

**SUBSTITUTE FOR
SENATE BILL NO. 280**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 41301, 41305, 41306, 41309, 41311, 41313, and
41323 (MCL 324.41301, 324.41305, 324.41306, 324.41309, 324.41311,
324.41313, and 324.41323), section 41301 as amended by 2005 PA 77,
section 41305 as amended and section 41306 as added by 2005 PA 79,
section 41309 as amended by 2005 PA 76, sections 41311 and 41313 as
added by 2005 PA 80, and section 41323 as added by 2005 PA 75; and
to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 41301. (1) As used in this part:
2 ~~—— (a) "Council" means the invasive species advisory council~~
3 ~~created in section 41321.~~

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1 (A) ~~(b)~~—"Department" means the department of natural
2 resources.

3 (B) ~~(c)~~—"Genetically engineered" refers to an organism whose
4 genome, chromosomal or extrachromosomal, is modified permanently
5 and heritably, using recombinant nucleic acid techniques, or the
6 progeny thereof **OF SUCH AN ORGANISM.**

7 (C) ~~(d)~~—"Introduce", with reference to an organism, means to
8 knowingly and willfully stock, place, plant, release, or allow the
9 release of the organism in this state at any specific location
10 where the organism is not already naturalized.

11 (D) ~~(e)~~—"Prohibited aquatic plant species" means any of the
12 following or fragments or seeds thereof **SPECIES" MEANS ANY OF THE**
13 **FOLLOWING:**

14 (i) **ANY OF THE FOLLOWING PROHIBITED AQUATIC PLANT SPECIES,**
15 **INCLUDING A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES**
16 **OR A FRAGMENT<<, INCLUDING A SEED OR OTHER PROPAGULE,>> OF THE SPECIES OR**
17 **ENGINEERED VARIANT:**

18 (A) ~~(i)~~ African oxygen weed (Lagarosiphon major). ~~or a hybrid~~
19 ~~or genetically engineered variant thereof.~~

20 (B) ~~(ii)~~ Brazilian elodea (Egeria densa). ~~or a hybrid or~~
21 ~~genetically engineered variant thereof.~~

22 ~~<<(C) CYLINDRO (CYLINDROSPERMOPSIS RACIBORSKII).~~

23 ~~(D)>> (iii) European frogbit (Hydrocharis morsus-ranae). or a~~
24 ~~hybrid or genetically engineered variant thereof.~~

25 ~~<<(E) FANWORT (CABOMBA CAROLINIANA).~~

26 ~~(F)>> (iv) Giant hogweed (Heracleum mantegazzianum). or a hybrid~~
27 ~~or genetically engineered variant thereof.~~

28 ~~<<(G)>> (v) Giant salvinia (Salvinia molesta, auriculata, biloba,~~
29 ~~or herzogii). or a hybrid or genetically engineered variant~~

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thereof.

<<(H)>> ~~(vi) Hydrilla (Hydrilla verticillata). or a hybrid or genetically engineered variant thereof.~~

<<(I)>> ~~(vii) Japanese knotweed (Fallopia japonica). or a hybrid or genetically engineered variant thereof.~~

<<(J)>> ~~(viii) Parrot's feather (Myriophyllum aquaticum). or a hybrid or genetically engineered variant thereof.~~

**<<(K) STARRY STONEWORT (NITELLOPSIS OBTUSA).
(L)>>** ~~(ix) Water chestnut (Trapa natans). or a hybrid or genetically engineered variant thereof.~~

~~—— (x) Yellow flag iris (Iris pseudacorus) or a hybrid or genetically engineered variant thereof.~~

<<(M)>> ~~(xi) Yellow floating heart (Nymphoides peltata). or a hybrid or genetically engineered variant thereof.~~

~~—— (f) "Prohibited fish species" means any of the following or the eggs thereof.~~

(ii) THE FOLLOWING PROHIBITED BIRD SPECIES, INCLUDING A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES OR AN EGG OF THE SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT: EURASIAN COLLARED DOVE (STREPTOPELIA DECAOCTO).

(iii) THE FOLLOWING PROHIBITED CRUSTACEAN SPECIES, INCLUDING A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES OR AN EGG OF THE SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT: RUSTY CRAYFISH (ORCONECTES RUSTICUS).

