



**House
Legislative
Analysis
Section**

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NATURAL BEAUTY ROADS

**Senate Bill 43 with House committee
amendment
First Analysis (6-13-91)**

**Sponsor: Sen. Dave Honigman
Senate Committee: Transportation &
Tourism
House Committee: Transportation**

THE APPARENT PROBLEM:

Public Act 150 of 1970 allows a county road commission, by resolution, to declare certain roads as natural beauty roads after the commission holds a hearing on the subject as provided in the act. When a county road commission designates a natural beauty road, it can adopt uniform guidelines and procedures developed by the Department of Natural Resources (DNR) designed to "preserve native vegetation in a natural beauty road right of way from destruction or substantial damage by cutting, spraying, dusting, salting, mowing or by other means." Although the act allows for a zone of protection to be created for rare or desirable plant species or scenery, it has been pointed out that the act fails to provide any means of enforcement should someone violate this zone. Some people believe the act should provide a procedure under which complaints could be filed and civil action taken against violators of the act.

THE CONTENT OF THE BILL:

The bill would amend Public Act 150 of 1970 to specify that if a guideline or procedure regarding natural beauty roads adopted by a board of county road commissioners was violated by a person, a complaint--signed by five or more freeholders representing ten percent or more of the lineal frontage along a natural beauty road or, if there were fewer than five such people, signed by one or more freeholders representing ten percent or more of the lineal frontage along such a road--could be filed with the attorney general or county prosecutor who on behalf of the DNR or county road commission board could commence a civil action to seek either:

* a temporary or permanent injunction to prohibit the violation of the guideline or procedure adopted by the county road commission board; or

* a civil fine of up to \$400 for violation of an adopted guideline or procedure.

A default in the payment of a civil fine or costs ordered under the bill, or an installment of a fine or costs, could be remedied by any means authorized under the Revised Judicature Act.

MCL 247.386

HOUSE COMMITTEE ACTION:

The House Transportation Committee amended the bill to provide that if a violation of a guideline or procedure regarding a natural beauty road occurred, a complaint could be filed by certain persons owning property frontage along the road with the attorney general or the county prosecutor, who on behalf of the DNR or county road commission could commence a civil action. The Senate-passed version of the bill simply authorized the attorney general, on behalf of the DNR, a county road commission, or a county prosecutor, to commence a civil action.

FISCAL IMPLICATIONS:

The House Fiscal Agency says the bill would have no fiscal implications to state or local governments. (6-12-91)

ARGUMENTS:

For:

While the act offers a county road commission the opportunity to preserve certain scenic roadways or desirable native vegetation by creating a protective zone along a road, it does not provide a method of

enforcement. The bill would allow property owners along a natural beauty road to file a complaint with the county prosecutor or attorney general if certain guidelines or procedures regarding the use of land along such roads were violated. The county prosecutor or attorney general then could commence civil action on behalf of the road commission or the DNR either to prevent a violation before it occurred or continued, or to seek certain fines or other costs from a violator. The provision requiring a complaint to be filed by property owners along a natural beauty road (and only after a violation had occurred) before civil action could be commenced was added by the House Transportation Committee so that local property owners could police themselves to ensure property zone guidelines and procedures were followed.

POSITIONS:

The County Road Association of Michigan supports the bill as reported from the House Transportation Committee. (6-11-91)