

HOUSE BILL No. 4875

May 5, 2009, Introduced by Rep. Haines and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 2030, 2035, 74101, 74116, 74117, 74118, 74122,
74123, and 78105 (MCL 324.2030, 324.2035, 324.74101, 324.74116,
324.74117, 324.74118, 324.74122, 324.74123, and 324.78105),
sections 2030 and 2035 as added and sections 74101, 74122, and
78105 as amended by 2004 PA 587, sections 74116, 74118, and 74123
as added by 1995 PA 58, and section 74117 as amended by 2006 PA
477.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (2) The state park improvement account shall consist of both

1 of the following:

2 (a) All money in the state park improvement fund, formerly
3 created in section 74108, immediately prior to the effective date
4 of the amendatory act that added this section, which money is
5 hereby transferred to the state park improvement account.

6 (b) Revenue from the following sources:

7 (i) Revenue derived from concessions, leases, contracts, fees,
8 and, **SUBJECT TO SUBPARAGRAPH (ii)**, permits from activities in state
9 parks and recreation areas.

10 **(ii) A PORTION OF REVENUE DERIVED FROM THE SALE OF COMBINED**
11 **STATE PARK AND PUBLIC BOATING ACCESS SITE PERMITS ISSUED UNDER**
12 **SECTION 74117 EQUAL TO THE RATIO OF THE REVENUE DERIVED FROM STATE**
13 **PARK PERMITS UNDER SECTION 74117 IN 2009 TO THE SUM OF THE REVENUE**
14 **DERIVED FROM STATE PARK PERMITS UNDER SECTION 74117 IN 2009 AND**
15 **PUBLIC BOATING ACCESS SITE PERMITS UNDER SECTION 78105 IN 2009.**

16 **(iii) ~~(ii)~~**—Unless otherwise provided by law, damages paid for
17 illegal activities in state parks and recreation areas.

18 **(iv) ~~(iii)~~**—Other revenues as authorized by law.

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

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

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

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

3 (a) All money in the Michigan state waterways fund, formerly
4 created in section 78110, the Michigan harbor development fund,
5 formerly created in section 78110, and the marine safety fund,
6 formerly created in section 80115, immediately prior to ~~the~~
7 ~~effective date of the amendatory act that added this section~~ **BEFORE**
8 **DECEMBER 23, 2006**, which money is hereby transferred to the
9 waterways account.

10 (b) Revenue from the following sources:

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

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

17 ~~(iii) All revenues derived from fees charged for the use of~~
18 ~~state-operated public access sites~~ **A PORTION OF REVENUE DERIVED**
19 **FROM THE SALE OF COMBINED STATE PARK AND PUBLIC BOATING ACCESS SITE**
20 **PERMITS ISSUED UNDER SECTION 74117 EQUAL TO THE RATIO OF THE**
21 **REVENUE DERIVED FROM PUBLIC BOATING ACCESS SITE PERMITS UNDER**
22 **SECTION 78105 IN 2009 TO THE SUM OF THE REVENUE DERIVED FROM PUBLIC**
23 **BOATING ACCESS SITE PERMITS UNDER SECTION 78105 IN 2009 AND STATE**
24 **PARK PERMITS UNDER SECTION 74117 IN 2009.**

25 (iv) Transfers from the recreation improvement account.

26 (v) All tax revenue derived from the sale of diesel fuel in
27 this state that is used to generate power for the operation or

1 propulsion of vessels on the waterways of this state.

2 (vi) Other revenues as authorized by law.

3 (3) Money in the waterways account shall be expended, upon
4 appropriation, only as provided in parts 781, 791, and 801 and for
5 the administration of the waterways account, which may include
6 payments in lieu of taxes on state owned lands purchased through
7 the waterways account or through the former Michigan state
8 waterways fund.

