



HOUSE BILL No. 5454

November 30, 1995, Introduced by Rep. Yokich and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend sections 78105, 78110, and 78111 of Act No. 451 of the Public Acts of 1995, entitled "Natural resources and environmental protection act," as added by Act No. 58 of the Public Acts of 1995, being sections 324.78105, 324.78110, and 324.78111 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 78105, 78110, and 78111 of Act No. 451
2 of the Public Acts of 1995, as added by Act No. 58 of the Public
3 Acts of 1995, being sections 324.78105, 324.78110, and 324.78111
4 of the Michigan Compiled Laws, are amended to read as follows:

5 Sec. 78105. The department shall have the following powers
6 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 relative to condemnation by state agencies.

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

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

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

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

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

1 derived from this source shall be deposited in the Michigan state
2 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 ONLY for the ~~purchase of marine fuel supplies as may be needed.~~
15 ~~Any remaining revenue from this source not needed for the pur-~~
16 ~~chase of marine fuel supplies may be expended in the same manner~~
17 ~~as other funds within the Michigan state waterways fund.~~ PURPOSE
18 PROVIDED FOR IN SECTION 78110(1)(B).

19 Sec. 78110. (1) The Michigan state waterways fund is cre-
20 ated in the state treasury. THE FUND SHALL RECEIVE SUCH REVENUES
21 AS THE LEGISLATURE MAY PROVIDE. The fund shall be administered by
22 the state treasurer and shall be used by the department solely
23 for the ~~construction~~ FOLLOWING:

24 (A) CONSTRUCTION, operation, and maintenance of recreational
25 boating facilities. ~~, the acquisition~~

26 (B) PUBLIC ACCESS INFRASTRUCTURE TO FACILITATE ACCESS TO
27 NAVIGABLE WATER, INCLUDING BUT NOT LIMITED TO, THE CONSTRUCTION,

1 OPERATION, AND MAINTENANCE OF LIMITED ACCESS HIGHWAYS AND
2 CONNECTING DRIVES TO ACCESS SITES.

3 (C) ACQUISITION of property for the purposes of this part.
4 ~~, and for the administration~~

5 (D) ADMINISTRATION of this part. ~~The fund shall receive~~
6 ~~such revenues as the legislature may provide.~~

7 (2) The Michigan harbor development fund is created in the
8 state treasury. The fund shall be administered by the state
9 treasurer and shall be used by the department solely for the pur-
10 poses provided in part 791 and for the administration of that
11 part. The fund shall receive revenues as provided in part 791
12 and such other revenues as the legislature may provide.

13 Sec. 78111. It is the purpose of this part, in providing
14 for harbors and channels, that the appropriation made by the
15 state be considered an advancement, and that the fees ~~, taxes,~~
16 and other revenues received under this part, to be credited to
17 the Michigan state waterways fund, shall be applied against the
18 advancement, until all advancements have been fully paid.
19 Thereafter all such fees ~~, taxes,~~ and revenues shall be avail-
20 able for continued expansion and development of harbors and con-
21 necting waterways. However, subject to the approval of the state
22 administrative board, the necessary expense of administration of
23 this part, and any expense necessary to the protection of the
24 harbors, and connecting waterways, constructed or established
25 under the provisions of this part, or any improvement to the har-
26 bors and connecting waterways necessary for the proper and
27 adequate protecting of vessels, shall be paid from the fees ~~7~~

1 ~~taxes,~~ and revenues before being credited to the advancements.
2 The state administrative board shall from time to time provide
3 for the transfer of credits to advancements from the Michigan
4 state waterways fund to the general fund, until the advancements
5 have been fully paid.