

Act No. 8
Public Acts of 1989
Approved by the Governor
April 30, 1989
Filed with the Secretary of State
May 3, 1989

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Rep. Pridnia

Reps. Bartnik, DeMars, Dunaskiss, Middaugh, Varga and Weeks named co-sponsors

ENROLLED HOUSE BILL No. 4008

AN ACT to amend sections 1, 2, 3, 9, 10, and 12 of Act No. 134 of the Public Acts of 1957, entitled "An act to establish and regulate the operation of shooting preserves; to provide for the issuing of licenses pertaining thereto and the disposition of the moneys derived therefrom; to provide penalties for the violation of the provisions of this act; and to repeal certain acts and parts of acts," being sections 317.301, 317.302, 317.303, 317.309, 317.310, and 317.312 of the Michigan Compiled Laws; and to add section 12a.

The People of the State of Michigan enact:

Section 1. Sections 1, 2, 3, 9, 10, and 12 of Act No. 134 of the Public Acts of 1957, being sections 317.301, 317.302, 317.303, 317.309, 317.310, and 317.312 of the Michigan Compiled Laws, are amended and section 12a is added to read as follows:

Sec. 1. The director of the department may issue licenses authorizing the establishment and operation of private shooting preserves. The fee for the license shall be \$35.00 for a shooting preserve of 320 acres or less and \$60.00 for a shooting preserve in excess of 320 acres. Unless revoked as provided by law, licenses issued under this section shall be valid from July 1 through June 30. Private shooting preserves licensed under this section may allow hunting on Sundays, notwithstanding the provisions of local ordinances or regulations.

Sec. 2. (1) Each shooting preserve shall contain not less than 80 acres nor more than 640 acres of leased or owned land, except that those preserves whose operations are confined only to ducks may contain a minimum of 50 acres. The exterior boundaries of each preserve shall be clearly defined with signs erected at intervals of 150 feet or less.

(2) Shooting preserves with operations involving animals not native or commonly found in the wild in this state shall be adequately fenced and maintained to keep the animals in complete and continuous captivity as approved by the director.

Sec. 3. (1) Birds that may be hunted under a shooting preserve license shall be limited to artificially propagated wild turkeys and wild turkey hybrids and other artificially propagated species as prescribed by the director. A license holder may propagate and sell the prescribed birds, carcasses, or products, in addition to releasing the birds for hunting purposes, by adhering to all requirements, except breeder's license fee requirements, of Act No. 191 of the Public Acts of 1929, being sections 317.71 to 317.84 of the Michigan Compiled Laws, and orders issued or rules promulgated by the commission of natural resources under authority of that act.

(2) Wild turkey or wild turkey hybrids authorized under a license shall have 1 wing pinioned and shall be fenced and released in compliance with regulations established by the department.

Sec. 9. A person applying for a license under this act shall submit an application to the director on forms furnished by the director, stating the name and address of the applicant, the legal description of the premises to be licensed, the kind of birds to be covered by the license, and other information required by the director. The director shall prepare and distribute suitable forms necessary to carry out the provisions of this act.

Sec. 10. (1) The director, subject to the approval of the commission of natural resources, may establish an open season for shooting preserves that shall be not less than 120 days, and may promulgate rules governing the administration of this act as the director considers expedient. In addition, the commission of natural resources may issue orders governing the administration of this act as the commission considers expedient.

(2) Commission orders under this act shall be issued according to the procedure provided for in section 8(2) and (3) of the wildlife conservation act, Act No. 256 of the Public Acts of 1988, being section 300.258 of the Michigan Compiled Laws.

Sec. 12. (1) A person who violates this act or the rules promulgated under this act is guilty of a misdemeanor punishable by a fine of not more than \$100.00, and the costs of prosecution, or imprisonment for not more than 90 days, or by both.

(2) In addition to the penalty provided in this section, a license issued under this act may be suspended or revoked, after a hearing as provided by law, when the license holder fails to comply with the requirements of this act, when a licensee fails to maintain or submit accurate reports and records as required by the director, or when a licensee is convicted of a violation of this act. Birds and animals held under a license that is suspended or revoked shall then be disposed of only in a manner approved by the director.

Sec. 12a. As used in this act:

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

(b) "Director" means the director of the department.

(c) "License" means a license issued by the department to operate a private shooting preserve.

(d) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved

Governor.