

Act No. 19  
Public Acts of 2003  
Approved by the Governor  
June 17, 2003  
Filed with the Secretary of State  
June 18, 2003  
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**STATE OF MICHIGAN**  
**92nd LEGISLATURE**  
**REGULAR SESSION OF 2003**

**Introduced by Senators Allen, George, Birkholz, Van Woerkom, Brater, Kuipers, Patterson, Hardiman, Switalski, Cropsey, Sanborn and Bernero**

# **ENROLLED SENATE BILL No. 150**

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," 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:*

Sec. 78106. The local units of government of this state, within the jurisdiction of which are situated inland waterways connected with or connecting the waters of the Great Lakes, or within which channels to nearby inland lakes and streams may be constructed or opened for navigation and shelter of light draft vessels, may by majority vote of their respective legislative bodies enter into contracts and agreements with the department in carrying out the purposes of this part. In addition, the public colleges and universities of the state may enter into contracts and agreements with the department in carrying out the purposes of this part.

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

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

(b) Use any part or all of the appropriation and funds otherwise available to meet the portion of the requirement of local participation as the department considers proper.

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

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

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

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

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

- (a) The acquisition of land for the establishment of a public boating access site.
- (b) The cost of developing a public boating access site.

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

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

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

(b) Unless otherwise provided in the grant agreement or otherwise authorized in writing by the department, the public boating access site and any facilities constructed for use in conjunction with the public boating access site shall be reserved by the grantee exclusively for the use or rental, on a daily basis, of recreational watercraft.

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

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

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

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

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate

*Jay E. Randall*

Clerk of the House of Representatives

Approved .....

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Governor