



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

**BILL ANALYSIS**

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bill 415 (as introduced 4-31-05)  
Sponsor: Senator Michelle A McManus  
Committee: Agriculture, Forestry and Tourism

Date Completed: 5-18-05

**CONTENT**

**The bill would add Part 705 to the Natural Resources and Environmental Protection Act to allow the Governor to enter into the "Great Lakes Outdoor Recreation Violator Compact" with other states having territory in the Great Lakes basin. The Compact establishes policies and procedures under which participating states will do the following:**

- Issue a citation to a person who violates outdoor recreation laws, and allow the person to proceed on his or her way, without requiring collateral to secure an appearance.**
- Suspend a person's outdoor recreational license privileges for failure to comply with another participating state's citation.**
- Treat a conviction from another state as though it had occurred in the violator's home state, for the purpose of suspending outdoor recreational license privileges.**
- Recognize the suspension of license privileges by any other participating state.**

The Compact will take effect when it is adopted by two or more states.

An overview of the Compact follows.

**Findings, Policy, & Purpose**

The Compact contains findings by the participating states, including the following:

- The protection of the outdoor recreational resources of a state is materially affected by the degree of compliance with state laws relating to the management of those resources.
- Violation of outdoor recreational resource laws threatens outdoor recreational resources and the safety of people and property.
- The mobility of many outdoor recreational resource law violators necessitates procedures for communication among the states.
- In most instances, when a person is cited for an outdoor recreational resource violation in a state other than his or her home state, the person is required to post collateral or a bond to secure appearance for a trial at a later date or is taken into custody until the collateral or bond is issued; or he or she is taken directly to court for an immediate appearance.
- These enforcement practices cause unnecessary inconvenience and, at times, a hardship for the person who cannot at the time post collateral, furnish a bond, stand trial, or pay a

fine, and thus is compelled to remain in custody until some alternative arrangement is made.

- These enforcement practices consume an undue amount of law enforcement time.
- In most instances, a person receiving an outdoor recreational resource citation in his or her home state is permitted to accept the citation from the officer at the scene of the violation and immediately continue on his or her way after agreeing or being instructed to comply with the terms of the citation.

The Compact states that it is the policy of each of the participating states to do the following (among other things):

- Treat the suspension, by any participating state, of outdoor recreational resource license privileges of any person as if it had been imposed by that state.
- Allow a violator to accept an outdoor recreational resource citation and, without delay, proceed on his or her way, if the violator's home state is the state in which the citation was issued or is another participating state.
- Report any conviction entered in that state against a person whose home state is another participating state to the person's home state.
- Allow the home state to treat convictions recorded against its residents, that were entered in another participating state, as if they had been entered in the home state.

The stated purpose of the Compact is to do the following:

- Provide a means through which participating states may join in a reciprocal program to effectuate the policies enumerated in the Compact in a uniform and orderly manner.
- Provide for the fair and impartial treatment of outdoor recreational resource violators operating within participating states in recognition of the violators' right to due process and the sovereign status of a participating state.

The Compact defines "home state" as the state of primary residence of a person. "Issuing state" means a participating state that issues a recreation citation to a violator. "Citation" means any summons, complaint, summons and complaint, ticket, penalty assessment, or other official document issued to a person by a recreation officer for a recreation violation that contains an order requiring the person to respond.

The Compact defines "conviction" as a conviction for any violation of state law related to a public park, trail, forest, or campground, or a snowmobile, watercraft, or off-road vehicle (ORV), the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, or the payment of a penalty assessment, a plea of no contest, or the imposition of a deferred or suspended sentence by the court for such an offense.

"Recreation law" means a state law governing the management of a public park, trail, forest, or campground and its uses or the licensing and regulation of snowmobiles, watercraft, or ORVs. "Recreation violation" means any cited violation of a recreation law.

#### Procedures for Issuing State

The Compact requires a recreation officer to issue a citation to a person whose home state is another participating state in the same manner as if the person's home state were the issuing state. (A "recreation officer" is any individual authorized by a participating state to issue a citation for a recreation violation.)

If the recreation officer receives the person's recognizance (agreement) that he or she will comply with the citation, the officer may not require the person to post collateral to secure appearance. Personal recognizance is acceptable if not prohibited by state law or the

compact manual and if the violator provides adequate proof of identification to the recreation officer.

Upon a person's conviction or failure to comply with a citation, the appropriate official must report the conviction or failure to the licensing authority of the issuing state. The report must contain information necessary for effective processing by the home state. Upon receiving the report, the licensing authority of the issuing state must transmit the information to the licensing authority of the violator's home state.

("Licensing authority" means the department or division within each participating state that is authorized by law to issue or approve licenses. "License" means any license, permit, or other public document that conveys to the person to whom it was issued the privilege of using a public park, trail, forest, or campground, or a snowmobile, watercraft, or ORV regulated by state law of a participating state.)

#### Procedures for Home State

Upon receiving a report from the licensing authority of an issuing state that a violator failed to comply with a citation, the licensing authority of the home state must notify the violator, initiate a suspension action, and suspend the violator's license privileges until the issuing state has furnished satisfactory evidence of compliance with the citation.

Upon receiving a report of a conviction from the licensing authority of the issuing state, the licensing authority of the home state must enter the conviction in its records and treat the conviction as though it occurred in the home state for the purposes of the suspension of license privileges.

#### Reciprocal Recognition of Suspension

The Compact requires each participating state to recognize the suspension of license privileges of any person, by any other participating state, as though the violation resulting in the suspension had occurred in that state and would have been the basis for a mandatory suspension of license privileges in that state.

(The Compact defines "suspension" as any revocation, denial, or withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any license.)

#### Applicability of Other Laws

The Compact states that, except as otherwise expressly required by the Compact, it does not affect the right of any participating state to apply any of its laws relating to license privileges to any person or circumstance, or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning recreation law enforcement.

#### Compact Administrator Procedures

The Compact establishes a Board of Compact Administrators for the purpose of administering the Compact and serving as a governing body for the resolution of all matters related to the operation of the Compact. The Board is to consist of one representative from each participating state, known as the Compact Administrator. The Compact Administrator must be appointed by the head of the licensing authority of each participating state, and must serve and be subject to removal under the laws of the state he or she represents.

Each Board member is entitled to one vote. An action of the Board is not binding unless it is taken at a meeting at which a majority of the total number of the Board's votes are cast in favor of the action. The Board may take action only at a meeting at which a majority of the participating states are represented.

The Board must formulate all necessary procedures and develop uniform forms and documents for administering the Compact, which the Board must compile in a Compact manual.

#### Other Provisions

The Compact prescribes procedures for entry into the Compact, withdrawal from the Compact, and amendments to the Compact. The Compact also contains language regarding its construction and severability.

Proposed MCL 324.70501

Legislative Analyst: Suzanne Lowe

#### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on the State. The State could receive more fine and restitution revenue as a result of additional convictions of out-of-State violators, and could realize savings from taking fewer violators into custody. However, there could be increased costs for both the Department of Natural Resources and the Department of State for staff time, resources, and information technology due to collaboration with other states in tracking violators and updating recreational vehicle registrations and permits. Criminal fine revenue benefits public libraries.

Fiscal Analyst: Jessica Runnels  
Bill Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.