

Legislative Analysis



SPECIAL WATERCRAFT RULES: REMOVE SUNSET

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House Bill 4145

Sponsor: Rep. Goeff Hansen

Committee: Tourism, Outdoor Recreation and Natural Resources

Complete to 2-16-09

A SUMMARY OF HOUSE BILL 4145 AS INTRODUCED 2-4-09

The bill would remove a sunset date in order to keep in place the authority of the Department of Natural Resources to recommend certain special watercraft rules.

Part 801 (Marine Safety) of the Natural Resources and Environmental Protection Act (NREPA) authorizes the Department of Natural Resources (DNR) to investigate and make recommendations as to the need for special rules on lakes or other water bodies to regulate the use of vessels (boats), water skis, water sleds, aquaplanes, surfboards, and other "similar contrivances." Examples of special watercraft rules include "slow-no wake speed" rules; time-of-day restrictions on high-speed boating and water skiing; motor boat bans; and bans on gas-powered motor boats.

The sections governing the adoption of special watercraft rules — Sections 80110 to 80112 — are currently set to expire on June 26, 2009, by operation of a "sunset" provision contained in Public Act 237 of 2006. House Bill 4145 would eliminate this expiration or "sunset" date, allowing these sections to remain in effect after that date.

BACKGROUND

Under Part 801, the DNR *may* initiate an investigation into the need for special rules on a water body on its own. In addition, it *must* initiate an investigation if requested by a local governmental unit (with the request to be made in the form of a resolution adopted by its governing body after a public hearing).

Relevant factors. Relevant factors include safety issues; the amount of boat traffic; the depth of the lake or other body of water; special features such as rocks, swimming areas, public access sites, or submerged obstacles; conflicts between different users of the lake or body of water; the history of complaints to local law enforcement regarding activities on the water body; the history of accidents on the water body; and whether the water body is public or private.

Preliminary report; public hearing; proposed local ordinance. Once the DNR completes its investigation, it must submit a preliminary report to the appropriate local governmental unit and schedule a public hearing. After the public hearing, the DNR must either (1) propose a new local ordinance (or changes to an existing local ordinance), if it finds new special rules are needed; or (2) explain to the local governmental unit why

no special rules are needed. If the DNR recommends special rules, the local governmental unit may reject them, but if it approves them, it must approve the version proposed by the DNR without changes.

Examples of special local watercraft restrictions, by county, can be found on the DNR website at: http://www.michigan.gov/dnr/0,1607,7-153-10366_37141_37701---,00.html

FISCAL IMPACT:

This bill would not have a fiscal impact on state government or on local governmental units.

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