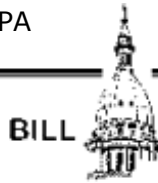




Senate Fiscal Agency
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**BILL ANALYSIS**

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Senate Bill 1084 (as introduced 3-4-04)
Sponsor: Senator Gerald Van Woerkom
Committee: Natural Resources and Environmental Affairs

Date Completed: 3-24-04

CONTENT

The bill would amend the Natural Resources and Environmental Protection Act (NREPA) to exempt activities authorized under the Michigan Aquaculture Development Act from provisions in NREPA prohibiting the release of genetically engineered fish and nonnative fish into the State without a permit under Part 413 (Transgenic and Nonnative Organisms) or Part 487 (Sport Fishing) of NREPA.

Further, the bill would exempt any activity authorized under the Michigan Aquaculture Development Act from provisions in NREPA prohibiting the propagation, rearing, possession, or sale of game fish without a license issued under Part 459 (Propagation of Game Fish in Private Waters). Currently, the propagation, rearing, possession, or sale of game fish pursuant to a registration or permit issued under the Michigan Aquaculture Development Act is exempt from Part 459. The bill also would exempt the export and import of game fish under that Act.

In addition, the bill would amend Part 487, which provides that aquaculture species propagated, reared, produced, or possessed pursuant to a registration or permit issued under the Michigan Aquaculture Development Act may be taken, produced, purchased, acquired, lawfully exported or imported, or possessed only in compliance with that Act. Instead, the bill specifies that Part 487 would not apply to the taking, production, purchase, acquisition, possession, export, or import of aquaculture species under the Michigan Aquaculture Development Act, or any other activity authorized under that Act.

BACKGROUND

Aquaculture primarily involves the raising of fish to be used for human consumption, as well as the raising of animals for aquaria, ornamental water plants, and plants used for wetland mitigation. Before the enactment of the Michigan Aquaculture Development Act in 1996, Michigan law did not recognize aquaculture as a division of agriculture; instead, NREPA treated captive aquatic species in the same manner as it treated wild aquatic species, which, under Part 487 of NREPA, are considered the property of the State.

The Michigan Aquaculture Development Act regulates aquaculture as an agricultural enterprise in the State. The Act establishes a list of approved species for aquacultural production; requires a person to obtain a permit from the Michigan Department of Agriculture (MDA) before engaging in aquaculture production or research; provides for the inspection by the MDA of an aquaculture facility or confinement research facility; and establishes penalties for violations of the Act or a rule promulgated under it.

MCL 324.41305 et al.

Legislative Analyst: Claire Layman

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

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.