

# HOUSE BILL No. 5960

April 20, 2006, Introduced by Rep. Stakoe and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 78101 (MCL 324.78101), as amended by 2004 PA 587, and by adding section 78117.

**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.

7           (d) "Diesel motor fuel" means any liquid fuel used in the  
8 operation of engines of the diesel type in motor vehicles or

1 watercraft.

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

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

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

27 (H) "INLAND LAKE OR STREAM" MEANS THAT TERM AS DEFINED IN

1 **SECTION 30101.**

2 (I) ~~(h)~~ "Liquefied petroleum gas" means gases derived from  
3 petroleum or natural gases ~~which~~ **THAT** are in the gaseous state at  
4 normal atmospheric temperature and pressure, but ~~which~~ **THAT** may  
5 be maintained in the liquid state at normal atmospheric temperature  
6 by suitable pressure.

7 (J) ~~(i)~~ "Marina" means a site ~~which~~ **THAT** contains harbor  
8 facilities.

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

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

17 (M) ~~(l)~~ "Public boating access site" means a publicly owned  
18 site for the launching of recreational watercraft.

19 (N) ~~(m)~~ "Retail fuel dealer" includes any person or persons,  
20 both private and municipal, who engage in the business of selling  
21 or distributing fuel within ~~the~~ **THIS** state.

22 (O) ~~(n)~~ "Secretary of state" means the secretary of state of  
23 this state, acting directly or through a duly authorized deputy,  
24 investigators, agents, and employees.

25 (P) ~~(o)~~ "Vessel" means all watercraft except the following:

26 (i) Watercraft used for commercial fishing.

27 (ii) Watercraft used by the sea scout department of the boy

1 scouts of America chiefly for training scouts in seamanship.

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

4 (iv) Watercraft when used in interstate or foreign commerce and  
5 watercraft used or owned by any railroad company or railroad car  
6 ferry company.

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

10 (Q) ~~(P)~~ "Watercraft" means any contrivance used or designed  
11 for navigation on water, including, but not limited to, any vessel,  
12 ship, boat, motor vessel, steam vessel, vessel operated by  
13 machinery, motorboat, sailboat, barge, scow, tugboat, and rowboat,  
14 but does not include contrivances used or owned by the United  
15 States.

16 (R) ~~(Q)~~ "Waterway" means any body of water.

17 (S) ~~(R)~~ "Waterways account" means the waterways account of  
18 the Michigan conservation and recreation legacy fund provided for  
19 in section 2035. **THIS SUBDIVISION DOES NOT APPLY UNLESS 2004 PA 587**  
20 **TAKES EFFECT, AS A RESULT OF JOINT RESOLUTION Z OF THE 92ND**  
21 **LEGISLATURE BECOMING A PART OF THE STATE CONSTITUTION OF 1963 AS**  
22 **PROVIDED IN SECTION 1 OF ARTICLE XII OF THE STATE CONSTITUTION OF**  
23 **1963.**

24 **SEC. 78117. THIS ACT DOES NOT LIMIT THE AUTHORITY OF A**  
25 **TOWNSHIP UNDER ITS POLICE POWER TO REGULATE ACTIVITIES AT A PUBLIC**  
26 **BOATING ACCESS SITE ON AN INLAND LAKE OR STREAM.**