



Senate Fiscal Agency  
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BILL ANALYSIS

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House Bill 5960 (Substitute H-1 as passed by the House)  
Sponsor: Representative John Stakoe  
House Committee: Local Government and Urban Policy  
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 11-20-06

### **CONTENT**

**The bill would amend Part 781 (Michigan State Waterways Commission) of the Natural Resources and Environmental Protection Act to do the following:**

- Allow a township to regulate by ordinance activities at a public boating access site owned by the Department of Natural Resources (DNR) and located on an inland lake or stream.**
- Provide that the definition of "waterways account" in Part 781 would apply only if Public Act 587 of 2004 takes effect, as a result of Joint Resolution Z of 2004 becoming a part of the State Constitution.**

#### Public Boating Access

The scope of a township ordinance under the bill could not exceed the scope of applicable rules promulgated or orders issued by the DNR under Section 504. (That section requires the DNR to promulgate rules to ensure the protection of land and property under its control from depredations and to preserve them from molestation, spoilation, destruction, or any other improper use or occupancy.)

Under the bill, as used in Part 781, "inland lake or stream" would mean that term as defined in Section 30101 of the Act. That section defines "inland lake or stream" as a natural or artificial lake, pond, or impoundment; a river, stream, or creek that may or may not be serving as a drain as defined in the Drain Code; or any other body of water that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water, including the St. Marys, St. Clair, and Detroit Rivers. The term does not include the Great Lakes, Lake St. Clair, or a lake or pond that has a surface area of less than five acres.

#### Waterways Account

Under Part 781, "waterways account" means the waterways account of the Michigan Conservation and Recreation Legacy Fund, which is established in the State Constitution under House Joint Resolution Z of 2004.

The joint resolution was submitted to and approved by voters at the November 7, 2006, general election as Proposal 06-1. The joint resolution establishes the Legacy Fund within the State Constitution, and establishes previously existing conservation and recreation accounts as components of the Fund. Under the joint resolution, the former Michigan State Waterways Fund, Harbor Development Fund, and Marine Safety Fund were combined into

the waterways account within the Legacy Fund. The adoption of the ballot proposal allows Public Act 587 of 2004 (House Bill 5870) to take effect. That act amends the Natural Resources and Environmental Protection Act to establish the former funds as accounts within the new Legacy Fund.

MCL 324.78101 et al.

Legislative Analyst: Julie Cassidy

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.