

HOUSE BILL No. 4826

June 28, 2011, Introduced by Reps. Foster, Forlini, Pettalia, Hughes, Nesbitt, Haveman, Irwin, Lund, Walsh, Liss, Potvin, Pscholka, Rutledge, O'Brien, Lyons, Franz and Tyler and referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

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, INCLUDING
5 THE AQUARIUM, BAIT, PET, WATER GARDEN, HORTICULTURE, AQUACULTURE,
6 AND SHIPPING TRADES. THE COUNCIL SHALL SUBMIT THE REPORT TO THE
7 GOVERNOR, THE SENATE MAJORITY LEADER, THE SPEAKER OF THE HOUSE OF

1 REPRESENTATIVES, AND THE STANDING COMMITTEES OF THE SENATE AND
2 HOUSE WITH PRIMARY RESPONSIBILITY FOR NATURAL RESOURCES,
3 CONSERVATION, AGRICULTURE, AND COMMERCE. IN PREPARING THE REPORT,
4 THE COUNCIL SHALL REVIEW THE AIS LAWS OF THIS STATE AND OTHER
5 JURISDICTIONS, INCLUDING THE OTHER GREAT LAKES STATES.

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

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

18 (B) HARMONIZING FEDERAL AND STATE LAW SO THAT AQUATIC SPECIES
19 ON FEDERAL LISTS OF EITHER PROHIBITED OR PERMITTED SPECIES OF
20 PLANTS AND ANIMALS ARE PLACED ON THIS STATE'S LISTS.

21 (C) ESTABLISHING A PROGRAM FOR AQUATIC SPECIES IN TRADE TO
22 CERTIFY THAT THE ORGANISMS ARE FREE OF DISEASE, INSECT PESTS, AND
23 INCIDENTAL CONTAMINATION BY OTHER SPECIES.

24 (D) AN EDUCATION PROGRAM ON SAFE-USAGE PRACTICES DIRECTED TO
25 BOTH BUYERS AND SELLERS OF AQUATIC SPECIES IN TRADE.

26 (E) CONNECTING REGULATIONS AND EDUCATION ON AQUATIC SPECIES IN
27 TRADE TO THE PROTECTION OF THIS STATE'S NATURAL RESOURCES AS A

1 COMPONENT OF THE PURE MICHIGAN TOURISM ADVERTISING CAMPAIGN.

2 (F) FINANCIAL AND OTHER RESOURCES FOR IMPLEMENTING
3 RECOMMENDATIONS UNDER THIS SUBSECTION.

4 (G) PROPOSALS FOR COLLABORATING WITH OTHER GREAT LAKES STATES
5 AND CANADIAN PROVINCES TO CREATE OR STRENGTHEN REGIONAL PROGRAMS OR
6 COORDINATE STATE AND PROVINCIAL PROGRAMS TO ACHIEVE THE GOALS SET
7 FORTH IN SUBSECTION (1).

8 (3) IN PREPARING THE REPORT REQUIRED BY THIS SECTION, THE
9 COUNCIL SHALL CONSULT WITH REPRESENTATIVES OF ORGANIZATIONS AND
10 BUSINESSES THAT DEAL WITH ORGANISMS IN TRADE, INCLUDING THE
11 AQUARIUM, BAIT, PET, WATER GARDEN, HORTICULTURE, AQUACULTURE, AND
12 SHIPPING TRADES.

13 SEC. 41413. TO FACILITATE COORDINATION AND MINIMIZE
14 DUPLICATION IN FULFILLING ITS DUTIES, THE COUNCIL SHALL DO ALL OF
15 THE FOLLOWING:

16 (A) CONSIDER RELEVANT RECOMMENDATIONS AND REPORTS BY OTHER
17 STATE, REGIONAL, FEDERAL, PROVINCIAL, CANADIAN, AND INTERNATIONAL
18 BODIES AND COLLABORATIONS.

19 (B) REGULARLY CONSULT WITH THE GREAT LAKES COMMISSION AND THE
20 DEPARTMENT OF ENVIRONMENTAL QUALITY, INCLUDING THE OFFICE OF THE
21 GREAT LAKES.

22 SEC. 41415. THIS PART IS REPEALED EFFECTIVE 4 YEARS AFTER THE
23 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

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

27 (a) Senate Bill No. _____ or House Bill No. 4828 (request no.

1 01123'11).

2 (b) Senate Bill No.____ or House Bill No. 4827(request no.

3 03151'11).