

SENATE BILL No. 591

July 10, 2001, Introduced by Senators MC MANUS, GAST and KOIVISTO and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 78101, 78102, 78105, 78110, 78111, 78115, 78307, 78503, and 80115 (MCL 324.78101, 324.78102, 324.78105, 324.78110, 324.78111, 324.78115, 324.78307, 324.78503, and 324.80115), sections 78101 and 78110 as amended and section 78115 as added by 1998 PA 210 and sections 78102, 78105, 78111, 78307, 78503, and 80115 as added by 1995 PA 58, and by adding sections 78121, 78122, 78123, 78124, 78125, 78126, 78127, 78128, 78129, 78130, 78131, 78132, 78133, 78134, and 78135; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 78101. As used in this part:
- 2 (a) "Advisory committee" means the public boating access
- 3 site advisory committee established pursuant to section 78113.

1 (b) "Commission" means the Michigan state waterways
2 commission.

3 (c) "Department" means the department of natural resources.

4 (d) "Director" means the administrative director of the
5 commission.

6 (e) "Diesel motor fuel" means any liquid fuel used in the
7 operation of engines of the diesel type in motor vehicles or
8 watercraft.

9 (F) "FUND" MEANS THE MICHIGAN STATE WATERWAYS FUND CREATED
10 IN SECTION 78110.

11 (G) ~~(f)~~ "Gasoline" means gasoline, casing head or natural
12 gasoline, benzole, benzine, and naphtha; also, any liquid pre-
13 pared, advertised, offered for sale, sold for use as, or used
14 for, the generation of power for the propulsion of motor vehicles
15 or watercraft, including any product obtained by blending
16 together any 1 or more products of petroleum, with or without
17 other products, and regardless of the original character of the
18 petroleum products blended, if the resultant product obtained is
19 capable of use for the generation of power for the propulsion of
20 motor vehicles or watercraft, it being the intention that the
21 blending of the products, regardless of name or characteristics,
22 shall conclusively be presumed to produce motor fuel, unless the
23 resultant product is entirely incapable for use as motor fuel.
24 Gasoline does not include diesel fuel, liquefied petroleum gas,
25 or commercial or industrial naphthas or solvents manufactured,
26 imported, received, stored, distributed, sold, or used

1 exclusively for purposes other than as a fuel for motor vehicles
2 or watercraft.

3 (H) ~~(g)~~ "Harbor" means a portion of a lake or other body
4 of water either naturally or artificially protected so as to be a
5 place of safety for watercraft ~~, including~~ OR contrivances used
6 or designed for navigation on water and used or owned by the
7 United States.

8 (I) ~~(h)~~ "Harbor facilities" means the structures at a
9 harbor constructed to protect the lake or body of water and the
10 facilities provided within the harbor and ashore for the mooring
11 and servicing of watercraft and the servicing of crews and
12 passengers.

13 (J) ~~(i)~~ "Liquefied petroleum gas" means gases derived from
14 petroleum or natural gases which are in the gaseous state at
15 normal atmospheric temperature and pressure, but which may be
16 maintained in the liquid state at normal atmospheric temperature
17 by suitable pressure. Liquefied petroleum gas includes those
18 products predominately composed of propane, propylene, butylene,
19 butane, and similar products. ~~which are not covered in chapters~~
20 ~~1 and 2 of 1927 PA 150, MCL 207.101 to 207.134.~~

21 (K) ~~(j)~~ "Marina" means a site ~~which~~ THAT contains harbor
22 facilities.

23 (L) ~~(k)~~ "Navigable water" means any waterway navigable by
24 vessels, or capable of being made navigable by vessels through
25 artificial improvements, and includes the structures and facili-
26 ties created to facilitate navigation.

