

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5719**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 716.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 716 LOCAL RECREATION GRANTS

2 SEC. 71601. AS USED IN THIS PART:

3 (A) "COMMUNITY RECREATION PLAN" MEANS A 5-YEAR, COMPREHEN-
4 SIVE RECREATION PLAN FOR A GIVEN LOCAL UNIT OF GOVERNMENT,
5 APPROVAL OF WHICH IS REQUIRED BY THE DEPARTMENT FOR PARTICIPATION
6 IN THE LAND AND WATER CONSERVATION FUND PROGRAM PURSUANT TO THE
7 LAND AND WATER CONSERVATION FUND ACT OF 1965, PUBLIC LAW 88-578,
8 78 STAT. 897, AND THE MICHIGAN NATURAL RESOURCES TRUST FUND GRANT
9 PROGRAM UNDER PART 19.

10 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES.

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- 1 (C) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.
- 2 (D) "GRANT" MEANS A LOCAL RECREATION GRANT UNDER THIS PART.
- 3 (E) "INFRASTRUCTURE IMPROVEMENT" MEANS RESTORATION OF THE
4 NATURAL ENVIRONMENT OR THE RENOVATION, REPAIR, REPLACEMENT,
5 UPGRADING, OR STRUCTURAL IMPROVEMENT OF AN EXISTING FACILITY THAT
6 IS NOT LESS THAN 15 YEARS OLD, INCLUDING ANY OF THE FOLLOWING:
- 7 (i) RECREATION CENTERS.
- 8 (ii) SPORTS FIELDS.
- 9 (iii) BEACHES.
- 10 (iv) TRAILS.
- 11 (v) PLAYGROUNDS.
- 12 (F) "LOCAL RECREATION PROJECT" MEANS CAPITAL IMPROVEMENT
13 PROJECTS INCLUDING, BUT NOT LIMITED TO, THE CONSTRUCTION, EXPAN-
14 SION, DEVELOPMENT, OR REHABILITATION OF RECREATIONAL FACILITIES.
15 LOCAL RECREATION PROJECT DOES NOT INCLUDE THE OPERATION, MAINTENANCE,
16 OR ADMINISTRATION OF THOSE FACILITIES, WAGES, OR ADMINISTRATION
17 OF PROJECTS OR PURCHASE OF FACILITIES ALREADY DEDICATED
18 TO PUBLIC RECREATIONAL PURPOSES.
- 19 (G) "LOCAL UNIT OF GOVERNMENT" MEANS A COUNTY, CITY, TOWNSHIP,
20 VILLAGE, THE HURON-CLINTON METROPOLITAN AUTHORITY, OR ANY
21 AUTHORITY COMPOSED OF COUNTIES, CITIES, TOWNSHIPS, VILLAGES, OR
22 ANY COMBINATION OF THOSE ENTITIES, WHICH AUTHORITY IS LEGALLY
23 CONSTITUTED TO PROVIDE PUBLIC RECREATION.
- 24 (H) "REGIONAL PARK" MEANS A PUBLIC RECREATION SITE THAT IS
25 UNDER THE APPLICANT'S CONTROL AND THAT IS IN COMPLIANCE WITH ALL
26 OF THE FOLLOWING REQUIREMENTS AS DETERMINED BY THE DEPARTMENT:

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1 (i) THE SITE DOES NOW, OR WILL, ATTRACT NOT LESS THAN 25% OF
2 ITS USERS FROM AREAS IN THE REGION THAT ARE 30 MINUTES OR MORE
3 DRIVING TIME FROM THE SITE.

4 (ii) THE SITE PROVIDES PASSIVE, WATER-BASED, AND ACTIVE REC-
5 REATION OPPORTUNITIES.

6 (iii) THE SITE IS CONTIGUOUS TO, OR ENCOMPASSES, A NATURAL
7 RESOURCE FEATURE.

