

SENATE BILL No. 1072

June 12, 2018, Introduced by Senator KOWALL and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1301, 41301, 41302, 41303, 41306, and 41325 (MCL 324.1301, 324.41301, 324.41302, 324.41303, 324.41306, and 324.41325), section 1301 as amended by 2018 PA 36, sections 41301, 41302, 41303, and 41306 as amended by 2014 PA 537, and section 41325 as added by 2009 PA 91, and by adding sections 41329, 41331, 41333, 41335, 41337, and 41341; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1301. As used in this part:

2 (a) "Application period" means the period beginning when an
3 application for a permit is received by the state and ending when
4 the application is considered to be administratively complete under

1 section 1305 and any applicable fee has been paid.

2 (b) "Department" means the department, agency, or officer
3 authorized by this act to approve or deny an application for a
4 particular permit.

5 (c) "Director" means the director of the state department
6 authorized under this act to approve or deny an application for a
7 particular permit or the director's designee.

8 (d) "Permit" means a permit, ~~or~~ operating license, **OR**
9 **REGISTRATION** required by any of the following sections or by rules
10 promulgated thereunder, or, in the case of section 9112, by an
11 ordinance adopted thereunder:

12 (i) Section 3104, floodplain alteration permit.

13 (ii) Section 3503, permit for use of water in mining iron ore.

14 (iii) Section 4105, sewerage system construction permit.

15 (iv) Section 6516, vehicle testing license.

16 (v) Section 6521, motor vehicle fleet testing permit.

17 (vi) Section 8310, restricted use pesticide dealer license.

18 (vii) Section 8310a, agricultural pesticide dealer license.

19 (viii) Section 8504, license to manufacture or distribute
20 fertilizer.

21 (ix) Section 9112, local soil erosion and sedimentation
22 control permit.

23 (x) Section 11509, solid waste disposal area construction
24 permit.

25 (xi) Section 11512, solid waste disposal area operating
26 license.

27 (xii) Section 11542, municipal solid waste incinerator ash

1 landfill operating license amendment.

2 (xiii) Section 11702, septage waste servicing license or
3 septage waste vehicle license.

4 (xiv) Section 11709, septage waste site permit.

5 (xv) Section 30104, inland lakes and streams project permit.

6 (xvi) Section 30304, state permit for dredging, filling, or
7 other activity in wetland. Permit includes an authorization for a
8 specific project to proceed under a general permit issued under
9 section 30312.

10 (xvii) Section 31509, dam construction, repair, or removal
11 permit.

12 (xviii) Section 32312, flood risk, high risk, or environmental
13 area permit.

14 (xix) Section 32512, permit for dredging and filling
15 bottomland.

16 (xx) Section 32603, permit for submerged log removal from
17 Great Lakes bottomlands.

18 (xxi) Section 35304, department permit for critical dune area
19 use.

20 (xxii) Section 36505, endangered species permit.

21 **(xxiii) SECTION 41329, NONNATIVE AQUATIC SPECIES SALES**

22 **REGISTRATION.**

23 **(xxiv)** ~~(xxiii)~~ Section 41702, game bird hunting preserve
24 license.

25 **(xxv)** ~~(xxiv)~~ Section 42101, dog training area permit.

26 **(xxvi)** ~~(xxv)~~ Section 42501, fur dealer's license.

27 **(xxvii)** ~~(xxvi)~~ Section 42702, game dealer's license.

1 (~~xxviii~~) (~~xxvii~~)—Section 44513, charter boat operating permit
2 under reciprocal agreement.

3 (~~xxix~~) (~~xxviii~~)—Section 44516, boat livery operating permit.

4 (~~xxx~~) (~~xxix~~)—Section 45902, game fish propagation license.

5 (~~xxxi~~) (~~xxx~~)—Section 45906, game fish import license.

6 (~~xxxii~~) (~~xxxii~~)—Section 48705, permit to take amphibians and
7 reptiles for scientific or educational use.

8 (~~xxxiii~~) (~~xxxii~~)—Section 61525, oil or gas well drilling
9 permit.

10 (~~xxxiv~~) (~~xxxiii~~)—Section 62509, brine, storage, or waste
11 disposal well drilling or conversion permit or test well drilling
12 permit.

13 (~~xxxv~~) (~~xxxiv~~)—Section 63103a, ferrous mineral mining permit.

14 (~~xxxvi~~) (~~xxxv~~)—Section 63514 or 63525, surface coal mining and
15 reclamation permit or revision of the permit, respectively.

16 (~~xxxvii~~) (~~xxxvi~~)—Section 63704, sand dune mining permit.

17 (~~xxxviii~~) (~~xxxvii~~)—Section 72108, use permits for a Pure
18 Michigan Trail.

19 (~~xxxix~~) (~~xxxviii~~)—Section 76109, sunken aircraft or watercraft
20 abandoned property recovery permit.

21 (~~xxxx~~) (~~xxxix~~)—Section 76504, Mackinac Island motor vehicle
22 and land use permits.

