

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1072

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 268, 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

1 the application is considered to be administratively complete under
2 section 1305 and any applicable fee has been paid.

3 (b) "Department" means the department, agency, or officer
4 authorized by this act to approve or deny an application for a
5 particular permit. As used in sections 1315 to 1317, "department"
6 means the department of environmental quality.

7 (c) "Director" means the director of the state department
8 authorized under this act to approve or deny an application for a
9 particular permit or the director's designee. As used in sections
10 1313 to 1317, "director" means the director of the department of
11 environmental quality.

12 (d) "Environmental permit review commission" or "commission"
13 means the environmental permit review commission established under
14 section 1313(1).

15 (e) "Environmental permit panel" or "panel" means a panel of
16 the environmental permit review commission, appointed under section
17 1315(2).

18 (f) "Permit", except as provided in subdivision (g), means a
19 permit, ~~or~~ operating license, **OR REGISTRATION** required by any of
20 the following sections or by rules promulgated thereunder, or, in
21 the case of section 9112, by an ordinance referred to in that
22 section:

23 (i) Section 3104, floodplain alteration permit.

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

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

26 (iv) Section 6516, vehicle testing license.

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

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

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

3 (viii) Section 8504, license to manufacture or distribute
4 fertilizer.

5 (ix) Section 9112, local soil erosion and sedimentation
6 control permit.

7 (x) Section 11509, solid waste disposal area construction
8 permit.

9 (xi) Section 11512, solid waste disposal area operating
10 license.

11 (xii) Section 11542, municipal solid waste incinerator ash
12 landfill operating license amendment.

13 (xiii) Section 11702, septage waste servicing license or
14 septage waste vehicle license.

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

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

17 (xvi) Section 30304, state permit for dredging, filling, or
18 other activity in wetland. Permit includes an authorization for a
19 specific project to proceed under a general permit issued under
20 section 30312.

21 (xvii) Section 31509, dam construction, repair, or removal
22 permit.

23 (xviii) Section 32312, flood risk, high risk, or environmental
24 area permit.

25 (xix) Section 32512, permit for dredging and filling
26 bottomland.

27 (xx) Section 32603, permit for submerged log removal from

- 1 Great Lakes bottomlands.
- 2 (xxi) Section 35304, department permit for critical dune area
- 3 use.
- 4 (xxii) Section 36505, endangered species permit.
- 5 **(xxiii) SECTION 41329, NONNATIVE AQUATIC SPECIES SALES**
- 6 **REGISTRATION.**
- 7 **(xxiv) ~~(xxiii)~~**—Section 41702, game bird hunting preserve
- 8 license.
- 9 **(xxv) ~~(xxiv)~~**—Section 42101, dog training area permit.
- 10 **(xxvi) ~~(xxv)~~**—Section 42501, fur dealer's license.
- 11 **(xxvii) ~~(xxvi)~~**—Section 42702, game dealer's license.
- 12 **(xxviii) ~~(xxvii)~~**—Section 44513, charter boat operating permit
- 13 under reciprocal agreement.
- 14 **(xxix) ~~(xxviii)~~**—Section 44516, boat livery operating permit.
- 15 **(xxx) ~~(xxix)~~**—Section 45902, game fish propagation license.
- 16 **(xxxi) ~~(xxx)~~**—Section 45906, game fish import license.
- 17 **(xxxii) ~~(xxxi)~~**—Section 48705, permit to take amphibians and
- 18 reptiles for scientific or educational use.
- 19 **(xxxiii) ~~(xxxii)~~**—Section 61525, oil or gas well drilling
- 20 permit.
- 21 **(xxxiv) ~~(xxxiii)~~**—Section 62509, brine, storage, or waste
- 22 disposal well drilling or conversion permit or test well drilling
- 23 permit.
- 24 **(xxxv) ~~(xxxiv)~~**—Section 63103a, ferrous mineral mining permit.
- 25 **(xxxvi) ~~(xxxv)~~**—Section 63514 or 63525, surface coal mining and
- 26 reclamation permit or revision of the permit, respectively.
- 27 **(xxxvii) ~~(xxxvi)~~**—Section 63704, sand dune mining permit.

1 **(xxxviii)** ~~(xxvii)~~ Section 72108, use permits for a Pure
2 Michigan Trail.

3 **(xxxix)** ~~(xxviii)~~ Section 76109, sunken aircraft or watercraft
4 abandoned property recovery permit.

