

SENATE BILL No. 34

January 27, 2009, Introduced by Senators RICHARDVILLE, BIRKHOLZ, KAHN and PATTERSON and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 78101 and 78110 (MCL 324.78101 and 324.78110), section 78101 as amended by 2006 PA 466 and section 78110 as amended by 2004 PA 587.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 78101. As used in this part:

2 (a) "Commission" means the Michigan state waterways
3 commission.

4 (b) "Department" means the department of natural resources.

5 (c) "Director" means the administrative director of the
6 commission.

1 (d) "Diesel motor fuel" means any liquid fuel used in the
2 operation of engines of the diesel type in motor vehicles or
3 watercraft.

4 (e) "Gasoline" means gasoline, casing head or natural
5 gasoline, benzole, benzine, and naphtha; also, any liquid prepared,
6 advertised, offered for sale, sold for use as, or used for, the
7 generation of power for the propulsion of motor vehicles or
8 watercraft, including any product obtained by blending together any
9 1 or more products of petroleum, with or without other products,
10 and regardless of the original character of the petroleum products
11 blended, if the resultant product obtained is capable of use for
12 the generation of power for the propulsion of motor vehicles or
13 watercraft, it being the intention that the blending of the
14 products, regardless of name or characteristics, shall conclusively
15 be presumed to produce motor fuel, unless the resultant product is
16 entirely incapable for use as motor fuel. Gasoline does not include
17 diesel fuel, liquefied petroleum gas, or commercial or industrial
18 naphthas or solvents manufactured, imported, received, stored,
19 distributed, sold, or used exclusively for purposes other than as a
20 fuel for motor vehicles or watercraft.

21 (f) "Harbor" means a portion of a lake or other body of water
22 either naturally or artificially protected so as to be a place of
23 safety for watercraft, including contrivances used or designed for
24 navigation on water and used or owned by the United States.

25 (g) "Harbor facilities" means the structures at a harbor
26 constructed to protect the lake or body of water and the facilities
27 provided within the harbor and ashore for the mooring and servicing

1 of watercraft and the servicing of crews and passengers.

2 (h) "Inland lake or stream" means that term as defined in
3 section 30101.

4 (i) "Liquefied petroleum gas" means gases derived from
5 petroleum or natural gases that are in the gaseous state at normal
6 atmospheric temperature and pressure, but that may be maintained in
7 the liquid state at normal atmospheric temperature by suitable
8 pressure.

9 (j) "Marina" means a site that contains harbor facilities.

10 (k) "Navigable water" means any waterway navigable by vessels,
11 or capable of being made navigable by vessels through artificial
12 improvements, and includes the structures and facilities created to
13 facilitate navigation.

14 (l) "Person" includes any individual, partnership, corporation,
15 association, or body politic, except the United States and this
16 state, and includes any trustee, receiver, assignee, or other
17 similar representative of those entities.

18 (m) "Public boating access site" means a publicly owned site
19 for the launching of recreational watercraft.

20 **(N) "RECREATIONAL BOATING FACILITIES" MEANS BOAT LAUNCHES,**
21 **HARBORS, MARINAS, AND LOCKS ASSISTING RECREATIONAL BOATS ACCESSING**
22 **WATER BODIES AT DIFFERENT ELEVATIONS.**

23 (O) ~~(n)~~ "Retail fuel dealer" includes any person or persons,
24 both private and municipal, who engage in the business of selling
25 or distributing fuel within this state.

26 (P) ~~(o)~~ "Secretary of state" means the secretary of state of
27 this state, acting directly or through a duly authorized deputy,

1 investigators, agents, and employees.

2 (Q) ~~(p)~~ "Vessel" means all watercraft except the following:

3 (i) Watercraft used for commercial fishing.

4 (ii) Watercraft used by the sea scout department of the boy
5 scouts of America chiefly for training scouts in seamanship.

6 (iii) Watercraft owned by this state, any political subdivision
7 of this state, or the federal government.

8 (iv) Watercraft when used in interstate or foreign commerce and
9 watercraft used or owned by any railroad company or railroad car
10 ferry company.

11 (v) Watercraft when used in trade, including watercraft when
12 used in connection with an activity that constitutes a person's
13 chief business or means of livelihood.

14 (R) ~~(q)~~ "Watercraft" means any contrivance used or designed
15 for navigation on water, including, but not limited to, any vessel,
16 ship, boat, motor vessel, steam vessel, vessel operated by
17 machinery, motorboat, sailboat, barge, scow, tugboat, and rowboat,
18 but does not include contrivances used or owned by the United
19 States.

20 (S) ~~(r)~~ "Waterway" means any body of water.

