

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5870

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 301, 502, 503, 1604, 1609, 1902, 12115,
40114, 40119, 41711, 42506, 42712, 43504, 43546, 43553, 43556,
43557, 43701, 43702, 43703, 43901, 43902, 43903, 44104, 44105,
44501, 44511, 44518, 45705, 45907, 47303, 47332, 48737, 48740,
64108, 71101, 71106, 71108, 74101, 74108, 74114, 74122, 78101,
78105, 78110, 78111, 78115, 78503, 79114, 80104, 80115, 80118,
80119, 81101, 81110, 81117, 81119, 81130, 81147, 82101, 82102a,
82106, 82109, 82110, 82111, 82118, 83101, 83103, 83104, and 83106
(MCL 324.301, 324.502, 324.503, 324.1604, 324.1609, 324.1902,
324.12115, 324.40114, 324.40119, 324.41711, 324.42506, 324.42712,
324.43504, 324.43546, 324.43553, 324.43556, 324.43557, 324.43701,
324.43702, 324.43703, 324.43901, 324.43902, 324.43903, 324.44104,
324.44105, 324.44501, 324.44511, 324.44518, 324.45705, 324.45907,

324.47303, 324.47332, 324.48737, 324.48740, 324.64108, 324.71101, 324.71106, 324.71108, 324.74101, 324.74108, 324.74114, 324.74122, 324.78101, 324.78105, 324.78110, 324.78111, 324.78115, 324.78503, 324.79114, 324.80104, 324.80115, 324.80118, 324.80119, 324.81101, 324.81110, 324.81117, 324.81119, 324.81130, 324.81147, 324.82101, 324.82102a, 324.82106, 324.82109, 324.82110, 324.82111, 324.82118, 324.83101, 324.83103, 324.83104, and 324.83106), section 502 as amended by 2002 PA 148, section 503 as amended by 1998 PA 419, sections 1604 and 1609 as added by 1995 PA 60, section 1902 as amended by 2002 PA 52, sections 40114, 40119, 41711, 42712, 43504, 43557, 43901, 43903, 44104, 44105, 44501, 44511, 44518, 45705, 45907, 47303, 47332, 48737, 48740, and 64108 as added by 1995 PA 57, section 42506 as amended by 2002 PA 356, sections 43546, 43553, and 43556 as amended by 1996 PA 585, sections 43701, 43702, and 43703 as amended by 2001 PA 50, section 43902 as amended by 2002 PA 55, sections 71101, 71106, 71108, 74108, 74114, 74122, 78105, 78111, 78503, 79114, 80118, 80119, 81110, 81119, 82102a, and 82111 as added by 1995 PA 58, section 74101 as amended by 2004 PA 392, section 78101 as amended by 1998 PA 210, sections 78110 and 78115 as amended by 2003 PA 19, section 80104 as amended by 1997 PA 102, section 80115 as amended by 2003 PA 292, sections 81101, 81117, and 81130 as amended by 2003 PA 111, section 81147 as amended by 1996 PA 175, sections 82101, 82106, and 82109 as amended by 2003 PA 230, section 82110 as amended by 2001 PA 16, section 82118 as amended by 2001 PA 15, and sections 83101, 83103, 83104, and 83106 as added by 1998 PA 418, and by amending the headings to parts 437,

439, and 711 and by adding part 20; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 301. Except as otherwise defined in this act, as used
2 in this act:

3 (a) "Commission" means the commission of natural resources.

4 (b) "Department" means the director of the department of
5 natural resources or his or her designee to whom the director
6 delegates a power or duty by written instrument.

7 (c) "Department of natural resources" means the principal
8 state department created in section 501.

9 (d) "Director" means the director of the department of
10 natural resources.

11 (e) "Local unit of government" means a municipality or
12 county.

13 (f) **"Michigan conservation and recreation legacy fund" means**
14 **the Michigan conservation and recreation legacy fund established**
15 **in section 40 of article IX of the state constitution of 1963 and**
16 **provided for in section 2002.**

17 (g) ~~—(f)—~~ "Municipality" means a city, village, or township.

18 (h) ~~—(g)—~~ "Person" means an individual, partnership,
19 corporation, association, governmental entity, or other legal
20 entity.

21 (i) ~~—(h)—~~ "Public domain" means all land owned by the state
22 or land deeded to the state under state law.

23 (j) ~~—(i)—~~ "Rule" means a rule promulgated pursuant to the
24 administrative procedures act of 1969, ~~Act No. 306 of the Public~~

1 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~
2 ~~Compiled Laws 1969 PA 306, MCL 24.201 to 24.328.~~

3 Sec. 502. (1) The commission may promulgate rules, not
4 inconsistent with law, governing its organization and procedure.

5 (2) The department may do 1 or more of the following:

6 (a) Promulgate and enforce reasonable rules concerning the
7 use and occupancy of lands and property under its control in
8 accordance with section 504.

9 (b) Provide and develop facilities for outdoor recreation.

10 (c) Conduct investigations it considers necessary for the
11 proper administration of this part.

12 (d) Remove and dispose of forest products as required for the
13 protection, reforestation, and proper development and
14 conservation of the lands and property under the control of the
15 department.

16 (e) Require the payment of a fee as provided by law for a
17 daily permit or other authorization that allows the person to
18 hunt and take waterfowl on a public hunting area managed and
19 developed for waterfowl.

20 (3) Except as provided in subsection (4), the department may
21 enter into contracts for the taking of coal, oil, gas, and other
22 mineral products from state owned lands, upon a royalty basis or
23 upon another basis, and upon the terms the department considers
24 just and equitable subject to section 502a. This contract power
25 includes authorization to enter into contracts for the storage of
26 gas or other mineral products in or upon state owned lands, if
27 the consent of the state agency having jurisdiction and control

1 of the state owned land is first obtained. A contract permitted
2 under this section for the taking of coal, oil, gas, or metallic
3 mineral products, or for the storage of gas or other mineral
4 products, is not valid unless the contract is approved by the
5 state administrative board. Money received from a contract for
6 the storage of gas or other mineral products in or upon state
7 lands shall be transmitted to the state treasurer for deposit in
8 the general fund of the state to be used for the purpose of
9 defraying the expenses incurred in the administration of this act
10 and other purposes provided by law. Other money received from a
11 contract permitted under this subsection, except money received
12 from lands acquired with money from the **former** game and fish
13 protection fund ~~created in section 43553~~ **or the game and fish**
14 **protection account of the Michigan conservation and recreation**
15 **legacy fund provided for in section 2010**, shall be transmitted to
16 the state treasurer for deposit in the Michigan natural resources
17 trust fund created in section 35 of article IX of the state
18 constitution of 1963 and provided for in part 19. However, the
19 money received from the payment of service charges by a person
20 using areas managed for waterfowl shall be credited to the game
21 and fish protection ~~fund~~ **account of the Michigan conservation**
22 **and recreation legacy fund provided for in section 2010** and used
23 only for the purposes provided by law. Money received from
24 bonuses, rentals, delayed rentals, royalties, and the direct sale
25 of resources, including forest resources, from lands acquired
26 with money from the **former** game and fish protection fund **or the**
27 **game and fish protection account of the Michigan conservation and**

1 recreation legacy fund provided for in section 2010 shall be
2 credited to the **Michigan** game and fish protection trust fund
3 ~~created in section 43702~~ **established in section 41 of article**
4 **IX of the state constitution of 1963 and provided for in part**
5 **437**, except as otherwise provided by law.

6 (4) The department shall not enter into a contract that
7 allows drilling operations beneath the lake bottomlands of the
8 Great Lakes, the connected bays or harbors of the Great Lakes, or
9 the connecting waterways as defined in section 32301, for the
10 exploration or production of oil or gas.

11 (5) This section does not permit a contract for the taking of
12 gravel, sand, coal, oil, gas, or other metallic mineral products
13 that does not comply with applicable local ordinances and state
14 law.

15 Sec. 503. (1) The department shall protect and conserve the
16 natural resources of this state; provide and develop facilities
17 for outdoor recreation; prevent the destruction of timber and
18 other forest growth by fire or otherwise; promote the reforestation
19 of ~~forest lands~~ **forestlands** belonging to the state; prevent and
20 guard against the pollution of lakes and streams within the state
21 and enforce all laws provided for that purpose with all authority
22 granted by law; and foster and encourage the protecting and
23 propagation of game and fish. The department has the power and
24 jurisdiction over the management, control, and disposition of all
25 land under the public domain, except for those lands under the
26 public domain that are managed by other state agencies to carry
27 out their assigned duties and responsibilities. On behalf of the

1 people of the state, the department may accept gifts and grants
2 of land and other property and may buy, sell, exchange, or
3 condemn land and other property, for any of the purposes
4 contemplated by this part. The department may accept funds,
5 money, or grants for development of salmon and steelhead trout
6 fishing in this state from the government of the United States,
7 or any of its departments or agencies, pursuant to the anadromous
8 fish conservation act, ~~Public Law 89-304, 16 U.S.C.~~ **USC** 757a
9 to 757f, and may use this money in accordance with the terms and
10 provisions of that act. However, the acceptance and use of
11 federal funds does not commit state funds and does not place an
12 obligation upon the legislature to continue the purposes for
13 which the funds are made available.

14 (2) The department may lease lands owned or controlled by the
15 department or may grant concessions on lands owned or controlled
16 by the department to any person for any purpose that the
17 department determines to be necessary to implement this part. In
18 granting a concession, the department shall provide that each
19 concession is awarded at least every 7 years based on extension,
20 renegotiation, or competitive bidding. However, if the
21 department determines that a concession requires a capital
22 investment in which reasonable financing or amortization
23 necessitates a longer term, the department may grant a concession
24 for up to a 15-year term. A concession granted under this
25 subsection shall require, unless the department authorizes
26 otherwise, that all buildings and equipment shall be removed at
27 the end of the concession's term. Any lease entered into under

1 this subsection shall limit the purposes for which the leased
 2 land is to be used and shall authorize the department to
 3 terminate the lease upon a finding that the land is being used
 4 for purposes other than those permitted in the lease. Unless
 5 otherwise provided by law, money received from a lease or a
 6 concession of tax reverted land shall be credited to the fund
 7 providing financial support for the management of the leased
 8 land. Money received from a lease of all other land shall be
 9 credited to the fund from which the land was purchased. However,
 10 money received from program-related leases on these lands shall
 11 be credited to the fund providing financial support for the
 12 management of the leased lands. For land managed by the forest
 13 management division of the department, ~~of natural resources,~~
 14 that fund is either the forest development fund established
 15 pursuant to part 505 or the forest recreation ~~fund created in~~
 16 ~~part 831-~~ **account of the Michigan conservation and recreation**
 17 **legacy fund provided for in section 2005.** For land managed by
 18 the wildlife or fisheries division of the department, ~~of natural~~
 19 ~~resources,~~ that fund is the game and fish protection ~~fund~~
 20 ~~created in part 435-~~ **account of the Michigan conservation and**
 21 **recreation legacy fund provided for in section 2010.**

22 (3) When the department sells land, the deed by which the
 23 land is conveyed may reserve all mineral, coal, oil, and gas
 24 rights to the state only when the land is in production or is
 25 leased or permitted for production, or when the department
 26 determines that the land has unusual or sensitive environmental
 27 features or that it is in the best interest of this state to

1 reserve those rights as determined by commission policy.
2 However, the department shall not reserve the rights to sand,
3 gravel, clay, or other nonmetallic minerals. When the department
4 sells land that contains subsurface rights, the department shall
5 include a deed restriction that restricts the subsurface rights
6 from being severed from the surface rights in the future. If the
7 landowner severs the subsurface rights from the surface rights,
8 the subsurface rights revert to this state. The deed may reserve
9 to the state the right of ingress and egress over and across land
10 along watercourses and streams. Whenever an exchange of land is
11 made, either with the United States government, a corporation, or
12 an individual, for the purpose of consolidating the state forest
13 reserves, the department may issue deeds without reserving to the
14 state the mineral, coal, oil, and gas rights and the rights of
15 ingress and egress. The department may sell the limestone, sand,
16 gravel, or other nonmetallic minerals. However, the department
17 shall not sell a mineral or nonmetallic mineral right if the sale
18 would violate part 353, part 637, or any other provision of law.
19 The department may sell all reserved mineral, coal, oil, and gas
20 rights to such lands upon terms and conditions as the department
21 considers proper and may sell oil and gas rights as provided in
22 part 610. The owner of such lands as shown by the records shall
23 be given priority in case the department authorizes any sale of
24 such lands, and, unless the landowner waives such rights, the
25 department shall not sell such rights to any other person. For
26 the purpose of this section, mineral rights do not include rights
27 to sand, gravel, clay, or other nonmetallic minerals.

1 (4) The department may enter into contracts for the sale of
2 the economic share of royalty interests it holds in hydrocarbons
3 produced from devonian or antrim shale qualifying for the
4 nonconventional fuel credit contained in section 29 of the
5 internal revenue code of 1986. However, in entering into these
6 contracts, the department shall assure that revenues to the
7 natural resources trust fund under these contracts are not less
8 than the revenues the natural resources trust fund would have
9 received if the contracts were not entered into. The sale of the
10 economic share of royalty interests under this subsection may
11 occur under contractual terms and conditions considered
12 appropriate by the department and as approved by the state
13 administrative board. Funds received from the sale of the
14 economic share of royalty interests under this subsection shall
15 be transmitted to the state treasurer for deposit in the state
16 treasury as follows:

17 (a) Net proceeds allocable to the nonconventional fuel credit
18 contained in section 29 of the internal revenue code of 1986,
19 under this subsection shall be credited to the environmental
20 protection fund created in section 503a.

21 (b) Proceeds related to the production of oil or gas from
22 devonian or antrim shale shall be credited to the natural
23 resources trust fund or other applicable fund as provided by
24 law.

25 (5) As used in subsection (4):

26 (a) "Natural resources trust fund" means the Michigan natural
27 resources trust fund established in section 35 of article IX of

1 the state constitution of 1963 and provided for in section 1902.

2 (b) "Net proceeds" means the total receipts received from the
3 sale of royalty interests under subsection (4) less costs related
4 to the sale. Costs may include, but are not limited to, legal,
5 financial advisory, geological or reserve studies, and accounting
6 services.

7 (6) As used in this section:

8 (a) "Concession" means an agreement between the department
9 and a person under terms and conditions as specified by the
10 department to provide services or recreational opportunities for
11 public use.

12 (b) "Lease" means a conveyance by the department to a person
13 of a portion of the state's interest in land under specific terms
14 and for valuable consideration, thereby granting to the lessee
15 the possession of that portion conveyed during the period
16 stipulated.

17 Sec. 1604. (1) The officer seizing the property shall file
18 a verified complaint in the court having jurisdiction and venue
19 over the seizure of the property pursuant to section 1603. The
20 complaint shall set forth the kind of property seized, the time
21 and place of the seizure, the reasons for the seizure, and a
22 demand for the property's condemnation and confiscation. Upon
23 the filing of the complaint, an order shall be issued requiring
24 the owner to show cause why the property should not be
25 confiscated. The substance of the complaint shall be stated in
26 the order. The order to show cause shall fix the time for
27 service of the order and for the hearing on the proposed

1 condemnation and confiscation.

2 (2) The order to show cause shall be served on the owner of
3 the property as soon as possible, but not less than 7 days before
4 the complaint is to be heard. The court, for cause shown, may
5 hear the complaint on shorter notice. If the owner is not known
6 or cannot be found, notice may be served in 1 or more of the
7 following ways:

8 (a) By posting a copy of the order in 3 public places for 3
9 consecutive weeks in the county in which the seizure was made and
10 by sending a copy of the order by registered mail to the last
11 known address of the owner. If the last known address of the
12 owner is not known, mailing a copy of the order is not required.

13 (b) By publishing a copy of the order in a newspaper once
14 each week for 3 consecutive weeks in the county where the seizure
15 was made and by sending a copy of the order by registered mail to
16 the last known address of the owner. If the last known address
17 of the owner is not known, mailing a copy of the order is not
18 required.

19 (c) In such a manner as the court directs.

20 (3) Upon the hearing of the complaint, if the court
21 determines that the property mentioned in the petition was
22 caught, killed, possessed, shipped, or used contrary to law,
23 either by the owner or by a person lawfully in possession of the
24 property under an agreement with the owner, an order may be made
25 condemning and confiscating the property and directing its sale
26 or other disposal by the department, the proceeds from which
27 shall be paid into the state treasury and credited to the game

1 and fish protection ~~fund created in part 435~~ **account of the**
2 **Michigan conservation and recreation legacy fund provided for in**
3 **section 2010.** If the owner or person lawfully in possession of
4 the property seized signs a property release, a court proceeding
5 is not necessary. At the hearing, if the court determines that
6 the property was not caught, killed, possessed, shipped, or used
7 contrary to law, the court shall order the department to return
8 the property immediately to its owner.

9 Sec. 1609. In all prosecutions for violation of the law for
10 the protection of game and fish, the sentencing court shall
11 assess, as costs, the sum of \$10.00, to be known as the judgment
12 fee. When collected, the judgment fee shall be paid into the
13 state treasury to the credit of the game and fish protection
14 ~~fund created in part 435~~ **account of the Michigan conservation**
15 **and recreation legacy fund provided for in section 2010.**

16 Sec. 1902. (1) In accordance with section 35 of article IX
17 of the state constitution of 1963, the Michigan natural resources
18 trust fund is established in the state treasury. The trust fund
19 shall consist of all bonuses, rentals, delayed rentals, and
20 royalties collected or reserved by the state under provisions of
21 leases for the extraction of nonrenewable resources from state
22 owned lands. However, the trust fund shall not include bonuses,
23 rentals, delayed rentals, and royalties collected or reserved by
24 the state from the following sources:

25 (a) State owned lands acquired with money appropriated from
26 the **former** game and fish protection fund ~~created in part 435~~ **or**
27 **the game and fish protection account of the Michigan conservation**

1 and recreation legacy fund provided for in section 2010.

