

HOUSE BILL No. 5719

March 31, 1998, Introduced by Reps. Schermesser and Birkholz and referred to the Committee on Conservation, Environment and Recreation.

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.

- 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:

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, AND PARK SUPPORT FACILITIES.

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

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

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

3 (2) GRANTS SHALL NOT BE PROVIDED FOR LAND ACQUISITION.

4 (3) A GRANT SHALL NOT BE PROVIDED FOR A PROJECT THAT IS
5 LOCATED ON LAND SITED FOR USE AS A CASINO OR A STADIUM OR ARENA
6 FOR USE BY A PROFESSIONAL SPORTS TEAM OR OTHER LAND OR FACILITIES
7 OWNED OR OPERATED BY THE CASINO OR THE STADIUM OR ARENA.

8 SEC. 71603. (1) GRANTS MADE TO LOCAL UNITS OF GOVERNMENT
9 UNDER THIS PART SHALL BE MADE BY THE DEPARTMENT AND ALLOCATED AS
10 FOLLOWS:

11	(A) LOCAL RECREATION PROJECTS WITHIN ZONE 1..	\$	1,800,000
12	(B) LOCAL RECREATION PROJECTS WITHIN ZONE 2..	\$	7,200,000
13	(C) LOCAL RECREATION PROJECTS WITHIN ZONE 3..	\$	36,000,000
14	(D) LOCAL RECREATION PROJECTS AT REGIONAL		
15	PARKS.....	\$	5,000,000

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

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

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

26 (C) ZONE 3--OCEANA, NEWAYGO, MECOSTA, MUSKEGON, MONTCALM,
27 GRATIOT, OTTAWA, KENT, IONIA, CLINTON, SHIAWASSEE, GENESEE,

1 LAPEER, ST. CLAIR, ALLEGAN, BARRY, EATON, INGHAM, LIVINGSTON,
2 OAKLAND, MACOMB, VAN BUREN, KALAMAZOO, CALHOUN, JACKSON,
3 WASHTENAW, WAYNE, BERRIEN, CASS, ST. JOSEPH, BRANCH, HILLSDALE,
4 LENAWEЕ, AND MONROE COUNTIES.

5 (3) A GRANT MADE UNDER THIS PART TO A LOCAL UNIT OF GOVERN-
6 MENT SHALL REQUIRE A 25% MATCH BY THE LOCAL UNIT OF GOVERNMENT.
7 NOT MORE THAN 50% OF THE LOCAL UNIT OF GOVERNMENT'S CONTRIBUTION
8 UNDER THIS SUBSECTION MAY BE IN THE FORM OF GOODS AND SERVICES
9 DIRECTLY RENDERED TO THE CONSTRUCTION OF THE PROJECT, OR FEDERAL
10 FUNDS, OR BOTH. A LOCAL UNIT OF GOVERNMENT SHALL ESTABLISH TO
11 THE SATISFACTION OF THE DEPARTMENT THE COST OR FAIR MARKET VALUE,
12 WHICHEVER IS LESS AS OF THE DATE OF THE NOTICE OF APPROVAL BY THE
13 DEPARTMENT, OF ANY OF THE ABOVE ITEMS WITH WHICH IT SEEKS TO MEET
14 THE MATCH REQUIREMENT.

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

18 SEC. 71604. THE DEPARTMENT SHALL CONSIDER A PROJECT APPLI-
19 CATION FOR FUNDING UNDER THIS PART IF IT IS IN COMPLIANCE WITH
20 ALL OF THE FOLLOWING CONDITIONS:

21 (A) THE APPLICATION IS SUBMITTED BY THE DEADLINE ESTABLISHED
22 BY THE DEPARTMENT.

23 (B) THE APPLICATION IS COMPLETE AND SUBMITTED ON THE FORM
24 REQUIRED BY THE DEPARTMENT.

25 (C) THE APPLICATION INCLUDES THE FOLLOWING INFORMATION:

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

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

3 (iii) PRELIMINARY FLOOR PLANS AND ELEVATION DRAWINGS FOR ANY
4 BUILDING CONSTRUCTION.

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

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

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

12 (vii) THE TOTAL COST OF THE PROJECT PROPOSAL AND THE AMOUNT
13 OF GRANT REQUESTED.

14 (viii) SOURCES OF THE LOCAL MATCH.

15 (ix) A BREAKDOWN OF DEVELOPMENT ITEMS AND THEIR PROJECTED
16 COSTS.

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

19 (xi) ATTESTATION, BY SIGNATURE OF AN AUTHORIZED PROJECT REP-
20 RESENTATIVE, THAT ALL STATEMENTS ON THE APPLICATION FORM ARE
21 TRUE, COMPLETE, AND ACCURATE TO THE BEST OF THE REPRESENTATIVE'S
22 KNOWLEDGE.

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

24 (D) THE LOCAL UNIT OF GOVERNMENT HAS A COMMUNITY RECREATION
25 PLAN ON FILE WITH THE DEPARTMENT. DEPARTMENT-APPROVED PLANS ARE
26 VALID THROUGH DECEMBER 31 OF THE FIFTH FULL CALENDAR YEAR AFTER
27 ADOPTION BY THE LOCAL UNIT'S GOVERNING BODY.

