

ALLOW POSSESSION OF GAME KILLED BY VEHICLE

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Senate Bill 613 (reported from committee as Substitute H-2)

Sponsor: Sen. Darwin Booher

House Committee: Natural Resources

Senate Committee: Natural Resources, Environment and Great Lakes

Complete to: 6-11-14

(Enacted as Public Act 255 of 2014)

BRIEF SUMMARY: Senate Bill 613 would allow individuals to take possession of certain game killed in a collision with a motor vehicle, or injured and subsequently euthanized. The driver of the vehicle would have first priority to take possession of the game.

FISCAL IMPACT: Senate Bill 613 would have minimal fiscal impact to the Department of Natural Resources (DNR) and no fiscal impact to local units of government.

THE APPARENT PROBLEM:

During committee testimony in the House, the bill sponsor said his intent in introducing the legislation is to streamline the salvage process so that interested parties could remove certain road kill and use it for meat, bait, or composting, whichever was applicable. Allowing individuals to do this, the sponsor said, would lead to less road kill left for local road crews to clean, saving local governments money. Currently, an individual is able to request a salvage tag from a law enforcement officer in order to keep the animal for food, its hide, or as bait, but the bill aims at improving that process. During open season, a hunter may use one of his or her tags in order to keep the animal.

THE CONTENT OF THE BILL:

The bill amend the Natural Resources and Environmental Protection Act (MCL 324.101-324.90106) by adding Section 40115. The bill would not apply to individuals who intentionally use a motor vehicle to kill or injure game.

Requirements for deer

Under the bill, an individual in possession of deer would be required to do one of the following:

- Obtain a salvage tag. The tag would have to be produced at the request of a conservation officer or peace officer. The tag would have to remain attached until the game was processed, butchered for consumption, or delivered for tanning or taxidermy.
- Promptly notify the DNR or a local law enforcement agency of the intent to possess the game by telephone or on the DNR website.

- For an individual who is the driver of the motor vehicle involved in the collision and calls 9-1-1 to report that collision an individual, state the intent to maintain possession of the game.

Requirements for other animals

Individuals in possession of beaver, coyote, fox, mink, muskrat, opossum, raccoon, skunk, weasel, or small game would be required to prepare a written record with the following information:

- The date and time the individual took possession of the game.
- The location where possession occurred.
- The type of game the individual seeks to possess.
- Whether the individual has requested a salvage tag.
- The individual's full name and middle initial, date of birth, mailing address, telephone number, and driver's license number.
- The intended purpose for obtaining possession of the game (e.g., human consumption, bait, or other purposes).

An individual would have to maintain the written record until a salvage tag was obtained or until the game and its parts are consumed, composted, or are no longer in anyone's possession. The record would have to be kept where the game or parts are kept and would have to be exhibited at the request of a law enforcement officer.

Possession of deer

If an individual notified 9-1-1, the DNR, or a local law enforcement agency of the intent to legally maintain possession of the game, that individual would be required to provide the notified entity with the following:

- The date and time the individual took possession of the game.
- The location where the individual took possession.
- The type of game the individual seeks to possess. (If the game is a deer, then the report would have to identify whether the deer was antlered or not, and if antlered, identify the number of antler points.)
- Whether the individual has requested a salvage tag.
- The individual's full name and middle initial, date of birth, mailing address, telephone number, and driver's license number.
- The intended purpose for obtaining possession of the game, including human consumption, bait, or other uses.

Possession of Bear

An individual in possession of bear as a result of a motor vehicle collision would have to obtain a salvage tag for that bear.

Taxidermy and tanning

An individual must obtain a salvage tag and attach it to the game in order to take the carcass to a taxidermy or tanning business, and the person in possession of the game or

business would have to ensure the tag remains attached to the game as long as the game remains unprocessed or in possession of a taxidermy or tanning business.

Issuance of salvage tags and suspension of salvage by DNR

The DNR would be required to promptly issue a salvage tag if one is requested by an individual. However, the bill also would allow the director of the DNR to immediately suspend all salvage mechanisms for areas affected by disease by issuing an order based on sound science to address disease control. Before issuing such an order, the DNR would be required to provide public notice of the order and notify the legislative committees with primary oversight of natural resources. After the DNR verifies the absence of the disease in the area which caused the order to be issued, the order would be lifted and the department would post public notice of the ban being lifted on the department's website and at department offices through the affected area(s).

Reporting

The DNR would be required to issue an annual report detailing the number of salvage tags issued, the number of animals reported to the DNR, and, if available, the number of animals reported to local law enforcement agencies or 9-1-1 that were issued and reported, respectively, as a result of the provisions of this bill.

Exceptions

The bill would not allow the following to be possessed following a collision with a motor vehicle: badger, bobcat, brant, coot, crow, cub bear, duck, elk, fisher, Florida gallinule, geese, marten, moose, otter, snipe, sora rail, wild turkey, spotted fawn deer, Virginia rail, wolf, and woodcock.

Effective date

The bill would take effect 90 days after it is enacted.

ARGUMENTS:

For:

As mentioned above, the intent of the bill is to reduce the amount of resources dedicated by local governments to cleaning up and disposing of road kill. Additionally, supporters noted that the carcasses would not be wasted, as they could be put to some use instead of being left to rot before cleanup.

Against:

The Department of Natural Resources and several conservation groups were neutral with concerns or were opposed to the bill due to language they perceived as creating loopholes for poachers to take animals out of season. [Note: while some of the species that conservation groups listed as being particularly vulnerable to poaching were added to the list of exempted species, the groups did not indicate whether the additions were sufficient to change their position on the bill].

POSITIONS:

The Michigan County Road Assoc. and Michigan Association of Counties indicated support for the bill. (6-3-14)

The Michigan United Conservation Clubs and the National Wild Turkey Federation indicated support for the bill. (6-10-14)

The Department of Natural Resources is neutral on the bill. (6-10-14)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.