2 (b) State owned lands acquired with money appropriated from
3 the subfund account created by former section 4 of former 1976 PA
4 204.

5 (c) State owned lands acquired with money appropriated from
6 related federal funds made available to the state under ~~chapter~~
7 ~~899, 50 Stat. 917, 16 U.S.C. USC 669 to 669b and 669c to~~
8 669i, commonly known as the federal aid in wildlife restoration
9 act, or ~~chapter 658, 64 Stat. 430, 16 U.S.C. USC 777 to~~
10 ~~777e, 777f to 777i, and 777k to 777l~~, commonly known as the
11 federal aid in fish restoration act.

12 (d) Money received by the state from net proceeds allocable
13 to the nonconventional fuel credit contained in section 29 of the
14 internal revenue code of 1986, 26 ~~U.S.C. USC~~ 29, as provided
15 for in section 503.

16 (2) Notwithstanding subsection (1), until the trust fund
17 reaches an accumulated principal of \$500,000,000.00,
18 \$10,000,000.00 of the revenues from bonuses, rentals, delayed
19 rentals, and royalties described in this section, but not
20 including money received by the state from net proceeds allocable
21 to the nonconventional fuel credit contained in section 29 of the
22 internal revenue code of 1986, 26 ~~U.S.C. USC~~ 29, as provided
23 for in section 503, otherwise dedicated to the trust fund that
24 are received by the trust fund each state fiscal year shall be
25 transferred to the state treasurer for deposit into the Michigan
26 state parks endowment fund. ~~created in section 74119.~~ However,
27 until the trust fund reaches an accumulated principal of

1 \$500,000,000.00, in any state fiscal year, not more than 50% of
2 the total revenues from bonuses, rentals, delayed rentals, and
3 royalties described in this section, but not including net
4 proceeds allocable to the nonconventional fuel credit contained
5 in section 29 of the internal revenue code of 1986, 26 ~~U.S.C.~~
6 **USC** 29, as provided in section 503, otherwise dedicated to the
7 trust fund that are received by the trust fund each state fiscal
8 year shall be transferred to the Michigan state parks endowment
9 fund. To implement this subsection, until the trust fund reaches
10 an accumulated principal of \$500,000,000.00, the department shall
11 transfer 50% of the money received by the trust fund each month
12 pursuant to subsection (1) to the state treasurer for deposit
13 into the Michigan state parks endowment fund. The department
14 shall make this transfer on the last day of each month or as soon
15 as practicable thereafter. However, not more than a total of
16 \$10,000,000.00 shall be transferred in any state fiscal year
17 pursuant to this subsection.

18 (3) In addition to the contents of the trust fund described
19 in subsection (1), the trust fund shall consist of money
20 transferred to the trust fund pursuant to section 1909.

21 (4) The trust fund may receive appropriations, money, or
22 other things of value.

23 (5) The state treasurer shall direct the investment of the
24 trust fund. The state treasurer shall have the same authority to
25 invest the assets of the trust fund as is granted to an
26 investment fiduciary under the public employee retirement system
27 investment act, 1965 PA 314, MCL 38.1132 to 38.1140/.

1 (6) The department shall annually prepare a report containing
2 an accounting of revenues and expenditures from the trust fund.
3 This report shall identify the interest and earnings of the trust
4 fund from the previous year, the investment performance of the
5 trust fund during the previous year, and the total amount of
6 appropriations from the trust fund during the previous year.
7 This report shall be provided to the senate and house of
8 representatives appropriations committees and the standing
9 committees of the senate and house of representatives with
10 jurisdiction over issues pertaining to natural resources and the
11 environment.

12 (7) As used in this section, "Michigan state parks endowment
13 fund" means the Michigan state parks endowment fund established
14 in section 35a of article IX of the state constitution of 1963
15 and provided for in section 74119.

16 PART 20 MICHIGAN CONSERVATION AND RECREATION LEGACY FUND

17 Sec. 2001. As used in this part:

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

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

23 (c) "Legacy fund" means the Michigan conservation and
24 recreation legacy fund established in section 40 of article IX of
25 the state constitution of 1963 and provided for in section 2002.

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

1 (e) "Recreation improvement account" means the recreation
2 improvement account of the legacy fund provided for in section
3 2020.

4 (f) "Snowmobile account" means the snowmobile account of the
5 legacy fund provided for in section 2025.

6 (g) "State park improvement account" means the state park
7 improvement account of the legacy fund provided for in section
8 2030.

9 (h) "Waterways account" means the waterways account of the
10 legacy fund provided for in section 2035.

11 Sec. 2002. (1) In accordance with section 40 of article IX
12 of the state constitution of 1963, the Michigan conservation and
13 recreation legacy fund is established in the state treasury.

14 (2) The state treasurer shall direct the investment of the
15 legacy fund. The state treasurer shall establish within the
16 legacy fund restricted accounts as authorized by this part.
17 Interest and earnings from each account shall be credited to that
18 account. The state treasurer may accept gifts, grants, bequests,
19 or assets from any source for deposit into a particular account
20 or subaccount.

21 Sec. 2005. (1) The forest recreation account is established
22 as an account within the legacy fund.

23 (2) The forest recreation account shall consist of both of
24 the following:

25 (a) All money in the forest recreation fund, formerly created
26 in section 83104, immediately prior to the effective date of the
27 amendatory act that added this section, which money is hereby

1 transferred to the forest recreation account.

2 (b) Revenue from the following sources:

3 (i) Revenue derived from concessions, leases, contracts, and
4 fees from recreational activities on state forestlands.

5 (ii) Other revenues as authorized by law.

6 (3) Money in the forest recreation account shall be expended,
7 upon appropriation, only as provided in part 831 and for the
8 administration of the forest recreation account.

9 (4) Money in the forest recreation account may be expended
10 pursuant to subsection (3) for grants to state colleges and
11 universities to implement programs funded by the forest
12 recreation account.

13 Sec. 2010. (1) The game and fish protection account is
14 established as an account within the legacy fund.

15 (2) The game and fish protection account shall consist of
16 both of the following:

17 (a) All money in the game and fish protection fund, formerly
18 created in section 43553, immediately prior to the effective date
19 of the amendatory act that added this section, which money is
20 hereby transferred to the game and fish protection account.

21 (b) Revenue from the following sources:

22 (i) Revenue derived from hunting and fishing licenses,
23 passbooks, permits, fees, concessions, leases, contracts, and
24 activities.

25 (ii) Damages paid for the illegal taking of game and fish.

26 (iii) Revenue derived from fees, licenses, and permits
27 related to game, game areas, and game fish.

1 (iv) Other revenues as authorized by law.

2 (3) Money in the game and fish protection account shall be
3 expended, upon appropriation, only as provided in part 435 and
4 for the administration of the game and fish protection account,
5 which may include payments in lieu of taxes on state owned land
6 purchased through the game and fish protection account or through
7 the former game and fish protection fund.

8 (4) Money in the game and fish protection account may be
9 expended pursuant to subsection (3) for grants to state colleges
10 and universities to implement programs funded by the game and
11 fish protection account.

12 Sec. 2015. (1) The off-road vehicle account is established
13 as an account within the legacy fund.

14 (2) The off-road vehicle account shall consist of both of the
15 following:

16 (a) All money in the trail improvement fund, formerly created
17 in section 81117, and the safety education fund, formerly created
18 in section 81118, immediately prior to the effective date of the
19 amendatory act that added this section, which money is hereby
20 transferred to the off-road vehicle account.

21 (b) Revenue deriving from either of the following sources:

22 (i) Revenue from fees imposed upon the use or registration of
23 off-road vehicles.

24 (ii) Other revenues as authorized by law.

25 (3) Money in the off-road vehicle account shall be expended,
26 upon appropriation, only as provided in part 811 and for the
27 administration of the off-road vehicle account.

1 (4) Money in the off-road vehicle account may be expended
2 pursuant to subsection (3) for grants to state colleges and
3 universities to implement programs funded by the off-road vehicle
4 account.

5 Sec. 2020. (1) The recreation improvement account is
6 established as an account within the legacy fund.

7 (2) The recreation improvement account shall consist of both
8 of the following:

9 (a) All money in the recreation improvement fund, formerly
10 created in section 71105, immediately prior to the effective date
11 of the amendatory act that added this section, which money is
12 hereby transferred to the recreation improvement account.

13 (b) Revenue from the following sources:

14 (i) Two percent of the gasoline sold in this state for
15 consumption in internal combustion engines.

16 (ii) Other revenues as provided by law.

17 (3) Money in the recreation improvement account shall be used
18 only as provided for in part 711 and for the administration of
19 the recreation improvement account.

20 (4) Money in the recreation improvement account may be
21 expended pursuant to subsection (3) for grants to state colleges
22 and universities to implement programs funded by the recreation
23 improvement account.

24 Sec. 2025. (1) The snowmobile account is established as an
25 account within the legacy fund.

26 (2) The snowmobile account shall consist of both of the
27 following:

1 (a) All money in the recreational snowmobile trail
2 improvement fund, formerly created in section 82110, and the
3 snowmobile registration fee fund, formerly created in section
4 82111, immediately prior to the effective date of the amendatory
5 act that added this section, which money is hereby transferred to
6 the snowmobile account.

7 (b) Revenue deriving from the following sources:

8 (i) Revenue from fees imposed for the registration or use of
9 snowmobiles.

10 (ii) Revenues derived from the use of snowmobile trails.

11 (iii) Transfers from the recreation improvement account.

12 (iv) Other revenues as authorized by law.

13 (3) Money in the snowmobile account shall be expended, upon
14 appropriation, only as provided in part 821 and for the
15 administration of the snowmobile account, which may include
16 payments in lieu of taxes on state owned land purchased through
17 the snowmobile account or the former snowmobile trail improvement
18 fund.

19 (4) Money in the snowmobile account may be expended pursuant
20 to subsection (3) for grants to state colleges and universities
21 to implement programs funded by the snowmobile account.

22 Sec. 2030. (1) The state park improvement account is
23 established as an account within the legacy fund.

24 (2) The state park improvement account shall consist of both
25 of the following:

26 (a) All money in the state park improvement fund, formerly
27 created in section 74108, immediately prior to the effective date

1 of the amendatory act that added this section, which money is
2 hereby transferred to the state park improvement account.

3 (b) Revenue from the following sources:

4 (i) Revenue derived from concessions, leases, contracts,
5 fees, and permits from activities in state parks and recreation
6 areas.

7 (ii) Unless otherwise provided by law, damages paid for
8 illegal activities in state parks and recreation areas.

9 (iii) Other revenues as authorized by law.

10 (3) Money in the state park improvement account shall be
11 expended, upon appropriation, only as provided in part 741 and
12 for the administration of the state park improvement account.

13 (4) Money in the state park improvement account may be
14 expended pursuant to subsection (3) for grants to state colleges
15 and universities to implement programs funded by the state park
16 improvement account.

17 Sec. 2035. (1) The waterways account is established as an
18 account within the legacy fund.

19 (2) The waterways account shall consist of both of the
20 following:

21 (a) All money in the Michigan state waterways fund, formerly
22 created in section 78110, the Michigan harbor development fund,
23 formerly created in section 78110, and the marine safety fund,
24 formerly created in section 80115, immediately prior to the
25 effective date of the amendatory act that added this section,
26 which money is hereby transferred to the waterways account.

27 (b) Revenue from the following sources:

1 (i) All revenue generated from watercraft registration fees
2 assessed on the ownership or operation of watercraft in the
3 state, of which not less than 49% shall be provided for law
4 enforcement and education.

5 (ii) All revenues derived from fees charged for the moorage
6 of watercraft at state-operated mooring facilities.

7 (iii) All revenues derived from fees charged for the use of
8 state-operated public access sites.

9 (iv) Transfers from the recreation improvement account.

10 (v) All tax revenue derived from the sale of diesel fuel in
11 this state that is used to generate power for the operation or
12 propulsion of vessels on the waterways of this state.

13 (vi) Other revenues as authorized by law.

14 (3) Money in the waterways account shall be expended, upon
15 appropriation, only as provided in parts 781, 791, and 801 and
16 for the administration of the waterways account, which may
17 include payments in lieu of taxes on state owned lands purchased
18 through the waterways account or through the former Michigan
19 state waterways fund.

20 Sec. 12115. (1) The attorney general or a person may bring
21 a civil action in a court of competent jurisdiction to recover
22 the full value of the damage done to the natural resources that
23 are damaged or destroyed as a result of a violation of this
24 part. The damages collected under this section shall be
25 deposited in the general fund. However, if the damages result
26 from the impairment or destruction of the fish, wildlife, or
27 other natural resources of the state, the damages shall be

1 deposited in the game and fish protection ~~fund created in~~
2 ~~part 435~~ **account of the Michigan conservation and recreation**
3 **legacy fund provided in section 2010.** The attorney general may,
4 in addition, recover expenses incurred by the department to
5 address and remedy a violation of this part that the department
6 reasonably considered an imminent and substantial threat to the
7 public health, safety, or welfare, or to the environment.

8 (2) The court may award court costs and other expenses of
9 litigation including attorney fees to a party who successfully
10 brings an action pursuant to this section or to a person who
11 successfully defends against an action brought under this section
12 that the court determines is frivolous.

13 Sec. 40114. (1) The department may issue a permit to a
14 person who is unable to walk ~~due to being~~ **because the person is**
15 a paraplegic or an amputee ~~, or being permanently disabled and~~
16 ~~unable to walk because of other~~ **or because of a disease or**
17 **injury that has rendered the person permanently disabled.** A
18 permit issued under this subsection authorizes the person to take
19 game during the open season for that game, including deer of
20 either sex, from or upon a standing vehicle if that person holds
21 a license to take that game issued pursuant to part 435 and
22 complies with all other laws and rules for the taking of game.

23 (2) The department may issue a permit to a person who is
24 permanently disabled and who has full use of only 1 arm and who
25 upon investigation is unable to hold, aim, and shoot a bow. A
26 permit issued under this subsection authorizes the person to take
27 game during the open season for that game with a bow that has

1 been modified so that the bow may be held, aimed, and shot with 1
2 arm, if that person holds a license to take that game issued
3 pursuant to part 435 and complies with all other laws and rules
4 for the taking of game.

5 (3) In addition, the department may issue permits authorizing
6 1 or more of the following:

7 (a) The taking or possession of animals for the purpose of
8 rehabilitating animals.

9 (b) The taking of animals to prevent or control damage and
10 nuisance caused by the animals.

11 (c) The collection, transportation, possession, or
12 disposition of animals and parts of animals for scientific
13 purposes.

14 (d) The public exhibition of animals.

15 (e) Taxidermy.

16 (f) The disposition of accidentally or unlawfully taken or
17 injured animals or animals that are unlawfully possessed.

18 (g) The taking of game with a crossbow by a person who is
19 permanently disabled. ~~as provided in section 40115.~~

20 (4) A permit issued under this section ~~or section 40115~~ may
21 be suspended, revoked, annulled, withdrawn, recalled, canceled,
22 or amended pursuant to the administrative procedures act of 1969,
23 ~~Act No. 306 of the Public Acts of 1969, being sections 24.201 to~~
24 ~~24.328 of the Michigan Compiled Laws~~ **1969 PA 306, MCL 24.201 to**
25 **24.328.** If the holder of a permit is convicted of violating this
26 section, his or her permit or license may be revoked and any
27 animal and the parts of any animal in his or her possession shall

1 be disposed of in a manner approved by the department.

2 (5) ~~Except as otherwise provided in section 40115 for a~~
 3 ~~permit described in subsection (3)(g), all fees~~ **Fees** received
 4 for permits and licenses issued under this section shall be
 5 forwarded by the department to the state treasurer to be credited
 6 to the game and fish protection ~~fund created in part 435~~
 7 **account of the Michigan conservation and recreation legacy fund**
 8 **provided for in section 2010.**

9 Sec. 40119. (1) In addition to the penalties provided for
 10 violating this part or an order issued under this part, and the
 11 penalty provided in section 36507, a person convicted of the
 12 illegal killing, possessing, purchasing, or selling, of game or
 13 protected animals, in whole or in part, shall reimburse the state
 14 for the value of the game or protected animal as follows:

15 (a) Bear, elk, hawk, moose, or any animal that appears on a
 16 list specified in section 36505, \$1,500.00 per animal.

17 (b) Deer, owl, and wild turkey, \$1,000.00 per animal.

18 (c) Other game not listed in subdivision (a) or (b), not
 19 less than \$100.00 or more than \$500.00 per animal.

20 (d) Other protected animals, \$100.00 per animal.

21 (2) The court in which a conviction for a violation ~~of~~
 22 **described in** subsection (1) is obtained shall order the defendant
 23 to forfeit to the state a sum as set forth in subsection (1). If
 24 2 or more defendants are convicted of the illegal killing,
 25 possessing, purchasing, or selling, in whole or in part, of game
 26 or protected animals listed in subsection (1), the forfeiture
 27 prescribed shall be declared against them jointly.

1 (3) If a defendant fails to pay upon conviction the sum
2 ordered by the court to be forfeited, the court shall either
3 impose a sentence and, as a condition of the sentence, require
4 the defendant to satisfy the forfeiture in the amount prescribed
5 and fix the manner and time of payment, or make a written order
6 permitting the defendant to pay the sum to be forfeited in
7 installments at those times and in those amounts that, in the
8 opinion of the court, the defendant is able to pay.

9 (4) If a defendant defaults in payment of the sum forfeited
10 or of an installment, the court on motion of the department or
11 upon its own motion may require the defendant to show cause why
12 the default should not be treated as a civil contempt, and the
13 court may issue a summons or warrant of arrest for his or her
14 appearance. Unless the defendant shows that the default was not
15 due to an intentional refusal to obey the order of the court or
16 to a failure to make a good faith effort to obtain the funds
17 required for the payment, the court shall find that the default
18 constitutes a civil contempt.