1 (M) "NONREVENUE-PRODUCING HARBOR FACILITIES" MEANS ANY
2 PORTION OF HARBOR FACILITIES THAT WOULD NOT NORMALLY PRODUCE
3 REVENUE AND INCLUDES, BUT IS NOT LIMITED TO, JETTIES, BREAKWAT-
4 ERS, DREDGING, AND SHORE PROTECTION.

5 (N) ~~(t)~~ "Person" includes any individual, partnership,
6 corporation, association, or body politic, except the United
7 States and this state, and includes any trustee, receiver,
8 assignee, or other similar representative of those entities.

9 (O) ~~(m)~~ "Public boating access site" means a publicly
10 owned site for the launching of recreational watercraft.

11 (P) ~~(n)~~ "Retail fuel dealer" includes any person or per-
12 sons, both private and municipal, who engage in the business of
13 selling or distributing fuel within the state.

14 (Q) "REVENUE-PRODUCING HARBOR FACILITIES" MEANS ANY PORTION
15 OF HARBOR FACILITIES THAT NORMALLY PRODUCE REVENUE AND INCLUDES,
16 BUT IS NOT LIMITED TO, WATERCRAFT SLIPS, WATERCRAFT LAUNCHING
17 FACILITIES, WATERCRAFT STORAGE, LODGING, ACCESS ROADS, WATERCRAFT
18 REPAIR FACILITIES, PARKING LOTS, MECHANICAL HAUL-OUT DEVICES, AND
19 FACILITIES FOR FUEL, FOOD, AND OTHER SERVICES.

20 (R) ~~(o)~~ "Secretary of state" means the secretary of state
21 of this state, acting directly or through a duly authorized
22 deputy, investigators, agents, and employees.

23 (S) ~~(p)~~ "Vessel" means all watercraft except the
24 following:

25 (i) Watercraft used for commercial fishing.

26 (ii) Watercraft used by the sea scout department of the boy
27 scouts of America chiefly for training scouts in seamanship.

1 (iii) Watercraft owned by this state, any political
2 subdivision of this state, or the federal government.

3 (iv) Watercraft when used in interstate or foreign commerce
4 and watercraft used or owned by any railroad company or railroad
5 car ferry company.

6 (v) Watercraft when used in trade, including watercraft when
7 used in connection with an activity that constitutes a person's
8 chief business or means of livelihood.

9 (T) ~~(q)~~ "Watercraft" means any contrivance used or
10 designed for navigation on water, including, but not limited to,
11 any vessel, ship, boat, motor vessel, steam vessel, vessel oper-
12 ated by machinery, motorboat, sailboat, barge, scow, tugboat, and
13 rowboat, but does not include contrivances used or owned by the
14 United States.

15 (U) ~~(r)~~ "Waterway" means any body of water.

16 Sec. 78102. (1) There is created a state commission to be
17 known ~~and designated~~ as the Michigan state waterways
18 commission. ~~The commission shall consist of 7 members, who~~
19 ~~shall be appointed by the governor, with the advice and consent~~
20 ~~of the senate. The term of office of each member shall be 3~~
21 ~~years, except that of members first appointed, 2 shall be~~
22 ~~appointed for 1 year, 2 shall be appointed for 2 years, and 1~~
23 ~~shall be appointed for 3 years. Not less than 2 members shall~~
24 ~~reside north of townline 16, 1 of whom shall reside in the upper~~
25 ~~peninsula and 1 of whom shall reside in the lower peninsula. One~~
26 ~~of the members shall be an individual who owns or operates a~~
27 ~~harbor or marina in this state at the time of his or her~~

~~1 appointment and during his or her membership on the commission.
2 One member shall be a representative of the marine-trades indus=
3 try who does not own or operate a harbor or marina. The first
4 term of the individual who owns or operates a harbor or marina
5 shall expire on September 18, 1989. The first term of the
6 marine-trade representative who does not own or operate a harbor
7 or marina shall expire on September 18, 1988. THE COMMISSION
8 SHALL CONSIST OF 7 MEMBERS, APPOINTED BY THE GOVERNOR, AS
9 FOLLOWS:~~

10 (A) THE DIRECTOR OR A MEMBER OF THE COMMISSION OF NATURAL
11 RESOURCES.

