

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5620**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 795.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 795 WATERFRONT REVITALIZATION

2 SEC. 79501. AS USED IN THIS PART:

3 (A) "COMMISSION" MEANS THE MICHIGAN JOBS COMMISSION.

4 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
5 QUALITY.

6 (C) "GAMING FACILITY" MEANS A GAMING FACILITY REGULATED
7 UNDER THE MICHIGAN GAMING CONTROL AND REVENUE ACT, THE INITIATED
8 LAW OF 1996, MCL 432.201 TO 432.226.

9 (D) "GRANT" MEANS A WATERFRONT REDEVELOPMENT GRANT UNDER
10 THIS PART.

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1 (E) "RESPONSE ACTIVITY" MEANS THAT TERM AS IT IS DEFINED IN
2 PART 201.

3 (F) "WATERFRONT" MEANS LAND THAT IS CONTIGUOUS TO THE GREAT
4 LAKES OR THEIR CONNECTING WATERWAYS, A RIVER, OR A LAKE OR
5 IMPOUNDMENT THAT HAS A SURFACE AREA OF NOT LESS THAN 50 ACRES.

6 (G) "WATERFRONT PLANNING AREA" MEANS THE GEOGRAPHIC AREA
7 INCLUDED WITHIN A WATERFRONT REDEVELOPMENT PLAN.

8 (H) "WATERFRONT REDEVELOPMENT PLAN" MEANS A WATERFRONT REDE-
9 VELOPMENT PLAN PREPARED BY A LOCAL UNIT OF GOVERNMENT UNDER SEC-
10 TION 79503 OR A STATE APPROVED RECREATION PLAN THAT INCLUDES
11 WATERFRONT IMPROVEMENTS.

12 SEC. 79502. (1) THE DEPARTMENT SHALL ESTABLISH A WATERFRONT
13 REDEVELOPMENT GRANTS PROGRAM. A LOCAL UNIT OF GOVERNMENT MAY
14 APPLY TO THE DEPARTMENT FOR A GRANT TO CONDUCT A PROJECT THAT
15 DOES ANY OF THE FOLLOWING:

16 (A) PROVIDES FOR RESPONSE ACTIVITIES ON WATERFRONT PROPERTY
17 CONSISTENT WITH A WATERFRONT REDEVELOPMENT PLAN.

18 (B) PROVIDES FOR THE DEMOLITION OF BUILDINGS AND OTHER
19 FACILITIES ALONG A WATERFRONT THAT ARE INCONSISTENT WITH A WATER-
20 FRONT REDEVELOPMENT PLAN.

21 (C) PROVIDES FOR THE ACQUISITION OF WATERFRONT PROPERTY OR
22 THE ASSEMBLY OF WATERFRONT PROPERTY CONSISTENT WITH A WATERFRONT
23 REDEVELOPMENT PLAN.

24 (D) PROVIDES PUBLIC INFRASTRUCTURE AND PUBLIC FACILITY
25 IMPROVEMENTS TO WATERFRONT PROPERTY CONSISTENT WITH A WATERFRONT
26 REDEVELOPMENT PLAN.

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1 (2) A GRANT SHALL NOT BE PROVIDED UNDER THIS PART FOR A
2 PROJECT THAT IS LOCATED AT ANY OF THE FOLLOWING:

3 (A) LAND SITED FOR USE AS A GAMING FACILITY OR AS A STADIUM
4 OR ARENA FOR USE BY A PROFESSIONAL SPORTS TEAM.

5 (B) LAND OR OTHER FACILITIES OWNED OR OPERATED BY A GAMING
6 FACILITY OR BY A STADIUM OR ARENA FOR USE BY A PROFESSIONAL
7 SPORTS TEAM.

8 (C) LAND WITHIN A PROJECT AREA DESCRIBED IN A PROJECT PLAN
9 PURSUANT TO THE ECONOMIC DEVELOPMENT CORPORATIONS ACT, 1974 PA
10 338, MCL 125.1601 TO 125.1636, FOR A GAMING FACILITY.

11 (3) FOR ANY GRANT ISSUED UNDER THIS PART, THE DEPARTMENT
12 SHALL REQUIRE THAT A LOCAL UNIT OF GOVERNMENT PROVIDE AT LEAST
13 25% OF THE TOTAL PROJECT'S COST FROM OTHER PUBLIC OR PRIVATE
14 FUNDING SOURCES.

15 (4) A PROJECT FUNDED PURSUANT TO THIS PART SHALL PROVIDE FOR
16 WATERFRONT ACCESS TO THE GENERAL PUBLIC.