19 (5) If it appears that the defendant's default in the
20 payment of the forfeiture does not constitute civil contempt, the
21 court may enter an order allowing the defendant additional time
22 for payment, reducing the amount of the forfeiture or of each
23 installment, or revoking the forfeiture or the unpaid portion of
24 the forfeiture, in whole or in part.

25 (6) A default in the payment of the forfeiture or an
26 installment payment may be collected by any means authorized for
27 the enforcement of a judgment under chapter 60 of the revised

1 judicature act of 1961, ~~Act No. 236 of the Public Acts of 1961,~~
2 ~~being sections 600.6001 to 600.6098 of the Michigan Compiled~~
3 ~~Laws~~ **1961 PA 236, MCL 600.6001 to 600.6098.**

4 (7) A court receiving forfeiture damages shall remit the
5 damages to the county treasurer, who shall deposit the damages
6 with the state treasurer, who shall deposit the damages in the
7 game and fish protection ~~fund created in part 435~~ **account of**
8 **the Michigan conservation and recreation legacy fund provided for**
9 **in section 2010.**

10 Sec. 41711. All money received from the sale of licenses
11 and tags or seals as provided in this part shall be deposited in
12 the state treasury to the credit of the game and fish protection
13 ~~fund created in part 435~~ **account of the Michigan conservation**
14 **and recreation legacy fund provided for in section 2010.**

15 Sec. 42506. All money received from the sale of licenses as
16 provided in this part shall be forwarded to the state treasurer
17 and placed to the credit of the game and fish protection ~~fund~~
18 ~~created in part 435~~ **account of the Michigan conservation and**
19 **recreation legacy fund provided for in section 2010,** and shall be
20 used for the purpose necessary to the protection, propagation,
21 and distribution of game and fur-bearing animals as provided by
22 law.

23 Sec. 42712. All money received from the sale of licenses
24 under this part shall be credited to the game and fish protection
25 ~~fund created in part 435~~ **account of the Michigan conservation**
26 **and recreation legacy fund provided for in section 2010.**

27 Sec. 43504. **As used in this part:**

1 (a) "Game" has the meaning given that term in part 401.

2 (b) "Game and fish protection account" means the game and
3 fish protection account of the Michigan conservation and
4 recreation legacy fund provided for in section 2010.

5 (c) "Wildlife and fisheries" includes any member of the wild
6 animal kingdom, including any mammal, bird, fish, reptile,
7 amphibian, or invertebrate found in this state at any point in
8 its natural life cycle.

9 Sec. 43546. (1) Before June 1 of each year, the department
10 shall determine the total number of senior hunting and fishing
11 licenses issued and the total fees collected the preceding
12 license year. The department shall determine the total fees that
13 would have been collected if those senior citizens had been
14 required to purchase full-price resident hunting and fishing
15 licenses during the preceding license year. From this total, the
16 department shall subtract the fees collected from the sale of
17 senior hunting and fishing licenses during the preceding license
18 year. The difference is the amount that would otherwise be
19 collected.

20 (2) The legislature shall annually appropriate from the
21 general fund a sum equal to the fees that would otherwise be
22 collected as determined pursuant to subsection (1). The sum
23 appropriated shall be credited to the game and fish protection
24 ~~fund~~ account.

25 Sec. 43553. (1) ~~Except as provided in sections 43555 and~~
26 ~~43556, the~~ **The** department shall transmit all money received from
27 the sale of licenses to the state treasurer, together with a

1 statement indicating the amount of money received and the source
2 of the money.

3 (2) ~~The game and fish protection fund is created as a~~
4 ~~separate fund in the department of treasury.~~ Except as provided
5 in **section 43555 and** subsection (5), the state treasurer shall
6 credit the money received from the sale of passbooks and licenses
7 to the game and fish protection ~~fund~~ **account**.

8 (3) Except as provided in sections 43524, 43525, ~~43531,~~ and
9 43554 ~~, and 43556~~ and subsection (4), money credited to the
10 game and fish protection ~~fund~~ **account** shall be paid out by the
11 state treasurer pursuant to the accounting laws of this state for
12 the following purposes:

13 (a) Services rendered by the department, together with the
14 expenses incurred in the enforcement and administration of the
15 ~~game, fish, and fur~~ **wildlife and fisheries** laws of the state,
16 including the necessary equipment and apparatus incident to the
17 operation and enforcement of the ~~game, fish, and fur~~ **wildlife**
18 **and fisheries** laws, and the protection, propagation,
19 distribution, and control of ~~game, fish, birds, fur-bearing~~
20 ~~animals, and other~~ wildlife ~~forms~~ **and fish**.

21 (b) The propagation and liberation of ~~game, fur-bearing~~
22 ~~animals, birds,~~ **wildlife** or fish and for their increase at the
23 time, place, and manner as the department considers advisable.

24 (c) The purchase, lease, and management of lands, together
25 with the necessary equipment for the purpose of propagating and
26 rearing ~~game, fur-bearing animals, birds,~~ **wildlife** or fish, and
27 for establishing and maintaining game refuges, wildlife

1 sanctuaries, and public shooting and fishing grounds.

2 (d) Conducting investigations and compiling and publishing
3 information relative to the propagation, protection, and
4 conservation of wildlife.

5 (e) Delivering lectures, developing cooperation, and carrying
6 on appropriate educational activities relating to the
7 conservation of the wildlife of this state.

8 (4) The department may make direct grants to colleges and
9 universities in this state, out of funds appropriated from the
10 game and fish protection ~~fund~~ **account**, to conduct fish or
11 wildlife research or both fish and wildlife research.

12 (5) The youth hunting and fishing education and outreach fund
13 is created as a separate fund in the department of treasury. The
14 state treasurer shall credit to the youth hunting and fishing
15 education and outreach fund the money received from the sale of
16 small game licenses and all-species fishing licenses under
17 sections 43523 and 43532, respectively, to persons who are ~~12~~
18 ~~years of age through 16~~ **under 17** years of age. Money in the
19 youth hunting and fishing education and outreach fund at the
20 close of the fiscal year shall remain in the fund and shall not
21 lapse to the general fund.

22 (6) Money credited to the youth hunting and fishing education
23 and outreach fund shall be paid out by the state treasurer
24 pursuant to the accounting laws of this state for hunting and
25 fishing education and outreach programs for youth ~~through 16~~
26 **under 17** years of age.

27 (7) The department and any other executive department of the

1 state that receives money from the game and fish protection
2 ~~fund~~ **account** or the youth hunting and fishing education and
3 outreach fund shall submit an annual report to the legislature
4 showing the amount of money received by the department or other
5 executive department from the game and fish protection ~~fund~~
6 **account** or the youth hunting and fishing education and outreach
7 fund and how that money was spent. An executive department
8 required to submit a report as provided in this subsection shall
9 send a copy of the report to the legislature and to the
10 department.

11 Sec. 43556. (1) The department may utilize the game and
12 fish protection ~~fund~~ **account** for the purpose of acquiring and
13 administering hunter access leases on private land.

14 (2) The department may determine and provide lease payments
15 in amounts that are related to the benefits the leased land
16 provides for public use if for a designated lease period a
17 participating landowner agrees to allow public access to certain
18 lands for the purpose of hunting. Department field personnel
19 shall inspect the lands and determine their value to the
20 program. Final approval of lease proposals shall be made by the
21 department.

22 (3) Participating landowners have authority to control hunter
23 access according to the terms of the lease agreement, including
24 terms requiring a hunter to obtain verbal or written permission
25 to hunt on the participating landowners' land.

26 (4) Pursuant to rules adopted under this section,
27 participating landowners may cancel their lease agreement at any

1 time prior to the expiration of the lease. Cancellation of the
2 agreement prior to the expiration of the lease shall result in
3 the forfeiture of all lease payments that have been received by
4 the participating landowner for the year in which cancellation
5 occurs.

6 (5) Participating landowners shall post, with signs provided
7 by the department, the boundaries of land leased under this
8 section.

9 (6) A cause of action shall not arise for injuries to persons
10 hunting on lands leased under this section unless the injuries
11 were caused by the gross negligence or willful and wanton
12 misconduct of the owner, tenant, or lessee.

13 (7) The department may issue orders pursuant to part 401
14 governing the administration and operation of a hunting access
15 program.

16 Sec. 43557. The department may sell, or contract for the
17 sale of, license application lists or information filed with the
18 department pursuant to this part and related publications of the
19 department. The department shall establish the price for the
20 lists, information, and publications, and the proceeds of all
21 sales pursuant to this section shall be credited to the game and
22 fish protection ~~fund~~ **account** in the manner prescribed in
23 section 43553.

24 PART 437 **MICHIGAN** GAME AND FISH PROTECTION TRUST FUND

25 Sec. 43701. As used in this part:

26 (a) "Game and fish protection ~~fund~~ **account**" means the game
27 and fish protection ~~fund in the department of treasury that is~~

1 ~~created in part 435~~ **account of the Michigan conservation and**
2 **recreation legacy fund provided for in section 2010.**

3 (b) "Gas" means a mixture of hydrocarbons and nonhydrocarbons
4 in a gaseous state which may or may not be associated with oil
5 and includes liquids resulting from the condensation of those
6 hydrocarbons and nonhydrocarbons.

7 (c) "Mineral" means an inorganic substance that can be
8 extracted from the earth, except for oil or gas, and includes
9 rock, metal ores, and mineral water.

10 (d) "Oil" means natural crude oil or petroleum and other
11 hydrocarbons, regardless of gravity, which are produced at the
12 well in liquid form by ordinary production methods and which are
13 not the result of condensation of gas after it leaves the
14 underground reservoir.

15 (e) "Trust fund" means the **Michigan** game and fish protection
16 trust fund established in section 41 of article IX of the state
17 constitution of 1963 and provided for in section 43702.

18 Sec. 43702. ~~The~~ **In accordance with section 41 of article**
19 **IX of the state constitution of 1963, the Michigan** game and fish
20 protection trust fund is ~~created for the benefit of the people~~
21 ~~of this state and~~ **established in the state treasury. The trust**
22 **fund** shall consist of **all of** the following:

23 ~~(a) Gifts, grants, or bequests conveyed to the trust fund,~~
24 ~~or income derived from such gifts, grants, or bequests.~~

25 ~~(b) All funds transferred to the game and fish protection~~
26 ~~fund by section 1909(a).~~

27 (a) **All assets of the game and fish protection trust fund**

1 immediately prior to the effective date of the amendatory act
2 that added section 2001.

3 (b) ~~—(e)—~~ Bonuses, rentals, delayed rentals, royalties, and
4 other revenues collected or reserved by the state under leases or
5 direct sale contracts in effect on or after April 7, 1986,
6 entered into by the state pursuant to section 502, 503, or 33936
7 or section 12 of former 1909 PA 280, or any other law enacted for
8 leasing for the purpose of permitting extraction or removal of
9 minerals, coal, oil, gas, or other resources from state owned
10 lands, if these bonuses, rentals, delayed rentals, royalties,
11 direct sale proceeds, and other revenues accrue from lands
12 acquired by the state using revenues derived from the game and
13 fish protection ~~—fund—~~ **account**, the game and fish protection
14 trust account created in section 4 of the Kammer recreational
15 land trust fund act of 1976, former 1976 PA 204, federal funds
16 made available to the state under ~~—chapter 899, 50 Stat. 917, 16~~
17 ~~—U.S.C.—~~ **USC** 669 to ~~—669b and 669c to—~~ 669i, commonly known as
18 the federal aid in wildlife restoration act, or ~~—chapter 658,~~
19 ~~64 Stat. 430, 16 —U.S.C.—~~ **USC** 777 to ~~—777e, 777f to 777i, and~~
20 ~~777k to—~~ 777l, commonly known as the federal aid in fish
21 restoration act, or related state or federal funds.

22 (c) **Gifts, grants, bequests or assets from any source.**

23 (d) **Other revenues as authorized by law.**

24 (e) **Interest and earnings accruing from assets of the trust**
25 **fund.**

26 Sec. 43703. (1) The **state treasurer shall transfer the**
27 interest and earnings from the trust fund ~~—shall be deposited in~~

1 to the game and fish protection ~~fund~~ **account**.

2 (2) Subject to subsection (3), the corpus of the trust fund
3 shall be maintained by the state treasurer in a manner that will
4 provide for future ~~disbursements~~ **transfers** to the game and fish
5 protection ~~fund~~ **account** from the trust fund's interest and
6 earnings.

7 (3) The legislature may annually appropriate and transfer not
8 more than \$6,000,000.00 from the corpus of the trust fund to the
9 game and fish protection ~~fund~~ **account**.

10 PART 439 **MICHIGAN** NONGAME FISH AND WILDLIFE TRUST FUND

11 Sec. 43901. As used in this part:

12 (a) "Nongame fish and wildlife" means fish or wild animals
13 that are unconfined and not ordinarily taken for sport, fur, or
14 food, and the habitat that supports them. However, nongame fish
15 and wildlife includes fish and wild animals designated as game
16 species when located in an area of this state where the taking of
17 that species of fish or wild animal is prohibited.

18 (b) "Trust fund" means the **Michigan** nongame fish and wildlife
19 trust fund ~~created~~ **established in section 42 of article IX of**
20 **the state constitution of 1963 and provided for in section**
21 **43902.**

22 Sec. 43902. (1) ~~The~~ **In accordance with section 42 of**
23 **article IX of the state constitution of 1963, the Michigan**
24 nongame fish and wildlife trust fund is ~~created~~ **established in**
25 the state treasury. The trust fund shall consist of all **of the**
26 **following:**

27 (a) **All assets of the nongame fish and wildlife trust fund**

1 immediately prior to the effective date of the amendatory act
2 that added section 2001, which money is hereby transferred to the
3 Michigan nongame fish and wildlife trust fund.

4 (b) All money credited to the trust fund pursuant to section
5 439 of the income tax act of 1967, 1967 PA 281, MCL 206.439, and
6 section 811/ of the Michigan vehicle code, 1949 PA 300,
7 MCL 257.811/. ~~—, and any interest~~

8 (c) Gifts, grants, bequests, or assets from any source.

9 (d) Other revenues as authorized by law.

10 (e) Interest and earnings accruing from ~~the saving and~~
11 ~~investment of that money~~ assets of the Michigan nongame fish and
12 wildlife trust fund.

13 ~~(2) The trust fund may receive appropriations, money, or~~
14 ~~other things of value.~~

15 (2) ~~—(3)—~~ The state treasurer shall direct the investment of
16 the trust fund. The state treasurer shall have the same
17 authority to invest the assets of the trust fund as is granted to
18 an investment fiduciary under the public employee retirement
19 system investment act, 1965 PA 314, MCL 38.1132 to 38.1140/.

20 (3) ~~—(4)—~~ The department shall annually prepare a report
21 containing an accounting of revenues and expenditures from the
22 trust fund. This report shall identify the interest and earnings
23 of the trust fund from the previous year, the investment
24 performance of the trust fund during the previous year, and the
25 total amount of appropriations from the trust fund during the
26 previous year. This report shall be provided to the senate and
27 house of representatives appropriations committees and the

1 standing committees of the senate and house of representatives
2 with jurisdiction over issues pertaining to natural resources and
3 the environment.

4 Sec. 43903. (1) ~~At least 20% of the money annually~~
5 ~~credited to the trust fund pursuant to section 439 of the income~~
6 ~~tax act of 1967, Act No. 281 of the Public Acts of 1967, being~~
7 ~~section 206.439 of the Michigan Compiled Laws,~~ **The Michigan**
8 **nongame fish and wildlife trust fund shall maintain a principal**
9 **balance of not less than \$6,000,000.00, which** shall be retained
10 in the trust fund on a permanent basis.

11 (2) The interest and earnings of the trust fund and any money
12 not otherwise retained **on a permanent basis** under subsection (1)
13 shall be expended for the purposes of implementing the management
14 plan described in section 43904. **In implementing the management**
15 **plan described in section 43904, the department may expend money**
16 **from the Michigan nongame fish and wildlife trust fund for grants**
17 **to state colleges and universities.**

18 Sec. 44104. (1) The game and fish lifetime license trust
19 fund is created within the state treasury for the benefit of the
20 people of this state to assist in providing adequate long-term
21 funding for the game and fish protection ~~fund created in~~
22 ~~part 435~~ **account of the Michigan conservation and recreation**
23 **legacy fund provided for in section 2010.**

24 (2) The state treasurer shall credit money received from the
25 sale of lifetime hunting and fishing licenses under this part to
26 the trust fund.

27 (3) The state treasurer shall invest the trust fund in the

1 same manner as surplus funds are invested.

2 Sec. 44105. (1) Except as otherwise provided in
3 ~~subsections~~ **subsection** (2), ~~and (3),~~ the corpus of the trust
4 fund and the interest and earnings of the trust fund shall be
5 maintained and invested by the state treasurer as provided in
6 section 44104.

7 ~~(2) Beginning on March 1, 1989 until February 28, 1990, for~~
8 ~~each lifetime license issued under this part, the state treasurer~~
9 ~~shall credit to the game and fish protection fund that amount of~~
10 ~~money that the department would have received had the holder of~~
11 ~~the lifetime license purchased the equivalent annual license~~
12 ~~during the license year.~~

13 (2) ~~(3) Beginning on March 1, 1990, and for each year~~
14 ~~thereafter, for~~ **For** each lifetime license issued under this
15 part, the state treasurer shall credit annually to the game and
16 fish protection ~~fund~~ **account of the Michigan conservation and**
17 **recreation legacy fund provided for in section 2010** from the
18 accumulated interest and earnings of the trust fund, and from the
19 corpus of the trust fund if the accumulated interest and earnings
20 of the trust fund are insufficient, that amount of money that the
21 department would have received had the holder of the lifetime
22 license purchased the equivalent annual license during the
23 license year. For a comprehensive lifetime hunting and fishing
24 license, the equivalent annual license for purposes of
25 calculations required by this section shall be the annual
26 sportsperson license available pursuant to section 43521.

