



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 778 (as introduced 10-26-11)
Sponsor: Senator Mike Kowall
Committee: Judiciary

Date Completed: 10-31-11

CONTENT

The bill would amend Part 301 (Inland Lakes and Streams) of the Natural Resources and Environmental Protection Act to prohibit and prescribe a criminal penalty for certain maritime uses of a public road end at an inland lake or stream or obstructing ingress to or egress from the lake or stream, unless a recorded instrument expressly provided otherwise.

Specifically, 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.
- 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 county, city, or village 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 county, city, or village 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. (Under the Code, an appearance ticket is a complaint or written notice issued by a police officer or other authorized public employee, directing a person to appear in a local criminal court at a future time in connection with an alleged violation of law for which the maximum penalty is 93 days in jail and/or a fine.)

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 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.

Fiscal Analyst: Matthew Grabowski

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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.