

HOUSE BILL No. 4036

January 13, 2011, Introduced by Reps. Kowall, Damrow and Jacobsen and referred to the Committee on Transportation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2035 and 80117 (MCL 324.2035 and 324.80117), section 2035 as added by 2004 PA 587 and section 80117 as added by 1995 PA 58.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2035. (1) The waterways account is established as an
2 account within the legacy fund.

3 (2) The waterways account shall consist of both of the
4 following:

5 (a) All money in the Michigan state waterways fund ~~—~~formerly
6 created in section 78110, the Michigan harbor development fund ~~—~~
7 formerly created in section 78110, and the marine safety fund ~~—~~

1 formerly created in section 80115 ~~, immediately prior to the~~
2 ~~effective date of the amendatory act that added this section, which~~
3 ~~money~~ **BEFORE DECEMBER 23, 2006**, is hereby transferred to the
4 waterways account.

5 (b) Revenue from the following sources:

6 (i) All revenue generated from watercraft registration fees
7 assessed on the ownership or operation of watercraft in the state,
8 of which not less than 49% shall be provided for ~~law enforcement~~
9 ~~and education.~~ **MARINE SAFETY EDUCATION AND MARINE PATROLS AS**
10 **PROVIDED UNDER SECTION 80117.**

11 (ii) All revenues derived from fees charged for the moorage of
12 watercraft at state-operated mooring facilities.

13 (iii) All revenues derived from fees charged for the use of
14 state-operated public access sites.

15 (iv) Transfers from the recreation improvement account.

16 (v) All tax revenue derived from the sale of diesel fuel in
17 this state that is used to generate power for the operation or
18 propulsion of vessels on the waterways of this state.

19 (vi) Other revenues as authorized by law.

20 (3) Money in the waterways account shall be expended, upon
21 appropriation, only as provided in parts 781, 791, and 801 and for
22 the administration of the waterways account, which may include
23 payments in lieu of taxes on state owned lands purchased through
24 the waterways account or through the former Michigan state
25 waterways fund.

26 Sec. 80117. (1) Each county of the state is entitled to
27 receive state aid as provided in this part. A county board of

1 commissioners desiring to conduct a marine safety program shall
2 submit to the department by December 31 of each year an estimate of
3 authorized expenditures for the following calendar year, in the
4 form and containing the information the department requires. The
5 ~~department shall review the entire request and may approve the~~
6 ~~county request for state aid.~~ **THE DEPARTMENT SHALL ANNUALLY**
7 **DISBURSE 49% OF ALL WATERCRAFT REGISTRATION FEES COLLECTED IN THE**
8 **PREVIOUS YEAR TO PARTICIPATING COUNTIES.** The department shall
9 annually survey the marine safety program of each county to assist
10 ~~in determining the amount of state aid to be allocated to a county~~
11 ~~for its marine safety program. In making its annual determination~~
12 ~~of the amount of state aid to be allocated to a county, the~~
13 ~~department shall develop and employ a formula which shall include~~
14 ~~such factors as:~~ **ASCERTAIN WHETHER IT IS USING FUNDING UNDER THIS**
15 **SECTION EXCLUSIVELY FOR MARINE SAFETY EDUCATION AND MARINE PATROLS.**
16 **TO DETERMINE THE AMOUNT OF EACH ANNUAL DISBURSEMENT TO A COUNTY**
17 **UNDER THIS SECTION, THE DEPARTMENT SHALL EMPLOY A FORMULA THAT IS**
18 **BASED ONLY ON THE FOLLOWING CRITERIA IN A DESCENDING ORDER OF**
19 **PRIORITY:**
20 ~~—— (a) The number of students to be trained in boating safety in~~
21 ~~any United States coast guard auxiliary, United States power~~
22 ~~squadron, or department sponsored marine safety classes.~~
23 ~~—— (b) The number of boat user days.~~
24 ~~—— (c) The number of livery boats.~~
25 ~~—— (d) Program effectiveness measured by comparing the existing~~
26 ~~rate of compliance with current statutes to the acceptable rate of~~
27 ~~compliance determined by the department.~~

1 ~~_____ (e) The number and type of boat access areas requiring a~~
2 ~~county marine safety program.~~

3 ~~_____ (f) The water area of the county.~~

4 **(A) THE NUMBER OF WATERCRAFT REGISTERED IN THE COUNTY.**

5 **(B) THE NUMBER OF CALLS FOR MARINE SERVICE HANDLED BY THE**
6 **PRIMARY RESPONDING LAW ENFORCEMENT AGENCY DURING THE PREVIOUS YEAR.**

7 **(C) THE NUMBER AND TYPE OF BOAT ACCESS AREAS REQUIRING A**
8 **COUNTY MARINE SAFETY PROGRAM.**

9 **(D) THE NUMBER OF LIVERY INSPECTIONS CONDUCTED.**

10 **(E) THE NUMBER OF STUDENTS CERTIFIED IN A DEPARTMENT-**
11 **RECOGNIZED BOATING SAFETY CLASS.**

12 (2) A determination of the amount of state aid allocated to a
13 county under this part shall not be based, wholly or in part, upon
14 the number of vessels within that county that are stopped or
15 inspected under section 80166.

16 (3) State aid allocated to a county under this part shall be
17 used exclusively for the conduct of the county marine safety
18 program as provided by this part and rules promulgated under this
19 part. Within 90 days after the close of each calendar year, a
20 county board of commissioners shall submit to the department a
21 statement of authorized expenditures actually incurred, in the form
22 and containing the information that the department requires. A
23 county that provides the department with statements or supplements
24 to statements subsequent to the 90-day period is not eligible for
25 state aid under this part.

26 **(4) THE DEPARTMENT SHALL ANNUALLY POST ON ITS WEBSITE THE**
27 **FORMULA USED TO DETERMINE THE AMOUNT OF STATE AID AND THE TOTAL**

1 AMOUNT OF WATERCRAFT REGISTRATION FEES COLLECTED ANNUALLY BY EACH
2 COUNTY.