

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1206 (as reported without amendment)
Sponsor: Senator Walter H. North
Committee: Judiciary

CONTENT

The bill would amend Part 761 (Aboriginal Records and Antiquities) of the Natural Resources and Environmental Protection Act to delete a reference to Section 76107 of the Act from a provision establishing misdemeanor penalties for certain violations. (Section 76107 prohibits recovering, altering, or destroying abandoned property that is in, on, under, or over the bottomlands of the Great Lakes, including those within a Great Lakes Bottomlands Preserve, without a permit issued jointly by the Department of History, Arts, and Libraries (DHAL) and the Department of Natural Resources. Section 76107 also prohibits removing, convey, mutilating, or defacing a human body or the remains of a human body located on the bottomlands of the Great Lakes, except under certain conditions.)

Currently, the Act provides that a violation of Section 76107 or 76111 or a rule promulgated under Part 761 is a misdemeanor and that, unless another penalty is provided in Part 761, a violation is punishable by up to six months' imprisonment, a maximum fine of \$500, or both. Under the bill, only a violation of Section 76111 or a rule promulgated under Part 761 would be subject to that penalty provision. (Section 76111 requires the Department of Environmental Quality (DEQ) to establish Great Lakes Bottomlands Preserves and provides that the DEQ and the DHAL may not grant a permit to recover abandoned artifacts within a Great Lakes Bottomlands Preserve except for historical or scientific purposes or when the recovery will not adversely affect the historical, cultural, or recreational integrity of the preserve area as a whole.)

(Public Act 155 of 2001, which took effect on January 1, 2002, amended Section 76107 to establish graduated sanctions for violations of that section, including both misdemeanor and felony penalties, based on the value of property in, on, under, or over the bottomlands of the Great Lakes that is illegally recovered, altered, or destroyed. The 2001 Act also established a felony penalty of up to 10 years' imprisonment and/or a maximum fine of \$5,000 for removing, conveying, mutilating, or defacing a human body or human remains located on the bottomlands of the Great Lakes.)

MCL 324.76116

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government because Section 76107 establishes sanctions for violations of that section.

Date Completed: 3-21-02

Fiscal Analyst: Bethany Wicksall