23 (~~xxxxi~~) (~~xxx~~)—Section 80159, buoy or beacon permit.

24 (e) "Processing deadline" means the last day of the processing
25 period.

26 (f) "Processing period" means the following time period after
27 the close of the application period, for the following permit, as

1 applicable:

2 (i) Twenty days for a permit under section 61525 or 62509.

3 (ii) Thirty days for a permit under section 9112 or 44516.

4 (iii) Thirty days after the department consults with the
5 underwater salvage and preserve committee created under section
6 76103, for a permit under section 76109.

7 (iv) Sixty days, for a permit under section 30104 for a minor
8 project established under section 30105(7) or 32512a(1), or an
9 authorization for a specific project to proceed under a general
10 permit issued under section 30105(8) or 32512a(2), or for a permit
11 under section 32312.

12 (v) Sixty days or, if a hearing is held, 90 days for a permit
13 under section 35304.

14 (vi) Sixty days or, if a hearing is held, 120 days for a
15 permit under section 30104, other than a permit or authorization
16 described in subparagraph (ii) or (iv), or for a permit under
17 section 31509.

18 (vii) Ninety days for a permit under section 11512, a revision
19 of a surface coal mining and reclamation permit under section
20 63525, or a permit under section 72108.

21 (viii) Ninety days or, if a hearing is held, 150 days for a
22 permit under section 3104 or 30304, or a permit under section 32512
23 other than a permit described in subparagraph (iv).

24 (ix) Ninety days after the close of the review or comment
25 period under section 32604, or if a public hearing is held, 90 days
26 after the date of the public hearing for a permit under section
27 32603.

1 (x) One hundred twenty days for a permit under section 11509,
2 11542, 63103a, 63514, or 63704.

3 (xi) One hundred fifty days for a permit under section 36505.
4 However, if a site inspection or federal approval is required, the
5 150-day period is tolled pending completion of the inspection or
6 receipt of the federal approval.

7 (xii) For any other permit, 150 days or, if a hearing is held,
8 90 days after the hearing, whichever is later.

9 Sec. 41301. (1) As used in this part:

10 (a) "Amphibian" means any frog, toad, or salamander of the
11 class Amphibia.

12 (b) "Aquatic", except as used in subdivision ~~(p)~~, ~~(Q)~~,
13 describes an amphibian, crustacean, fish, mollusk, reptile,
14 wiggler, or aquatic plant.

15 **(C) "AQUATIC PLANT" MEANS A SUBMERGENT, EMERGENT, OR FLOATING-**
16 **LEAF PLANT OR A FRAGMENT THEREOF, INCLUDING A SEED OR OTHER**
17 **PROPAGULE. AQUATIC PLANT DOES NOT INCLUDE WILD RICE (*Zizania***
18 ***aquatica*).**

19 (D) ~~(e)~~"Crustacean" means freshwater crayfish, shrimp, or
20 prawn of the order Decapoda.

21 (E) ~~(d)~~"Genetically engineered" refers to an organism whose
22 genome, chromosomal or extrachromosomal, is modified permanently
23 and heritably, using recombinant nucleic acid techniques, or the
24 progeny of such an organism.

25 (F) ~~(e)~~"Introduce", with reference to an organism, means to
26 knowingly and willfully stock, place, plant, release, or allow the
27 release of the organism in this state at any specific location

1 where the organism is not already naturalized.

2 (G) ~~(f)~~ "Mollusk" means any mollusk of the classes Bivalvia
3 and Gastropoda.

4 (H) ~~(g)~~ "Native" means indigenous to any location in this
5 state.

6 (I) ~~(h)~~ "Nonaquatic" describes a bird, insect other than a
7 wiggler, or mammal.

8 (J) ~~(i)~~ "Nonnative" means not native.

9 ~~(j) "Permitted aquatic species" means a species listed as~~
10 ~~provided in section 41302a.~~

11 (k) "Prohibited species", subject to section 41302, means any
12 of the following:

13 (i) Any of the following prohibited **SPECIES OF** aquatic plant,
14 ~~species,~~ including a hybrid or genetically engineered variant of
15 the species: ~~or a fragment, including a seed or other propagule, of~~
16 ~~the species or of a hybrid or genetically engineered variant:~~

17 (A) African oxygen weed ~~(Lagarosiphon major).~~ (**Lagarosiphon**
18 **major**).

19 (B) Brazilian elodea ~~(Egeria densa).~~ (**Egeria densa**).

20 (C) Cyllindro ~~(Cylindrospermopsis~~
21 ~~raciborskii).~~ (**Cylindrospermopsis raciborskii**).

22 (D) European frogbit ~~(Hydrocharis morsus-ranae).~~ (**Hydrocharis**
23 **morsus-ranae**).

24 (E) Fanwort ~~(Cabomba caroliniana).~~ (**Cabomba caroliniana**).

25 (F) Giant salvinia ~~(Salvinia molesta, auriculata, biloba, or~~
26 ~~herzogii).~~ (**Salvinia molesta, auriculata, biloba, OR herzogii**).