8 SEC. 71602. (1) THE DEPARTMENT SHALL ESTABLISH A LOCAL REC-
9 REATION GRANT PROGRAM. THE GRANT PROGRAM SHALL PROVIDE GRANTS TO
10 LOCAL UNITS OF GOVERNMENT FOR LOCAL RECREATION PROJECTS THAT PRO-
11 VIDE FOR 1 OR MORE OF THE FOLLOWING:

12 (A) PUBLIC RECREATION INFRASTRUCTURE IMPROVEMENTS THAT
13 INVOLVE THE REPLACEMENT OF OR STRUCTURAL IMPROVEMENTS RELATING
14 SPECIFICALLY TO EXISTING PUBLIC RECREATION FACILITIES, INCLUDING,
15 BUT NOT LIMITED TO, RECREATION CENTERS, SPORTS FIELDS, BEACHES,
16 TRAILS, PLAYGROUNDS, SKATING RINKS, TOBOGGAN RUNS, SLEDDING
17 HILLS, AND PARK SUPPORT FACILITIES.

18 (B) THE CONSTRUCTION OF COMMUNITY PUBLIC RECREATION FACILI-
19 TIES FOR THE PURPOSE OF ADDRESSING THE RECREATIONAL NEEDS OF
20 LOCAL RESIDENTS, INCLUDING, BUT NOT LIMITED TO, PLAYGROUNDS,
21 SPORTS FIELDS AND COURTS, COMMUNITY AND SENIOR CENTERS, PICNIC
22 FACILITIES, NATURE CENTERS, NONMOTORIZED TRAILS AND WALKWAYS,
23 AMPHITHEATERS, AND FISHING PIERS AND FISHING ACCESS SITES.

24 (C) THE DEVELOPMENT OF PUBLIC RECREATION IMPROVEMENTS THAT
25 WILL ATTRACT TOURISTS OR OTHERWISE INCREASE TOURISM, WHERE SUCH
26 DEVELOPMENTS ARE REASONABLY EXPECTED TO HAVE A SUBSTANTIAL
27 POSITIVE IMPACT, RELATIVE TO COST, ON THE LOCAL, REGIONAL, OR

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1 STATE ECONOMY, INCLUDING, BUT NOT LIMITED TO, CAMPGROUNDS,
2 BEACHES, AND FISHING ACCESS SITES.

3 (2) A GRANT SHALL NOT BE PROVIDED UNDER THIS PART FOR LAND
4 ACQUISITION OR A COMMERCIAL THEME PARK.

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

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

9 (B) LAND OR OTHER FACILITIES OWNED OR OPERATED BY A GAMING
10 FACILITY OR BY A STADIUM OR ARENA FOR USE BY A PROFESSIONAL
11 SPORTS TEAM.

12 (C) LAND WITHIN A PROJECT AREA DESCRIBED IN A PROJECT PLAN
13 PURSUANT TO THE ECONOMIC DEVELOPMENT CORPORATIONS ACT, 1974 PA
14 338, MCL 125.1601 TO 125.1636, FOR A GAMING FACILITY.

15 SEC. 71603. (1) SUBJECT TO AMOUNTS APPROPRIATED TO THE
16 DEPARTMENT UNDER SECTION 19608(5), THE TOTAL AMOUNT OF GRANTS
17 MADE TO LOCAL UNITS OF GOVERNMENT UNDER THIS PART SHALL BE ALLO-
18 CATED AS FOLLOWS:

19	(A) LOCAL RECREATION PROJECTS WITHIN ZONE 1.....	3.6%
20	(B) LOCAL RECREATION PROJECTS WITHIN ZONE 2.....	14.4%
21	(C) LOCAL RECREATION PROJECTS WITHIN ZONE 3.....	72%
22	(D) LOCAL RECREATION PROJECTS AT REGIONAL PARKS.....	10%

23 (2) FOR PURPOSES OF THE DISTRIBUTION OF GRANTS FOR LOCAL
24 RECREATION PROJECTS UNDER THIS PART, THE STATE IS DIVIDED INTO
25 THE FOLLOWING 3 ZONES:

26 (A) ZONE 1--ALL OF THE COUNTIES OF THE UPPER PENINSULA.

