



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 1136 (as enacted)
Sponsor: Senator Dave Robertson
Senate Committee: Natural Resources
House Committee: Natural Resources

PUBLIC ACT 671 of 2018

Date Completed: 4-8-19

CONTENT

The bill renamed Part 414 (Aquatic Invasive Species Advisory Council) of the Natural Resources and Environmental Protection Act to Part 414 (Aquatic Invasive Species). The bill amended Part 414 to do the following:

- **Require the Department of Environmental Quality (DEQ) to establish an inland lake aquatic invasive plant species control and eradication program.**
- **Require the program to provide grants to eligible applicants for eligible projects to control and eradicate inland lake aquatic invasive plant species.**
- **Prescribe requirements for eligible applicants and eligible projects for the program.**
- **Create the "Inland Lake Aquatic Invasive Plant Species Control and Eradication Fund" within the State Treasury for inland lake aquatic invasive plant species control or eradication grants.**

The bill took effect on March 29, 2019.

Inland Lake Aquatic Invasive Plant Species Control and Eradication Program

The bill requires the DEQ to establish an inland lake aquatic invasive plant species control and eradication program. The program must provide grants to eligible applicants for eligible projects to control or eradicate inland lake aquatic invasive plant species using chemical, physical, or biological methods, or a combination of these methods. A grant may include funding for costs associated with preparation of a vegetation management plan, required monitoring, and any necessary permit fees associated with the eligible project. "Aquatic invasive plant species" means an aquatic plant species, hybrid, or genotype that is not native and whose introduction causes, or is likely to cause, economic or environmental harm or harm to human health.

An eligible applicant must meet both of the following requirements: a) be a legally constituted lake association or nonprofit organization, property owners association, homeowners association, lake board, or special assessment district; and b) have demonstrated that a permit from the Department is in effect to conduct the control or eradication activities included in the eligible project.

An eligible project must meet all of the following requirements:

- There is public access to the inland lake for all activities associated with the project.

- The waterbody has vegetation management goals created by a licensed commercial applicator or lake manager.
- All survey, control, eradication, and documentation activities have been completed by a qualified scientist, technician, licensed commercial aquatic applicator, or university representative.
- All control or eradication activities use best management practices.
- The project uses products approved or authorized by the United States Environmental Protection Agency, the DEQ, or the Department of Agriculture and Rural Development for the control of eradication activities.

The DEQ is required to issue grants considering the following statewide priorities:

- Permit fees associated with an eligible project.
- Eligible projects to manage pioneer infestations of inland lake aquatic invasive plant species.
- Eligible projects to prevent or control the further spread of inland lake aquatic invasive plant species.
- Eligible projects for recurring maintenance control.

If an eligible applicant submits an application for an eligible project, but does not receive a grant because of a lack of available funds, that applicant must be given special consideration for approval in the following year.

An eligible applicant that wishes to receive a grant must submit an application to the DEQ containing the information required by the Department. Grant applications must be submitted by July 1. By September 1, the Department must notify each applicant whether its application has been approved. The Department may require an applicant that receives a grant to enter into a grant agreement with it before issuing the grant.

Inland Lake Aquatic Invasive Plant Species Control and Eradication Fund

The State Treasurer may receive money or other assets from any source for deposit into the Inland Lake Aquatic Invasive Plant Species Control and Eradication Fund. The State Treasurer must direct the investment of the Fund, and credit to it interest and earnings from Fund investments. Money in the Fund at the close of the fiscal year must remain in the Fund and must not lapse to the General Fund. The DEQ must be the administrator of the Inland Lake Aquatic Invasive Plant Species Control and Eradication Fund for auditing purposes.

The Department is required to spend money from the Fund, upon appropriation, only for the following:

- Inland lake aquatic invasive plant species control or eradication grants.
- Grant administration, in an amount not to exceed 3% of annual available funding.

MCL 324.41401 et al.

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bill will have a potentially negative fiscal impact on the Department of Environmental Quality (DEQ) and no fiscal impact on local units of government. The bill creates the Inland Lake Aquatic Invasive Plant Species Control and Eradication Fund, and requires the Fund to be used to provide grants for eradication and control of aquatic invasive plant species. Public Act 618 of 2018 provided a \$1.0 million appropriation for the Fund for fiscal year 2018-19, however the bill does not provide a revenue source for the Fund. For future fiscal years, then,

appropriations for these grants would have to come from existing DEQ resources or from the State General Fund.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.