

HOUSE 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:

1 PART 414

2 AQUATIC INVASIVE SPECIES ~~ADVISORY COUNCIL~~

3 SEC. 41401. AS USED IN THIS PART:

4 (A) "AQUATIC INVASIVE PLANT SPECIES" MEANS AN AQUATIC PLANT
5 SPECIES, HYBRID, OR GENOTYPE THAT IS NOT NATIVE AND WHOSE
6 INTRODUCTION CAUSES, OR IS LIKELY TO CAUSE, ECONOMIC OR
7 ENVIRONMENTAL HARM OR HARM TO HUMAN HEALTH.

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

1 (C) "ELIGIBLE APPLICANT" MEANS A PERSON THAT MEETS THE
2 REQUIREMENTS UNDER SECTION 41402.

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

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

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

9 (G) "PROGRAM" MEANS THE INLAND LAKE AQUATIC INVASIVE PLANT
10 SPECIES CONTROL AND ERADICATION PROGRAM ESTABLISHED IN SECTION
11 41402.

12 SEC. 41402. (1) THE DEPARTMENT SHALL ESTABLISH AN INLAND LAKE
13 AQUATIC INVASIVE PLANT SPECIES CONTROL AND ERADICATION PROGRAM. THE
14 PROGRAM SHALL PROVIDE GRANTS TO ELIGIBLE APPLICANTS FOR ELIGIBLE
15 PROJECTS TO CONTROL OR ERADICATE INLAND LAKE AQUATIC INVASIVE PLANT
16 SPECIES USING CHEMICAL, PHYSICAL, OR BIOLOGICAL METHODS, OR A
17 COMBINATION OF THESE METHODS. A GRANT MAY INCLUDE FUNDING FOR COSTS
18 ASSOCIATED WITH PREPARATION OF A VEGETATION MANAGEMENT PLAN,
19 REQUIRED MONITORING, AND ANY NECESSARY PERMIT FEES ASSOCIATED WITH
20 THE ELIGIBLE PROJECT.

21 (2) AN ELIGIBLE APPLICANT MUST MEET BOTH OF THE FOLLOWING
22 REQUIREMENTS:

23 (A) BE A LEGALLY CONSTITUTED LAKE ASSOCIATION OR NONPROFIT
24 ORGANIZATION, PROPERTY OWNERS ASSOCIATION, HOMEOWNERS ASSOCIATION,
25 LAKE BOARD, OR SPECIAL ASSESSMENT DISTRICT.

26 (B) HAVE DEMONSTRATED THAT A PERMIT FROM THE DEPARTMENT IS IN
27 EFFECT TO CONDUCT THE CONTROL OR ERADICATION ACTIVITIES INCLUDED IN

1 THE ELIGIBLE PROJECT.

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

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

6 (B) THE WATERBODY HAS VEGETATION MANAGEMENT GOALS CREATED BY A
7 LICENSED COMMERCIAL APPLICATOR OR LAKE MANAGER.

8 (C) ALL SURVEY, CONTROL, ERADICATION, AND DOCUMENTATION
9 ACTIVITIES HAVE BEEN COMPLETED BY A QUALIFIED SCIENTIST,
10 TECHNICIAN, LICENSED COMMERCIAL AQUATIC APPLICATOR, OR UNIVERSITY
11 REPRESENTATIVE.

12 (D) ALL CONTROL OR ERADICATION ACTIVITIES USE BEST MANAGEMENT
13 PRACTICES.

14 (E) THE PROJECT UTILIZES PRODUCTS APPROVED OR AUTHORIZED BY
15 THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, THE DEPARTMENT,
16 OR THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT FOR CONTROL
17 OR ERADICATION ACTIVITIES.

18 (4) THE DEPARTMENT SHALL ISSUE GRANTS CONSIDERING THE
19 FOLLOWING STATEWIDE PRIORITIES:

20 (A) PERMIT FEES ASSOCIATED WITH AN ELIGIBLE PROJECT.

21 (B) ELIGIBLE PROJECTS TO MANAGE PIONEER INFESTATIONS OF INLAND
22 LAKE AQUATIC INVASIVE PLANT SPECIES.

23 (C) ELIGIBLE PROJECTS TO PREVENT OR CONTROL THE FURTHER SPREAD
24 OF INLAND LAKE AQUATIC INVASIVE PLANT SPECIES.

25 (D) ELIGIBLE PROJECTS FOR RECURRING MAINTENANCE CONTROL.

26 (5) IF AN ELIGIBLE APPLICANT SUBMITS AN APPLICATION FOR AN
27 ELIGIBLE PROJECT, BUT DOES NOT RECEIVE A GRANT BECAUSE OF A LACK OF

1 AVAILABLE FUNDS, THAT ELIGIBLE APPLICANT SHALL BE GIVEN SPECIAL
2 CONSIDERATION FOR APPROVAL IN THE FOLLOWING YEAR.

3 (6) AN ELIGIBLE APPLICANT THAT WISHES TO RECEIVE A GRANT SHALL
4 SUBMIT AN APPLICATION TO THE DEPARTMENT CONTAINING THE INFORMATION
5 REQUIRED BY THE DEPARTMENT. APPLICATIONS FOR GRANTS SHALL BE
6 SUBMITTED BY JULY 1. BY SEPTEMBER 1, THE DEPARTMENT SHALL NOTIFY
7 EACH APPLICANT WHETHER ITS APPLICATION HAS BEEN APPROVED. THE
8 DEPARTMENT MAY REQUIRE AN APPLICANT THAT RECEIVES A GRANT TO ENTER
9 INTO A GRANT AGREEMENT WITH THE DEPARTMENT PRIOR TO THE ISSUANCE OF
10 THE GRANT.

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

13 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
14 ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL
15 DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT
16 TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

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

19 (4) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR
20 AUDITING PURPOSES.

21 (5) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON
22 APPROPRIATION, ONLY FOR THE FOLLOWING:

23 (A) INLAND LAKE AQUATIC INVASIVE PLANT SPECIES CONTROL OR
24 ERADICATION GRANTS.

25 (B) GRANT ADMINISTRATION, IN AN AMOUNT NOT TO EXCEED 3% OF
26 ANNUAL AVAILABLE FUNDING.

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.