

# SENATE BILL No. 26

January 16, 2013, Introduced by Senator HILDENBRAND and referred to the Committee on Natural Resources, Environment and Great Lakes.

A bill to amend 1994 PA 451, entitled  
 "Natural resources and environmental protection act,"  
 by amending section 41302 (MCL 324.41302), as added by 2009 PA 52.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 41302. (1) The ~~commission of~~ natural resources **COMMISSION**  
 2 may by order add to or delete from the list of prohibited species  
 3 or restricted species under section 41301 any species other than an  
 4 insect or plant species. Before issuing an order under this  
 5 subsection, the ~~commission of~~ natural resources **COMMISSION** shall  
 6 consult with the department of agriculture **AND RURAL DEVELOPMENT**.  
 7 After the consultation, and at least 30 days before the ~~commission~~  
 8 ~~of~~ natural resources **COMMISSION** issues the order, the department of  
 9 natural resources shall post a copy of the proposed order on the  
 10 department of natural resources' website and shall submit a copy of  
 11 the proposed order to all of the following:

1 (a) The legislature.

2 (b) The standing committees of the senate and house of  
3 representatives with primary responsibility for any of the  
4 following:

5 (i) Agricultural issues.

6 (ii) Environmental issues.

7 (iii) Natural resources issues.

8 (2) The commission of agriculture **AND RURAL DEVELOPMENT** may by  
9 order add to or delete from the list of prohibited species or  
10 restricted species under section 41301 any insect or plant species.  
11 Before issuing an order under this subsection, the commission of  
12 agriculture **AND RURAL DEVELOPMENT** shall consult with the department  
13 of natural resources. **IN ADDITION, BEFORE ISSUING AN ORDER UNDER**  
14 **THIS SUBSECTION PERTAINING TO A PLANT SPECIES, THE COMMISSION OF**  
15 **AGRICULTURE AND RURAL DEVELOPMENT SHALL CONSULT WITH THE MICHIGAN**  
16 **INVASIVE PLANT COUNCIL ESTABLISHED IN RESPONSE TO FEDERAL EXECUTIVE**  
17 **ORDER 13112, DATED FEBRUARY 3, 1999, AND SHALL CONSIDER ASSESSMENT**  
18 **RESULTS FOR THE PLANT FROM THE MICHIGAN INVASIVE PLANT COUNCIL'S**  
19 **MICHIGAN PLANT INVASIVENESS ASSESSMENT SYSTEM.** After the  
20 consultation **PROCESS**, and at least 30 days before the commission of  
21 agriculture **AND RURAL DEVELOPMENT** issues the order, the department  
22 of agriculture **AND RURAL DEVELOPMENT** shall post a copy of the  
23 proposed order on the department of ~~agriculture's~~ **AGRICULTURE AND**  
24 **RURAL DEVELOPMENT'S** website and shall submit a copy of the proposed  
25 order to all of the following:

26 (a) The legislature.

27 (b) The standing committees of the senate and house of

1 representatives with primary responsibility for any of the  
2 following:

- 3 (i) Agricultural issues.
- 4 (ii) Environmental issues.
- 5 (iii) Natural resources issues.

6 (3) The ~~commission of natural resources~~ **COMMISSION** or the  
7 commission of agriculture **AND RURAL DEVELOPMENT**, as applicable,  
8 shall list a species as a prohibited species or restricted species  
9 if the ~~commission of natural resources or commission of~~  
10 ~~agriculture, respectively,~~ **RESPECTIVE COMMISSION** determines the  
11 following:

12 (a) For a prohibited species, all of the following  
13 requirements are met:

- 14 (i) The organism is not native to this state.
- 15 (ii) The organism is not naturalized in this state or, if  
16 naturalized, is not widely distributed in this state.

17 (iii) One or more of the following apply:

18 (A) The organism has the potential to harm human health or to  
19 severely harm natural, agricultural, or silvicultural resources.

20 (B) Effective management or control techniques for the  
21 organism are not available.

22 (b) For a restricted species, all of the following  
23 requirements are met:

- 24 (i) The organism is not native to this state.
- 25 (ii) The organism is naturalized and widely distributed in this  
26 state.
- 27 (iii) One or more of the following apply:

1           (A) The organism has the potential to harm human health or to  
2 harm natural, agricultural, or silvicultural resources.

3           (B) Effective management or control techniques for the  
4 organism are available.