

# HOUSE BILL No. 4578

April 17, 2013, Introduced by Rep. Shirkey and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1903 and 1904 (MCL 324.1903 and 324.1904), section 1903 as amended by 2011 PA 117 and section 1904 as amended by 2002 PA 52, and by adding section 74102c.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1903. (1) Subject to the limitations of this part and of  
2 section 35 of article IX of the state constitution of 1963, the  
3 interest and earnings of the trust fund in any 1 state fiscal year  
4 may be expended in subsequent state fiscal years only for the  
5 following purposes:

6           (a) The acquisition of land or rights in land for ~~recreational~~

7 **EITHER OR BOTH OF THE FOLLOWING:**

1           (i) RECREATIONAL uses, ~~or protection~~ INCLUDING TRANSPORTATION-  
2 RELATED RECREATIONAL USES THAT PRIMARILY INCLUDE, BUT ARE NOT  
3 LIMITED TO, WATERCRAFT USED FOR RECREATION, VEHICLES USED FOR  
4 RECREATION, BICYCLING, HORSE RIDING, OFF-ROAD VEHICLES USED FOR  
5 RECREATION, HIKING, TRAIL WALKING, CROSS-COUNTRY SKIING, AND  
6 SNOWMOBILING.

7           (ii) PROTECTION of the land because of its environmental  
8 importance or its scenic beauty.

9           (b) The development of public recreation facilities, INCLUDING  
10 ROAD OR HIGHWAY REST AREA FACILITIES THAT WERE DESIGNATED ON OR  
11 BEFORE JANUARY 1, 2013, AS OFFICIAL STATE WELCOME CENTERS OR STATE  
12 RECREATIONAL TOURISM CENTERS THAT ARE DESIGNED TO FACILITATE  
13 INTRASTATE OR INTERSTATE RECREATION AND THOSE PORTIONS OF STATE  
14 ROADS THAT ARE LOCATED WITHIN STATE PARKS OR STATE RECREATION  
15 AREAS.

16           (c) The administration of the fund, including payments in lieu  
17 of taxes on state-owned land purchased through the trust fund. The  
18 legislature shall make appropriations from the trust fund each  
19 state fiscal year to make full payments in lieu of taxes on state-  
20 owned land purchased through the trust fund, as provided in section  
21 2154.

22           (2) In addition to the money described in subsection (1), 33-  
23 1/3% of the money, exclusive of interest and earnings, received by  
24 the trust fund in any state fiscal year may be expended in  
25 subsequent state fiscal years for the purposes described in  
26 subsection (1). However, the authorization for the expenditure of  
27 money provided in this subsection does not apply after the state

1 fiscal year in which the total amount of money in the trust fund,  
2 exclusive of interest and earnings and amounts authorized for  
3 expenditure under this section, exceeds \$500,000,000.00.

4 (3) An expenditure from the trust fund may be made in the form  
5 of a grant to a local unit of government or public authority,  
6 subject to all of the following conditions:

7 (a) The grant is used for the purposes described in subsection  
8 (1).

9 (b) The grant is matched by the local unit of government or  
10 public authority with at least 25% of the total cost of the  
11 project.

12 (4) Not less than 25% of the total amounts made available for  
13 expenditure from the trust fund from any state fiscal year shall be  
14 expended for acquisition of land and rights in land, and not more  
15 than 25% of the total amounts made available for expenditure from  
16 the trust fund from any state fiscal year shall be expended for  
17 development of public recreation facilities.

18 (5) If property that was acquired with money from the trust  
19 fund is subsequently sold or transferred by the state to a  
20 nongovernmental entity, the state shall forward to the state  
21 treasurer for deposit into the trust fund an amount of money equal  
22 to the following:

23 (a) If the property was acquired solely with trust fund money,  
24 the greatest of the following:

25 (i) The net proceeds of the sale.

26 (ii) The fair market value of the property at the time of the  
27 sale or transfer.

1           (iii) The amount of money that was expended from the trust fund  
2 to acquire the property.

3           (b) If the property was acquired with a combination of trust  
4 fund money and other restricted funding sources governed by federal  
5 or state law, an amount equal to the percentage of the funds  
6 contributed by the trust fund for the acquisition of the property  
7 multiplied by the greatest of the amounts under subdivision (a) (i),  
8 (ii), and (iii).

9           **(6) AS USED IN THIS SECTION, "DEVELOPMENT OF PUBLIC RECREATION**  
10 **FACILITIES" MEANS CAPITAL IMPROVEMENT PROJECTS FOR THE CONSTRUCTION**  
11 **OF RECREATIONAL FACILITIES AND ASSOCIATED INFRASTRUCTURE NECESSARY**  
12 **OR CONVENIENT FOR THE USE OF OR ACCESS TO THOSE RECREATIONAL**  
13 **FACILITIES THAT ARE OPEN TO THE PUBLIC.**

14           Sec. 1904. The amount accumulated in the trust fund shall not  
15 exceed \$500,000,000.00, exclusive of interest and earnings and  
16 amounts authorized for expenditure under this part. Any amount of  
17 money that would be a part of the trust fund but for the limitation  
18 stated in this section shall be deposited in the Michigan state  
19 parks endowment fund created in section 74119, until the Michigan  
20 state parks endowment fund reaches an accumulated principal of  
21 \$800,000,000.00. After the Michigan state parks endowment fund  
22 reaches an accumulated principal of \$800,000,000.00, any money that  
23 would be part of the Michigan state parks endowment fund but for  
24 this limitation shall be ~~distributed as provided by law.~~**DEPOSITED**  
25 **INTO THE MICHIGAN TRANSPORTATION FUND FOR USE AS PROVIDED IN**  
26 **SECTION 10(1)(J) OF 1951 PA 51, MCL 247.660.**

27           **SEC. 74102C. THE DIRECTOR MAY DESIGNATE, IN WHOLE OR IN PART,**

1 1 OR MORE OF THE ROAD OR HIGHWAY REST AREAS DESCRIBED IN SECTION  
2 1903 (1) (B) AS STATE RECREATION AREAS.