

Act No. 671  
Public Acts of 2018  
Approved by the Governor  
December 28, 2018  
Filed with the Secretary of State  
December 28, 2018  
EFFECTIVE DATE: March 29, 2019

**STATE OF MICHIGAN  
99TH LEGISLATURE  
REGULAR SESSION OF 2018**

Introduced by Senators Robertson, Meekhof and Casperson

# **ENROLLED SENATE BILL No. 1136**

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 protect the people’s right to hunt and fish; 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 amending the heading of part 414 and by adding sections 41401, 41402, and 41403.

*The People of the State of Michigan enact:*

PART 414

AQUATIC INVASIVE SPECIES

Sec. 41401. As used in this part:

- (a) “Aquatic invasive plant species” means an aquatic plant species, hybrid, or genotype that is not native and whose introduction causes, or is likely to cause, economic or environmental harm or harm to human health.
- (b) “Department” means the department of environmental quality.
- (c) “Eligible applicant” means a person that meets the requirements under section 41402.
- (d) “Eligible project” means a project that meets the requirements under section 41402.
- (e) “Fund” means the inland lake aquatic invasive plant species control and eradication fund created in section 41403.
- (f) “Grant” means an inland lake aquatic invasive plant species control or eradication grant issued through the program.
- (g) “Program” means the inland lake aquatic invasive plant species control and eradication program established in section 41402.

Sec. 41402. (1) The department shall establish an inland lake aquatic invasive plant species control and eradication program. The program shall provide grants to eligible applicants for eligible projects to control or eradicate inland lake aquatic invasive plant species using chemical, physical, or biological methods, or a combination of these methods. A grant may include funding for costs associated with preparation of a vegetation management plan, required monitoring, and any necessary permit fees associated with the eligible project.

(2) An eligible applicant must meet both of the following requirements:

- (a) Be a legally constituted lake association or nonprofit organization, property owners association, homeowners association, lake board, or special assessment district.
- (b) Have demonstrated that a permit from the department is in effect to conduct the control or eradication activities included in the eligible project.

(3) An eligible project must meet all of the following requirements:

(a) There is public access to the inland lake for all activities associated with the project.

(b) The waterbody has vegetation management goals created by a licensed commercial applicator or lake manager.

(c) All survey, control, eradication, and documentation activities have been completed by a qualified scientist, technician, licensed commercial aquatic applicator, or university representative.

(d) All control or eradication activities use best management practices.

(e) The project utilizes products approved or authorized by the United States Environmental Protection Agency, the department, or the department of agriculture and rural development for control or eradication activities.

(4) The department shall issue grants considering the following statewide priorities:

(a) Permit fees associated with an eligible project.

(b) Eligible projects to manage pioneer infestations of inland lake aquatic invasive plant species.

(c) Eligible projects to prevent or control the further spread of inland lake aquatic invasive plant species.

(d) Eligible projects for recurring maintenance control.

(5) If an eligible applicant submits an application for an eligible project, but does not receive a grant because of a lack of available funds, that eligible applicant shall be given special consideration for approval in the following year.

(6) An eligible applicant that wishes to receive a grant shall submit an application to the department containing the information required by the department. Applications for grants shall be submitted by July 1. By September 1, the department shall notify each applicant whether its application has been approved. The department may require an applicant that receives a grant to enter into a grant agreement with the department prior to the issuance of the grant.

Sec. 41403. (1) The inland lake aquatic invasive plant species control and eradication fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall be the administrator of the fund for auditing purposes.

(5) The department shall expend money from the fund, upon appropriation, only for the following:

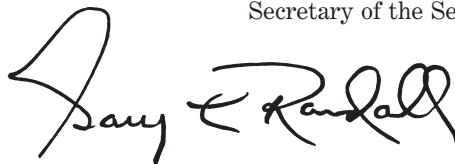
(a) Inland lake aquatic invasive plant species control or eradication grants.

(b) Grant administration, in an amount not to exceed 3% of annual available funding.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.



Secretary of the Senate



Clerk of the House of Representatives

Approved .....

.....  
Governor