

HOUSE BILL No. 4192

February 7, 1991, Introduced by Rep. Alley and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend the title and sections 1, 3, 10, and 15 of Act No. 149 of the Public Acts of 1960, entitled

"An act to authorize the state conservation commission to acquire land and undertake an improvement program at certain state parks; to provide for financing through the issuance of revenue bonds; to provide the terms, conditions and limitations on such bonds; to prescribe the powers and duties of certain state officers; to authorize the imposition of certain charges and fees for the payment and security of such bonds and for other purposes; to authorize the refunding of such bonds; and to prescribe penalties for violations of this act,"

sections 3 and 10 as amended by Act No. 177 of the Public Acts of 1989, being sections 318.301, 318.303, 318.310, and 318.315 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1, 3, 10, and 15 of Act
2 No. 149 of the Public Acts of 1960, sections 3 and 10 as amended
3 by Act No. 177 of the Public Acts of 1989, being sections

1 318.301, 318.303, 318.310, and 318.315 of the Michigan Compiled
2 Laws, are amended to read as follows:

3 TITLE

4 An act to authorize the ~~state conservation~~ commission OF
5 CONSERVATION AND RECREATION to acquire land and undertake an
6 improvement program at certain state parks; to provide for
7 financing through the issuance of revenue bonds; to provide the
8 terms, conditions and limitations on such bonds; to prescribe the
9 powers and duties of certain state officers; to authorize the
10 imposition of certain charges and fees for the payment and secur-
11 ity of such bonds and for other purposes; to authorize the
12 refunding of such bonds; and to prescribe penalties for viola-
13 tions of this act.

14 Sec. 1. (1) As used in this act:

15 (A) "COMMISSION" MEANS THE COMMISSION OF CONSERVATION AND
16 RECREATION, EXCEPT AS OTHERWISE PROVIDED IN THIS ACT.

17 (B) ~~(a)~~ "Department" means the department of natural
18 resources.

19 (C) ~~(b)~~ "Improvement program" means the construction,
20 reconstruction, development, improvement, bettering, operating,
21 maintaining, and extending a facility in the Michigan state park
22 system, including a site improvement, impoundment, road and park-
23 ing, toilet building, concession building, shelter building,
24 bathhouse, utility, outdoor center, ski area, ski tow, ski shel-
25 ter, and administration unit.

26 (D) ~~(c)~~ "State park" means a state park or state
27 recreation area designated by the department, but does not

1 include a state forest campground, state game area, or state
2 public fishing access site.

3 (2) The department may acquire land and undertake an
4 improvement program for state parks under its jurisdiction, pur-
5 suant to the powers, rights, and privileges conferred by this
6 act, but land acquisition or an improvement program shall not be
7 undertaken until approved by the legislature in the annual capi-
8 tal outlay appropriation act.

9 Sec. 3. A resolution adopted by the commission ~~of natural~~
10 ~~resources~~ authorizing the issuance of bonds shall contain all of
11 the following:

12 (a) A description in reasonable detail of the land to be
13 acquired and the improvement program as approved by the legisla-
14 ture, for which the bonds are to be issued.

15 (b) The bond maturities, the maximum rate of interest, the
16 form of the bonds, which may be either coupon bonds registered as
17 to principal only or bonds registered as to both principal and
18 interest, the terms of redemption before maturity with or without
19 premium, the manner in which the bonds and the interest coupons
20 shall be executed, and other terms and conditions as shall be
21 necessary in connection with the bonds and the security for the
22 bonds. The premium on a redemption before maturity shall not
23 exceed 3% of the par value.

24 (c) A provision that the state park revenues shall be
25 pledged for the payment of the bonds. However, the pledge of
26 state park revenues shall be on a parity with pledges of the
27 revenues previously or subsequently made by the commission

1 pursuant to any other resolution¹ authorizing the issuance of
2 bonds under this act and the resolution shall state that the
3 pledge complies with this subdivision.

4 (d) A listing by the commission of the state parks or por-
5 tions of state parks previously posted or to be posted within a
6 time specified in the resolution and in accordance with section
7 9.

8 (e) A covenant that the park permit fees provided in section
9 10 shall be revised from time to time within the limits permitted
10 by law when necessary to insure that the revenues to be derived
11 from the fees shall be sufficient to pay the principal of and
12 interest on bonds issued pursuant to this act and other obliga-
13 tions of the commission in connection with the issuance of
14 bonds.

15 (f) A provision requiring the fiscal agent to set aside
16 money from the state park revenue bond receiving fund into a fund
17 to be designated as the state park revenue bond and interest
18 redemption fund in a sum proportionately sufficient to provide
19 for the payment of the principal of and interest upon all bonds
20 payable from the fund as and when the principal and interest
21 becomes due and payable in the manner prescribed by the
22 commission. In addition the resolution shall authorize the com-
23 mission to provide that a reasonable excess amount may be set
24 aside by the fiscal agent from time to time as directed by the
25 commission in the state park revenue bond and interest redemption
26 fund to produce and provide a reserve to meet a possible future
27 deficiency in the fund. The resolution shall further provide

1 that out of the revenues remaining each quarter, after having
2 first met the requirements of the state park revenue bond and
3 interest redemption fund, including the reserve for the fund, the
4 commission may by direction to the fiscal agent next set aside
5 additional money in the state park revenue bond and interest
6 redemption fund for the purpose of calling bonds for redemption,
7 subject to approval by the state administrative board. The reso-
8 lution shall also contain a provision for the investment of funds
9 held by the fiscal agent.

