

Legislative Analysis



ANCHORING IN THE STRAITS OF MACKINAC

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 6187 (H-1) as reported from committee
Sponsor: Rep. Sue Allor

Analysis available at
<http://www.legislature.mi.gov>

House Bill 6199 as reported
Sponsor: Rep. Triston Cole

House Bill 6200 as reported
Sponsor: Rep. Lee Chatfield

Committee: Michigan Competitiveness
Complete to 10-1-18

SUMMARY:

The bills would generally prohibit the operator of a vessel in the Straits of Mackinac from using an anchor or any other equipment that could come into contact with lake bottomlands and would require the Department of Natural Resources (DNR) to install signs or markers in the area to alert vessel operators of the area to which the prohibition applies.

House Bill 6200 would amend Part 801 (Marine Safety) of the Natural Resources and Environmental Protection Act (NREPA) to prohibit the operator of a vessel from deploying, dragging, setting, or using an anchor or any other vessel equipment that may come into contact with the lake bottomlands in the Straits of Mackinac.¹

The prohibition would not apply in an emergency or if prior written permission had been granted by the DNR director. A person seeking such permission could submit a written request to the DNR, describing the reason for the request and the precise area where permission to use an anchor or other equipment is being requested.

The prohibition also would not apply to vessels exercising tribal rights to use and enjoy the waters of the straits under the applicable treaty and case law.

A first violation of the proposed prohibition would be a felony punishable by imprisonment for up to 2 years and/or a fine of up to \$10,000. A second or subsequent violation would be a felony punishable by imprisonment for up to 5 years and/or a fine of up to \$15,000.

Proposed MCL 324.80158a

House Bill 6199 would add the felonies proposed by House Bill 6200 to the sentencing guidelines chapter of the Code of Criminal Procedure. A first offense would be a class G felony against public safety with a statutory maximum of 2 years; a second or subsequent offense would be a class E felony against public safety with a statutory maximum of 5 years. [The descriptions of the offenses in House Bill 6199 contain “knowingly” as an element of the crimes (e.g., “Knowingly deploying, dragging, setting, or using an anchor...”). However, the

¹ The area subject to the prohibition would be the waters between the two peninsulas that are bounded on the east by the Mackinac Bridge and on the west by a line extending northward from McGulpin Point in Headlands International Dark Sky Park to a point slightly west of Point La Barbe.

crimes as proposed by House Bill 6200 do not contain a requirement that the actions be performed “knowingly.”]

MCL 777.13g

House Bill 6187 would amend NREPA to require the DNR to install markers, buoys, or other signage—or verify that sufficient markers, buoys, or other signage is installed—to notify operators of vessels of the area in which the use of anchors or other equipment is prohibited as proposed by House Bill 6200. The DNR would also have to provide notice on its website and in navigation materials it prepares to alert vessel operators of the prohibition.

Proposed MCL 324.80158b

House Bills 6187 and 6199 are tie-barred to House Bill 6200, which means that they could not take effect unless House Bill 6200 were also enacted.

FISCAL IMPACT:

House Bill 6187 is likely to increase costs for the Department of Natural Resources by requiring the DNR to install or verify existing physical signage and provide electronic notice of anchor prohibitions to vessel operators in the lake area defined in House Bill 6200. The magnitude of this cost increase is unknown, as the bill does not define the extent of the physical signage requirement. The bill is unlikely to have an impact on departmental revenues or local government costs or revenues.

House Bill 6200 would have an indeterminate fiscal impact on the state and on local units of government. Information is not available on the number of persons who might be convicted under the provisions of the bill. New felony convictions resulting in imprisonment would result in increased costs related to state prisons and state probation/parole supervision. In fiscal year 2017, the average cost of prison incarceration in a state facility was roughly \$37,000 per prisoner per year, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,600 per supervised offender in the same year. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

POSITIONS:

A representative of the Michigan Environmental Council testified in support of the bills. (9-25-18)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.