

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1084

A bill to authorize the removal, capture, or lethal control of a gray wolf that is preying upon a dog under certain circumstances; to provide for penalties; and to promulgate rules.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Department" means the department of natural resources.

3 (b) "Dog" includes a domesticated dog and a dog used for
4 hunting.

5 Sec. 3. (1) The owner of a dog or his or her designated agent
6 may remove, capture, or, if deemed necessary, use lethal means to
7 destroy a gray wolf that is in the act of preying upon the owner's
8 dog.

9 (2) The owner of the dog or his or her designated agent shall

1 report the taking of a gray wolf to a department official as soon
2 as practicable, but not later than 12 hours after the taking. A
3 person who violates this subsection is guilty of a misdemeanor
4 punishable by imprisonment for not more than 90 days or a fine of
5 not less than \$100.00 or more than \$1,000.00, or both, and the
6 costs of prosecution.

7 (3) Except as otherwise provided in subsection (4), the owner
8 of the dog or his or her designated agent shall retain possession
9 of a gray wolf taken until a department official is available to
10 take possession of and transfer the gray wolf to the appropriate
11 department personnel for examination. A person who violates this
12 subsection is guilty of a misdemeanor punishable by imprisonment
13 for not more than 90 days or a fine of not less than \$100.00 or
14 more than \$1,000.00, or both, and the costs of prosecution.

15 (4) If lethal means are used to destroy a gray wolf, a person
16 shall not move or disturb the deceased gray wolf until a department
17 official is available to take possession of and transfer the gray
18 wolf to the appropriate department personnel for examination or
19 until as otherwise directed by a department official. A person
20 shall not disturb the area where lethal means were used to destroy
21 a gray wolf until after an official investigation by the department
22 is complete. If a dog is physically attacked or killed, a person
23 who uses lethal means to destroy a gray wolf shall produce the dog
24 that was attacked for inspection by department officials. A person
25 who violates this subsection is guilty of a misdemeanor punishable
26 by imprisonment for not more than 90 days or a fine of not less
27 than \$100.00 or more than \$1,000.00, or both, and the costs of

1 prosecution.

2 (5) A department official shall respond to the scene where
3 lethal means were used to destroy a gray wolf not later than 12
4 hours after the department official is notified under subsection
5 (2).

6 (6) The owner of the dog or his or her designated agent may
7 report the taking of a gray wolf by utilizing the department's
8 report all poaching hotline at 1-800-292-7800.

9 Sec. 5. The department may promulgate rules to implement this
10 act pursuant to the administrative procedures act of 1969, 1969 PA
11 306, MCL 24.201 to 24.328.

12 Sec. 7. (1) Sections 1 to 5 shall not be operational and
13 enforceable until 1 of the following occurs:

14 (a) A final appellate court issues a decision overruling the
15 decision of the United States district court for the District of
16 Columbia in The Humane Society of the United States v Dirk
17 Kemphorne, civil action no. 07-0677 (D.C.C. September 29, 2008),
18 and permits the final rule of the United States fish and wildlife
19 service in 72 FR p. 6052 (February 8, 2007) removing gray wolves
20 located in this state from the list of endangered and threatened
21 wildlife established under the federal endangered species act of
22 1973 to take effect.

23 (b) The United States fish and wildlife service promulgates a
24 final rule dated after March 12, 2007 that removes gray wolves
25 located in this state from the list of endangered and threatened
26 wildlife established under the federal endangered species act of
27 1973 and that final rule takes effect.

1 (2) Upon sections 1 to 5 becoming operational and enforceable
2 pursuant to subsection (1), the department shall post a notice on
3 the department's website that includes all of the following:

4 (a) The date sections 1 to 5 are operational and enforceable
5 pursuant to subsection (1).

6 (b) A summary of the provisions of sections 1 to 5.

7 Enacting section 1. If any federal or state litigation
8 overturns the decision to remove gray wolves from the list of
9 endangered species, the Michigan department of natural resources
10 shall report the impact of that litigation on this act to the
11 standing committees of the legislature with jurisdiction over
12 issues primarily dealing with natural resources and the
13 environment.