

HOUSE BILL No. 6210

June 18, 2002, Introduced by Reps. Meyer, Voorhees, Vander Veen, Rocca, Callahan, Tabor, Shackleton and DeVuyst and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2001 PA 114, and by adding section 3101c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3101. As used in this part:

2 (A) "AQUATIC NUISANCE RAPID RESPONSE TEAM" MEANS THE DIREC-
3 TOR OF THE DEPARTMENT OR HIS OR HER DESIGNEE, THE DIRECTOR OF THE
4 DEPARTMENT OF AGRICULTURE OR HIS OR HER DESIGNEE, AND THE DIREC-
5 TOR OF THE DEPARTMENT OF NATURAL RESOURCES OR HIS OR HER DESIG-
6 NEE, ACTING JOINTLY WITH THE DIRECTOR OF THE DEPARTMENT OR HIS OR
7 HER DESIGNEE SERVING AS CHAIRPERSON.

8 (B) ~~(a)~~ "Aquatic nuisance species" means a nonindigenous
9 OR GENETICALLY ENGINEERED AQUATIC species that threatens the
10 diversity or abundance of native species or the ecological

1 stability of infested waters, or commercial, agricultural,
2 aquacultural, or recreational activities dependent on such
3 waters.

4 (C) "AQUATIC NUISANCE THREAT" MEANS THE DISCOVERY OF A NEW
5 AQUATIC NUISANCE SPECIES IN WATERS OF THE STATE OR A SIGNIFICANT
6 GEOGRAPHIC PROLIFERATION OR POPULATION INCREASE OF AN AQUATIC
7 NUISANCE SPECIES IN WATERS OF THE STATE.

8 (D) ~~(b)~~ "Ballast water" means water and associated solids
9 taken on board a vessel to control or maintain trim, draft, sta-
10 bility, or stresses on the vessel, without regard to the manner
11 in which it is carried.

12 (E) ~~(c)~~ "Ballast water treatment method" means a method of
13 treating ballast water and sediments to remove or destroy living
14 biological organisms through 1 or more of the following:

15 (i) Filtration.

16 (ii) The application of biocides or ultraviolet light.

17 (iii) Thermal methods.

18 (iv) Other treatment techniques approved by the department.

19 (F) ~~(d)~~ "Department" means the department of environmental
20 quality.

21 (G) ~~(e)~~ "Detroit consumer price index" means the most com-
22 prehensive index of consumer prices available for the Detroit
23 area from the United States department of labor, bureau of labor
24 statistics.

25 (H) "GENETICALLY ENGINEERED" REFERS TO AN ORGANISM WHOSE
26 GENOME, CHROMOSOMAL OR EXTRACHROMOSOMAL, IS MODIFIED PERMANENTLY
27 AND HERITABLY, USING RECOMBINANT NUCLEIC ACID TECHNIQUES.

1 (I) ~~(f)~~ "Great Lakes" means the Great Lakes and their
2 connecting waters, including lake St. Clair.

3 (J) "INDIAN COUNTRY" MEANS THAT TERM AS DEFINED IN SECTION 1
4 OF THE INDIAN CRIMES ACT OF 1976, CHAPTER 645, 62 STAT. 757, 18
5 U.S.C. 1151.

6 (K) ~~(g)~~ "Local unit" means a county, city, village, or
7 township or an agency or instrumentality of any of these
8 entities.

9 (L) ~~(h)~~ "Municipality" means this state, a county, city,
10 village, or township, or an agency or instrumentality of any of
11 these entities.

12 (M) ~~(i)~~ "Nonoceangoing vessel" means a vessel that is not
13 an oceangoing vessel.

14 (N) ~~(j)~~ "Oceangoing vessel" means a vessel that operates
15 on the Great Lakes or the St. Lawrence waterway after operating
16 in waters outside of the Great Lakes or the St. Lawrence
17 waterway.

18 (O) "RECOMBINANT NUCLEIC ACID TECHNIQUES" MEANS LABORATORY
19 TECHNIQUES THROUGH WHICH GENETIC MATERIAL IS ISOLATED AND MANIPU-
20 LATED IN VITRO AND THEN INSERTED INTO AN ORGANISM.

21 (R) ~~(k)~~ "Sediments" means any matter settled out of bal-
22 last water within a vessel.