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1 (B) ZONE 2--EMMET, CHARLEVIOX, CHEBOYGAN, PRESQUE ISLE,
2 LEELANAU, ANTRIM, OTSEGO, MONTMORENCY, ALPENA, BENZIE, GRAND
3 TRAVERSE, KALKASKA, CRAWFORD, OSCODA, ALCONA, MANISTEE, WEXFORD,
4 MISSAUKEE, ROSCOMMON, OGEMAW, IOSCO, MASON, LAKE, OSCEOLA, CLARE,
5 GLADWIN, ARENAC, ISABELLA, MIDLAND, BAY, HURON, SAGINAW, TUSCOLA,
6 AND SANILAC COUNTIES.

7 (C) ZONE 3--OCEANA, NEWAYGO, MECOSTA, MUSKEGON, MONTCALM,
8 GRATIOT, OTTAWA, KENT, IONIA, CLINTON, SHIAWASSEE, GENESEE,
9 LAPEER, ST. CLAIR, ALLEGAN, BARRY, EATON, INGHAM, LIVINGSTON,
10 OAKLAND, MACOMB, VAN BUREN, KALAMAZOO, CALHOUN, JACKSON,
11 WASHTENAW, WAYNE, BERRIEN, CASS, ST. JOSEPH, BRANCH, HILLSDALE,
12 LENAWEЕ, AND MONROE COUNTIES.

13 (3) A GRANT MADE UNDER THIS PART TO A LOCAL UNIT OF GOVERN-
14 MENT SHALL REQUIRE A 25% MATCH BY THE LOCAL UNIT OF GOVERNMENT.
15 NOT MORE THAN 50% OF THE LOCAL UNIT OF GOVERNMENT'S CONTRIBUTION
16 UNDER THIS SUBSECTION MAY BE IN THE FORM OF GOODS AND SERVICES
17 DIRECTLY RENDERED TO THE CONSTRUCTION OF THE PROJECT, OR FEDERAL
18 FUNDS, OR BOTH. A LOCAL UNIT OF GOVERNMENT SHALL ESTABLISH TO
19 THE SATISFACTION OF THE DEPARTMENT THE COST OR FAIR MARKET VALUE,
20 WHICHEVER IS LESS AS OF THE DATE OF THE NOTICE OF APPROVAL BY THE
21 DEPARTMENT, OF ANY SUCH GOODS AND SERVICES WITH WHICH THE LOCAL
22 UNIT OF GOVERNMENT SEEKS TO MEET THE MATCH REQUIREMENT.

23 (4) A FACILITY FUNDED UNDER THIS SECTION SHALL NOT BE SOLD,
24 DISPOSED OF, OR CONVERTED TO A USE NOT SPECIFIED IN THE APPLICA-
25 TION FOR THE GRANT WITHOUT EXPRESS APPROVAL OF THE DEPARTMENT.

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1 SEC. 71604. THE DEPARTMENT SHALL CONSIDER A PROJECT
2 APPLICATION FOR FUNDING UNDER THIS PART IF IT IS IN COMPLIANCE
3 WITH ALL OF THE FOLLOWING CONDITIONS:

4 (A) THE APPLICATION IS SUBMITTED BY THE DEADLINE ESTABLISHED
5 BY THE DEPARTMENT.

6 (B) THE APPLICATION IS COMPLETE AND SUBMITTED ON THE FORM
7 REQUIRED BY THE DEPARTMENT.

8 (C) THE APPLICATION INCLUDES THE FOLLOWING INFORMATION:

9 (i) AN 8-1/2-INCH BY 11-INCH PROJECT LOCATION MAP.

10 (ii) AN 8-1/2-INCH BY 11-INCH PRELIMINARY SITE DEVELOPMENT
11 PLAN.

12 (iii) PRELIMINARY FLOOR PLANS AND ELEVATION DRAWINGS FOR ANY
13 BUILDING CONSTRUCTION.

14 (iv) A CERTIFIED RESOLUTION FROM THE GOVERNING BODY OF THE
15 LOCAL UNIT OF GOVERNMENT STATING THAT THE PROPOSAL WILL BE UNDER-
16 TAKEN IF A GRANT IS AWARDED AND DESIGNATING AN AUTHORIZED PROJECT
17 REPRESENTATIVE.