12 (B) ONE INDIVIDUAL WHO IS AN OWNER OR OPERATOR OF A MARINA
13 OR HARBOR FACILITY, OR A BOAT DEALERSHIP, THAT IS LOCATED ON THE
14 GREAT LAKES OR THEIR CONNECTING WATERS.

15 (C) ONE INDIVIDUAL WHO IS AN OWNER OR OPERATOR OF A MARINA
16 OR HARBOR FACILITY, OR A BOAT DEALERSHIP, THAT IS LOCATED ON AN
17 INLAND LAKE.

18 (D) ONE INDIVIDUAL FROM THE MARINE TRADE INDUSTRY.

19 (E) ONE INDIVIDUAL FROM THE UPPER PENINSULA WHO IS A REGIS-
20 TERED RECREATIONAL WATERCRAFT USER.

21 (F) ONE INDIVIDUAL FROM THE NORTHERN PORTION OF THE LOWER
22 PENINSULA WHO IS A REGISTERED RECREATIONAL WATERCRAFT USER.

23 (G) ONE INDIVIDUAL FROM THE SOUTHERN PORTION OF THE LOWER
24 PENINSULA WHO IS A REGISTERED RECREATIONAL WATERCRAFT USER.

25 (2) INDIVIDUALS ELIGIBLE FOR APPOINTMENTS UNDER SUBSECTION
26 (1)(B), (C), OR (D), OR ASSOCIATIONS REPRESENTING SUCH

1 INDIVIDUALS, MAY SUBMIT TO THE GOVERNOR RECOMMENDATIONS FOR
2 APPOINTMENTS UNDER SUBSECTION (1).

3 (3) A member OF THE COMMISSION appointed to fill a vacancy
4 occurring other than by expiration of a term shall be appointed
5 for the unexpired term. Members shall qualify by taking and
6 filing the constitutional oath of office. A member of the com-
7 mission shall not receive a salary for his or her services as a
8 commissioner, but may be reimbursed for actual and necessary
9 expenses incurred in performance of official duties. The members
10 of the commission may be removed by the governor for inefficien-
11 cy, neglect of duty, misuse of office, or malfeasance in office,
12 in the manner provided by law for the removal of other public
13 officers for similar causes. Vacancies shall be filled for the
14 unexpired term in the same manner as original appointments. The
15 commission shall, immediately upon its appointment, organize,
16 adopt a seal, and make, amend, and revise the rules necessary for
17 the administration of the commission's duties under this part.
18 The commission at the organization meeting shall elect from its
19 members a chairperson and vice-chairperson to serve for 1 year
20 and annually thereafter shall elect such officers, each to serve
21 until his or her successor is appointed and qualified. Action
22 shall not be taken by the commission with less than a majority
23 assent of its members. The department of management and budget
24 shall provide suitable offices and equipment for the use of the
25 commission.

26 Sec. 78105. The department shall have the following powers
27 and duties:

1 (a) To acquire, construct, and maintain harbors, channels,
2 and facilities for vessels in the navigable waters lying within
3 the boundaries of the state of Michigan.

4 (b) To acquire, by purchase, lease, gift, or condemnation
5 the lands, rights of way, and easements necessary for harbors and
6 channels. The department shall be considered a state agency
7 under the provisions of ~~Act No. 149 of the Public Acts of 1911,~~
8 ~~being sections 213.21 to 213.25 of the Michigan Compiled Laws~~
9 1911 PA 149, MCL 213.21 TO 213.25, relative to condemnation by
10 state agencies.

11 (c) To acquire, by purchase, lease, gift, or condemnation
12 suitable areas on shore for disposal of the material from
13 dredging.