27 Sec. 44501. As used in this part:

1 (a) "Boat livery" means either of the following:

2 (i) A place of business or any location where a person rents
3 or leases any vessel to the general public for noncommercial use
4 on the waters of this state.

5 (ii) A place where a person offers cabins, cottages, motel
6 rooms, hotel rooms, or other similar rental or leased units where
7 a vessel is furnished for the use of the person renting or
8 leasing the unit, but does not include a single privately owned
9 cabin or cottage leased or rented to another where a vessel is
10 furnished for the use of the person renting or leasing the unit.

11 (b) "Carrying passengers for hire" or "carry passengers for
12 hire" means the transporting of any person on a vessel for
13 consideration regardless of whether the consideration is directly
14 or indirectly paid to the owner of the vessel, the owner's agent,
15 the operator of the vessel, or any other person who holds any
16 interest in the vessel.

17 (c) "Charter boat" means a vessel that is rented or leased or
18 offered for rent or lease to carry passengers for hire if the
19 owner or the owner's agent retains possession, command, and
20 control of the vessel.

21 (d) "Class A vessel" means a vessel, except a sailboat, that
22 carries for hire on navigable waters not more than 6 passengers.

23 (e) "Class B vessel" means a vessel, except a sailboat, that
24 carries for hire on inland waters not more than 6 passengers.

25 (f) "Class C vessel" means a vessel, except a sailboat, that
26 carries for hire on inland waters more than 6 passengers.

27 (g) "Class D vessel" means a vessel that is propelled

1 primarily by a sail or sails and carries for hire on navigable
2 waters not more than 6 passengers or carries passengers for hire
3 on inland waters.

4 (h) "Class E vessel" means a vessel that carries not more
5 than 6 passengers for hire and meets either of the following
6 requirements:

7 (i) Is utilized primarily as a river-drift boat that is
8 propelled primarily by hand.

9 (ii) Is a vessel that is 18 feet or less in length operated
10 primarily on a river or tributary to the Great Lakes, Lake
11 St. Clair, or their connecting waterways.

12 (i) "Equipment" means a system, part, or component of a
13 vessel as originally manufactured, or a system, part, or
14 component manufactured or sold for replacement, repair, or
15 improvement of a system, part, or component of a vessel; an
16 accessory or equipment for, or appurtenance to, a vessel; or a
17 marine safety article, accessory, or equipment intended for use
18 by a person on board a vessel; but does not include radio
19 equipment.

20 (j) "Inland waters" means all waters of this state, except
21 navigable waters.

22 (k) "Livery boat" means a vessel which is offered for rent or
23 lease by the boat livery or boat owner or his or her agent or is
24 rented or leased from a boat livery or a boat owner or his or her
25 agent and the boat livery or boat owner or his or her agent
26 relinquishes complete physical control of the vessel to the
27 renter or lessee, except the boat livery or owner retains legal

1 title to the vessel.

2 ~~(l) "Marine safety fund" means the marine safety fund~~
 3 ~~created in section 80115.~~

4 (l) ~~—(m)—~~ "Navigable waters" means those waters of the state
 5 over which this state and the United States coast guard exercise
 6 concurrent jurisdiction, including the Great Lakes and waters
 7 connected to the Great Lakes, to the upstream limit of navigation
 8 as determined by the United States department of the army corps
 9 of engineers.

10 (m) ~~—(n)—~~ "Operate" means to start any propulsion engine or
 11 to physically control the motion, direction, or speed of a
 12 vessel.

13 (n) ~~—(o)—~~ "Owner" means a person who claims lawful possession
 14 of a vessel by virtue of legal title or an equitable interest in
 15 a vessel that entitles that person to possession of the vessel.

16 (o) ~~—(p)—~~ "Passenger" means a person carried on board a
 17 charter boat except either of the following:

18 (i) The owner of the vessel or the owner's agent.

19 (ii) The pilot and members of the crew of the vessel who have
 20 not contributed consideration for their transportation either
 21 before, during, or after the voyage.

22 (p) ~~—(q)—~~ "Peace officer" means every sheriff or sheriff's
 23 deputy; village or township marshal; officer of the police
 24 department of any city, village, or township; any officer of the
 25 Michigan state police; or any other police officer or law
 26 enforcement officer who is trained and certified pursuant to the
 27 ~~Michigan law enforcement officers training council act of 1965,~~

1 ~~Act No. 203 of the Public Acts of 1965, being sections 28.601 to~~
 2 ~~28.616 of the Michigan Compiled Laws—~~ **commission on law**
 3 **enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616, and**
 4 includes the director and conservation officers employed by the
 5 department.

6 (q) ~~—(r)—~~ "Personal watercraft" means a vessel that meets all
 7 of the following requirements:

8 (i) Uses a motor-driven propeller or an internal combustion
 9 engine powering a water jet pump as its primary source of
 10 propulsion.

11 (ii) Is designed without an open load carrying area that
 12 would retain water.

13 (iii) Is designed to be operated by 1 or more persons
 14 positioned on, rather than within, the confines of the hull.

15 (r) ~~—(s)—~~ "Pilot's license" means a vessel operator's license
 16 issued by the United States coast guard or other federal agency,
 17 or a license issued by the department to an operator of a charter
 18 boat that is operated on inland waters.

19 (s) ~~—(t)—~~ "Training or instructional purposes" means the
 20 teaching of any person in the handling and navigation of a vessel
 21 or the techniques of waterskiing.

22 (t) ~~—(u)—~~ "Vessel" means every description of watercraft,
 23 other than a seaplane, used or capable of being used as a means
 24 of transportation on water irrespective of the method of
 25 operation or propulsion.

26 (u) ~~—(v)—~~ "Waters of the state" means any waters within the
 27 territorial limits of this state and includes those waters of the

1 Great Lakes which are under the jurisdiction of this state.

2 (v) "Waterways account" means the waterways account of the
3 Michigan conservation and recreation legacy fund provided for in
4 section 2035.

5 Sec. 44511. (1) The owner of a charter boat required to be
6 inspected under this part and a person required to be licensed as
7 a state pilot under this part shall file an application with the
8 required fee for the charter boat inspection or the state pilot's
9 examination with the department on a form prescribed and
10 furnished by the department. Persons applying for a certificate
11 of inspection or a state pilot's license shall furnish
12 information reasonably required by the department. A person
13 shall not file an application for charter boat inspection or
14 state pilot's examination that contains false information. A
15 person filing an application shall certify by the person's
16 signature that the information furnished on the application is
17 true and correct.

18 (2) The owner of a charter boat, or livery boat as provided
19 for under section 44517, which has never been inspected shall pay
20 to the department an inspection fee for dry dock and dockside
21 inspection according to the following schedule:

22	(a) Class A and D vessels.....	\$250.00
23	(b) Class B vessels.....	\$120.00
24	(c) Class C vessels.....	\$350.00

25 (3) Beginning on April 1, 1987, for each required dry dock or
26 dockside inspection of a charter boat, or livery boat as provided
27 for under section 44517, other than an inspection under

1 subsection (2), the owner shall pay the department a fee
 2 according to the following schedule:

3 (a) Class A and D vessels

4 (i) Dockside inspection..... \$100.00

5 (ii) Dry dock inspection..... \$150.00

6 (b) Class B vessels

7 (i) Dockside inspection..... \$ 60.00

8 (ii) Dry dock inspection..... \$ 60.00

9 (c) Class C vessels

10 (i) Dockside inspection..... \$150.00

11 (ii) Dry dock inspection..... \$200.00

12 (4) When the department inspects any charter boat, or livery
 13 boat as provided for under section 44517, at an interval other
 14 than as required by this part, the inspection shall be conducted
 15 without an inspection fee for a dockside inspection and for a
 16 reduced fee to be determined by the department for a dry dock
 17 inspection. When a 24-month dockside inspection and a 72-month
 18 dry dock inspection are required in the same year, the owner
 19 shall only pay the fee for the dry dock inspection, as provided
 20 in subsection (3).

21 (5) For each examination of a person for a state pilot's
 22 license, the applicant shall pay a fee of \$30.00 to the
 23 department.

24 (6) The charter boat inspection fee or state pilot's license
 25 examination fee shall be forfeited to the department and credited
 26 to the marine safety fund if the owner of the charter boat or the
 27 applicant for a state pilot's license fails to keep an

1 appointment, which has been mutually agreed upon between the
2 owner or the applicant and the department, for an inspection or
3 reinspection of the charter boat or a state pilot's license
4 examination, without first notifying the inspecting officer or
5 the department's marine safety section within the department's
6 law enforcement division at least 24 hours prior to the scheduled
7 appointment. Upon the forfeiture of an application fee, the
8 owner of the charter boat or the applicant for a state pilot's
9 license must submit a new application and the required fee before
10 the department shall conduct any inspection of the charter boat
11 or conduct any examination of the applicant for a state pilot's
12 license.

13 (7) Except as otherwise provided in section 44517, the
14 revenue received for inspection fees under this section shall be
15 deposited in the state treasury to the credit of the ~~marine~~
16 ~~safety fund~~ **waterways account** and shall only be used to pay for
17 inspections required by this part, and to maintain the education
18 and enforcement program provided for in section 44513(2). The
19 revenue division of the department of treasury shall annually
20 provide to the department an accurate total of revenue collected
21 and shall annually credit that amount to the ~~marine safety fund~~
22 **waterways account**.

23 Sec. 44518. (1) An inspecting officer, designated by the
24 department, shall affix or cause to be affixed to each and every
25 livery boat that meets the minimum safety standards established
26 under rules promulgated under this part an inspection decal,
27 plate, or tab furnished by the department which bears all of the

1 following information:

2 (a) The maximum number of persons permitted to be carried
3 aboard the vessel.

4 (b) The maximum horsepower of a motor permitted to be used on
5 the vessel.

6 (c) Other information as the department may reasonably
7 require.

8 (2) Each boat livery owner shall pay a fee of \$2.00 to the
9 inspecting officer for each decal, plate, or tab affixed to the
10 livery boats. The inspecting officer shall forward all fees
11 collected under this subsection to the treasurer of the county in
12 which the fee is collected to be credited for the purpose of
13 reimbursing the sheriff's department for expenses incurred
14 pursuant to this part. If the inspecting officer is a
15 conservation officer, fees collected under this section shall be
16 forwarded to the department of treasury to be credited to the
17 ~~marine safety fund~~ **waterways account**.

18 Sec. 45705. The department shall keep a record of all
19 applications and licenses issued and on the first day of each
20 month shall pay to the state treasurer all money received for the
21 sale of licenses issued under this part, and the money shall be
22 credited to the game and fish protection ~~fund created in~~
23 ~~part 435~~ **account of the Michigan conservation and recreation**
24 **legacy fund provided for in section 2010** and shall be disbursed
25 by the state treasurer for services of the department and for the
26 department's expenses in enforcing this part and the game and
27 fish laws of this state, for propagation, and for biological

1 investigations and such other investigations as may be
2 necessary. For the purposes of this part, a nonresident of this
3 state is a person who has not resided within this state for a
4 period of at least 6 consecutive months immediately prior to the
5 time application is made for a license under this part.

6 Sec. 45907. All money received from the sale of licenses
7 provided for in this part shall be paid over to the state
8 treasurer and shall be credited by the state treasurer to the
9 game and fish protection ~~fund created in part 435~~ **account of**
10 **the Michigan conservation and recreation legacy fund provided for**
11 **in section 2010.**

12 Sec. 47303. The department shall provide financial
13 remuneration to the state for fish taken for commercial purposes
14 by collection from the licensee of not more than 5% of the price
15 received by the licensee. Money received shall be credited to
16 the game and fish protection ~~fund created in part 435~~ **account**
17 **of the Michigan conservation and recreation legacy fund provided**
18 **for in section 2010** to be used in the development and management
19 of the fisheries resource.

20 Sec. 47332. All licenses ~~in effect after July 1, 1946~~
21 expire on December 31 in the calendar year for which **they were**
22 issued. ~~However, any license which expires December 31, 1946,~~
23 ~~shall be issued for 1/2 the fee prescribed in section 47330.~~ The
24 department shall keep a record of all applications and licenses.
25 On the first day of each month, the department shall pay over to
26 the state treasurer all money received by the department under
27 this part, and the money shall be credited to the game and fish

1 protection ~~fund created in part 435~~ **account of the Michigan**
2 **conservation and recreation legacy fund provided for in section**
3 **2010** and shall be disbursed by the state treasurer for services
4 of the department and the department's expenses in enforcing the
5 commercial fishing laws, for the protection and propagation of
6 fish, and for the purchase of patrol boats and other apparatus to
7 be used for that purpose, and as otherwise provided by law.

8 Sec. 48737. All money collected from the sale of licenses
9 and stamps as provided in this part shall be paid over to the
10 state treasurer by the department and held to the credit of the
11 game and fish protection ~~fund created in part 435~~ **account of**
12 **the Michigan conservation and recreation legacy fund provided for**
13 **in section 2010**, and shall be used for the purposes necessary to
14 the protection, propagation, and distribution of fish and game
15 and as otherwise provided by law.

16 Sec. 48740. (1) In addition to the penalties provided in
17 this part, a person convicted of taking game fish during a closed
18 season; taking or possessing game fish in excess of lawful
19 limits; taking game fish or nongame fish by use of an unlawful
20 device; or buying or selling game fish, nongame fish, or any
21 parts of game or nongame fish taken by use of an unlawful device
22 shall forfeit to the state for the fish unlawfully taken or
23 possessed as follows:

24 (a) For each game fish other than sturgeon, of an individual
25 weight of 1 pound or more, \$10.00 for each pound or fraction of a
26 pound of fish illegally taken or possessed.

27 (b) For each game fish other than sturgeon, of an individual

1 weight of less than 1 pound, \$10.00 for each fish illegally taken
2 or possessed.

3 (c) For sturgeon, \$1,500.00 for each fish illegally taken or
4 possessed.

5 (d) For each nongame fish, \$5.00 for each pound or fraction
6 of a pound of fish illegally taken or possessed.

7 (2) In every conviction for a violation ~~of~~ **described in**
8 subsection (1), the court before which the conviction is obtained
9 shall order the defendant to forfeit to the state the sums
10 provided in subsection (1). If 2 or more defendants are
11 convicted of the illegal taking or possession of the fish, the
12 forfeiture shall be declared against them jointly and severally.

13 (3) If a defendant fails to pay the sums forfeited for a
14 violation of subsection (1), upon conviction, the court shall
15 either impose a sentence of probation, and as a condition of
16 sentence require the defendant to satisfy the forfeiture in the
17 amount prescribed and fix the manner and time of payment, or make
18 a written order permitting the defendant to pay the forfeited
19 sums in installments at the times and in the amounts as the court
20 determines the defendant is able to pay.

21 (4) A default in the payment of forfeiture or an installment
22 of the forfeiture may be collected by any means authorized for
23 the enforcement of a judgment under chapter 60 of the revised
24 judicature act of 1961, ~~Act No. 236 of the Public Acts of 1961,~~
25 ~~being sections 600.6001 to 600.6097 of the Michigan Compiled~~
26 ~~Laws~~ **1961 PA 236, MCL 600.6001 to 600.6098.**

27 (5) All courts collecting forfeitures as provided in this

1 section shall promptly remit the forfeiture to the county
 2 treasurer, who shall transmit it to the state treasurer to be
 3 credited to the game and fish protection ~~fund created in part~~
 4 ~~435~~ **account of the Michigan conservation and recreation legacy**
 5 **fund provided for in section 2010.**

6 Sec. 64108. (1) The peat resource conservation and
 7 development fund is created in the state treasury.

8 (2) Subject to subsections (3) and (4), the following shall
 9 be deposited in the peat resource conservation and development
 10 fund:

11 (a) Money received by the state under contracts for the
 12 taking of peat.

13 (b) The fees imposed under this part.

14 (3) Money received by the state under contracts for taking of
 15 peat from state owned lands acquired with game and fish
 16 protection funds shall be deposited in the game and fish
 17 protection ~~fund~~ **account of the Michigan conservation and**
 18 **recreation legacy fund provided for in section 2010.**

19 (4) If the money in the fund exceeds \$250,000.00 at the end
 20 of a state fiscal year, the excess shall be deposited in the
 21 Michigan natural resources trust fund created in section 35 of
 22 article IX of the state constitution of 1963 **and provided for in**
 23 **section 1902** or as otherwise provided by law.

24 PART 711 RECREATION IMPROVEMENT ~~FUND~~ **ACCOUNT**

25 Sec. 71101. As used in this part:

26 (a) "Associated facilities" means restrooms, shelters,
 27 campgrounds, and parking lots directly related to trails or

1 waterways projects.

2 ~~(b) "Fund" means the recreation improvement fund created in~~
3 ~~section 71104.~~

4 ~~—— (c) "Michigan state waterways fund" means the Michigan state~~
5 ~~waterways fund created in section 78110.~~

6 (b) ~~(d)~~ "Off-road vehicle" means ORV as it is defined in
7 part 811, which is required to be registered under part 811.

8 (c) "Off-road vehicle account" means the off-road vehicle
9 account of the Michigan conservation and recreation legacy fund
10 provided for in section 2015.

11 (d) "Recreation improvement account" means the recreation
12 improvement account of the Michigan conservation and recreation
13 legacy fund provided for in section 2020.

14 (e) "Recreational projects" means, in addition to the
15 activities provided for in this part, the construction,
16 maintenance, and operation of trails and associated facilities
17 that may be used by off-road vehicles, cross-country skiers,
18 horseback riders, and hikers, and inland lake cleanup grants as
19 provided by part 309.

20 (f) ~~"Recreational snowmobile trail improvement fund" means~~
21 ~~the recreational snowmobile trail improvement fund created in~~
22 ~~section 82110.~~ "Snowmobile account" means the snowmobile account
23 of the Michigan conservation and recreation legacy fund provided
24 for in section 2025.

25 (g) "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
3 subdivision of this state, or the federal government.

