

MLA Opposes House Bill 4536

June 24, 2021



House Bills 4535 and 4536 were recently introduced by Rep. Ken Borton, R-Gaylord. House Bill 4535 (HB 4535) would prohibit wheeled vehicles from driving on snowmobile trails between December 1 and April 1. House Bill 4536 (HB 4536) would direct the fines from these violations to be deposited into an account for the further maintenance of the snowmobile trails.

On Thursday, June 17, both bills passed out of the Committee on Natural Resources and Outdoor Recreation on a unanimous vote, despite MLA testimony in opposition.

Penal and civil fines, which are variable across each of our counties, along with state aid to libraries, are the only legislatively directed sources of revenue for libraries. Between 2016 and 2020, in counties in northern Michigan and the Upper Peninsula where snowmobiling is most prevalent, per capita penal fine rates have dropped by as much as 100% (Arenac, Bay, Kalkaska, Montmorency, Schoolcraft) with a median loss of 26.6%.

As fines are eliminated (i.e. legalization of recreational marijuana), or have changed drastically based on local enforcement (as we saw in 2019 in Mackinaw County), the identification and

enforcement of new civil fines should be used to support the operational costs of public libraries as provided in the Michigan Constitution. We also know that the libraries in these areas are already inadequately funded, with many depending on penal fines as their main source of funding.

The Michigan Constitution directs fines imposed on people for breaking the law to go to support public libraries and MLA opposes HB 4536 because it diverts civil fines, even if they are new civil fines, away from local libraries.

Article VIII, sec. 9 of the Michigan Constitution states:

“The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, townships and cities for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.”

The passage of HB 4536 would hurt libraries, would ignore the intent of the Michigan Constitution, and would be opposed to the will of the people who enacted that Constitution.

We encourage you to make a personal phone call to your Michigan House member to voice your opposition to HB 4536, remind them of the importance of penal fine revenue to libraries, and that the Michigan Constitution states that penal fines should be used exclusively for libraries, and ask them to oppose HB 4536. We will have a template email communication available next week, but for now, we encourage you to call your Representatives. [You can use our web tool to find your Representative's phone number.](#)