(iv) ANY OF THE FOLLOWING PROHIBITED FISH SPECIES, INCLUDING A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES OR AN EGG OF THE SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT:

(A) ~~(i) Bighead carp (Hypophthalmichthys nobilis). or a hybrid~~

~~or genetically engineered variant thereof.~~

(B) ~~(iii)~~ Bitterling (*Rhodeus sericeus*). ~~or a hybrid or genetically engineered variant thereof.~~

(C) ~~(iii)~~ Black carp (*Mylopharyngodon piceus*). ~~or a hybrid or genetically engineered variant thereof.~~

(D) **EURASIAN RUFFE (*GYMNOCEPHALUS CERNUUS*).**

(E) ~~(iv)~~ Grass carp (*Ctenopharyngodon idellus*). ~~or a hybrid or genetically engineered variant thereof.~~

(F) ~~(v)~~ Ide (*Leuciscus idus*). ~~or a hybrid or genetically engineered variant thereof.~~

(G) ~~(vi)~~ Japanese weatherfish (*Misgurnus anguillicaudatus*). ~~or a hybrid or genetically engineered variant thereof.~~

(H) **ROUND GOBY (*NEOGOBIOUS MELANOSTOMUS*).**

(I) ~~(vii)~~ Rudd (*Scardinius erythrophthalmus*). ~~or a hybrid or genetically engineered variant thereof.~~

(J) ~~(viii)~~ Silver carp (*Hypophthalmichthys molitrix*). ~~or a hybrid or genetically engineered variant thereof.~~

(K) ~~(ix)~~ A fish of the snakehead family (family *Channidae*). ~~or a genetically engineered variant thereof.~~

(L) ~~(x)~~ Tench (*Tinca tinca*). ~~or a hybrid or genetically engineered variant thereof.~~

~~— (g) "Prohibited insect species" means any of the following or the eggs thereof.~~

(M) **TUBENOSE GOBY (*PROTERORHINUS MARMORATUS*).**

(v) **ANY OF THE FOLLOWING PROHIBITED INSECT SPECIES, INCLUDING A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES OR AN EGG OF THE SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT:**

1 (A) ~~(i)~~ Asian longhorned beetle (*Anoplophora glabripennis*). ~~or~~
2 ~~a hybrid or genetically engineered variant thereof.~~

3 (B) ~~(ii)~~ Emerald ash borer (*Agrilus planipennis*). ~~or a hybrid~~
4 ~~or genetically engineered variant thereof.~~

5 ~~(h) "Prohibited species" means any of the following:~~

6 ~~(i) A prohibited aquatic plant species.~~

7 ~~(ii) A prohibited fish species.~~

8 ~~(iii) A prohibited insect species.~~

9 (vi) THE FOLLOWING PROHIBITED MAMMAL SPECIES, INCLUDING A
10 HYBRID OR GENETICALLY ENGINEERED VARIANT: NUTRIA (*MYOCASTOR*
11 COYPUS) .

12 (vii) ANY OF THE FOLLOWING PROHIBITED MOLLUSK SPECIES,
13 INCLUDING A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES
14 OR AN EGG OF THE SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED
15 VARIANT:

16 (A) XEROLENTA OBVIA.

17 (B) BROWN GARDEN SNAIL (*HELIX ASPERSA*) .

18 (C) CARTHUSIAN SNAIL (*MONACHA CARTUSIANA*) .

19 (D) GIANT AFRICAN SNAIL (*ACHATINA FULICA*) .

20 (E) GIRDLED SNAIL (*HYGROMIA CINCTELLA*) .

21 (F) WRINKLED DUNE SNAIL (*CANDIDULA INTERSECTA*) .

22 (E) ~~(i)~~ "Recombinant nucleic acid techniques" means laboratory
23 techniques through which genetic material is isolated and
24 manipulated in vitro and then inserted into an organism.