4 (iv) Watercraft when used in interstate or foreign commerce
5 and watercraft used or owned by any railroad company or railroad
6 car 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 (h) "Watercraft" means any contrivance ~~now known or invented~~
11 ~~in the future~~ that is used or designed for navigation on water,
12 including, but not limited to, any vessel, ship, boat, motor
13 vessel, steam vessel, vessel operated by machinery, motorboat,
14 sailboat, barge, scow, tugboat, and rowboat, but does not include
15 watercraft used or owned by the United States.

16 (i) **"Waterways account" means the waterways account of the**
17 **Michigan conservation and recreation legacy fund provided for in**
18 **section 2035.**

19 Sec. 71106. The department of treasury shall annually
20 present to the department an accurate total of all the gasoline
21 taxes collected and shall determine the amount of revenue derived
22 from them. The department of treasury shall determine the
23 portion of these revenues derived from the sale of gasoline as
24 described in section 71102 by multiplying the total by 2.0% and
25 shall credit this amount to the recreation improvement ~~fund~~
26 **account**, less a deduction for collection costs and refunds.

27 Sec. 71108. (1) The ~~department~~ **state treasurer** shall

1 annually review and make recommendations to the legislature ~~for~~
2 **on the** distributions of the ~~fund~~ **recreation improvement**
3 **account**, including recreational projects and geographic
4 locations.

5 (2) ~~Of the total fund, not less than 80% shall be credited~~
6 **Money in the recreation improvement account shall be distributed**
7 **as follows:**

8 (a) **Eighty percent of the money shall be annually transferred**
9 to the ~~Michigan state waterways fund, not less than 14%~~
10 **account.**

11 (b) **Fourteen percent of the money shall be annually**
12 **transferred** to the ~~recreational snowmobile trail improvement~~
13 ~~fund, and the remaining balance, if any, shall be distributed to~~
14 ~~recreational projects~~ **account.**

15 (c) **The remainder of the money that is not transferred under**
16 **subdivisions (a) and (b) shall be used, upon appropriation, for**
17 **recreation projects and for the administration of the recreation**
18 **improvement account.** Of the ~~remaining balance~~ **money** credited to
19 recreational projects in a fiscal year, not less than 25% ~~of any~~
20 ~~funds designated for projects intended for off-road vehicles~~
21 shall be expended on projects to repair damages as a result of
22 pollution, impairment, or destruction of air, water, or other
23 natural resources, or the public trust in air, water, or other
24 natural resources, as a result of the use of off-road vehicles.

25 Sec. 74101. As used in this part:

26 (a) "Committee" means the citizens committee for Michigan
27 state parks created in section 74102a.

1 ~~(b) "Fund" means the state park improvement fund created in~~
2 ~~section 74108.~~

3 **(b)** ~~—(e)—~~ "Improvement program" means the construction,
4 reconstruction, development, improvement, bettering, operating,
5 maintaining, and extending a facility at a state park, including
6 a site improvement, impoundment, road and parking lot, toilet
7 building, concession building, shelter building, bathhouse,
8 utility, outdoor center, visitor service facility, ski area, ski
9 tow, ski shelter, and administration unit.

10 **(c)** ~~—(d)—~~ "Motor vehicle" means a vehicle that is
11 self-propelled.

12 **(d)** ~~—(e)—~~ "State park" means a state park or state recreation
13 area designated by the director.

14 **(e) "State park improvement account" means the state park**
15 **improvement account of the Michigan conservation and recreation**
16 **legacy fund provided for in section 2030.**

17 **(f) "State park revenues" means all revenues collected for**
18 **state parks, including but not limited to, motor vehicle permits,**
19 **concession fees, nonmotorized trail permits, fees, leases,**
20 **camping fees, sale of farm animals from Maybury state park,**
21 **donations, and gifts.**

22 Sec. 74108. A resolution adopted by the commission
23 authorizing the issuance of bonds shall contain all of the
24 following:

25 (a) A description in reasonable detail of the improvement
26 program as approved by the legislature, for which the bonds are
27 to be issued.

(b) The form of the bonds and all of the following:

(i) The maturity date or dates for the bonds with no maturity later than 30 years after the issuance of the bonds.

(ii) The principal amount of and principal payment dates for the bonds.

(iii) The interest rate or rates for the bonds or that bonds shall not bear any interest.

(iv) The redemption provisions, with or without premium, for the bonds, if any.

(v) The authorized denominations for the bonds.

(vi) Whether the bonds may be sold at a discount or for a premium.

(vii) The manner in which the bonds will be executed.

(viii) Any other provision concerning the bonds or the security for the bonds the commission considers appropriate.

(c) A provision that the state park revenues shall be pledged for the payment of the bonds. However, the pledge of state park revenues shall be on a parity with pledges of the revenues previously or subsequently made by the commission pursuant to any other resolution authorizing the issuance of bonds under this part and the resolution shall state that the pledge complies with this subdivision.

(d) A covenant that the park permit fees and penalties provided in section 74117 shall be revised from time to time within the limits permitted by law when necessary to ensure that the revenues to be derived from the fees shall be sufficient to pay the principal of and interest on bonds issued pursuant to

1 this part and other obligations of the commission in connection
2 with the issuance of bonds.

3 (e) A provision requiring the fiscal agent to set aside money
4 from the state park revenue bond receiving fund into a fund to be
5 designated as the state park debt service fund in a sum
6 proportionately sufficient to provide for the payment of the
7 principal of and interest upon all bonds payable from the fund as
8 and when the principal and interest becomes due and payable in
9 the manner prescribed by the commission. In addition the
10 resolution shall authorize the commission to provide that a
11 reasonable excess amount may be set aside by the fiscal agent
12 from time to time as directed by the commission in the state park
13 debt service fund to produce and provide a reserve to meet a
14 possible future deficiency in the fund. The resolution shall
15 further provide that out of the revenues remaining each quarter,
16 after having first met the requirements of the state park debt
17 service fund, including the reserve for the fund, the commission
18 may by direction to the fiscal agent next set aside additional
19 money in the state park debt service fund for the purpose of
20 calling bonds for redemption, subject to approval by the state
21 administrative board. The resolution shall also contain a
22 provision for the investment of funds held by the fiscal agent.

23 (f) A provision that money on deposit in the state park
24 revenue bond receiving fund after setting aside the amounts in
25 the state park debt service fund is surplus money, and shall be
26 deposited quarterly by the fiscal agent upon the order of the
27 commission in the state treasury in ~~a fund to be designated as~~

1 the state park improvement ~~fund~~ **account**. ~~This fund shall be~~
2 ~~subject to appropriation by the legislature~~ **Money in the state**
3 **park improvement account shall be used only** for the improvement,
4 operation, and maintenance of state parks and recreation areas
5 **and for the administration of the state park improvement**
6 **account**. ~~Any unexpended revenue in the fund, along with excess~~
7 ~~revenue from prior fiscal years, shall be carried over into~~
8 ~~subsequent fiscal years. Interest and earnings of the fund shall~~
9 ~~remain in the fund.~~ Not less than \$10.00 of each annual permit
10 and not less than \$2.00 of each daily permit projected to be sold
11 in a fiscal year may be appropriated **from the state park**
12 **improvement account** for the maintenance and operation of state
13 parks and recreation areas in that fiscal year.

14 (g) The terms and conditions under which additional bonds
15 payable from the state park revenues of equal standing with a
16 prior issue of bonds may be issued.

17 (h) A provision for deposit and expenditure of the proceeds
18 of sale of the bonds and for investment of the proceeds of sale
19 of the bonds and of other funds of the commission relating to
20 bonds authorized by this part.

21 (i) A provision that in the event of a default in the payment
22 of principal of or interest on the bonds, or in the performance
23 of an agreement or covenant contained in the resolution, the
24 holders of a specified percentage of the outstanding bonds may
25 institute 1 or more of the following for the equal benefit of the
26 holders of all of the bonds:

27 (i) An action of mandamus or any other suit, action, or

1 proceeding to enforce the rights of the holders of the bonds.

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

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

4 Sec. 74114. The department may establish fees and collect
5 fees for activities in state parks except those activities for
6 which fees are established under this part. All fees collected
7 under this section shall be deposited into the ~~fund~~ **state park**
8 **improvement account**.

9 Sec. 74122. (1) A person who violates this part or a rule
10 promulgated under this part is guilty of a misdemeanor. In any
11 proceeding for the violation of this part or a rule promulgated
12 under this part, where a motor vehicle without the required park
13 permit affixed is found parked in any state park, the
14 registration plate displayed on the motor vehicle constitutes
15 prima facie evidence that the owner of the motor vehicle was the
16 person who parked or placed it at the location where it was
17 found.

18 (2) In addition to the penalties provided for in subsection
19 (1), a person convicted of an act of vandalism shall reimburse
20 the department up to 3 times the amount of the damage as
21 determined by the court. All money collected pursuant to this
22 subsection shall be credited to the ~~fund~~ **state park improvement**
23 **account**.

24 Sec. 78101. As used in this part:

25 ~~(a) "Advisory committee" means the public boating access~~
26 ~~site advisory committee established pursuant to section 78113.~~

27 (a) ~~(b)~~ "Commission" means the Michigan state waterways

1 commission.

2 **(b)** ~~—(c)—~~ "Department" means the department of natural
3 resources.

4 **(c)** ~~—(d)—~~ "Director" means the administrative director of the
5 commission.

6 **(d)** ~~—(e)—~~ "Diesel motor fuel" means any liquid fuel used in
7 the operation of engines of the diesel type in motor vehicles or
8 watercraft.

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

27 **(f)** ~~—(g)—~~ "Harbor" means a portion of a lake or other body of

1 water either naturally or artificially protected so as to be a
2 place of safety for watercraft, including contrivances used or
3 designed for navigation on water and used or owned by the United
4 States.

5 (g) ~~—(h)—~~ "Harbor facilities" means the structures at a
6 harbor constructed to protect the lake or body of water and the
7 facilities provided within the harbor and ashore for the mooring
8 and servicing of watercraft and the servicing of crews and
9 passengers.

10 (h) ~~—(i)—~~ "Liquefied petroleum gas" means gases derived from
11 petroleum or natural gases which are in the gaseous state at
12 normal atmospheric temperature and pressure, but which may be
13 maintained in the liquid state at normal atmospheric temperature
14 by suitable pressure. ~~Liquefied petroleum gas includes those~~
15 ~~products predominately composed of propane, propylene, butylene,~~
16 ~~butane, and similar products which are not covered in chapters 1~~
17 ~~and 2 of 1927 PA 150, MCL 207.101 to 207.134.~~

18 (i) ~~—(j)—~~ "Marina" means a site which contains harbor
19 facilities.

20 (j) ~~—(k)—~~ "Navigable water" means any waterway navigable by
21 vessels, or capable of being made navigable by vessels through
22 artificial improvements, and includes the structures and
23 facilities created to facilitate navigation.

24 (k) ~~—(l)—~~ "Person" includes any individual, partnership,
25 corporation, association, or body politic, except the United
26 States and this state, and includes any trustee, receiver,
27 assignee, or other similar representative of those entities.

1 **(l)** ~~—(m)—~~ "Public boating access site" means a publicly owned
2 site for the launching of recreational watercraft.

3 **(m)** ~~—(n)—~~ "Retail fuel dealer" includes any person or
4 persons, both private and municipal, who engage in the business
5 of selling or distributing fuel within the state.

6 **(n)** ~~—(o)—~~ "Secretary of state" means the secretary of state
7 of this state, acting directly or through a duly authorized
8 deputy, investigators, agents, and employees.

9 **(o)** ~~—(p)—~~ "Vessel" means all watercraft except the
10 following:

11 (i) Watercraft used for commercial fishing.

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

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

16 (iv) Watercraft when used in interstate or foreign commerce
17 and watercraft used or owned by any railroad company or railroad
18 car ferry company.

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

22 **(p)** ~~—(q)—~~ "Watercraft" means any contrivance used or designed
23 for navigation on water, including, but not limited to, any
24 vessel, ship, boat, motor vessel, steam vessel, vessel operated
25 by machinery, motorboat, sailboat, barge, scow, tugboat, and
26 rowboat, but does not include contrivances used or owned by the
27 United States.

1 (q) ~~—(r)—~~ "Waterway" means any body of water.

2 (r) **"Waterways account" means the waterways account of the**
3 **Michigan conservation and recreation legacy fund provided for in**
4 **section 2035.**

5 Sec. 78105. The department shall have the following powers
6 and duties:

7 (a) To acquire, construct, and maintain harbors, channels,
8 and facilities for vessels in the navigable waters lying within
9 the boundaries of the state of Michigan.

10 (b) To acquire, by purchase, lease, gift, or condemnation the
11 lands, rights of way, and easements necessary for harbors and
12 channels. The department shall be considered a state agency
13 under ~~the provisions of Act No. 149 of the Public Acts of 1911,~~
14 ~~being sections 213.21 to 213.25 of the Michigan Compiled Laws~~
15 **1911 PA 149, MCL 213.21 to 213.25**, relative to condemnation by
16 state agencies.

17 (c) To acquire, by purchase, lease, gift, or condemnation
18 suitable areas on shore for disposal of the material from
19 dredging.

20 (d) To enter into any contracts or agreements that may be
21 necessary in carrying out this part, including agreements to hold
22 and save the United States free from damages due to the
23 construction and maintenance by the United States of those works
24 that the United States undertakes.

25 (e) To provide for the granting of concessions within the
26 boundaries of harbors, so as to furnish the public gas, oil,
27 food, and other facilities.

1 (f) To represent the state of Michigan and the governor of
2 Michigan in dealings with the chief of engineers of the United
3 States army and his or her authorized agents for the purposes set
4 forth in this part.

5 (g) To charge fees for both seasonal and daily moorage at
6 state-operated small craft mooring facilities. All revenues
7 derived from this source shall be deposited in the ~~Michigan~~
8 ~~state~~ waterways ~~fund~~ **account**.

9 (h) To charge fees for both daily and seasonal use of
10 state-operated public access sites, if the cost of collecting the
11 fees will not exceed the revenue derived from the fees for daily
12 and seasonal passes. All revenues derived from this source shall
13 be deposited in the ~~Michigan state~~ waterways ~~fund~~ **account**. A
14 seasonal pass shall grant the permittee the right to enter any
15 state-operated public access site without payment of an
16 additional fee.

17 (i) To collect the proceeds from the sale of marine fuel at
18 harbors operated by the department. The proceeds from the sales
19 shall be credited to the ~~Michigan state~~ waterways ~~fund~~
20 **account** and used for the purchase of marine fuel supplies as may
21 be needed. Any remaining revenue from this source not needed for
22 the purchase of marine fuel supplies may be expended in the same
23 manner as other funds within the ~~Michigan state~~ waterways
24 ~~fund~~ **account**.

25 Sec. 78110. ~~(1) The Michigan state waterways fund is~~
26 ~~created in the state treasury. The fund shall be administered by~~
27 ~~the state treasurer and~~ **Money in the waterways account** shall be

1 used ~~by the department solely for the~~ **only for the following:**

2 **(a) The** construction, operation, and maintenance of
3 recreational boating facilities. ~~—, the~~

4 **(b) The** acquisition of property for the purposes of this
5 part. ~~—, for~~

6 **(c) For** grants to local units of government and ~~public~~
7 **state** colleges or universities to acquire and develop harbors of
8 refuge and public boating access sites under section 78115. ~~—~~
9 and ~~for~~

10 **(d) For the purposes provided in part 791.**

11 **(e) For** the administration of this part **and part 791.** ~~The~~
12 ~~fund shall receive such revenues as the legislature may provide.~~

13 ~~—— (2) The Michigan harbor development fund is created in the~~
14 ~~state treasury. The fund shall be administered by the state~~
15 ~~treasurer and shall be used by the department solely for the~~
16 ~~purposes provided in part 791 and for the administration of that~~
17 ~~part. The fund shall receive revenues as provided in part 791~~
18 ~~and such other revenues as the legislature may provide.~~

19 Sec. 78111. It is the purpose of this part, in providing
20 for harbors and channels, that the appropriation made by the
21 state be considered an advancement, and that the fees, taxes, and
22 other revenues received under this part, to be credited to the
23 ~~Michigan state waterways fund~~ **account**, shall be applied
24 against the advancement, until all advancements have been fully
25 paid. Thereafter, all such fees, taxes, and revenues shall be
26 available for continued expansion and development of harbors and
27 connecting waterways. However, subject to the approval of the

1 state administrative board, the necessary expense of
2 administration of this part, and any expense necessary to the
3 protection of the harbors, and connecting waterways, constructed
4 or established under the provisions of this part, or any
5 improvement to the harbors and connecting waterways necessary for
6 the proper and adequate protecting of vessels, shall be paid from
7 the fees, taxes, and revenues before being credited to the
8 advancements. The state administrative board shall from time to
9 time provide for the transfer of credits to advancements from the
10 ~~Michigan state~~ waterways ~~fund~~ **account** to the general fund,
11 until the advancements have been fully paid.

12 Sec. 78115. (1) The department shall establish a public
13 boating access sites grant program. The grant program shall
14 provide funding with money in the ~~Michigan state~~ waterways
15 ~~fund~~ **account** to local units of government and public colleges
16 or universities for all or a portion of the cost of either or
17 both of the following:

18 (a) The acquisition of land for the establishment of a public
19 boating access site.

20 (b) The cost of developing a public boating access site.

21 (2) A grant under subsection (1)(a) may be used as the
22 required match by a local unit of government or a public college
23 or university under part 19 or another state or federal program.

24 (3) A local unit of government or a public college or
25 university receiving a grant under subsection (1)(b) must agree
26 to operate the public boating access site in accordance with the
27 department's operational requirements. The operational

1 requirements shall be included within a grant agreement that is
2 entered into by the grant recipient and the department. The
3 grant agreement may contain, but need not be limited to, 1 or
4 more of the following provisions as required by the department:

5 (a) Any net revenues accruing from the operation of the
6 public boating access site shall be separately accounted for and
7 reserved in a restricted fund by the grantee for the future
8 maintenance or expansion of the public boating access site or,
9 with the approval of the department, the construction of other
10 recreational boating facilities. Unless otherwise provided in
11 the grant agreement or otherwise authorized in writing by the
12 department, if a fee is charged for the use of the public boating
13 access site, the fee shall be the same as the fee rates set by
14 the department.

