

SUBSTITUTE FOR  
HOUSE BILL NO. 4579

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 41301, 41305, 41306, 41309, 41311, 41313, and  
41323 (MCL 324.41301, 324.41305, 324.41306, 324.41309, 324.41311,  
324.41313, and 324.41323), section 41301 as amended by 2005 PA 77,  
section 41305 as amended and section 41306 as added by 2005 PA 79,  
section 41309 as amended by 2005 PA 76, sections 41311 and 41313 as  
added by 2005 PA 80, and section 41323 as added by 2005 PA 75; and  
to repeal acts and parts of acts.

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

1           Sec. 41301. (1) As used in this part:

2           ~~— (a) "Council" means the invasive species advisory council~~  
3           ~~created in section 41321.~~

4           **(A)** ~~(b)~~—"Department" means the department of natural

1 resources.

2 (B) ~~(e)~~ "Genetically engineered" refers to an organism whose  
3 genome, chromosomal or extrachromosomal, is modified permanently  
4 and heritably, using recombinant nucleic acid techniques, or the  
5 progeny thereof **OF SUCH AN ORGANISM.**

6 (C) ~~(d)~~ "Introduce", with reference to an organism, means to  
7 knowingly and willfully stock, place, plant, release, or allow the  
8 release of the organism in this state at any specific location  
9 where the organism is not already naturalized.

10 (D) ~~(e)~~ "Prohibited aquatic plant species" means any of the  
11 following or fragments or seeds thereof **SPECIES" MEANS ANY OF THE**  
12 **FOLLOWING:**

13 (i) **ANY OF THE FOLLOWING PROHIBITED AQUATIC PLANT SPECIES,**  
14 **INCLUDING A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES**  
15 **OR A FRAGMENT, INCLUDING A SEED OR OTHER PROPAGULE, OF THE SPECIES**  
16 **OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT:**

17 (A) ~~(i)~~ African oxygen weed (*Lagarosiphon major*). ~~or a hybrid~~  
18 ~~or genetically engineered variant thereof.~~

19 (B) ~~(ii)~~ Brazilian elodea (*Egeria densa*). ~~or a hybrid or~~  
20 ~~genetically engineered variant thereof.~~

21 (C) **CYLINDRO (CYLINDROSPERMOPSIS RACIBORSKII).**

22 (D) ~~(iii)~~ European frogbit (*Hydrocharis morsus-ranae*). ~~or a~~  
23 ~~hybrid or genetically engineered variant thereof.~~

24 (E) **FANWORT (CABOMBA CAROLINIANA).**

25 (F) ~~(iv)~~ Giant hogweed (*Heracleum mantegazzianum*). ~~or a hybrid~~  
26 ~~or genetically engineered variant thereof.~~

27 (G) ~~(v)~~ Giant salvinia (*Salvinia molesta*, *auriculata*, *biloba*,

1 or herzogii). ~~or a hybrid or genetically engineered variant~~  
 2 ~~thereof.~~

3 (H) ~~(vi)~~ Hydrilla (Hydrilla verticillata). ~~or a hybrid or~~  
 4 ~~genetically engineered variant thereof.~~

5 (I) ~~(vii)~~ Japanese knotweed (Fallopia japonica). ~~or a hybrid or~~  
 6 ~~genetically engineered variant thereof.~~

7 (J) ~~(viii)~~ Parrot's feather (Myriophyllum aquaticum). ~~or a~~  
 8 ~~hybrid or genetically engineered variant thereof.~~

9 (K) **STARRY STONEWORT (NITELLOPSIS OBTUSA).**

10 (L) ~~(ix)~~ Water chestnut (Trapa natans). ~~or a hybrid or~~  
 11 ~~genetically engineered variant thereof.~~

12 ~~—— (x) Yellow flag iris (Iris pseudacorus) or a hybrid or~~  
 13 ~~genetically engineered variant thereof.~~