27 (G) Hydrilla ~~(Hydrilla verticillata).~~ (**Hydrilla verticillata**).

1 (H) Parrot's feather ~~(Myriophyllum aquaticum)~~. (**Myriophyllum**
2 **aquaticum**).

3 (I) Starry stonewort ~~(Nitellopsis obtusa)~~. (**Nitellopsis**
4 **obtusa**).

5 (J) Water chestnut ~~(Trapa natans)~~. (**Trapa natans**).

6 (K) Yellow floating heart ~~(Nymphoides peltata)~~. (**Nymphoides**
7 **peltata**).

8 (ii) Any of the following prohibited **SPECIES OF** terrestrial
9 plant, ~~species,~~ including a hybrid or genetically engineered
10 variant of the species or a fragment, including a seed or other
11 propagule, of the species or of a hybrid or genetically engineered
12 variant:

13 (A) Giant hogweed ~~(Heracleum mantegazzianum)~~. (**Heracleum**
14 **mantegazzianum**).

15 (B) Japanese knotweed ~~(Fallopia japonica)~~. (**Fallopia japonica**).

16 (iii) The following prohibited bird species, including a
17 hybrid or genetically engineered variant of the species or an egg
18 of the species or of a hybrid or genetically engineered variant:

19 Eurasian collared dove ~~(Streptopelia decaocto)~~. (**Streptopelia**
20 **decaocto**).

21 (iv) The following prohibited crustacean species, including a
22 hybrid or genetically engineered variant of the species or an egg
23 of the species or of a hybrid or genetically engineered variant:

24 rusty crayfish ~~(Orconectes rusticus)~~. (**Orconectes rusticus**).

25 (v) Any of the following prohibited fish species, including a
26 hybrid or genetically engineered variant of the species or an egg
27 of the species or of a hybrid or genetically engineered variant:

- 1 (A) Bighead carp (~~Hypophthalmichthys~~
2 ~~nobilis~~). (***Hypophthalmichthys nobilis***).
- 3 (B) Bitterling (~~Rhodeus sericeus~~). (***Rhodeus sericeus***).
- 4 (C) Black carp (~~Mylopharyngodon piceus~~). (***Mylopharyngodon***
5 ***piceus***).
- 6 (D) Eurasian ruffe (~~Gymnocephalus cernuus~~). (***Gymnocephalus***
7 ***cernuus***).
- 8 (E) Grass carp (~~Ctenopharyngodon idellus~~). (***Ctenopharyngodon***
9 ***idellus***).
- 10 (F) Ide (~~Leuciscus idus~~). (***Leuciscus idus***).
- 11 (G) Japanese weatherfish (~~Misgurnus~~
12 ~~anguillicaudatus~~). (***Misgurnus anguillicaudatus***).
- 13 (H) Round goby (~~Neogobius melanostomus~~). (***Neogobius***
14 ***melanostomus***).
- 15 (I) Rudd (~~Scardinius erythrophthalmus~~). (***Scardinius***
16 ***erythrophthalmus***).
- 17 (J) Silver carp (~~Hypophthalmichthys~~
18 ~~molitrix~~). (***Hypophthalmichthys molitrix***).
- 19 (K) A fish of the snakehead family (~~family Channidae~~). (**FAMILY**
20 ***Channidae***).
- 21 (L) Tench (~~Tinca tinca~~). (***Tinca tinca***).
- 22 (M) Tubenose goby (~~Proterorhinus marmoratus~~). (***Proterorhinus***
23 ***marmoratus***).
- 24 (vi) Any of the following prohibited insect species, including
25 a hybrid or genetically engineered variant of the species or an egg
26 of the species or of a hybrid or genetically engineered variant:
- 27 (A) Asian longhorned beetle (~~Anoplophora~~

1 ~~glabripennis~~). (**Anoplophora glabripennis**).

2 (B) Emerald ash borer ~~(Agrilus planipennis)~~. (**Agrilus**
3 **planipennis**).

4 (vii) The following prohibited mammal species, including a
5 hybrid or genetically engineered variant: nutria ~~(Myocastor~~
6 ~~coypus)~~. (**Myocastor coypus**).

7 (viii) Any of the following prohibited mollusk species,
8 including a hybrid or genetically engineered variant of the species
9 or an egg of the species or of a hybrid or genetically engineered
10 variant:

11 (A) Brown garden snail ~~(Helix aspersa)~~. (**Helix aspersa**).

12 (B) Carthusian snail ~~(Monacha cartusiana)~~. (**Monacha**
13 **cartusiana**).

14 (C) Giant African snail ~~(Achatina fulica)~~. (**Achatina fulica**).

15 (D) Girdled snail ~~(Hygromia cinctella)~~. (**Hygromia cinctella**).

16 (E) Heath snail ~~(Xerolenta obvia)~~. (**Xerolenta obvia**).

17 (F) Wrinkled dune snail ~~(Candidula intersecta)~~. (**Candidula**
18 **intersecta**).

