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Senate Fiscal Agency  
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Lansing, Michigan 48909-7536

**SFA****BILL ANALYSIS**

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Senate Bill 398 (as reported by the Committee of the Whole)  
Senate Bill 399 (Substitute S-2 as reported by the Committee of the Whole)  
Sponsor: Senator Dave Jaye  
Committee: Hunting, Fishing and Forestry

### **CONTENT**

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 determinations of responsibility for State civil infractions proposed under Senate Bill 399. The Council would have to submit proposed rules for public hearing within six months after the effective date of Senate Bill 398.

Senate Bill 399 (S-2) would amend the Natural Resources and Environmental Protection Act to make it a State civil infraction if an individual ventured onto ice for any ice sports recreational purpose, including ice fishing and placing or removing a fishing shanty, and were rescued because of unsafe ice conditions, if a reasonable individual would have concluded that the ice was or would become unsafe, based on observable or reported information, including the absence of other individuals on the ice, ice thickness or quality, and weather conditions. The individual would be subject to a \$5 fine for the first rescue; a \$500 fine for the second rescue; and, for a third or subsequent rescue, a \$1,000 fine, a three-year suspension of ice fishing privileges, and liability to the rescuing agency. These provisions would be repealed three years after the bill's effective date.

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 agency divided by the number of individuals.

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 determination would have to be posted on the L.E.I.N. under the rules.

The bills are tie-barred to each other.

MCL 28.214 (S.B. 398)  
MCL 324.46501 et al. (S.B. 399)

Legislative Analyst: N. Nagata

### **FISCAL IMPACT**

The bills would have a minimal fiscal impact on the Department of State Police and the Department of Natural Resources. Under the bills, certain law enforcement agencies or other rescuing agencies could recoup the cost of rescue operations under certain conditions. The bills would generate an indeterminate amount of fine revenue depending on the number of infractions involved.

Date Completed: 10-27-99

Fiscal Analyst: B. Baker

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Analysis available @ <http://www.michiganlegislature.org>

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.