9 Sec. 74101. As used in this part:

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

12 (b) "Improvement program" means the construction,
13 reconstruction, development, improvement, bettering, operating,
14 maintaining, and extending a facility at a state park, including a
15 site improvement, impoundment, road and parking lot, toilet
16 building, concession building, shelter building, bathhouse,
17 utility, outdoor center, visitor service facility, ski area, ski
18 tow, ski shelter, and administration unit.

19 (c) "Motor vehicle" means a vehicle that is self-propelled.

20 (d) "State park" means a state park or state recreation area
21 designated by the director.

22 (e) "State park improvement account" means the state park
23 improvement account of the Michigan conservation and recreation
24 legacy fund provided for in section 2030.

25 (f) "State park revenues" means all revenues collected for
26 state parks, including but not limited to ~~, motor vehicle permits,~~
27 ~~concession fees, nonmotorized trail permits, fees, leases, camping~~

~~fees,~~ THE FOLLOWING:

(i) A PORTION OF REVENUE DESCRIBED IN SECTION 2030 DERIVED FROM THE SALE OF COMBINED STATE PARK AND PUBLIC BOATING ACCESS SITE PERMITS ISSUED UNDER SECTION 74117.

(ii) CONCESSION, CAMPING, NONMOTORIZED TRAIL PERMIT, AND OTHER FEES.

(iii) RENT.

(iv) REVENUE FROM sale of farm animals from Maybury state park.

~~, donations,~~

(v) DONATIONS and gifts.

Sec. 74116. The department shall designate the state parks in which a ~~park~~ **COMBINED STATE PARK AND PUBLIC BOATING ACCESS SITE** permit is required for lawful entry by motor vehicle. The department shall designate only those parks in which state facilities and services are provided for the public. The department may designate portions of state parks where a ~~park~~ **COMBINED STATE PARK AND PUBLIC BOATING ACCESS SITE** permit is not necessary. The department shall post signs at designated parks or designated portions of parks that state that a ~~motor vehicle~~ ~~park~~ **COMBINED STATE PARK AND PUBLIC BOATING ACCESS SITE** permit is required. A person shall not enter any state park or portion of a state park in which a ~~motor vehicle~~ ~~park~~ **COMBINED STATE PARK AND PUBLIC BOATING ACCESS SITE** permit is required without a valid ~~motor vehicle~~ **COMBINED STATE PARK AND PUBLIC BOATING ACCESS SITE** permit affixed to the vehicle. A ~~valid park permit procured pursuant to~~ **COMBINED STATE PARK AND PUBLIC BOATING ACCESS SITE PERMIT ISSUED UNDER** section 74117 shall be permanently affixed to the lower right-hand

1 corner of the windshield of any motor vehicle entering a state park
2 or portion of a state park in which ~~a motor vehicle park~~ **THE** permit
3 is required, except that ~~a park~~ **THE** permit is not required to be
4 affixed to a motor vehicle while the motor vehicle is being driven
5 or parked within an established federal, state, or county highway
6 within a state park. The requirement to obtain a ~~motor vehicle park~~
7 **COMBINED STATE PARK AND PUBLIC BOATING ACCESS SITE** permit does not
8 apply to motor vehicles used in the operation or maintenance of
9 state parks, to emergency vehicles, or to state-owned or law
10 enforcement motor vehicles or private motor vehicles being operated
11 on official state business.

12 Sec. 74117. (1) ~~The department may require park permits and~~
13 ~~collect park permit fees for entry into a state park or portion of~~
14 ~~a state park posted in the manner prescribed by this part. The~~
15 department may waive the **COMBINED STATE PARK AND PUBLIC BOATING**
16 **ACCESS SITE** permit requirement **UNDER SECTION 74116** for department-
17 sponsored events or other circumstances as determined by the
18 director or the director's designee. The department shall prepare
19 and distribute ~~park~~ **COMBINED STATE PARK AND PUBLIC BOATING ACCESS**
20 **SITE** permits to implement this part.