25 (F) ~~(j)~~ "Restricted aquatic plant species" means any of the
26 ~~following or fragments or seeds thereof~~ SPECIES" MEANS ANY OF THE
27 FOLLOWING:

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(i) ANY OF THE FOLLOWING RESTRICTED AQUATIC PLANT SPECIES,
INCLUDING A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES
OR A FRAGMENT<<, INCLUDING A SEED OR OTHER PROPAGULE,>> OF THE SPECIES OR
OF A HYBRID OR GENETICALLY
ENGINEERED VARIANT:

(A) ~~(i)~~ Curly leaf pondweed (*Potamogeton crispus*). ~~or a hybrid~~
~~or genetically engineered variant thereof.~~

(B) ~~(ii)~~ Eurasian watermilfoil (*Myriophyllum spicatum*). ~~or a~~
~~hybrid or genetically engineered variant thereof.~~

(C) ~~(iii)~~ Flowering rush (*Butomus umbellatus*). ~~or a hybrid or~~
~~genetically engineered variant thereof.~~

(D) ~~(iv)~~ Phragmites or common reed (*Phragmites australis*). ~~or a~~
~~hybrid or genetically engineered variant thereof.~~

(E) ~~(v)~~ Purple loosestrife (*Lythrum salicaria*), ~~or a hybrid or~~
~~genetically engineered variant thereof, except for THAT~~ cultivars
OF PURPLE LOOSESTRIFE developed and recognized to be sterile and
approved by the director of THE DEPARTMENT OF agriculture under
section 16a of the insect pest and plant disease act, 1931 PA 189,
MCL 286.216a, ARE NOT A RESTRICTED SPECIES.

~~—— (k) "Restricted species" means a restricted aquatic plant~~
~~species.~~

(ii) ANY OF THE FOLLOWING RESTRICTED MOLLUSK SPECIES, INCLUDING
A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES OR AN EGG
OF THE SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT:

(A) QUAGGA MUSSEL (*DREISSENA BUGENSIS*).

(B) ZEBRA MUSSEL (*DREISSENA POLYMORPHA*).

(2) IT IS THE INTENTION OF THE LEGISLATURE TO LIST AN ORGANISM
AS A PROHIBITED SPECIES IF THE ORGANISM MEETS 1 OR MORE OF THE

1 FOLLOWING CRITERIA:

2 (A) THE ORGANISM IS NOT FOUND IN THIS STATE OR IS FOUND IN
3 THIS STATE IN ONLY LIMITED LOCATIONS.

4 (B) THE ORGANISM HAS THE POTENTIAL FOR CAUSING ANY OF THE
5 FOLLOWING:

6 (i) SEVERE HARM TO THE ECONOMY OF THIS STATE.

7 (ii) HARM TO ANIMALS.

8 (iii) HARM TO HUMAN HEALTH OR SAFETY.

9 (C) EFFECTIVE MANAGEMENT OR CONTROL TECHNIQUES FOR THE
10 ORGANISM ARE NOT AVAILABLE.

11 (3) IT IS THE INTENTION OF THE LEGISLATURE TO LIST AN ORGANISM
12 AS A RESTRICTED SPECIES IF THE ORGANISM MEETS 1 OR MORE OF THE
13 FOLLOWING CRITERIA:

14 (A) THE ORGANISM IS COMMONLY FOUND IN THIS STATE.

15 (B) THE ORGANISM HAS THE POTENTIAL FOR CAUSING ANY OF THE
16 FOLLOWING:

17 (i) HARM TO THE ECONOMY OF THIS STATE.

18 (ii) HARM TO ANIMALS.

19 (iii) HARM TO HUMAN HEALTH OR SAFETY.

20 (C) EFFECTIVE MANAGEMENT OR CONTROL TECHNIQUES FOR THE
21 ORGANISM ARE AVAILABLE.

22 (4) ~~(2)~~—For the purposes of this part:

23 (a) A person is not considered to possess a live organism
24 simply because the organism is present on land or in waters owned
25 by that person unless the person has knowingly introduced that live
26 organism on that land or in those waters.

27 (b) A person is not considered to possess a live organism if

1 the organism was obtained from the environment and the person only
2 possesses the organism at the specific location at which it was
3 obtained from the environment.

4 (c) A person is not considered to possess a live organism if
5 the possession is for the purpose of promptly destroying the
6 organism.

