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## BILL ANALYSIS



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Senate Bill 1136 (as introduced 11-8-18)  
Sponsor: Senator Dave Robertson  
Committee: Natural Resources

Date Completed: 11-26-18

**CONTENT**

**The bill would rename Part 414 (Aquatic Invasive Species Advisory Council) of the Natural Resources and Environmental Protection Act to Part 414 (Aquatic Invasive Species). The bill also would amend Part 414 to do the following:**

- **Require the Department of Environmental Quality (DEQ) to establish an inland lake aquatic invasive plant species control and eradication program.**
- **Require the program to provide grants to eligible applicants for eligible projects to control and eradicate inland lake aquatic invasive plant species.**
- **Prescribe requirements for eligible applicants and eligible projects for the program.**
- **Create the "Inland Lake Aquatic Invasive Plant Species Control and Eradication Fund" within the State Treasury for inland lake aquatic invasive plant species control or eradication grants.**

**Inland Lake Aquatic Invasive Plant Species Control and Eradication Program**

The bill would require the DEQ to establish an inland lake aquatic invasive plant species control and eradication program. The program would have to provide grants to eligible applicants for eligible projects to control or eradicate inland lake aquatic invasive plant species, including vegetation management plans and any necessary permit fees associated with those projects. "Aquatic invasive plant species" would mean 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.

An eligible applicant would have to meet both of the following requirements: a) be a legally constituted lake association, property owners association, homeowners association, lake board, or special assessment district; and b) be eligible to receive a permit from the Department to conduct all project activities.

An eligible project would have to meet all of the following requirements:

- There would have to be public access to the inland lake for all activities associated with the project.
- The waterbody would need to have vegetation management goals created by a licensed commercial applicator or lake manager.
- All survey, control, eradication, and documentation activities would have to be completed by a qualified scientist, technician, licensed commercial aquatic applicator, or university representative.
- All control or eradication activities would have to use best management practices.

- The products used in control or eradication activities that were conducted would have to be approved or authorized by the United States Environmental Protection Agency and the DEQ.

The Department would have to issue grants to eligible applicants for eligible projects in the following priority order:

- Projects to manage pioneer infestations of inland lake aquatic invasive plant species.
- Projects to prevent or control the further spread of inland lake aquatic invasive plant species.
- Projects for recurring maintenance control.

If an eligible applicant submitted an application for an eligible project, but did not receive a grant because of a lack of available funds, that eligible applicant would be given priority for approval in the following year within the appropriate category for which the grant application was submitted.

An eligible applicant that wished to receive a grant would have to submit an application to the DEQ containing the information required by the Department. Grant applications would have to be submitted by February 1. By March 1, the Department would have to notify each applicant whether its application had been approved. The Department could require an applicant that received a grant to enter into a grant agreement with it before issuing the grant.

#### Inland Lake Aquatic Invasive Plant Species Control and Eradication Fund

The State Treasurer could receive money or other assets from any source for deposit into the Inland Lake Aquatic Invasive Plant Species Control and Eradication Fund. The State Treasurer would have to direct the investment of the Fund, and would have to credit it interest and earnings from Fund investments. Money in the Fund at the close of the fiscal year would remain in the Fund and would not lapse to the General Fund. The DEQ would be the administrator of the Inland Lake Aquatic Invasive Plant Species Control and Eradication Fund for auditing purposes.

The Department would have to spend money from the Fund, upon appropriation, only for inland lake aquatic invasive plant species control or eradication grants.

Proposed MCL 324.41401 et al.

Legislative Analyst: Nathan Leaman

#### **FISCAL IMPACT**

The bill would have a potentially negative fiscal impact on the Department of Environmental Quality (DEQ) and no fiscal impact on local units of government. The bill would create the Inland Lake Aquatic Invasive Plant Species Control and Eradication Fund, and would require the Fund to be used to provide grants for eradication and control of aquatic invasive plant species. There currently is no appropriation for these grants, nor does the bill provide a revenue source for the Fund. Absent an appropriation, the DEQ would have to fund an unspecified amount of these grants from existing resources.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.