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BILL ANALYSIS

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Senate Bill 1615 (as introduced 11-6-08)  
Sponsor: Senator Raymond E. Basham  
Committee: Natural Resources and Environmental Affairs

Date Completed: 11-12-08

### **CONTENT**

**The bill would amend Part 427 (Breeders and Dealers) of the Natural Resources and Environmental Protection Act to do the following:**

- Require the Department of Natural Resources (DNR) to deny an application for a license to breed and sell game if the premises were zoned residential.**
- Require the DNR to notify a local unit of government that a license application had been filed if the premises were subject to a local zoning ordinance but were not zoned residential or agricultural.**
- Require the DNR to deny the application if it were not consistent with the zoning ordinance.**
- Expand the conditions under which the DNR may suspend or revoke a license.**

Under Part 427, the Department of Natural Resources may issue licenses to authorize the possession of game for propagation and the dealing in and selling of game. A license may not be granted to an applicant who is not the owner or lessee of the premises to be used for the purposes designated in the license application.

Beginning on the bill's effective date, the DNR would have to deny an application for a new license if the premises to be used for the purposes designated in the license application were zoned residential. If the premises were subject to a local zoning ordinance but were not zoned residential or agricultural, the DNR would have to give written notice to the local unit of government exercising zoning jurisdiction that an application had been filed. The notice would have to include a copy of the application. If the local unit notified the DNR within 14 days after the notice was sent that the use designated in the application was not consistent with the zoning ordinance, the DNR would have to deny the application.

Currently, any license may be suspended or revoked after a hearing conducted pursuant to the Administrative Procedures Act (APA) upon reasonable notice, when the license holder fails to comply with Part 427, or fails to provide accurate reports and records within reasonable time limits as designated by the DNR. Under the bill, after providing an opportunity for a hearing under the APA, the DNR could suspend or revoke a license if any of the following applied:

- The licensee violated Part 427.
- The licensee failed to provide accurate reports and records within reasonable time limits as designated by the Department.

-- The premises used for the purposes identified in the license were zoned residential, the licensed use was a nonconforming use in that zone, and the licensee had been convicted of a crime or civil infraction directly related to the captivity of game on the premises.

MCL 324.42702 & 324.42713

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

The bill would cost the State an indeterminate amount of restricted revenue. Since the criteria for approving an application for a license would be more limited, fewer licenses would be issued and less revenue would be collected from license fees. License fees from breeders and dealers are deposited into the Game and Fish Protection account and used for fish and wildlife purposes, including habitat projects, land acquisition, research, grants, and other propagation or control projects. It is unknown how many fewer licenses might be issued.

Fiscal Analyst: Jessica Runnels

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.