
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 398 and 399 (as introduced 3-2-99)
Sponsor: Senator Dave Jaye
Committee: Hunting, Fishing and Forestry

Date Completed: 3-22-99

CONTENT

Senate Bill 399 would amend the Natural Resources and Environmental Protection Act to provide that if an individual ventured onto ice for the purpose of ice fishing, including but not limited to placing or removing a shanty for fishing, and were rescued because of unsafe ice conditions, the individual would receive a warning for the first rescue; would be responsible for a State civil infraction and a \$500 fine for the second rescue; and would be responsible for a State civil infraction, a \$1,000 fine, and a three-year suspension of ice fishing privileges, as well as liable to the rescuing agency, for the third or subsequent rescue. These provisions would be repealed three years after the bill's effective date.

Senate Bill 398 would amend the L.E.I.N. Policy Council Act to require that the policy and rules of the L.E.I.N. (law enforcement information network) Policy Council ensure access to information on warnings and determinations of responsibility for State civil infractions proposed under Senate Bill 399. The Council would have to submit proposed rules for public hearing under the Administrative Procedures Act, within six months after the bill's effective date.

The bills are tie-barred to each other.

An additional description of Senate Bill 399 follows.

The court would have to notify the Department of Natural Resources (DNR) promptly after it was determined that a defendant was responsible for a State civil infraction for a third or subsequent rescue, providing the date and place of the rescue, the individual's name and address, and any other information required. The DNR would have to notify the individual by letter that his or her ice fishing privileges were suspended until a date three years after the date of the rescue.

An individual rescued a third or subsequent time would be civilly liable to a rescuing agency involved in the rescue for the actual costs incurred by the agency in the rescue effort for that individual. ("Rescuing agency" would mean a Federal, State, or local entity responsible for rescuing an individual because of unsafe ice conditions.) If a rescue or attempted rescue were made of more than one individual in a single incident, the actual cost incurred by the agency for an individual would have to be considered the total actual cost of the rescue effort by that rescuing agency divided by the number of individuals for whom a rescue or attempted rescue was made in that incident.

If a warning were given or if it were determined that a defendant was responsible for a State civil infraction after the effective date of rules promulgated under Senate Bill 398, notice of the warning or determination would have to be posted on the L.E.I.N. under the rules.

MCL 28.214 (S.B. 398)

324.46501 et al. (S.B. 399)

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would have a minimal fiscal impact on the Department of State Police and the Department of Natural Resources. Under the bill, certain law enforcement agencies or other rescuing agencies could recoup the cost of rescue operations under certain conditions.

The bill would generate an indeterminate amount of fine revenue depending on the number of second and subsequent infractions involved.

Fiscal Analyst: B. Baker
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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.