

SUBSTITUTE FOR
SENATE BILL NO. 509

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(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,

1 RECREATION, FISHING, TOURISM, THE SUBSISTENCE, ECONOMIC AND
2 CULTURAL ACTIVITIES OF NATIVE PEOPLES, WATER QUALITY MAINTENANCE,
3 AND THE MAINTENANCE OF FISH AND WILDLIFE HABITAT AND A BALANCED
4 ECOSYSTEM.

5 (D) THE GREAT LAKES STATES AND CANADIAN PROVINCES HAVE A
6 SHARED DUTY TO PROTECT, CONSERVE, RESTORE, IMPROVE, AND MANAGE THE
7 GREAT LAKES FOR THE USE, BENEFIT, AND ENJOYMENT OF ALL THEIR
8 CITIZENS, INCLUDING GENERATIONS YET TO COME. THE MOST EFFECTIVE
9 MEANS OF PROTECTING, CONSERVING, RESTORING, IMPROVING, AND MANAGING
10 THE GREAT LAKES IS THROUGH THE JOINT PURSUIT OF UNIFIED AND
11 COOPERATIVE PRINCIPLES, POLICIES, AND PROGRAMS MUTUALLY AGREED
12 UPON, ENACTED, AND ADHERED TO BY THE GREAT LAKES STATES AND BY THE
13 GREAT LAKES CANADIAN PROVINCES.

14 (E) AIS ARE A THREAT TO PUBLIC HEALTH AND SAFETY, THE
15 ENVIRONMENT AND NATURAL RESOURCES, AND THE ECONOMY. AIS ARE A
16 SERIOUS THREAT TO THE ECOLOGICAL INTEGRITY AND USES OF THE GREAT
17 LAKES.

18 (F) OVER 180 AIS HAVE BECOME ESTABLISHED IN THE GREAT LAKES,
19 NOT INCLUDING MICROBES. BALLAST WATER DISCHARGE HAS BEEN A MAJOR
20 SOURCE OF INTRODUCTION OF AIS.

21 (G) FORMS OF TRADE HAVE BEEN IDENTIFIED AS POTENTIAL VECTORS
22 OF AIS INTRODUCTION AND SPREAD, THROUGH PURPOSEFUL OR INCIDENTAL
23 BUYING, SELLING, AND TRANSPORT. THE OVERALL GOAL OF THIS STATE'S
24 AIS PREVENTION EFFORTS IS TO CLOSE THE OPEN PATHWAYS FOR AIS.

25 (H) THIS STATE'S AQUATIC INVASIVE SPECIES MANAGEMENT PLAN
26 PROVIDES A STRATEGY TO PREVENT AND CONTROL AIS IN WATERS OF THIS
27 STATE, INCLUDING THE GREAT LAKES. THE PLAN, LAST UPDATED IN 2002,

1 IS BEING UPDATED BY THE DEPARTMENTS OF ENVIRONMENTAL QUALITY,
2 NATURAL RESOURCES, AND AGRICULTURE AND RURAL DEVELOPMENT TO ENSURE
3 THAT IT PROVIDES A COMPREHENSIVE APPROACH TO AIS INCLUDING BALLAST
4 WATER TREATMENT STANDARDS AND OTHER AIS PREVENTION, AIS MONITORING,
5 AND AIS CONTROL AND ERADICATION, INCLUDING RAPID RESPONSE TO NEW
6 AIS INFESTATIONS.

7 (I) THIS STATE CAN EFFECTIVELY ADDRESS THE THREAT POSED BY AIS
8 BY UPDATING AND IMPLEMENTING A COMPREHENSIVE AIS MANAGEMENT PLAN,
9 DEVELOPING AND ADOPTING MODEL PROGRAMS TO ADDRESS AIS, AND WORKING
10 COOPERATIVELY WITH OTHER GREAT LAKES STATES AND PROVINCES TO ENSURE
11 A COORDINATED AND CONSISTENT RESPONSE TO AIS.