18 (v) EVIDENCE AND RESULTS OF A PREANNOUNCED PUBLIC MEETING ON
19 THE APPLICATION PROPOSAL.

20 (vi) A BRIEF DESCRIPTION OF THE PROJECT PROPOSAL.

21 (vii) THE TOTAL COST OF THE PROJECT PROPOSAL AND THE AMOUNT
22 OF GRANT REQUESTED.

23 (viii) SOURCES OF THE LOCAL MATCH.

24 (ix) A BREAKDOWN OF DEVELOPMENT ITEMS AND THEIR PROJECTED
25 COSTS.

26 (x) A NARRATIVE, LIMITED TO 1 PAGE, OF WHAT THE PROPOSAL IS
27 AND WHY IT IS NEEDED.

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1 (xi) ATTESTATION, BY SIGNATURE OF AN AUTHORIZED PROJECT
2 REPRESENTATIVE, THAT ALL STATEMENTS ON THE APPLICATION FORM ARE
3 TRUE, COMPLETE, AND ACCURATE TO THE BEST OF THE REPRESENTATIVE'S
4 KNOWLEDGE.

5 (xii) OTHER INFORMATION AS DETERMINED BY THE DEPARTMENT.

6 (D) THE LOCAL UNIT OF GOVERNMENT HAS AN APPROVED COMMUNITY
7 RECREATION PLAN ON FILE WITH THE DEPARTMENT. DEPARTMENT-APPROVED
8 PLANS ARE VALID THROUGH DECEMBER 31 OF THE FIFTH FULL CALENDAR
9 YEAR AFTER ADOPTION BY THE LOCAL UNIT'S GOVERNING BODY.

10 (E) THE PROJECT FOR WHICH FUNDING ASSISTANCE IS SOUGHT IS
11 LISTED AND JUSTIFIED IN THE LOCAL UNIT OF GOVERNMENT'S RECREATION
12 PLAN.

13 (F) THE LOCAL UNIT OF GOVERNMENT HAS SUBMITTED NOTICE OF THE
14 PROJECT APPLICATION TO THE REGIONAL PLANNING AGENCY FOR REVIEW.

15 (G) THE LOCAL UNIT OF GOVERNMENT HAS FEE TITLE OR A LEGAL
16 INSTRUMENT THAT DEMONSTRATES PROPERTY CONTROL FOR NOT LESS THAN
17 15 YEARS FROM THE DATE OF APPLICATION. IF CONTROL IS EVIDENCED
18 BY LESS THAN FEE TITLE, THE LENGTH OF CONTROL SHALL BE COMMENSU-
19 RATE WITH THE VALUE OF THE PROPOSED PROJECT.

20 (H) THE LOCAL UNIT OF GOVERNMENT'S GRANT REQUEST IS NOT MORE
21 THAN \$750,000.00 AND NOT LESS THAN \$15,000.00. AN APPLICANT MAY
22 RECEIVE MORE THAN 1 GRANT IN A FUNDING CYCLE.

23 (I) THE PROPOSED PROJECT ADDRESSES AT LEAST 1 OF THE FOLLOW-
24 ING PURPOSES AS DESCRIBED IN SECTION 71602:

25 (i) INFRASTRUCTURE IMPROVEMENT.

26 (ii) COMMUNITY RECREATION.

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1 (iii) TOURIST ATTRACTION.

2 (J) THE PROPOSED PROJECT IS NOT FOR THE PURPOSE OF MEETING
3 THE PHYSICAL EDUCATION AND ATHLETIC PROGRAM REQUIREMENTS OF A
4 SCHOOL. FACILITIES FUNDED UNDER THIS PROGRAM ON SCHOOL GROUNDS
5 SHALL NOT RESTRICT PUBLIC USE TO LESS THAN 50% OF OPERATING
6 HOURS. A SCHEDULE OF WHEN SUCH SITES ARE OPEN TO THE PUBLIC MAY
7 BE REQUESTED BY THE DEPARTMENT.

