



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

---

---

BILL ANALYSIS



**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

---

---

House Bill 4787 (Substitute H-2 as passed by the House)  
Sponsor: Representative Curtis S. VanderWall  
House Committee: Natural Resources  
Senate Committee: Outdoor Recreation and Tourism

Date Completed: 1-24-18

### **CONTENT**

**The bill would amend Part 465 (Fishing Shanties) of the Natural Resources and Environmental Protection Act to do the following:**

- **Modify the requirement for information identifying the owner of a fishing shanty to allow the owner to post on the shanty his or her name and address (as is currently allowed), or his or her driver license or sportcard number.**
- **Specify that the shanty identification requirement would not apply to a tent or temporary structure if it were removed from the ice at the end of the day's fishing activity.**
- **Require a person placing a shanty on the ice of any water within the State's jurisdiction to remove it before ice conditions were unsafe or before a date set by the Department of Natural Resources (DNR).**

**The bill would repeal Sections 46503 through 46506 of the Act, which require the removal of a fishing shanty from the ice on waters situated in various parts of the State by certain dates.**

#### Fishing Shanty Owner Identification

Section 46502 of the Act prohibits a person from setting, placing, erecting, or causing to be set, placed, or erected, or using a fishing shanty at any time on the ice in waters over which the State has jurisdiction, unless the owner's name and address are affixed to each side of the outside of the fishing shanty in legible letters not less than two inches in height. "Fishing shanty" means a fishing house or any other structure or shelter placed on the ice on the waters over which the State has jurisdiction.

Under the bill, this prohibition would apply unless information identifying the owner, as described below, was affixed to each side of the outside the shanty in legible alphanumeric characters at least two inches high. The alphanumeric characters would have to be readily visible and consist of materials that were not soluble in water, as currently required for the letters.

The information identifying the owner would have to be one of the following:

- The owner's name and address.
- The owner's driver license number.
- The number of the owner's sportcard issued under Section 43522.

(Section 43522 allows a person applying for a hunting or fishing license or permit who does not have a Michigan driver license or other identification to receive a sportcard for a \$1 fee.)

The identification requirements would not apply to a tent or other temporary shelter if it were removed from the ice at the conclusion of each day's fishing activity.

### Removal of Shanty from Ice

Currently, under Section 46507, person who sets, places, erects, or causes to be set, placed, or erected a fishing shanty on the ice of Lake St. Clair within the jurisdiction of the State must remove it before ice conditions are unsafe for its removal or before sundown on the first Sunday after February 20, and on a daily basis following that date. Under the bill, instead, an ice shanty placed on the ice of any water within the jurisdiction of the State would have to be removed before ice conditions were unsafe for its removal or before the date set by the DNR. The DNR would have to set the date by which a fishing shanty would have to be removed.

The bill would allow a local unit of government to remove a shanty from the ice or water, and store or destroy the shanty, if person failed to remove it within the time specified by the DNR under Section 46507. Currently, this is allowed if a person fails to remove a shanty within the time specified in Sections 46503, 46504, and 46505.

Those sections generally require the removal of a fishing shanty from the ice before conditions are unsafe from its removal, but not later than midnight on specified dates for waters situated in various parts of the State, as follows:

- Section 46503: March 31 in counties within the Upper Peninsula, or waters of the Great Lakes adjacent to the Upper Peninsula.
- Section 46504: March 15 in Alcona, Alpena, Antrim, Arenac, Bay, Benzie, Clare, Charlevoix, Cheboygan, Crawford, Emmet, Gladwin, Grand Traverse, Iosco, Isabella, Kalkaska, Lake, Leelanau, Manistee, Mason, Mecosta, Midland, Missaukee, Montmorency, Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, and Wexford Counties, or waters of the Great Lakes adjacent to those counties.
- Section 46505: March 1 in any county not listed above, and the waters of the Great Lakes adjacent to that county.

Section 46506 allows the use of a fishing shanty after the dates listed, but requires the shanty to be removed from the ice at the conclusion of each day's fishing activities.

The bill would repeal Sections 46503 through 46506.

MCL 324.46502 et al.

Legislative Analyst: Jeff Mann

### **FISCAL IMPACT**

The bill would have no fiscal impact on the State and a small indeterminate fiscal impact on local government. It is unknown whether the proposed changes in fishing shanty requirements would lead to more or fewer violations. A violation of Part 465 of the Act is a misdemeanor punishable by imprisonment for up to 30 days, a fine of at least \$100 but not more than \$500, or both. Any increase in misdemeanor arrests and convictions would increase resource demands on law enforcement, court systems, jails, and community supervision. Any associated increase in fine revenue would increase funding to public libraries.

Conversely, any decrease in misdemeanor arrests and convictions would reduce resource demands on law enforcement, court systems, jails, and community supervision. Any associated decrease in fine revenue would reduce funding to public libraries.

In addition, the bill could increase revenue to a unit of government that removed an ice shanty. Under the Act, upon conviction for a violation of Part 465, the court is required to order the defendant to reimburse the governmental entity that removed an ice shanty or provided for its removal an amount equal to three times the cost of removal.

Fiscal Analyst: Ryan Bergan

SAS\S1718\s4787sa

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.