



Senate Fiscal Agency
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House Bill 5401 (Substitute S-1 as reported)
House Bill 5402 (Substitute H-2 as reported without amendment)
House Bill 5463 (Substitute S-1 as reported)
Sponsor: Representative Gary Eisen (H.B. 5401 & 5402)
Representative Jim Lilly (H.B. 5463)
House Committee: Natural Resources and Outdoor Recreation
Ways and Means
Senate Committee: Natural Resources

CONTENT

House Bill 5401 (S-1) would amend Part 801 (Marine Safety) of the Natural Resources and Environmental Protection Act (NREPA) to do the following:

- Authorize the Department of Natural Resources (DNR), a county emergency management coordinator, or a county sheriff to establish a temporary reduced maximum vessel speed limit on waters under local or municipal control, if requested by a resolution of the governing body of a county or municipality.
- Prescribe the duties of the DNR, county emergency management coordinator, or county sheriff if the speed limit were reduced.
- Prohibit a temporary speed limit from remaining in effect for longer than 14 days, unless it was reissued.
- Allow the reissuance of a temporary speed limit under the circumstances listed in the bill.
- Specify that a temporary speed limit could be in effect only between September 1 to June 20, or from June 21 to June 30, if certain conditions were met.
- Prescribe penalties for violations of a temporary maximum vessel speed limit.
- Authorize the Governor, during a state of emergency or disaster, to establish restricted wake zones if necessary to address the emergency conditions.

House Bill 5402 (H-2) would amend the Revised Judicature Act to do the following:

- Specify that an "ordinance" would include a temporary vessel speed limit established by a county emergency management coordinator or sheriff.
- Specify that a county or municipality that requested a temporary reduced vessel speed limit would be considered the political subdivision whose ordinance had been violated for the purposes of determining the plaintiff in a civil infraction action.

House Bill 5463 (S-1) would amend Part 801 of NREPA to do the following:

- Define "temporary ordinance".
- Prescribe the application process for requesting a temporary ordinance from the DNR.
- Require the DNR to conduct an investigation and inquiry into the need for a temporary ordinance.
- Prescribe the procedure for adopting a temporary ordinance.
- Specify that a temporary ordinance would expire six months after the DNR was notified of its adoption.

- Specify that a temporary ordinance could be extended or renewed in consecutive years only if the political subdivision were in the process of adopting a proposed special rule.
- Prohibit a political subdivision from extending or renewing a temporary ordinance if the DNR determined that a special rule was not needed, and the Director denied an appeal.

The bills are tie-barred to each other.

MCL 324.80146 (H.B. 5401)
600.113 et al. (H.B. 5402)
324.80104 et al. (H.B. 5463)

Legislative Analyst: Dana Adams

FISCAL IMPACT

House Bill 5401 (S-1) may have a negative, though likely minimal, fiscal impact on the DNR and local government. The bill would allow local law enforcement agencies, in conjunction with the DNR, to implement temporary motorboat speed limits during high water conditions on an optional basis. The Department's conservation officers currently are responsible for enforcing watercraft laws and regulations, and any increase in costs would depend on the extent to which temporary motorboat restrictions were implemented.

The bill could result in additional revenue for local libraries. Although it is unknown how many people would be prosecuted under the bill's provisions, any additional revenue from imposed fines would go to local libraries.

House Bill 5402 (H-2) would have no fiscal impact on State or local government.

House Bill 5463 (S-1) would increase administrative costs to the DNR and local governments. Under the bill, the DNR and local government entities could incur additional administrative costs through the application and notification process required to implement a temporary ordinance. The process to consider a temporary ordinance would require the DNR to conduct an application review and investigation into the need for the ordinance, and local government entities would have to establish how costs for public notice and signage would be paid. The increased costs associated with the bill would depend upon the extent to which temporary ordinances were implemented and costs likely would vary by application.

Date Completed: 3-11-20

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