14 (d) To enter into any contracts or agreements that may be
15 necessary in carrying out this part, including agreements to hold
16 and save the United States free from damages due to the construc-
17 tion and maintenance by the United States of those works that the
18 United States undertakes.

19 (e) To provide for the granting of concessions within the
20 boundaries of harbors, so as to furnish the public gas, oil,
21 food, and other facilities.

22 (f) To represent the state of Michigan and the governor of
23 Michigan in dealings with the chief of engineers of the United
24 States army and his or her authorized agents for the purposes set
25 forth in this part.

26 (g) To charge fees for both seasonal and daily moorage at
27 state-operated small craft mooring facilities. All revenues

1 derived from this source shall be deposited in the ~~Michigan~~
2 ~~state waterways~~ fund.

3 (h) To charge fees for both daily and seasonal use of
4 state-operated public access sites, if the cost of collecting the
5 fees will not exceed the revenue derived from the fees for daily
6 and seasonal passes. All revenues derived from this source shall
7 be deposited in the ~~Michigan state waterways~~ fund. A seasonal
8 pass shall grant the permittee the right to enter any
9 state-operated public access site without payment of an addi-
10 tional fee.

11 (i) To collect the proceeds from the sale of marine fuel at
12 harbors operated by the department. The proceeds from the sales
13 shall be credited to the ~~Michigan state waterways~~ fund and used
14 for the purchase of marine fuel supplies as may be needed. Any
15 remaining revenue from this source not needed for the purchase of
16 marine fuel supplies may be expended in the same manner as other
17 ~~funds~~ MONEY within the ~~Michigan state waterways~~ fund.

18 Sec. 78110. (1) The Michigan state waterways fund is cre-
19 ated in the state treasury. ~~The fund shall be administered by~~
20 ~~the state treasurer and shall be used by the department solely~~
21 ~~for the construction,~~

22 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS
23 FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER
24 SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER
25 SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
26 INVESTMENTS.

1 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
2 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

3 (4) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON
4 APPROPRIATION, ONLY FOR 1 OR MORE OF THE FOLLOWING PURPOSES:

5 (A) CONSTRUCTION, operation, and maintenance of HARBOR
6 FACILITIES AND recreational boating facilities. ~~, the~~
7 ~~acquisition~~

8 (B) ACQUISITION of property for the purposes of this part.
9 ~~, for grants~~

10 (C) GRANTS to local units of government to acquire and
11 develop harbors of refuge and public boating access sites under
12 section 78115. ~~, and for the~~

13 (D) THE IMPLEMENTATION AND administration of this part.
14 ~~The fund shall receive such revenues as the legislature may~~
15 ~~provide.~~

16 ~~(2) The Michigan harbor development fund is created in the~~
17 ~~state treasury. The fund shall be administered by the state~~
18 ~~treasurer and shall be used by the department solely for the pur-~~
19 ~~poses provided in part 791 and for the administration of that~~
20 ~~part. The fund shall receive revenues as provided in part 791~~
21 ~~and such other revenues as the legislature may provide.~~

22 (5) ALL MONEY IN THE HARBOR DEVELOPMENT FUND ON THE EFFEC-
23 TIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION SHALL
24 BE TRANSFERRED TO THE FUND.

25 Sec. 78111. It is the purpose of this part, in providing
26 for harbors and channels, that the appropriation made by the
27 state be considered an advancement, and that the fees, taxes, and

1 other revenues received under this part, to be credited to the
2 ~~Michigan state waterways~~ fund, shall be applied against the
3 advancement, until all advancements have been fully paid.

4 Thereafter all such fees, taxes, and revenues shall be available
5 for continued expansion and development of harbors and connecting
6 waterways. However, subject to the approval of the state admin-
7 istrative board, the necessary expense of administration of this
8 part, and any expense necessary to the protection of the harbors
9 ~~,~~ and connecting waterways, constructed or established under
10 ~~the provisions of~~ this part, or any improvement to the harbors
11 and connecting waterways necessary for the proper and adequate
12 protecting of vessels, shall be paid from the fees, taxes, and
13 revenues before being credited to the advancements. The state
14 administrative board shall from time to time provide for the
15 transfer of credits to advancements from the ~~Michigan state~~
16 ~~waterways~~ fund to the general fund, until the advancements have
17 been fully paid.

