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Senate Bill 280 (as introduced 2-19-09)  
Sponsor: Senator Gerald Van Woerkom  
Committee: Natural Resources and Environmental Affairs

Date Completed: 3-10-09

### **CONTENT**

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

- Remove yellow flag iris (*Iris pseudacorus*) and a hybrid or genetically engineered variant of yellow flag iris from the definition of "prohibited species".**
- Expand the definition to include particular bird, crustacean, mammal, and mollusk species.**
- Add certain fish species to the definition.**
- Include in the definition of "restricted species" a particular mollusk species.**

Part 413 prohibits a person from possessing a prohibited or restricted species, except under one or more of the following circumstances:

- The person intends to present a specimen, for identification or similar purposes, to a certified or registered pesticide applicator, to a public or private institution of higher education, or to the Department of Natural Resources (DNR) or any other State, local, or Federal agency with responsibility for the environment or natural resources.
- The person has been presented with a specimen for identification purposes in accordance with Part 413.
- The person possesses the prohibited species in conjunction with otherwise lawful activity to eradicate or control it.
- The possession is pursuant to a permit issued by the DNR for education or research purposes.

A person who violates this prohibition is subject to a maximum civil fine of \$10,000 for a prohibited species and \$5,000 for a restricted species. If a violator knows that the possession is unlawful, the offense is a felony punishable by imprisonment for up to two years and a mandatory fine of at least \$2,000 but not more than \$20,000 for a prohibited species, or a misdemeanor punishable by imprisonment for up to one year and a mandatory fine of at least \$1,000 but not more than \$10,000 for a restricted species. Part 413 prescribes additional criminal penalties for the introduction of prohibited and restricted species.

The bill would revise the definitions of "prohibited species" and "restricted species" as described below.

## Prohibited Species

Aquatic Plants. The definition of "prohibited species" includes certain aquatic plant species and their hybrids or genetically engineered variants, or fragments or seeds of the species or hybrids and genetically engineered variants. The bill would delete yellow flag iris from the definition.

Birds, Crustaceans, & Mollusks. The bill would add to the definition of "prohibited species" all of the following, including a hybrid or genetically engineered variant or an egg of the species or of a hybrid or genetically engineered variant:

- Bird: Eurasian collared dove (*Streptopelia decaocto*).
- Crustacean: rusty crayfish (*Orconectes rusticus*).
- Mollusk: giant African snail (*Achatina fulica*) and giant pond snail (*Helix aspersa*).

Fish & Insects. The definition of "prohibited species" includes certain fish and insect species, as well as their hybrids or genetically engineered variants. Under the bill, the definition also would include eggs of those species or of their hybrids or genetically engineered variants. Additionally, the bill would add the Eurasian ruffe (*Gymnocephalus cernuus*), the round goby (*Neogobius melanostomus*), and the tubenose goby (*Proterorhinus marmoratus*) to the list of prohibited fish species.

Mammals. The bill would add the nutria (*Myocastor coypus*) to the definition of "prohibited species".

## Restricted Species

The bill would add to the definition of "restricted species" any of the following restricted mollusk species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant: quagga mussel (*Dreissena bugensis*) and zebra mussel (*Dreissena polymorpha*).

MCL 324.41301

Legislative Analyst: Julie Cassidy

## **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of unlawfully possessing or introducing restricted species. Local governments would incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$32,000. Additional penal fine revenue would benefit public libraries.

Additional monitoring and enforcement duties of the Department of Natural Resources would be covered by existing resources.

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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.