



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 680 (Substitute S-1 as reported)
Sponsor: Senator Mike Kowall
Committee: Local Government and Elections

(enacted version)

Date Completed: 4-10-14

RATIONALE

Public Act 56 of 2012 added Section 30111b to Part 301 (Inland Lakes and Streams) of the Natural Resources and Environmental Protection Act to prohibit and prescribe a criminal fine for the use of a public road end at an inland lake or stream for certain purposes, unless a recorded instrument expressly provides otherwise. The prohibited activities include using a public road end for the construction, installation, maintenance, or use of a dock or wharf except a single seasonal public dock or wharf authorized by the local unit of government. The definition of "local unit of government" in Section 30111b has caused some concern because it includes a county and refers to the local unit having "jurisdiction" of a public road, and county road commissions have jurisdiction over county roads. It was suggested that the definitions be amended to prevent county road commissions from permitting the installation and use of a seasonal public dock or wharf at a public road end.

CONTENT

The bill would amend Part 301 of the Natural Resources and Environmental Protection Act to remove a county from the definition of "local unit of government", revise the definition of "public road end", and delete the definition of "public road", in provisions governing the use of a public road end at an inland lake or stream.

Under Part 301, unless a recorded deed, recorded easement, or other recorded dedication expressly provides otherwise, a public road end may not be used for any of the following purposes:

- Construction, installation, maintenance, or use of boat hoists or boat anchorage devices.
- Mooring or docking of a vessel between midnight and sunrise.
- Any activity that obstructs ingress to or egress from an inland lake or stream.

A public road end also may not be used for the construction, installation, maintenance, or use of a dock or wharf other than a single seasonal public dock or wharf that is authorized by the local unit of government, subject to any permit required under Part 301.

A person who violates these provisions is guilty of a misdemeanor punishable by a \$500 maximum fine.

In addition, the local unit of government may prohibit a use of a public road end that violates the prohibitions described above.

As used in these provisions, Part 301 defines "local unit of government" as the county, township, city, or village with jurisdiction over a public road. Under the bill, "local unit of government" instead would mean a township, city, or village in which the public road end is located.

"Public road end" currently means the terminus of a public road at an inland lake or stream, and "public road" means a county road or a township, city, or village street that is open for use by the public. Under the bill, "public road end" would mean the terminus at an inland lake or stream of a road that is lawfully open for use by the public. The bill would delete the definition of "public road".

MCL 324.30111b

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Public Act 56 of 2012 was enacted to address a longstanding problem of unauthorized use of public road ends at lakes and streams throughout the State. Several court cases had held that people may not use these access points to install and use docking or mooring devices, but local units of government had no statutory authorization to enforce the rulings. Some local units apparently adopted ordinances, while others did not, so there was no consistent statewide provision addressing the use of public road ends. Public Act 56 essentially codified case law on the issue. That Act reportedly has resulted in more effective and consistent enforcement of the restrictions, but also has caused some confusion over which local public entity may issue permits for the use of public road ends.

The section added to Part 301 in 2012 includes counties in the definition of "local unit of government" and refers to the local unit having "jurisdiction" of the road. Some apparently have interpreted this to mean that county road commissions, which have jurisdiction over county roads, may issue a permit to use a public road end for a seasonal dock and at least one road commission reportedly has done so. The bill would avoid future confusion by limiting the permitting authority to a township, city, or village in which a public road end is located.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Fiscal Analyst: John Maxwell

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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.