19 (l) "Recombinant nucleic acid techniques" means laboratory
20 techniques through which genetic material is isolated and
21 manipulated in vitro and then inserted into an organism.

22 (m) "Relevant commission", "relevant department", or "relevant
23 director" means the following:

24 (i) With respect to a species other than a plant or an insect,
25 ~~except~~ **BUT INCLUDING** a wiggler, the natural resources commission,
26 department of natural resources, or the director of the department
27 of natural resources, respectively.

1 (ii) With respect to a plant species or ~~an~~ insect species,
 2 other than a wiggler, the commission of agriculture and rural
 3 development, the department of agriculture and rural development,
 4 or the director of the department of agriculture and rural
 5 development, respectively.

6 (n) "Reptile" means any turtle, snake, or lizard of the class
 7 Reptilia.

8 (o) "Restricted species", subject to section 41302, means any
 9 of the following:

10 (i) Any of the following restricted **SPECIES OF** aquatic plant,
 11 ~~species,~~ including a hybrid or genetically engineered variant of
 12 the species: ~~or a fragment, including a seed or other propagule, of~~
 13 ~~the species or of a hybrid or genetically engineered variant:~~

14 (A) Curly leaf pondweed (~~Potamogeton crispus~~). (**Potamogeton**
 15 **crispus**).

16 (B) Eurasian watermilfoil (~~Myriophyllum~~
 17 ~~spicatum~~). (**Myriophyllum spicatum**).

18 (C) Flowering rush (~~Butomus umbellatus~~). (**Butomus umbellatus**).

19 (D) Phragmites or common reed (~~Phragmites~~
 20 ~~australis~~). (**Phragmites australis**).

21 (E) Purple loosestrife (~~Lythrum salicaria~~), (**Lythrum**
 22 **salicaria**), except that cultivars of purple loosestrife developed
 23 and recognized to be sterile and approved by the director of the
 24 department of agriculture and rural development under section 16a
 25 of the insect pest and plant disease act, 1931 PA 189, MCL
 26 286.216a, are not a restricted species.

27 (ii) The following restricted **SPECIES OF** terrestrial plant,

1 ~~species,~~ including a hybrid or genetically engineered variant of
2 the species or a fragment, including a seed or other propagule, of
3 the species or of a hybrid or genetically engineered variant:

4 autumn olive (~~Elaeagnus umbellata~~). (***Elaeagnus umbellata***).

5 (iii) Any of the following restricted mollusk species,
6 including a hybrid or genetically engineered variant of the species
7 or an egg of the species or of a hybrid or genetically engineered
8 variant:

9 (A) Quagga mussel (~~Dreissena bugensis~~). (***Dreissena bugensis***).

10 (B) Zebra mussel (~~Dreissena polymorpha~~). (***Dreissena***
11 ***polymorpha***).

12 (P) "WATERCRAFT" MEANS ANY CONTRIVANCE USED OR DESIGNED FOR
13 NAVIGATION ON WATER, INCLUDING, BUT NOT LIMITED TO, ANY VESSEL,
14 SHIP, BOAT, MOTOR VESSEL, STEAM VESSEL, VESSEL OPERATED BY
15 MACHINERY, MOTORBOAT, SAILBOAT, BARGE, SCOW, TUGBOAT, AND ROWBOAT.

16 (Q) ~~(p)~~ "Wiggler" means an aquatic egg, nymph, or larva of an
17 insect.

18 (2) For the purposes of this part:

19 (a) A person is not considered to possess a live organism
20 simply because the organism is present on land or in waters owned
21 by that person unless the person has knowingly introduced that live
22 organism on that land or in those waters.

23 (b) A person is not considered to possess a live organism if
24 the organism was obtained from the environment and the person only
25 possesses the organism at the specific location at which it was
26 obtained from the environment.

27 (c) A person is not considered to possess a live organism if

1 the possession is for the purpose of promptly destroying the
2 organism.

3 Sec. 41302. (1) The relevant commission may by order add to or
4 delete a species from the list of prohibited species or restricted
5 species under section 41301. Before the natural resources
6 commission issues an order under this subsection, it shall consult
7 with the department of agriculture and rural development. Before
8 the commission of agriculture and rural development issues an order
9 under this subsection, it shall consult with the department of
10 natural resources. After the consultation, and at least 30 days
11 before the relevant commission issues the order, the relevant
12 department shall post a copy of the proposed order on the relevant
13 department's website and shall submit a copy of the proposed order
14 to all of the following:

15 (a) The legislature.

16 (b) The standing committees of the senate and house of
17 representatives with primary responsibility for any of the
18 following:

19 (i) Agricultural issues.

20 (ii) Environmental issues.

21 (iii) Natural resources issues.

22 (2) The relevant commission shall list a nonaquatic species as
23 a prohibited species or restricted species if the relevant
24 commission determines the following:

25 (a) For a nonaquatic prohibited species, all of the following
26 requirements are met:

27 (i) The organism is not native.

