



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 1117 (Substitute S-1 as reported)
Sponsor: Senator Patricia L. Birkholz
Committee: Natural Resources and Environmental Affairs

Date Completed: 3-12-10

RATIONALE

Under the Natural Resources and Environmental Protection Act, the Department of Natural Resources and Environment (DNRE) may order the removal or relocation of an anchored raft that presents a hazard to navigation. It has been suggested that other items also should be subject to removal, that the DNRE be authorized to remove hazards from the water, and that this authority be extended to local law enforcement agencies.

CONTENT

The bill would amend Part 801 (Marine Safety) of the Natural Resources and Environmental Protection Act to authorize a peace officer to remove or relocate, or order the relocation or removal of, an item or material that presented a hazard to navigation.

Currently, the Department of Natural Resources and Environment may order the relocation or removal of an anchored raft that, in the Department's opinion, presents a hazard to navigation.

Under the bill, if an anchored raft or other item or material, whether floating free or attached to the bottomland or a shoreline, presented a hazard to navigation, the Department or a peace officer with jurisdiction over the body of water where the item or material was located could remove or relocate the item or order its relocation or removal.

MCL 324.80163

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

Currently, only DNRE officials may order the removal of rafts that present a safety risk. Evidently, there have been situations in which local sheriff's deputies or police officers identified obvious safety hazards, but had no authority to order the responsible parties to remove them. In some cases, people reportedly have been injured or killed as a result. The bill would help protect boaters and other people using the State's waterways, by authorizing local law enforcement officers to remedy these dangerous situations. The bill also would expand the items subject to removal, enabling law enforcement officers to address waterway hazards other than rafts. Furthermore, the bill would authorize law enforcement officers to physically remove the items, in addition to ordering their removal. This is important because it is not always possible to identify who was responsible for placing a problematic object in the water. By expanding the authority to remove dangerous objects, the bill would enable law enforcement officers to keep the State's waterways safe for enjoyment by residents and visitors.

Response: The bill should provide for payment by the responsible party of any removal, storage, and disposal costs incurred by the DNRE or local law enforcement agencies. The Motor Vehicle Code prescribes procedures for the removal of abandoned vehicles from the State's roads and procedures by which an owner

may obtain release of the vehicle, including payment of accrued towing and storage fees, as well as an additional fee to the State and the vehicle's custodian. Perhaps similar provisions should be enacted with regard to objects and structures removed from the water.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have an indeterminate impact on the State and local units of government regarding enforcement costs. Costs would include removal, storage, and disposal of items.

Fiscal Analyst: Bill Bowerman

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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.