15 (b) Unless otherwise provided in the grant agreement or
16 otherwise authorized in writing by the department, the public
17 boating access site and any facilities constructed for use in
18 conjunction with the public boating access site shall be reserved
19 by the grantee exclusively for the use or rental, on a daily
20 basis, of recreational watercraft.

21 (c) Unless otherwise provided in the grant agreement or
22 otherwise authorized in writing by the department, commercial
23 operations of any type shall not be permitted to regularly use
24 the public boating access site or any of the facilities
25 constructed for use in conjunction with the public boating access
26 site.

27 (d) The public boating access site and any facilities

1 constructed for use in conjunction with that public boating
2 access site shall be open to the public at all times on equal and
3 reasonable terms.

4 (4) A local unit of government or a public college or
5 university that wishes to be considered for a grant under this
6 section shall submit an application to the department in a manner
7 prescribed by the department and containing the information
8 required by the department.

9 Sec. 78503. Revenues received by the department under this
10 part shall be deposited in the state treasury to the credit of
11 the ~~Michigan state waterways fund and shall be spent only~~
12 ~~pursuant to appropriations by the legislature~~ **account of the**
13 **Michigan conservation and recreation legacy fund provided for in**
14 **section 2035.**

15 Sec. 79114. All revenue from lease contracts entered into
16 under this part shall be deposited in the state treasury and
17 credited to the ~~harbor development fund created in section~~
18 ~~78110~~ **waterways account of the Michigan conservation and**
19 **recreation legacy fund provided for in section 2035.**

20 Sec. 80104. As used in this part:

21 (a) "Highly restricted personal information" means an
22 individual's photograph or image, social security number,
23 digitized signature, and medical and disability information.

24 (b) "Passenger" means a person carried on board a vessel
25 other than any of the following:

26 (i) The owner or his or her representative.

27 (ii) The operator.

1 (c) "Peace officer" means any of the following:

2 (i) A sheriff.

3 (ii) A sheriff's deputy.

4 (iii) A deputy who is authorized by a sheriff to enforce this
5 part and who has satisfactorily completed at least 40 hours of
6 law enforcement training, including training specific to this
7 part.

8 (iv) A village or township marshal.

9 (v) An officer of the police department of any municipality.

10 (vi) An officer of the Michigan state police.

11 (vii) The director and conservation officers employed by the
12 department.

13 (d) "Personal information" means information that identifies
14 an individual, including an individual's driver identification
15 number, name, address not including zip code, and telephone
16 number, but does not include information on watercraft operation
17 and equipment-related violations or civil infractions, operator
18 or vehicle registration status, accidents, or other
19 behaviorally-related information.

20 (e) "Personal watercraft" means a vessel that meets all of
21 the following requirements:

22 (i) Uses a motor-driven propeller or an internal combustion
23 engine powering a water jet pump as its primary source of
24 propulsion.

25 (ii) Is designed without an open load carrying area that
26 would retain water.

27 (iii) Is designed to be operated by 1 or more persons

1 positioned on, rather than within, the confines of the hull.

2 (f) "Political subdivision" means any county, metropolitan
3 authority, municipality, or combination of those entities in this
4 state. Whenever a body of water is located in more than 1
5 political subdivision, all of the subdivisions shall act
6 individually in order to comply with this part, except that if
7 the problem is confined to a specific area of the body of water,
8 only the political subdivision in which the problem waters lie
9 shall act.

10 (g) "Port" means left, and reference is to the port side of a
11 vessel or to the left side of the vessel.

12 (h) "Probate court or family division disposition" means the
13 entry of a probate court order of disposition or family division
14 order of disposition for a child found to be within the
15 provisions of chapter XIIIA of **the probate code of 1939**, 1939 PA
16 288, MCL ~~712a.1 to 712a.32~~ **712A.1 to 712A.32**.

17 (i) "Prosecuting attorney", except as the context requires
18 otherwise, means the attorney general, the prosecuting attorney
19 of a county, or the attorney representing a political subdivision
20 of government.

21 (j) "Regatta", "boat race", "marine parade", "tournament", or
22 "exhibition" means an organized water event of limited duration
23 that is conducted according to a prearranged schedule.

24 (k) "Slow--no wake speed" means a very slow speed whereby the
25 wake or wash created by the vessel would be minimal.

26 (l) "Starboard" means right, and reference is to the
27 starboard side of a vessel or to the right side of the vessel.

1 (m) "State aid" means payment made by the state to a county
2 for the conduct of a marine safety program.

3 (n) "Undocumented vessel" means a vessel that does not have,
4 and is not required to have, a valid marine document issued by
5 the United States coast guard or federal agency successor to the
6 United States coast guard.

7 (o) "Uniform inspection decal" means an adhesive-backed
8 sticker created by the department ~~pursuant to section 80166~~
9 that is color-coded to indicate the year that it expires and is
10 attached to a vessel in the manner prescribed for decals in
11 section 80122 when a peace officer inspects and determines that
12 the vessel complies with this part.

13 (p) "Use" means operate, navigate, or employ.

14 (q) "Vessel" means every description of watercraft used or
15 capable of being used as a means of transportation on water.

16 (r) "Waters of this state" means any waters within the
17 territorial limits of this state, and includes those waters of
18 the Great Lakes that are under the jurisdiction of this state.

19 **(s) "Waterways account" means the waterways account of the**
20 **Michigan conservation and recreation legacy fund provided for in**
21 **section 2035.**

22 Sec. 80115. (1) The revenue received under this part shall
23 be deposited in the state treasury. The revenue division,
24 department of treasury, shall annually present to the department
25 an accurate total of all the revenues collected, and shall then,
26 except as provided in section 80124b, credit the revenues
27 collected to the ~~following funds~~ **waterways account to be used**

1 as follows:

2 (a) 17.5% to ~~the Michigan state waterways fund created in~~
3 ~~section 78110~~ implement part 781.

4 (b) 33.5% to ~~the Michigan harbor development fund created in~~
5 ~~section 78110~~ implement part 791.

6 (c) 49% ~~to the marine safety fund created in subsection~~
7 ~~(2). (2) The marine safety fund is created as a separate fund in~~
8 ~~the state treasury. The legislature shall appropriate from the~~
9 ~~marine safety fund~~ for water safety education programs and for
10 the administration and enforcement of this part, including state
11 aid to counties, and for no other purpose. ~~, but not in excess~~
12 ~~of revenues credited to the marine safety fund.~~

13 (2) Fees provided for in section 80124 shall not be
14 appropriated for the inspection of vessels that carry passengers
15 for hire and are regulated under part 445.

16 Sec. 80118. The amount of state aid to be allocated to a
17 county pursuant to this part shall be determined by the
18 department in the manner the department determines is
19 appropriate. The department shall review the county's statement
20 of authorized expenditures actually incurred and if satisfied
21 shall provide state aid in an amount not to exceed 3/4 of the
22 county's estimated authorized expenditures for the past calendar
23 year. If the county's authorized expenditures actually incurred
24 for the past calendar year exceed the county's estimated
25 authorized expenditures for that calendar year, the department,
26 if it considers it to be in the best interests of the state and
27 adequate funds have been appropriated by the legislature for

1 state aid to counties, may provide state aid in excess of 3/4 of
2 the county's estimated authorized expenditures for that calendar
3 year, but not in excess of 3/4 of the county's authorized
4 expenditures actually incurred. If the amount appropriated by
5 the legislature for state aid to counties is insufficient to pay
6 the full amount to which the counties are entitled, the
7 department shall reduce the allocations proportionate to the
8 shortfall of revenue among all state and local programs for which
9 ~~marine safety fund resources were~~ **waterways account money was**
10 appropriated.

11 Sec. 80119. Annually the department of the treasury shall
12 audit the county records pertaining to the marine safety program
13 to assure the proper disposition of this money in accordance with
14 this part and rules promulgated under this part. If the audit
15 reveals that a refund of state aid money is due to the state, the
16 county treasurer, within 30 days of the completion of the audit,
17 shall send to the department the amount of the refund due to the
18 state, which the department shall return to the ~~marine safety~~
19 ~~fund~~ **waterways account to be used for the purpose described in**
20 **section 80115(1)(c).**

21 Sec. 81101. As used in this part:

22 (a) "ATV" means a 3- or 4-wheeled vehicle designed for
23 off-road use that has low-pressure tires, has a seat designed to
24 be straddled by the rider, and is powered by a 50cc to 500cc
25 gasoline engine or an engine of comparable size using other
26 fuels.

27 (b) "Code" means the Michigan vehicle code, 1949 PA 300, MCL

1 257.1 to 257.923.

2 (c) "Dealer" means a person engaged in the sale, lease, or
3 rental of an ORV as a regular business or, for purposes of
4 selling licenses under section 81116, any other person authorized
5 by the department to sell licenses or permits, or both, under
6 this act.

7 (d) "Designated", unless the context implies otherwise, means
8 posted open for ORV use with appropriate signs by the
9 department.

10 (e) "Forest road" means a hard surfaced road, gravel or dirt
11 road, or other route capable of travel by a 2-wheel drive,
12 4-wheel conventional vehicle designed for highway use, except an
13 interstate, state, or county highway.

14 (f) "Forest trail" means a designated path or way capable of
15 travel only by a vehicle less than 50 inches in width.

16 (g) "Highway" means the entire width between the boundary
17 lines of a way publicly maintained when any part of the way is
18 open to the use of the public for purposes of vehicular travel.

19 (h) "Highly restricted personal information" means an
20 individual's photograph or image, social security number,
21 digitized signature, and medical and disability information.

22 (i) "Late model ORV" means an ORV manufactured in the current
23 model year or the 5 model years immediately preceding the current
24 model year.

25 (j) "Manufacturer" means a person, partnership, corporation,
26 or association engaged in the production and manufacture of ORVs
27 as a regular business.

1 (k) "Off-road vehicle account" means the off-road vehicle
2 account of the Michigan conservation and recreation legacy fund
3 provided for in section 2015.

4 (l) ~~—(k)—~~ "Operate" means to ride in or on, and be in actual
5 physical control of, the operation of an ORV.

6 (m) ~~—(l)—~~ "Operator" means a person who operates or is in
7 actual physical control of the operation of an ORV.

8 (n) ~~—(m)—~~ "ORV" or "vehicle" means a motor driven off-road
9 recreation vehicle capable of cross-country travel without
10 benefit of a road or trail, on or immediately over land, snow,
11 ice, marsh, swampland, or other natural terrain. ORV or vehicle
12 includes, but is not limited to, a multitrack or multiwheel drive
13 vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, or
14 4-wheel vehicle, an amphibious machine, a ground effect air
15 cushion vehicle, or other means of transportation deriving motive
16 power from a source other than muscle or wind. ORV or vehicle
17 does not include a registered snowmobile, a farm vehicle being
18 used for farming, a vehicle used for military, fire, emergency,
19 or law enforcement purposes, a vehicle owned and operated by a
20 utility company or an oil or gas company when performing
21 maintenance on its facilities or on property over which it has an
22 easement, a construction or logging vehicle used in performance
23 of its common function, or a registered aircraft.

24 (o) ~~—(n)—~~ "Owner" means any of the following:

25 (i) A vendee or lessee of an ORV which is the subject of an
26 agreement for the conditional sale or lease of the ORV, with the
27 right of purchase upon performance of the conditions stated in

1 the agreement, and with an immediate right of possession vested
2 in the conditional vendee or lessee.

3 (ii) A person renting an ORV, or having the exclusive use of
4 an ORV, for more than 30 days.

5 (iii) A person who holds legal ownership of an ORV.

6 (p) ~~-(e)-~~ "Person with disabilities" means a person who has 1
7 or more of the following physical characteristics:

8 (i) Blindness.

9 (ii) Inability to ambulate more than 200 feet without having
10 to stop and rest during any time of the year.

11 (iii) Loss of use of 1 or both legs or feet.

12 (iv) Inability to ambulate without the prolonged use of a
13 wheelchair, walker, crutches, braces, or other device required to
14 aid mobility.

15 (v) A lung disease from which the person's expiratory volume
16 for 1 second, when measured by spirometry, is less than 1 liter,
17 or from which the person's arterial oxygen tension is less than
18 60 mm/hg of room air at rest.

19 (vi) A cardiovascular disease from which the person measures
20 between 3 and 4 on the New York heart classification scale, or
21 from which a marked limitation of physical activity causes
22 fatigue, palpitation, dyspnea, or anginal pain.

23 (vii) Other diagnosed disease or disorder including, but not
24 limited to, severe arthritis or a neurological or orthopedic
25 impairment that creates a severe mobility limitation.

26 (q) ~~-(p)-~~ "Personal information" means information that
27 identifies an individual, including an individual's driver

1 identification number, name, address not including zip code, and
2 telephone number, but does not include information on ORV
3 operation or equipment-related violations or civil infractions,
4 operator or vehicle registration status, accidents, or other
5 behaviorally-related information.

6 (r) ~~-(q)-~~ "Public agency" means the department or a local or
7 federal unit of government.

8 (s) ~~-(r)-~~ "Roadway" means that portion of a highway improved,
9 designated, or ordinarily used for vehicular travel. If a
10 highway includes 2 or more separate roadways, the term roadway
11 refers to a roadway separately, but not to all roadways
12 collectively.

13 (t) ~~-(s)-~~ "Route" means a forest road or other road that is
14 designated for purposes of this part by the department.

15 ~~-(t) "Safety education fund" means the safety education fund~~
16 ~~created under section 81118.~~

17 (u) "Safety chief instructor" means a person who has been
18 certified by a nationally recognized ATV and ORV organization to
19 certify instructors and to do on-sight evaluations of
20 instructors.

21 ~~-(v) "Trail improvement fund" means the ORV trail improvement~~
22 ~~fund created pursuant to section 81117.~~

23 (v) ~~-(w)-~~ "Visual supervision" means the direct observation
24 of the operator with the unaided or normally corrected eye, where
25 the observer is able to come to the immediate aid of the
26 operator.

27 Sec. 81110. (1) The department of state shall charge a fee

1 of \$11.00 for processing an application for an ORV certificate of
2 title or a duplicate ORV certificate of title. The department of
3 state shall charge an additional fee of \$5.00 for processing an
4 application on an expedited basis.

5 (2) If a check or draft in payment of a required fee is not
6 paid on its first presentation, the fee is delinquent as of the
7 date the check or draft was tendered. The person tendering the
8 check or draft remains liable for the payment of each fee and any
9 penalty.

10 (3) The department of state may suspend an ORV certificate of
11 title if the department of state determines that a fee prescribed
12 in this section has not been paid and remains unpaid after
13 reasonable notice or demand.

14 (4) If a fee is still delinquent 15 days after the department
15 of state has given notice to a person who tendered the check or
16 draft, a \$10.00 penalty shall be assessed and collected in
17 addition to the fee.

18 (5) The revenue collected from the fees imposed under this
19 section shall be used to support the administrative costs of the
20 secretary of state required by this section. Annual revenue
21 collected in excess of these administrative costs shall be
22 credited to the ~~ORV trail improvement fund created in section~~
23 ~~81117~~ **off-road vehicle account**. Amounts appropriated for
24 administrative costs but unexpended shall be credited to the ~~ORV~~
25 ~~trail improvement fund~~ **off-road vehicle account**.

26 Sec. 81117. (1) ~~The ORV trail improvement fund is created~~
27 ~~in the state treasury. The fund shall be administered by the~~

~~1 department and shall be used for the signing,~~ **Money in the**
2 off-road vehicle account shall be used only for the following:

3 (a) Signage for and improvement, maintenance, and
4 construction of ORV trails, routes, or areas. ~~—, for the~~

5 (b) The administration and enforcement of this part. ~~—, for~~
6 the

7 (c) The leasing of land. ~~—, for the~~

8 (d) The acquisition of easements, permits, or other
9 agreements for the use of land for ORV trails, routes, or areas.
10 —, and for the

11 (e) The restoration of any of the natural resources of this
12 state on public land that are damaged due to ORV use in
13 conjunction with the plan required by section 81123.

14 (f) One dollar of the revenue from each fee collected under
15 section 81116 shall be used for the purposes of sections 81129
16 and 81130.

17 (2) —Except as provided in section 81118, all of the **All**
18 revenue from each fee collected under section 81116 shall be
19 deposited in the —fund **off-road vehicle account.**

20 —(3) The department may accept gifts, grants, or bequests
21 from any public or private source or from the federal, state, or
22 a local unit of government for the purposes of the fund.

23 (3) —(4) All funds allocated under this part shall be for
24 projects that are open to the public.

25 —(5) Any money remaining in the ORV trail improvement fund at
26 the end of a fiscal year shall be carried over in the fund to the
27 next and succeeding fiscal years and shall only be used for the

1 ~~purposes stated in this section.~~

2 Sec. 81119. (1) Not less than ~~40% of the revenue in the~~
3 ~~ORV trail improvement fund through March 31, 1996, and not less~~
4 ~~than 50% beginning April 1, 1996,~~ **of the money in the off-road**
5 **vehicle account** shall be distributed each year in the form of
6 grants for the purpose of planning, improving, constructing,
7 signing, and maintaining ORV trails, areas, and routes and access
8 to those trails, areas, and routes, the leasing of land, the
9 acquisition of easements, permits, or other agreements for the
10 use of land for ORV trails, areas, and routes, to public agencies
11 and nonprofit incorporated clubs and organizations.

