



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 1464 (as enacted)
Sponsor: Senator Mike Nofs
Senate Committee: Local, Urban and State Affairs
House Committee: Intergovernmental and Regional Affairs

PUBLIC ACT 358 of 2010

Date Completed: 3-24-11

RATIONALE

Noxious weeds are plant species that have been designated as injurious to agricultural or horticultural crops, natural habitats or ecosystems, livestock, or humans. Such species generally are introduced into ecosystems through ignorance, mismanagement, or accident, although native species also can be designated noxious weeds. Michigan law prescribes measures for the control of noxious weeds by local units of government (described below, under **BACKGROUND**). The law identifies particular species that are considered noxious, but also includes any plant that a county, city, or village regards as a nuisance. It was suggested that giant hogweed be added to the list, and that townships be granted the same authority that counties, cities, and villages have to declare problematic plants noxious weeds.

CONTENT

The bill amended Public Act 359 of 1941 (which governs the control of noxious weeds) to include giant hogweed among the weeds that may be considered noxious, and refer to plants regarded as a nuisance by a township.

Under the Act, "noxious weeds" include Canada thistle, doddies, mustards, wild carrot, bindweed, perennial sowthistle, hoary alyssum, ragweed, poison ivy, poison sumac, and any other plant that the governing body of any county, city, or village regulated under the Act regards as a common nuisance.

The bill added giant hogweed (*Heracleum mantegazzianum*), and any other plant that the governing body of a township regards as a common nuisance.

The bill took effect on December 22, 2010.

MCL 247.62

BACKGROUND

Public Act 349 of 1941 requires the owner of land on which noxious weeds are found growing to destroy them before they reach a seed-bearing stage and prevent their regrowth, or prevent them from becoming a detriment to public health. The city, village, or township commissioner of noxious weeds must notify the owner, agent, or occupant of land on which noxious weeds are found growing. If he or she refuses to destroy the weeds, the commissioner must do so. The land owner must pay the expenses incurred in the destruction, and the local unit of government has a lien against the land for the amount of the expense.

A village or city, or a township may provide by ordinance that if the owner, agent, or occupant of subdivided land in a subdivision in which buildings have been erected on 60% of the lots, or the owner, agent, or occupant of a lot along an improved street in common use, has failed to destroy the weeds after 10 days' notice, then an authorized agent of the local unit's governing body may enter the lot and destroy them by cutting. The lot owner must pay the expenses incurred in the

destruction, and the local unit has a lien upon the lot for the amount of the expense.

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

Noxious weeds grow aggressively, cause environmental damage, and present health risks to animals and people who come into contact with them. It is important that all units of local government, including townships, have the authority to determine which plants have become nuisances that warrant control measures within their jurisdictions.

Supporting Argument

Giant hogweed is a species native to Eurasia. According to the U.S. Department of Agriculture, the plant was introduced to the United States as an ornamental in 1917. It produces a sap that is phototoxic, meaning it becomes toxic when exposed to light. Upon contact with the skin or eyes, the sap can cause blisters, scarring, and blindness. In addition, the species produces thousands of seeds, which can be spread to new areas easily via wind and water. In light of giant hogweed's harmful effects and considerable ability to proliferate, it should be recognized as a noxious weed in State statute.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: David Zin

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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.