1 (ii) The organism is not naturalized in this state or, if
2 naturalized, is not widely distributed in this state.

3 (iii) ~~One or more~~ **BASED ON A RISK ASSESSMENT, ANY** of the
4 following apply:

5 (A) The organism has the potential to harm human health or to
6 severely harm natural, agricultural, or silvicultural resources.

7 (B) Effective management or control techniques for the
8 organism are not available.

9 (b) For a nonaquatic restricted species, all of the following
10 requirements are met:

11 (i) The organism is not native.

12 (ii) The organism is naturalized and widely distributed in
13 this state.

14 (iii) ~~One or more~~ **BASED ON A RISK ASSESSMENT, ANY** of the
15 following apply:

16 (A) The organism has the potential to harm human health or to
17 harm natural, agricultural, or silvicultural resources.

18 (B) Effective management or control techniques for the
19 organism are available.

20 (3) The relevant commission shall list an aquatic species as a
21 prohibited species or restricted species if the relevant commission
22 determines the following based on a review by the relevant
23 department:

24 (a) For an aquatic prohibited species, all of the following
25 requirements are met:

26 (i) The organism is not native or is genetically engineered.

27 (ii) The organism is not naturalized in this state or, if

1 naturalized, is not widely distributed.

2 (iii) ~~One or more~~ **BASED ON A RISK ASSESSMENT, ANY** of the
3 following apply:

4 (A) The organism has the potential to harm human health or to
5 severely harm natural, agricultural, or silvicultural resources.

6 (B) Effective management or control techniques for the
7 organism are not available.

8 (b) For an aquatic restricted species, all of the following
9 requirements are met:

10 (i) The organism is not native.

11 (ii) The organism is naturalized in this state.

12 (iii) ~~One or more~~ **BASED ON A RISK ASSESSMENT, ANY** of the
13 following apply:

14 (A) The organism has the potential to harm human health or to
15 harm natural, agricultural, or silvicultural resources.

16 (B) Effective management or control techniques for the
17 organism are available.

18 (4) The following apply to a review by the relevant department
19 of an aquatic species for listing as a prohibited species or
20 restricted species under subsection (3):

21 ~~— (a) By 1 year after the effective date of the amendatory act~~
22 ~~that added this subsection, the relevant department shall review~~
23 ~~each aquatic species listed as a prohibited species or restricted~~
24 ~~species on the effective date of the amendatory act that added this~~
25 ~~subsection.~~

26 ~~(A) (b) By 1 year after the effective date of the amendatory~~
27 ~~act that added this subsection, the **THE** relevant department shall~~

1 review each aquatic animal listed **OR DELISTED** as injurious wildlife
 2 under the Lacey act, 16 USC 3371 to 3378, and each aquatic plant
 3 designated **OR REMOVED FROM DESIGNATION** as a noxious weed under the
 4 plant protection act, ~~7 USC 7701 to 7786, TITLE IV OF PUBLIC LAW~~
 5 **106-224**, for listing **OR DELISTING** as a prohibited species or
 6 restricted species -

7 ~~— (c) The relevant department shall review new listings or~~
 8 ~~delistings on the federal lists identified under subdivision (b)~~
 9 within 180 days after the **CHANGE IN FEDERAL** listing or
 10 ~~delisting.~~ **DESIGNATION.**

11 **(B)** ~~(d)~~ The relevant department shall review each aquatic
 12 species that has the potential to harm human health or natural,
 13 agricultural, or silvicultural resources for listing as a
 14 prohibited species or restricted species even if the species is not
 15 currently on either federal list described in subdivision ~~(b)~~. **(A)**.

16 ~~— (e) The relevant department may review a previously unreviewed~~
 17 ~~aquatic species petitioned for listing as a permitted species under~~
 18 ~~section 41302a(5) for which the risk assessment process under~~
 19 ~~section 41302a(2) or (3) indicated a high invasive species risk.~~

20 **(C)** ~~(f)~~ The relevant department may review other aquatic
 21 species for listing as prohibited or restricted species.

22 (5) The relevant director may issue an emergency order
 23 designating an organism as a prohibited species or restricted
 24 species if the organism has the potential to harm human health or
 25 to severely harm natural, agriculture, or silvicultural resources.
 26 An emergency order is effective for ~~not longer than~~ 90 days **OR A**
 27 **SHORTER PERIOD IF SPECIFIED IN THE ORDER.** The relevant department

1 shall do all of the following:

2 (a) Post a proposed emergency order on its website and
3 otherwise publicize the proposed emergency order in a manner that
4 ensures that interested persons are provided notice of the proposed
5 emergency order, the reasons for the emergency order, and the
6 proposed effective date of the order.

7 (b) Provide a copy of the proposed emergency order to each
8 member of the standing committees of the senate and the house of
9 representatives that consider legislation pertaining to
10 conservation, the environment, recreation, tourism, or natural
11 resources.

12 (c) Post the final emergency order on its website.

