

SENATE BILL No. 243

March 5, 2013, Introduced by Senators BOOHER, HANSEN, JONES, PROOS, BRANDENBURG, COLBECK, MARLEAU and CASPERSON and referred to the Committee on Outdoor Recreation and Tourism.

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
9 participation as the department considers proper.

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

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

16 **(3) THE DEPARTMENT SHALL ANNUALLY CONDUCT AN ASSESSMENT OF ALL**
17 **PUBLIC HARBORS IN THIS STATE TO DETERMINE THE NEED FOR DREDGING AND**
18 **INFRASTRUCTURE IMPROVEMENTS. THE DEPARTMENT SHALL PREPARE A REPORT**
19 **OF THIS ASSESSMENT AND POST THE REPORT ON THE DEPARTMENT'S WEBSITE**
20 **BY DECEMBER 31 OF EACH YEAR.**

21 Sec. 78110. (1) ~~Money~~ **SUBJECT TO SUBSECTION (2), MONEY** in the
22 waterways account shall be used only for the following:

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

25 (i) Ramps and related support infrastructure for launching
26 watercraft.

27 (ii) Piers, jetties, breakwaters, or other similar structures

1 connected to existing or proposed recreational boating facilities
2 or harbors of refuge.

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

5 (iv) Studies and surveys necessary for the development of
6 recreational boating facilities or the operation of recreational
7 boating facilities, and the implementation of recommendations from
8 these studies and surveys.

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

11 (vi) Pump outs.

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

14 (viii) Engineering costs, including planning and construction
15 costs and costs of environmental assessments and permit
16 applications.

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

21 (x) Navigational aids in the immediate area of recreational
22 boating facilities.

23 (xi) Signage for the effective use of recreational boating
24 facilities.

25 (xii) Publication of guides, brochures, maps, road signs,
26 internet sites, and other aids to inform boaters of recreational
27 boating facilities.

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

3 (xiv) Locks used exclusively by recreational boaters.

4 (xv) Leases of property for recreational boating facilities or
5 parking areas for the exclusive use of recreational boating
6 facilities.

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

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

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

15 (i) Land acquisition for the development of recreational
16 boating facilities or parking areas exclusively for the servicing
17 of recreational boating facilities.

18 (ii) Water rights for the securing of recreational boating
19 access facilities.

20 (c) For grants to local units of government and state colleges
21 or universities to acquire and develop harbors of refuge and public
22 boating access sites under section 78115.

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

24 (e) For the administration of this part and part 791,
25 including the following:

26 (i) Administrative and overhead cost directly related to
27 recreational boating facilities.

1 (ii) Employee wages and benefits incurred for the
2 administration of this part.

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

5 (2) BEGINNING IN STATE FISCAL YEAR 2015-2016 AND CONTINUING
6 THROUGH STATE FISCAL YEAR 2020-2021, NOT LESS THAN 50% OF THE MONEY
7 THAT IS EXPENDED FROM THE WATERWAYS ACCOUNT IN ANY STATE FISCAL
8 YEAR SHALL BE EXPENDED FOR DREDGING UNDER SUBSECTION (1) (A) (ix), THE
9 CONSTRUCTION OF BREAKWATERS UNDER SUBSECTION (1) (A) (ii), AND GRANTS
10 FOR EITHER OR BOTH OF THESE PURPOSES UNDER SUBSECTION (1) (C). THE
11 RECIPIENT OF A GRANT UNDER THIS SUBSECTION SHALL NOT BE REQUIRED TO
12 CONTRIBUTE MORE THAN 10% OF THE AMOUNT OF THE GRANT AS A LOCAL
13 MATCH.