



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 778 (Substitute S-1 as reported)
Sponsor: Senator Mike Kowall
Committee: Judiciary

CONTENT

The bill would amend Part 301 (Inland Lakes and Streams) of the Natural Resources and Environmental Protection Act to specify that, unless a recorded deed, recorded easement, or other recorded dedication expressly provided otherwise, a public road end could 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; or any activity that obstructed ingress to or egress from an inland lake or stream.

A public road end also could 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 was authorized by the local unit that had jurisdiction over the public road. This provision would not prohibit any use that was expressly authorized by a recorded deed, recorded easement, or other recorded dedication, but would not permit any use that exceeded the uses authorized by the deed, easement, or dedication, or a court order. A local unit with jurisdiction over a public road could prohibit a use of a public road end that violated the bill.

A violation of the bill would be a misdemeanor punishable by up to 90 days' imprisonment and/or a maximum fine of \$500. Each 24-hour period in which a violation existed would constitute a separate violation. A peace officer could issue an appearance ticket, as authorized in the Code of Criminal Procedure, to a person who violated the bill. The bill specifies that it would not prohibit a person or agency from commencing a civil action for conduct that violated it.

The bill would define "public road end" as the terminus of a public road at an inland lake or stream. "Public road" would mean a county road or a township, city, or village street that is open for use by the public.

Proposed MCL 324.30111b

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed misdemeanor offense. Local governments would incur the costs of incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Date Completed: 11-2-11

Fiscal Analyst: Matthew Grabowski