



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 104 (as introduced 2-17-15)  
Sponsor: Senator Tom Casperson  
Committee: Natural Resources

Date Completed: 10-6-15

**CONTENT**

**The bill would amend Part 33 (Aquatic Nuisance Control) of the Natural Resources and Environmental Protection Act to do the following:**

- **Authorize a local unit of government to adopt an ordinance to prevent, control, or eradicate aquatic invasive species (AIS) in a waterbody within the local unit's boundaries.**
- **Allow a local AIS ordinance to provide for the imposition of fees if an AIS were present in the waterbody.**
- **Require the fees to be deposited in a restricted fund for expenditure on AIS prevention, control, and eradication.**
- **Prescribe conditions that a local AIS ordinance would have to meet in order to be enforceable.**
- **Require a local unit that adopted an AIS ordinance to receive comments on it and review it at least every three years.**

The bill would take effect 90 days after it was enacted into law.

Specifically, the bill would allow a local unit of government (i.e., a city, village, township, or county) to adopt an ordinance for the prevention, control, or eradication of AIS in a waterbody, other than a Great Lake or connecting water, that was located wholly or partly within the local unit's boundaries and to which the public had access.

A local ordinance adopted under the bill could provide for the imposition of fees for activities such as AIS prevention, control, or eradication; using a boat launch or boat washing station; or parking a motor vehicle and trailer used to haul a boat. The ordinance could not impose fees totaling more than \$10 per boat per day or \$45 per boat per year. A fee could not be imposed unless an AIS was present in the waterbody. The ordinance would have to exempt a pesticide applicator, lake management consultant, or other person engaged in AIS management activities from payment of a fee. Additionally, the ordinance could exempt a government entity or a nonprofit organization from paying a fee.

Fees collected under the ordinance would have to be deposited in a restricted fund. Any interest and earnings from investments of restricted fund assets would have to be deposited into the fund. Money in the fund would have to be spent exclusively for purposes of AIS prevention, control, or eradication, including the costs of administering and enforcing the ordinance. Money in the restricted fund at the close of the local unit's fiscal year would remain in the fund and could not lapse to any other fund.

An ordinance adopted under the bill would not be enforceable unless one of the following applied:

- If the waterbody were located wholly within one county, the same ordinance was adopted by at least 50% of the cities and townships within which the waterbody was located and at least two-thirds of the surface area of the waterbody was located within the adopting cities and townships.
- If the waterbody were located in more than one county, the same ordinance was adopted by at least 50% of the counties within which the waterbody was located and at least two-thirds of the surface area of the waterbody was located within the adopting counties.

A local AIS ordinance could not conflict with State law.

At least once every three years after the effective date of a local AIS ordinance, the local unit of government's legislative body would have to receive comments on it and review it at a public meeting.

Proposed MCL 324.3317

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

If a local government determined to adopt an ordinance that included the fees allowed by the bill, the local government would receive additional revenue that could be used only for the prevention, control, or eradication of aquatic invasive species in a waterbody. The amount of the revenue would depend on the level of fees and the volume of activities subject to the fees. This would vary greatly by location. The bill would have no fiscal impact on State government.

Fiscal Analyst: Elizabeth Pratt

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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.