5 **(xxxx)** ~~(xxix)~~ Section 76504, Mackinac Island motor vehicle
6 and land use permits.

7 **(xxxxi)** ~~(xxx)~~ Section 80159, buoy or beacon permit.

8 (g) "Permit", as used in sections 1313 to 1317, means any
9 permit or operating license that meets both of the following
10 conditions:

11 (i) The applicant for the permit or operating license is not
12 this state or a political subdivision of this state.

13 (ii) The permit or operating license is issued by the
14 department of environmental quality under this act or the rules
15 promulgated under this act.

16 (h) "Processing deadline" means the last day of the processing
17 period.

18 (i) "Processing period", subject to section 1307(2) and (3),
19 means the following time period after the close of the application
20 period, for the following permit, as applicable:

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

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

23 (iii) Thirty days after the department consults with the
24 underwater salvage and preserve committee created under section
25 76103, for a permit under section 76109.

26 (iv) Sixty days, for a permit under section 30104 for a minor
27 project established under section 30105(7) or 32512a(1), or an

1 authorization for a specific project to proceed under a general
2 permit issued under section 30105(8) or 32512a(2), or for a permit
3 under section 32312 **OR 41329.**

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

6 (vi) Sixty days or, if a hearing is held, 120 days for a
7 permit under section 30104, other than a permit or authorization
8 described in subparagraph (ii) or (iv), or for a permit under
9 section 31509.

10 (vii) Ninety days for a permit under section 11512, a revision
11 of a surface coal mining and reclamation permit under section
12 63525, or a permit under section 72108.

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

16 (ix) Ninety days after the close of the review or comment
17 period under section 32604, or if a public hearing is held, 90 days
18 after the date of the public hearing for a permit under section
19 32603.

20 (x) One hundred twenty days for a permit under section 11509,
21 11542, 63103a, 63514, or 63704.

22 (xi) One hundred fifty days for a permit under section 36505.
23 However, if a site inspection or federal approval is required, the
24 150-day period is tolled pending completion of the inspection or
25 receipt of the federal approval.

26 (xii) For any other permit, 150 days or, if a hearing is held,
27 90 days after the hearing, whichever is later.

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

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

4 (b) "Aquatic", except as used in subdivision ~~(p)~~, **(Q)**,
5 describes an amphibian, crustacean, fish, mollusk, reptile,
6 wiggler, or aquatic plant.

7 **(C) "AQUATIC PLANT" MEANS A SUBMERGENT, EMERGENT, OBLIGATE**
8 **WETLAND, FACULTATIVE WETLAND, OR FLOATING-LEAF PLANT OR A FRAGMENT**
9 **THEREOF, INCLUDING A SEED OR OTHER PROPAGULE. AQUATIC PLANT DOES**
10 **NOT INCLUDE WILD RICE (*Zizania aquatica* OR *Zizania palustris*).**

11 **(D)** ~~(e)~~ "Crustacean" means freshwater crayfish, shrimp, or
12 prawn of the order Decapoda.

13 **(E)** ~~(d)~~ "Genetically engineered" refers to an organism whose
14 genome, chromosomal or extrachromosomal, is modified permanently
15 and heritably, using recombinant nucleic acid techniques, or the
16 progeny of such an organism.

17 **(F)** ~~(e)~~ "Introduce", with reference to an organism, means to
18 knowingly and willfully stock, place, plant, release, or allow the
19 release of the organism in this state at any specific location
20 where the organism is not already naturalized.

21 **(G)** ~~(f)~~ "Mollusk" means any mollusk of the classes Bivalvia
22 and Gastropoda.

23 **(H)** ~~(g)~~ "Native" means indigenous to any location in this
24 state.

25 **(I)** ~~(h)~~ "Nonaquatic" describes a bird, insect other than a
26 wiggler, or mammal.

27 **(J)** ~~(i)~~ "Nonnative" means not native.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Any of the following prohibited **SPECIES OF** terrestrial

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

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

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

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

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

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

rusty crayfish ~~(*Orconectes rusticus*)~~. (***Faxonious resticus*, FORMERLY *Orconectes rusticus***).

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

(A) Bighead carp ~~(*Hypophthalmichthys nobilis*)~~. (***Hypophthalmichthys nobilis***).

(B) Bitterling ~~(*Rhodeus sericeus*)~~. (***Rhodeus sericeus***).

(C) Black carp ~~(*Mylopharyngodon piceus*)~~. (***Mylopharyngodon piceus***).

