

SUBSTITUTE FOR
SENATE BILL NO. 1615

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 42702 and 42713 (MCL 324.42702 and 324.42713),
section 42702 as amended by 2004 PA 537 and section 42713 as added
by 1995 PA 57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 42702. (1) The department may, pursuant to part 13, issue
2 licenses to authorize the possession **OF GAME** for propagation ~~—and~~
3 ~~for~~**THE** dealing in and selling **OF** game. ~~A license shall not be~~
4 ~~granted to an~~

5 (2) **THE DEPARTMENT SHALL DENY AN APPLICATION FOR A NEW LICENSE**
6 **UNDER SUBSECTION (1) IF THE** applicant ~~who~~ is not the owner or
7 lessee of the premises to be used for the purposes designated ~~by~~**IN**
8 the license **APPLICATION**.

9 (3) **BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**

ADDED THIS SUBSECTION, UNLESS THE PREMISES TO BE USED FOR THE PURPOSES DESIGNATED IN THE LICENSE APPLICATION ARE ZONED AGRICULTURAL, THE DEPARTMENT SHALL NOTIFY IN WRITING THE CITY OR THE TOWNSHIP AND, IF APPLICABLE, VILLAGE WHERE THE PREMISES ARE LOCATED THAT AN APPLICATION HAS BEEN FILED UNDER THIS SECTION. THE NOTICE SHALL INCLUDE A COPY OF THE APPLICATION. IF, WITHIN 30 DAYS AFTER THE NOTICE IS SENT, THE LOCAL UNIT OF GOVERNMENT NOTIFIES THE DEPARTMENT THAT THE USE DESIGNATED IN THE LICENSE APPLICATION WOULD VIOLATE A LOCAL ORDINANCE THAT PROHIBITS THE CAPTIVITY OF GAME ANIMALS AND THAT DOES NOT VIOLATE THE MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL 286.471 TO 286.474, THE DEPARTMENT SHALL DENY THE LICENSE APPLICATION.

(4) A license issued ~~pursuant to this part~~ UNDER SUBSECTION (1) is nontransferable and is valid from July 1 to June 30 of the third license year.

Sec. 42713. (1) ~~Any license issued under this part may be suspended or revoked after a hearing conducted pursuant to~~ AFTER PROVIDING AN OPPORTUNITY FOR A HEARING UNDER 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, upon reasonable notice, when the license holder fails to comply with this part, or~~ 1969 PA 306, MCL 24.201 TO 24.328, THE DEPARTMENT MAY SUSPEND OR REVOKE A LICENSE UNDER THIS PART IF ANY OF THE FOLLOWING APPLY:

(A) THE LICENSEE VIOLATES THIS PART.

(B) THE LICENSEE fails to provide accurate reports and records within reasonable time limits as designated by the department. ~~In~~

1 ~~addition, if a person licensed~~

2 (C) THE PREMISES USED FOR THE PURPOSES IDENTIFIED IN THE
3 LICENSE ARE LOCATED IN A CITY OR VILLAGE AND ARE ZONED RESIDENTIAL,
4 THE LICENSED USE IS A NONCONFORMING USE IN THAT ZONE, AND THE
5 LICENSEE HAS BEEN CONVICTED OF A CRIME OR HELD RESPONSIBLE FOR A
6 CIVIL INFRACTION DIRECTLY RELATED TO THE CAPTIVITY OF PHEASANTS ON
7 THE PREMISES.

8 (2) IF A LICENSEE under this part is convicted of a violation
9 of the game laws of ~~the~~ THIS state, his or her license may be
10 revoked or its renewal denied. ~~and~~ IN THAT CASE, the game held
11 under ~~his or her~~ THE license may be disposed of only in a manner
12 approved by the department.