18 Sec. 78115. (1) The department shall establish a public
19 boating access sites grant program. ~~The~~ THIS grant program
20 shall provide funding with money in the ~~Michigan state~~
21 ~~waterways~~ fund to local units of government for all or a portion
22 of the cost of either or both of the following:

23 (a) The acquisition of land for the establishment of a
24 public boating access site.

25 (b) The cost of developing a public boating access site.

1 (2) A grant under subsection (1)(a) may be used as a local
2 unit of government's required match under part 19 or another
3 state or federal program.

4 (3) A local unit of government receiving a grant under sub-
5 section (1)(b) must agree to operate the public boating access
6 site in accordance with the department's operational
7 requirements.

8 (4) A local unit of government that wishes to be considered
9 for a grant under this section shall submit an application to the
10 department in a manner prescribed by the department and contain-
11 ing the information required by the department.

12 SEC. 78121. THE DEPARTMENT MAY PROVIDE ASSISTANCE TO A
13 PERSON SEEKING TO SECURE CONSTRUCTION, OPERATION, AND MAINTENANCE
14 OF RECREATIONAL BOAT SLIPS ON THE WATERS OF THIS STATE AS PRO-
15 VIDED IN THIS PART.

16 SEC. 78122. THE DEPARTMENT MAY PURCHASE REAL PROPERTY
17 ACCESSIBLE TO, OR CAPABLE OF BEING MADE ACCESSIBLE TO, THE WATERS
18 OF THIS STATE FOR THE DEVELOPMENT OF MARINAS, AS PROVIDED IN THIS
19 PART, ONLY WHEN IT CAN BE DEMONSTRATED THAT THE DEMAND FOR RECRE-
20 ATIONAL BOAT SLIPS WITHIN A SPECIFIC HARBOR OR WITHIN A LOCAL
21 UNIT OF GOVERNMENT EXCEEDS THE AVAILABLE SUPPLY.

22 SEC. 78123. THE DEPARTMENT SHALL NOT PURCHASE PROPERTY
23 UNDER THIS PART IF THE LOCAL UNIT OF GOVERNMENT WHERE THE PROP-
24 ERTY IS LOCATED IMPOSES PROPERTY TAXES ON PROPERTY CONTAINING A
25 SHORELINE RECREATIONAL FACILITY THAT IS OWNED BY AN ADJACENT
26 LOCAL UNIT OF GOVERNMENT.

1 SEC. 78124. THE DEPARTMENT MAY SELL OR REMOVE BUILDINGS OR
2 OTHER STRUCTURES ON REAL PROPERTY ACQUIRED BY THE DEPARTMENT
3 UNDER THIS PART, AND MAY SELL REAL PROPERTY OR RIGHTS OR INTER-
4 ESTS IN REAL PROPERTY NOT CONSIDERED ESSENTIAL FOR THE PURPOSES
5 OF THIS PART.

6 SEC. 78125. IF, IN THE JUDGMENT OF THE DEPARTMENT, REAL
7 PROPERTY ACQUIRED UNDER THIS PART REQUIRES MODIFICATION OR
8 IMPROVEMENT TO MAKE IT FINANCIALLY ATTRACTIVE TO POTENTIAL
9 INVESTORS IN A MARINA, THE DEPARTMENT MAY CONSTRUCT
10 NONREVENUE-PRODUCING HARBOR FACILITIES AT THOSE SITES.

