

Act No. 285
Public Acts of 2011
Approved by the Governor
December 21, 2011
Filed with the Secretary of State
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**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2011**

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

ENROLLED SENATE BILL No. 509

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 part 414.

The People of the State of Michigan enact:

PART 414 AQUATIC INVASIVE SPECIES ADVISORY COUNCIL

Sec. 41403. The legislature finds all of the following:

- (a) The waters of the Great Lakes basin are precious public natural resources shared and held in trust by the Great Lakes states and provinces.
- (b) The waters of the Great Lakes basin are interconnected and part of a single hydrologic system.
- (c) The Great Lakes basin can concurrently serve multiple uses, such as municipal, public, industrial, commercial, agriculture, mining, navigation, energy development and production, recreation, fishing, tourism, the subsistence, economic and cultural activities of native peoples, water quality maintenance, and the maintenance of fish and wildlife habitat and a balanced ecosystem.
- (d) The Great Lakes states and Canadian provinces have a shared duty to protect, conserve, restore, improve, and manage the Great Lakes for the use, benefit, and enjoyment of all their citizens, including generations yet to come. The most effective means of protecting, conserving, restoring, improving, and managing the Great Lakes is through the joint pursuit of unified and cooperative principles, policies, and programs mutually agreed upon, enacted, and adhered to by the Great Lakes states and by the Great Lakes Canadian provinces.
- (e) AIS are a threat to public health and safety, the environment and natural resources, and the economy. AIS are a serious threat to the ecological integrity and uses of the Great Lakes.
- (f) Over 180 AIS have become established in the Great Lakes, not including microbes. Ballast water discharge has been a major source of introduction of AIS.
- (g) Forms of trade have been identified as potential vectors of AIS introduction and spread, through purposeful or incidental buying, selling, and transport. The overall goal of this state's AIS prevention efforts is to close the open pathways for AIS.

(h) This state's aquatic invasive species management plan provides a strategy to prevent and control AIS in waters of this state, including the Great Lakes. The plan, last updated in 2002, is being updated by the departments of environmental quality, natural resources, and agriculture and rural development to ensure that it provides a comprehensive approach to AIS including ballast water treatment standards and other AIS prevention, AIS monitoring, and AIS control and eradication, including rapid response to new AIS infestations.

(i) This state can effectively address the threat posed by AIS by updating and implementing a comprehensive AIS management plan, developing and adopting model programs to address AIS, and working cooperatively with other Great Lakes states and provinces to ensure a coordinated and consistent response to AIS.

Sec. 41405. (1) The aquatic invasive species advisory council is created within the department of environmental quality.

(2) The council shall consist of the following:

(a) The director of the department of environmental quality or his or her designee.

(b) The director of the department of natural resources or his or her designee.

(c) The director of the department of agriculture and rural development or his or her designee.

(d) The director of the state transportation department or his or her designee.

(e) The attorney general or his or her designee.

(f) The following members appointed by the governor:

(i) A representative of the United States department of the interior, national park service.

(ii) A representative of an association of Great Lakes shipping companies.

(iii) A representative of the horticulture industry.

(iv) A representative of a regional association of businesses that has an international port operator as a member.

(g) The following members appointed by the senate majority leader:

(i) A representative of a statewide private conservation organization.

(ii) A representative of the Great Lakes commission.

(iii) A representative of a statewide association of businesses.

(iv) A representative of an association of Indian tribes.

(v) A representative of a public university with an aquatic research center.

(h) The following members appointed by the speaker of the house of representatives:

(i) A representative of a regional or national private conservation organization.

(ii) A representative of an association of industries in the Great Lakes region.

(iii) A representative of a public utility.

(iv) A representative of a statewide association of local units of government.

(v) A representative of a statewide association of aquaculture businesses.

(3) The members first appointed to the council shall be appointed within 30 days after the effective date of this section. Members of the council shall serve for the life of the council.

(4) If a vacancy occurs on the council, the vacancy shall be filled in the same manner as the original appointment was made. The appointing officer may remove a member of the council for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

(5) The first meeting of the council shall be called by the director of the department of environmental quality or his or her designee. At the first meeting, the council shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the council shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 3 or more members.

(6) A majority of the members of the council constitute a quorum for the transaction of business at a meeting of the council. The council may adopt bylaws governing its organization and procedure. Unless otherwise provided in its bylaws, a majority of the members present and serving are required for official action of the council.

(7) The business that the council may perform shall be conducted at a public meeting of the council held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(8) A writing prepared, owned, used, in the possession of, or retained by the council in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(9) Members of the council shall serve without additional state compensation. However, members of the council may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the council.

(10) The council may appoint technical advisory committees of individuals with relevant specific technical, scientific, or legal expertise, or relevant expertise in a trade listed in section 41409, or may appoint such individuals as adjunct members of the council without voting rights.

Sec. 41407. (1) Within 180 days after the effective date of the amendatory act that added this section or within 60 days of the issuance of a draft update to the Michigan aquatic invasive species management plan by the department of environmental quality, whichever is later, the council shall provide recommendations to the department of environmental quality on a final update to the plan. The final update shall address AIS prevention, AIS monitoring, and AIS control and eradication, including rapid response to new AIS infestations. In preparing the final update to the plan, the department of environmental quality shall consult with the advisory council.

(2) The council shall provide its recommendations under subsection (1) to the governor upon request. The recommendations are nonbinding and advisory in nature and may be used at the discretion of and in the manner determined by the governor. The recommendations shall be suitable for use by the executive branch in collaborating with other Great Lakes states and Canadian provinces to create or strengthen regional programs or coordinate state and provincial programs to achieve the purposes of this section.

(3) Within 60 days after the issuance of a final update to the aquatic invasive species management plan, the council shall submit a report with recommendations on the funding necessary to implement the plan and the method of providing that funding. 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.

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. 510.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Ray E. Randall

Clerk of the House of Representatives

Approved

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Governor