

SUBSTITUTE FOR  
SENATE BILL NO. 510

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

1        SEC. 41409. (1) WITHIN 240 DAYS AFTER THE EFFECTIVE DATE OF  
2        THE AMENDATORY ACT THAT ADDED THIS SECTION, THE COUNCIL SHALL  
3        SUBMIT A REPORT WITH RECOMMENDATIONS FOR LEGISLATION OR RULES TO  
4        PREVENT THE INTRODUCTION AND SPREAD OF AIS THROUGH TRADE. THE  
5        COUNCIL SHALL SUBMIT THE REPORT TO THE GOVERNOR, THE SENATE  
6        MAJORITY LEADER, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND  
7        THE STANDING COMMITTEES OF THE SENATE AND HOUSE WITH PRIMARY  
8        RESPONSIBILITY FOR NATURAL RESOURCES, CONSERVATION, AGRICULTURE,  
9        AND COMMERCE. IN PREPARING THE REPORT, THE COUNCIL SHALL REVIEW THE

1 AIS LAWS OF THIS STATE AND OTHER JURISDICTIONS, INCLUDING THE OTHER  
2 GREAT LAKES STATES.

3 (2) IN THE REPORT UNDER SUBSECTION (1), THE COUNCIL SHALL MAKE  
4 RECOMMENDATIONS ON ALL OF THE FOLLOWING:

5 (A) THE DEFINITION OF AQUATIC INVASIVE SPECIES. BEFORE MAKING  
6 RECOMMENDATIONS UNDER THIS SUBDIVISION, THE COUNCIL SHALL CONSIDER  
7 AND ADDRESS ISSUES RELATED TO THE DOMESTICATION AND CULTIVATION OF  
8 AND POTENTIAL BENEFICIAL EFFECTS OF NONNATIVE SPECIES AND CONSIDER  
9 THE "INVASIVE SPECIES DEFINITION CLARIFICATION AND GUIDANCE WHITE  
10 PAPER" SUBMITTED BY THE DEFINITIONS SUBCOMMITTEE OF THE NATIONAL  
11 INVASIVE SPECIES ADVISORY COMMITTEE (ISAC) AND APPROVED BY ISAC ON  
12 APRIL 27, 2006.

13 (B) RISK ASSESSMENT PROCESSES TO SCREEN AQUATIC SPECIES  
14 PROPOSED FOR TRADE AND TO SCREEN PATHWAYS OF INTRODUCTION AND  
15 SPREAD. THE RISK ASSESSMENT PROCESSES SHALL CONSIDER POTENTIAL NET  
16 HARM TO PUBLIC HEALTH AND SAFETY, THE ENVIRONMENT AND NATURAL  
17 RESOURCES, AND THE ECONOMY. THE PROCESSES SHALL PLACE THE BURDEN TO  
18 DEMONSTRATE THE HARMLESSNESS OF AN AQUATIC SPECIES OR PATHWAY ON  
19 THE IMPORTER OR OTHER PERSON RESPONSIBLE FOR INTRODUCTION OR  
20 DISTRIBUTION. THE RISK ASSESSMENT PROCESS FOR SPECIES SHALL  
21 CLASSIFY SPECIES INTO 3 LISTS: "PROHIBITED", "PERMITTED", AND  
22 "RESTRICTED".

23 (C) HARMONIZING FEDERAL AND STATE LAW SO THAT AQUATIC SPECIES  
24 ON FEDERAL LISTS OF EITHER PROHIBITED OR PERMITTED SPECIES OF  
25 PLANTS AND ANIMALS ARE PLACED ON THE APPROPRIATE LISTS OF THIS  
26 STATE.

27 (D) ESTABLISHING A PROGRAM FOR AQUATIC SPECIES IN TRADE TO

1 CERTIFY THAT THE ORGANISMS ARE FREE OF DISEASE, INSECT PESTS, AND  
2 INCIDENTAL CONTAMINATION BY OTHER SPECIES.

3 (E) AN EDUCATION PROGRAM ON SAFE-USAGE PRACTICES DIRECTED TO  
4 BOTH BUYERS AND SELLERS OF AQUATIC SPECIES IN TRADE.

5 (F) CONNECTING REGULATIONS AND EDUCATION ON AQUATIC SPECIES IN  
6 TRADE TO THE PROTECTION OF THIS STATE'S NATURAL RESOURCES AS A  
7 COMPONENT OF THE PURE MICHIGAN TOURISM ADVERTISING CAMPAIGN.

8 (G) FINANCIAL AND OTHER RESOURCES FOR IMPLEMENTING  
9 RECOMMENDATIONS UNDER THIS SUBSECTION.

10 (H) PROPOSALS FOR COLLABORATING WITH OTHER GREAT LAKES STATES  
11 AND CANADIAN PROVINCES TO CREATE OR STRENGTHEN REGIONAL PROGRAMS OR  
12 COORDINATE STATE AND PROVINCIAL PROGRAMS TO ACHIEVE THE GOALS SET  
13 FORTH IN SUBSECTION (1).

14 (3) IN PREPARING THE REPORT REQUIRED BY THIS SECTION, THE  
15 COUNCIL SHALL CONSULT WITH REPRESENTATIVES OF ORGANIZATIONS AND  
16 BUSINESSES THAT DEAL WITH ORGANISMS IN TRADE, INCLUDING THE  
17 AQUARIUM, BAIT, PET, WATER GARDEN, HORTICULTURE, AQUACULTURE, AND  
18 SHIPPING TRADES.

19 SEC. 41413. TO FACILITATE COORDINATION AND MINIMIZE  
20 DUPLICATION IN FULFILLING ITS DUTIES, THE COUNCIL SHALL DO ALL OF  
21 THE FOLLOWING:

22 (A) CONSIDER RELEVANT RECOMMENDATIONS AND REPORTS BY OTHER  
23 STATE, REGIONAL, FEDERAL, PROVINCIAL, CANADIAN, AND INTERNATIONAL  
24 BODIES AND COLLABORATIONS.

25 (B) REGULARLY CONSULT WITH THE GREAT LAKES COMMISSION AND THE  
26 DEPARTMENT OF ENVIRONMENTAL QUALITY, INCLUDING THE OFFICE OF THE  
27 GREAT LAKES.

1           **SEC. 41415. THIS PART IS REPEALED EFFECTIVE 4 YEARS AFTER THE**  
2           **EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.**

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

6           (a) Senate Bill No. 508.

7           (b) Senate Bill No. 509.