

**SUBSTITUTE FOR
SENATE BILL NO. 1259**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 2001, 2045, 74116, and 78119 (MCL 324.2001,
324.2045, 324.74116, and 324.78119), section 2001 as amended by
2010 PA 32, sections 2045 and 78119 as amended by 2013 PA 81, and
section 74116 as amended by 2016 PA 1.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2001. As used in this part:

2 (a) "Forest recreation account" means the forest recreation
3 account of the legacy fund provided for in section 2005.

4 (b) "Game and fish protection account" means the game and fish
5 protection account of the legacy fund provided for in section 2010.

6 (c) "Legacy fund" means the Michigan conservation and
7 recreation legacy fund established in section 40 of article IX of

1 the state constitution of 1963 and provided for in section 2002.

2 (d) "Off-road vehicle account" means the off-road vehicle
3 account of the legacy fund provided for in section 2015.

4 (e) "Recreation improvement account" means the recreation
5 improvement account of the legacy fund provided for in section
6 2020.

7 (f) "Recreation passport fee" means a ~~state park and state~~
8 ~~operated public boating access site~~ recreation passport fee paid
9 under section 805 of the Michigan vehicle code, 1949 PA 300, MCL
10 257.805, or under rules promulgated under section 74120(2).

11 (g) "Snowmobile account" means the snowmobile account of the
12 legacy fund provided for in section 2025.

13 (h) "State park improvement account" means the state park
14 improvement account of the legacy fund provided for in section
15 2030.

16 (i) "Waterways account" means the waterways account of the
17 legacy fund provided for in section 2035.

18 Sec. 2045. (1) The department shall distribute recreation
19 passport fee revenue as follows:

20 (a) First, for necessary expenses incurred by the secretary of
21 state each state fiscal year in administration and implementation
22 of section 805 of the Michigan vehicle code, 1949 PA 300, MCL
23 257.805. Funds appropriated for necessary expenses shall be based
24 upon an established cost allocation methodology that reflects
25 actual costs. Appropriations under this subdivision in a state
26 fiscal year shall not exceed \$1,000,000.00.

27 (b) The next \$10,700,000.00 received each fiscal year shall be

1 deposited in the state park improvement account.

2 (c) The next \$1,030,000.00 received each fiscal year shall be
3 deposited in the waterways account.

4 (d) The remaining revenue shall be deposited as follows:

5 (i) ~~50%~~ **75%** in the state park improvement account to be used
6 for capital improvements, ~~at state parks, including state~~
7 ~~recreation areas.~~

8 ~~—— (ii) 30% in the state park improvement account to be used for~~
9 operations, and maintenance at state parks, including state
10 recreation areas.

11 **(ii)** ~~(iii)~~ 2.75% in the state park improvement account to be
12 used for operations, maintenance, and capital improvements of state
13 park cultural and historic resources.

14 **(iii)** ~~(iv)~~ 0.25% in the state park improvement account to be
15 used to do all of the following:

16 (A) Promote, in concert with other state agencies, the use of
17 state parks, state-operated public boating access sites, state
18 forest campgrounds, and state forest nonmotorized trails and
19 pathways.

20 (B) Promote the use of the internet for state park camping
21 reservations and for payment of the recreation passport fee in
22 conjunction with motor vehicle registration.

23 **(iv)** ~~(v)~~ ~~10%~~ **15%** in the local public recreation facilities
24 fund created in section 1911, to be used for development of public
25 recreation facilities for local units of government.

26 **(v)** ~~(vi)~~ 7% in the forest recreation account to be used for
27 operating, maintaining, and making capital improvements to state

1 forest campgrounds and the state forest system of pathways and
 2 nonmotorized trails, including, but not limited to, equestrian
 3 trails.

4 (2) For each state fiscal year, beginning with the 2011-2012
 5 state fiscal year, the state treasurer shall adjust the amounts set
 6 forth in subsection (1)(b) and (c) by an amount determined by the
 7 state treasurer to reflect the cumulative percentage change in the
 8 ~~consumer price index~~ **CONSUMER PRICE INDEX** for the most recent 1-
 9 year period for which data are available. As used in this
 10 subsection, "~~consumer price index~~" **"CONSUMER PRICE INDEX"** means the
 11 most comprehensive index of consumer prices available for this
 12 state from the ~~bureau of labor statistics~~ **BUREAU OF LABOR**
 13 **STATISTICS** of the United States ~~department of labor~~ **DEPARTMENT OF**
 14 **LABOR**.