21 (2) Except as otherwise provided in this section, an annual
22 ~~park~~ **COMBINED STATE PARK AND PUBLIC BOATING ACCESS SITE** permit
23 shall be issued and shall authorize the entry of the motor vehicle
24 to which it is originally attached within the confines of any state
25 park or recreation area during the calendar year for which it is
26 issued. The fee for the annual ~~park~~ **COMBINED STATE PARK AND PUBLIC**
27 **BOATING ACCESS SITE** permit is as follows:

1 (a) Until January 1, ~~2010~~2012, for the owner of a resident
2 motor vehicle, \$24.00, except as follows:

3 (i) The fee for the owner of a resident motor vehicle who is 65
4 years of age or older is \$6.00.

5 (ii) The fee for the owner of a resident motor vehicle who, at
6 the time of purchase, is in possession of a food stamp card and
7 personal identification is \$18.00.

8 (b) Until January 1, ~~2010~~2012, for the owner of a nonresident
9 motor vehicle, \$29.00.

10 (3) A daily **COMBINED STATE PARK AND PUBLIC BOATING ACCESS SITE**
11 permit, valid for 1 day only, shall authorize the entry of the
12 motor vehicle to which it is originally attached within the
13 confines of a state park during the day for which it is issued. The
14 fee for a daily **COMBINED STATE PARK AND PUBLIC BOATING ACCESS SITE**
15 permit is as follows:

16 (a) Until January 1, ~~2010~~2012, for the owner of a resident
17 motor vehicle, \$6.00.

18 (b) Until January 1, ~~2010~~2012, for the owner of a nonresident
19 motor vehicle, \$8.00.

20 (4) A person who has obtained an annual ~~motor vehicle~~**COMBINED**
21 **STATE PARK AND PUBLIC BOATING ACCESS SITE** permit under this section
22 for a recreational vehicle to be used as a stationary primary
23 camping shelter camped legally in and not moved from a state park
24 campground during the period of the camping stay may obtain a
25 duplicate ~~motor vehicle~~**COMBINED STATE PARK AND PUBLIC BOATING**
26 **ACCESS SITE** permit for a towed second motor vehicle present at the
27 time of entry for a fee of \$6.00 effective for the duration of **THE**

1 camping stay.

2 (5) The department shall provide to the standing committees in
3 the senate and house of representatives along with the appropriate
4 budget subcommittees that primarily consider issues pertaining to
5 natural resources an annual report that details the revenue stream
6 generated by the fee structure under this section. This report
7 shall be presented not later than December 31 each year and shall
8 include information on the impact of the revenue stream on the
9 Michigan state parks endowment fund created in section 35a of
10 article IX of the state constitution of 1963 and provided for in
11 section 74119, the use of the general fund for funding the state
12 park system, and other relevant issues that ~~impact~~ **AFFECT** funding
13 needs for the state park system.

14 (6) This part applies only to the entry of motor vehicles into
15 the state parks and to the ~~park~~ **COMBINED STATE PARK AND PUBLIC**
16 **BOATING ACCESS SITE** permits authorized in this part and does not
17 obviate the necessity of obtaining additional permits for special
18 services or park privileges as previously or subsequently may be
19 required by law or by rules promulgated by the department. The
20 department shall designate each person in the state authorized to
21 sell ~~park~~ **COMBINED STATE PARK AND PUBLIC BOATING ACCESS SITE**
22 permits and shall require as a condition of the designation that a
23 surety bond be furnished in an amount and ~~in a~~ form and with ~~the~~ **A**
24 surety ~~as is~~ acceptable to the department. After being designated
25 by the department, a person may issue ~~park~~ **COMBINED STATE PARK AND**
26 **PUBLIC BOATING ACCESS SITE** permits ~~in accordance with~~ **UNDER** this
27 part.

1 (7) Commercial motor coaches or vans with a capacity of more
2 than 12 passengers are not eligible to enter a state park with an
3 annual ~~park~~**COMBINED STATE PARK AND PUBLIC BOATING ACCESS SITE**
4 permit. Until January 1, ~~2010~~**2012**, the daily fee to allow
5 commercial motor coaches or vans with a capacity of over 12
6 passengers daily entry into a state park is \$15.00.

