

SUBSTITUTE FOR
SENATE BILL NO. 1136

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by amending the heading of part 414 and
by adding sections 41401, 41402, and 41403.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 414

AQUATIC INVASIVE SPECIES ADVISORY ~~COUNCIL~~

SEC. 41401. AS USED IN THIS PART:

(A) "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.

(B) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
QUALITY.

(C) "ELIGIBLE APPLICANT" MEANS A PERSON THAT MEETS THE

1 REQUIREMENTS UNDER SECTION 41402.

2 (D) "ELIGIBLE PROJECT" MEANS A PROJECT THAT MEETS THE
3 REQUIREMENTS UNDER SECTION 41402.

4 (E) "FUND" MEANS THE INLAND LAKE AQUATIC INVASIVE PLANT
5 SPECIES CONTROL AND ERADICATION FUND CREATED IN SECTION 41403.

6 (F) "GRANT" MEANS AN INLAND LAKE AQUATIC INVASIVE PLANT
7 SPECIES CONTROL OR ERADICATION GRANT ISSUED THROUGH THE PROGRAM.

8 (G) "PROGRAM" MEANS THE INLAND LAKE AQUATIC INVASIVE PLANT
9 SPECIES CONTROL AND ERADICATION PROGRAM ESTABLISHED IN SECTION
10 41402.

11 SEC. 41402. (1) THE DEPARTMENT SHALL ESTABLISH AN INLAND LAKE
12 AQUATIC INVASIVE PLANT SPECIES CONTROL AND ERADICATION PROGRAM. THE
13 PROGRAM SHALL PROVIDE GRANTS TO ELIGIBLE APPLICANTS FOR ELIGIBLE
14 PROJECTS TO CONTROL OR ERADICATE INLAND LAKE AQUATIC INVASIVE PLANT
15 SPECIES, INCLUDING VEGETATION MANAGEMENT PLANS AND ANY NECESSARY
16 PERMIT FEES ASSOCIATED WITH THOSE PROJECTS.

17 (2) AN ELIGIBLE APPLICANT MUST MEET BOTH OF THE FOLLOWING
18 REQUIREMENTS:

19 (A) BE A LEGALLY CONSTITUTED LAKE ASSOCIATION, PROPERTY OWNERS
20 ASSOCIATION, HOMEOWNERS ASSOCIATION, LAKE BOARD, OR SPECIAL
21 ASSESSMENT DISTRICT.

22 (B) HAVE RECEIVED A PERMIT FROM THE DEPARTMENT TO CONDUCT ALL
23 PROJECT ACTIVITIES.

24 (3) AN ELIGIBLE PROJECT MUST MEET ALL OF THE FOLLOWING
25 REQUIREMENTS:

26 (A) THERE IS PUBLIC ACCESS TO THE INLAND LAKE FOR ALL
27 ACTIVITIES ASSOCIATED WITH THE PROJECT.

1 (B) THE WATERBODY MUST HAVE VEGETATION MANAGEMENT GOALS
2 CREATED BY A LICENSED COMMERCIAL APPLICATOR OR LAKE MANAGER.

3 (C) ALL SURVEY, CONTROL, ERADICATION, AND DOCUMENTATION
4 ACTIVITIES MUST BE COMPLETED BY A QUALIFIED SCIENTIST, TECHNICIAN,
5 LICENSED COMMERCIAL AQUATIC APPLICATOR, OR UNIVERSITY
6 REPRESENTATIVE.

7 (D) ALL CONTROL OR ERADICATION ACTIVITIES MUST USE BEST
8 MANAGEMENT PRACTICES.

9 (E) THE PRODUCTS USED IN CONTROL OR ERADICATION ACTIVITIES
10 THAT ARE CONDUCTED SHALL BE APPROVED OR AUTHORIZED BY THE UNITED
11 STATES ENVIRONMENTAL PROTECTION AGENCY AND THE DEPARTMENT.

12 (4) THE DEPARTMENT SHALL ISSUE GRANTS TO ELIGIBLE APPLICANTS
13 FOR ELIGIBLE PROJECTS IN THE FOLLOWING PRIORITY ORDER:

14 (A) PERMIT FEES ASSOCIATED WITH THE ELIGIBLE PROJECT.

15 (B) PROJECTS TO MANAGE PIONEER INFESTATIONS OF INLAND LAKE
16 AQUATIC INVASIVE PLANT SPECIES.

17 (C) PROJECTS TO PREVENT OR CONTROL THE FURTHER SPREAD OF
18 INLAND LAKE AQUATIC INVASIVE PLANT SPECIES.

19 (D) PROJECTS FOR RECURRING MAINTENANCE CONTROL.

20 (5) IF AN ELIGIBLE APPLICANT SUBMITS AN APPLICATION FOR AN
21 ELIGIBLE PROJECT, BUT DOES NOT RECEIVE A GRANT BECAUSE OF A LACK OF
22 AVAILABLE FUNDS, THAT ELIGIBLE APPLICANT SHALL BE GIVEN PRIORITY
23 FOR APPROVAL IN THE FOLLOWING YEAR WITHIN THE APPROPRIATE CATEGORY
24 UNDER SUBSECTION (4) (A) TO (D) FOR WHICH THE GRANT APPLICATION WAS
25 SUBMITTED.

26 (6) AN ELIGIBLE APPLICANT THAT WISHES TO RECEIVE A GRANT SHALL
27 SUBMIT AN APPLICATION TO THE DEPARTMENT CONTAINING THE INFORMATION

1 REQUIRED BY THE DEPARTMENT. APPLICATIONS FOR GRANTS SHALL BE
2 SUBMITTED BY FEBRUARY 1. BY MARCH 1, THE DEPARTMENT SHALL NOTIFY
3 EACH APPLICANT WHETHER ITS APPLICATION HAS BEEN APPROVED. THE
4 DEPARTMENT MAY REQUIRE AN APPLICANT THAT RECEIVES A GRANT TO ENTER
5 INTO A GRANT AGREEMENT WITH THE DEPARTMENT PRIOR TO THE ISSUANCE OF
6 THE GRANT.

7 SEC. 41403. (1) THE INLAND LAKE AQUATIC INVASIVE PLANT SPECIES
8 CONTROL AND ERADICATION FUND IS CREATED WITHIN THE STATE TREASURY.

9 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
10 ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL
11 DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT
12 TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

13 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
14 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

15 (4) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR
16 AUDITING PURPOSES.

17 (5) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON
18 APPROPRIATION, ONLY FOR INLAND LAKE AQUATIC INVASIVE PLANT SPECIES
19 CONTROL OR ERADICATION GRANTS.

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.