

SENATE BILL No. 1349

June 29, 2006, Introduced by Senators PATTERSON, BASHAM, CROPSEY, BIRKHOLZ, BARCIA, ALLEN and HARDIMAN and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 407.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 407 VEHICLE COLLISIONS INVOLVING DEER

SEC. 40701. AS USED IN THIS PART:

(A) "COMMISSION" MEANS THE COMMISSION ON VEHICLE/DEER
COLLISIONS CREATED IN SECTION 40702.

(B) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES.

(C) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

SEC. 40702. (1) THE COMMISSION IS CREATED WITHIN THE

1 DEPARTMENT.

2 (2) THE COMMISSION SHALL CONSIST OF THE FOLLOWING MEMBERS,
3 APPOINTED AS PROVIDED IN SUBSECTION (3):

4 (A) A REPRESENTATIVE OF THE DEPARTMENT.

5 (B) A REPRESENTATIVE OF THE STATE TRANSPORTATION DEPARTMENT.

6 (C) TWO MEMBERS OF THE PUBLIC.

7 (D) A REPRESENTATIVE OF AN ENVIRONMENTAL PROTECTION
8 ORGANIZATION.

9 (E) A REPRESENTATIVE OF A HUNTING OR OUTDOORSMAN ORGANIZATION.

10 (F) A REPRESENTATIVE OF AN ANIMAL RIGHTS ORGANIZATION.

11 (3) EACH MEMBER OF THE COMMISSION SHALL BE APPOINTED BY THE
12 GOVERNOR FROM A LIST OF AT LEAST 3 NOMINEES FOR THAT POSITION
13 SUBMITTED BY AGREEMENT OF THE SENATE MAJORITY LEADER AND THE
14 SPEAKER OF THE HOUSE OF REPRESENTATIVES.

15 (4) THE MEMBERS FIRST APPOINTED TO THE COMMISSION SHALL BE
16 APPOINTED WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
17 ACT THAT ADDED THIS PART.

18 (5) MEMBERS OF THE COMMISSION SHALL SERVE FOR TERMS OF 4 YEARS
19 OR UNTIL A SUCCESSOR IS APPOINTED, WHICHEVER IS LATER, EXCEPT THAT
20 OF THE MEMBERS FIRST APPOINTED, THE MEMBER APPOINTED UNDER
21 SUBSECTION (2) (A) SHALL SERVE FOR 1 YEAR, THE MEMBER APPOINTED
22 UNDER SUBSECTION (2) (B) AND 1 OF THE MEMBERS APPOINTED UNDER
23 SUBSECTION (2) (C) SHALL SERVE FOR 2 YEARS, AND THE MEMBERS
24 APPOINTED UNDER SUBSECTION (2) (D) AND (E) SHALL SERVE FOR 3 YEARS.

25 (6) IF A VACANCY OCCURS ON THE COMMISSION, THE GOVERNOR SHALL
26 MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME MANNER AS
27 THE ORIGINAL APPOINTMENT.

1 (7) THE GOVERNOR MAY REMOVE A MEMBER OF THE COMMISSION FOR
2 INCOMPETENCY, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR
3 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

4 SEC. 40703. (1) THE FIRST MEETING OF THE COMMISSION SHALL BE
5 CALLED BY THE DIRECTOR AND HELD WITHIN 60 DAYS AFTER THE COMMISSION
6 IS APPOINTED. AT THE FIRST MEETING, THE COMMISSION SHALL ELECT FROM
7 AMONG ITS MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS
8 APPROPRIATE. AFTER THE FIRST MEETING, THE COMMISSION SHALL MEET AT
9 LEAST QUARTERLY, OR MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON
10 OR IF REQUESTED BY 2 OR MORE MEMBERS.

11 (2) A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTE A
12 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE
13 COMMISSION. A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE
14 REQUIRED FOR OFFICIAL ACTION OF THE COMMISSION.

15 (3) THE BUSINESS THAT THE COMMISSION MAY PERFORM SHALL BE
16 CONDUCTED AT A PUBLIC MEETING OF THE COMMISSION HELD IN COMPLIANCE
17 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

18 (4) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
19 RETAINED BY THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL
20 FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
21 MCL 15.231 TO 15.246.

22 (5) MEMBERS OF THE COMMISSION REPRESENTING A STATE DEPARTMENT
23 SHALL SERVE WITHOUT ADDITIONAL COMPENSATION. OTHER MEMBERS OF THE
24 COMMISSION SHALL SERVE WITHOUT COMPENSATION. HOWEVER, MEMBERS OF
25 THE COMMISSION MAY BE REIMBURSED FOR THEIR ACTUAL AND NECESSARY
26 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS
27 MEMBERS OF THE COMMISSION.

1 SEC. 40704. THE COMMISSION SHALL DO ALL OF THE FOLLOWING IN
2 CONSULTATION WITH FEDERAL AND LOCAL OFFICIALS AND AGENCIES:

3 (A) STUDY THE PROBLEM OF COLLISIONS BETWEEN VEHICLES AND DEER,
4 ESPECIALLY THOSE COLLISIONS OCCURRING BETWEEN SEPTEMBER 15 AND
5 DECEMBER 15.

6 (B) IDENTIFY AREAS WHERE A HIGH NUMBER OF COLLISIONS BETWEEN
7 VEHICLES AND DEER OR OTHER ANIMALS OCCUR.

8 (C) IDENTIFY WAYS TO REDUCE THE NUMBER OR SEVERITY OF
9 COLLISIONS BETWEEN VEHICLES AND DEER, INCLUDING ALL OF THE
10 FOLLOWING:

11 (i) FENCING.

12 (ii) TUNNELS OR OVERPASSES.

13 (iii) RELOCATING DEER.

14 (iv) REDUCING SPEED LIMITS IN CERTAIN AREAS.

15 (v) REPELLENTS.

16 (vi) ROADSIDE VEGETATION MANAGEMENT.

17 (vii) ROADSIDE REFLECTORS AND MIRRORS.

18 (viii) ROADWAY LIGHTING.

19 (ix) IN-VEHICLE COUNTERMEASURES.

20 (x) DEER WHISTLES.

21 (xi) HUNTING AND OTHER METHODS OF REDUCING DEER POPULATIONS.

22 (xii) PUBLIC INFORMATION AND EDUCATION PROGRAMS.

23 (D) IDENTIFY FUNDING SOURCES TO IMPLEMENT SOLUTIONS
24 RECOMMENDED UNDER SUBDIVISION (C).

25 (E) SUBMIT REPORTS TO THE DIRECTOR, THE DIRECTOR OF THE STATE
26 TRANSPORTATION DEPARTMENT, AND THE LEGISLATURE ON ITS FINDINGS AND
27 RECOMMENDATIONS UNDER SUBDIVISIONS (A) TO (D). THE FIRST REPORT

1 SHALL BE SUBMITTED WITHIN 6 MONTHS AFTER THE FIRST MEETING OF THE
2 COMMISSION.