



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4199 (Substitute S-1 as reported)

Sponsor: Representative Michael Lahti

First House Committee: Tourism, Outdoor Recreation and Natural Resources

Second House Committee: Great Lakes and Environment

Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 7-22-09

RATIONALE

Over the last several years, measures have been enacted to prevent the introduction and spread of invasive species throughout the State. For example, Public Acts 32 and 33 of 2005 require certain oceangoing vessels to have a permit; require permit applicants to use environmentally sound technology and methods to prevent the discharge of aquatic nuisance species in ballast water; and prescribe penalties for unauthorized ballast water discharges. Public Acts 74 through 81 of 2005 list prohibited and restricted species, including particular aquatic plants; prohibit the unauthorized possession and introduction of those species; and prescribe penalties for violations.

One way in which invasive species are transported into Michigan and, subsequently, between different bodies of water within the State, is via watercraft. Invasive aquatic plants, such as the Eurasian watermilfoil, are transferred from one lake to another when they cling to boats and associated equipment. Once introduced, invasive species can have a devastating effect on the environment, public health and safety, and the economy. As an additional means to prevent the proliferation of invasive species, it has been suggested that placing a boat, trailer, or related equipment in Michigan waters with an aquatic plant attached should be prohibited.

CONTENT

The bill would amend Part 413 (Transgenic and Nonnative Organisms) of the Natural Resources and Environmental Protection Act to do the following:

- Prohibit the placement of a boat, boating equipment, or boat trailer in Michigan waters with an aquatic plant attached.**
- Require the owner of a public boating access site to post a notice of the prohibition.**
- Prescribe a civil fine for a violation of the aquatic plant prohibition and the notice requirement.**

Under the bill, a person could not place a boat, boating equipment, or boat trailer in the waters of this State if it had an aquatic plant attached. A law enforcement officer could order the owner or operator of the boat, equipment, or trailer to remove aquatic plants. The owner or operator would have to obey the order. A person who violated these provisions would be responsible for a State civil infraction and could be ordered to pay a civil fine of up to \$100.

The Department of Natural Resources (DNR) would have to prepare a notice containing a summary of the bill's provisions and make copies of it available to owners of public boating access sites. The owner of a public boating access site would have to post and maintain the notice. An access site owner who violated the notice requirement would

be responsible for a State civil infraction and could be ordered to pay a civil fine of up to \$100. In addition, the DNR would have to include the notice in relevant Department publications and post it on the Department's website.

Under the bill, "aquatic plant" would mean a submergent, emergent, or floating-leaf plant, or a fragment or seed of such a plant. The term would not include wild rice (*Zizania aquatica*).

Proposed MCL 324.41325

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

Nonnative species can threaten the diversity or abundance of native species, damage the ecological stability of affected waters, and jeopardize recreational activity. These species have the potential to cause significant environmental, economic, and public health problems because they have been introduced to a habitat in which there are not natural controls, such as predators, parasites, pathogens, and competitors. They can crowd out native species, alter habitats, and transmit foreign diseases or parasites. They also can cause such problems as food chain disruption, reduced biodiversity, and increased weed growth. Once introduced, nonnative species can be impossible to eradicate and difficult to control. Furthermore, measures to eliminate them from an ecosystem are costly and sometimes result in more harm.

As the home of 20% of the world's fresh water, Michigan has more registered boats than any other state and provides excellent fishing opportunities to many people, both residents and nonresidents, every year. Invasive aquatic plants pose a threat to the State's boating and fishing industries. Additionally, they can interfere with people's enjoyment of the State's beaches, adding to the negative impact on tourism.

The bill would provide another tool to combat the spread of invasive species by requiring the DNR to educate people about the importance of cleaning off their boats, personal watercraft, and associated

equipment before using them on the State's lakes and waterways, and establishing a civil fine as an enforcement measure. Reportedly, similar legislation enacted in Wisconsin has been effective in increasing public awareness about the harm of transferring invasive plants from lake to lake.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The Department of Natural Resources would absorb notice requirements, which would be minimal. Currently, civil fines collected for violations of Part 413 are deposited in the Invasive Species Fund and used to support administration of this part. (Beginning on September 21, 2009, this will apply only to violations of specific sections of Part 413.) Under the Revised Judicature Act, State civil infraction fine revenue is dedicated to public libraries, and a defendant is liable for a \$10 justice system assessment as well as costs.

Fiscal Analyst: Bill Bowerman

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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.