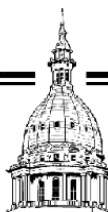




Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4051 (Substitute H-1)

Sponsor: Representative Penny Crissman

House Committee: Transportation

Senate Committee: Transportation and Tourism

Date Completed: 11-28-95

SUMMARY OF HOUSE BILL 4051 (Substitute H-1) as passed by the House:

The bill would amend Part 357 of the Natural Resources and Environmental Protection Act, which governs natural beauty roads, to provide for a public hearing, at the option of a city, village, or township, on any construction project or tree cutting that would significantly affect native vegetation within the right-of-way of a natural beauty road; and to require a board of county road commissioners to consider testimony taken at the hearing in approving or denying the construction project or tree cutting. The bill also specifies that Part 357 would not affect or restrict the maintenance activities of a governmental agency or municipality having jurisdiction over a beauty road.

The Act requires the Department of Natural Resources to develop uniform guidelines that may be adopted by a board of county road commissioners to preserve native vegetation in the right-of-way of a natural beauty road from destruction or substantial damage by cutting, spraying, dusting, mowing, or other means. A county board must provide for a public hearing before permitting an act that would result in substantial damage to native vegetation in the right-of-way of a natural beauty road. (The Act also contains similar provisions for natural beauty streets in a city or village.)

Under the bill, before the approval of any construction project or tree cutting that would significantly affect native vegetation within the right-of-way of a natural beauty road, the board of county road commissioners would have to give notice of the proposed activity to the clerk of the city, village, or township within which the road lay. If the city, village, or township desired to hold a public hearing on the proposed activity, the clerk would have to notify the board within seven days of the transmittal of notice by the board. The notice to the board would have to include the date, time, and place of the city, village, or township hearing. The hearing would have to take place within 14 days of the transmittal of notice to the board. A member or a representative of the board would have to attend the hearing. Within 10 days of the hearing, the city, village, or township clerk would have to give the board a written report of testimony taken at the hearing.

The board could not approve the construction project or the tree cutting until 12 days after notice of the proposed activity had been sent to the city, village, or township clerk, or until 12 days after the public hearing was held, if the board timely received notice of a hearing. In approving or denying the proposed activity, the board would have to consider any report of testimony taken at the public hearing received from the city, village, or township.

These notice and hearing requirements would not apply if the construction or tree cutting were necessitated by emergency conditions. The bill also would be subject to the current provision that Part 357 does not affect the right of a public utility to control vegetation in connection with the maintenance, repair, or replacement of public utility facilities constructed before the designation of a natural beauty road or street or public utility facilities crossing a natural beauty road or street.

MCL 324.35704

Legislative Analyst: S. Margules

FISCAL IMPACT

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

Fiscal Analyst: B. Bowerman

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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.