

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 213

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 41305 (MCL 324.41305), as added by 2003 PA 270,  
and by adding section 41306.

**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 not~~  
3 ~~knowingly release or allow to be released into this state any of~~  
4 ~~the following that is not naturalized in the location of release:~~  
5       ~~—(a) A genetically engineered fish.~~  
6       ~~—(b) A nonnative fish.~~  
7       ~~—(2) A person shall apply for a permit under subsection (1) on~~  
8 ~~a form developed by the department. The application shall be~~

1 accompanied by a fee established by the department based on the  
2 cost of administering this part.

3 ~~— (3) The department may revoke or modify a permit issued under~~  
4 ~~this section after providing an opportunity for a hearing under the~~  
5 ~~administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to~~  
6 ~~24.328.~~ A PERSON SHALL NOT INTRODUCE A PROHIBITED SPECIES, A  
7 RESTRICTED SPECIES, OR A GENETICALLY ENGINEERED OR NONNATIVE FISH  
8 OR AQUATIC PLANT UNLESS THE INTRODUCTION IS AUTHORIZED BY 1 OF THE  
9 FOLLOWING, AS APPLICABLE:

10 (A) FOR A FISH, BY A PERMIT ISSUED BY THE DEPARTMENT UNDER  
11 SECTION 48735.

12 (B) FOR A PROHIBITED SPECIES OR RESTRICTED SPECIES THAT IS AN  
13 INSECT, BY A PERMIT ISSUED BY THE DEPARTMENT OF AGRICULTURE UNDER  
14 SECTION 41306.

15 (C) FOR AN AQUATIC PLANT, BY A PERMIT ISSUED BY THE DEPARTMENT  
16 UNDER SECTION 41306.

17 SEC. 41306. (1) A PERSON SHALL APPLY FOR A PERMIT THAT SECTION  
18 41303 OR 41305 DESCRIBES AS BEING ISSUED BY THE DEPARTMENT OR THE  
19 DEPARTMENT OF AGRICULTURE UNDER THIS SECTION ON A FORM DEVELOPED BY  
20 THE DEPARTMENT OR THE DEPARTMENT OF AGRICULTURE, RESPECTIVELY. THE  
21 APPLICATION SHALL BE ACCOMPANIED BY A FEE BASED ON THE COST OF  
22 ADMINISTERING THIS PART. THE DEPARTMENT OR THE DEPARTMENT OF  
23 AGRICULTURE, RESPECTIVELY, SHALL EITHER GRANT AN ADMINISTRATIVELY  
24 COMPLETE APPLICATION AND ISSUE A PERMIT OR DENY THE APPLICATION.

25 (2) THE DEPARTMENT OR THE DEPARTMENT OF AGRICULTURE MAY REVOKE  
26 OR MODIFY A PERMIT ISSUED BY THE DEPARTMENT OR THE DEPARTMENT OF  
27 AGRICULTURE, RESPECTIVELY, UNDER SUBSECTION (1) AFTER PROVIDING AN

1 OPPORTUNITY FOR A HEARING UNDER THE ADMINISTRATIVE PROCEDURES ACT  
2 OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.

3 Enacting section 1. This amendatory act does not take effect  
4 unless all of the following bills of the 93rd Legislature are  
5 enacted into law:

- 6 (a) Senate Bill No. 211.  
7 (b) Senate Bill No. 212.  
8 (c) Senate Bill No. 215.  
9 (d) House Bill No. 4714.  
10 (e) House Bill No. 4715.  
11 (f) House Bill No. 4716.