14 (M) ~~(xi)~~ Yellow floating heart (Nymphoides peltata). ~~or a~~  
 15 ~~hybrid or genetically engineered variant thereof.~~

16 ~~—— (f) "Prohibited fish species" means any of the following or~~  
 17 ~~the eggs thereof.~~

18 (ii) **THE FOLLOWING PROHIBITED BIRD SPECIES, INCLUDING A HYBRID**  
 19 **OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES OR AN EGG OF THE**  
 20 **SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT: EURASIAN**  
 21 **COLLARED DOVE (STREPTOPELIA DECAOCTO).**

22 (iii) **THE FOLLOWING PROHIBITED CRUSTACEAN SPECIES, INCLUDING A**  
 23 **HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES OR AN EGG**  
 24 **OF THE SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT:**  
 25 **RUSTY CRAYFISH (ORCONECTES RUSTICUS).**

26 (iv) **ANY OF THE FOLLOWING PROHIBITED FISH SPECIES, INCLUDING A**  
 27 **HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES OR AN EGG**

1 OF THE SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT:

2 (A) ~~(i)~~ Bighead carp (*Hypophthalmichthys nobilis*). ~~or a hybrid~~  
3 ~~or genetically engineered variant thereof.~~

4 (B) ~~(ii)~~ Bitterling (*Rhodeus sericeus*). ~~or a hybrid or~~  
5 ~~genetically engineered variant thereof.~~

6 (C) ~~(iii)~~ Black carp (*Mylopharyngodon piceus*). ~~or a hybrid or~~  
7 ~~genetically engineered variant thereof.~~

8 (D) **EURASIAN RUFFE (GYMNOCEPHALUS CERNUUS).**

9 (E) ~~(iv)~~ Grass carp (*Ctenopharyngodon idellus*). ~~or a hybrid or~~  
10 ~~genetically engineered variant thereof.~~

11 (F) ~~(v)~~ Ide (*Leuciscus idus*). ~~or a hybrid or genetically~~  
12 ~~engineered variant thereof.~~

13 (G) ~~(vi)~~ Japanese weatherfish (*Misgurnus anguillicaudatus*). ~~or~~  
14 ~~a hybrid or genetically engineered variant thereof.~~

15 (H) **ROUND GOBY (NEOGOBIUS MELANOSTOMUS).**

16 (I) ~~(vii)~~ Rudd (*Scardinius erythrophthalmus*). ~~or a hybrid or~~  
17 ~~genetically engineered variant thereof.~~

18 (J) ~~(viii)~~ Silver carp (*Hypophthalmichthys molitrix*). ~~or a~~  
19 ~~hybrid or genetically engineered variant thereof.~~

20 (K) ~~(ix)~~ A fish of the snakehead family (family Channidae). ~~or~~  
21 ~~a genetically engineered variant thereof.~~

22 (L) ~~(x)~~ Tench (*Tinca tinca*). ~~or a hybrid or genetically~~  
23 ~~engineered variant thereof.~~

24 ~~— (g) "Prohibited insect species" means any of the following or~~  
25 ~~the eggs thereof.~~

26 (M) **TUBENOSE GOBY (PROTERORHINUS MARMORATUS).**

27 (v) **ANY OF THE FOLLOWING PROHIBITED INSECT SPECIES, INCLUDING**

1 A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES OR AN EGG  
2 OF THE SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT:

3 (A) ~~(i)~~ Asian longhorned beetle (*Anoplophora glabripennis*). ~~or~~  
4 a hybrid or genetically engineered variant thereof.

5 (B) ~~(ii)~~ Emerald ash borer (*Agrilus planipennis*). ~~or a hybrid~~  
6 ~~or genetically engineered variant thereof.~~

7 ~~(h) "Prohibited species" means any of the following:~~

8 ~~(i) A prohibited aquatic plant species.~~

9 ~~(ii) A prohibited fish species.~~

10 ~~(iii) A prohibited insect species.~~

11 (vi) THE FOLLOWING PROHIBITED MAMMAL SPECIES, INCLUDING A  
12 HYBRID OR GENETICALLY ENGINEERED VARIANT: NUTRIA (*MYOCASTOR*  
13 *COYPUS*).