7 Sec. 41305. A person shall not introduce a prohibited species,
8 a restricted species, or a genetically engineered or nonnative ~~fish~~
9 ~~or~~-aquatic plant, **BIRD, CRUSTACEAN, FISH, MAMMAL, OR MOLLUSK** unless
10 the introduction is authorized by 1 of the following, as
11 applicable:

12 (a) For a fish, by a permit issued by the department under
13 section 48735.

14 (b) For a prohibited species or restricted species that is an
15 insect, by a permit issued by the department of agriculture under
16 section 41306.

17 (c) For an aquatic plant, **BIRD, CRUSTACEAN, FISH, MAMMAL, OR**
18 **MOLLUSK**, by a permit issued by the department under section 41306.

19 Sec. 41306. (1) A person shall apply for a permit that section
20 41303 or 41305 describes as being issued by the department or the
21 department of agriculture under this section on a form developed by
22 the department or the department of agriculture, respectively. The
23 application shall be accompanied by a fee based on the cost of
24 administering this part. The department or the department of
25 agriculture, respectively, shall either grant an administratively
26 complete application and issue a permit or deny the application.

27 (2) The department or the department of agriculture may revoke

1 or modify a permit issued by the department or the department of
2 agriculture, respectively, under subsection (1) after providing an
3 opportunity for a hearing under the administrative procedures act
4 of 1969, 1969 PA 306, MCL 24.201 to 24.328.

5 **(3) THE DEPARTMENT SHALL ENFORCE THIS PART, EXCEPT WITH**
6 **RESPECT TO INSECT SPECIES. THE DEPARTMENT OF AGRICULTURE SHALL**
7 **ENFORCE THIS PART WITH RESPECT TO INSECT SPECIES.**

8 Sec. 41309. (1) A person who violates section 41303(2) is
9 subject to a civil fine of not more than \$100.00.

10 (2) A person who violates section 41303(1), or a condition of
11 a permit issued under this part, with respect to a restricted
12 species is subject to a civil fine of not more than \$5,000.00. A
13 person who violates section 41303(1), or a condition of a permit
14 issued under this part, with respect to a prohibited species is
15 subject to a civil fine of not more than \$10,000.00.

16 (3) A person who violates section 41303(1) knowing the
17 possession is unlawful or who willfully or in a grossly negligent
18 manner violates a condition of a permit issued under this part is
19 guilty as follows:

20 (a) For a violation involving a restricted species, the person
21 is guilty of a misdemeanor and may be imprisoned for not more than
22 1 year and shall be fined not less than \$1,000.00 or more than
23 \$10,000.00.

24 (b) For a violation involving a prohibited species, the person
25 is guilty of a felony and may be imprisoned for not more than 2
26 years and shall be fined not less than \$2,000.00 or more than
27 \$20,000.00.

1 (4) A person who, with intent to damage natural, agricultural,
2 or silvicultural resources:

3 (a) Violates section 41303(1) with respect to a restricted
4 species or possesses a nonnative ~~fish or~~ aquatic plant, **BIRD,**
5 **CRUSTACEAN, FISH, MAMMAL, OR MOLLUSK** is guilty of a felony and may
6 be imprisoned for not more than 2 years and shall be fined not less
7 than \$1,000.00 or more than \$250,000.00.

8 (b) Violates section 41303(1) with respect to a prohibited
9 species or possesses a genetically engineered ~~fish or~~ aquatic
10 plant, **BIRD, CRUSTACEAN, FISH, MAMMAL, OR MOLLUSK** is guilty of a
11 felony and may be imprisoned for not more than 4 years and shall be
12 fined not less than \$2,000.00 or more than \$500,000.00.

13 (5) A person who sells or offers to sell a restricted species
14 is subject to a civil fine of not less than \$1,000.00 or more than
15 \$10,000.00. A person who sells or offers to sell a prohibited
16 species is subject to a civil fine of not less than \$2,000.00 or
17 more than \$20,000.00.

18 (6) A person who violates section 41305 is guilty as follows:

19 (a) For a violation involving a restricted species or a
20 nonnative ~~fish or~~ aquatic plant, **BIRD, CRUSTACEAN, FISH, MAMMAL, OR**
21 **MOLLUSK**, the person is guilty of a misdemeanor and may be
22 imprisoned for not more than 6 months and shall be fined not less
23 than \$500.00 or more than \$5,000.00.

