

# SENATE BILL No. 1084

March 4, 2004, Introduced by Senators VAN WOERKOM, JELINEK, GILBERT and PATTERSON and referred to the Committee on Agriculture, Forestry and Tourism.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 41305, 45902, and 48702 (MCL 324.41305,  
324.45902, and 324.48702), section 41305 as added by 2003 PA 270  
and sections 45902 and 48702 as amended by 1996 PA 200.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 41305. (1) Unless authorized by a permit issued by the  
2 department under this section or section 48735, a person shall  
3 not knowingly release or allow to be released into this state any  
4 of the following that is not naturalized in the location of  
5 release:

6       (a) A genetically engineered fish.

7       (b) A nonnative fish.

8       (2) Subsection (1) does not apply to activities authorized  
9 under the Michigan aquaculture development act, 1996 PA 199, MCL

1 286.871 to 286.884.

2 (3) ~~—(2)—~~ A person shall apply for a permit under subsection  
 3 (1) on a form developed by the department. The application shall  
 4 be accompanied by a fee established by the department based on  
 5 the cost of administering this part.

6 (4) ~~—(3)—~~ The department may revoke or modify a permit issued  
 7 under this section after providing an opportunity for a hearing  
 8 under the administrative procedures act of 1969, 1969 PA 306,  
 9 MCL 24.201 to 24.328.

10 Sec. 45902. (1) A person shall not propagate, rear, or have  
 11 in possession for the purpose of offering for sale or selling any  
 12 kind of game fish unless he or she has applied for and been  
 13 issued a license as provided in this part. All such licenses are  
 14 nontransferable and expire on December 31 of the year for which  
 15 issued. A separate license is required for each place of  
 16 business where game fish are propagated, reared, or possessed for  
 17 the purpose of sale or offering for sale.

18 (2) This part does not apply to **either of** the following:

19 (a) The sale, offering for sale, or possession of dead,  
 20 fresh, or frozen brook trout, brown trout, or rainbow trout  
 21 lawfully taken in and exported from another state or country or  
 22 that have been procured from a licensed dealer within this  
 23 state.

24 (b) The propagation, rearing, possession, **export, import,** or  
 25 sale of game fish pursuant to a registration or permit issued  
 26 ~~pursuant to~~ **under** the Michigan aquaculture development act,  
 27 1996 PA 199, MCL 286.871 to 286.884, or any other activity

1 authorized under that act.

2 Sec. 48702. (1) Except as otherwise provided in  
3 subsection (2), all fish, reptiles, amphibians, mollusks, and  
4 crustaceans found in this state are the property of the state and  
5 may only be taken at times and in a manner as provided in this  
6 part.

7 (2) Fish, reptiles, amphibians, mollusks, crustaceans, and  
8 any other aquaculture species propagated, reared, produced, or  
9 possessed pursuant to a registration or permit issued under the  
10 Michigan aquaculture development act, 1996 PA 199, MCL 286.871 to  
11 286.884, are not the property of the state. ~~and may be taken,~~  
12 ~~produced, purchased, acquired, lawfully exported or imported, or~~  
13 ~~possessed only in compliance with that act.~~ **This part does not**  
14 **apply to the taking, production, purchase, acquisition,**  
15 **possession, export, or import of aquaculture species under the**  
16 **Michigan aquaculture development act, 1996 PA 199, MCL 286.871 to**  
17 **286.884, or any other activity authorized under that act.**

18 (3) The department shall consider a registration under the  
19 Michigan aquaculture development act, 1996 PA 199, MCL 286.871 to  
20 286.884, as equivalent to a game fish breeders license for  
21 purposes of obtaining a planting permit under this part.