11 SEC. 78126. AFTER REAL PROPERTY IS ACQUIRED UNDER THIS
12 PART, THE DEPARTMENT MAY ENTER INTO LEASES OF THE REAL PROPERTY
13 OR PORTIONS OF THE REAL PROPERTY THE DEPARTMENT DETERMINES WILL
14 AID IN THE CONSTRUCTION OF A MARINA, THE PROVISION OF SUMMER OR
15 WINTER STORAGE OF WATERCRAFT, OR THE PROVISION OF SERVICES NOR-
16 MALLY FOUND AT COMMERCIAL MARINAS.

17 SEC. 78127. (1) IF THE DEPARTMENT DETERMINES THAT REAL
18 PROPERTY ACQUIRED BY IT UNDER THIS PART IS SUITABLE FOR USE AS A
19 MARINA, THE DEPARTMENT SHALL PUBLICLY SOLICIT PROPOSALS FOR THE
20 DEVELOPMENT OF THE MARINA AND THE LEASE OF THE REAL PROPERTY.
21 THE SOLICITATION OF PROPOSALS SHALL INCLUDE PUBLISHED NOTICES IN
22 AT LEAST 1 LOCAL NEWS PUBLICATION OF GENERAL CIRCULATION IN THE
23 AREA IN WHICH THE MARINA WILL BE LOCATED AND IN AT LEAST 2 JOUR-
24 NALS RELATED TO THE MARINA, WATERCRAFT, OR HARBOR INDUSTRIES,
25 WHICH JOURNALS HAVE STATEWIDE CIRCULATION. A REASONABLE TIME
26 SHALL BE ALLOWED FOR BIDDERS TO RESPOND, AND ALL PROPOSALS SHALL
27 BE PUBLICLY OPENED AND READ. A PROPOSAL RECEIVED BY THE

1 DEPARTMENT IN RESPONSE TO THE SOLICITATION MAY BE REJECTED BY THE
2 DEPARTMENT FOR ANY REASON OR WITHOUT CAUSE IF THE DEPARTMENT
3 BELIEVES SUCH ACTION TO BE APPROPRIATE. THE DEPARTMENT MAY WAIVE
4 ANY DEFECTS IN ANY PROPOSALS RECEIVED, AT ITS DISCRETION, BUT IS
5 NOT REQUIRED TO DO SO.

6 (2) IN EVALUATING PROPOSALS FOR THE CONSTRUCTION OF
7 REVENUE-PRODUCING HARBOR FACILITIES AND THE OPERATION OF A
8 MARINA, THE DEPARTMENT SHALL TAKE INTO CONSIDERATION ALL OF THE
9 FOLLOWING:

10 (A) THE TECHNICAL QUALIFICATIONS OF THE APPLICANTS.

11 (B) THE FINANCIAL RESPONSIBILITY OF THE APPLICANTS.

12 (C) THE ABILITY OF THE APPLICANTS TO PERFORM EFFICIENTLY THE
13 SERVICES NECESSARY TO MAINTAIN A SOUND FACILITY, INCLUDING THE
14 PRIOR EXPERIENCE, IF ANY, OF THE APPLICANTS IN OPERATING A
15 MARINA.

16 (D) THE PROPOSED LEASE PAYMENTS.

17 (E) THE NATURE AND SCOPE OF EACH APPLICANT'S PLANS FOR THE
18 MARINA.

19 (F) THE TIMETABLES FOR DEVELOPMENT OF THE PROPOSED MARINA.

20 (G) OTHER FACTORS THE DEPARTMENT CONSIDERS RELEVANT.

21 SEC. 78128. (1) A LEASE ENTERED INTO BY THE DEPARTMENT
22 UNDER THIS PART SHALL BE FOR AN INITIAL TERM OF NOT MORE THAN 25
23 YEARS. A LEASE MAY BE EXTENDED FOR A PERIOD NOT TO EXCEED 5
24 YEARS, AT THE DISCRETION OF THE DEPARTMENT, IF THE LESSEE HAS
25 COMPLIED WITH THE PROVISIONS OF THE LEASE AND HAS MADE APPROPRI-
26 ATE EFFORTS TO UPGRADE AND MAINTAIN THE REAL PROPERTY.