24 (b) For a violation involving a prohibited species or a
25 genetically engineered ~~fish or~~ aquatic plant, **BIRD, CRUSTACEAN,**
26 **FISH, MAMMAL, OR MOLLUSK**, the person is guilty of a misdemeanor and
27 may be imprisoned for not more than 1 year and shall be fined not

1 less than \$1,000.00 or more than \$10,000.00.

2 (7) A person who violates section 41305 with respect to a
3 restricted species or nonnative ~~fish or aquatic plant~~, **BIRD**,
4 **CRUSTACEAN, FISH, MAMMAL, OR MOLLUSK** and who knows or should know
5 the identity of the restricted species or that the organism,
6 whether a restricted species or other ~~fish or aquatic plant~~, **BIRD**,
7 **CRUSTACEAN, FISH, MAMMAL, OR MOLLUSK**, is nonnative is guilty of a
8 misdemeanor and may be imprisoned for not more than 1 year and
9 shall be fined not less than \$1,000.00 or more than \$10,000.00.

10 (8) A person who violates section 41305 with respect to a
11 prohibited species or a genetically engineered fish or aquatic
12 plant, **BIRD, CRUSTACEAN, FISH, MAMMAL, OR MOLLUSK** and who knows or
13 should know the identity of the prohibited species or that the ~~fish~~
14 ~~or aquatic plant~~, **BIRD, CRUSTACEAN, FISH, MAMMAL, OR MOLLUSK** is
15 genetically engineered, respectively, is guilty of a felony and may
16 be imprisoned for not more than 2 years and shall be fined not less
17 than \$2,000.00 or more than \$20,000.00.

18 (9) A person who violates section 41305 knowing the
19 introduction is unlawful, is guilty as follows:

20 (a) For a violation involving a restricted species or
21 nonnative ~~fish or aquatic plant~~, **BIRD, CRUSTACEAN, FISH, MAMMAL, OR**
22 **MOLLUSK**, the person is guilty of a felony and may be imprisoned for
23 not more than 2 years and shall be fined not less than \$1,000.00 or
24 more than \$250,000.00.

25 (b) For a violation involving a prohibited species or a
26 genetically engineered ~~fish or aquatic plant~~, **BIRD, CRUSTACEAN,**
27 **FISH, MAMMAL, OR MOLLUSK**, the person is guilty of a felony and may

1 be imprisoned for not more than 4 years and shall be fined not less
2 than \$2,000.00 or more than \$500,000.00.

3 (10) A person who, with intent to damage natural,
4 agricultural, or silvicultural resources, violates section 41305 is
5 guilty as follows:

6 (a) For a violation involving a restricted species or
7 nonnative ~~fish or~~ aquatic plant, **BIRD, CRUSTACEAN, FISH, MAMMAL, OR**
8 **MOLLUSK**, the person is guilty of a felony and may be imprisoned for
9 not more than 3 years and shall be fined not less than \$1,000.00 or
10 more than \$500,000.00.

11 (b) For a violation involving a prohibited species or a
12 genetically engineered ~~fish or~~ aquatic plant, **BIRD, CRUSTACEAN,**
13 **FISH, MAMMAL, OR MOLLUSK**, the person is guilty of a felony and may
14 be imprisoned for not more than 5 years and shall be fined not less
15 than \$2,000.00 or more than \$1,000,000.00.

16 ~~— (11) Subsections (3), (4), and (9) do not apply before~~
17 ~~November 1, 2005 to violations involving species other than fish.~~
18 ~~Subsections (6), (7), (8), and (10) do not apply before November 1,~~
19 ~~2005.~~

20 (11) ~~(12)~~—In addition to any other civil or criminal sanction
21 imposed under this section, a person who violates this part is
22 liable for any damages to natural resources resulting from the
23 violation, including, but not limited to, costs incurred to prevent
24 or minimize such damages.

25 (12) ~~(13)~~—This part does not apply to activities authorized
26 under the Michigan aquaculture development act, 1996 PA 199, MCL
27 286.871 to 286.884.