13 (6) The relevant department may issue an order setting forth
14 the conditions under which naturalized organisms of an aquatic
15 restricted species may be harvested, possessed, and transported.

16 Sec. 41303. (1) ~~Subject to subsection (2), a~~ **A** person shall
17 not knowingly possess a live organism if the organism is a
18 prohibited species or restricted species, except under 1 or more of
19 the following circumstances:

20 (a) The person intends to present a specimen of the prohibited
21 species or restricted species, for identification or similar
22 purposes, to a person who is a certified applicator or registered
23 applicator under part 83, to a public or private institution of
24 higher education, or to the department of natural resources, the
25 department of agriculture and rural development, or any other
26 state, local, or federal agency with responsibility for the
27 environment, natural resources, or agriculture.

1 (b) The person has been presented with a specimen of a
2 prohibited species or restricted species for identification or
3 similar purposes under subdivision (a).

4 (c) The person possesses the prohibited species or restricted
5 species in conjunction with otherwise lawful activity to eradicate
6 or control the prohibited species or restricted species.

7 (d) The possession is pursuant to a permit issued for
8 education or research purposes by the relevant department under
9 section 41306 or, if the prohibited species or restricted species
10 is a plant species or an insect other than a wiggler, by the United
11 States ~~department of agriculture~~. **DEPARTMENT OF AGRICULTURE.**

12 (e) The species is an aquatic restricted species and the
13 person possesses the species in compliance with an order under
14 section 41302(6).

15 (2) A person described in subsection (1)(b) or (c) shall
16 notify the department of natural resources, the department of
17 agriculture and rural development, or the department of
18 environmental quality if the prohibited species or restricted
19 species was found at a location where it was not previously known
20 to be present.

21 ~~——(3) Before initial establishment of the permitted aquatic~~
22 ~~species list, a person shall not import, sell, or offer to sell any~~
23 ~~live aquatic species unless the live aquatic species, by the~~
24 ~~effective date of the 2014 amendatory act that added this~~
25 ~~subsection, was lawfully in commercial trade in this state. After~~
26 ~~the initial establishment of the permitted aquatic species list, a~~
27 ~~person shall not import, sell, or offer to sell any live aquatic~~

1 ~~species not listed on the permitted aquatic species list.~~

2 Sec. 41306. (1) A person shall apply to the relevant
3 department for a permit that section 41303 or 41305 describes as
4 being issued under this section. The application shall be submitted
5 on a form developed by the relevant department. The application
6 shall be accompanied by a fee based on the cost of administering
7 this part. The relevant department shall either grant an
8 administratively complete application and issue a permit or deny
9 the application.

10 (2) In determining whether to grant or deny an application for
11 a permit for introduction of a genetically engineered organism
12 required by section 41305, the relevant department shall consider
13 whether any application for a federal permit or approval for the
14 genetically engineered organism has been granted or denied.

15 (3) The relevant department may revoke or modify a permit it
16 has issued under subsection (1) after providing an opportunity for
17 a hearing under the administrative procedures act of 1969, 1969 PA
18 306, MCL 24.201 to 24.328.

19 (4) The relevant department shall administer and enforce ~~this~~
20 ~~part.~~ **SECTIONS 41302 TO 41310.** In addition, any peace officer may
21 enforce the criminal provisions of this part.

22 Sec. 41325. (1) A person shall not ~~place a boat, boating~~
23 ~~equipment, or boat~~ **DO ANY OF THE FOLLOWING:**

24 **(A) PLACE A WATERCRAFT, WATERCRAFT EQUIPMENT, OR A WATERCRAFT**
25 trailer in the waters of this state if the ~~boat, boating equipment,~~
26 ~~or boat~~ **WATERCRAFT, WATERCRAFT EQUIPMENT, OR WATERCRAFT** trailer has
27 an aquatic plant attached.

1 (B) TRANSPORT ANY WATERCRAFT OVER LAND WITHOUT FIRST DOING
2 BOTH OF THE FOLLOWING:

3 (i) DRAINING ALL WATER FROM ANY LIVE WELLS AND BILGE.

4 (ii) ENSURING THAT THE WATERCRAFT, TRAILER, AND ANY CONVEYANCE
5 USED TO TRANSPORT THE WATERCRAFT OR TRAILER ARE FREE OF AQUATIC
6 ORGANISMS, INCLUDING PLANTS.

7 (2) A law enforcement officer may order the owner or operator
8 of a ~~boat, boating equipment, or boat trailer to remove aquatic~~
9 ~~plants from the boat, boating equipment, or boat trailer.~~

10 WATERCRAFT, WATERCRAFT EQUIPMENT, WATERCRAFT TRAILER, OR ANY
11 CONVEYANCE USED TO TRANSPORT THE WATERCRAFT OR TRAILER TO COMPLY
12 WITH SUBSECTION (1) (B). The owner or operator shall obey ~~such an~~
13 THE order.