14 (vii) ANY OF THE FOLLOWING PROHIBITED MOLLUSK SPECIES,  
15 INCLUDING A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES  
16 OR AN EGG OF THE SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED  
17 VARIANT:

18 (A) BROWN GARDEN SNAIL (*HELIX ASPERSA*).

19 (B) CARTHUSIAN SNAIL (*MONACHA CARTUSIANA*).

20 (C) GIANT AFRICAN SNAIL (*ACHATINA FULICA*).

21 (D) GIRDLED SNAIL (*HYGROMIA CINCTELLA*).

22 (E) HEATH SNAIL (*XEROLENTA OBVIA*).

23 (F) WRINKLED DUNE SNAIL (*CANDIDULA INTERSECTA*).

24 (E) ~~(i)~~ "Recombinant nucleic acid techniques" means laboratory  
25 techniques through which genetic material is isolated and  
26 manipulated in vitro and then inserted into an organism.

27 (F) ~~(j)~~ "Restricted aquatic plant species" means any of the

1 ~~following or fragments or seeds thereof~~ SPECIES" MEANS ANY OF THE  
 2 FOLLOWING:

3 (i) ANY OF THE FOLLOWING RESTRICTED AQUATIC PLANT SPECIES,  
 4 INCLUDING A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES  
 5 OR A FRAGMENT, INCLUDING A SEED OR OTHER PROPAGULE, OF THE SPECIES  
 6 OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT:

7 (A) ~~(i)~~ Curly leaf pondweed (*Potamogeton crispus*). ~~or a hybrid~~  
 8 ~~or genetically engineered variant thereof.~~

9 (B) ~~(ii)~~ Eurasian watermilfoil (*Myriophyllum spicatum*). ~~or a~~  
 10 ~~hybrid or genetically engineered variant thereof.~~

11 (C) ~~(iii)~~ Flowering rush (*Butomus umbellatus*). ~~or a hybrid or~~  
 12 ~~genetically engineered variant thereof.~~

13 (D) ~~(iv)~~ Phragmites or common reed (*Phragmites australis*). ~~or a~~  
 14 ~~hybrid or genetically engineered variant thereof.~~

15 (E) ~~(v)~~ Purple loosestrife (*Lythrum salicaria*), ~~or a hybrid or~~  
 16 ~~genetically engineered variant thereof, except for THAT~~ cultivars  
 17 OF PURPLE LOOSESTRIFE developed and recognized to be sterile and  
 18 approved by the director of THE DEPARTMENT OF agriculture under  
 19 section 16a of the insect pest and plant disease act, 1931 PA 189,  
 20 MCL 286.216a, ARE NOT A RESTRICTED SPECIES.

21 ~~—— (k) "Restricted species" means a restricted aquatic plant~~  
 22 ~~species.~~

23 (ii) ANY OF THE FOLLOWING RESTRICTED MOLLUSK SPECIES, INCLUDING  
 24 A HYBRID OR GENETICALLY ENGINEERED VARIANT OF THE SPECIES OR AN EGG  
 25 OF THE SPECIES OR OF A HYBRID OR GENETICALLY ENGINEERED VARIANT:

26 (A) QUAGGA MUSSEL (*DREISSENA BUGENSIS*).

27 (B) ZEBRA MUSSEL (*DREISSENA POLYMORPHA*).

1 (2) IT IS THE INTENTION OF THE LEGISLATURE TO LIST AN ORGANISM  
2 AS A PROHIBITED SPECIES IF ALL OF THE FOLLOWING REQUIREMENTS ARE  
3 MET:

4 (A) THE ORGANISM IS NOT NATIVE TO THIS STATE.

5 (B) THE ORGANISM IS NOT NATURALIZED IN THIS STATE OR, IF  
6 NATURALIZED, IS NOT WIDELY DISTRIBUTED IN THIS STATE.

