

Act No. 286
Public Acts of 2011
Approved by the Governor
December 21, 2011
Filed with the Secretary of State
December 21, 2011
EFFECTIVE DATE: December 21, 2011

STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2011

Introduced by Senators Hansen, Walker, Casperson, Moolenaar, Booher, Rocca, Proos, Pappageorge, Schuitmaker, Marleau, Warren, Hopgood, Bieda, Smith, Young, Green, Caswell, Meekhof, Nofs, Kowall, Jansen and Jones

ENROLLED SENATE BILL No. 510

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," (MCL 324.101 to 324.90106) by adding sections 41409, 41413, and 41415; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 41409. (1) Within 240 days after the effective date of the amendatory act that added this section, the council shall submit a report with recommendations for legislation or rules to prevent the introduction and spread of AIS through trade. The council shall submit the report to the governor, the senate majority leader, the speaker of the house of representatives, and the standing committees of the senate and house with primary responsibility for natural resources, conservation, agriculture, and commerce. In preparing the report, the council shall review the AIS laws of this state and other jurisdictions, including the other Great Lakes states.

(2) In the report under subsection (1), the council shall make recommendations on all of the following:

(a) The definition of aquatic invasive species. Before making recommendations under this subdivision, the council shall consider and address issues related to the domestication and cultivation of and potential beneficial effects of nonnative species and consider the "Invasive Species Definition Clarification and Guidance White Paper" submitted by the definitions subcommittee of the national invasive species advisory committee (ISAC) and approved by ISAC on April 27, 2006.

(b) Risk assessment processes to screen aquatic species proposed for trade and to screen pathways of introduction and spread. The risk assessment processes shall consider potential net harm to public health and safety, the environment and natural resources, and the economy. The processes shall place the burden to demonstrate the harmlessness of an aquatic species or pathway on the importer or other person responsible for introduction or distribution. The risk assessment process for species shall classify species into 3 lists: "prohibited", "permitted", and "restricted".

(c) Harmonizing federal and state law so that aquatic species on federal lists of either prohibited or permitted species of plants and animals are placed on the appropriate lists of this state.

(d) Establishing a program for aquatic species in trade to certify that the organisms are free of disease, insect pests, and incidental contamination by other species.

(e) An education program on safe-use practices directed to both buyers and sellers of aquatic species in trade.

(f) Connecting regulations and education on aquatic species in trade to the protection of this state's natural resources as a component of the pure Michigan tourism advertising campaign.

(g) Financial and other resources for implementing recommendations under this subsection.

(h) Proposals for collaborating with other Great Lakes states and Canadian provinces to create or strengthen regional programs or coordinate state and provincial programs to achieve the goals set forth in subsection (1).

(3) In preparing the report required by this section, the council shall consult with representatives of organizations and businesses that deal with organisms in trade, including the aquarium, bait, pet, water garden, horticulture, aquaculture, and shipping trades.

Sec. 41413. To facilitate coordination and minimize duplication in fulfilling its duties, the council shall do all of the following:

(a) Consider relevant recommendations and reports by other state, regional, federal, provincial, Canadian, and international bodies and collaborations.

(b) Regularly consult with the Great Lakes commission and the department of environmental quality, including the office of the Great Lakes.

Sec. 41415. This part is repealed effective 4 years after the effective date of the amendatory act that added this section.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

(a) Senate Bill No. 508.

(b) Senate Bill No. 509.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

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Governor

Compiler's note: Senate Bill No. 508, referred to in enacting section 1, was filed with the Secretary of State December 21, 2011, and became 2011 PA 284, Imd. Eff. Dec. 21, 2011.

Senate Bill No. 509, also referred to in enacting section 1, was filed with the Secretary of State December 21, 2011, and became 2011 PA 285, Imd. Eff. Dec. 21, 2011.