17 SEC. 79503. A LOCAL UNIT OF GOVERNMENT THAT WISHES TO APPLY
18 FOR A GRANT SHALL PREPARE A WATERFRONT REDEVELOPMENT PLAN THAT
19 PROVIDES FOR THE IMPROVEMENT OF THE WATERFRONT. THE WATERFRONT
20 REDEVELOPMENT PLAN, AT A MINIMUM, SHALL DO BOTH OF THE
21 FOLLOWING:

22 (A) CLEARLY DESIGNATE THE GEOGRAPHIC AREA INCLUDED WITHIN
23 THE WATERFRONT PLANNING AREA.

24 (B) IDENTIFY THE ECONOMIC IMPACT ON THE IMPROVED AREA, THE
25 SURROUNDING NEIGHBORHOOD, AND THE REGION IN WHICH THE WATERFRONT
26 PLANNING AREA IS LOCATED.

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1 SEC. 79504. A LOCAL UNIT OF GOVERNMENT THAT WISHES TO BE
2 CONSIDERED FOR A GRANT SHALL SUBMIT A WRITTEN GRANT APPLICATION
3 TO THE DEPARTMENT IN A MANNER PRESCRIBED BY THE DEPARTMENT AND
4 CONTAINING THE INFORMATION REQUIRED BY THE DEPARTMENT. THE GRANT
5 APPLICATION SHALL ALSO INCLUDE ALL OF THE FOLLOWING:

6 (A) A DETAILED DESCRIPTION OF THE PROJECT AND HOW THE GRANT
7 WOULD BE USED, INCLUDING ANY PRIVATE SECTOR PARTICIPATION.

8 (B) A COPY OF THE WATERFRONT REDEVELOPMENT PLAN FOR THE AREA
9 IN WHICH THE PROJECT IS TO BE LOCATED.

10 (C) AN EXPLANATION OF HOW THE PROJECT WILL CONTRIBUTE SIG-
11 NIFICANTLY TO THE LOCAL UNIT OF GOVERNMENT'S ECONOMIC AND COMMU-
12 NITY REDEVELOPMENT OR THE REVITALIZATION OF ADJACENT
13 NEIGHBORHOODS.

14 (D) AN EXPLANATION OF HOW THE PROJECT WILL PROVIDE FOR
15 PUBLIC ACCESS TO THE WATERFRONT OR WILL PROVIDE RECREATIONAL
16 OPPORTUNITIES FOR THE PUBLIC.

17 (E) IF THE PROJECT INCLUDES THE PURCHASE OF PROPERTY, AN
18 IDENTIFICATION OF THE INTENDED USE OF THE PROPERTY, AND A TIME-
19 LINE FOR REDEVELOPMENT OF THE PROPERTY.

20 (F) THE TOTAL COST OF THE PROJECT AND THE SOURCE OF THE
21 LOCAL UNIT OF GOVERNMENT'S CONTRIBUTION TO THE PROJECT.

22 (G) A DETAILED DESCRIPTION OF THE PRACTICES THE LOCAL UNIT
23 OF GOVERNMENT WILL IMPLEMENT AND MAINTAIN TO CONTROL NONPOINT
24 SOURCE POLLUTION FROM THE PROJECT SITE BOTH DURING CONSTRUCTION
25 ACTIVITIES AND THROUGHOUT THE PERIOD OF TIME IN WHICH THE STATE
26 IS PAYING OFF THE BONDS THAT WERE ISSUED PURSUANT TO THE CLEAN
27 MICHIGAN INITIATIVE ACT.

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1 (H) OTHER INFORMATION THAT THE DEPARTMENT AND THE COMMISSION
2 CONSIDER RELEVANT.

3 SEC. 79505. UPON RECEIPT OF A GRANT APPLICATION UNDER SEC-
4 TION 79504, THE DEPARTMENT SHALL FORWARD A COPY OF THE APPLICA-
5 TION TO THE COMMISSION. THE DEPARTMENT AND THE COMMISSION SHALL
6 JOINTLY REVIEW THE GRANT APPLICATIONS. IN REVIEWING GRANT APPLI-
7 CATIONS, THE DEPARTMENT AND THE COMMISSION SHALL CONSIDER ALL OF
8 THE FOLLOWING:

9 (A) WHETHER THE PROJECT PROPOSED TO BE FUNDED IS AUTHORIZED
10 BY THIS PART.

11 (B) WHETHER THE GRANT APPLICATION SUBMITTED COMPLIES WITH
12 THIS PART.