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

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

6 (G) THE LOCAL UNIT OF GOVERNMENT HAS FEE TITLE OR A LEGAL
7 INSTRUMENT THAT DEMONSTRATES PROPERTY CONTROL FOR NOT LESS THAN
8 15 YEARS FROM THE DATE OF APPLICATION. IF CONTROL IS EVIDENCED
9 BY LESS THAN FEE TITLE, THE LENGTH OF CONTROL SHALL BE COMMENSU-
10 RATE WITH THE VALUE OF THE PROPOSED PROJECT.

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

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

16 (i) INFRASTRUCTURE IMPROVEMENT.

17 (ii) COMMUNITY RECREATION.

18 (iii) TOURIST ATTRACTION.

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

25 (K) THE PROPOSED PROJECT DOES NOT UNFAIRLY COMPETE WITH THE
26 PRIVATE SECTOR. PROJECTS THAT WOULD CREATE AN UNFAIRLY
27 COMPETITIVE SITUATION WITH PRIVATE ENTERPRISES WILL NOT BE

1 ELIGIBLE FOR FUNDING. IN SITUATIONS WHERE PRIVATELY MANAGED
2 FACILITIES ARE PROVIDING IDENTICAL OR SIMILAR RECREATION OPPORTU-
3 NITIES, THE LOCAL UNIT OF GOVERNMENT SHALL PROVIDE WRITTEN JUSTI-
4 FICATION OF THE NEED FOR THE PROPOSED FACILITY IN LIGHT OF THE
5 PRIVATE SECTOR'S PRESENCE.

6 SEC. 71605. (1) FINAL GRANT AWARDS WILL BE DETERMINED BY
7 THE DIRECTOR.

8 (2) THE DEPARTMENT SHALL USE 3 FACTORS TO EVALUATE
9 PROJECTS. ALL FACTORS ARE OF EQUAL IMPORTANCE IN THE EVALUATION
10 OF A PROJECT.

11 (3) EACH OF THE 3 FACTORS SHALL BE RATED EXCEPTIONAL, GOOD,
12 OR FAIR. AN EXCEPTIONAL RATING IS EQUAL TO A SCORE OF 80; A GOOD
13 RATING IS EQUAL TO A SCORE OF 60; AND A FAIR RATING IS EQUAL TO A
14 SCORE OF 10. THE FACTORS ARE AS FOLLOWS:

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

17 (i) THE MERITS OF THE PROJECT RELATIVE TO COST IN ADDRESSING
18 ANY OF THE FOLLOWING PROGRAM PRIORITIES:

19 (A) INFRASTRUCTURE IMPROVEMENT.

20 (B) COMMUNITY RECREATION.

21 (C) TOURISM.

22 (ii) HOW WELL THE PROJECT MEETS THE FOLLOWING MICHIGAN REC-
23 REATION PLAN PRIORITIES:

24 (A) PROXIMITY TO URBAN AREAS.

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

1 (C) IMPACT ON COUNTY AND REGIONAL RECREATION OPPORTUNITY
2 DEFICIENCIES OR IDENTIFIED LOCAL RECREATION DEFICIENCIES DOCU-
3 MENTED IN THE COMMUNITY RECREATION PLAN.

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

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

10 (ii) DEMONSTRATED ABILITY TO OPERATE AND MAINTAIN EXISTING
11 RECREATION FACILITIES.

12 (iii) ASSURANCE OF FUNDS FOR THE MAINTENANCE AND OPERATION
13 OF THE PROPOSED PROJECT.

14 (iv) DEMONSTRATED COMMITMENT TO PUBLIC RECREATION THROUGH
15 RECREATION STAFFING AND THE EXISTENCE OF A CITIZEN RECREATION
16 BOARD OR COMMISSION.

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

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

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

24 (iii) THE QUALITY OF ANY EXISTING DEVELOPMENT.

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

26 (v) EVALUATION OF THE IMPACT OF PROPOSED DEVELOPMENT ON THE
27 NATURAL ENVIRONMENT.

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

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

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

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

12 (D) THE AMOUNT OF MICHIGAN NATURAL RESOURCES TRUST FUND
13 DEVELOPMENT GRANTS AND/OR LAND AND WATER CONSERVATION GRANTS PRE-
14 VIOUSLY RECEIVED BY THE LOCAL UNIT OF GOVERNMENT.

15 SEC. 71606. GRANTS MADE UNDER THIS PART ARE SUBJECT TO THE
16 APPLICABLE REQUIREMENTS OF PART 196. THE DEPARTMENT SHALL ADMIN-
17 ISTER THIS PART IN COMPLIANCE WITH THE APPLICABLE REQUIREMENTS OF
18 PART 196, INCLUDING THE REPORTING REQUIREMENTS TO THE LEGISLATURE
19 OF THE GRANTS PROVIDED UNDER THIS PART.

20 SEC. 71607. THE DEPARTMENT MAY PROMULGATE RULES AS ARE NEC-
21 ESSARY OR REQUIRED TO IMPLEMENT THIS PART.

22 Enacting section 1. This amendatory act takes effect
23 December 1, 1998.

24 Enacting section 2. This amendatory act does not take
25 effect unless the question provided for in the clean Michigan
26 initiative act is approved by a majority of the registered

