

SUBSTITUTE FOR
HOUSE BILL NO. 4412

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending the part heading to part 417 and sections 41701,
41702, 41703, 41704, 41706, 41707, 41708, 41710, 41712, 42714,
and 43530 (MCL 324.41701, 324.41702, 324.41703, 324.41704,
324.41706, 324.41707, 324.41708, 324.41710, 324.41712, 324.42714,
and 324.43530), sections 41701, 41702, 41703, 41704, 41706,
41707, 41708, 41710, 41712, and 42714 as added by 1995 PA 57 and
section 43530 as amended by 1996 PA 585.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 PART 417 ~~PRIVATE SHOOTING~~ GAME BIRD HUNTING PRESERVES
2 Sec. 41701. As used in this part, "license" means a license
3 issued by the department to operate a ~~private shooting~~ GAME
4 BIRD HUNTING preserve.

HB4412, As Passed House, April 19, 2001

Sub. HB 4412 (H-1) as amended April 18, 2001

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1 Sec. 41702. The department may issue licenses authorizing
2 the establishment and operation of ~~private shooting~~ GAME BIRD
3 HUNTING preserves. The fee for a license is ~~\$35.00~~ \$105.00 for
4 a ~~shooting~~ preserve of 320 acres or less and ~~\$60.00~~ \$180.00
5 for a ~~shooting~~ preserve in excess of 320 acres. Unless revoked
6 as provided by law, licenses issued under this section are valid
7 from ~~July 1 through June 30. Private shooting~~ THE DATE OF
8 ISSUANCE UNTIL JUNE 30 OF THE THIRD LICENSE YEAR. GAME BIRD
9 HUNTING preserves licensed under this section may allow hunting
10 on Sundays, notwithstanding the provisions of a local ordinance
11 or regulation.

12 Sec. 41703. ~~(1) Each shooting~~ GAME BIRD HUNTING pre-
13 serve shall contain not less than 80 acres or more than 640 acres
14 of LAND leased or owned ~~land~~ BY THE LICENSEE, except that those
15 preserves ~~which have~~ WHOSE operations ~~that~~ are confined only
16 to ducks may contain a minimum of 50 acres. The exterior bounda-
17 ries of each preserve shall be clearly defined with signs erected
18 at intervals of 150 feet or less.

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

23 Sec. 41704. (1) ~~Birds that may be hunted under a shooting~~
24 ~~preserve license shall be limited to~~ ONLY artificially propa-
25 gated wild turkeys and wild turkey hybrids [
26] and other artificially propagated species as
27 prescribed by the department MAY BE HUNTED UNDER A GAME BIRD

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1 HUNTING PRESERVE LICENSE. A license holder may propagate and
2 sell the prescribed birds, carcasses, or products, in addition to
3 releasing the birds for hunting purposes, by adhering to all
4 requirements, except breeder's license fee requirements of
5 part 427 ~~,~~ and orders issued ~~or rules promulgated~~ by the
6 department under that part.

7 (2) Wild turkey or wild turkey hybrids authorized under a
8 license shall have 1 wing pinioned and shall be fenced and
9 released in compliance with ~~regulations established~~ ORDERS
10 ISSUED by the department UNDER SECTION 41710.

11 Sec. 41706. ~~Each~~ EXCEPT AS OTHERWISE PROVIDED BY AN ORDER
12 ISSUED UNDER SECTION 41710, BEFORE A GAME bird shot under author-
13 ity of a ~~shooting~~ GAME BIRD HUNTING preserve license ~~, before~~
14 ~~being either~~ IS consumed on the premises or removed from the
15 property, ~~shall have affixed to the carcass, or wrapper,~~ a
16 stamp-mark, band, tag, or seal as designated by the department
17 SHALL BE AFFIXED TO THE CARCASS OR TO THE CONTAINER HOLDING THE
18 CARCASS. The bands, tags, or seals shall be furnished at reason-
19 able cost to the operator of the ~~shooting~~ GAME BIRD HUNTING
20 preserve by the department. ~~The~~ EXCEPT AS OTHERWISE PROVIDED
21 BY AN ORDER ISSUED UNDER SECTION 41710, A PERSON SHALL NOT REMOVE
22 THE stamp-mark, band, tag, or seal ~~shall remain affixed to~~ FROM
23 the carcass ~~or wrapper~~ until the carcass is prepared for con-
24 sumption OR FROM THE CONTAINER UNTIL EACH CARCASS IN THE CON-
25 TAINER IS PREPARED FOR CONSUMPTION. Such items of identification
26 shall not be reused by any person.

