ARTICLE IV

PROCEDURE FOR HOME STATE

(a) Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the violator and shall initiate a suspension action in accordance with the home state's suspension procedures and shall suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority. Due process safeguards shall be accorded.

(b) Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter such conviction in its records and shall treat such conviction as though it occurred in the home state for the purposes of the suspension of license privileges.

(c) The licensing authority of the home state shall maintain a record of actions taken and shall make reports to issuing states as provided in the compact manual.

ARTICLE V

RECIPROCAL RECOGNITION OF SUSPENSION

(a) All participating states shall recognize the suspension of license privileges of any person by any participating state as though the violation resulting in the suspension had occurred in their state and would have been the basis for a mandatory suspension of license privileges in their state.

(b) Each participating state shall communicate suspension

1 information to other participating states in the form and with
2 the content as contained in the compact manual.

3 ARTICLE VI

4 APPLICABILITY OF OTHER LAWS

5 (a) Except as expressly required by provisions of this
6 compact, nothing herein shall be construed to affect the right of
7 any participating state to apply any of its laws relating to
8 license privileges to any person or circumstance or to invalidate
9 or prevent any agreement or other cooperative arrangement between
10 a participating state and a nonparticipating state concerning
11 wildlife law enforcement.

12 ARTICLE VII

13 COMPACT ADMINISTRATOR PROCEDURES

14 (a) For the purpose of administering the provisions of this
15 compact and to serve as a governing body for the resolution of
16 all matters relating to the operation of this compact, a board of
17 compact administrators is established. The board shall be
18 composed of 1 representative from each of the participating
19 states to be known as the compact administrator. The compact
20 administrator shall be appointed by the head of the licensing
21 authority of each participating state and shall serve and be
22 subject to removal in accordance with the laws of the state he
23 represents. A compact administrator may provide for the
24 discharge of his duties and the performance of his functions as a
25 board member by an alternate. An alternate shall not be entitled
26 to serve unless written notification of his identity has been
27 given to the board.

1 (b) Each member of the board of compact administrators shall
2 be entitled to 1 vote. No action of the board shall be binding
3 unless taken at a meeting at which a majority of the total number
4 of the board's votes are cast in favor thereof. Action by the
5 board shall be only at a meeting at which a majority of the
6 participating states are represented.

7 (c) The board shall elect annually from its membership a
8 chairman and vice-chairman.

9 (d) The board shall adopt bylaws not inconsistent with the
10 provisions of this compact or the laws of a participating state
11 for the conduct of its business and shall have the power to amend
12 and rescind its bylaws.

13 (e) The board may accept for any of its purposes and
14 functions under this compact any and all donations and grants of
15 moneys, equipment, supplies, materials, and services, conditional
16 or otherwise, from any state, the United States, or any
17 governmental agency, and may receive, utilize and dispose of the
18 donations and grants.

19 (f) The board may contract with, or accept services or
20 personnel from, any governmental or intergovernmental agency,
21 individual, firm, or corporation, or any private nonprofit
22 organization or institution.

23 (g) The board shall formulate all necessary procedures and
24 develop uniform forms and documents for administering the
25 provisions of this compact. All procedures and forms adopted
26 pursuant to board action shall be contained in a compact manual.

27 ARTICLE VIII

ENTRY INTO COMPACT AND WITHDRAWAL

(a) This compact shall become effective at such time as it is adopted in a substantially similar form by 2 or more states.

(b)(1) Entry into the compact shall be made by resolution of ratification executed by the authorized officials of the applying state and submitted to the chairman of the board.

(2) The resolution shall substantially be in the form and content as provided in the compact manual and shall include the following:

(i) A citation of the authority from which the state is empowered to become a party to this compact;

(ii) An agreement of compliance with the terms and provisions of this compact; and

(iii) An agreement that compact entry is with all states participating in the compact and with all additional states legally becoming a party to the compact.

(3) The effective date of entry shall be specified by the applying state but shall not be less than 60 days after notice has been given, (a) by the chairman of the board of the compact administrators or (b) by the secretariat of the board to each participating state, that the resolution from the applying state has been received.

(c) A participating state may withdraw from participation in this compact by official written notice to each participating state, but withdrawal shall not become effective until 90 days after the notice of withdrawal is given. The notice shall be directed to the compact administrator of each member state. No

1 withdrawal of any state shall affect the validity of this compact
2 as to the remaining participating states.

3 ARTICLE IX

4 AMENDMENTS TO THE COMPACT

5 (a) This compact may be amended from time to time.
6 Amendments shall be presented in resolution form to the chairman
7 of the board of compact administrators and shall be initiated by
8 one or more participating states.

9 (b) Adoption of an amendment shall require endorsement by
10 all participating states and shall become effective 30 days after
11 the date of the last endorsement.

12 (c) Failure of a participating state to respond to the
13 compact chairman within 120 days after receipt of a proposed
14 amendment shall constitute endorsement thereof.

15 ARTICLE X

16 CONSTRUCTION AND SEVERABILITY

17 This compact shall be liberally construed so as to
18 effectuate the purposes stated herein. The provisions of this
19 compact are severable and if any phrase, clause, sentence, or
20 provision of this compact is declared to be contrary to the
21 constitution of any participating state or of the United States,
22 or the applicability thereof to any government, agency,
23 individual, or circumstance is held invalid, the validity of the
24 remainder of this compact shall not be affected thereby. If this
25 compact is held contrary to the constitution of any participating
26 state, the compact shall remain in full force and effect as to
27 the remaining states and in full force and effect as to the

1 participating state affected as to all severable matters.

2 ARTICLE XI

3 TITLE

4 This compact shall be known as the "wildlife violator
5 compact".