1 (2) THE DEPARTMENT SHALL ESTABLISH, BY RULE, A PENALTY
2 SCHEDULE FOR NONPAYMENT OF LEASE PAYMENTS. THE DEPARTMENT SHALL
3 PROVIDE IN A LEASE ENTERED INTO UNDER THIS PART THAT, IF A LESSEE
4 IS IN DEFAULT ON A PAYMENT FOR MORE THAN 60 DAYS, OR IF A LESSEE
5 DEFAULTS ON A PAYMENT OR DELAYS MAKING A PAYMENT FOR MORE THAN 30
6 DAYS ON MORE THAN 2 OCCASIONS IN A SINGLE YEAR, THE DEPARTMENT
7 MAY DECLARE THE LEASE AGREEMENT BREACHED AND SEEK ITS REMEDIES AT
8 LAW OR IN ACCORDANCE WITH THE LEASE AGREEMENT.

9 (3) THE DEPARTMENT SHALL PROVIDE NOTICE IN ANY LEASE ENTERED
10 INTO UNDER THIS PART THAT THE LESSEE MAY BE SUBJECT TO TAXATION
11 UNDER 1953 PA 189, MCL 211.181 TO 211.182.

12 SEC. 78129. A LEASE ENTERED INTO BY THE DEPARTMENT UNDER
13 THIS PART OR AN INTEREST IN A LEASE ENTERED INTO BY THE DEPART-
14 MENT UNDER THIS PART SHALL NOT BE SOLD, TRANSFERRED, OR ASSIGNED
15 UNLESS THE SALE, TRANSFER, OR ASSIGNMENT IS FIRST APPROVED BY THE
16 DEPARTMENT, AFTER RECEIPT OF A WRITTEN APPLICATION CONTAINING THE
17 SAME INFORMATION RELATING TO THE PURCHASER, TRANSFEREE, OR
18 ASSIGNEE AS IS REQUIRED OF AN ORIGINAL APPLICANT. THIS SECTION
19 DOES NOT RESTRICT THE TRANSFER BY BEQUEST OR DESCENT FROM THE
20 LESSEE.

21 SEC. 78130. A LEASE ENTERED INTO BY THE DEPARTMENT UNDER
22 THIS PART SHALL NOT BE ISSUED WITHOUT CONSIDERATION. HOWEVER,
23 THE DEPARTMENT MAY ESTABLISH ANNUAL LEASE PAYMENTS, WHICH REDUCE
24 THE INITIAL FINANCIAL BURDEN ON THE LESSEE AS MUCH AS IS REASON-
25 ABLY POSSIBLE, WITH SUBSEQUENT PAYMENTS TO BE APPROPRIATELY
26 INCREASED TO ASSURE PAYMENT OF THE TOTAL LEASE OBLIGATION PRIOR
27 TO THE TERMINATION OF THE LEASE.

1 SEC. 78131. THE DEPARTMENT MAY ENTER INTO LEASE AGREEMENTS
2 FOR PURPOSES OF THIS PART WITH 1 OR MORE LOCAL UNITS OF GOVERN-
3 MENT ACTING JOINTLY WITH THE DEPARTMENT AS A LESSOR. REVENUE
4 FROM EACH LEASE SHALL BE APPORTIONED ACCORDING TO THE PROPOR-
5 TIONAL SHARE OF THE INVESTMENTS MADE BY THE DEPARTMENT AND THE
6 LOCAL UNIT OR UNITS OF GOVERNMENT IN THE CONSTRUCTION OF
7 NONREVENUE-PRODUCING HARBOR FACILITIES AND IN CONSIDERATION OF
8 THE RELATIVE LAND INVESTMENTS OF THE ENTITIES.