7 (C) ONE OR MORE OF THE FOLLOWING APPLY:

8 (i) THE ORGANISM HAS THE POTENTIAL TO HARM HUMAN HEALTH OR TO  
9 SEVERELY HARM NATURAL, AGRICULTURAL, OR SILVICULTURAL RESOURCES.

10 (ii) EFFECTIVE MANAGEMENT OR CONTROL TECHNIQUES FOR THE  
11 ORGANISM ARE NOT AVAILABLE.

12 (3) IT IS THE INTENTION OF THE LEGISLATURE TO LIST AN ORGANISM  
13 AS A RESTRICTED SPECIES IF ALL OF THE FOLLOWING REQUIREMENTS ARE  
14 MET:

15 (A) THE ORGANISM IS NOT NATIVE TO THIS STATE.

16 (B) THE ORGANISM IS NATURALIZED AND WIDELY DISTRIBUTED IN THIS  
17 STATE.

18 (C) ONE OR MORE OF THE FOLLOWING APPLY:

19 (i) THE ORGANISM HAS THE POTENTIAL TO HARM HUMAN HEALTH OR TO  
20 HARM NATURAL, AGRICULTURAL, OR SILVICULTURAL RESOURCES.

21 (ii) EFFECTIVE MANAGEMENT OR CONTROL TECHNIQUES FOR THE  
22 ORGANISM ARE AVAILABLE.

23 (4) ~~(2)~~—For the purposes of this part:

24 (a) A person is not considered to possess a live organism  
25 simply because the organism is present on land or in waters owned  
26 by that person unless the person has knowingly introduced that live  
27 organism on that land or in those waters.

1 (b) A person is not considered to possess a live organism if  
2 the organism was obtained from the environment and the person only  
3 possesses the organism at the specific location at which it was  
4 obtained from the environment.

5 (c) A person is not considered to possess a live organism if  
6 the possession is for the purpose of promptly destroying the  
7 organism.

8 Sec. 41305. A person shall not introduce a prohibited species,  
9 a restricted species, or a genetically engineered or nonnative fish  
10 ~~or~~ aquatic plant, **BIRD, CRUSTACEAN, FISH, MAMMAL, OR MOLLUSK** unless  
11 the introduction is authorized by 1 of the following, as  
12 applicable:

13 (a) For a fish, by a permit issued by the department under  
14 section 48735.

15 (b) For a prohibited species or restricted species that is an  
16 insect, by a permit issued by the department of agriculture under  
17 section 41306.

18 (c) For an aquatic plant, **BIRD, CRUSTACEAN, FISH, MAMMAL, OR**  
19 **MOLLUSK**, by a permit issued by the department under section 41306.

20 Sec. 41306. (1) A person shall apply for a permit that section  
21 41303 or 41305 describes as being issued by the department or the  
22 department of agriculture under this section on a form developed by  
23 the department or the department of agriculture, respectively. The  
24 application shall be accompanied by a fee based on the cost of  
25 administering this part. The department or the department of  
26 agriculture, respectively, shall either grant an administratively  
27 complete application and issue a permit or deny the application.

1           (2) The department or the department of agriculture may revoke  
2 or modify a permit issued by the department or the department of  
3 agriculture, respectively, under subsection (1) after providing an  
4 opportunity for a hearing under the administrative procedures act  
5 of 1969, 1969 PA 306, MCL 24.201 to 24.328.

6           **(3) THE DEPARTMENT SHALL ADMINISTER AND ENFORCE THIS PART,**  
7 **EXCEPT WITH RESPECT TO INSECT SPECIES. THE DEPARTMENT OF**  
8 **AGRICULTURE SHALL ADMINISTER AND ENFORCE THIS PART WITH RESPECT TO**  
9 **INSECT SPECIES. IN ADDITION, ANY PEACE OFFICER MAY ENFORCE THE**  
10 **CRIMINAL PROVISIONS OF THIS PART.**

11           Sec. 41309. (1) A person who violates section 41303(2) is  
12 subject to a civil fine of not more than \$100.00.

