

SUBSTITUTE FOR
HOUSE JOINT RESOLUTION Z

A joint resolution proposing an amendment to the state constitution of 1963, by adding sections 40, 41, and 42 to article IX, to provide for the establishment of the Michigan conservation and recreation legacy fund, the Michigan game and fish protection trust fund, and the Michigan nongame fish and wildlife trust fund.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to provide for the establishment of the Michigan conservation and recreation legacy fund, the Michigan game and fish protection trust fund, and the Michigan nongame fish and wildlife trust fund, is proposed, agreed to, and submitted to the people of the state:

1

ARTICLE IX

2

Sec. 40. The Michigan conservation and recreation legacy

1 fund is established. The state treasurer shall direct the
2 investment of the legacy fund. The state treasurer shall
3 establish within the legacy fund restricted accounts as
4 authorized by this section and may establish additional
5 subaccounts as authorized by law. The state treasurer may
6 receive gifts, grants, bequests, or assets from any source for
7 deposit into a particular account or subaccount. The assets of
8 the legacy fund shall be invested as provided by law. Interest
9 and earnings accruing from each account or subaccount shall be
10 credited to that account or subaccount.

11 The forest recreation account is established as an account
12 within the legacy fund. The forest recreation account shall
13 consist of revenue derived from concessions, leases, contracts,
14 and fees from activities on state forestlands; and other revenues
15 as authorized by law. Money in the forest recreation account
16 shall be expended only for the following:

17 (a) The development, improvement, operation, promotion, and
18 maintenance of forest recreation activities.

19 (b) The administration of the forest recreation account.

20 The game and fish protection account is established as an
21 account within the legacy fund. The game and fish protection
22 account shall consist of revenue derived from hunting and fishing
23 licenses, passbooks, permits, fees, concessions, leases,
24 contracts, and activities; damages paid for the illegal taking of
25 game and fish; revenue derived from fees, licenses, and permits
26 related to game, game areas, and game fish; and other revenues as
27 authorized by law. Money in the game and fish protection account

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1 shall be expended only for the following:

2 (a) The development, improvement, operation, promotion, and
3 maintenance of game and fish programs and facilities.

4 (b) The acquisition of land and rights in land that support
5 game and fish programs.

6 (c) Research to support game and fish programs.

7 (d) The enforcement and administration of the game, fish, and
8 fur laws of the state, including the necessary equipment and
9 apparatus incident to the operation and enforcement of the game,
10 fish, and fur laws.

11 (e) The protection, propagation, distribution, and control of
12 game, fish, birds, fur-bearing animals, and other wildlife.

13 (f) The administration of the game and fish protection
14 account, which may include payments in lieu of taxes on state
15 owned land [that has been or will be] purchased through the game and fish
protection [fund or]
16 account.

17 The off-road vehicle account is established as an account
18 within the legacy fund. The off-road vehicle account shall
19 consist of revenue derived from fees imposed upon the use or
20 registration of off-road vehicles and other revenues as
21 authorized by law. Money in the off-road vehicle account shall
22 be expended only for the following:

23 (a) Signage for and the improvement, maintenance, and
24 construction of off-road vehicle trails, routes, or areas.

25 (b) The administration and enforcement of state regulations
26 related to off-road vehicles.

27 (c) The leasing of land for use by off-road vehicles.

1 (d) The acquisition of easements, permits, or other
2 agreements for the use of land for off-road vehicle trails,
3 routes, or areas.

4 (e) The restoration of any of the natural resources of the
5 state on public land that are damaged due to off-road vehicle
6 use.

7 (f) Safety education programs related to the operation of
8 off-road vehicles.

9 (g) The administration of the off-road vehicle account.

10 The recreation improvement account is established as an
11 account within the legacy fund. The recreation improvement
12 account shall consist of all tax revenue derived from the sale of
13 two percent of the gasoline sold in this state for consumption in
14 internal combustion engines; and other revenues as authorized by
15 law. Money in the recreation improvement account shall be
16 expended only for the following:

17 (a) Eighty percent of the money shall be annually transferred
18 to the waterways account to be used for the purposes of that
19 account.

20 (b) Fourteen percent of the money shall be annually
21 transferred to the snowmobile account to be used for the purposes
22 of that account.

23 (c) The remainder of the money that is not transferred under
24 this section shall be used for recreation projects and for the
25 administration of the recreation improvement account. Of the
26 amount that is credited to recreational projects in a fiscal
27 year, not less than twenty-five percent of any funds designated

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1 for projects intended for off-road vehicles shall be expended on
2 projects to repair damages as a result of pollution, impairment,
3 or destruction of air, water, or other natural resources, or the
4 public trust, in air, water, or other natural resources, as a
5 result of the use of off-road vehicles.

6 The snowmobile account is established as an account within
7 the legacy fund. The snowmobile account shall consist of revenue
8 derived from fees imposed for the registration or use of
9 snowmobiles; revenue derived from the use of snowmobile trails;
10 transfers from the recreation improvement account; and other
11 revenues as authorized by law. Money in the snowmobile account
12 shall be expended only for the following:

13 (a) Planning, construction, maintenance, and acquisition of
14 trails and areas for the use of snowmobiles.