8 (K) THE PROPOSED PROJECT DOES NOT UNFAIRLY COMPETE WITH THE
9 PRIVATE SECTOR. PROJECTS THAT WOULD CREATE AN UNFAIRLY COMPETI-
10 TIVE SITUATION WITH PRIVATE ENTERPRISES ARE NOT ELIGIBLE FOR
11 FUNDING. IN SITUATIONS WHERE PRIVATELY MANAGED FACILITIES ARE
12 PROVIDING IDENTICAL OR SIMILAR RECREATION OPPORTUNITIES, THE
13 LOCAL UNIT OF GOVERNMENT SHALL PROVIDE WRITTEN JUSTIFICATION OF
14 THE NEED FOR THE PROPOSED FACILITY IN LIGHT OF THE PRIVATE
15 SECTOR'S PRESENCE.

16 SEC. 71605. (1) FINAL GRANT AWARDS WILL BE DETERMINED BY
17 THE DIRECTOR.

18 (2) THE DEPARTMENT SHALL USE THE 3 FACTORS LISTED IN SUBSEC-
19 TION (3)(A), (B), AND (C) TO EVALUATE PROJECTS. ALL FACTORS ARE
20 OF EQUAL IMPORTANCE IN THE EVALUATION OF A PROJECT.

21 (3) EACH OF THE 3 FACTORS LISTED IN SUBDIVISIONS (A), (B),
22 AND (C) SHALL BE RATED EXCEPTIONAL, GOOD, OR FAIR. AN EXCEP-
23 TIONAL RATING IS EQUAL TO A SCORE OF 80; A GOOD RATING IS EQUAL
24 TO A SCORE OF 60; AND A FAIR RATING IS EQUAL TO A SCORE OF 10.
25 THE FACTORS ARE AS FOLLOWS:

26 (A) THE NEED FOR THE PROJECT AS DETERMINED BY AN OVERALL
27 ASSESSMENT OF THE FOLLOWING:

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1 (i) THE MERITS OF THE PROJECT RELATIVE TO COST IN ADDRESSING
2 1 OF THE FOLLOWING PROGRAM PRIORITIES AS DESIGNATED BY THE
3 APPLICANT:

4 (A) INFRASTRUCTURE IMPROVEMENT.

5 (B) COMMUNITY RECREATION.

6 (C) TOURISM.

7 (ii) HOW WELL THE PROJECT MEETS THE FOLLOWING PRIORITIES:

8 (A) PROXIMITY TO URBAN AREAS.

9 (B) ATTENTION, BEYOND THE REQUIREMENTS OF LAW, TO THE NEEDS
10 OF SPECIAL POPULATIONS, SUCH AS MINORITIES, SENIOR CITIZENS, LOW
11 INCOME INDIVIDUALS, AND THE HANDICAPPED.

12 (C) IMPACT ON COUNTY AND REGIONAL RECREATION OPPORTUNITY
13 DEFICIENCIES OR IDENTIFIED LOCAL RECREATION DEFICIENCIES DOCU-
14 MENTED IN THE COMMUNITY RECREATION PLAN.

15 (B) THE CAPABILITY OF THE LOCAL UNIT OF GOVERNMENT TO COM-
16 PLETE THE PROJECT AND TO OPERATE AND MAINTAIN IT ONCE COMPLETED.
17 CAPABILITY WILL BE DETERMINED BY AN OVERALL ASSESSMENT OF ALL OF
18 THE FOLLOWING CRITERIA:

19 (i) DEMONSTRATED SATISFACTORY PERFORMANCE OF THE LOCAL UNIT
20 OF GOVERNMENT IN OTHER DEPARTMENT GRANT PROGRAMS.

21 (ii) DEMONSTRATED ABILITY TO OPERATE AND MAINTAIN EXISTING
22 RECREATION FACILITIES.

23 (iii) ASSURANCE OF FUNDS FOR THE MAINTENANCE AND OPERATION
24 OF THE PROPOSED PROJECT.

25 (iv) DEMONSTRATED COMMITMENT TO PUBLIC RECREATION THROUGH
26 RECREATION STAFFING AND THE EXISTENCE OF A CITIZEN RECREATION
27 BOARD OR COMMISSION.

