



SENATE BILL No. 1217

December 3, 1996, Introduced by Senators MC MANUS, EMMONS
and KOIVISTO and referred to the Committee on Natural
Resources and Environmental Affairs.

A bill to amend section 82125 of Act No. 451 of the Public
Acts of 1994, entitled
"Natural resources and environmental protection act,"
as added by Act No. 58 of the Public Acts of 1995, being section
324.82125 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 82125 of Act No. 451 of the Public Acts
2 of 1994, as added by Act No. 58 of the Public Acts of 1995, being
3 section 324.82125 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 82125. ~~—(1) The department may promulgate rules to~~
6 ~~govern the operation and conduct of snowmobiles, speed limits,~~
7 ~~and the times when a snowmobile may be used and to establish and~~
8 ~~designate areas where snowmobiles may be used in a manner that~~
9 ~~will ensure compatible use and best protection of the safety and~~

1 ~~general welfare of the public on the frozen surface of public~~
 2 ~~waters.~~

3 (1) ~~(2)~~ The department, on its own initiative or upon
 4 receipt of a certified resolution of the governing body of a
 5 political subdivision, may initiate investigations into the need
 6 for special ~~rules~~ REGULATIONS to govern the operation of snow-
 7 mobiles on the frozen surface of public waters. If controls for
 8 ~~an~~ THIS activity are considered necessary, or amendment or
 9 repeal of an existing ~~rule~~ ORDINANCE is required, the depart-
 10 ment shall prepare a ~~rule~~ LOCAL ORDINANCE for consideration at
 11 a public hearing. ~~Notice~~ THE DEPARTMENT SHALL PUBLISH A NOTICE
 12 of the public hearing ~~shall be published~~ in a newspaper of gen-
 13 eral circulation in the area where the ~~rules are~~ LOCAL ORDI-
 14 NANCE IS to be imposed, amended, or repealed, at least 10 days
 15 before the hearing. INTERESTED PARTIES SHALL BE AFFORDED AN
 16 OPPORTUNITY TO PRESENT THEIR VIEWS ON THE PROPOSED LOCAL ORDI-
 17 NANCE EITHER ORALLY OR IN WRITING.

18 (2) ~~(3)~~ After a hearing is held pursuant to subsection
 19 ~~(2)~~ (1), the proposed ~~rule~~ LOCAL ORDINANCE shall be submitted
 20 to the governing body of the political subdivision in which the
 21 affected frozen waters lie. ~~The governing body shall inform the~~
 22 ~~department that it approves or disapproves of the proposed rule~~
 23 ~~within 30 days after receiving the rule from the department. If~~
 24 ~~the governing body disapproves the proposed rule, further action~~
 25 ~~shall not be taken. If the governing body approves the proposed~~
 26 ~~rule, it may enact an ordinance that is identical to the proposed~~
 27 ~~rule and the department shall promulgate the rule. An ordinance~~

~~1 enacted pursuant to this subsection is not effective until the~~
~~2 proposed rule is promulgated and effective.~~ WITHIN 60 CALENDAR
3 DAYS, THE GOVERNING BODY SHALL INFORM THE DEPARTMENT THAT IT
4 APPROVES OR DISAPPROVES OF THE PROPOSED LOCAL ORDINANCE. IF THE
5 GOVERNING BODY APPROVES THE PROPOSED LOCAL ORDINANCE, THE LOCAL
6 UNIT SHALL ENACT THE LOCAL ORDINANCE AS PREPARED BY THE
7 DEPARTMENT. IN ORDER TO ASSURE THAT LOCAL ORDINANCES ENACTED
8 PURSUANT TO THIS SECTION ARE AS UNIFORM AS POSSIBLE, THE LOCAL
9 ORDINANCE ENACTED BY THE LOCAL UNIT WILL BE IDENTICAL TO THE
10 LOCAL ORDINANCE PREPARED BY THE DEPARTMENT. IF THE REQUIRED
11 INFORMATION IS NOT RECEIVED BY THE DEPARTMENT WITHIN THE SPECI-
12 FIED TIME, THE DEPARTMENT SHALL CONSIDER THAT THE LOCAL ORDINANCE
13 IS DISAPPROVED. IF THE GOVERNING BODY OF A POLITICAL SUBDIVISION
14 DISAPPROVES OF THE PROPOSED LOCAL ORDINANCE, OR THE DEPARTMENT
15 DOES NOT RECEIVE A REPLY FROM THE GOVERNING BODY WITHIN 60 DAYS,
16 THE DEPARTMENT SHALL TAKE NO FURTHER ACTION ON THE PROPOSED LOCAL
17 ORDINANCE.

18 ~~(4) An ordinance that is the same as a rule that is sus-~~
19 ~~pended by the legislature or amended or repealed by the depart-~~
20 ~~ment shall likewise be suspended, amended, or repealed. The gov-~~
21 ~~erning body, by majority vote, may repeal the ordinance at any~~
22 ~~time.~~

23 ~~(5) Local law enforcement officers may enforce ordinances~~
24 ~~enacted pursuant to this section, and state and county enforce-~~
25 ~~ment officers shall enforce rules that are promulgated pursuant~~
26 ~~to this section.~~

1 (3) A LOCAL UNIT THAT DETERMINES THAT A SPECIAL LOCAL
2 ORDINANCE GOVERNING THE OPERATION OF SNOWMOBILES ON THE FROZEN
3 SURFACE OF PUBLIC WATERS IS NECESSARY WITHIN THEIR JURISDICTION
4 SHALL INFORM THE DEPARTMENT AND REQUEST ASSISTANCE. ALL SUCH
5 REQUESTS SHALL BE IN THE FORM OF AN OFFICIAL RESOLUTION APPROVED
6 UNDER THE PROVISIONS GOVERNING THE APPROVAL OF RESOLUTIONS WITHIN
7 THAT LOCAL UNIT. UPON RECEIPT OF AN OFFICIAL RESOLUTION, THE
8 DEPARTMENT SHALL PROCEED AS REQUIRED IN SUBSECTIONS (1) AND (2).
9 (4) A STATE OR LOCAL PEACE OFFICER MAY ENFORCE LOCAL ORDI-
10 NANCES ENACTED IN ACCORDANCE WITH THIS SECTION.