15 (b) Providing access to trails and areas for the use of
16 snowmobiles.

17 (c) Providing basic snowmobile facilities.

18 (d) The administration and enforcement of state regulations
19 related to snowmobiles.

20 (e) Safety education programs related to the operation of
21 snowmobiles.

22 (f) The administration of the snowmobile account, which may
23 include payments in lieu of taxes on state owned land [that has been or
will be] purchased
24 through the [recreational snowmobile trail improvement fund or]
snowmobile account.

25 The state park improvement account is established as an
26 account within the legacy fund. The state park improvement
27 account shall consist of revenue derived from concessions,

1 leases, contracts, fees, and permits for activities in state
2 parks and recreation areas; damages paid to the state for illegal
3 activities in state parks and recreation areas; and other
4 revenues as authorized by law. Money in the state park
5 improvement account shall be expended only for the following:

6 (a) The development, improvement, operation, promotion, and
7 maintenance of state parks and recreation areas.

8 (b) The administration of the state park improvement
9 account.

10 The waterways account is established as an account within the
11 legacy fund. The waterways account shall consist of revenue
12 derived from watercraft registration fees assessed on the
13 ownership or operation of watercraft in the state; revenue
14 derived from fees charged for the moorage of watercraft at
15 state-operated mooring facilities; revenue derived from fees
16 charged for the use of state-operated public access sites;
17 transfers from the recreation improvement account; all tax
18 revenue derived from the sale of diesel fuel in this state that
19 is used to generate power for the operation or propulsion of
20 vessels on the waterways of the state; and other revenues as
21 authorized by law. Money in the waterways account shall be
22 expended only for the following:

23 (a) The construction, operation, and maintenance of
24 recreational boating facilities that provide public access to
25 waterways or moorage of watercraft.

26 (b) The acquisition of property for the purpose of paragraph
27 (a).

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1 (c) Grants to local units of government and public colleges
2 and universities for the provision of public access or moorage of
3 watercraft and law enforcement or boating education to
4 recreational watercraft operators.

5 (d) The acquisition and development of harbors and public
6 access sites.

7 (e) The enforcement of laws related to the operation of
8 watercraft and education related to the operation of watercraft.
9 Not less than forty-nine percent of revenues from watercraft
10 registration fees received by the waterways account shall be used
11 for the purposes of this subdivision.

12 (f) The administration of programs funded by the waterways
13 account.

14 (g) The administration of the waterways account, which may
15 include payments in lieu of taxes on state owned land [that has been or
will be] purchased
16 through the [Michigan state waterways fund or] waterways account.

17 The legislature shall provide by law for the implementation
18 of this section.

19 Sec. 41. The Michigan game and fish protection trust fund
20 is established. The Michigan game and fish protection trust fund
21 shall consist of revenue derived from bonuses, rentals, delayed
22 rentals, royalties, and other revenues collected or reserved by
23 the state under leases or direct sale contracts accruing from
24 state owned lands acquired with money from state or federal game
25 and fish protection funds or revenues accruing from lands
26 purchased with such revenues. The Michigan game and fish
27 protection trust fund may also receive gifts, grants, bequests,

1 or assets from any source and may receive other revenues as
2 authorized by law.

3 The assets of the Michigan game and fish protection trust
4 fund shall be invested as provided by law. The interest and
5 earnings from these investments shall be credited to the Michigan
6 game and fish protection trust fund.

7 The accumulated interest and earnings of the Michigan game
8 and fish protection trust fund and not more than \$6,000,000.00 of
9 the principal of the Michigan game and fish protection trust fund
10 may be expended in any year for the purposes of the game and fish
11 protection account of the Michigan conservation and recreation
12 legacy fund established in section 40.

13 The legislature shall provide by law for the implementation
14 of this section.

15 Sec. 42. The Michigan nongame fish and wildlife trust fund
16 is established. The Michigan nongame fish and wildlife trust
17 fund shall consist of revenue designated by a member of the
18 public for the benefit of nongame fish and wildlife. The
19 Michigan nongame fish and wildlife trust fund may also receive
20 gifts, grants, bequests, or assets from any source and may
21 receive other revenues as authorized by law.

22 The assets of the Michigan nongame fish and wildlife trust
23 fund shall be invested as provided by law. The interest and
24 earnings from these investments shall be credited to the Michigan
25 nongame fish and wildlife trust fund.

26 The Michigan nongame fish and wildlife trust fund shall
27 maintain a principal balance of not less than \$6,000,000.00. The

1 interest and earnings of the Michigan nongame fish and wildlife
2 trust fund and other revenues not retained on a permanent basis
3 shall be expended only for the management of nongame fish and
4 wildlife species consistent with a long-range plan for the
5 management of Michigan's nongame fish and wildlife resources, and
6 for the administration of the Michigan nongame fish and wildlife
7 trust fund.

8 The legislature shall provide by law for the implementation
9 of this section.

10 Resolved further, That the foregoing amendment shall be
11 submitted to the people of the state at the next general election
12 in the manner provided by law.