1 Sec. 41311. (1) The invasive species fund is created within
2 the state treasury.

3 (2) The department shall forward to the state treasurer and
4 the state treasurer shall deposit into the fund civil fines and
5 permit fees collected under this part. The state treasurer may
6 receive money or other assets from any source for deposit into the
7 fund. The state treasurer shall direct the investment of the fund.
8 The state treasurer shall credit to the fund interest and earnings
9 from fund investments.

10 (3) Money in the fund at the close of the fiscal year shall
11 remain in the fund and shall not lapse to the general fund.

12 (4) The department shall expend money from the fund, upon
13 appropriation, only for 1 or more of the following purposes:

14 (a) The administration of this part.

15 (b) Public education about preventing the introduction of,
16 controlling, or eradicating prohibited species, restricted species,
17 and other nonnative species and genetically engineered ~~fish,~~
18 ~~insects, and aquatic plants,~~ **BIRDS, CRUSTACEANS, FISH, INSECTS,**
19 **MAMMALS, AND MOLLUSKS.**

20 Sec. 41313. The department shall post on its website all of
21 the following:

22 (a) Information on the requirements of this part applicable to
23 the public.

24 (b) The penalties for violating the requirements of this part.

25 (c) A list of prohibited species and restricted species along
26 with a description and a photograph or drawing of each of those
27 species.

1 (d) Each annual report of the ~~council~~**DEPARTMENT** under section
2 41323, for not less than 3 years after its issuance.

3 Sec. 41323. (1) The ~~council~~**DEPARTMENT** shall do all of the
4 following:

5 (a) ~~Within 6 months after the effective date of the amendatory~~
6 ~~act that added this section~~**BY MARCH 1 OF EACH YEAR**, submit to the
7 governor and the legislature a report that makes recommendations on
8 ~~additions~~**ALL OF THE FOLLOWING:**

9 (i) **ADDITIONS** to or deletions from the list of prohibited
10 species and restricted species **AND THE CLASSES OF ORGANISMS COVERED**
11 **BY THIS PART BASED ON CRITERIA SET FORTH IN SECTION 41301(2) AND**
12 **(3).**

13 ~~By March 1 of each year, beginning in 2006, submit to the~~
14 ~~governor and the legislature a report that makes recommendations on~~
15 ~~all of the following:~~

16 ~~(i) The adoption of lists for classes of prohibited and~~
17 ~~restricted organisms other than fish, insects, and aquatic plants.~~

18 (ii) The status of various prohibited species and other
19 problematic invasive organisms in this state, including, but not
20 limited to, a list of infested waterbodies by species.

21 (iii) Preventing the introduction of and controlling or
22 eradicating invasive or genetically engineered ~~fish, insects, and~~
23 aquatic plants, **BIRDS, CRUSTACEANS, FISH, INSECTS, MAMMALS, OR**
24 **MOLLUSKS.**

25 (iv) Restoration or remediation of habitats or species damaged
26 by invasive species or genetically engineered organisms.

27 (v) Prioritizing efforts to prevent violations of and

otherwise further the purposes of this part.

(vi) The specific areas of responsibility for various state departments under this part and the sharing of information on permits under this part among responsible state departments.

(vii) Educating citizens about their responsibilities under this part and their role in preventing the introduction of and controlling or eradicating prohibited species, restricted species, and invasive or genetically engineered ~~fish, insects, or aquatic~~ plants, **BIRDS, CRUSTACEANS, FISH, INSECTS, MAMMALS, OR MOLLUSKS.**

(viii) Simplifying citizen access to state government for compliance with this part.

(ix) Legislation and funding to carry out the ~~council's~~ **DEPARTMENT'S** recommendations and otherwise further the purposes of this part.

(x) Other matters that the ~~council~~-**DEPARTMENT** considers pertinent to the purposes of this part.

(c) Establish criteria for identifying waterbodies infested by prohibited species.

(d) Monitor and promote efforts to rescind the exemption under 40 CFR 122.3(a) for ballast water discharges.

(2) The ~~council~~-**DEPARTMENT** shall carry out its reporting and other duties in cooperation with the aquatic nuisance species council created under Executive Order No. 2002-21.

~~— (3) This section is repealed effective 5 years after the effective date of the amendatory act that added this section.~~

Enacting section 1. Section 41321 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.41321, is

1 repealed.

2 Enacting section 2. This amendatory act takes effect 90 days
3 after the date it is enacted into law.