(D) Eurasian ruffe ~~(*Gymnocephalus cernuus*)~~. (***Gymnocephalus cernuus***).

1 (E) Grass carp ~~(Ctenopharyngodon idellus)~~. **(Ctenopharyngodon**
2 **idellus)** .

3 (F) Ide ~~(Leuciscus idus)~~. **(Leuciscus idus)** .

4 (G) Japanese weatherfish ~~(Misgurnus~~
5 ~~anguillicaudatus)~~. **(Misgurnus anguillicaudatus)** .

6 (H) Round goby ~~(Neogobius melanostomus)~~. **(Neogobius**
7 **melanostomus)** .

8 (I) Rudd ~~(Scardinius erythrophthalmus)~~. **(Scardinius**
9 **erythrophthalmus)** .

10 (J) Silver carp ~~(Hypophthalmichthys~~
11 ~~molitrix)~~. **(Hypophthalmichthys molitrix)** .

12 (K) A fish of the snakehead family ~~(family Channidae)~~. **(FAMILY**
13 **Channidae)** .

14 (L) Tench ~~(Tinca tinca)~~. **(Tinca tinca)** .

15 (M) Tubenose goby ~~(Proterorhinus marmoratus)~~. **(Proterorhinus**
16 **marmoratus)** .

17 (vi) Any of the following prohibited insect species, including
18 a hybrid or genetically engineered variant of the species or an egg
19 of the species or of a hybrid or genetically engineered variant:

20 (A) Asian longhorned beetle ~~(Anoplophora~~
21 ~~glabripennis)~~. **(Anoplophora glabripennis)** .

22 (B) Emerald ash borer ~~(Agrilus planipennis)~~. **(Agrilus**
23 **planipennis)** .

24 (vii) The following prohibited mammal species, including a
25 hybrid or genetically engineered variant: nutria ~~(Myocastor~~
26 ~~coypus)~~. **(Myocastor coypus)** .

27 (viii) Any of the following prohibited mollusk species,

including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) The following restricted **SPECIES OF** terrestrial plant, ~~species,~~ including a hybrid or genetically engineered variant of the species or a fragment, including a seed or other propagule, of the species or of a hybrid or genetically engineered variant:
autumn olive ~~(Elaeagnus umbellata).~~ **(Elaeagnus umbellata)**.

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

1 variant:

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

3 (B) Zebra mussel ~~(Dreissena polymorpha)~~. **(Dreissena**
4 **polymorpha)**.

5 (P) "WATERCRAFT" MEANS ANY CONVEYANCE USED OR DESIGNED FOR
6 NAVIGATION ON WATER, INCLUDING, BUT NOT LIMITED TO, ANY VESSEL,
7 SHIP, BOAT, MOTOR VESSEL, STEAM VESSEL, VESSEL OPERATED BY
8 MACHINERY, MOTORBOAT, SAILBOAT, BARGE, SCOW, TUGBOAT, AND ROWBOAT.

9 (Q) ~~(P)~~ "Wiggler" means an aquatic egg, nymph, or larva of an
10 insect.

11 (2) For the purposes of this part:

12 (a) A person is not considered to possess a live organism
13 simply because the organism is present on land or in waters owned
14 by that person unless the person has knowingly introduced that live
15 organism on that land or in those waters.

16 (b) A person is not considered to possess a live organism if
17 the organism was obtained from the environment and the person only
18 possesses the organism at the specific location at which it was
19 obtained from the environment.

20 (c) A person is not considered to possess a live organism if
21 the possession is for the purpose of promptly destroying the
22 organism.

23 Sec. 41302. (1) The relevant commission may by order add to or
24 delete a species from the list of prohibited species or restricted
25 species under section 41301. Before the natural resources
26 commission issues an order under this subsection, it shall consult
27 with the department of agriculture and rural development. Before

1 the commission of agriculture and rural development issues an order
2 under this subsection, it shall consult with the department of
3 natural resources. After the consultation, and at least 30 days
4 before the relevant commission issues the order, the relevant
5 department shall post a copy of the proposed order on the relevant
6 department's website and shall submit a copy of the proposed order
7 to all of the following:

8 (a) The legislature.

9 (b) The standing committees of the senate and house of
10 representatives with primary responsibility for any of the
11 following:

12 (i) Agricultural issues.

13 (ii) Environmental issues.

14 (iii) Natural resources issues.

