



HOUSE BILL No. 5271

February 3, 2000, Introduced by Reps. Richardville, Birkholz, Raczkowski, Gilbert, DeRossett, Faunce, Sanborn, Van Woerkom, Vander Roest, Hager, Gosselin, Rocca, Julian, Rick Johnson, Shackleton, Scranton, Voorhees, Bovin, Lemmons, Bishop, Kowall, Bob Brown, Gielegem, Jansen, Wojno, Mans, Scott and Toy and referred to the Committee on Great Lakes and Tourism.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 78105 (MCL 324.78105), as added by 1995 PA 58.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

6 (b) To acquire, by purchase, lease, gift, or condemnation
7 the lands, rights of way, and easements necessary for harbors and
8 channels. The department shall be considered a state agency
9 under the provisions of ~~Act No. 149 of the Public Acts of 1911,~~
10 ~~being sections 213.21 to 213.25 of the Michigan Compiled Laws~~

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
5 dredging.

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

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

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

18 (g) To charge fees for both seasonal and daily moorage at
19 state-operated small craft mooring facilities. All revenues
20 derived from this source shall be deposited in the Michigan state
21 waterways fund CREATED IN SECTION 78110.

22 (h) To charge fees for both daily and seasonal use of
23 state-operated public access sites, if the cost of collecting the
24 fees will not exceed the revenue derived from the fees for daily
25 and seasonal passes. HOWEVER, THE FEE FOR A SEASONAL PASS FOR AN
26 INDIVIDUAL WHO IS 65 YEARS OF AGE OR OLDER SHALL BE 1/3 OF THE
27 AMOUNT OF THE FEE FOR A REGULAR SEASONAL PASS. All revenues

1 derived from this source shall be deposited in the Michigan state
2 waterways fund. A seasonal pass shall grant the permittee the
3 right to enter any state-operated public access site without pay-
4 ment of an additional fee.

5 (i) To collect the proceeds from the sale of marine fuel at
6 harbors operated by the department. The proceeds from the sales
7 shall be credited to the Michigan state waterways fund and used
8 for the purchase of marine fuel supplies as may be needed. Any
9 remaining revenue from this source not needed for the purchase of
10 marine fuel supplies may be expended in the same manner as other
11 funds within the Michigan state waterways fund.