13 (C) WHETHER THE PROJECT IS CONSISTENT WITH THE WATERFRONT
14 REDEVELOPMENT PLAN FOR THE AREA IN WHICH THE PROJECT IS LOCATED.

15 (D) WHETHER THE PROJECT PROVIDES SIGNIFICANT PUBLIC ACCESS
16 TO THE WATERFRONT OR PROVIDES RECREATIONAL OPPORTUNITIES FOR THE
17 PUBLIC.

18 (E) WHETHER THE PROJECT WILL SIGNIFICANTLY CONTRIBUTE TO THE
19 LOCAL UNIT OF GOVERNMENT'S ECONOMIC AND COMMUNITY REDEVELOPMENT
20 OR THE REVITALIZATION OF ADJACENT NEIGHBORHOODS.

21 (F) WHETHER THERE IS EVIDENCE OF ADVERSE ECONOMIC AND SOCIO-
22 ECONOMIC CONDITIONS WITHIN THE WATERFRONT PLANNING AREA.

23 (G) THE VIABILITY OF THE WATERFRONT REDEVELOPMENT PLAN.

24 (H) WHETHER THE PROJECT IS INNOVATIVE IN COMPARISON TO OTHER
25 GRANT APPLICATIONS.

26 (I) THE LEVEL OF PUBLIC AND PRIVATE COMMITMENT AND OTHER
27 RESOURCES AVAILABLE FOR THE PROJECT.

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1 (J) THE LEVEL OF PUBLIC AND PRIVATE COMMITMENT TO OTHER
2 ASPECTS OF THE WATERFRONT REDEVELOPMENT PLAN.

3 (K) HOW THE PROJECT RELATES TO A BROADER ECONOMIC AND COMMU-
4 NITY DEVELOPMENT PLAN FOR THE LOCAL UNIT OF GOVERNMENT AS A
5 WHOLE.

6 (L) THE LEVEL OF DEMONSTRATED COMMITMENT FROM OTHER GOVERN-
7 MENTAL AGENCIES.

8 (M) THE LEVEL OF PUBLIC AND PRIVATE COMMITMENT TO IMPROVING
9 ABANDONED REAL PROPERTY WITHIN THE WATERFRONT PLANNING AREA IN
10 WHICH THE PROJECT IS LOCATED.

11 (N) OTHER CRITERIA THAT THE DEPARTMENT AND THE COMMISSION
12 CONSIDER RELEVANT.

13 SEC. 79506. THE DEPARTMENT, WITH THE APPROVAL OF THE COM-
14 MISSION, SHALL ISSUE GRANTS UNDER THIS PART FOR PROJECTS THAT THE
15 DEPARTMENT DETERMINES MEET THE REQUIREMENTS OF THIS PART AND WILL
16 CONTRIBUTE TO THE REVITALIZATION OF WATERFRONTS THROUGHOUT THE
17 STATE THAT ARE NOT BEING USED IN A MANNER THAT MAXIMIZES ECONOMIC
18 AND PUBLIC VALUE.

19 SEC. 79507. THE DEPARTMENT AND THE DEPARTMENT OF ATTORNEY
20 GENERAL MAY RECOVER COSTS EXPENDED PURSUANT TO
21 SECTION 79502(1)(A) AND ALL OTHER COSTS RECOVERABLE UNDER PART
22 201 FROM PERSONS WHO ARE LIABLE UNDER PART 201. ACTIONS TO
23 RECOVER COSTS SHALL PROCEED IN THE MANNER PROVIDED IN PART 201.

24 SEC. 79508. GRANTS MADE UNDER THIS PART ARE SUBJECT TO THE
25 APPLICABLE REQUIREMENTS OF PART 196. THE DEPARTMENT SHALL ADMIN-
26 ISTER THIS PART IN COMPLIANCE WITH THE APPLICABLE REQUIREMENTS OF

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1 PART 196, INCLUDING THE REPORTING REQUIREMENTS TO THE LEGISLATURE
2 OF THE GRANTS PROVIDED UNDER THIS PART.

3 Enacting section 1. This amendatory act takes effect
4 December 1, 1998.

5 Enacting section 2. This amendatory act does not take
6 effect unless the question provided for in the clean Michigan
7 initiative act is approved by a majority of the registered elec-
8 tors voting on the question at the November 1998 general
9 election.

10 Enacting section 3. This amendatory act does not take
11 effect unless all of the following bills of the 89th Legislature
12 are enacted into law:

13 (a) House Bill No. 5622.

14 (b) House Bill No. 5719.

15 (c) Senate Bill No. 902.

16 (d) Senate Bill No. 904.