12 SEC. 41405. (1) THE AQUATIC INVASIVE SPECIES ADVISORY COUNCIL
13 IS CREATED WITHIN THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

14 (2) THE COUNCIL SHALL CONSIST OF THE FOLLOWING:

15 (A) THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY OR
16 HIS OR HER DESIGNEE.

17 (B) THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES OR HIS
18 OR HER DESIGNEE.

19 (C) THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE AND RURAL
20 DEVELOPMENT OR HIS OR HER DESIGNEE.

21 (D) THE DIRECTOR OF THE STATE TRANSPORTATION DEPARTMENT OR HIS
22 OR HER DESIGNEE.

23 (E) THE ATTORNEY GENERAL OR HIS OR HER DESIGNEE.

24 (F) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

25 (i) A REPRESENTATIVE OF THE UNITED STATES DEPARTMENT OF THE
26 INTERIOR, NATIONAL PARK SERVICE.

27 (ii) A REPRESENTATIVE OF AN ASSOCIATION OF GREAT LAKES SHIPPING

1 COMPANIES.

2 (iii) A REPRESENTATIVE OF THE HORTICULTURE INDUSTRY.

3 (iv) A REPRESENTATIVE OF A REGIONAL ASSOCIATION OF BUSINESSES
4 THAT HAS AN INTERNATIONAL PORT OPERATOR AS A MEMBER.

5 (G) THE FOLLOWING MEMBERS APPOINTED BY THE SENATE MAJORITY
6 LEADER:

7 (i) A REPRESENTATIVE OF A STATEWIDE PRIVATE CONSERVATION
8 ORGANIZATION.

9 (ii) A REPRESENTATIVE OF THE GREAT LAKES COMMISSION.

10 (iii) A REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF BUSINESSES.

11 (iv) A REPRESENTATIVE OF AN ASSOCIATION OF INDIAN TRIBES.

12 (v) A REPRESENTATIVE OF A PUBLIC UNIVERSITY WITH AN AQUATIC
13 RESEARCH CENTER.

14 (H) THE FOLLOWING MEMBERS APPOINTED BY THE SPEAKER OF THE
15 HOUSE OF REPRESENTATIVES:

16 (i) A REPRESENTATIVE OF A REGIONAL OR NATIONAL PRIVATE
17 CONSERVATION ORGANIZATION.

18 (ii) A REPRESENTATIVE OF AN ASSOCIATION OF INDUSTRIES IN THE
19 GREAT LAKES REGION.

20 (iii) A REPRESENTATIVE OF A PUBLIC UTILITY.

21 (iv) A REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF LOCAL UNITS
22 OF GOVERNMENT.

23 (v) A REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF AQUACULTURE
24 BUSINESSES.

25 (3) THE MEMBERS FIRST APPOINTED TO THE COUNCIL SHALL BE
26 APPOINTED WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.
27 MEMBERS OF THE COUNCIL SHALL SERVE FOR THE LIFE OF THE COUNCIL.

1 (4) IF A VACANCY OCCURS ON THE COUNCIL, THE VACANCY SHALL BE
2 FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT WAS MADE. THE
3 APPOINTING OFFICER MAY REMOVE A MEMBER OF THE COUNCIL FOR
4 INCOMPETENCE, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR
5 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

6 (5) THE FIRST MEETING OF THE COUNCIL SHALL BE CALLED BY THE
7 DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY OR HIS OR HER
8 DESIGNEE. AT THE FIRST MEETING, THE COUNCIL SHALL ELECT FROM AMONG
9 ITS MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS
10 NECESSARY OR APPROPRIATE. AFTER THE FIRST MEETING, THE COUNCIL
11 SHALL MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE CALL OF
12 THE CHAIRPERSON OR IF REQUESTED BY 3 OR MORE MEMBERS.

13 (6) A MAJORITY OF THE MEMBERS OF THE COUNCIL CONSTITUTE A
14 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE COUNCIL.
15 THE COUNCIL MAY ADOPT BYLAWS GOVERNING ITS ORGANIZATION AND
16 PROCEDURE. UNLESS OTHERWISE PROVIDED IN ITS BYLAWS, A MAJORITY OF
17 THE MEMBERS PRESENT AND SERVING ARE REQUIRED FOR OFFICIAL ACTION OF
18 THE COUNCIL.

