

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2011**

Introduced by Senators Casperson, Walker, 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. 508

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 41401 and 41411.

The People of the State of Michigan enact:

Sec. 41401. As used in this part:

- (a) "Aquatic invasive species" or "AIS" means an aquatic species that is nonnative to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health.
- (b) "Council" means the aquatic invasive species advisory council created in section 41405.
- (c) "Draft next vessel general permit" means the draft permit that the EPA prepares and publishes notice of in accordance with 40 CFR 124.6 and other applicable regulations before issuing the next vessel general permit.
- (d) "EPA" means United States environmental protection agency.
- (e) "Great Lakes commission" means the Great Lakes commission created by the Great Lakes basin compact established by joint legislative action of the Great Lakes states in 1955 and granted congressional consent through Public Law 90-419.
- (f) "Great Lakes states" means Michigan, Illinois, Indiana, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.
- (g) "Next vessel general permit" means the permit the EPA issued to supersede the vessel general permit.
- (h) "Vessel general permit" means the general permit entitled "Final National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges Incidental to the Normal Operation of a Vessel" announced at 73 FR 79,473 (December 29, 2008).

Sec. 41411. The council shall develop recommendations regarding this state's comments on the draft next vessel general permit and certification response to the draft next vessel general permit under section 401 of title IV of the federal water pollution control act, 33 USC 1341, including a proposed ballast water treatment standard. The council shall provide its recommendations to the governor upon request. Such recommendations are nonbinding and advisory in nature and may be used at the discretion of and in the manner determined by the governor. The council's recommendations under this section shall be suitable for use by the executive branch in collaborating with other Great Lakes states to achieve a consistent position on the draft next vessel general permit. In developing its recommendations, the council shall regularly consult with the Great Lakes commission and the department of environmental quality, including the office of the Great Lakes.

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. 509.
- (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