



**House
Legislative
Analysis
Section**

Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

ICE SHANTY REMOVAL DATES

**House Bill 6060 as enrolled (Vetoed)
Second Analysis (1-22-97)**

**Sponsor: Rep. Michael Prusi
House Committee: Conservation,
Environment and Great Lakes
Senate Committee: Natural Resources
and Environmental Affairs**

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 (The act was later repealed and its provisions incorporated into Public Acts 451 of 1994 and 57 of 1995, which recodified the laws relating to the environment and natural resources.)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, and to delete the provision requiring removal of an ice fishing shanty on an Upper Peninsula lake by March 31. Under the bill, the extension order could only apply for one ice fishing season, and could be subsequently amended or revoked by the department. The bill would also specify that an extension order would not relieve a person placing a fishing shanty of the responsibility of assuring that ice conditions were safe, nor would such an order serve to make the state liable for damages that might result from placing or attempting to place a fish shanty under the conditions of an extension order.

House Bill 6060 would also delete provisions relating to the placement and removal of ice shanties located on Lake St. Clair.

MCL 324.46506, 324.46507, and 324.508

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

House Bill 6060 (1-22-97)

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.

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.

Against:

The bill would delete the provision requiring removal of an ice fishing shanty on an Upper Peninsula lake by March 31st. The removal dates for ice shanties in other geographic areas would remain in force. However, the original intent of the bill was to grant the Department of Natural Resources (DNR) authority to extend removal dates when it is appropriate, depending on weather conditions. In order to ensure that ice shanties will be removed before the ice thaws, it is important that the DNR retain the authority to set removal dates.

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.