

HOUSE BILL No. 5839

February 28, 2008, Introduced by Rep. Elsenheimer and referred to the Committee on
Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 78105 and 78115 (MCL 324.78105 and 324.78115),
as amended by 2004 PA 587.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 78105. The department shall have the following powers and
2 duties:

3 (a) To acquire, construct, and maintain harbors, channels, and
4 facilities for vessels in the navigable waters lying within the
5 boundaries of ~~the~~ **THIS** state. ~~of Michigan.~~

6 (b) To acquire, by purchase, lease, gift, or condemnation the
7 lands, rights of way, and easements necessary for harbors and
8 channels. The department shall be considered a state agency under

1 1911 PA 149, MCL 213.21 to 213.25. ~~relative to condemnation by~~
2 ~~state agencies.~~

3 (c) To acquire, by purchase, lease, gift, or condemnation
4 suitable areas on shore for disposal of the material from dredging.

5 (d) To enter into any contracts or agreements that may be
6 necessary in carrying out this part, including agreements to hold
7 and save the United States free from damages due to the
8 construction and maintenance by the United States of those works
9 that the United States undertakes.

10 (e) To provide for the granting of concessions within the
11 boundaries of harbors, so as to furnish the public gas, oil, food,
12 and other facilities.

13 (f) To represent ~~the~~ **THIS** state ~~of Michigan~~ and the governor
14 ~~of Michigan~~ in dealings with the chief of engineers of the United
15 States army and his or her authorized agents for the purposes set
16 forth in this part.

17 (g) To charge fees for both seasonal and daily moorage at
18 state-operated small craft mooring facilities. ~~All revenues derived~~
19 ~~from this source~~ **THE FEES** shall be deposited in the waterways
20 account.

21 ~~—— (h) To charge fees for both daily and seasonal use of state-~~
22 ~~operated public access sites, if the cost of collecting the fees~~
23 ~~will not exceed the revenue derived from the fees for daily and~~
24 ~~seasonal passes. All revenues derived from this source shall be~~
25 ~~deposited in the waterways account. A seasonal pass shall grant the~~
26 ~~permittee the right to enter any state-operated public access site~~
27 ~~without payment of an additional fee.~~

1 (H) ~~(i)~~ To collect the proceeds from the sale of marine fuel
2 at harbors operated by the department. The proceeds from the sales
3 shall be ~~credited to~~ **DEPOSITED IN** the waterways account and used
4 for the purchase of marine fuel supplies as may be needed. Any
5 remaining revenue from this source not needed for the purchase of
6 marine fuel supplies may be expended in the same manner as other
7 ~~funds within~~ **MONEY IN** the waterways account.

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

13 (a) The acquisition of land for the establishment of a public
14 boating access site.

15 (b) The cost of developing a public boating access site.

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

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

27 (a) Any net revenues accruing from the operation of the public

1 boating access site shall be separately accounted for and reserved
2 in a restricted fund by the grantee for the future maintenance or
3 expansion of the public boating access site or, with the approval
4 of the department, the construction of other recreational boating
5 facilities. ~~Unless otherwise provided in the grant agreement or~~
6 ~~otherwise authorized in writing by the department, if a fee is~~
7 ~~charged for the use of the public boating access site, the fee~~
8 ~~shall be the same as the fee rates set by the department.~~

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

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

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

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

1 required by the department.