23 (Q) ~~(l)~~ "Sewage sludge" means sewage sludge generated in
24 the treatment of domestic sewage, other than only septage or
25 industrial waste.

1 (R) ~~(m)~~ "Sewage sludge derivative" means a product for
2 land application derived from sewage sludge that does not include
3 solid waste or other waste regulated under this act.

4 (S) ~~(n)~~ "Sewage sludge generator" means a person who gen-
5 erates sewage sludge that is applied to land.

6 (T) ~~(o)~~ "Sewage sludge distributor" means a person who
7 applies, markets, or distributes, except at retail, a sewage
8 sludge derivative.

9 (U) ~~(p)~~ "St. Lawrence waterway" means the St. Lawrence
10 river, the St. Lawrence seaway, and the gulf of St. Lawrence.

11 (V) ~~(q)~~ "Waters of the state" means groundwaters, lakes,
12 rivers, and streams and all other watercourses and waters,
13 including the Great Lakes, within the jurisdiction of this
14 state.

15 SEC. 3101C. (1) BEGINNING OCTOBER 1, 2003, WITHIN 30 DAYS
16 AFTER THE DEPARTMENT, THE DEPARTMENT OF AGRICULTURE, OR THE
17 DEPARTMENT OF NATURAL RESOURCES RECEIVES SUBSTANTIATED INFORMA-
18 TION OF AN AQUATIC NUISANCE THREAT, THE AQUATIC NUISANCE RAPID
19 RESPONSE TEAM SHALL DO BOTH OF THE FOLLOWING:

20 (A) PREPARE A WRITTEN REPORT DESCRIBING THE AQUATIC NUISANCE
21 THREAT, THE ENVIRONMENTAL AND ECONOMIC RAMIFICATIONS OF THE
22 AQUATIC NUISANCE THREAT, AND LEGISLATIVE OR OTHER RECOMMENDATIONS
23 FOR ADDRESSING THE AQUATIC NUISANCE THREAT.

24 (B) SUBMIT THE REPORT TO EACH OF THE FOLLOWING:

25 (i) THE COMMISSION.

26 (ii) THE COMMISSION OF AGRICULTURE.

1 (iii) EACH STANDING COMMITTEE OF THE SENATE AND HOUSE OF
2 REPRESENTATIVES WITH PRIMARY JURISDICTION OVER ENVIRONMENTAL
3 PROTECTION, NATURAL RESOURCES, OR AGRICULTURE ISSUES.

4 (iv) THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

5 (v) THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND
6 WILDLIFE SERVICE.

7 (vi) THE GOVERNOR OF EACH STATE AND THE PREMIERE OF EACH
8 PROVINCE OF CANADA WITH TERRITORY IN THE GREAT LAKES BASIN.

9 (vii) EACH DOMESTIC DEPENDENT SOVEREIGN WITH INDIAN COUNTRY
10 IN THE GREAT LAKES BASIN.

11 (2) BY OCTOBER 1, 2003, AND OCTOBER 1 OF EACH YEAR THEREAF-
12 TER, THE AQUATIC NUISANCE RAPID RESPONSE TEAM SHALL DEVELOP A
13 WRITTEN INVENTORY OF KNOWN AQUATIC NUISANCE SPECIES IN MICHIGAN
14 AND SUBMIT THE INVENTORY TO EACH OFFICER OR ENTITY LISTED IN
15 SUBSECTION (1)(B).

16 (3) IN PREPARING A REPORT UNDER SUBSECTION (1)(A) OR AN
17 INVENTORY UNDER SUBSECTION (2), THE AQUATIC NUISANCE RAPID
18 RESPONSE TEAM MAY CONSULT WITH ANY OFFICER OR ENTITY LISTED IN
19 SUBSECTION (1)(B) OR ANY OTHER PERSON.

20 (4) BY JANUARY 1, 2003, THE DIRECTOR, THE DIRECTOR OF THE
21 DEPARTMENT OF AGRICULTURE, AND THE DIRECTOR OF THE DEPARTMENT OF
22 NATURAL RESOURCES SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING
23 PROVIDING PROCEDURES FOR IMPLEMENTING THIS SECTION, INCLUDING THE
24 SHARING OF COSTS.