15 (2) The relevant commission shall list a nonaquatic species as
16 a prohibited species or restricted species if the relevant
17 commission determines the following:

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

20 (i) The organism is not native.

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

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

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

27 (B) Effective management or control techniques for the

1 organism are not available.

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

4 (i) The organism is not native.

5 (ii) The organism is naturalized and widely distributed in
6 this state.

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

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

11 (B) Effective management or control techniques for the
12 organism are available.

13 (3) The relevant commission shall list an aquatic species as a
14 prohibited species or restricted species if the relevant commission
15 determines the following based on a review by the relevant
16 department:

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

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

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

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

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

26 (B) Effective management or control techniques for the
27 organism are not available.

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

(i) The organism is not native.

(ii) The organism is naturalized in this state.

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

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

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

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

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

(A) ~~(b) By 1 year after the effective date of the amendatory act that added this subsection, the~~ **THE** relevant department shall review each aquatic animal listed **OR DELISTED** as injurious wildlife under the Lacey act, 16 USC 3371 to 3378, and each aquatic plant designated **OR REMOVED FROM DESIGNATION** as a noxious weed under the plant protection act, ~~7 USC 7701 to 7786,~~ **TITLE IV OF PUBLIC LAW 106-224**, for listing **OR DELISTING** as a prohibited species or restricted species -

~~—— (c) The relevant department shall review new listings or~~

1 ~~delistings on the federal lists identified under subdivision (b)~~
2 within 180 days after the **CHANGE IN FEDERAL** listing or
3 ~~delisting.~~**DESIGNATION.**

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

9 ~~— (c) The relevant department may review a previously unreviewed~~
10 ~~aquatic species petitioned for listing as a permitted species under~~
11 ~~section 41302a(5) for which the risk assessment process under~~
12 ~~section 41302a(2) or (3) indicated a high invasive species risk.~~

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

15 (5) The relevant director may issue an emergency order
16 designating an organism as a prohibited species or restricted
17 species if the organism has the potential to harm human health or
18 to severely harm natural, agriculture, or silvicultural resources.
19 An emergency order is effective for ~~not longer than~~ 90 days **OR A**
20 **SHORTER PERIOD IF SPECIFIED IN THE ORDER.** The relevant department
21 shall do all of the following:

22 (a) Post a proposed emergency order on its website and
23 otherwise publicize the proposed emergency order in a manner that
24 ensures that interested persons are provided notice of the proposed
25 emergency order, the reasons for the emergency order, and the
26 proposed effective date of the order.

27 (b) Provide a copy of the proposed emergency order to each

1 member of the standing committees of the senate and the house of
2 representatives that consider legislation pertaining to
3 conservation, the environment, recreation, tourism, or natural
4 resources.

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

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

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

13 (a) The person intends to present a specimen of the prohibited
14 species or restricted species, for identification or similar
15 purposes, to a person who is a certified applicator or registered
16 applicator under part 83, to a public or private institution of
17 higher education, or to the department of natural resources, the
18 department of agriculture and rural development, or any other
19 state, local, or federal agency with responsibility for the
20 environment, natural resources, or agriculture.

21 (b) The person has been presented with a specimen of a
22 prohibited species or restricted species for identification or
23 similar purposes under subdivision (a).

24 (c) The person possesses the prohibited species or restricted
25 species in conjunction with otherwise lawful activity to eradicate
26 or control the prohibited species or restricted species.

27 (d) The possession is pursuant to a permit issued for

1 education or research purposes by the relevant department under
2 section 41306 or, if the prohibited species or restricted species
3 is a plant species or an insect other than a wiggler, by the United
4 States ~~department of agriculture.~~**DEPARTMENT OF AGRICULTURE.**

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

8 (2) A person described in subsection (1)(b) or (c) shall
9 notify the department of natural resources, the department of
10 agriculture and rural development, or the department of
11 environmental quality if the prohibited species or restricted
12 species was found at a location where it was not previously known
13 to be present.

14 ~~—— (3) Before initial establishment of the permitted aquatic~~
15 ~~species list, a person shall not import, sell, or offer to sell any~~
16 ~~live aquatic species unless the live aquatic species, by the~~
17 ~~effective date of the 2014 amendatory act that added this~~
18 ~~subsection, was lawfully in commercial trade in this state. After~~
19 ~~the initial establishment of the permitted aquatic species list, a~~
20 ~~person shall not import, sell, or offer to sell any live aquatic~~
21 ~~species not listed on the permitted aquatic species list.~~

22 Sec. 41306. (1) A person shall apply to the relevant
23 department for a permit that section 41303 or 41305 describes as
24 being issued under this section. The application shall be submitted
25 on a form developed by the relevant department. The application
26 shall be accompanied by a fee based on the cost of administering
27 this part. The relevant department shall either grant an

1 administratively complete application and issue a permit or deny
2 the application.