10 (g) A provision that money on deposit in the state park rev-
11 enue bond receiving fund after setting aside the amounts in the
12 state park revenue bond and interest redemption fund shall be
13 considered to be surplus money, and to the extent in excess of a
14 constant balance of \$100,000.00, shall be deposited quarterly by
15 the fiscal agent upon the order of the commission in the state
16 treasury in a special fund to be designated as the state park
17 improvement fund. This special fund shall be subject to appro-
18 priation by the legislature for the improvement, operation, and
19 maintenance of state parks and recreation areas and for no other
20 purpose. Not less than \$10.00 of each annual permit and not less
21 than \$2.00 of each daily permit projected to be sold in a fiscal
22 year may be appropriated for the maintenance and operation of
23 state parks and recreation areas in that fiscal year.

24 (h) The terms and conditions under which additional bonds
25 payable from the state park revenues of equal standing with a
26 prior issue of bonds may be issued.

1 (i) A provision for deposit and expenditure of the proceeds
2 of sale of the bonds and for investment of the proceeds of sale
3 of the bonds and of other funds of the commission relating to
4 bonds authorized by this act.

5 (j) A provision that in the event of a default in the pay-
6 ment of principal of or interest on the bonds, or in the per-
7 formance of an agreement or covenant contained in the resolution,
8 the holders of a specified percentage of the outstanding bonds
9 may institute 1 or more of the following for the equal benefit of
10 the holders of all of the bonds:

11 (i) An action of mandamus or any other suit, action, or pro-
12 ceeding to enforce the rights of the holders of the bonds.

13 (ii) An action upon the defaulted bonds or coupons.

14 (iii) Any other action as may be provided by law.

15 Sec. 10. (1) The commission may require park permits and
16 impose and collect park permit fees for entry into a state park
17 or portion of a state park posted in the manner prescribed by
18 this act. The commission shall prepare and distribute suitable
19 park permits to carry out this act.

20 (2) Except as otherwise provided in this section, an annual
21 park permit shall be issued and shall authorize the entry of the
22 motor vehicle to which it is originally attached within the con-
23 fines of any state park or recreation area during the calendar
24 year in which issued. The fee for the annual park permit shall
25 be \$15.00 in 1990, 1991, and 1992, \$18.00 in 1993 and 1994, and
26 \$20.00 in 1995 and thereafter, except that an owner of a resident
27 motor vehicle, who is 65 years of age or older, shall be issued a

1 special annual park permit for 1/4 the amount of the annual park
2 permit.

3 (3) A daily park permit, valid for 1 day only, shall be
4 issued for a fee to be fixed by the commission, but in an amount
5 not to exceed \$4.00 for resident motor vehicles and \$6.00 for
6 nonresident motor vehicles. The fee for nonresident motor vehi-
7 cles may be \$4.00 in all parks except where nonresident day use
8 is extremely high. The commission shall identify parks where
9 nonresident day use is extremely high and set the nonresident fee
10 at \$6.00. The daily permit shall authorize the entry of the
11 motor vehicle to which it is originally attached within the con-
12 fines of a state park during the day in which issued.

13 (4) A resident motor vehicle is a vehicle that is registered
14 as a motor vehicle in this state.

15 (5) This act shall apply only to the entry of motor vehicles
16 into the state parks and to the park permits authorized in this
17 act and shall not obviate the necessity of obtaining additional
18 permits for special services or park privileges as previously or
19 subsequently may be required by law or by rules promulgated by
20 the commission. The director of the department of natural
21 resources shall designate each person, partnership, or corpora-
22 tion in the state authorized to sell park permits and shall
23 require as a condition of the designation that a surety bond be
24 furnished in an amount and in a form and with the surety as shall
25 be acceptable to the director. A person, partnership, or corpo-
26 ration so designated by the director of the department of natural

1 resources after being designated may issue park permits in
2 accordance with this act.

3 (6) Commercial motor coaches or vans are not eligible to
4 enter a state park with an annual park permit. The commission
5 ~~of natural resources~~ may establish a daily fee not to exceed
6 \$15.00 to allow commercial motor coaches or vans with a capacity
7 of over 12 passengers daily entry into a state park.

8 (7) The department of natural resources may add to the cost
9 of a reservation or for payment for a motor vehicle entrance or
10 camping fee the charges that the state incurs because of the use
11 of a credit card.

12 Sec. 15. This act and the powers and authority ~~hereby~~
13 granted IN THIS ACT shall be ~~deemed~~ CONSIDERED cumulative and
14 confirmatory of any power ~~heretofore~~ PREVIOUSLY granted to the
15 ~~conservation~~ commission, and the powers ~~herein~~ granted IN
16 THIS ACT may be exercised without reference to the provisions of
17 any other act except as otherwise provided ~~herein~~ IN THIS ACT.

18 Section 2. This amendatory act shall not take effect unless
19 all of the following bills of the 86th Legislature are enacted
20 into law:

21 (a) Senate Bill No. _____ or House Bill No. 4177 (request
22 no. 00827'91).

23 (b) Senate Bill No. _____ or House Bill No. 4173 (request
24 no. 00827'91a).