

# SENATE BILL No. 1136

November 8, 2018, Introduced by Senators ROBERTSON, MEEKHOF and CASPERSON and referred to the Committee on Natural Resources.

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, INCLUDING VEGETATION MANAGEMENT PLANS AND ANY NECESSARY  
17 PERMIT FEES ASSOCIATED WITH THOSE PROJECTS.

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

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

23 (B) BE ELIGIBLE TO RECEIVE A PERMIT FROM THE DEPARTMENT TO  
24 CONDUCT ALL PROJECT ACTIVITIES.

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

27 (A) THERE IS PUBLIC ACCESS TO THE INLAND LAKE FOR ALL

1 ACTIVITIES ASSOCIATED WITH THE PROJECT.

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

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

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

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

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

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

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

19 (C) 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 (C) 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.