3 (2) In determining whether to grant or deny an application for
4 a permit for introduction of a genetically engineered organism
5 required by section 41305, the relevant department shall consider
6 whether any application for a federal permit or approval for the
7 genetically engineered organism has been granted or denied.

8 (3) The relevant department may revoke or modify a permit it
9 has issued under subsection (1) after providing an opportunity for
10 a hearing under the administrative procedures act of 1969, 1969 PA
11 306, MCL 24.201 to 24.328.

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

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

17 **(A) PLACE A WATERCRAFT, WATERCRAFT EQUIPMENT, OR A WATERCRAFT**
18 trailer in the waters of this state if the ~~boat, boating equipment,~~
19 ~~or boat~~ **WATERCRAFT, WATERCRAFT EQUIPMENT, OR WATERCRAFT** trailer has
20 an aquatic plant attached.

21 **(B) TRANSPORT ANY WATERCRAFT OVER LAND WITHOUT FIRST DOING ALL**
22 **OF THE FOLLOWING:**

23 **(i) REMOVING ALL DRAIN PLUGS FROM BILGES, BALLAST TANKS, AND**
24 **LIVE WELLS.**

25 **(ii) DRAINING ALL WATER FROM ANY LIVE WELLS AND BILGE.**

26 **(iii) ENSURING THAT THE WATERCRAFT, TRAILER, AND ANY**
27 **CONVEYANCE USED TO TRANSPORT THE WATERCRAFT OR TRAILER ARE FREE OF**

1 **AQUATIC ORGANISMS, INCLUDING PLANTS.**

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

5 **WATERCRAFT, WATERCRAFT EQUIPMENT, WATERCRAFT TRAILER, OR ANY**
6 **CONVEYANCE USED TO TRANSPORT THE WATERCRAFT OR TRAILER TO COMPLY**
7 **WITH SUBSECTION (1) (B).** The owner or operator shall obey ~~such an~~
8 **THE** order.

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

16 (4) A PERSON, WHO CATCHES FISH OTHER THAN BAITFISH IN A LAKE,
17 STREAM, GREAT LAKE, OR CONNECTING WATERWAY SHALL ONLY RELEASE THE
18 FISH IN THE LAKE, STREAM, OR GREAT LAKE WHERE THE FISH WAS CAUGHT,
19 OR IN A CONNECTING WATERWAY OF THE LAKE, STREAM, OR GREAT LAKE
20 WHERE THE FISH WAS CAUGHT IF THE FISH COULD FREELY MOVE BETWEEN THE
21 ORIGINAL LOCATION OF CAPTURE AND THE LOCATION OF RELEASE.

22 (5) ~~(3)~~ The department shall prepare a notice that contains a
23 summary of subsections (1) ~~, (2), (4), (5), and~~ **TO (4), (6), AND**
24 **(7) AND THE DEFINITION OF AQUATIC PLANT IN SECTION 41301** and shall
25 make copies of the notice available to owners of public boating
26 access sites. The department shall include the notice in relevant
27 department publications and post the notice on its website.

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

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

~~(6) As used in this section:~~

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

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

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

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

(A) ACTIVITIES AUTHORIZED UNDER PART 459.

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

(C) THE 1-TIME SALE OR OFFERING FOR SALE OF AQUATIC SPECIES IF

1 THE SALE OR OFFERING FOR SALE INVOLVES NOT MORE THAN 20 ORGANISMS
2 OF A SINGLE SPECIES.

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

11 SEC. 41333. A REGISTRANT UNDER SECTION 41329 SHALL DO ALL OF
12 THE FOLLOWING:

13 (A) MAINTAIN THE REGISTRATION CERTIFICATE CONSPICUOUSLY POSTED
14 AT THE REGISTERED LOCATION AT ALL TIMES.

