

**Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)**

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Natural Resources

2. Bureau:

Executive Division

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Mackinac Island State Park Commission – General Rules

5. Rule numbers or rule set range of numbers:

R 318.111 – R 318.147

6. Estimated time frame:

6 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The new rules are intended to:

- (1) Regulate the use of electric tricycles/bicycles under the motor vehicle ban in Mackinac Island State Park in accordance with state and federal disability laws.
- (2) Control the use of consumer fireworks to decrease the risk of spooking horses, protect the historic and natural ambiance of the parks, control litter, prevent fires, and otherwise provide for the health, safety, and welfare of the parks' visitors.

It is important that the rules are promulgated before the 2023 summer season begins on the Island at the beginning of May 2023.

The popularity of electric bicycles has skyrocketed in recent years, posing a significant challenge to the motor vehicle ban within Mackinac Island State Park. At the same time, the Legislature has tasked the Commission with regulating electric bicycles on the Island in a way that comports with state and federal disability laws.

The rules are not only required by the Legislature's directive to regulate electric bicycles in a way that complies with state and federal disability laws, but they give law enforcement officers additional tools to enforce the more than 100-year-old ban on motor vehicles on the Island. They are key to maintaining the Island's international reputation as being vehicle-free. This reputation generates hundreds of millions of dollars in revenue within Michigan, and the livelihood of thousands of people depends on it. So, it is critical that the reputation is protected. Further, citizens have raised concerns about firework use in within the Park, so the rule banning fireworks is necessary for the preservation and protection of lands under the control of the Mackinac Island State Park Commission.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

Per MCL 324.76504, the Mackinac Island State Park Commission is given exclusive authority to "promulgate and enforce rules not inconsistent with the laws of this state and necessary to implement the commission's duties." Additionally, per MCL 324.76901, the Commission may promulgate rules regarding the care, preservation, use, and protection of the lands it controls; and promulgate rules regarding the care, preservation, maintenance, protection, or welfare of the Michilimackinac State Park.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

MCL 324.76504(2), MCL 324.76901, MCL 324.77702, MCL 257.662a(7) & (11).

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

The rules are not mandated by any constitutional or statutory provision.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

The Commission has passed a resolution establishing a policy regarding the use of electric bicycles, and the Mackinac Island State Park Commission Policies and Procedures Manual includes that policy. But law enforcement officers cannot issue civil infraction tickets based on the policy. Once the policy is promulgated into a rule, violations of it will constitute a civil infraction. MCL 324.76901(3).

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

Yes. The City of Mackinac Island, which has jurisdiction over a portion of Mackinac Island, has issued a city ordinance regulating the use of electric bicycles. The proposed prohibition on fireworks began with citizen concern regarding fire dangers in the parks.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The rules were last amended in 2016. Since that time, electric bicycles have lowered in price and their popularity has skyrocketed, which has sparked the need to again amend the rules.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

No, the opposite is true. Circumstances are showing an increased need for the rules as time goes on. The rules are not only required by the Legislature's directive to regulate electric bicycles in a way that complies with state and federal disability laws but by giving law enforcement officers additional tools to enforce the more than 100-year-old ban on motor vehicles on the Island is key to maintaining the Island's international reputation as being vehicle-free. This reputation generates hundreds of millions of dollars in revenue within Michigan, and the livelihood of thousands of people depends on it. So, it is critical that the reputation is protected. Further, the rule banning fireworks is necessary for the preservation and protection of lands under the control of the Mackinac Island State Park Commission.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No