

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.