



**House
Legislative
Analysis
Section**

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ICE SHANTY REMOVAL DATES

**House Bill 6060 as introduced
First Analysis (9-25-96)**

**Sponsor: Rep. Michael Prusi
Committee: Conservation, Environment
and Great Lakes**

THE APPARENT PROBLEM:

Public Act 274 of 1993 established an ice fishing shanties act. (The act was later repealed and its provisions incorporated into Public Acts 451 of 1994 and 57 of 1995, which recodified the laws relating to the environment and natural resources.) The 1993 legislation required that the owners of ice fishing shanties remove their shanties before the ice thaws at the end of winter, and the final removal dates are staggered throughout the state's geographic regions to coincide with the anticipated dates at which ice thaws in each zone. The removal dates range from February 20th on Lake St. Clair to March 31st in the Upper Peninsula. After these dates, ice shanties may be placed on the ice, but must be removed nightly.

Some problems have surfaced since Public Act 274 was passed. First, apparently, some lakes are still frozen at the time of the final date established for the removal of ice shanties. For example, on April 1st of 1995, some lakes in the Upper Peninsula were still covered with three feet of ice, according to the Department of Natural Resources (DNR). Therefore, many people continue to fish from their ice shanties on a daily basis after the date established as a final deadline. However, some anglers, such as senior citizens, may not have the ability to remove their ice shanties each night if they leave them on the ice after the date established for their removal. Consequently, legislation has been proposed that would grant the DNR some latitude in this matter by allowing it to issue extension orders each season, depending on weather conditions.

THE CONTENT OF THE BILL:

Currently, under the Natural Resources and Environmental Protection Act (NREPA), a person who erects an ice fishing shanty on the waters of the Great Lakes must remove the shanty by March 31, if it is located within the Upper Peninsula; March 15, if it is located within northern and central lower Michigan; and March 1 for all other areas, with the exception of shanties

on Lake St. Clair. For that lake, the act specifies that ice shanties must be removed before sundown on the first Sunday after February 20. The act also specifies that, after the dates established for final removal of ice shanties, a person may place and use a fishing shanty provided that it is removed from the ice at the conclusion of each day's fishing activity. House Bill 6060 would amend the NREPA to permit the Department of Natural Resources to issue an extension of these dates based on weather conditions. Under the bill, the extension order could only apply for one ice fishing season, and the department could subsequently issue an order amending or revoking the extension order.

House Bill 6060 would also delete the provision allowing for daily placement and removal of ice shanties located on Lake St. Clair following February 20. (A provision allowing daily placement and removal of shanties from all lakes is already included in the act.)

MCL 324.46506 and 324.46507

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill has no fiscal implications. (9-25-96)

ARGUMENTS:

For:

The act establishing final dates for the removal of ice shanties was necessary, since, in the past, local municipalities bore the cost of removing abandoned ice shanties that had been allowed to sink. However, it has become obvious that it is impossible to predict precisely when the ice on lakes will thaw each spring. The bill would allow the Department of Natural Resources (DNR) some leeway in the matter by allowing DNR staff to examine the weather conditions in each area where there are lakes with ice shanties, and granting extensions to ice shanty owners if a lake is still frozen.

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Against:

In testimony before the House Conservation, Environment and Great Lakes Committee, a representative from the DNR proposed that the bill include a "hold harmless clause" to exclude the department from liability should anyone fall through the ice after obtaining an extension order from the department. Such a provision should stress that, although the DNR may allow fishing from ice shanties after the date established as a final deadline, weather and ice conditions can and do change rapidly in the spring. In addition, there may be changes in lake conditions due to underground springs or water currents within the same geographic area.

Against:

Implied, but not specified, in House Bill 6060 is the assumption that the DNR will notify the public when fishing is to be allowed from ice shanties on certain lakes after the date established as a final deadline. Otherwise, few will learn that extensions may be granted. The bill should include a provision that would permit the department to issue public service announcements in these situations.

Response:

Some might object to the spending of taxpayers' money to inform anglers of the availability of extensions. Instead, the burden should be on anglers to call DNR offices to obtain the information.

POSITIONS:

A representative from the Law Enforcement Division of the Department of Natural Resources (DNR) testified before the House Conservation, Environment and Great Lakes Committee in support of the bill, provided that bill be amended to specify that the DNR would not be liable should an angler fall through the ice after obtaining an extension order. (9-24-96)

Analyst: R. Young

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