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House Bill 4714 (Substitute H-2 as reported without amendment)

House Bill 4715 (Substitute H-3 as reported without amendment)

House Bill 4716 (Substitute H-4 as reported without amendment)

Sponsor: Representative Phillip Pavlov (H.B. 4714)

Representative Goeff Hansen (H.B. 4715)

Representative David Farhat (H.B. 4716)

House Committee: Natural Resources, Great Lakes, Land Use and Environment

Senate Committee: Natural Resources and Environmental Affairs

CONTENT

The bills would amend Part 413 (Transgenic and Nonnative Organisms) of the Natural Resources and Environmental Protection Act to create the Invasive Species Advisory Council and prescribe its duties, and revise the penalties under Part 413 and the violations subject to those penalties.

The proposed sections creating the Council and prescribing its duties would be repealed five years after the effective date of House Bills 4714 (H-2) and 4715 (H-3).

House Bill 4714 (H-2) would create the Invasive Species Advisory Council within the Department of Natural Resources (DNR). The Council would consist of the Directors of the DNR, the Michigan Department of Agriculture (MDA), and the Department of Environmental Quality (DEQ). Those Departments would have to provide staff and services to the Council. The Council would be required to consult with representatives of businesses affected by Part 413, academic experts, public interest group representatives, government officials, and others.

House Bill 4715 (H-3) would require the Council, within six months after the bill's effective date, to submit to the Governor and the Legislature a report recommending additions to or deletions from the lists of prohibited and restricted species. Beginning in 2006, by March 1 of each year, the Council would have to submit a report making recommendations on other matters set forth in the bill, including the status of prohibited species and other problematic invasive organisms; preventing the introduction of and controlling or eradicating invasive or genetically engineered fish, insects, and aquatic plants; restoring habitats or species damaged by invasive species or genetically engineered organisms; and legislation and funding to carry out the Council's recommendations. The Council also would have to establish criteria for identifying waterbodies infested by prohibited species.

House Bill 4716 (H-4) would delete the current penalty of up to five year's imprisonment and/or a maximum fine of \$250,000 for violating Section 41303 (possessing or releasing a live prohibited species) or Section 41305 (knowingly releasing or allowing the release of a genetically engineered fish or a nonnative fish without a permit). The bill would establish a range of civil and criminal penalties for violations of Sections 41403 and 41305 (as they would be amended by Senate Bill 212 (S-3) and Senate Bill 213 (S-2), respectively).

The bills are tie-barred to each other and to Senate Bills 211, 212, 213, and 215, which would amend Part 413 to prohibit a person from possessing a prohibited or restricted species; prohibit a person from introducing a prohibited or restricted species, or a genetically engineered or nonnative fish, insect, or aquatic plant without a permit; create the Invasive Species Fund and require permit fees and fines collected under Part 413 to be deposited into it; require the DNR to post related information on its website; define "prohibited species" as prohibited aquatic plant species, prohibited insect species, or prohibited fish species; and define "restricted species" as restricted aquatic plant species.

Proposed MCL 324.41321 (H.B. 4714)
Proposed MCL 324.41322 (H.B. 4715)
MCL 324.41309 (H.B. 4716)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

These bills, along with Senate Bills 211 (S-2), 212 (S-3), 213 (S-2), and 215 (S-3), would have an indeterminate fiscal impact on State and local government.

The package would create a new permit program regulating the possession or introduction of prohibited and restricted species. The new program would increase costs for the State; however, the DEQ and the MDA could collect permit fees to cover the cost of administering the permit program. It is unknown how many permits would be issued.

There are no data to indicate how many additional offenders would be convicted of violating Section 41303 or 41305 under the proposed changes. Local governments incur the cost misdemeanor probation and incarceration in local facilities, which vary by county. The State incurs the cost of felony probation at an average annual cost of \$2,000 per offender, as well as the cost of incarceration in a State facility at an average annual cost of \$28,000 per offender. Public libraries would benefit from any additional penal fine revenue collected. Under Senate Bill 215 (S-3), civil fine revenue collected for violations of Part 413 would be deposited into the proposed Invasive Species Fund.

The State would incur minimal costs related to posting information on the DNR website and reimbursing Council members for actual and necessary expenses for performance of official duties.

Date Completed: 6-22-05

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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.