

HOUSE BILL No. 5020

July 8, 1997, Introduced by Reps. Schroer, Brater, LaForge, Mans, Varga, Baird, Bobier, LeTarte and Profit and referred to the Committee on Conservation, Environment and Recreation.

A bill to amend 1996 PA 199, entitled
"Michigan aquaculture development act,"
by amending section 6 (MCL 286.876) and by adding section 7a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 6. (1) A person shall not engage in aquaculture unless
2 he or she obtains a registration from the department as an aqua-
3 culture facility, obtains an aquaculture research permit, or
4 unless otherwise exempt by rule or law. If the activity in which
5 the aquaculture facility is engaged is required to be regulated
6 under any act, registration under this act does not exempt the
7 person or aquaculture facility from requirements imposed under
8 any local, state, or federal regulation.
- 9 (2) The following are exempt from registration as an
10 aquaculture facility:

1 (a) Retail bait outlets.

2 (b) Retail ornamental fish facilities.

3 (c) Persons using privately controlled waters for noncommer-
4 cial purposes.

5 (d) Public aquariums or zoos.

6 (e) Portable retail fishing concessions.

7 (3) THE DEPARTMENT SHALL NOT ISSUE AN AQUACULTURE FACILITY
8 REGISTRATION FOR AN AQUACULTURE FACILITY THAT USES A NATURAL LAKE
9 OR WETLAND IF THE WATERS PLANNED FOR USE ARE INFESTED WATERS AS
10 DEFINED IN PART 332 OF THE NATURAL RESOURCES AND ENVIRONMENTAL
11 PROTECTION ACT, 1994 PA 451, MCL 324.33201 TO 324.33209.

12 (4) ~~(3)~~ A person registered or permitted under this act
13 shall keep and maintain records of production, purchases, or
14 imports in order to establish proof of ownership. A person
15 transporting aquaculture species shall produce documentation that
16 contains the origin of shipment, registration or permit copies or
17 documentation, documentation demonstrating shipping destination,
18 and any other proof that may be required under the animal indus-
19 try act of 1987, ~~Act No. 466 of the Public Acts of 1988, being~~
20 ~~sections 287.701 to 287.747 of the Michigan Compiled Laws 1988~~
21 PA 466, MCL 287.701 TO 287.747, upon demand of the director or a
22 law enforcement officer.

23 (5) ~~(4)~~ An aquaculture facility in existence before
24 January 1, 1997 is required to obtain a registration or permit,
25 or both, if applicable, by January 1, 1999 in order to continue
26 to engage in aquaculture. Any person engaging in aquaculture
27 beginning on or after January 1, 1997 is required to obtain a

1 registration or permit under this act, or both, if applicable, in
2 order to engage in aquaculture.

3 SEC. 7A. (1) IF AN AQUACULTURE FACILITY USES WATERS THAT
4 CONTAIN EURASIAN WATER MILFOIL AS DETERMINED BY THE DEPARTMENT IN
5 CONSULTATION WITH THE DEPARTMENT OF NATURAL RESOURCES, THE OWNER
6 OR OPERATOR OF THE AQUACULTURE FACILITY SHALL COMPLY WITH ALL OF
7 THE FOLLOWING:

8 (A) NETS, TRAPS, BUOYS, STAKES, AND LINES THAT HAVE BEEN
9 USED IN SUCH ARTIFICIAL WATER BASINS SHALL BE DRIED FOR A MINIMUM
10 OF 10 DAYS, OR FROZEN FOR A MINIMUM OF 2 DAYS, BEFORE THEY ARE
11 USED IN NONINFESTED WATERS.

12 (B) ALL AQUATIC PLANTS SHALL BE REMOVED FROM NETS AND OTHER
13 EQUIPMENT THAT ARE REMOVED FROM THE ARTIFICIAL WATER BASINS.

14 (C) AT THE REQUEST OF THE DEPARTMENT, TREAT THE WATERS TO
15 ELIMINATE EURASIAN WATER MILFOIL.

16 (2) FISH RAISED IN AN AQUACULTURE FACILITY THAT HAS POPULA-
17 TIONS OF EURASIAN WATER MILFOIL SHALL BE SOLD DIRECTLY TO A
18 WHOLESALE BUYER FOR PROCESSING, OR FOR STOCKING IN OTHER WATERS
19 CONTAINING POPULATIONS OF EURASIAN WATER MILFOIL.

20 Enacting section 1. This amendatory act does not take
21 effect unless Senate Bill No. _____ or House Bill No. _____
22 (request no. 00936'97) of the 89th Legislature is enacted into
23 law.