

## ALLOW LOCAL POLITICAL SUBDIVISIONS TO APPLY FOR TEMPORARY EMERGENCY RULES

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<http://www.house.mi.gov/hfa>

**House Bill 5463 as introduced**

**Sponsor: Rep. Jim Lilly**

**Committee: Natural Resources and Outdoor Recreation**

**Revised 2-14-20**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 5463 would amend Part 801 (Marine Safety) of the Natural Resources and Environmental Protection Act (NREPA) to allow local political subdivisions to apply for a temporary emergency rule for the use of vessels and other devices on a water body subject to its jurisdiction.

Currently under NREPA, the Department of Natural Resources (DNR) can allow a *political subdivision* to issue special local rules for the use of vessels, water skis, water sleds, aquaplanes, surfboards, or other similar devices. These rules apply to the local bodies of water year-round. The DNR conducts investigations and inquiries into whether these special rules are needed, which includes considering several conditions and pieces of information.

*Political subdivision* means a county, metropolitan authority, municipality, or combination of those entities.

The bill would allow a political subdivision to apply for temporary emergency rules for the use of vessels, water skis, water sleds, aquaplanes, surfboards, or other similar devices on a water body subject to its jurisdiction. These temporary rules would only be in effect for up to six months.

An application for a temporary emergency rule would have to contain all of the following information:

- The information required to conduct investigations and inquiries into whether special rules are needed.
- The circumstances that justify a temporary emergency rule rather than a special rule.
- A complete list of all local regulations and rules concerning the water body and how the regulations and rules are enforced.
- How the political subdivision plans to provide for and fund the public notice of the temporary emergency rule, including buoy placement and signage, and how the temporary emergency rule will be enforced.
- Any other information the political subdivision believes is relevant or necessary.

Within 10 days after receiving an application, the DNR would have to review the application and request any necessary additional information. If no additional information is necessary, the DNR would have to conduct an investigation and inquiry into the need for a temporary emergency rule. However, if the DNR requests additional information, the investigation and inquiry would have to be conducted within 10 days after it received the additional information.

The DNR would have to determine whether a temporary emergency rule is or is not needed within 10 days after completing the investigation and inquiry as outlined above. If the DNR determines that there *is* a need for a temporary emergency rule, then the DNR would have to propose a local ordinance or appropriate changes to a local ordinance. If the DNR determines that there *is not* a need for a temporary emergency rule, then the DNR would have to notify the political subdivision and provide the specific reasons for the determination. Additionally, a denial for a temporary emergency rule could be repealed by the political subdivision to the Michigan State Waterways Commission.

The following table highlights the timeline that would apply under the bill for the temporary emergency rule process:

Timeline	Action
Date of application	Political subdivision applies for a temporary emergency rule
Within 10 days of receiving application	DNR requests additional application information or conducts investigation and inquiry into need for temporary emergency rule
If needed, within 10 days after receiving additional application information	DNR conducts investigation and inquiry into need for temporary emergency rule
Within 10 days after completing investigation and inquiry	<ul style="list-style-type: none"> <li>• If DNR determines there <i>is</i> need for temporary emergency rule: propose a local ordinance or appropriate changes to a local ordinance</li> <li>• If DNR determines there <i>is no</i> need for temporary emergency rule: notify political subdivision with specific reasons for denial</li> </ul>

MCL 324.80110 and 324.80112 and proposed MCL 324.80112a

## **FISCAL IMPACT:**

House Bill 5463 is likely to raise administrative costs for the Department of Natural Resources and local units of government if a temporary emergency rule is formally considered as provided under the bill. Both state and local government officials may incur these additional costs in the course of following the application and notification procedures outlined in HB 5463. The extent of a potential cost increase is unclear and likely to vary by application. The bill is unlikely to affect revenues and does not provide additional funding to state or local governments to support additional costs. The department's FY 2019-20 funding is \$438.7 Gross (\$47.0 million GF/GP) and 2,340.1 FTE positions.

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