12 (2) An application by a public agency or a nonprofit
13 incorporated club or organization shall include a plan for
14 restoration of any of the natural resources of this state on
15 public land that are damaged due to ORV use. The public agencies
16 or nonprofit incorporated clubs or organizations shall indicate
17 on their application that their use of grant money is consistent
18 with, and meets the requirements of, the plan developed by the
19 department pursuant to section 81123, and the trail, route, or
20 area is available to the public. The department shall not
21 approve a grant unless the application meets the requirements of
22 the plan. The department shall make application forms available
23 and consider grant requests on a yearly basis. ~~in consultation~~
24 ~~with the ORV trails advisory committee created in section 81125.~~

25 (3) A grant shall not be made for a trail, route, or area
26 unless the trail, route, or area is available for ORV use and is
27 approved by the department. A grant for the cost of leasing of

1 land and the acquisition of easements, permits, or other
2 agreements may equal 100% of incurred expense. Specifications
3 shall be prescribed by the department.

4 (4) Not less than ~~30% of the revenue in the fund through~~
5 ~~March 31, 1996, and not less than 31-1/4% beginning April 1,~~
6 ~~1996,~~ **of the money in the off-road vehicle account** shall be used
7 each year for enforcement of this part or the purchase of any
8 necessary equipment used for enforcement of this part. Of ~~this~~
9 **the** amount available for enforcement, the department shall make
10 available **24% of the** funds for distribution in the form of grants
11 by the department to the county sheriffs' departments. ~~in the~~
12 ~~following percentage amounts: 60% of the funds available for the~~
13 ~~first year of operation of the fund; 50% of the funds available~~
14 ~~in the second year; 40% of the funds available through March 31,~~
15 ~~1996; and 24% of the funds beginning April 1, 1996 and~~
16 ~~thereafter.~~ The balance of the funds available shall be used by
17 the department for the enforcement of this part or for the
18 purchase of any necessary equipment used for the enforcement of
19 this part. In making grants available for distribution under
20 this subsection, the department shall consider the following
21 factors:

22 (a) The number of miles of ORV trails, routes, or areas
23 within the county.

24 (b) The number of sheriff's department employees available
25 for enforcement of this part.

26 (c) The estimated number of ORVs within the county and that
27 are brought into the county for ORV use.

1 (d) The estimated number of days that ORVs may be used within
2 that county.

3 (e) Any other factors considered appropriate by the
4 department. The department shall require a county sheriff
5 receiving a grant under this subsection to maintain records and
6 submit an annual report to verify expenditure of grant money
7 received.

8 (5) Not less than ~~20%~~ **12-1/2%** of the revenue in the ~~ORV~~
9 ~~trail improvement fund through March 31, 1996, and not less than~~
10 ~~12-1/2% beginning April 1, 1996,~~ **off-road vehicle account** shall
11 be distributed each year in the form of grants to public agencies
12 and nonprofit incorporated clubs and organizations for the
13 restoration of damage that is caused by ORV use to natural
14 resources on public land. A grant under this subsection may be
15 in addition to a grant under subsection (1). An application for
16 a grant under this subsection shall comply with subsection (2).

17 (6) Not more than 3-1/8% of the revenue in the ~~fund~~
18 **off-road vehicle account** in any year shall be used for
19 administration of this part. The department may use revenue from
20 the funds for personnel to operate the program under this part.

21 (7) The remaining 3-1/8% of the revenue in the ~~fund~~
22 **off-road vehicle account** may be used for the purposes described
23 in subsections (1) and (4), except that 25 cents of each fee for
24 a license sold by a dealer shall be retained by the dealer as a
25 commission for services rendered. If the remainder of the ~~fund~~
26 **money in the off-road vehicle account** is used for the purposes
27 described in subsection (4), it shall be allocated as provided in

1 subsection (4).

2 (8) Grants under this section shall remain available until
3 expended once a contract or commitment has been entered into
4 under this section. A contract shall be for a period of not more
5 than 2 years. A grant not expended within the contract period
6 may be renewed by the department by entering into a new
7 contract.

8 Sec. 81130. (1) A person who is under 16 years of age,
9 before operating an ATV or ORV, shall complete an ORV safety
10 education course approved by the department. This course may
11 include a written examination and a driving test designed to test
12 the competency of the applicant. Upon successful completion of
13 this safety education course, a person shall receive an ORV
14 safety certificate.

15 (2) A safety education course conducted by a college or
16 university, an intermediate school district, a local school
17 district, a law enforcement agency, or another governmental
18 agency located in this state or by a department approved
19 nonprofit service organization shall be conducted in compliance
20 with this section. An agency or a school conducting a course
21 under this subsection may apply to the department for a grant
22 from the ~~fund~~ **off-road vehicle account** for costs associated
23 with conducting a course.

24 (3) Except for a course conducted by a private business
25 enterprise as provided by subsection (4), an applicant for a
26 safety education course under this section shall pay not more
27 than a \$25.00 course fee or in the case of a university or

1 community college a fee not more than the cost of 1 credit hour
2 of instruction. The course fees shall only be used for funding
3 the administration and implementation of the course.

4 (4) An ATV or ORV, or both, safety education course required
5 by this section and approved by the department may be conducted
6 by a private business enterprise. A private business enterprise
7 may charge a course fee not to exceed the cost of conducting the
8 course.

9 (5) The director shall designate a person to be the state
10 coordinator of the ATV and ORV safety education program. A
11 person designated under this subsection shall have successfully
12 completed ATV and ORV safety courses.

13 (6) The director shall designate a person who has
14 successfully completed ATV and ORV safety courses to perform
15 annual inspections of course sites.

16 Sec. 81147. (1) Except as otherwise provided in this part,
17 a person who violates a provision of this part is guilty of a
18 misdemeanor, punishable by imprisonment for not more than 90
19 days, or a fine of not less than \$50.00 or more than \$1,000.00,
20 or both, for each violation of the part.

21 (2) A person who violates sections 81105, 81107, 81115,
22 81116, 81121, 81130, and 81133(b), (c), (d), (f), (g), (h), (j),
23 (l), and (m) is responsible for a state civil infraction and may
24 be ordered to pay a civil fine of not more than \$500.00.

25 (3) A person shall not remove, deface, or destroy a sign or
26 marker placed by the department indicating the boundaries of an
27 ORV trail or area or that marks a route.

1 (4) In addition to the penalties otherwise provided under
2 this part, a court of competent jurisdiction may order a person
3 to restore, as nearly as possible, any land, water, stream bank,
4 streambed, or other natural or geographic formation damaged by
5 the violation of this part to the condition it was in before the
6 violation occurred.

7 (5) The department or any other peace officer may impound the
8 ORV of a person who violates a provision of this part that is
9 punishable as a misdemeanor or who causes damage to the
10 particular area in which the ORV was used in the commission of
11 the violation.

12 (6) Upon conviction of a person for violation of a provision
13 of this part that is punishable as a misdemeanor or any other
14 provision of this part that results in damage to the particular
15 area in which the ORV was used, a court of competent jurisdiction
16 may order an ORV and any personal property on the ORV seized as a
17 result of the violation returned to the owner or upon
18 recommendation of the local prosecuting attorney turned over to
19 the department. If the ORV and any other property is turned over
20 to the department, they shall be disposed of in the manner
21 provided for condemnation of property in part 16. The proceeds
22 realized by the department under this subsection shall first be
23 used to restore areas damaged by ORV use with the balance to be
24 deposited in the ~~ORV trail improvement fund~~ **off-road vehicle**
25 **account**.

26 Sec. 82101. As used in this part:

27 (a) "Conviction" means a final conviction, the payment of a

1 fine, a plea of guilty or nolo contendere if accepted by the
2 court, or a finding of guilt or probate court disposition on a
3 violation of this part, regardless of whether the penalty is
4 rebated or suspended.

5 (b) "Dealer" means any person engaged in the sale, lease, or
6 rental of snowmobiles as a regular business.

7 (c) "Former section 15a" means section 15a of former 1968 PA
8 74, as constituted prior to May 1, 1994.

9 (d) "Highly restricted personal information" means an
10 individual's photograph or image, social security number,
11 digitized signature, and medical and disability information.

12 (e) "Highway or street" means the entire width between the
13 boundary lines of every way publicly maintained if any part
14 thereof is open to the use of the public for purposes of
15 vehicular travel.

16 (f) "In-kind contributions" means services and goods as
17 approved by the department that are provided by a grant recipient
18 toward completion of a department-approved local snowmobile
19 program under section 82107.

20 (g) "Law of another state" means a law or ordinance enacted
21 by another state or by a local unit of government in another
22 state.

23 (h) "Long-term incapacitating injury" means an injury that
24 causes a person to be in a comatose, quadriplegic, hemiplegic, or
25 paraplegic state, which state is likely to continue for 1 year or
26 more.

27 (i) "Operate" means to ride in or on and be in actual

1 physical control of the operation of a snowmobile.

2 (j) "Operator" means any person who operates a snowmobile.

3 (k) "Owner" means any of the following:

4 (i) A person who holds the legal title to a snowmobile.

5 (ii) A vendee or lessee of a snowmobile that is the subject
6 of an agreement for conditional sale or lease with the right of
7 purchase upon performance of the conditions stated in the
8 agreement and with an immediate right of possession vested in the
9 conditional vendee or lessee.

10 (iii) A person renting a snowmobile or having the exclusive
11 use of a snowmobile for more than 30 days.

12 (l) "Peace officer" means any of the following:

13 (i) A sheriff.

14 (ii) A sheriff's deputy.

15 (iii) A deputy who is authorized by a sheriff to enforce this
16 part and who has satisfactorily completed at least 40 hours of
17 law enforcement training, including training specific to this
18 part.

19 (iv) A village or township marshal.

20 (v) An officer of the police department of any municipality.

21 (vi) An officer of the Michigan state police.

22 (vii) The director and conservation officers employed by the
23 department.

24 (viii) A law enforcement officer who is certified pursuant to
25 the commission on law enforcement standards act, 1965 PA 203, MCL
26 28.601 to 28.616, as long as that officer is policing within his
27 or her jurisdiction.

1 (m) "Personal information" means information that identifies
2 an individual, including an individual's driver identification
3 number, name, address not including zip code, and telephone
4 number, but does not include information on snowmobile operation
5 or equipment-related violations or civil infractions, operator or
6 snowmobile registration status, accidents, or other
7 behaviorally-related information.

8 (n) "Probate court or family division disposition" means the
9 entry of a probate court order of disposition or family division
10 order of disposition for a child found to be within the
11 provisions of chapter XIIIA of the probate code of 1939, 1939 PA
12 288, MCL 712A.1 to 712A.32.

13 (o) "Prosecuting attorney", except as the context requires
14 otherwise, means the attorney general, the prosecuting attorney
15 of a county, or the attorney representing a local unit of
16 government.

17

(p) "Recreational snowmobile trail improvement subaccount"
18 **means the recreational snowmobile trail improvement subaccount of**
19 **the snowmobile account created in section 82110.**

20 (q) ~~—(p)—~~ "Right-of-way" means that portion of a highway or
21 street less the roadway and any shoulder.

22 (r) ~~—(q)—~~ "Roadway" means that portion of a highway or street
23 improved, designated, or ordinarily used for vehicular travel.
24 If a highway or street includes 2 or more separate roadways, the
25 term roadway refers to any such roadway separately, but not to
26 all such roadways collectively.

27 (s) ~~—(r)—~~ "Shoulder" means that portion of a highway or

1 street on either side of the roadway that is normally snowplowed
2 for the safety and convenience of vehicular traffic.

3 (t) ~~—(s)—~~ "Snowmobile" means any motor-driven vehicle
4 designed for travel primarily on snow or ice of a type that
5 utilizes sled-type runners or skis, an endless belt tread, or any
6 combination of these or other similar means of contact with the
7 surface upon which it is operated, but is not a vehicle that must
8 be registered under the Michigan vehicle code, 1949 PA 300, MCL
9 257.1 to 257.923.

10 (u) "Snowmobile account" means the snowmobile account of the
11 Michigan conservation and recreation legacy fund provided for in
12 section 2025.

13 (v) "Snowmobile registration fee subaccount" means the
14 snowmobile registration fee subaccount of the snowmobile account
15 created in section 82111.

16 (w) ~~—(t)—~~ "Zone 1" means all of the Upper Peninsula.

17 (x) ~~—(u)—~~ "Zone 2" means all of that part of the Lower
18 Peninsula north of a line beginning at and drawn from a point on
19 the Michigan-Wisconsin boundary line due west of the westerly
20 terminus of River road in Muskegon county; thence due east to the
21 westerly terminus of River road; thence north and east along the
22 center line of the River road to its intersection with highway
23 M-120; thence northeasterly and easterly along the center line of
24 highway M-120 to the junction of highway M-20; thence easterly
25 along the center line of M-20 to its junction with US-10 at the
26 Midland-Bay county line; thence easterly along the center line of
27 the "business route" of highway US-10 to the intersection of

1 Garfield road in Bay county; thence north along the center line
 2 of Garfield road to the intersection of the Pinconning road;
 3 thence east along the center line of Pinconning road to the
 4 intersection of the Seven Mile road; thence north along the
 5 center of the Seven Mile road to the Bay-Arenac county line;
 6 thence north along the center line of the Lincoln School road
 7 (county road 25) in Arenac county to the intersection of highway
 8 M-61; thence east along the center line of highway M-61 to the
 9 junction of highway US-23; thence northerly and easterly along
 10 the center line of highway US-23 to the center line of the Au
 11 Gres river; thence southerly along the center line of the river
 12 to its junction with Saginaw Bay of Lake Huron; thence north 78°
 13 east to the international boundary line between the United States
 14 and the Dominion of Canada.

15 (y) ~~(v)~~ "Zone 3" means all of that part of the Lower
 16 Peninsula south of the line described in subdivision ~~(u)~~ (x).

17 Sec. 82102a. (1) The Michigan snowmobile advisory committee
 18 is created in the department. The committee shall consist of 7
 19 individuals appointed by the director for 2-year terms. The
 20 members of the former snowmobile advisory board serving on April
 21 29, 1994 shall serve on the committee until the expiration of
 22 their terms on the snowmobile advisory board. The director shall
 23 appoint 1 member of the committee as chairperson and that member
 24 shall serve as chairperson at the pleasure of the director. The
 25 membership of the committee shall consist of the following:

26 (a) Three persons representing the Michigan snowmobile
 27 association, 1 from each of the department's 3 regions. One of

1 the 3 shall also have experience as an instructor in a snowmobile
2 safety program.

3 (b) One person representing trail sponsors.

4 (c) One person representing the business community.

5 (d) Two persons representing at-large trail users.

6 (2) The committee shall meet twice each year and at the call
7 of the committee chairperson as needed.

8 ~~(3) On October 1, 1996, the director shall advise the~~
9 ~~governor regarding whether there is a continuing need for the~~
10 ~~existence of the committee.~~

11 (3) ~~—(4)—~~ The Michigan snowmobile advisory committee shall
12 advise the department regarding all of the following:

13 (a) The development of criteria for safety education and
14 training programs.

15 (b) The allocation of funds from the recreational snowmobile
16 trail improvement ~~fund~~ **subaccount**.

17 (c) The promulgation of rules affecting snowmobile use in
18 this state.

19 (d) The development of annual updates to the comprehensive
20 plan for implementing a statewide recreational and snowmobile
21 trails system.

22 (e) Implementation of the recommendations made by snowmobile
23 users regarding trails that should be designated for snowmobile
24 use.

25 (f) The development of a comprehensive plan for the use of
26 snowmobiles in this state.

27 (4) ~~—(5)—~~ As used in this section, "committee" means the

1 Michigan snowmobile advisory committee.

2 Sec. 82106. (1) Except as otherwise provided in this part,
3 revenue received from the registration fees under this part shall
4 be deposited as follows:

5 (a) Seventeen dollars of each registration fee shall be
6 deposited into the snowmobile registration fee ~~fund~~
7 **subaccount**. However, if the balance of the snowmobile
8 registration fee ~~fund~~ **subaccount** exceeds \$1,600,000.00 at any
9 time, the state treasurer shall transfer all amounts in excess of
10 \$1,600,000.00 to the recreational snowmobile trail improvement
11 ~~fund~~ **subaccount**. From the revenue deposited in the snowmobile
12 registration fee ~~fund~~ **subaccount** under this part, the
13 legislature shall make an annual appropriation as follows:

14 (i) Not more than \$3.00 from each registration fee collected
15 during each fiscal year shall be appropriated to the department
16 of state for administration of the registration provisions of
17 this part. At the close of each state fiscal year, any funds
18 appropriated under this subparagraph but not expended shall be
19 credited to the recreational snowmobile trail improvement ~~fund~~
20 **subaccount**. Additionally, if less than \$3.00 from each
21 registration fee is appropriated to the department of state, the
22 state treasurer shall transfer the difference between \$3.00 and
23 the amount appropriated from each registration fee to the
24 recreational snowmobile trail improvement ~~fund~~ **subaccount**.

25 (ii) Fourteen dollars from each registration fee collected
26 during each fiscal year shall be appropriated to the department
27 for purposes set forth in section 82107, including financial

1 assistance to county sheriff departments and local law
2 enforcement agencies for local snowmobile programs. Any money
3 appropriated but not expended under this subparagraph shall be
4 credited each year to the snowmobile registration fee ~~fund~~
5 **subaccount**.

6 (b) Five dollars from each registration fee shall be
7 deposited in the recreational snowmobile trail improvement ~~fund~~
8 **subaccount** and shall be administered by the department for the
9 purposes of planning, construction, maintenance, and acquisition
10 of trails and areas for the use of snowmobiles, or access to
11 those trails and areas, and basic snowmobile facilities.
12 Consideration shall be given in planning the expenditures of the
13 funds to providing recreational opportunities for bicyclists,
14 hikers, equestrians, and other nonconflicting recreational trail
15 users as ancillary benefits of the program.

16 (2) The department shall designate a state recreational trail
17 coordinator and shall maintain a comprehensive plan for
18 implementing a statewide recreational and snowmobile trails
19 system. The comprehensive plan shall be reviewed and updated
20 each year by the department.

