

HOUSE BILL No. 6648

November 12, 2008, Introduced by Reps. Lahti, McDowell, Spade, LeBlanc, Lindberg, Shaffer, Bauer and Valentine and referred to the Committee on Great Lakes and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 41301 (MCL 324.41301), as amended by 2005 PA
77, and by adding section 41325.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

2 (A) "AQUATIC PLANT" MEANS A SUBMERGENT, EMERGENT, OR FLOATING-
3 LEAF PLANT OR A FRAGMENT OR SEED THEREOF. AQUATIC PLANT DOES NOT
4 MEAN WILD RICE (ZIZANIA AQUATICA).

5 (B) ~~(a)~~—"Council" means the invasive species advisory council
6 created in section 41321.

7 (C) ~~(b)~~—"Department" means the department of natural
8 resources.

(D) ~~(e)~~—"Genetically engineered" refers to an organism whose genome, chromosomal or extrachromosomal, is modified permanently and heritably, using recombinant nucleic acid techniques, or the progeny thereof.

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

(F) ~~(e)~~—"Prohibited aquatic plant species" means any of the following or ~~fragments or seeds~~ **A FRAGMENT OR SEED** thereof:

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

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

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

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

(v) Giant salvinia (*Salvinia molesta*, *auriculata*, *biloba*, or *herzogii*) or a hybrid or genetically engineered variant thereof.

(vi) Hydrilla (*Hydrilla verticillata*) or a hybrid or genetically engineered variant thereof.

(vii) Japanese knotweed (*Fallopia japonica*) or a hybrid or genetically engineered variant thereof.

(viii) Parrot's feather (*Myriophyllum aquaticum*) or a hybrid or genetically engineered variant thereof.

(ix) Water chestnut (*Trapa natans*) or a hybrid or genetically

1 engineered variant thereof.

2 (x) Yellow flag iris (*Iris pseudacorus*) or a hybrid or
3 genetically engineered variant thereof.

4 (xi) Yellow floating heart (*Nymphoides peltata*) or a hybrid or
5 genetically engineered variant thereof.

6 (G) ~~(F)~~—"Prohibited fish species" means any of the following
7 or ~~the eggs~~ **AN EGG** thereof:

8 (i) Bighead carp (*Hypophthalmichthys nobilis*) or a hybrid or
9 genetically engineered variant thereof.

10 (ii) Bitterling (*Rhodeus sericeus*) or a hybrid or genetically
11 engineered variant thereof.

12 (iii) Black carp (*Mylopharyngodon piceus*) or a hybrid or
13 genetically engineered variant thereof.

14 (iv) Grass carp (*Ctenopharyngodon idellus*) or a hybrid or
15 genetically engineered variant thereof.

16 (v) Ide (*Leuciscus idus*) or a hybrid or genetically engineered
17 variant thereof.

18 (vi) Japanese weatherfish (*Misgurnus anguillicaudatus*) or a
19 hybrid or genetically engineered variant thereof.

20 (vii) Rudd (*Scardinius erythrophthalmus*) or a hybrid or
21 genetically engineered variant thereof.

22 (viii) Silver carp (*Hypophthalmichthys molitrix*) or a hybrid or
23 genetically engineered variant thereof.

24 (ix) A fish of the snakehead family (family Channidae) or a
25 genetically engineered variant thereof.

26 (x) Tench (*Tinca tinca*) or a hybrid or genetically engineered
27 variant thereof.

1 (H) ~~(g)~~—"Prohibited insect species" means any of the following
2 or ~~the eggs~~ **AN EGG** thereof:

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

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

7 (I) ~~(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 (J) ~~(i)~~—"Recombinant nucleic acid techniques" means laboratory
12 techniques through which genetic material is isolated and
13 manipulated in vitro and then inserted into an organism.

14 (K) ~~(j)~~—"Restricted aquatic plant species" means any of the
15 following or ~~fragments or seeds~~ **A FRAGMENT OR SEED** thereof:

16 (i) Curly leaf pondweed (*Potamogeton crispus*) or a hybrid or
17 genetically engineered variant thereof.

18 (ii) Eurasian watermilfoil (*Myriophyllum spicatum*) or a hybrid
19 or genetically engineered variant thereof.

20 (iii) Flowering rush (*Butomus umbellatus*) or a hybrid or
21 genetically engineered variant thereof.

22 (iv) Phragmites or common reed (*Phragmites australis*) or a
23 hybrid or genetically engineered variant thereof.

24 (v) Purple loosestrife (*Lythrum salicaria*) or a hybrid or
25 genetically engineered variant thereof, except for cultivars
26 developed and recognized to be sterile and approved by the director
27 of agriculture under section 16a of the insect pest and plant

1 disease act, 1931 PA 189, MCL 286.216a.

2 (I) ~~(k)~~ "Restricted species" means a restricted aquatic plant
3 species.

4 (2) For the purposes of this part:

5 (a) A person is not considered to possess a live organism
6 simply because the organism is present on land or in waters owned
7 by that person unless the person has knowingly introduced that live
8 organism on that land or in those waters.

9 (b) A person is not considered to possess a live organism if
10 the organism was obtained from the environment and the person only
11 possesses the organism at the specific location at which it was
12 obtained from the environment.

13 (c) A person is not considered to possess a live organism if
14 the possession is for the purpose of promptly destroying the
15 organism.

16 **SEC. 41325. (1) A PERSON SHALL NOT PLACE A BOAT, BOATING**
17 **EQUIPMENT, OR BOAT TRAILER IN THE WATERS OF THIS STATE IF THE BOAT,**
18 **BOATING EQUIPMENT, OR BOAT TRAILER HAS AN AQUATIC PLANT ATTACHED.**

19 (2) A LAW ENFORCEMENT OFFICER MAY ORDER THE OWNER OR OPERATOR
20 OF A BOAT, BOATING EQUIPMENT, OR BOAT TRAILER TO REMOVE AQUATIC
21 PLANTS FROM THE BOAT, BOATING EQUIPMENT, OR BOAT TRAILER. THE OWNER
22 OR OPERATOR SHALL OBEY SUCH AN ORDER.

23 (3) THE DEPARTMENT SHALL PREPARE A NOTICE THAT CONTAINS A
24 SUMMARY OF SUBSECTIONS (1), (2), (4), AND (5) AND SHALL MAKE COPIES
25 OF THE NOTICE AVAILABLE TO OWNERS OF PUBLIC BOAT ACCESS SITES.

26 (4) THE OWNER OF A PUBLIC BOAT ACCESS SITE SHALL POST AND
27 MAINTAIN THE NOTICE DESCRIBED IN SUBSECTION (3).

1 (5) A PERSON WHO VIOLATES SUBSECTION (1), (2), OR (4) IS
2 RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY
3 A CIVIL FINE OF NOT MORE THAN \$500.00.