

SENATE BILL No. 1615

November 6, 2008, Introduced by Senators BASHAM and BIRKHOLZ 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,"
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 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**

1 the license APPLICATION.

2 (3) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
 3 ADDED THIS SUBSECTION, THE DEPARTMENT SHALL DENY AN APPLICATION FOR
 4 A NEW LICENSE UNDER SUBSECTION (1) IF THE PREMISES TO BE USED FOR
 5 THE PURPOSES DESIGNATED IN THE LICENSE APPLICATION ARE ZONED
 6 RESIDENTIAL. IF THE PREMISES ARE SUBJECT TO A LOCAL ZONING
 7 ORDINANCE BUT ARE NOT ZONED RESIDENTIAL OR AGRICULTURAL, THE
 8 DEPARTMENT SHALL NOTIFY IN WRITING THE LOCAL UNIT OF GOVERNMENT
 9 EXERCISING ZONING JURISDICTION THAT AN APPLICATION HAS BEEN FILED
 10 UNDER THIS SECTION. THE NOTICE SHALL INCLUDE A COPY OF THE
 11 APPLICATION. IF, WITHIN 14 DAYS AFTER THE NOTICE IS SENT, THE LOCAL
 12 UNIT OF GOVERNMENT NOTIFIES THE DEPARTMENT THAT THE USE DESIGNATED
 13 IN THE LICENSE APPLICATION IS NOT CONSISTENT WITH THE ZONING
 14 ORDINANCE, THE DEPARTMENT SHALL DENY THE LICENSE APPLICATION.

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

18 Sec. 42713. (1) ~~Any license issued under this part may be~~
 19 ~~suspended or revoked after a hearing conducted pursuant to~~ AFTER
 20 PROVIDING AN OPPORTUNITY FOR A HEARING UNDER the administrative
 21 procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969,~~
 22 ~~being sections 24.201 to 24.328 of the Michigan Compiled Laws, upon~~
 23 ~~reasonable notice, when the license holder fails to comply with~~
 24 ~~this part, or 1969 PA 306, MCL 24.201 TO 24.328, THE DEPARTMENT MAY~~
 25 SUSPEND OR REVOKE A LICENSE UNDER THIS PART IF ANY OF THE FOLLOWING
 26 APPLY:

27 (A) THE LICENSEE VIOLATES THIS PART.

1 **(B) THE LICENSEE** fails to provide accurate reports and records
2 within reasonable time limits as designated by the department. ~~In~~
3 ~~addition, if a person licensed~~

4 **(C) THE PREMISES USED FOR THE PURPOSES IDENTIFIED IN THE**
5 **LICENSE ARE ZONED RESIDENTIAL, THE LICENSED USE IS A NONCONFORMING**
6 **USE IN THAT ZONE, AND THE LICENSEE HAS BEEN CONVICTED OF A CRIME OR**
7 **CIVIL INFRACTION DIRECTLY RELATED TO THE CAPTIVITY OF GAME ON THE**
8 **PREMISES.**

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