



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 1466 (as reported without amendment)
Sponsor: Senator Gerald Van Woerkom
Committee: Natural Resources and Environmental Affairs

Date Completed: 10-1-08

RATIONALE

In an effort to control invasive species in Michigan, legislation was enacted in 2005 to prohibit a person from possessing certain plant, fish, and insect species, establish civil and criminal penalties for violating the ban, and establish the Invasive Species Advisory Council, whose duties include recommending additions to or deletions from the lists of prohibited species. The list of prohibited plant species includes yellow flag iris, a plant brought to the U.S. and Canada originally as an ornamental, as well as any of its fragments or seeds or a hybrid or genetically engineered variant. Since then, this particular species has been shown not to present a nuisance threat in Michigan, and it has been suggested that yellow flag iris be removed from the list.

CONTENT

The bill would amend Part 413 (Transgenic and Nonnative Organisms) of the Natural Resources and Environmental Protection Act to remove yellow flag iris (*Iris pseudacorus*) and a hybrid or genetically engineered variant of yellow flag iris from the definition of "prohibited aquatic plant species".

Part 413 prohibits a person from possessing a prohibited species, including an aquatic plant species, except under one or more of the following circumstances:

- The person intends to present a specimen, for identification or similar purposes, to a certified or registered pesticide applicator, to a public or private institution of higher education, or to the Department of Natural Resources (DNR) or any other State, local, or Federal

agency with responsibility for the environment or natural resources.

- The person has been presented with a specimen for identification purposes in accordance with Part 413.
- The person possesses the prohibited species in conjunction with otherwise lawful activity to eradicate or control it.
- The possession is pursuant to a permit issued by the DNR for education or research purposes.

A person who violates this prohibition is subject to a maximum civil fine of \$10,000. If a violator knows that the possession is unlawful, the offense is a felony punishable by imprisonment for up to two years and a mandatory fine of at least \$2,000 but not more than \$20,000. Part 413 prescribes additional criminal penalties for the introduction of prohibited species.

MCL 333.41301

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

When the initial prohibited plant species list was established, yellow flag iris was included due to experience in other locations indicating that it can proliferate unchecked and result in the destructive impacts associated with nuisance species. In some other states, the species has spread primarily from gardens to wetlands and formed dense thickets, stifling other species (including those comprising waterfowl food).

Yellow flag iris has not grown this way in Michigan, however, and the Invasive Species Advisory Council has recommended that it be removed from the list of prohibited plants.

Eliminating yellow flag iris could be beneficial to the State's economy, since its vibrant color and ability to remove metals from wastewater make it an attractive option for rain gardens. When the species was included in the prohibited list, nurseries evidently experienced thousands of dollars in lost sales.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the State. Delisting the yellow flag iris as a prohibited aquatic plant species could result in its being grown in nurseries for sale, which would be a positive economic increase. However, if the plant were to grow in the wild to a level at which it inhibited an ecosystem, it could require corrective action by the Department of Natural Resources.

Fiscal Analyst: Jessica Runnels

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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.