15 (B) MAINTAIN, UNTIL SUBMISSION UNDER SUBDIVISION (C),
16 ELECTRONIC RECORDS OF ALL OF THE FOLLOWING:

17 (i) THE SPECIES AND NUMBER OF INDIVIDUALS OF EACH AQUATIC
18 SPECIES PURCHASED. THIS SUBPARAGRAPH DOES NOT APPLY TO SPECIES THAT
19 ARE UNABLE TO SURVIVE IN FRESHWATER OR IN THIS STATE'S CLIMATE AS
20 DETERMINED BASED ON GUIDANCE DEVELOPED BY THE RELEVANT DEPARTMENT.

21 (ii) THE DATE OF PURCHASE OR SALE.

22 (iii) OTHER RELEVANT INFORMATION AS REQUIRED BY THE
23 DEPARTMENT.

24 (C) BY MARCH 1 EACH YEAR, BEGINNING IN 2020, SUBMIT TO THE
25 DEPARTMENT OF NATURAL RESOURCES A REPORT CONSOLIDATING THE
26 ELECTRONIC RECORDS MAINTAINED UNDER SUBDIVISION (B) FOR THE PRIOR
27 CALENDAR YEAR. HOWEVER, THE FIRST SUBMISSION SHALL COVER RECORDS

1 MAINTAINED SINCE THE EFFECTIVE DATE OF THE 2018 AMENDATORY ACT THAT
2 ADDED THIS SECTION.

3 (D) NOTIFY THE DEPARTMENT IF THE REGISTRANT SELLS OR OFFERS
4 FOR SALE A LIVE AQUATIC SPECIES NOT PREVIOUSLY LISTED IN A
5 SUBMISSION UNDER SUBDIVISION (C). THE DEPARTMENT SHALL CONDUCT A
6 RISK ASSESSMENT OF THE AQUATIC SPECIES AND TAKE APPROPRIATE ACTION.
7 THIS SUBDIVISION DOES NOT APPLY TO SPECIES THAT ARE UNABLE TO
8 SURVIVE IN FRESHWATER OR IN THIS STATE'S CLIMATE AS DETERMINED
9 BASED ON GUIDANCE DEVELOPED BY THE RELEVANT DEPARTMENT.

10 SEC. 41335. SUBJECT TO SECTION 41329(2), A PERSON SHALL NOT
11 CONDUCT A TRADE SHOW FOR SELLING OR TRADING AQUATIC SPECIES UNLESS
12 THE PERSON HAS GIVEN THE DEPARTMENT NOT LESS THAN 10 DAYS' ADVANCE
13 WRITTEN NOTICE OF THE TIME, DATE, AND LOCATION OF THE TRADE SHOW.

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

17 (2) A PERSON WHO VIOLATES SECTIONS 41329 TO 41335 OR RULES
18 PROMULGATED UNDER THIS PART TO IMPLEMENT THOSE SECTIONS A SECOND OR
19 SUBSEQUENT TIME IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
20 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN
21 \$1,000.00, OR BOTH.

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

25 (4) IF A PERSON VIOLATES SECTIONS 41329 TO 41335 OR RULES
26 PROMULGATED UNDER THIS PART TO IMPLEMENT THOSE SECTIONS, THE
27 DEPARTMENT OF NATURAL RESOURCES MAY SUSPEND OR REVOKE THE PERSON'S

1 REGISTRATION REQUIRED UNDER SECTION 41329 OR REFUSE TO REGISTER THE
2 PERSON AFTER PROVIDING AN OPPORTUNITY FOR A HEARING UNDER THE
3 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
4 24.328.

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

9 SEC. 41341. THE DEPARTMENT OF NATURAL RESOURCES OR THE
10 DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT SHALL HAVE FREE
11 ACCESS AT ALL REASONABLE HOURS TO ANY SITE, INCLUDING, BUT NOT
12 LIMITED TO, AN AQUACULTURE FACILITY, AS DEFINED IN SECTION 2 OF THE
13 MICHIGAN AQUACULTURE DEVELOPMENT ACT, 1996 PA 199, MCL 286.872, IF
14 THERE IS PROBABLE CAUSE TO BELIEVE THAT ACTIVITIES SUBJECT TO THE
15 PERMITTING OR REGISTRATION REQUIREMENTS OF THIS PART TAKE PLACE AND
16 TO ANY TRADE SHOW DESCRIBED IN SECTION 41335 FOR ANY OF THE
17 FOLLOWING PURPOSES:

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

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

24 Enacting section 1. Section 41302a of the natural resources
25 and environmental protection act, 1994 PA 451, MCL 324.41302a, is
26 repealed.

27 Enacting section 2. This amendatory act takes effect 90 days

1 after the date it is enacted into law.