21 (3) The money appropriated under this section to the
22 department for snowmobile trails and areas, for access to those
23 trails or areas, and for basic snowmobile facilities may be
24 expended for the acquisition, development, and maintenance on any
25 land in the state. This money may be used to purchase lands or
26 secure easements, leases, permits, or other appropriate
27 agreements permitting use of private property for snowmobile

1 trails, basic facilities, and areas which may be used by
2 bicyclists, hikers, equestrians, and other nonconflicting
3 off-season recreational trail users, if the easements, leases,
4 permits, or other agreements provide public access to the trail,
5 use areas, and support facilities.

6 (4) Recreational trail facilities or major improvements shall
7 not be constructed on private land unless a written agreement in
8 the form of an easement, lease, or permit for a public trail
9 right-of-way having a term of not less than 5 years is made
10 between the owner of the land and the department.

11 (5) The money appropriated under this section shall be
12 expended in a manner and as part of the overall plan of the
13 department for an interconnecting network of statewide snowmobile
14 trails and use areas giving consideration to expected snowfall
15 and availability for use with adequate snow cover. Consideration
16 shall be given in the plan for alternative nonconflicting
17 off-season recreational trail uses.

18 Sec. 82109. (1) Money appropriated to the department from
19 the recreational snowmobile trail improvement ~~fund~~ **subaccount**
20 shall be used for 1 or more of the following:

21 (a) Planning, constructing, maintaining, and acquiring trails
22 and areas for the use of snowmobiles, or access to those trails
23 and areas, and basic snowmobile facilities.

24 (b) Financial assistance to local units of government and
25 nonprofit incorporated snowmobile clubs or organizations
26 considered eligible by the department.

27 (c) The department's administration of subdivisions (a) and

1 (b) .

2 (2) In preparing its annual budget for recreational
3 snowmobile trail improvement funds and determining the allocation
4 of funds as provided for in subsection (1), the department shall
5 do both of the following:

6 (a) Seek input from the snowmobile advisory committee created
7 under section 82102a.

8 (b) To the degree feasible, give priority to use of the funds
9 for financial assistance to local units of government and
10 nonprofit incorporated snowmobile clubs or organizations.

11 (3) A portion of the funds appropriated to the department
12 each year shall be used to provide financial assistance to local
13 units of government and nonprofit incorporated snowmobile clubs
14 or organizations in the form of grants or contract payments for
15 annual snowmobile trail maintenance costs, including signage and
16 liability insurance. The department may also issue grants or
17 enter into contracts for 1 or more of the following additional
18 activities:

19 (a) Maintenance equipment.

20 (b) Repair or new development of snowmobile trails or related
21 facilities, including the costs of designing and engineering for
22 grant-funded improvements.

23 (c) Acquisition of land or rights in lands for snowmobile
24 trails or related facilities, costs of leases, permits,
25 easements, or other agreements that allow for use of private
26 lands for public access to snowmobile trails and related
27 facilities, or development of new snowmobile trails and related

1 facilities.

2 (4) Financial assistance shall not be made under this section
3 unless the costs are for a trail that is available for public
4 snowmobile use and is approved by the department.

5 (5) Financial assistance shall be allocated as follows:

6 (a) Assistance for snowmobile trail maintenance costs,
7 excluding signage and liability insurance, shall be according to
8 a formula promulgated by the state recreational trail
9 coordinator, which shall provide an amount up to 100% of the
10 actual, eligible expense of maintaining the trail per year
11 incurred and documented by the grant recipient or contractor and
12 approved by the department.

13 (b) Assistance for the cost of land acquisition, leasing,
14 permits, or other agreements may equal 100% of the actual,
15 eligible expenses incurred and documented by the grant recipient
16 or contractor and approved by the department.

17 (c) Assistance for signage may equal 100% of the actual,
18 eligible costs incurred and documented by the grant recipient or
19 contractor and approved by the department. In lieu of financial
20 assistance for signage, the department may choose to use
21 recreational snowmobile trail improvement funds to purchase signs
22 and provide them to grant recipients or contractors. Financial
23 assistance for signs shall not be provided under this section
24 unless the snowmobile trails meet minimum state snowmobile trail
25 construction standards and are funded for snowmobile season
26 maintenance.

27 (d) Assistance for trail insurance may equal 100% of the

1 actual, eligible costs incurred and documented by the grant
2 recipient or contractor and approved by the department.

3 (e) Assistance for repair or the development of new trails or
4 trail facilities shall equal 100% of the actual, eligible costs
5 incurred and documented by the grant recipient or contractor and
6 approved by the department.

7 (f) The department may also assist in a portion of the costs
8 of acquiring grooming equipment. The department shall determine
9 the available grant or contract percentage for eligible grooming
10 equipment costs on an annual basis and publish the percentage
11 prior to the application deadline. Assistance for acquiring
12 grooming equipment shall be based on actual, eligible costs
13 incurred and documented by the grant recipient or contractor and
14 approved by the department.

15 (6) To be considered for financial assistance, a local unit
16 of government or nonprofit incorporated snowmobile club or
17 organization must submit an application on a form provided by the
18 department and by a deadline established by the department. An
19 application shall include a proposed budget and the amount of
20 financial assistance requested for each of the activities for
21 which assistance is requested.

22 (7) To receive financial assistance under this section, a
23 local unit of government or nonprofit incorporated snowmobile
24 club or organization must enter into a grant agreement or
25 contract with the department that specifies the obligations of
26 the grant recipient or contractor. The grant agreement or
27 contract shall include provisions as determined by the

1 department, including, but not limited to, requirements that the
2 grant recipient or contractor maintain records and submit
3 documentation and reports to the department to verify expenditure
4 of money received. The grant agreement or contract shall also
5 require a grant recipient or contractor to adhere to trail
6 specifications prescribed by the department.

7 (8) Upon execution of a grant agreement or contract, the
8 department may, at its discretion, provide an advanced payment
9 for a portion of the projected cost for 1 or more of the approved
10 activities. The department shall make final payment upon
11 completion of the project as determined by the department and
12 department approval of cost documentation submitted by the grant
13 recipient or contractor.

14 (9) A grant agreement or contract shall include a specified
15 term for which the grant agreement or contract is valid. Grant
16 or contract funds shall be encumbered upon execution of the grant
17 agreement or contract and remain available for the specified
18 term. Grant or contract funds not expended by a grant recipient
19 or contractor within the specified term may, at the department's
20 discretion, be reallocated to the grant recipient or contractor
21 as part of a new grant agreement or contract.

22 (10) The department of state and the department shall include
23 in their annual budget requests information detailing their
24 snowmobile programs.

25 (11) Beginning March 31, 2004, the department shall provide a
26 biannual report to the commission of its expenditures under this
27 section for the prior 2 fiscal years.

1 Sec. 82110. (1) The recreational snowmobile trail
2 improvement ~~fund~~ **subaccount** is created ~~in the state treasury~~
3 **as a subaccount of the snowmobile account.** ~~The fund shall~~
4 ~~receive money as provided by law and from any gifts or~~
5 ~~contributions to the fund. The state treasurer shall direct the~~
6 ~~investment of the fund. Interest and earnings from the fund~~
7 ~~shall be credited to the fund. The fund shall be administered by~~
8 ~~the department and~~ **Money in the subaccount** shall be used **upon**
9 **appropriation** solely for the improvement of snowmobile trails and
10 other nonconflicting recreational purposes.

11 (2) Five dollars of each fee collected under section 82105, a
12 portion of each trail permit fee collected as provided under
13 section 82118, and not less than 80% of the revenue from the fees
14 collected under sections 82114 and 82115 shall be deposited in
15 the ~~fund~~ **recreational snowmobile trail improvement subaccount.**

16 (3) The department shall promulgate rules for the
17 administration of the ~~fund~~ **recreational snowmobile trail**
18 **improvement subaccount.**

19 (4) All funds allocated under this part shall be for projects
20 that are open to the public.

21 ~~(5) Any money remaining in the recreational snowmobile trail~~
22 ~~improvement fund at the end of a fiscal year shall not be~~
23 ~~credited to or revert to the general fund but shall remain in the~~
24 ~~fund and shall be carried over in the fund to the next and~~
25 ~~succeeding fiscal years and shall only be used for the purposes~~
26 ~~stated in this section.~~

27 Sec. 82111. ~~(1)~~ The snowmobile registration fee ~~fund~~

1 subaccount is created ~~in the state treasury as a subaccount of~~
2 the snowmobile account. ~~The fund shall receive money as~~
3 provided by law and from any gifts or contributions to the fund.
4 The state treasurer shall direct the investment of the fund.
5 Interest and earnings from the fund shall be credited to the
6 fund.

7 ~~—— (2) Money deposited in the general fund pursuant to section~~
8 ~~82106 as of May 1, 1994 is transferred to the snowmobile~~
9 ~~registration fee fund. Money remaining in the snowmobile~~
10 ~~registration fee fund at the end of a fiscal year shall remain in~~
11 ~~the fund and shall be carried over in the fund to the next and~~
12 ~~succeeding fiscal years and shall only be used for the purposes~~
13 ~~stated in this part.~~

14 Sec. 82118. (1) In addition to registration of a snowmobile
15 pursuant to section 82105 or registration in another state or
16 province, ~~beginning October 1, 1994,~~ except as otherwise
17 provided in this section, a person who desires to operate a
18 snowmobile in this state shall purchase a Michigan snowmobile
19 trail permit sticker. The Michigan snowmobile trail permit
20 issued under this section shall be valid for a period of 1 year
21 which begins on October 1 and ends on the following
22 September 30. The fee for the permit shall be ~~the following~~
23 ~~amount for the periods indicated: \$25.00.~~

24 ~~(a) \$10.00 until June 30, 2001.~~

25 ~~—— (b) \$20.00 beginning June 30, 2001 through June 30, 2004.~~

26 ~~—— (c) \$25.00 beginning July 1, 2004.~~

27 (2) Revenue from the trail permit fee shall be allocated as

1 follows:

2 ~~(a) Until June 30, 2001:~~

3 ~~—— (i) \$9.00 to the recreational snowmobile trail improvement~~
4 ~~fund.~~

5 ~~—— (ii) 50 cents shall be retained by the department for~~
6 ~~administrative costs.~~

7 ~~—— (iii) 50 cents shall be retained by the agent selling the~~
8 ~~permit.~~

9 ~~—— (b) Beginning June 30, 2001 through June 30, 2004:~~

10 ~~—— (i) \$18.75 to the recreational snowmobile trail improvement~~
11 ~~fund.~~

12 ~~—— (ii) 50 cents shall be retained by the department for~~
13 ~~administrative costs.~~

14 ~~—— (iii) 75 cents shall be retained by the agent selling the~~
15 ~~permit.~~

16 ~~—— (c) Beginning July 1, 2004:~~

17 ~~(a) —(i)— \$23.50 to the recreational snowmobile trail~~
18 ~~improvement —fund—~~ **subaccount.**

19 ~~(b) —(ii)— 50 cents shall be retained by the department for~~
20 ~~administrative costs.~~

21 ~~(c) —(iii)— \$1.00 shall be retained by the agent selling the~~
22 ~~permit.~~

23 (3) ~~Beginning October 1, 2001, the~~ **The** department shall
24 make the sale of trail permits available on its website. For
25 each trail permit sold through the website, the amount otherwise
26 credited to an agent under subsection (2) shall instead be
27 credited to the recreational snowmobile trail improvement ~~—fund~~

1 **subaccount.**

2 (4) The trail permit sticker shall be permanently affixed to
3 the forward half of the snowmobile directly above or below the
4 headlight of the snowmobile.

5 (5) The department may contract with a person to act as an
6 agent for the purpose of issuing Michigan snowmobile trail
7 permits. The department shall sell the permits to agents in
8 bulk. Agents may obtain a refund from the department for any
9 permits that are not sold.

10 (6) An agent who uses or allows the use of a permit by anyone
11 except the snowmobile user to whom the permit is sold is guilty
12 of a misdemeanor, punishable by a fine of \$50.00 for each
13 instance of such use or allowed use.

14 (7) The department of state may suspend a certificate of
15 registration when the department of state determines that the
16 required fee has not been paid and remains unpaid after
17 reasonable notice or demand. In addition to the required fee, a
18 \$10.00 penalty shall be assessed and collected against any person
19 who tenders an insufficient check or draft in payment of the
20 fee.

21 (8) A snowmobile used solely for transportation on the frozen
22 surface of public waters for the purpose of ice fishing is exempt
23 from the requirement of purchasing and displaying a snowmobile
24 trail permit sticker under this section.

25 (9) A person shall not charge a fee for a snowmobile trail
26 permit in an amount that is greater than the fee printed on the
27 face of the permit.

1 (10) To obtain a snowmobile trail permit, an applicant must
2 provide all information required on the permit application.

3 (11) A person who fails to secure a permit under this section
4 or who violates subsection (4) is responsible for a state civil
5 infraction and may be ordered to pay a civil fine of not more
6 than \$100.00.

7 (12) The department of natural resources shall, by June 1 of
8 each year, report to the members of the appropriate standing
9 committee and appropriations subcommittees of the house and
10 senate, a detailed expenditure plan pertaining to the additional
11 funds generated by this act. The plan shall include information
12 as to how funds were expended in the prior year.

13 Sec. 83101. As used in this part:

14 (a) "Concession" means an agreement between the department
15 and a person under terms and conditions as specified by the
16 department to provide services or recreational opportunities for
17 public use.

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

19 (c) "Director" means the director of the department.

20 (d) ~~"Fund"~~ **"Forest recreation account"** means the forest
21 recreation ~~fund created in section 83104~~ **account of the**
22 **Michigan conservation and recreation legacy fund provided for in**
23 **section 2005.**

24 (e) "Lease" means a conveyance by the department to a person
25 of a portion of the state's interest in land under specific terms
26 and for valuable consideration, thereby granting to the lessee
27 the possession of that portion conveyed during the period

1 stipulated.

2 (f) "State forest" means those lands designated as state
3 forests by the department.

4 Sec. 83103. (1) In implementing section 83102, the
5 department may do any of the following:

6 (a) Enter into contracts or agreements with a person as may
7 be necessary to implement this part.

8 (b) Grant concessions within the boundaries of a state forest
9 to a person. In granting a concession, the department shall
10 provide for all of the following:

11 (i) That the concession or any related structure, facility,
12 equipment, or service is compatible with the natural resource
13 values of the surrounding forest area and is appropriate for the
14 forest recreation system.

15 (ii) That each concession is awarded at least every 7 years
16 based on extension, renegotiation, or competitive bidding.
17 However, if the department determines that a concession requires
18 a capital investment in which a reasonable financing or
19 amortization necessitates a longer term, the department may grant
20 a concession for up to a 15-year term.

21 (iii) That a concession requiring a capital expenditure of
22 more than \$100,000.00 for a building or structure be provided for
23 in the state forest management plan for the state forest in which
24 the concession is proposed to be located.

25 (iv) That all buildings and equipment shall be removed from
26 the state forest property at the end of the concession term,
27 unless the department authorizes otherwise.

1 (v) That no concession or concession operator is granted the
2 authority to charge a fee for access to public land or a public
3 recreation resource.

4 (vi) That all prices, rates, and charges and all services or
5 items offered in the operation of the concession shall be
6 approved by the department.

7 (c) Lease property to a person.

8 (d) Accept gifts, grants, or bequests from any public or
9 private source or from the federal government or a local unit of
10 government for furthering the purposes of this part.

11 (2) Unless otherwise provided by state or federal law, all
12 money collected under this section shall be deposited into the
13 ~~fund~~ **forest recreation account**.

14 (3) Not less than 3 months before granting a concession for
15 more than \$500,000.00 or that will require a capital expenditure
16 of more than \$500,000.00, the department shall notify each member
17 of the house of representatives and senate with primary
18 responsibility for natural resources issues of its intention to
19 grant the concession and of specific details on the nature of the
20 concession.

21 (4) By December 31 of each year, the department shall submit
22 to the legislature a report that provides details on all
23 concessions awarded during the previous year under
24 subsection (1).

25 Sec. 83104. ~~—(1) The forest recreation fund is created~~
26 ~~within the state treasury.~~

27 ~~—(2) The fund may receive money as provided in this part and~~

1 ~~from any other source. The state treasurer shall direct the~~
2 ~~investment of the fund. The state treasurer shall credit to the~~
3 ~~fund interest and earnings from the fund investments. Money~~
4 ~~remaining in the fund at the end of a fiscal year shall be~~
5 ~~carried over in the fund to the next and succeeding fiscal year.~~
6 ~~—— (3) Money in the fund~~ **forest recreation account** shall be
7 used by the department to develop, maintain, operate, and promote
8 forest recreation activities and to implement this part.

9 Sec. 83106. (1) The department may require a person to
10 obtain a permit for camping in designated state forest
11 campgrounds and may establish and collect a fee for the camping
12 permit. However, at least 6 months before increasing a camping
13 permit fee, the department shall provide written notice of its
14 intent to do so to the standing committees of the senate and the
15 house of representatives that have primary jurisdiction over
16 legislation pertaining to natural resources and the environment.

17 (2) The department may require a person to obtain a permit,
18 except as otherwise provided by law, for the use of lands and
19 facilities within the state forest as designated by the
20 department for recreation use.

21 (3) Money collected under this section shall be deposited
22 into the ~~fund~~ **forest recreation account**.

23 Enacting section 1. (1) Sections 71105 and 71107 of the
24 natural resources and environmental protection act, 1994 PA 451,
25 MCL 324.71105 and 324.71107, are repealed.

26 (2) Section 81118 of the natural resources and environmental
27 protection act, 1994 PA 451, MCL 324.81118, is repealed.

1 Enacting section 2. This amendatory act does not take
2 effect unless House Joint Resolution Z of the 92nd Legislature
3 becomes a part of the state constitution of 1963 as provided in
4 section 1 of article XII of the state constitution of 1963.