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1 (C) THE QUALITY OF THE SITE AND PROJECT DESIGN. QUALITY
2 WILL BE DETERMINED BY AN OVERALL ASSESSMENT OF ALL OF THE FOLLOW-
3 ING CRITERIA:

4 (i) THE APPROPRIATENESS OF THE SITE FOR THE INTENDED USES.

5 (ii) CLARITY AND DETAIL OF THE DEVELOPMENT PLANS AND THE
6 QUALITY OF THE PROJECT DESIGN IN TERMS OF ORIENTATION, SPACING OF
7 FACILITIES, TRAFFIC FLOW, AND EFFECTIVE USE OF SITE FEATURES.

8 (iii) THE QUALITY OF ANY EXISTING DEVELOPMENT.

9 (iv) THE ADEQUACY OF SAFETY AND HEALTH CONSIDERATIONS.

10 (v) EVALUATION OF THE IMPACT OF PROPOSED DEVELOPMENT ON THE
11 NATURAL ENVIRONMENT.

12 (4) IF THE SCORE ON 2 OR MORE PROJECTS IS THE SAME AND DOES
13 NOT DETERMINE WHICH PROJECT SHOULD BE RECOMMENDED WITHIN AVAIL-
14 ABLE DOLLARS, THE DEPARTMENT SHALL CONSIDER THE FOLLOWING FACTORS
15 TO DETERMINE PRIORITY:

16 (A) THE AMOUNT OF LOCAL RECREATION GRANTS FUNDS PREVIOUSLY
17 RECEIVED BY A LOCAL UNIT OF GOVERNMENT UNDER THIS PART.

18 (B) A LOCAL UNIT OF GOVERNMENT'S NEED FOR FINANCIAL
19 ASSISTANCE. FINANCIAL NEED WILL BE DETERMINED BY THE LOCAL UNIT
20 OF GOVERNMENT'S RANK ON THE DISTRESSED COMMUNITIES LIST.

21 (C) A LOCAL UNIT OF GOVERNMENT'S COMMITMENT TO PROVIDE MORE
22 THAN THE REQUIRED 25% MATCH.

23 (D) THE AMOUNT OF MICHIGAN NATURAL RESOURCES TRUST FUND
24 DEVELOPMENT GRANTS AND LAND AND WATER CONSERVATION GRANTS PREVI-
25 OUSLY RECEIVED BY THE LOCAL UNIT OF GOVERNMENT.

26 (5) IF A PROJECT IS DETERMINED TO BE ELIGIBLE FOR A GRANT
27 AND THE NEEDS AT THE LOCATION OF THE PROJECT INCLUDE THE UPGRADE

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1 OF DRINKING WATER SYSTEMS OR REST ROOM FACILITIES, THE GRANT
2 AWARD FOR THE PROJECT SHALL FIRST BE USED FOR SUCH UPGRADES AT
3 THAT PROJECT LOCATION.

4 SEC. 71606. GRANTS MADE UNDER THIS PART ARE SUBJECT TO THE
5 APPLICABLE REQUIREMENTS OF PART 196. THE DEPARTMENT SHALL ADMIN-
6 ISTER THIS PART IN COMPLIANCE WITH THE APPLICABLE REQUIREMENTS OF
7 PART 196, INCLUDING THE REPORTING REQUIREMENTS TO THE LEGISLATURE
8 OF THE GRANTS PROVIDED UNDER THIS PART.

9 SEC. 71607. THE DEPARTMENT MAY PROMULGATE RULES TO IMPLE-
10 MENT THIS PART.

11 Enacting section 1. This amendatory act takes effect
12 December 1, 1998.

13 Enacting section 2. This amendatory act does not take
14 effect unless the question provided for in the clean Michigan
15 initiative act is approved by a majority of the registered elec-
16 tors voting on the question at the November 1998 general
17 election.

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

21 (a) House Bill No. 5620.

22 (b) House Bill No. 5622.

23 (c) Senate Bill No. 902.

24 (d) Senate Bill No. 904.