13           (2) A person who violates section 41303(1), or a condition of  
14 a permit issued under this part, with respect to a restricted  
15 species is subject to a civil fine of not more than \$5,000.00. A  
16 person who violates section 41303(1), or a condition of a permit  
17 issued under this part, with respect to a prohibited species is  
18 subject to a civil fine of not more than \$10,000.00.

19           (3) A person who violates section 41303(1) knowing the  
20 possession is unlawful or who willfully or in a grossly negligent  
21 manner violates a condition of a permit issued under this part is  
22 guilty as follows:

23           (a) For a violation involving a restricted species, the person  
24 is guilty of a misdemeanor and may be imprisoned for not more than  
25 1 year and shall be fined not less than \$1,000.00 or more than  
26 \$10,000.00.

27           (b) For a violation involving a prohibited species, the person

1 is guilty of a felony and may be imprisoned for not more than 2  
2 years and shall be fined not less than \$2,000.00 or more than  
3 \$20,000.00.

4 (4) A person who, with intent to damage natural, agricultural,  
5 or silvicultural resources **OR HUMAN HEALTH:**

6 (a) Violates section 41303(1) with respect to a restricted  
7 species or possesses a nonnative ~~fish or~~ aquatic plant, **BIRD,**  
8 **CRUSTACEAN, FISH, MAMMAL, OR MOLLUSK** is guilty of a felony and may  
9 be imprisoned for not more than 2 years and shall be fined not less  
10 than \$1,000.00 or more than \$250,000.00.

11 (b) Violates section 41303(1) with respect to a prohibited  
12 species or possesses a genetically engineered ~~fish or~~ aquatic  
13 plant, **BIRD, CRUSTACEAN, FISH, MAMMAL, OR MOLLUSK** is guilty of a  
14 felony and may be imprisoned for not more than 4 years and shall be  
15 fined not less than \$2,000.00 or more than \$500,000.00.

16 (5) A person who sells or offers to sell a restricted species  
17 is subject to a civil fine of not less than \$1,000.00 or more than  
18 \$10,000.00. A person who sells or offers to sell a prohibited  
19 species is subject to a civil fine of not less than \$2,000.00 or  
20 more than \$20,000.00.

21 (6) A person who violates section 41305 is guilty as follows:

22 (a) For a violation involving a restricted species or a  
23 nonnative ~~fish or~~ aquatic plant, **BIRD, CRUSTACEAN, FISH, MAMMAL, OR**  
24 **MOLLUSK**, the person is guilty of a misdemeanor and may be  
25 imprisoned for not more than 6 months and shall be fined not less  
26 than \$500.00 or more than \$5,000.00.

27 (b) For a violation involving a prohibited species or a

1 genetically engineered ~~fish or~~ aquatic plant, **BIRD, CRUSTACEAN,**  
2 **FISH, MAMMAL, OR MOLLUSK**, the person is guilty of a misdemeanor and  
3 may be imprisoned for not more than 1 year and shall be fined not  
4 less than \$1,000.00 or more than \$10,000.00.

5 (7) A person who violates section 41305 with respect to a  
6 restricted species or nonnative ~~fish or~~ aquatic plant, **BIRD,**  
7 **CRUSTACEAN, FISH, MAMMAL, OR MOLLUSK** and who knows or should know  
8 the identity of the restricted species or that the organism,  
9 whether a restricted species or other ~~fish or~~ aquatic plant, **BIRD,**  
10 **CRUSTACEAN, FISH, MAMMAL, OR MOLLUSK**, is nonnative is guilty of a  
11 misdemeanor and may be imprisoned for not more than 1 year and  
12 shall be fined not less than \$1,000.00 or more than \$10,000.00.

