

**SUBSTITUTE FOR  
SENATE BILL NO. 243**

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 78108 and 78110 (MCL 324.78108 and 324.78110),  
section 78108 as amended by 2003 PA 19 and section 78110 as amended  
by 2010 PA 302.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 78108. (1) The department may do 1 or more of the  
2 following:

3       (a) Take actions as may be necessary to provide the finances  
4 required of local agencies and public colleges and universities as  
5 condition for United States' participation in any project in which  
6 the department is empowered to act.

7       (b) Use any part or all of the appropriation and funds  
8 otherwise available to meet the portion of the requirement of local

1 participation as the department considers proper.

2 (c) Enter into agreements with any public college or  
3 university or political subdivision of the state in connection with  
4 participation with the United States in any project in which the  
5 department is empowered to act and provide adjustments ~~which~~ **THAT**  
6 in the judgment of the department are considered to be in the best  
7 interest of the state.

8 (2) The department may enter into any contract or agreement  
9 with the **UNITED STATES** army corps of engineers ~~of the United~~  
10 ~~States,~~ or any other agency or instrumentality of the United States  
11 for the dredging of harbors ~~,~~ **OR** the erection of breakwaters,  
12 piers, or any other device for the protection of vessels ~~,~~ and may  
13 do any act or enter into any contract or agreement desirable in  
14 implementing this part. The department may take such steps as may  
15 be necessary to take advantage of any act of congress that may be  
16 of assistance in carrying out the purposes of this part.

17 (3) **NOT LATER THAN DECEMBER 31, 2013 AND EVERY 3 YEARS**  
18 **THEREAFTER, THE DEPARTMENT SHALL CONDUCT AN ASSESSMENT OF ALL**  
19 **HARBORS IN THIS STATE TO DETERMINE THE NEED FOR DREDGING AND**  
20 **INFRASTRUCTURE IMPROVEMENTS AND SHALL POST A REPORT OF THE**  
21 **ASSESSMENT ON THE DEPARTMENT'S WEBSITE. THE DEPARTMENT SHALL**  
22 **ANNUALLY UPDATE THE REPORT BY LISTING ANY DREDGING OR**  
23 **INFRASTRUCTURE IMPROVEMENTS THAT HAVE BEEN UNDERTAKEN AT EACH**  
24 **HARBOR AND LISTING THE AMOUNT OF MONEY THAT WAS EXPENDED OR**  
25 **PROVIDED FOR THE ACTIVITIES. THE UPDATED REPORT SHALL BE POSTED ON**  
26 **THE DEPARTMENT'S WEBSITE.**

27 Sec. 78110. (1) ~~Money~~ **SUBJECT TO SUBSECTION (2), MONEY** in the

1 waterways account shall be used only for the following:

2 (a) The construction, operation, and maintenance of the  
3 following that are associated with recreational boating facilities:

4 (i) Ramps and related support infrastructure for launching  
5 watercraft.

6 (ii) Piers, jetties, breakwaters, or other similar structures  
7 connected to existing or proposed recreational boating facilities  
8 or harbors of refuge.

9 (iii) Moorage facilities and related support infrastructure at  
10 marinas to provide dockage for transient and seasonal users.

11 (iv) Studies and surveys necessary for the development of  
12 recreational boating facilities or the operation of recreational  
13 boating facilities, and the implementation of recommendations from  
14 these studies and surveys.

15 (v) Restrooms, sewage treatment facilities, showers, potable  
16 water supplies, security lights, and parking areas.

17 (vi) Pump outs.

18 (vii) Access roads, bridges, signals, and other infrastructure  
19 to provide the public access to recreational boating facilities.

20 (viii) Engineering costs, including planning and construction  
21 costs and costs of environmental assessments and permit  
22 applications.

23 (ix) Dredging, stump removal, and aquatic weed control ~~when the~~  
24 ~~activities can be shown to~~ **THAT** clear lanes to make a water body  
25 more accessible primarily for recreational boats as opposed to  
26 general navigation.

27 (x) Navigational aids in the immediate area of recreational

1 boating facilities.

2 (xi) Signage for the effective use of recreational boating  
3 facilities.

4 (xii) Publication of guides, brochures, maps, road signs,  
5 internet sites, and other aids to inform boaters of recreational  
6 boating facilities.

7 (xiii) Projects that compensate or mitigate for natural resource  
8 losses caused by activities described in this subdivision.

9 (xiv) Locks used exclusively by recreational boaters.

10 (xv) Leases of property for recreational boating facilities or  
11 parking areas for the exclusive use of recreational boating  
12 facilities.

13 (xvi) Boat storage facilities, boat lift facilities, and boat  
14 servicing facilities within recreational boating facilities when  
15 constructed so as to be leased to a private marina operator under  
16 ~~the guidelines of part 791.~~

17 (xvii) Equipment used exclusively for the development,  
18 maintenance, or operation of recreational boating facilities.

19 (b) The acquisition of property or rights in property for the  
20 purposes of this part, including both of the following:

21 (i) Land acquisition for the development of recreational  
22 boating facilities or parking areas exclusively for the servicing  
23 of recreational boating facilities.

24 (ii) Water rights for the securing of recreational boating  
25 access facilities.

26 (c) For grants to local units of government and state colleges  
27 or universities to acquire and develop harbors of refuge and public

1 boating access sites under section 78115.

2 (d) For the purposes provided in part 791.

3 (e) For the administration of this part and part 791,  
4 including the following:

5 (i) Administrative and overhead cost directly related to  
6 recreational boating facilities.

7 (ii) Employee wages and benefits incurred for the  
8 administration of this part.

9 (iii) Conferences, meetings, and training for employees working  
10 at or on recreational boating facilities.

11 (2) FOR 3 CONSECUTIVE STATE FISCAL YEARS BEGINNING IN STATE  
12 FISCAL YEAR 2015-2016, NOT LESS THAN 50% OF THE MONEY THAT IS  
13 EXPENDED FROM THE WATERWAYS ACCOUNT IN ANY STATE FISCAL YEAR SHALL  
14 BE EXPENDED FOR PROJECTS LISTED IN SUBSECTION (1) (A) (i), (ii), (iii),  
15 (viii), (ix), (xiv), AND (xvii), AND GRANTS FOR THESE PURPOSES UNDER  
16 SUBSECTION (1) (C). THE RECIPIENT OF A GRANT UNDER THIS SUBSECTION  
17 SHALL NOT BE REQUIRED TO CONTRIBUTE MORE THAN 25% OF THE AMOUNT OF  
18 THE GRANT AS A LOCAL MATCH.