

SENATE BILL No. 150

February 6, 2003, Introduced by Senators ALLEN, GEORGE, BIRKHOLZ, VAN
WOERKOM, BRATER, KUIPERS, PATTERSON, HARDIMAN, SWITALSKI,
CROPSEY, SANBORN and BERNERO 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 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

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1 agreements with the department in ~~the accomplishment of~~
2 **carrying out** the purposes ~~set forth in~~ of this part. In
3 **addition, the colleges and universities of the state may enter**
4 **into contracts and agreements with the department in carrying out**
5 **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 colleges and universities** as
10 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 **college or university or**
17 political subdivision of the state in connection with
18 participation with the United States in any project in which the
19 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**
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 colleges or universities** for all
25 or a portion of the cost of either or both of the following:

26 (a) The acquisition of land for the establishment of a public
27 boating access site.

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

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

6 (3) A local unit of government **or a college or university**
7 receiving a grant under subsection (1)(b) must agree to operate
8 the public boating access site in accordance with the
9 department's operational requirements.

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

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