13 (8) A person who violates section 41305 with respect to a  
14 prohibited species or a genetically engineered fish or aquatic  
15 plant, **BIRD, CRUSTACEAN, FISH, MAMMAL, OR MOLLUSK** and who knows or  
16 should know the identity of the prohibited species or that the ~~fish~~  
17 ~~or~~ aquatic plant, **BIRD, CRUSTACEAN, FISH, MAMMAL, OR MOLLUSK** is  
18 genetically engineered, respectively, is guilty of a felony and may  
19 be imprisoned for not more than 2 years and shall be fined not less  
20 than \$2,000.00 or more than \$20,000.00.

21 (9) A person who violates section 41305 knowing the  
22 introduction is unlawful, is guilty as follows:

23 (a) For a violation involving a restricted species or  
24 nonnative ~~fish or~~ aquatic plant, **BIRD, CRUSTACEAN, FISH, MAMMAL, OR**  
25 **MOLLUSK**, the person is guilty of a felony and may be imprisoned for  
26 not more than 2 years and shall be fined not less than \$1,000.00 or  
27 more than \$250,000.00.

1 (b) For a violation involving a prohibited species or a  
2 genetically engineered ~~fish or~~ aquatic plant, **BIRD, CRUSTACEAN,**  
3 **FISH, MAMMAL, OR MOLLUSK**, the person is guilty of a felony and may  
4 be imprisoned for not more than 4 years and shall be fined not less  
5 than \$2,000.00 or more than \$500,000.00.

6 (10) A person who, with intent to damage natural,  
7 agricultural, or silvicultural resources **OR HUMAN HEALTH**, violates  
8 section 41305 is guilty as follows:

9 (a) For a violation involving a restricted species or  
10 nonnative ~~fish or~~ aquatic plant, **BIRD, CRUSTACEAN, FISH, MAMMAL, OR**  
11 **MOLLUSK**, the person is guilty of a felony and may be imprisoned for  
12 not more than 3 years and shall be fined not less than \$1,000.00 or  
13 more than \$500,000.00.

14 (b) For a violation involving a prohibited species or a  
15 genetically engineered ~~fish or~~ aquatic plant, **BIRD, CRUSTACEAN,**  
16 **FISH, MAMMAL, OR MOLLUSK**, the person is guilty of a felony and may  
17 be imprisoned for not more than 5 years and shall be fined not less  
18 than \$2,000.00 or more than \$1,000,000.00.

19 ~~— (11) Subsections (3), (4), and (9) do not apply before~~  
20 ~~November 1, 2005 to violations involving species other than fish.~~  
21 ~~Subsections (6), (7), (8), and (10) do not apply before November 1,~~  
22 ~~2005.~~

23 **(11)** ~~(12)~~—In addition to any other civil or criminal sanction  
24 imposed under this section, a person who violates this part is  
25 liable for any damages to natural resources resulting from the  
26 violation, including, but not limited to, costs incurred to prevent  
27 or minimize such damages.

1           (12) ~~(13)~~—This part does not apply to activities authorized  
2 under the Michigan aquaculture development act, 1996 PA 199, MCL  
3 286.871 to 286.884.

4           Sec. 41311. (1) The invasive species fund is created within  
5 the state treasury.

6           (2) The department shall forward to the state treasurer and  
7 the state treasurer shall deposit into the fund civil fines  
8 **COLLECTED UNDER SECTION 41309** and permit fees collected under ~~this~~  
9 ~~part~~ **SECTION 41306**. The state treasurer may receive money or other  
10 assets from any source for deposit into the fund. The state  
11 treasurer shall direct the investment of the fund. The state  
12 treasurer shall credit to the fund interest and earnings from fund  
13 investments.

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

16           (4) The department shall expend money from the fund, upon  
17 appropriation, only for 1 or more of the following purposes:

18           (a) The administration of this part.

