

HOUSE BILL No. 4737

May 8, 2001, Introduced by Rep. Tabor and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1996 PA 199, entitled
"Michigan aquaculture development act,"
by amending sections 2 and 3 (MCL 286.872 and 286.873).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Aquacultural products" means any products, coproducts,
3 or by-products of aquaculture species.

4 (b) "Aquaculture" means the commercial husbandry of aquacul-
5 ture species on the approved list of aquaculture species, includ-
6 ing, but not limited to, the culturing, producing, growing,
7 using, propagating, harvesting, transporting, importing, export-
8 ing, or marketing of aquacultural products under an appropriate
9 permit or registration.

10 (c) "Aquaculture facility" means a farm or farm operation
11 engaged in any aspect of aquaculture in privately controlled

1 waters capable of holding all life stages of aquaculture species
2 with a barrier or enclosure to prevent their escape into waters
3 of the state.

4 (d) "Aquaculture facility registration" means a registration
5 issued by the director allowing a facility to engage in
6 aquaculture.

7 (e) "Aquaculture research permit" means a permit issued by
8 the director to researchers to study and culture aquaculture spe-
9 cies not included on the approved list of aquaculture species for
10 the evaluation of aquacultural potential and to provide a scien-
11 tific basis for including the aquaculture species on the approved
12 list.

13 (f) "Aquaculture species" means aquatic animal organisms
14 including, but not limited to, fish, crustaceans, mollusks, rep-
15 tiles, or amphibians reared or cultured under controlled condi-
16 tions in an aquaculture facility.

17 (g) "Aquaculturist" means a person involved in or engaged in
18 any aspect of aquaculture.

19 (h) "Aquarium" means any park, building, cage, enclosure, or
20 other structure or premises in which aquaculture species are kept
21 for public exhibition or viewing, regardless of whether compensa-
22 tion is received.

23 (I) "AQUATIC SPECIES" MEANS THAT TERM AS DEFINED IN
24 SECTION 48101 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTEC-
25 TION ACT, 1994 PA 451, MCL 324.48101.

26 (J) ~~(i)~~ "Confinement research facility" means a facility
27 holding an aquaculture research permit and enclosed in a secure

1 structure and separated from other aquaculture facilities in
2 which aquaculture species are isolated and maintained in complete
3 and continuous confinement to prevent their escape into the envi-
4 ronment and to prevent the release of any possible pathogens into
5 the environment.

6 (K) ~~(j)~~ "Department" means the Michigan department of
7 agriculture.

8 (L) ~~(k)~~ "Director" means the director of the Michigan
9 department of agriculture or his or her designee.

10 (M) ~~(l)~~ "Farm" or "farm operation" means those terms as
11 defined in the Michigan right to farm act, ~~Act No. 93 of the~~
12 ~~Public Acts of 1981, being sections 286.471 to 286.474 of the~~
13 ~~Michigan Compiled Laws~~ 1981 PA 93, MCL 286.471 TO 286.474.

14 (N) ~~(m)~~ "Law enforcement officer" means a person appointed
15 by the state or a legal governmental unit who is responsible for
16 the enforcement of the criminal laws of this state.

17 (O) ~~(n)~~ "Person" means an individual, corporation, limited
18 liability corporation, partnership, association, joint venture,
19 or other legal entity.

20 (P) ~~(o)~~ "Privately controlled waters" means waters con-
21 trolled within ponds, vats, raceways, tanks, and any other indoor
22 or outdoor structure wholly within or on the land of an owner or
23 lessor and used with an aquaculture facility or confinement
24 research facility. Privately controlled waters includes those
25 waters diverted for use in an aquaculture facility by an aquacul-
26 turist exercising his or her riparian rights.

1 (Q) ~~(p)~~ "Retail bait outlet" means a facility that sells
2 any live or dead organism, edible or digestible material, organic
3 or processed food, or scented material each of which may be used
4 to attract fish, including, but not limited to, worms, leeches,
5 aquatic insects, crayfish, amphibians, fish eggs, minnows or
6 other fish, marshmallows, cheese, pork rinds, or any part there-
7 of, directly to the consumer.

8 (R) ~~(q)~~ "Retail ornamental fish facility" means a facility
9 in which a person sells, imports or exports at wholesale or
10 retail, leases, or loans ornamental species of aquatic organisms
11 that may live in fresh, brackish, or saltwater environments to
12 the general public for home or public display purposes.

13 (S) ~~(r)~~ "Waters of the state" means groundwaters, lakes,
14 rivers, and streams and all other watercourses and waters within
15 the jurisdiction of the state and also the Great Lakes bordering
16 the state.

17 (T) ~~(s)~~ "Zoo" means any park, building, cage, enclosure,
18 or other structure or premises in which a live animal is kept for
19 public exhibition or viewing, regardless of whether compensation
20 is received.

21 Sec. 3. (1) The department shall administer this act.

22 (2) The department may conduct activities designed to
23 develop ~~and~~ OR assist the aquaculture industry in the manner
24 provided for by law.

25 (3) THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF NAT-
26 URAL RESOURCES ON THE DEPARTMENT'S PROCEDURES AND POLICIES UNDER
27 THIS ACT PERTAINING TO EACH OF THE FOLLOWING:

1 (A) THE IMPORTING OF AQUATIC SPECIES.

2 (B) THE TRANSPORTING OF AQUATIC SPECIES.

3 (C) THE ESTABLISHMENT OF A PROTOCOL FOR REPORTING AND TRACK-
4 ING THE IMPORTING AND TRANSPORTING OF AQUATIC SPECIES.

5 (4) THE DEPARTMENT AND THE DEPARTMENT OF NATURAL RESOURCES
6 SHALL JOINTLY PREPARE AN ANNUAL REPORT TO THE LEGISLATURE ON THE
7 IMPLEMENTATION OF THE PROCEDURES AND POLICIES DESCRIBED IN
8 SUBSECTION (3).

9 Enacting section 1. This amendatory act does not take
10 effect unless House Bill No. 4150 of the 91st Legislature is
11 enacted into law.