

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5193 (Substitute H-1 as reported without amendment)
Sponsor: Representative Terry Geiger
House Committee: Conservation and Outdoor Recreation
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 6-19-00

RATIONALE

Currently under the Natural Resources and Environmental Protection Act, whenever, in the opinion of the Department of Natural Resources, an anchored raft presents a hazard to navigation, the Department may order its relocation or removal. (The Act defines "anchored raft" as all types of nonpowered rafts used for recreational purposes that are anchored seasonally on waters of the State.) Apparently, there have been some instances in which anchored rafts have drifted away from their moorings and caused problems to other property owners. The rafts, however, were unidentified and therefore the Department could not determine a responsible party who could be ordered to relocate or remove the rafts. It has been suggested that anchored rafts should be properly identified.

CONTENT

The bill would amend Part 801 (Marine Safety) of the Natural Resources and Environmental Protection Act to prohibit a person from setting, placing, erecting, or using an anchored raft at any time on waters under Michigan jurisdiction, unless the name and address of the owner were affixed to the anchored raft above the waterline in legible letters at least two inches in height, readily visible, and consisting of materials that were not water soluble. The bill specifies that placing the owner's name and address on a piece of wood and affixing it to the anchored raft would not constitute compliance with this requirement.

A person who violated the bill would be guilty of a misdemeanor, punishable by imprisonment for up to 30 days and/or a fine of at least \$100 but not more than \$500, and costs of prosecution. Upon conviction, the court would have to order the defendant to reimburse the governmental entity that removed or provided for the removal of the anchored raft from the water an amount equal to three times the cost of removal.

MCL 324.80163

H9900\5193a

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.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would require proper identification of anchored rafts to ensure owner responsibility. The bill also would promote enjoyment of lake usage by other property owners, who should not have to bear the expense or inconvenience of moving someone else's raft, or be exposed to potential liability for a raft that has drifted onto their property. In addition, by imposing penalties for failure to identify an anchored raft properly, the bill would ensure compliance. The bill is modeled upon existing provisions that govern the identification of fishing shanties (324.46502 and 324.46509).

Legislative Analyst: N. Nagata

FISCAL IMPACT

House Bill 5193 (H-1) would have an indeterminate fiscal impact on local units of government. There are no data available to indicate how many offenders could place a raft in State waters without proper identification. Since the offense would be a misdemeanor, local units of government would receive the fine revenue or incur the cost of incarceration.

Fiscal Analyst: K. Firestone

H9900\5193a

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.