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1 Sec. 41707. A WILD ANIMAL, OR A wild bird ~~or wild animal~~
2 of a species other than THOSE permitted to be hunted under
3 authority of a license issued under this part, shall not be
4 hunted or killed on ~~any shooting~~ A GAME BIRD HUNTING preserve
5 except in accordance with the laws of this state governing the
6 hunting of that species.

7 Sec. 41708. Each operator of a ~~shooting~~ GAME BIRD HUNTING
8 preserve licensed under this part shall maintain a record of the
9 names, addresses, and hunting license numbers of all persons
10 hunting upon the preserve, together with the date upon which they
11 hunted and the number of each species taken. The operator shall
12 also maintain an accurate record of the total number, by species,
13 of birds propagated, reared, or purchased and, FOR EACH RELEASE
14 OF BIRDS, the date OF THE RELEASE and THE number of INDIVIDUALS
15 OF each species released. The records shall be open for inspec-
16 tion by the department at any reasonable time. The licensee
17 shall also provide complete and accurate reports when and as
18 required by the department.

19 Sec. 41710. (1) ~~The~~ BY ORDER, THE department may estab-
20 lish an open season for ~~shooting~~ GAME BIRD HUNTING preserves
21 that shall be not less than 120 days. ~~—, and may promulgate rules~~
22 ~~and issue~~ THE DEPARTMENT MAY ISSUE OTHER orders governing the
23 administration of this part as the department considers
24 expedient.

25 (2) Orders issued under ~~this part~~ SUBSECTION (1) shall be
26 issued ~~according~~ SUBJECT to the procedure ~~that provides for~~
27 ~~the issuance of orders of the department~~ under section 40107.

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1 Sec. 41712. (1) A person who violates this part or ~~the~~
2 ~~rules promulgated~~ AN ORDER ISSUED under this part is guilty of a
3 misdemeanor punishable by imprisonment for not more than 90 days,
4 or a fine of not more than \$100.00 and the costs of prosecution,
5 or both.

6 (2) In addition to the penalty provided in this section, a
7 license issued under this part may be suspended or revoked, after
8 a hearing as provided by law, if the license holder fails to
9 comply with the requirements of this part, if a licensee fails to
10 maintain or submit accurate reports and records as required by
11 the department, or if a licensee is convicted of a violation of
12 this part. Birds ~~and animals~~ held under a license that is sus-
13 pended or revoked shall then be disposed of only in a manner
14 approved by the department.

15 Sec. 42714. A person who violates this part or ~~any of the~~
16 ~~rules promulgated~~ AN ORDER ISSUED under this part is guilty of a
17 misdemeanor, punishable by imprisonment for not more than 90
18 days, or a fine of not more than \$100.00, or both. A person who
19 is convicted of a second violation of this part or ~~any of the~~
20 ~~rules promulgated~~ AN ORDER ISSUED under this part is guilty of a
21 misdemeanor, punishable by imprisonment for not more than 90
22 days, or a fine of not more than \$500.00, or both.

23 Sec. 43530. (1) A person shall not hunt small game on
24 ~~shooting~~ GAME BIRD HUNTING preserves licensed under part 417
25 without a small game license as provided in section 43523.
26 However, instead of a small game license, a person may obtain a
27 special ~~shooting~~ GAME BIRD HUNTING preserve license for a fee

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1 of ~~\$13.00. Beginning in 1999, the fee for a shooting preserve~~
2 ~~license is \$14.00. Beginning in 2001, the fee for a shooting~~
3 ~~preserve license is~~ \$15.00.

4 (2) Each ~~shooting~~ GAME BIRD HUNTING preserve license shall
5 have the date of issue affixed to the license and shall authorize
6 the holder to hunt only on licensed ~~shooting~~ GAME BIRD HUNTING
7 preserves and only for species for which the ~~shooting~~ GAME BIRD
8 HUNTING preserve is licensed.

9 Enacting section 1. The shooting preserve rules, R 299.641
10 to R 299.659 of the Michigan administrative code, are rescinded.