

# SENATE JOINT RESOLUTION F

January 14, 2004, Introduced by Senators ALLEN, BIRKHOLZ, BARCIA, SANBORN, GILBERT, PATTERSON, KUIPERS, BISHOP, VAN WOERKOM, TOY, JELINEK, CROUSEY, BROWN, GOSCHKA, HAMMERSTROM, CASSIS, STAMAS, GARCIA, OLSHOVE, PRUSI and BRATER and referred to the Committee on Natural Resources and Environmental Affairs.

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 40 to article IX, to provide for the establishment of the waterways trust fund and the Michigan state waterways commission.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to provide for the establishment of the waterways trust fund and the Michigan state waterways commission, is proposed, agreed to, and submitted to the people of the state:

ARTICLE IX

Sec. 40. The waterways trust fund is established. The fund shall consist of all of the following:

- (a) All revenues from watercraft registration fees assessed

1 on the ownership or operation of watercraft in the state.

2 (b) All revenues derived from fees charged for moorage at  
3 state-operated mooring facilities.

4 (c) All revenues derived from fees charged for the use of  
5 state-operated public access sites.

6 (d) All revenues derived from taxes on the sale of marine  
7 fuel in the state.

8 (e) All money or other assets in the following funds on the  
9 effective date of this section:

10 (i) The Michigan state waterways fund created in section  
11 78110 of the natural resources and environmental protection act,  
12 1994 PA 451, MCL 324.78110.

13 (ii) The Michigan harbor development fund created in section  
14 78110 of the natural resources and environmental protection act,  
15 1994 PA 451, MCL 324.78110.

16 (iii) The marine safety fund created in section 80115 of the  
17 natural resources and environmental protection act, 1994 PA 451,  
18 MCL 324.80115.

19 (f) Revenues from other sources as provided by law.

20 Money and other assets of the waterways trust fund shall be  
21 invested as provided by law. Interest and earnings of the  
22 waterways trust fund shall be credited to the fund.

23 Money in the waterways trust fund shall be expended only for  
24 the following purposes:

25 (a) Forty-nine percent of the revenues deriving from  
26 watercraft registration fees assessed on the ownership or  
27 operation of watercraft in the state shall be used for water

1 safety programs and for the enforcement of laws related to the  
2 operation of watercraft on the waters of the state.

3 (b) Money not allocated under paragraph (a) shall be used for  
4 the following purposes, with not less than 70 percent of this  
5 money used for capital improvement projects:

6 (i) For the construction, operation, and maintenance of  
7 recreational boating facilities, including the acquisition of  
8 land or rights in land for these purposes.

9 (ii) For grants to local units of government to acquire and  
10 develop harbors of refuge and public boating access sites.

11 (iii) For the administration of programs funded by the fund.

12 The Michigan state waterways commission is established. The  
13 commission shall consist of seven members appointed by the  
14 governor, by and with the advice and consent of the senate, to  
15 staggered terms as provided by law. The term of office of each  
16 member shall be three years. Of the members appointed, not fewer  
17 than two members shall reside north of townline 16, one of whom  
18 shall reside in the Upper Peninsula and one of whom shall reside  
19 in the Lower Peninsula. Additionally, one of the members shall  
20 be an individual who owns or operates a harbor or marina in the  
21 state at the time of his or her appointment and during his or her  
22 membership on the commission, and one member shall be a member of  
23 the marina-trades industry who does not own a harbor or marina.  
24 The legislature may provide by law for the operation of the  
25 commission.

26 The Michigan state waterways commission shall recommend the  
27 projects to be funded from money in the waterways trust fund.

1 The commission shall submit its recommendations to the governor,  
2 who shall submit the commission's recommendations to the  
3 legislature in an appropriations bill.

4       The legislature shall provide by law for the implementation  
5 of this section.

6       Resolved further, That the foregoing amendment shall be  
7 submitted to the people of the state at the next general election  
8 in the manner provided by law.