15 (3) By January 15 of each year, the department, in
 16 consultation with the department of state, shall estimate the
 17 amount of additional **RECREATION PASSPORT FEE** revenue that would
 18 have been collected ~~as recreation passport fees~~ during the
 19 immediately preceding state fiscal year if owners of resident motor
 20 vehicles described in sections 74116(4)(c) and 78119(4)(b) were not
 21 exempt under those provisions from paying the recreation passport
 22 fee. The department shall estimate the amount as follows:

23 (a) Determine the total number of resident motor vehicles
 24 described in sections 74116(4)(c) and 78119(4)(b).

25 (b) Multiply the number under subdivision (a) by the
 26 percentage of resident motor vehicles with single-year
 27 registrations for which a recreation passport fee was paid during

1 the preceding state fiscal year.

2 (c) Subtract from the result under subdivision (b) the number
3 of resident motor vehicles described in sections 74116(4)(c) and
4 78119(4)(b) for which a recreation passport fee was paid during the
5 preceding state fiscal year under rules promulgated under section
6 74120(3).

7 (d) Multiply the result under subdivision (c) by the current
8 amount of the recreation passport fee during the preceding state
9 fiscal year.

10 (4) The legislature shall annually appropriate from the
11 general fund a sum equal to the amount estimated under subsection
12 (3). The sum appropriated shall be distributed as provided in
13 subsection (1)(d).

14 (5) The department shall submit a report to the standing
15 committees and appropriations subcommittees of the legislature with
16 jurisdiction over issues pertaining to natural resources and the
17 environment by February 1 each year. The report shall provide
18 information on all of the following for the preceding state fiscal
19 year:

20 (a) The total amount of recreation passport fee revenue
21 received by the department and the amounts allocated under
22 subsection (1).

23 (b) The total amount of annual and daily state park motor
24 vehicle permit fee revenue received by the department under section
25 74117.

26 (c) The total amount of seasonal or daily state-operated
27 public boating access site revenue received by the department under

1 section 78105(3).

2 (d) Details on the specific uses of the revenue described in
3 subdivisions (a), (b), and (c) and the amounts expended for each
4 specific use.

5 (e) The amount of revenue received during the preceding state
6 fiscal year under subsection (4).

7 (f) The adequacy of the revenue described in subdivisions (a)
8 and (e) for each of the purposes for which it is allocated under
9 subsection (1).

10 (g) The impact of the state park revenue stream described in
11 subdivisions (a), (b), and (d) on the Michigan state parks
12 endowment fund created in section 35a of article IX of the state
13 constitution of 1963 and provided for in section 74119.

14 (h) Other relevant issues that affect funding needs for the
15 state park system.

16 (6) By February 1, 2012 and every 2 years thereafter, the
17 department shall submit a report to the standing committees and
18 appropriations subcommittees of the legislature with jurisdiction
19 over issues pertaining to natural resources and the environment.
20 The report shall provide information on how frequently motor
21 vehicles for which the registrant declined to pay the recreation
22 passport fee entered state parks and state-operated public boating
23 access sites designated under section 78105 during the registration
24 period. The information shall be based on random audits conducted
25 by the department. A report under this subsection may be combined
26 with a report required under subsection (5).

27 (7) The department may prepare a list of frequently asked

1 questions and answers concerning the recreation passport fee. The
2 department and the department of state may post the information on
3 their websites. The department of state may provide the information
4 with any applications for registration of motor vehicles that are
5 mailed by the department of state.

6 Sec. 74116. (1) Subject to subsection (4), the operator of a
7 nonresident motor vehicle or commercial motor vehicle shall not
8 enter any state park with that motor vehicle unless a valid motor
9 vehicle park permit issued under section 74117 is affixed to the
10 lower right-hand corner of the windshield. An annual motor vehicle
11 park permit for a nonresident motor vehicle shall be affixed
12 permanently for that year. The department shall post signs at parks
13 that state that a motor vehicle park permit is required for entry
14 by a nonresident motor vehicle or commercial motor vehicle.

15 (2) Subject to subsection (4), the operator of a resident
16 motor vehicle shall not enter a state park with the resident motor
17 vehicle unless the recreation passport fee has been paid for that
18 motor vehicle. Payment of the recreation passport fee authorizes
19 entry into all state parks and recreation areas and designated
20 state-operated public boating access sites until expiration of the
21 motor vehicle registration.