19 (7) THE BUSINESS THAT THE COUNCIL MAY PERFORM SHALL BE
20 CONDUCTED AT A PUBLIC MEETING OF THE COUNCIL HELD IN COMPLIANCE
21 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

22 (8) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
23 RETAINED BY THE COUNCIL IN THE PERFORMANCE OF AN OFFICIAL FUNCTION
24 IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL
25 15.231 TO 15.246.

26 (9) MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT ADDITIONAL
27 STATE COMPENSATION. HOWEVER, MEMBERS OF THE COUNCIL MAY BE

1 REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
2 PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE COUNCIL.

3 (10) THE COUNCIL MAY APPOINT TECHNICAL ADVISORY COMMITTEES OF
4 INDIVIDUALS WITH RELEVANT SPECIFIC TECHNICAL, SCIENTIFIC, OR LEGAL
5 EXPERTISE, OR RELEVANT EXPERTISE IN A TRADE LISTED IN SECTION
6 41409, OR MAY APPOINT SUCH INDIVIDUALS AS ADJUNCT MEMBERS OF THE
7 COUNCIL WITHOUT VOTING RIGHTS.

8 SEC. 41407. (1) WITHIN 180 DAYS AFTER THE EFFECTIVE DATE OF
9 THE AMENDATORY ACT THAT ADDED THIS SECTION OR WITHIN 60 DAYS OF THE
10 ISSUANCE OF A DRAFT UPDATE TO THE MICHIGAN AQUATIC INVASIVE SPECIES
11 MANAGEMENT PLAN BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY,
12 WHICHEVER IS LATER, THE COUNCIL SHALL PROVIDE RECOMMENDATIONS TO
13 THE DEPARTMENT OF ENVIRONMENTAL QUALITY ON A FINAL UPDATE TO THE
14 PLAN. THE FINAL UPDATE SHALL ADDRESS AIS PREVENTION, AIS
15 MONITORING, AND AIS CONTROL AND ERADICATION, INCLUDING RAPID
16 RESPONSE TO NEW AIS INFESTATIONS. IN PREPARING THE FINAL UPDATE TO
17 THE PLAN, THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL CONSULT
18 WITH THE ADVISORY COUNCIL.

19 (2) THE COUNCIL SHALL PROVIDE ITS RECOMMENDATIONS UNDER
20 SUBSECTION (1) TO THE GOVERNOR UPON REQUEST. THE RECOMMENDATIONS
21 ARE NONBINDING AND ADVISORY IN NATURE AND MAY BE USED AT THE
22 DISCRETION OF AND IN THE MANNER DETERMINED BY THE GOVERNOR. THE
23 RECOMMENDATIONS SHALL BE SUITABLE FOR USE BY THE EXECUTIVE BRANCH
24 IN COLLABORATING WITH OTHER GREAT LAKES STATES AND CANADIAN
25 PROVINCES TO CREATE OR STRENGTHEN REGIONAL PROGRAMS OR COORDINATE
26 STATE AND PROVINCIAL PROGRAMS TO ACHIEVE THE PURPOSES OF THIS
27 SECTION.

1 (3) WITHIN 60 DAYS AFTER THE ISSUANCE OF A FINAL UPDATE TO THE
2 AQUATIC INVASIVE SPECIES MANAGEMENT PLAN, THE COUNCIL SHALL SUBMIT
3 A REPORT WITH RECOMMENDATIONS ON THE FUNDING NECESSARY TO IMPLEMENT
4 THE PLAN AND THE METHOD OF PROVIDING THAT FUNDING. THE COUNCIL
5 SHALL SUBMIT THE REPORT TO THE GOVERNOR, THE SENATE MAJORITY
6 LEADER, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE
7 STANDING COMMITTEES OF THE SENATE AND HOUSE WITH PRIMARY
8 RESPONSIBILITY FOR NATURAL RESOURCES, CONSERVATION, AGRICULTURE,
9 AND COMMERCE.

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

13 (a) Senate Bill No. 508.

14 (b) Senate Bill No. 510.