

Legislative Analysis



SPECIAL WATERCRAFT RULES

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House Bill 4145 as enrolled

Public Act 35 of 2009

Sponsor: Rep. Goeff Hansen

House Committee: Tourism, Outdoor Recreation and Natural Resources

Senate Committee: Hunting, Fishing and Outdoor Recreation

First Analysis (1-20-11)

BRIEF SUMMARY: The bill amended Part 801 (Marine Safety) of the Natural Resources and Environmental Protection Act to repeal a sunset date on a section concerning the establishment of special watercraft rules. It repeals Enacting Section 1 of Public Act 237 of 2006.

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

THE APPARENT PROBLEM:

Public Act 237 of 2006 established procedures for the Department of Natural Resources (DNR) to follow in determining whether special rules regarding the use of watercraft are needed on lakes or other bodies of water. The process can be initiated by the department or by a local unit of government. 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.

Section 80110 concerning the adoption of special watercraft rules was set to expire on June 26, 2009 by operation of a "sunset" provision contained in enacting Section 1 of Public Act 237 of 2006. It has been suggested that the new procedures are working well and that the sunset provision should be repealed.

THE CONTENT OF THE BILL:

The bill removes 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."

Section 80110 governing the adoption of special watercraft rules was set to expire on June 26, 2009 by operation of a "sunset" provision contained in Public Act 237 of 2006. House Bill 4145 eliminated this expiration or "sunset" date.

BACKGROUND INFORMATION:

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.

ARGUMENTS:

For:

The process established by Public Act 237 of 2006 for the DNR to follow in evaluating the need for special watercraft rules has worked well. The June 26, 2009, sunset should be repealed so that the department and local units of governments can continue to use this process.

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