7 (8) The department may add to the cost of a reservation, ~~or a~~
8 ~~motor vehicle entrance or~~**TO A COMBINED STATE PARK AND PUBLIC**
9 **BOATING ACCESS SITE PERMIT FEE, OR TO A** camping fee the charges
10 that the state incurs because of the use of a credit card.

11 (9) If a person's annual ~~park~~**COMBINED STATE PARK AND PUBLIC**
12 **BOATING ACCESS SITE** permit is lost or destroyed, the department
13 shall provide that person with a replacement ~~park~~ permit free of
14 charge. The department may require a person requesting a
15 replacement ~~park~~ permit to supply sufficient evidence of the loss
16 or destruction of the original ~~park~~**COMBINED STATE PARK AND PUBLIC**
17 **BOATING ACCESS SITE** permit.

18 (10) It is the intent of the legislature that if, on September
19 30 of any state fiscal year, the amount of money in the
20 countercyclical budget and economic stabilization fund created in
21 section 351 of the management and budget act, 1984 PA 431, MCL
22 18.1351, exceeds \$250,000,000.00, then general fund/general purpose
23 support for state parks operations for the following state fiscal
24 year shall be equal to or exceed 50% of the revenues generated by
25 ~~motor vehicle entrance~~**COMBINED STATE PARK AND PUBLIC BOATING**
26 **ACCESS SITE PERMIT** fees under this section during the previous
27 state fiscal year.

1 (11) As used in this section, "resident motor vehicle" means a
2 vehicle that is registered as a motor vehicle in this state.

3 Sec. 74118. On or before the tenth day of every month, all
4 persons authorized to sell ~~park~~**COMBINED STATE PARK AND PUBLIC**
5 **BOATING ACCESS SITE** permits shall pay to the department all money
6 received from the sale of ~~park~~**THE COMBINED STATE PARK AND PUBLIC**
7 **BOATING ACCESS SITE** permits for the preceding month. Any person who
8 refuses or neglects to pay the money as provided in this section,
9 in addition to other penalties provided by law, forfeits the right
10 to sell ~~park~~**COMBINED STATE PARK AND PUBLIC BOATING ACCESS SITE**
11 permits. All persons authorized to sell ~~park~~**COMBINED STATE PARK**
12 **AND PUBLIC BOATING ACCESS SITE** permits, except employees of the
13 department who receive a regular salary from the state, may charge
14 the purchaser as compensation 15 cents additional for each annual
15 ~~park~~**COMBINED STATE PARK AND PUBLIC BOATING ACCESS SITE** permit and
16 10 cents additional for each daily ~~park~~**COMBINED STATE PARK AND**
17 **PUBLIC BOATING ACCESS SITE** permit issued. On or before February 15
18 of each year, a complete report of all **COMBINED STATE PARK AND**
19 **PUBLIC BOATING ACCESS SITE** permits sold during the previous
20 calendar year shall be filed with the department by each person
21 authorized to sell ~~park~~**THE** permits, and all unsold ~~park~~**COMBINED**
22 **STATE PARK AND PUBLIC BOATING ACCESS SITE** permits for the previous
23 year shall be returned to the department.

24 Sec. 74122. (1) A person who violates this part or a rule
25 promulgated under this part is guilty of a misdemeanor. In any
26 proceeding for the violation of this part or a rule promulgated
27 under this part, ~~where~~**IF** a motor vehicle without the required ~~park~~

1 **COMBINED STATE PARK AND PUBLIC BOATING ACCESS SITE** permit affixed
2 is found parked in any state park, the registration plate displayed
3 on the motor vehicle constitutes prima facie evidence that the
4 owner of the motor vehicle was the person who parked ~~or placed it~~
5 at the location where it was found.

6 (2) In addition to the penalties provided for in subsection
7 (1), a person convicted of an act of vandalism shall reimburse the
8 department up to 3 times the amount of the damage as determined by
9 the court. All money collected pursuant to this subsection shall be
10 credited to the state park improvement account.

