

HOUSE JOINT RESOLUTION Z

May 12, 2004, Introduced by Reps. Richardville, Tabor, Milosch, Caswell, Kooiman, Wenke, Palmer, Robertson, Shaffer, Brandenburg, Garfield, DeRoche, LaJoy, Acciavatti, Ehardt, Sheen, Shackleton, Voorhees, Rocca, Pastor, Farhat, Julian, Taub and Ruth Johnson and referred to the Committee on Conservation and Outdoor Recreation.

A joint resolution proposing an amendment to the state constitution of 1963, by adding sections 40 and 41 to article IX, to provide for the establishment of the Michigan conservation and recreation legacy fund and the Michigan game and fish protection 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 and the Michigan game and fish protection trust fund, is proposed, agreed to, and submitted to the people of the state:

ARTICLE IX

Sec. 40. There is established the Michigan conservation and recreation legacy fund. The state treasurer shall direct the investment of the legacy fund. The state treasurer shall

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

8 The state park improvement account is established as an
9 account within the legacy fund. The state park improvement
10 account shall consist of revenue derived from concessions,
11 leases, contracts, fees, and permits from activities in state
12 parks and recreation areas; damages paid for illegal activities
13 in state parks and recreation areas; revenue derived from the
14 sale of state park property; and other revenues as authorized by
15 law. Money in the state park improvement account shall be
16 expended only to develop, improve, operate, promote, and maintain
17 state parks and recreation areas.

18 The waterways account is established as an account within
19 the legacy fund. The waterways account shall consist of revenue
20 derived from watercraft registration fees assessed on the
21 ownership or operation of watercraft in the state; revenue
22 derived from fees charged for the moorage of watercraft at
23 state-operated mooring facilities; revenue derived from fees
24 charged for the use of state-operated public access sites;
25 transfers from the recreation improvement account; and other
26 revenues as authorized by law. Money in the waterways account
27 shall be expended only for the following:

1 (a) The construction, operation, and maintenance of
2 recreational boating facilities that provide public access to
3 waterways or moorage of watercraft.

4 (b) The acquisition of property for the purpose of paragraph
5 (a).

6 (c) Grants and loans to local units of government, public
7 colleges and universities, and not-for-profit entities, which
8 agree to provide public access or moorage of watercraft and law
9 enforcement or boating education to recreational watercraft
10 operators.

11 (d) The acquisition and development of harbors and public
12 access sites.

13 (e) The enforcement of laws related to the operation of
14 watercraft and education related to the operation of watercraft.
15 Not less than 49 percent of revenues from watercraft registration
16 fees received by the waterways account shall be used for the
17 purposes of this paragraph.

18 (f) Administration of programs funded by the waterways
19 account.

20 The snowmobile account is established as an account within
21 the legacy fund. The snowmobile account shall consist of revenue
22 derived from fees imposed for the registration or use of
23 snowmobiles; revenue derived from the use of snowmobile trails;
24 transfers from the recreation improvement account; and other
25 revenues as authorized by law. Money in the snowmobile account
26 shall be expended only for the following:

27 (a) Planning, construction, maintenance, and acquisition of

1 trails and areas for the use of snowmobiles.

2 (b) Providing access to trails and areas for the use of
3 snowmobiles.

4 (c) Providing basic snowmobile facilities.

5 (d) The administration and enforcement of state regulations
6 related to snowmobiles.

7 (e) Safety education programs related to the operation of
8 snowmobiles.

9 The off-road vehicle account is established as an account
10 within the legacy fund. The off-road vehicle account shall
11 consist of revenue derived from fees imposed upon the use or
12 registration of off-road vehicles, transfers from the recreation
13 improvement account, and other revenues as authorized by law.
14 Money in the off-road vehicle account shall be expended only for
15 the following:

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

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

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

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

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

27 (f) Safety education programs related to the operation of

1 off-road vehicles.

2 The forest recreation account is established as an account
3 within the legacy fund. The forest recreation account shall
4 consist of revenue derived from concessions, leases, contracts,
5 and fees from activities on state forestlands; and other revenues
6 as authorized by law. Money in the forest recreation account
7 shall be expended only to develop, improve, operate, promote, and
8 maintain forest recreation activities.

9 The recreation improvement account is established as an
10 account within the legacy fund. The recreation improvement
11 account shall consist of tax revenue derived from the sale of two
12 percent of the gasoline sold in this state for consumption in
13 internal combustion engines; all tax revenue derived from the
14 sale of diesel fuel in this state that is used to generate power
15 for the operation or propulsion of vessels on the waterways of
16 the state, of off-road vehicles, and of snowmobiles; and other
17 revenues as authorized by law. The state treasurer shall
18 annually transfer the entire amount of money in the recreation
19 improvement account as follows:

20 (a) Eighty percent shall be transferred to the waterways
21 account.

22 (b) Fourteen percent shall be transferred to the snowmobile
23 account.

24 (c) Six percent shall be transferred to the off-road vehicle
25 account.

26 The game and fish protection account is established as an
27 account within the legacy fund. The game and fish protection

1 account shall consist of revenue derived from hunting and fishing
2 licenses, passbooks, permits, fees, concessions, leases,
3 contracts, and activities; damages paid for the illegal taking of
4 game and fish; revenue derived from fees, licenses, and permits
5 related to game, game areas, and game fish; and other revenues as
6 authorized by law. Money in the game and fish protection account
7 shall be expended only for the following:

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

10 (b) The acquisition of land and rights in land necessary to
11 support game and fish programs.

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

13 Sec. 41. There is established the Michigan game and fish
14 protection trust fund. The Michigan game and fish protection
15 trust fund shall consist of revenue derived from bonuses,
16 rentals, delayed rentals, royalties, and other revenues collected
17 or reserved by the state under leases or direct sale contracts
18 accruing from state owned lands acquired with money from state or
19 federal game and fish protection funds or revenues accruing from
20 lands purchased with such revenues.

21 The accumulated interest and earnings of the Michigan game
22 and fish protection trust fund and not more than \$6,000,000.00 of
23 the principal of the Michigan game and fish protection trust fund
24 may be expended in any year for the purposes of the game and fish
25 protection account of the Michigan conservation and recreation
26 legacy fund.

27 The legislature shall provide by law for the implementation

1 of this section.

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