

# HOUSE BILL No. 5844

September 23, 2014, Introduced by Rep. Somerville and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 36503 and 52901 (MCL 324.36503 and  
324.52901), section 36503 as added by 1995 PA 59 and section  
52901 as added by 1995 PA 57.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 36503. (1) The department shall conduct investigations  
2 on **SPECIES OF** fish, plants, and wildlife ~~in order to~~ develop  
3 information relating to population, distribution, habitat needs,  
4 **AND** limiting factors, and other biological and ecological data to  
5 determine management measures necessary for ~~their continued~~  
6 ~~ability~~ **THE SPECIES** to sustain themselves successfully. On the  
7 basis of these determinations and other available scientific and  
8 commercial data, which may include consultation with scientists  
9 and others who may have specialized knowledge, ~~learning, or~~

~~experience,~~ the department shall promulgate a rule listing those species of fish, plants, and wildlife that are ~~determined to be~~ endangered or threatened within ~~the~~ **THIS** state, pursuant to the administrative procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.~~ **1969 PA 306, MCL 24.201 TO 24.328.**

(2) The department shall ~~conduct a review of~~ the state list of endangered and threatened species within ~~not more than 2 years~~ after its effective date and every 2 years thereafter ~~, and,~~ **BY RULE,** may amend the list by appropriate additions or deletions. ~~pursuant to Act No. 306 of the Public Acts of 1969.~~

**(3) FOR THE PURPOSES OF THIS ACT, AMERICAN LOTUS (NELUMBO LUTEA) IS NOT CONSIDERED TO BE AN ENDANGERED OR THREATENED SPECIES.**

Sec. 52901. (1) A person shall not cut, remove, or transport ~~, A PLANT~~ without having in possession a bill of sale from the owner or other evidence of title on a form prescribed by and available from the department or the department of agriculture **AND RURAL DEVELOPMENT** or the federal agency that has jurisdiction. ~~, any of the following:~~

**(2) A PERSON WHO CUTS, REMOVES, OR TRANSPORTS A PLANT SHALL PRODUCE A BILL OF SALE OR OTHER EVIDENCE OF OWNERSHIP OF THE PLANT UPON DEMAND OF A LAW ENFORCEMENT OFFICER.**

**(3) AS USED IN THIS PART, "PLANT" MEANS ANY OF THE FOLLOWING OR ANY PART OF ANY OF THE FOLLOWING:**

~~(a) Christmas trees.~~ **A CHRISTMAS TREE.**

- 1 (b) ~~Evergreen boughs.~~**AN EVERGREEN BOUGH.**
- 2 (c) Any other ~~trees, shrubs, or vines.~~**TREE, SHRUB, OR VINE.**
- 3 (d) Trailing arbutus..... Epigaea **REPENS.**
- 4 (e) Bird's foot violet..... Viola pedata.
- 5 (f) Climbing bittersweet..... Celastrus scandens.
- 6 (g) Club mosses..... Lycopodiaceae.
- 7 (h) Flowering dogwood..... Cornus florida.
- 8 (i) ~~All~~Michigan holly..... Ilex sp. and ~~nemopanthus~~
- 9 **NEMOPANTHUS** sp.
- 10 ~~—— (j) North American lotus..... Nelumbo sp.~~
- 11 (J) ~~(k)~~ Pipsissewa..... Chimaphila umbellata.
- 12 (K) ~~(l)~~ ~~All native~~ **NATIVE** orchids..... Orchidaceae.
- 13 (I) ~~(m)~~ Trilliums..... Trillium sp.
- 14 (M) ~~(n)~~ Gentians..... ~~Eustoma~~**GENTIANA** sp.,
- 15 **GENTIANELLA SP., AND GENTIANOPSIS.**
- 16 ~~—— (o) Parts of any plant listed in this subsection.~~
- 17 ~~—— (2) As used in this part, "plant" means a tree, bough,~~
- 18 ~~shrub, vine, or other native plant, or a part of a tree, bough,~~
- 19 ~~shrub, vine, or other native plant, listed in subsection (1).~~
- 20 ~~—— (3) A person shall produce a bill of sale for a plant listed~~
- 21 ~~in subsection (1) or other evidence of title upon demand of a law~~
- 22 ~~enforcement officer.~~