11 Sec. 74123. The department may establish a fine for failure to
12 purchase a ~~park~~ **COMBINED STATE PARK AND PUBLIC BOATING ACCESS SITE**
13 permit ~~which~~ **REQUIRED UNDER SECTION 74116. THE FINE** shall be twice
14 the cost of a ~~motor vehicle entrance~~ **AN ANNUAL COMBINED STATE PARK**
15 **AND PUBLIC BOATING ACCESS SITE** permit or daily permit as
16 established by this part or by the department.

17 Sec. 78105. (1) The department ~~shall have~~ **HAS** the following
18 powers and duties:

19 (a) To acquire, construct, and maintain harbors, channels, and
20 facilities for vessels in the navigable waters lying within the
21 boundaries of ~~the~~ **THIS** state. ~~of Michigan.~~

22 (b) To acquire, by purchase, lease, gift, or condemnation the
23 lands, rights of way, and easements necessary for harbors and
24 channels. ~~The~~ **FOR THE PURPOSES OF THIS SUBDIVISION, THE** department
25 shall be considered a state agency under 1911 PA 149, MCL 213.21 to
26 213.25. ~~, relative to condemnation by state agencies.~~

27 (c) To acquire, by purchase, lease, gift, or condemnation

1 suitable areas on shore for disposal of the material from dredging.

2 (d) To enter into any contracts or agreements that may be
3 necessary in carrying out this part, including agreements to hold
4 and save the United States free from damages ~~due to~~ **BECAUSE OF** the
5 construction and maintenance by the United States of those works
6 that the United States undertakes.

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

10 (f) To represent ~~the~~ **THIS** state ~~of Michigan~~ and the governor
11 ~~of Michigan~~ in dealings with the chief of engineers of the United
12 States army and his or her authorized agents for the purposes set
13 forth in this part.

14 (g) To charge fees for both seasonal and daily moorage at
15 state-operated small craft mooring facilities. All revenues derived
16 from this source shall be deposited in the waterways account.

17 ~~—— (h) To charge fees for both daily and seasonal use of state-~~
18 ~~operated public access sites, if the cost of collecting the fees~~
19 ~~will not exceed the revenue derived from the fees for daily and~~
20 ~~seasonal passes. All revenues derived from this source shall be~~
21 ~~deposited in the waterways account. A seasonal pass shall grant the~~
22 ~~permittee the right to enter any state-operated public access site~~
23 ~~without payment of an additional fee.~~

24 (H) ~~(i)~~ To collect the proceeds from the sale of marine fuel
25 at harbors operated by the department. The proceeds from the sales
26 shall be credited to the waterways account and used for the
27 purchase of marine fuel supplies as may be needed. Any remaining

1 revenue from this source not needed for the purchase of marine fuel
2 supplies may be expended in the same manner as other funds within
3 the waterways account.

4 (2) A DAILY OR ANNUAL COMBINED STATE PARK AND PUBLIC BOATING
5 ACCESS SITE PERMIT ISSUED UNDER SECTION 74117 IS REQUIRED FOR USE
6 OF STATE-OPERATED PUBLIC ACCESS SITES. A PORTION OF REVENUE
7 DESCRIBED IN SECTION 2035 DERIVED FROM THE SALE OF COMBINED STATE
8 PARK AND PUBLIC BOATING ACCESS SITE PERMITS SHALL BE DEPOSITED IN
9 THE WATERWAYS ACCOUNT. AN ANNUAL COMBINED STATE PARK AND PUBLIC
10 BOATING ACCESS SITE PERMIT AUTHORIZES THE PERMITTEE TO ENTER ANY
11 STATE-OPERATED PUBLIC BOATING ACCESS SITE WITHOUT PAYMENT OF AN
12 ADDITIONAL FEE.

13 Enacting section 1. This amendatory act takes effect January
14 1, 2010.