

HOUSE BILL No. 5021

August 13, 2003, Introduced by Reps. Walker, Bradstreet, Casperson, Tabor, DeRossett, Palsrok and Hummel and referred to the Committee on Conservation and Outdoor Recreation.

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:

ARTICLE I

FINDINGS, DECLARATION OF POLICY, AND PURPOSE

(a) The participating states find that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (3) Allow a violator, except as provided in paragraph (b) of

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

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

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

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

16 (7) Maximize effective use of law enforcement personnel and
17 information.

18 (8) Assist court systems in the efficient disposition of
19 wildlife violations.

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

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

25 (2) Provide for the fair and impartial treatment of wildlife
26 violators operating within participating states in recognition of
27 the violator's right to due process and the sovereign status of a

1 participating state.

2 ARTICLE II

3 DEFINITIONS

4 As used in this compact, unless the context requires
5 otherwise:

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

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

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

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

1 by the court.

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

4 (f) "Home state" means the state of primary residence of a
5 person.

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

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

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

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

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

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

25 (m) "Suspension" means any revocation, denial, or withdrawal
26 of any or all license privileges, including the privilege to
27 apply for, purchase, or exercise the benefits conferred by any

1 license.

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

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

12 (p) "Wildlife law" means any statute, law, regulation,
13 ordinance, or administrative rule developed and enacted for the
14 management of wildlife resources and the uses thereof.

15 (q) "Wildlife officer" means any individual authorized by a
16 participating state to issue a citation for a wildlife
17 violation.

18 (r) "Wildlife violation" means any cited violation of a
19 statute, law, regulation, ordinance, or administrative rule
20 developed and enacted for the management of wildlife resources
21 and the uses thereof.

22 ARTICLE III

23 PROCEDURES FOR ISSUING STATE

24 (a) When issuing a citation for a wildlife violation, a
25 wildlife officer shall issue a citation to any person whose
26 primary residence is in a participating state in the same manner
27 as though the person were a resident of the issuing state and

1 shall not require such person to post collateral to secure
2 appearance, subject to the exceptions noted in paragraph (b) of
3 this article, if the officer receives the recognizance of such
4 person that he will comply with the terms of the citation.

5 (b) Personal recognizance is acceptable (1) if not
6 prohibited by local law or the compact manual and (2) if the
7 violator provides adequate proof of identification to the
8 wildlife officer.

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

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

23 ARTICLE IV

24 PROCEDURE FOR HOME STATE

25 (a) Upon receipt of a report from the licensing authority of
26 the issuing state reporting the failure of a violator to comply
27 with the terms of a citation, the licensing authority of the home

1 state shall notify the violator and shall initiate a suspension
2 action in accordance with the home state's suspension procedures
3 and shall suspend the violator's license privileges until
4 satisfactory evidence of compliance with the terms of the
5 wildlife citation has been furnished by the issuing state to the
6 home state licensing authority. Due process safeguards shall be
7 accorded.

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

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

16 ARTICLE V

17 RECIPROCAL RECOGNITION OF SUSPENSION

18 (a) All participating states shall recognize the suspension
19 of license privileges of any person by any participating state as
20 though the violation resulting in the suspension had occurred in
21 their state and could have been the basis for suspension of
22 license privileges in their state.

23 (b) Each participating state shall communicate suspension
24 information to other participating states in the form and with
25 the content as contained in the compact manual.

26 ARTICLE VI

27 APPLICABILITY OF OTHER LAWS

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

8 ARTICLE VII

9 COMPACT ADMINISTRATOR PROCEDURES

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

24 (b) Each member of the board of compact administrators shall
25 be entitled to 1 vote. No action of the board shall be binding
26 unless taken at a meeting at which a majority of the total number
27 of the board's votes are cast in favor thereof. Action by the

1 board shall be only at a meeting at which a majority of the
2 participating states are represented.

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

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

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

15 (f) The board may contract with, or accept services or
16 personnel from, any governmental or intergovernmental agency,
17 individual, firm, or corporation, or any private nonprofit
18 organization or institution.

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

23 ARTICLE VIII

24 ENTRY INTO COMPACT AND WITHDRAWAL

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

27 (b)(1) Entry into the compact shall be made by resolution of

1 ratification executed by the authorized officials of the applying
2 state and submitted to the chairman of the board.

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

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

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

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

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

19 (c) A participating state may withdraw from participation in
20 this compact by official written notice to each participating
21 state, but withdrawal shall not become effective until 90 days
22 after the notice of withdrawal is given. The notice shall be
23 directed to the compact administrator of each member state. No
24 withdrawal of any state shall affect the validity of this compact
25 as to the remaining participating states.

26 ARTICLE IX

27 AMENDMENTS TO THE COMPACT

1 (a) This compact may be amended from time to time.
2 Amendments shall be presented in resolution form to the chairman
3 of the board of compact administrators and shall be initiated by
4 one or more participating states.

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

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

11 ARTICLE X

12 CONSTRUCTION AND SEVERABILITY

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

25 ARTICLE XI

26 TITLE

27 This compact shall be known as the "wildlife violator

1 compact".