

HOUSE BILL No. 4199

February 5, 2009, Introduced by Reps. Lahti, McDowell, Roberts, Sheltroun, Hansen, Spade, Booher, Miller, Cushingberry, Durhal, LeBlanc, Hammel and Lindberg and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

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.

9 (D) ~~(c)~~—"Genetically engineered" refers to an organism whose

1 genome, chromosomal or extrachromosomal, is modified permanently
2 and heritably, using recombinant nucleic acid techniques, or the
3 progeny thereof.

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

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

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

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

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

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

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

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

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

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

26 (ix) Water chestnut (*Trapa natans*) or a hybrid or genetically
27 engineered variant thereof.

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

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

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

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

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

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

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

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

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

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

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

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

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

27 **(H)** ~~(g)~~—"Prohibited insect species" means any of the following

1 or ~~the eggs~~ **AN EGG** thereof:

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

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

6 (I) ~~(h)~~ "Prohibited species" means any of the following:

7 (i) A prohibited aquatic plant species.

8 (ii) A prohibited fish species.

9 (iii) A prohibited insect species.

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

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

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

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

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

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

23 (v) Purple loosestrife (*Lythrum salicaria*) or a hybrid or
24 genetically engineered variant thereof, except for cultivars
25 developed and recognized to be sterile and approved by the director
26 **OF THE DEPARTMENT** of agriculture under section 16a of the insect
27 pest and plant disease act, 1931 PA 189, MCL 286.216a.

1 (l) ~~(k)~~—"Restricted species" means a restricted aquatic plant
2 species.

3 (2) For the purposes of this part:

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

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

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

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

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

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

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

27 **(5) A PERSON WHO VIOLATES SUBSECTION (1), (2), OR (4) IS**

1 RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY
2 A CIVIL FINE OF NOT MORE THAN \$500.00.