19           (b) Public education about preventing the introduction of,  
20 controlling, or eradicating prohibited species, restricted species,  
21 and other nonnative species and genetically engineered ~~fish,~~  
22 ~~insects, and~~ aquatic plants, **BIRDS, CRUSTACEANS, FISH, INSECTS,**  
23 **MAMMALS, AND MOLLUSKS.**

24           Sec. 41313. The department shall post on its website all of  
25 the following:

26           (a) Information on the requirements of this part applicable to  
27 the public.

1 (b) The penalties for violating the requirements of this part.

2 (c) A list of prohibited species and restricted species along  
3 with a description and a photograph or drawing of each of those  
4 species.

5 (d) Each annual report of the ~~council~~**DEPARTMENT** under section  
6 41323, for not less than 3 years after its issuance.

7 Sec. 41323. (1) The ~~council~~**DEPARTMENT** shall do all of the  
8 following:

9 (a) ~~Within 6 months after the effective date of the amendatory~~  
10 ~~act that added this section~~**BY MARCH 1 OF EACH YEAR**, submit to the  
11 governor and the legislature a report that makes recommendations on  
12 additions~~—~~**ALL OF THE FOLLOWING:**

13 (i) **ADDITIONS** to or deletions from the list of prohibited  
14 species and restricted species **AND THE CLASSES OF ORGANISMS COVERED**  
15 **BY THIS PART BASED ON CRITERIA SET FORTH IN SECTION 41301(2) AND**  
16 **(3)**.

17 ~~— (b) By March 1 of each year, beginning in 2006, submit to the~~  
18 ~~governor and the legislature a report that makes recommendations on~~  
19 ~~all of the following:~~

20 ~~— (i) The adoption of lists for classes of prohibited and~~  
21 ~~restricted organisms other than fish, insects, and aquatic plants.~~

22 (ii) The status of various prohibited species and other  
23 problematic invasive organisms in this state, including, but not  
24 limited to, a list of infested waterbodies by species.

25 (iii) Preventing the introduction of and controlling or  
26 eradicating invasive or genetically engineered ~~fish, insects, and~~  
27 aquatic plants, **BIRDS, CRUSTACEANS, FISH, INSECTS, MAMMALS, OR**

1 **MOLLUSKS.**

2 (iv) Restoration or remediation of habitats or species damaged  
3 by invasive species or genetically engineered organisms.

4 (v) Prioritizing efforts to prevent violations of and  
5 otherwise further the purposes of this part.

6 (vi) The specific areas of responsibility for various state  
7 departments under this part and the sharing of information on  
8 permits under this part among responsible state departments.

9 (vii) Educating citizens about their responsibilities under  
10 this part and their role in preventing the introduction of and  
11 controlling or eradicating prohibited species, restricted species,  
12 and invasive or genetically engineered fish, ~~insects, or aquatic~~  
13 plants, **BIRDS, CRUSTACEANS, FISH, INSECTS, MAMMALS, OR MOLLUSKS.**

14 (viii) Simplifying citizen access to state government for  
15 compliance with this part.

16 (ix) Legislation and funding to carry out the ~~council's~~  
17 **DEPARTMENT'S** recommendations and otherwise further the purposes of  
18 this part.

19 (x) Other matters that the ~~council-DEPARTMENT~~ considers  
20 pertinent to the purposes of this part.

21 (c) Establish criteria for identifying waterbodies infested by  
22 prohibited species.

23 (d) Monitor and promote efforts to rescind the exemption under  
24 40 CFR 122.3(a) for ballast water discharges.

25 (2) The ~~council-DEPARTMENT~~ shall carry out its reporting and  
26 other duties in cooperation with the aquatic nuisance species  
27 council created under Executive Order No. 2002-21.

1 ~~—— (3) This section is repealed effective 5 years after the~~  
2 ~~effective date of the amendatory act that added this section.~~

3       Enacting section 1. Section 41321 of the natural resources and  
4 environmental protection act, 1994 PA 451, MCL 324.41321, is  
5 repealed.

6       Enacting section 2. This amendatory act takes effect 90 days  
7 after the date it is enacted into law.