22 (3) Subject to subsection (4), if the secretary of state
23 issues registration tabs or stickers as described in section 805 of
24 the Michigan vehicle code, 1949 PA 300, MCL 257.805, the operator
25 of a resident motor vehicle shall not enter a state park with the
26 resident motor vehicle unless the resident motor vehicle has a
27 registration tab or sticker marked as provided under that section

1 to show that the recreation passport fee has been paid **FOR THAT**
2 **MOTOR VEHICLE.**

3 (4) Subsections (1) to (3) do not apply under any of the
4 following circumstances:

5 (a) While the motor vehicle is being driven or parked within
6 an established federal ~~, OR state , or county~~ highway **OR COUNTY**
7 **ROAD** within a state park.

8 (b) If the motor vehicle is used in the operation or
9 maintenance of a state park, is an emergency motor vehicle, is a
10 state owned or law enforcement motor vehicle, or is a private motor
11 vehicle being operated on official state business.

12 (c) If the motor vehicle is registered under section 803e(1)
13 of the Michigan vehicle code, 1949 PA 300, MCL 257.803e, and is
14 exempt under section 803e(6) of the Michigan vehicle code, 1949 PA
15 300, MCL 257.803e, from the registration tax, or if the motor
16 vehicle is registered ~~under~~ **AS DESCRIBED IN** section 217d or 803f of
17 the Michigan vehicle code, 1949 PA 300, MCL 257.217d and 257.803f.

18 (d) At a state-operated public boating access site or a state
19 park where there is an opportunity to fish on a day that the
20 department has designated as a free winter fishing day or a free
21 fishing day under section 43534.

22 (e) If and to the extent that the department waives the
23 requirements for department-sponsored events or other circumstances
24 as determined by the director or the director's designee.

25 Sec. 78119. (1) Subject to subsection (4), a person shall not
26 enter, in a nonresident motor vehicle or commercial motor vehicle,
27 a state-operated public boating access site designated under

1 section 78105(2) without a valid pass affixed to the lower right-
2 hand corner of the windshield. A seasonal pass shall be affixed
3 permanently for the season.

4 (2) Subject to subsection (4), the operator of a resident
5 motor vehicle shall not enter a state-operated public boating
6 access site designated under section 78105(2) with the resident
7 motor vehicle unless the recreation passport fee has been paid for
8 that motor vehicle. Payment of the recreation passport fee
9 authorizes entry into all state parks and recreation areas and
10 designated state-operated public boating access sites until
11 expiration of the motor vehicle registration.

12 (3) Subject to subsection (4), if the secretary of state
13 issues registration tabs or stickers as described in section 805 of
14 the Michigan vehicle code, 1949 PA 300, MCL 257.805, the operator
15 of a resident motor vehicle shall not enter a designated state-
16 operated public boating access site with the resident motor vehicle
17 unless the resident motor vehicle has a registration tab or sticker
18 marked as provided under that section to show that the recreation
19 passport fee has been paid **FOR THAT MOTOR VEHICLE**.

20 (4) Subsections (1) to (3) do not apply under any of the
21 following circumstances:

22 (a) If the motor vehicle is used in the operation or
23 maintenance of the public boating access site, is an emergency
24 motor vehicle, is a state-owned or law enforcement motor vehicle,
25 or is a private motor vehicle being operated on official state
26 business.

27 (b) If the motor vehicle is registered under section 803e(1)

1 of the Michigan vehicle code, 1949 PA 300, MCL 257.803e, and is
2 exempt under section 803e(6) of the Michigan vehicle code, 1949 PA
3 300, MCL 257.803e, from the registration tax, or if the motor
4 vehicle is registered ~~under~~ **AS DESCRIBED IN** section 217d or 803f of
5 the Michigan vehicle code, 1949 PA 300, MCL 257.217d and 257.803f.

6 (c) If and to the extent the department waives the
7 requirements for department-sponsored events or other circumstances
8 as determined by the director or the director's designee.

9 (5) A person who violates subsection (1), (2), or (3) is
10 responsible for a state civil infraction and may be ordered to pay
11 a civil fine of not more than \$100.00. A person shall not be cited
12 for a violation of both subsections (2) and (3) for the same
13 incident.

14 (6) In any proceeding for the violation of this part or a rule
15 promulgated under this part, if a motor vehicle is found parked in
16 a designated state-operated public boating access site, the
17 registration plate displayed on the motor vehicle constitutes prima
18 facie evidence that the owner of the motor vehicle was the person
19 who parked or placed it at the location where it was found.

20 Enacting section 1. This amendatory act takes effect February
21 19, 2019.

22 Enacting section 2. This amendatory act does not take effect
23 unless Senate Bill No. 1258 of the 99th Legislature is enacted into
24 law.