

SUBSTITUTE FOR
SENATE BILL NO. 150

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 78106, 78108, 78110, 78115, and 79112 (MCL 324.78106, 324.78108, 324.78110, 324.78115, and 324.79112), sections 78106, 78108, and 79112 as added by 1995 PA 58 and section 78110 as amended and section 78115 as added by 1998 PA 210.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 78106. The local units of government of this state,
2 within the jurisdiction of which are situated inland waterways
3 connected with or connecting the waters of the Great Lakes, or
4 within which channels to nearby inland lakes and streams may be
5 constructed or opened for navigation and shelter of light draft
6 vessels, ~~are authorized~~ **may** by majority vote of their
7 respective legislative bodies ~~to~~ enter into contracts and

1 agreements with the department in ~~the accomplishment of~~
2 **carrying out** the purposes ~~set forth in~~ of this part. In
3 addition, the public colleges and universities of the state may
4 enter into contracts and agreements with the department in
5 carrying out the purposes of this part.

6 Sec. 78108. (1) The department ~~is authorized to take such~~
7 ~~action~~ may do 1 or more of the following:

8 (a) **Take actions** as may be necessary to provide the finances
9 required of local agencies **and public colleges and universities**
10 as condition for United States' participation in any project in
11 which the department is empowered to act. ~~and to use~~

12 (b) **Use** any part or all of the appropriation and funds
13 otherwise available to meet ~~such part~~ **the portion** of the
14 requirement of local participation as the department considers
15 proper. ~~and to enter~~

16 (c) **Enter** into agreements with any **public college or**
17 **university or** political subdivision of the state in connection
18 with participation with the United States in any project in which
19 the department is empowered to act ~~and to~~ provide ~~such~~
20 adjustments which in the judgment of the department are
21 considered to be in the best interest of the state.

22 (2) The department may enter into any contract or agreement
23 with the army corps of engineers of the United States, or any
24 other agency or instrumentality of the United States for the
25 dredging of harbors, the erection of breakwaters, piers or any
26 other device for the protection of vessels, and may do any act or
27 enter into any contract or agreement desirable in implementing

1 this part. The department ~~is further authorized to~~ **may** take
2 such steps as may be necessary to take advantage of any act of
3 congress ~~enacted which~~ **that** may be of assistance in carrying
4 out the purposes of this part.

5 Sec. 78110. (1) The Michigan state waterways fund is
6 created in the state treasury. The fund shall be administered by
7 the state treasurer and shall be used by the department solely
8 for the construction, operation, and maintenance of recreational
9 boating facilities, the acquisition of property for the purposes
10 of this part, for grants to local units of government **and public**
11 **colleges or universities** to acquire and develop harbors of refuge
12 and public boating access sites under section 78115, and for the
13 administration of this part. The fund shall receive such
14 revenues as the legislature may provide.

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

21 Sec. 78115. (1) The department shall establish a public
22 boating access sites grant program. The grant program shall
23 provide funding with money in the Michigan state waterways fund
24 to local units of government **and public colleges or universities**
25 for all or a portion of the cost of either or both of the
26 following:

27 (a) The acquisition of land for the establishment of a public

1 boating access site.

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

3 (2) A grant under subsection (1)(a) may be used as ~~a local~~
4 ~~unit of government's~~ **the** required match **by a local unit of**
5 **government or a public college or university** under part 19 or
6 another state or federal program.

7 (3) A local unit of government **or a public college or**
8 **university** receiving a grant under subsection (1)(b) must agree
9 to operate the public boating access site in accordance with the
10 department's operational requirements. **The operational**
11 **requirements shall be included within a grant agreement that is**
12 **entered into by the grant recipient and the department. The**
13 **grant agreement may contain, but need not be limited to, 1 or**
14 **more of the following provisions as required by the department:**

15 (a) Any net revenues accruing from the operation of the
16 public boating access site shall be separately accounted for and
17 reserved in a restricted fund by the grantee for the future
18 maintenance or expansion of the public boating access site or,
19 with the approval of the department, the construction of other
20 recreational boating facilities. Unless otherwise provided in
21 the grant agreement or otherwise authorized in writing by the
22 department, if a fee is charged for the use of the public boating
23 access site, the fee shall be the same as the fee rates set by
24 the department.

25 (b) Unless otherwise provided in the grant agreement or
26 otherwise authorized in writing by the department, the public
27 boating access site and any facilities constructed for use in

1 conjunction with the public boating access site shall be reserved
2 by the grantee exclusively for the use or rental, on a daily
3 basis, of recreational watercraft.

4 (c) Unless otherwise provided in the grant agreement or
5 otherwise authorized in writing by the department, commercial
6 operations of any type shall not be permitted to regularly use
7 the public boating access site or any of the facilities
8 constructed for use in conjunction with the public boating access
9 site.

10 (d) The public boating access site and any facilities
11 constructed for use in conjunction with that public boating
12 access site shall be open to the public at all times on equal and
13 reasonable terms.

14 (4) A local unit of government **or a public college or**
15 **university** that wishes to be considered for a grant under this
16 section shall submit an application to the department in a manner
17 prescribed by the department and containing the information
18 required by the department.

19 Sec. 79112. The department may enter into lease agreements
20 for purposes of this part with 1 or more local units of
21 government **or public colleges or universities** acting jointly with
22 the department as a lessor. Revenue from each lease shall be
23 apportioned according to the proportional share of the
24 investments made by the department and the local unit or units of
25 government **or public colleges or universities** in the construction
26 of nonrevenue-producing harbor facilities and in consideration of
27 the relative land investments of the entities.