14 (3) A PERSON SHALL NOT RELEASE BAITFISH IN ANY WATERS OF THIS
15 STATE. A PERSON WHO COLLECTS FISH SHALL NOT USE THE FISH AS BAIT OR
16 CUT BAIT EXCEPT IN THE INLAND LAKE, STREAM, OR GREAT LAKE WHERE THE
17 FISH WAS CAUGHT, OR IN A CONNECTING WATERWAY OF THE INLAND LAKE,
18 STREAM, OR GREAT LAKE WHERE THE FISH WAS CAUGHT IF THE FISH COULD
19 FREELY MOVE BETWEEN THE ORIGINAL LOCATION OF CAPTURE AND THE
20 LOCATION OF RELEASE.

21 (4) A PERSON, WHO CATCHES FISH OTHER THAN BAITFISH IN A LAKE,
22 STREAM, GREAT LAKE, OR CONNECTING WATERWAY SHALL ONLY RELEASE THE
23 FISH IN THE LAKE, STREAM, OR GREAT LAKE WHERE THE FISH WAS CAUGHT,
24 OR IN A CONNECTING WATERWAY OF THE LAKE, STREAM, OR GREAT LAKE
25 WHERE THE FISH WAS CAUGHT IF THE FISH COULD FREELY MOVE BETWEEN THE
26 ORIGINAL LOCATION OF CAPTURE AND THE LOCATION OF RELEASE.

27 (5) ~~(3)~~—The department shall prepare a notice that contains a

1 summary of subsections (1) ~~, (2), (4), (5), and~~ **TO (4), (6), AND**
 2 **(7) AND THE DEFINITION OF AQUATIC PLANT IN SECTION 41301** and shall
 3 make copies of the notice available to owners of public boating
 4 access sites. The department shall include the notice in relevant
 5 department publications and post the notice on its website.

6 ~~(6) (4)~~—The owner of a public boating access site shall post
 7 and maintain the notice described in subsection ~~(3)~~. **(5) AT THE**
 8 **PUBLIC BOATING ACCESS SITE.**

9 ~~(7) (5)~~—A person who violates subsection (1), (2), ~~or (3),~~
 10 (4), **OR (6)** is responsible for a state civil infraction and may be
 11 ordered to pay a civil fine of not more than \$100.00.

12 ~~—(6) As used in this section:~~

13 ~~—(a) "Aquatic plant" means a submergent, emergent, or floating~~
 14 ~~leaf plant or a fragment or seed thereof. Aquatic plant does not~~
 15 ~~include wild rice (Zizania aquatica).~~

16 ~~—(b) "Boat" means a vessel as defined in section 80104, and~~
 17 ~~"boating" has a corresponding meaning.~~

18 **SEC. 41329. (1) A PERSON SHALL NOT SELL OR OFFER FOR SALE OR**
 19 **POSSESS FOR THE PURPOSE OF SALE OR OFFERING FOR SALE A LIVE,**
 20 **NONNATIVE AQUATIC SPECIES EXCEPT AS AUTHORIZED BY A REGISTRATION**
 21 **ISSUED BY THE DEPARTMENT OF NATURAL RESOURCES PURSUANT TO PART 13.**
 22 **A REGISTRATION IS NONTRANSFERABLE AND EXPIRES ON DECEMBER 31 OF THE**
 23 **YEAR FOR WHICH ISSUED. A SEPARATE REGISTRATION IS REQUIRED FOR EACH**
 24 **PLACE WHERE AN ACTIVITY DESCRIBED IN THIS SUBSECTION OCCURS.**

25 **(2) IN ADDITION TO THE EXEMPTION PROVIDED IN SECTION**
 26 **41309(14), THIS SECTION AND SECTION 41335 DO NOT APPLY TO ANY OF**
 27 **THE FOLLOWING:**

1 (A) ACTIVITIES AUTHORIZED UNDER PART 459.

2 (B) THE SALE OR OFFERING FOR SALE OF AQUATIC SPECIES, OTHER
3 THAN PROHIBITED SPECIES OR RESTRICTED SPECIES, FOR HUMAN
4 CONSUMPTION.

5 SEC. 41331. TO REGISTER UNDER SECTION 41329, A PERSON SHALL
6 SUBMIT AN APPLICATION TO THE DEPARTMENT OF NATURAL RESOURCES. THE
7 APPLICATION SHALL STATE THE NAME AND ADDRESS OF THE APPLICANT AND
8 INCLUDE THE DESCRIPTION OF THE PREMISES WHERE THE AQUATIC SPECIES
9 ARE TO BE SOLD OR OFFERED FOR SALE, TOGETHER WITH ANY RELEVANT
10 ADDITIONAL INFORMATION REQUIRED BY THE DEPARTMENT OF NATURAL
11 RESOURCES. THE DEPARTMENT SHALL ISSUE A REGISTRATION CERTIFICATE TO
12 A REGISTRANT.

13 SEC. 41333. A REGISTRANT UNDER SECTION 41329 SHALL DO ALL OF
14 THE FOLLOWING:

15 (A) MAINTAIN THE REGISTRATION CERTIFICATE CONSPICUOUSLY POSTED
16 AT THE REGISTERED LOCATION AT ALL TIMES.