9 SEC. 78132. THE DEPARTMENT MAY ESTABLISH MINIMUM STANDARDS
10 APPLICABLE TO THE CONSTRUCTION AND OPERATION OF HARBOR FACILITIES
11 BY A LESSEE INCLUDING, BUT NOT LIMITED TO, RESTROOMS AND SHOWERS,
12 THE NUMBER OF SLIPS AVAILABLE TO TRANSIENT AND SEASONAL WATER-
13 CRAFT RENTALS, CONSTRUCTION MATERIAL, PARKING LOTS, ENGINEERING
14 AND ARCHITECTURAL PLANS AND DESIGNS, WATERCRAFT LAUNCHING FACILI-
15 TIES, AND WATERCRAFT STORAGE AND REPAIR FACILITIES.

16 SEC. 78133. ALL REVENUE FROM LEASE CONTRACTS ENTERED INTO
17 UNDER THIS PART SHALL BE DEPOSITED IN THE STATE TREASURY AND
18 CREDITED TO THE FUND.

19 SEC. 78134. THE DEPARTMENT IS NOT LIABLE FOR LOSS OF LIFE
20 OR INJURY OR DAMAGE TO PERSONS OR PROPERTY AS A RESULT OF THE
21 CONDITIONS ON REAL PROPERTY, WATERWAYS, OR FACILITIES ON REAL
22 PROPERTY LEASED TO PERSONS BY THE DEPARTMENT UNDER THIS PART.
23 HOWEVER, THIS SECTION DOES NOT RELIEVE LESSEES OF ANY OBLIGATIONS
24 THEY MAY OTHERWISE HAVE TO PERSONS OR FOR DAMAGES IF THEY ARE
25 FOUND TO HAVE FAILED TO MEET THEIR OBLIGATIONS PROPERLY.

26 SEC. 78135. A PERSON SHALL NOT DENY ANOTHER INDIVIDUAL THE
27 FULL AND EQUAL ENJOYMENT OF THE GOODS, SERVICES, FACILITIES,

1 PRIVILEGES, ADVANTAGES, OR ACCOMMODATIONS CREATED UNDER THIS PART
2 BECAUSE OF RELIGION, RACE, COLOR, NATIONAL ORIGIN, AGE, SEX, OR
3 MARITAL STATUS.

4 Sec. 78307. All revenues received by the department under
5 this part shall be deposited in the state treasury to the credit
6 of the MICHIGAN state waterways fund CREATED IN SECTION 78110 and
7 shall be expended as appropriated by the legislature.

8 Sec. 78503. Revenues received by the department under this
9 part shall be deposited in the state treasury to the credit of
10 the Michigan state waterways fund CREATED IN SECTION 78110 and
11 shall be spent only pursuant to appropriations by the
12 legislature.

13 Sec. 80115. (1) The revenue received under this part shall
14 be deposited in the state treasury. The revenue division,
15 department of treasury, shall annually present to the department
16 an accurate total of all the revenues collected, and shall then
17 credit the revenues collected to the following funds:

18 (a) ~~17.5%~~ 51% to the Michigan state waterways fund created
19 in section 78110.

20 ~~(b) 33.5% to the Michigan harbor development fund created~~
21 ~~in section 78110.~~

22 (B) ~~(c)~~ 49% to the marine safety fund created in subsec-
23 tion (2).

24 (2) The marine safety fund is created as a separate fund in
25 the state treasury. The legislature shall appropriate MONEY from
26 the marine safety fund for water safety education programs and
27 for the administration and enforcement of this part, including

1 state aid to counties, and for no other purpose, but not in
2 excess of revenues credited to the marine safety fund. No por-
3 tion of the fees provided for in section 80124 shall be appropri-
4 ated for the inspection of vessels that carry passengers for hire
5 and are regulated under part 445.

6 Enacting section 1. Part 791 of the natural resources and
7 environmental protection act, 1994 PA 451, MCL 324.79101 to
8 324.79118, is repealed.