

Legislative Analysis



PROHIBIT BOATS WITH AQUATIC PLANTS ATTACHED

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House Bill 4199 as enrolled

Public Act 91 of 2009

Sponsor: Rep. Michael Lahti

1st House Committee: Tourism, Outdoor Recreation and Natural Resources

2nd House Committee: Great Lakes and Environment

Senate Committee: Natural Resources and Environmental Affairs

First Analysis (1-19-11)

BRIEF SUMMARY: The bill amends Part 413 (Transgenic and Nonnative Organisms) of the Natural Resources and Environmental Protection Act to prohibit the placement of a boat, boating equipment, or a boat trailer in Michigan waters with an aquatic plant attached to it. The bill also requires owners of public access sites to post notice of this prohibition, and prescribes a civil fine for violations.

FISCAL IMPACT: The bill would not appear to have a significant fiscal impact on the state or on local governmental units. Fines from civil infractions go to public libraries and county law libraries.

THE APPARENT PROBLEM:

Nonnative species may cause significant environmental, economic, and public health problems when introduced into new ecosystems. Once introduced, they can be impossible to eradicate and difficult to control. The bill aims at preventing the introduction of nonnative or invasive aquatic plant species into Michigan waters and the subsequent spread of nonnative plant species from one body of water to another by establishing notice requirements and a ban on launching a boat or other watercraft with aquatic plant matter attached to it.

THE CONTENT OF THE BILL:

The bill adds a new Section 41325 (MCL 324.41325) to Part 413 (Transgenic and Nonnative Organisms) of the Natural Resources and Environmental Protection Act (NREPA) to prohibit a person from placing any boat, boating equipment, or boat trailer in the waters of the state if it has an aquatic plant attached. A law enforcement officer may order an owner or operator to remove aquatic plants from a boat, boat trailer, or related equipment. An owner and operator must comply with such an order.

"Aquatic plant" in Part 413 means "a submergent, emergent, or floating-leaf plant or a fragment or seed thereof" except for "wild rice (*Zizania aquatica*)."

"Boat" means "vessel" as defined in Section 80104 of NREPA, and "boating" has a corresponding meaning. (In Section 80104(q) of NREPA, MCL 324.8104(q), "vessel" means "every

description of watercraft used or capable of being used as a means of transportation on water.")

Notice. The Department of Natural Resources must prepare a notice summarizing specified provisions of the act and make copies of it available to the owners of public boat access sites. The department must also include the notice in relevant departmental publications and post it on its website. The owners of public boat access sites must post and maintain the notice.

A person who violates the prohibition on launching a boat with an aquatic plant attached, or who fails to obey an order to remove aquatic plants, is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$100. An owner of a public boating access site who fails to post and maintain the required notice is also responsible for a state civil infraction and subject to a fine of not more than \$100.

ARGUMENTS:

For:

Nonnative species have the potential to cause significant environmental, economic, and public health problems, and, once introduced, can be impossible to eradicate and difficult to control.

As Michigan has more registered boats than any other state, it makes sense to try to reduce the possibility of invasive plant species being spread from one body of water to another via boats and other watercraft. The posted notices will help educate Michigan's residents and tourists about the importance of cleaning off their boats, personal water craft, and other equipment before using them on waters of the state. The potential civil fines will help motivate people to comply with this requirement.

Similar legislation enacted in Wisconsin has reportedly helped increase public awareness of the risk of transferring invasive plants from lake to lake.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.