17 (B) MAINTAIN ELECTRONIC RECORDS OF ALL OF THE FOLLOWING:

18 (i) THE SPECIES AND NUMBER OF INDIVIDUALS OF EACH AQUATIC
19 SPECIES PURCHASED AND SOLD.

20 (ii) THE DATE OF PURCHASE OR SALE.

21 (iii) THE NAME AND ADDRESS OF PERSONS TO WHOM ANY AQUATIC
22 SPECIES ARE SOLD OTHER THAN AT RETAIL AND FROM WHOM AQUATIC SPECIES
23 ARE PURCHASED.

24 (iv) OTHER RELEVANT INFORMATION AS REQUIRED BY THE DEPARTMENT.

25 (C) MAKE THE ELECTRONIC RECORDS MAINTAINED UNDER SUBDIVISION
26 (B) AVAILABLE TO THE DEPARTMENT OF NATURAL RESOURCES UPON REQUEST.

27 SEC. 41335. SUBJECT TO SECTION 41329(2), A PERSON SHALL NOT

1 CONDUCT A TRADE SHOW FOR SELLING OR TRADING AQUATIC SPECIES UNLESS
2 THE PERSON HAS GIVEN THE DEPARTMENT NOT LESS THAN 10 DAYS' ADVANCE
3 WRITTEN NOTICE OF THE TIME, DATE, AND LOCATION OF THE TRADE SHOW.

4 SEC. 41337. (1) A PERSON WHO VIOLATES SECTIONS 41329 TO 41335
5 OR RULES PROMULGATED UNDER THIS PART TO IMPLEMENT THOSE SECTIONS
6 MAY BE ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$1,000.00.

7 (2) A PERSON WHO VIOLATES SECTIONS 41329 TO 41335 OR RULES
8 PROMULGATED UNDER THIS PART TO IMPLEMENT THOSE SECTIONS A SECOND OR
9 SUBSEQUENT TIME IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
10 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN
11 \$1,000.00, OR BOTH.

12 (3) IN ADDITION TO THE SANCTIONS UNDER SUBSECTIONS (1) OR (2),
13 THE COURT MAY SUSPEND OR REVOKE ANY REGISTRATION ISSUED TO THE
14 PERSON UNDER SECTION 41329.

15 (4) IF A PERSON VIOLATES SECTIONS 41329 TO 41335 OR RULES
16 PROMULGATED UNDER THIS PART TO IMPLEMENT THOSE SECTIONS, THE
17 DEPARTMENT OF NATURAL RESOURCES MAY SUSPEND OR REVOKE THE PERSON'S
18 REGISTRATION REQUIRED UNDER SECTION 41329 OR REFUSE TO REGISTER THE
19 PERSON AFTER PROVIDING AN OPPORTUNITY FOR A HEARING UNDER THE
20 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
21 24.328.

22 (5) IF A REGISTRATION IS SUSPENDED OR REVOKED UNDER THIS
23 SECTION, THE AQUATIC SPECIES HELD UNDER THE REGISTRATION SHALL BE
24 DISPOSED OF ONLY IN A MANNER APPROVED BY THE DEPARTMENT OF NATURAL
25 RESOURCES.

26 SEC. 41341. THE DEPARTMENT OF NATURAL RESOURCES OR THE
27 DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT SHALL HAVE FREE

1 ACCESS AT ALL REASONABLE HOURS TO ANY SITE, INCLUDING, BUT NOT
2 LIMITED TO, AN AQUACULTURE FACILITY, AS DEFINED IN SECTION 2 OF THE
3 MICHIGAN AQUACULTURE DEVELOPMENT ACT, 1996 PA 199, MCL 286.872, IF
4 THERE IS PROBABLE CAUSE TO BELIEVE THAT ACTIVITIES SUBJECT TO THE
5 PERMITTING OR REGISTRATION REQUIREMENTS OF THIS PART TAKE PLACE AND
6 TO ANY TRADE SHOW DESCRIBED IN SECTION 41335 FOR ANY OF THE
7 FOLLOWING PURPOSES:

8 (A) TO INSPECT AND DETERMINE IF THIS ACT IS BEING VIOLATED. AN
9 INSPECTION SHALL BE CONDUCTED UNDER GENERALLY RECOGNIZED PRACTICES
10 DESIGNED NOT TO JEOPARDIZE THE HEALTH OF THE AQUATIC SPECIES.

11 (B) TO SECURE SAMPLES OR SPECIMENS OF ANY AQUATIC SPECIES
12 AFTER PAYING OR OFFERING TO PAY FAIR MARKET VALUE FOR THE SAMPLE OR
13 SPECIMEN.

14 Enacting section 1. Section 41302a of the natural resources
15 and environmental protection act, 1994 PA 451, MCL 324.41302a, is
16 repealed.

17 Enacting section 2. This amendatory act takes effect 90 days
18 after the date it is enacted into law.