

REMOVAL OF NAVIGATIONAL HAZARDS

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Senate Bill 1117 (S-1, as passed by the Senate)

Sponsor: Sen. Patricia L. Birkholz

House Committee: Tourism, Outdoor Recreation and Natural Resources

Senate Committee: Natural Resources and Environmental Affairs

Complete to 5-10-10

A SUMMARY OF SENATE BILL 1117 AS PASSED BY THE SENATE 3-18-10

Currently under Part 801 (Marine Safety) of the Natural Resources and Environmental Protection Act, the Department of Natural Resources and Environment (DNRE) may order the relocation or removal of an anchored raft that, in its opinion, presents a hazard to navigation.

The bill would amend this provision in the following ways.

- The current provision only allows the DNRE to order the removal or relocation of a navigational hazard; under the bill either the DNRE or a *peace officer with jurisdiction over the body of water* would have authority to order the item's removal or relocation *or to remove or relocate the item*.
- The current provision only applies to anchored rafts; the amended provision would apply to any item or material, whether free-floating or attached to the bottomland or a shoreline, that presented a hazard to navigation.
- The owner of the item or the person who caused the navigational hazard would be responsible for the actual and reasonable costs of its relocation or removal, as described below.

Payment of costs. The person who owned or caused the navigational hazard would be liable for the actual and reasonable costs of its relocation or removal. The DNRE or the law enforcement agency with jurisdiction over the body of water where the hazard was located could send written notice of the relocation or removal and the associated costs to the owner or the person who caused the navigational hazard. If the person failed to pay the costs within 30 days after the written notice was mailed, the costs could become a lien against the property.

[In Part 801, the term "peace officer" means a sheriff, a sheriff's deputy, or a sheriff's deputy authorized to enforce Part 801 who has satisfactorily completed at least 40 hours of law enforcement training, including training specific to Part 801; a village or a township marshal; an officer of any municipal police department; a Michigan state police officer; or the DNRE director and conservation officers. (MCL 324.80104(c))]

FISCAL IMPACT:

Senate Bill 1117 would have an indeterminate fiscal impact on the State of Michigan and local units of government. The amount of impact would depend upon any additional costs incurred from the enforcement responsibility of the bill's provisions, which may include the removal, relocation, or storage of rafts or other items. The net cost to the DNRE or the law enforcement agency with jurisdiction over the body of water would depend upon how successful the agency is in retrieving any associated costs from the person who owned or caused the navigational hazard.

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