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SFA**BILL ANALYSIS**

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House Bill 4363 (Substitute H-6 as passed by the House)
Sponsor: Representative Penny Crissman
House Committee: Conservation, Environment and Recreation
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 5-21-98

CONTENT

The bill would amend Part 781 (Michigan State Waterways Commission) of the Natural Resources and Environmental Protection Act (NREPA) to require the Department of Natural Resources (DNR) to establish a public boating access site advisory committee; require the DNR to obtain a 90-day option on land proposed for acquisition for a boating site; and establish a public boating access sites grant program to provide funding to local units with money from the Michigan State Waterways Fund. The DNR could promulgate rules to implement Part 781.

Public Boating Access Site Advisory Committee

Establishment. Within 30 days after the bill's effective date, the DNR would have to establish a public boating access site advisory committee to advise the DNR and the Legislature on the State's method of acquiring public boating access sites (publicly owned sites for the launching of recreational watercraft). The advisory committee would have to be disbanded no later than one year after it was established.

The committee would have to consist of up to 20 members representing the boating industry, recreational users, riparian owners, local public officials who had public boating access sites within their local unit of government, experts from Michigan institutions of higher education, and other interested parties as appointed by the DNR. At least two members of the advisory committee would have to be representatives of the general public.

Responsibilities. The advisory committee would have to make recommendations on the protection of the ecological integrity of lakes from degradation; the protection of the boating public and other lake users, including but not limited to riparian owners, from overly intense use of lakes; the provision of recreational boating opportunities for members of the general public; and other issues the advisory committee considered relevant.

Within six months after the advisory committee was established, it would have to deliver a report to the DNR, the Natural Resources Commission, and the Legislature on any administrative and legislative changes that the State should consider in acquiring and operating public boating access sites.

Option on Land

Public Hearing. Before acquiring a public boating access site, the DNR would have to obtain a 90-day option on the land. In obtaining the option, the DNR would have to attempt to negotiate an option that could be transferred to a local unit of government. When placing the option, the DNR would have to notify the municipality and the county where the land was located of the option and hold a public hearing on the proposed purchase and operation of the land as a public boating access site. The municipality or county also could hold a public hearing on the proposed purchase and development. The municipality or county would have to notify the DNR of the hearing, and a representative of the DNR would have to attend it.

Municipality or County Responsibilities. During the 90-day period in which the DNR held an option, the municipality or county in which the land was located could either identify another suitable location on the lake that the Department could acquire for a public boating access site that was comparable for development to the one proposed by the DNR, or notify the DNR that it intended to operate a public boating access site on that land.

If the DNR received such a notice, it would have to transfer the option, if possible, to the municipality or county so that it could exercise the option and purchase the land. If the municipality exercised the option and purchased the land, it would be contingent upon the municipality or county and the DNR entering into a legally enforceable agreement that specified how the public boating access site would be operated. The agreement would have to provide that the public boating access site would be operated in the same manner as a site that was operated by the DNR, unless the Department agreed to alternative terms. The agreement also would have to provide that if the municipality or county violated the agreement, the DNR could operate the public boating access site in compliance with the agreement.

Public Boating Access Sites Grant Program

The DNR would have to establish a public boating access sites grant program, which would be required to provide funding with money in the Michigan State Waterways Fund to local units for all or a portion of the cost of the acquisition of land for the establishment of a public boating access site and/or the cost of developing a public boating access site.

A grant could be used as a local unit's required match under Part 19 (Natural Resources Trust Fund) of the NREPA or another State or Federal program. (Under Part 19, local units receiving a grant from the Natural Resources Trust Fund for the acquisition of land or the development of recreation facilities must match at least 25% of the project's total cost.)

In addition, a local unit receiving a grant under the bill would have to agree to operate the public boating access site pursuant to the Department's operational requirements. A local unit that wished to be considered for a grant would have to submit an application to the DNR in a manner described by the Department and containing the information required by the Department.

MCL 324.78101 et al.

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State government.

The new advisory committee created in the bill could increase administrative costs within the DNR, although the increase is not expected to be significant. In addition, the new local grant program created in the bill, supported by State Waterways Fund money, could have the effect of reducing the amount of State Waterways Fund money available for other projects supported by the Fund. As a point of information, over the last three years, \$24 million has been spent from the Fund for public

access sites. As of the end of FY 1996-97, the balance of the Fund was \$4.4 million. However, at the end of FY 1997-98, the balance is anticipated to be \$800,000, due to an increase in expenditures in the current year.

Fiscal Analyst: M. Hansen
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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.