21 (T) ~~(s)~~ "Waterways account" means the waterways account of the
22 Michigan conservation and recreation legacy fund provided for in
23 section 2035. ~~This subdivision does not apply unless 2004 PA 587~~
24 ~~takes effect, as a result of Joint Resolution Z of the 92nd~~
25 ~~Legislature becoming a part of the state constitution of 1963 as~~
26 ~~provided in section 1 of article XII of the state constitution of~~
27 ~~1963.~~

1 Sec. 78110. Money in the waterways account shall be used only
2 for the following:

3 (a) The construction, operation, and maintenance of **THE**
4 **FOLLOWING THAT ARE ASSOCIATED WITH** recreational boating facilities:

5 -

6 (i) **RAMPS FOR LAUNCHING WATERCRAFT.**

7 (ii) **PIERS, JETTIES, BREAKWATERS, OR OTHER SIMILAR STRUCTURES**
8 **CONNECTED TO EXISTING OR PROPOSED RECREATIONAL BOATING FACILITIES**
9 **OR HARBORS OF REFUGE.**

10 (iii) **MOORAGE FACILITIES AT MARINAS TO PROVIDE DOCKAGE FOR**
11 **TRANSIENT AND SEASONAL USERS.**

12 (iv) **STUDIES AND SURVEYS NECESSARY FOR THE DEVELOPMENT OF**
13 **RECREATIONAL BOATING FACILITIES OR THE OPERATION OF RECREATIONAL**
14 **BOATING FACILITIES, AND THE IMPLEMENTATION OF RECOMMENDATIONS FROM**
15 **THESE STUDIES AND SURVEYS.**

16 (v) **RESTROOMS, SEWAGE TREATMENT FACILITIES, SHOWERS, POTABLE**
17 **WATER SUPPLIES, SECURITY LIGHTS, AND PARKING AREAS.**

18 (vi) **PUMP OUTS.**

19 (vii) **ACCESS ROADS, BRIDGES, SIGNALS, AND OTHER INFRASTRUCTURE**
20 **TO PROVIDE THE PUBLIC ACCESS TO RECREATIONAL BOATING FACILITIES.**

21 (viii) **ENGINEERING COSTS, INCLUDING PLANNING AND CONSTRUCTION**
22 **COSTS AND COSTS OF ENVIRONMENTAL ASSESSMENTS AND PERMIT**
23 **APPLICATIONS.**

24 (ix) **DREDGING, STUMP REMOVAL, AND AQUATIC WEED CONTROL WHEN THE**
25 **ACTIVITIES CAN BE SHOWN TO CLEAR LANES TO MAKE A WATER BODY MORE**
26 **ACCESSIBLE PRIMARILY FOR RECREATIONAL BOATS AS OPPOSED TO GENERAL**
27 **NAVIGATION.**

1 (x) NAVIGATIONAL AIDS IN THE IMMEDIATE AREA OF RECREATIONAL
2 BOATING FACILITIES.

3 (xi) SIGNAGE FOR THE EFFECTIVE USE OF RECREATIONAL BOATING
4 FACILITIES.

5 (xii) GUIDES, BROCHURES, MAPS, ROAD SIGNS, INTERNET SITES, AND
6 OTHER AIDS TO INFORM BOATERS OF RECREATIONAL BOATING FACILITIES.

7 (xiii) PROJECTS THAT COMPENSATE OR MITIGATE FOR NATURAL RESOURCE
8 LOSSES CAUSED BY ACTIVITIES DESCRIBED IN THIS SUBDIVISION.

9 (xiv) LOCKS USED EXCLUSIVELY BY RECREATIONAL BOATERS.

10 (xv) LEASES OF PROPERTY FOR RECREATIONAL BOATING FACILITIES OR
11 PARKING AREAS FOR THE EXCLUSIVE USE OF RECREATIONAL BOATING
12 FACILITIES.

13 (xvi) BOAT STORAGE FACILITIES, BOAT LIFT FACILITIES, AND BOAT
14 SERVICING FACILITIES WITHIN RECREATIONAL BOATING FACILITIES WHEN
15 CONSTRUCTED SO AS TO BE LEASED TO A PRIVATE MARINA OPERATOR UNDER
16 THE GUIDELINES OF PART 791.

17 (xvii) EQUIPMENT USED EXCLUSIVELY FOR THE DEVELOPMENT,
18 MAINTENANCE, OR OPERATION OF RECREATIONAL BOATING FACILITIES.

19 (b) The acquisition of property OR RIGHTS IN PROPERTY for the
20 purposes of this part, —INCLUDING BOTH OF THE FOLLOWING:

21 (i) LAND ACQUISITION FOR THE DEVELOPMENT OF RECREATIONAL
22 BOATING FACILITIES OR PARKING AREAS EXCLUSIVELY FOR THE SERVICING
23 OF RECREATIONAL BOATING FACILITIES.

24 (ii) WATER RIGHTS FOR THE SECURING OF RECREATIONAL BOATING
25 ACCESS FACILITIES.

26 (c) For grants to local units of government and state colleges
27 or universities to acquire and develop harbors of refuge and public

1 boating access sites under section 78115.

2 (d) For the purposes provided in part 791.

3 (e) For the administration of this part and part 791, -

4 **INCLUDING THE FOLLOWING:**

5 (i) **ADMINISTRATIVE AND OVERHEAD COST DIRECTLY RELATED TO**
6 **RECREATIONAL BOATING FACILITIES.**

7 (ii) **EMPLOYEE WAGES AND BENEFITS INCURRED FOR THE**
8 **ADMINISTRATION OF THIS PART.**

9 (iii) **CONFERENCES, MEETINGS, AND TRAINING FOR EMPLOYEES WORKING**
10 **AT OR ON RECREATIONAL BOATING FACILITIES.**