

1998 PUBLIC AND LOCAL ACTS

[No. 285]

(HB 5620)

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," (MCL 324.101 to 324.90106) by adding part 795.

The People of the State of Michigan enact:

PART 795 WATERFRONT REVITALIZATION

324.79501 Definitions. [M.S.A. 13A.79501]

Sec. 79501. As used in this part:

- (a) "Commission" means the Michigan jobs commission.
- (b) "Department" means the department of environmental quality.
- (c) "Gaming facility" means a gaming facility regulated under the Michigan gaming control and revenue act, the initiated law of 1996, MCL 432.201 to 432.226.
- (d) "Grant" means a waterfront redevelopment grant under this part.
- (e) "Response activity" means that term as it is defined in part 201.
- (f) "Waterfront" means land that is contiguous to the Great Lakes or their connecting waterways, a river, or a lake or impoundment that has a surface area of not less than 50 acres.
- (g) "Waterfront planning area" means the geographic area included within a waterfront redevelopment plan.
- (h) "Waterfront redevelopment plan" means a waterfront redevelopment plan prepared by a local unit of government under section 79503 or a state approved recreation plan that includes waterfront improvements.

324.79502 Waterfront redevelopment grants program; establishment; provisions; funding sources; waterfront public access.
[M.S.A. 13A.79502]

Sec. 79502. (1) The department shall establish a waterfront redevelopment grants program. A local unit of government may apply to the department for a grant to conduct a project that does any of the following:

- (a) Provides for response activities on waterfront property consistent with a waterfront redevelopment plan.
- (b) Provides for the demolition of buildings and other facilities along a waterfront that are inconsistent with a waterfront redevelopment plan.
- (c) Provides for the acquisition of waterfront property or the assembly of waterfront property consistent with a waterfront redevelopment plan.

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(d) Provides public infrastructure and public facility improvements to waterfront property consistent with a waterfront redevelopment plan.

(2) A grant shall not be provided under this part for a project that is located at any of the following:

(a) Land sited for use as a gaming facility or as a stadium or arena for use by a professional sports team.

(b) Land or other facilities owned or operated by a gaming facility or by a stadium or arena for use by a professional sports team.

(c) Land within a project area described in a project plan pursuant to the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636, for a gaming facility.

(3) For any grant issued under this part, the department shall require that a local unit of government provide at least 25% of the total project's cost from other public or private funding sources.

(4) A project funded pursuant to this part shall provide for waterfront access to the general public.

324.79503 Waterfront redevelopment plan; preparation.

[M.S.A. 13A.79503]

Sec. 79503. A local unit of government that wishes to apply for a grant shall prepare a waterfront redevelopment plan that provides for the improvement of the waterfront. The waterfront redevelopment plan, at a minimum, shall do both of the following:

(a) Clearly designate the geographic area included within the waterfront planning area.

(b) Identify the economic impact on the improved area, the surrounding neighborhood, and the region in which the waterfront planning area is located.

324.79504 Grant application. [M.S.A. 13A.79504]

Sec. 79504. A local unit of government that wishes to be considered for a grant shall submit a written grant application to the department in a manner prescribed by the department and containing the information required by the department. The grant application shall also include all of the following:

(a) A detailed description of the project and how the grant would be used, including any private sector participation.

(b) A copy of the waterfront redevelopment plan for the area in which the project is to be located.

(c) An explanation of how the project will contribute significantly to the local unit of government's economic and community redevelopment or the revitalization of adjacent neighborhoods.

(d) An explanation of how the project will provide for public access to the waterfront or will provide recreational opportunities for the public.

(e) If the project includes the purchase of property, an identification of the intended use of the property, and a timeline for redevelopment of the property.

(f) The total cost of the project and the source of the local unit of government's contribution to the project.

(g) A detailed description of the practices the local unit of government will implement and maintain to control nonpoint source pollution from the project site both during construction activities and throughout the period of time in which the state is paying off the bonds that were issued pursuant to the clean Michigan initiative act.

(h) Other information that the department and the commission consider relevant.

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324.79505 Grant application; review by department and commission. [M.S.A. 13A.79505]

Sec. 79505. Upon receipt of a grant application under section 79504, the department shall forward a copy of the application to the commission. The department and the commission shall jointly review the grant applications. In reviewing grant applications, the department and the commission shall consider all of the following:

- (a) Whether the project proposed to be funded is authorized by this part.
- (b) Whether the grant application submitted complies with this part.
- (c) Whether the project is consistent with the waterfront redevelopment plan for the area in which the project is located.
- (d) Whether the project provides significant public access to the waterfront or provides recreational opportunities for the public.
- (e) Whether the project will significantly contribute to the local unit of government's economic and community redevelopment or the revitalization of adjacent neighborhoods.
- (f) Whether there is evidence of adverse economic and socioeconomic conditions within the waterfront planning area.
- (g) The viability of the waterfront redevelopment plan.
- (h) Whether the project is innovative in comparison to other grant applications.
- (i) The level of public and private commitment and other resources available for the project.
- (j) The level of public and private commitment to other aspects of the waterfront redevelopment plan.
- (k) How the project relates to a broader economic and community development plan for the local unit of government as a whole.
- (l) The level of demonstrated commitment from other governmental agencies.
- (m) The level of public and private commitment to improving abandoned real property within the waterfront planning area in which the project is located.
- (n) Other criteria that the department and the commission consider relevant.

324.79506 Issuance of grants. [M.S.A. 13A.79506]

Sec. 79506. The department, with the approval of the commission, shall issue grants under this part for projects that the department determines meet the requirements of this part and will contribute to the revitalization of waterfronts throughout the state that are not being used in a manner that maximizes economic and public value.

324.79507 Recovery of costs. [M.S.A. 13A.79507]

Sec. 79507. The department and the department of attorney general may recover costs expended pursuant to section 79502(1)(a) and all other costs recoverable under part 201 from persons who are liable under part 201. Actions to recover costs shall proceed in the manner provided in part 201.

324.79508 Administration of part. [M.S.A. 13A.79508]

Sec. 79508. Grants made under this part are subject to the applicable requirements of part 196. The department shall administer this part in compliance with the applicable requirements of part 196, including the reporting requirements to the legislature of the grants provided under this part.

Effective date.

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

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Act effective upon approval of clean Michigan initiative act by majority of registered voters in November general election.

Enacting section 2. This amendatory act does not take effect unless the question provided for in the clean Michigan initiative act is approved by a majority of the registered electors voting on the question at the November 1998 general election.

Conditional effective date.

Enacting section 3. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

- (a) House Bill No. 5622.
- (b) House Bill No. 5719.
- (c) Senate Bill No. 902.
- (d) Senate Bill No. 904.

This act is ordered to take immediate effect.

Approved July 27, 1998.

Filed with Secretary of State July 27, 1998.

Compiler's note: The question provided for in the Clean Michigan Initiative Act, as referred to in enacting section 2, was submitted to and approved by the electors as Proposal C at the November 3, 1998 general election.

The bills referred to in enacting section 3 were enacted into law as follows:

House Bill No. 5622 was filed with the Secretary of State July 27, 1998, and became P.A. 1998, No. 284, Imd. Eff. July 27, 1998.

House Bill No. 5719 was filed with the Secretary of State July 27, 1998, and became P.A. 1998, No. 286, Eff. Dec. 1, 1998.

Senate Bill No. 902 was filed with the Secretary of State July 27, 1998, and became P.A. 1998, No. 287, Eff. Dec. 1, 1998.

Senate Bill No. 904 was filed with the Secretary of State July 27, 1998, and became P.A. 1998, No. 288, Eff. Dec. 1, 1998.
