

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

PART 765
MACKINAC ISLAND STATE PARK

324.76501 Definitions.

Sec. 76501. As used in this part:

- (a) "Commission" means the Mackinac Island state park commission created in section 76503.
- (b) "Director" means the director of the Mackinac Island state park commission.
- (c) "Motor vehicle" means any device that is self-propelled, or partially self-propelled, by which a person or property may be transported or drawn.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2001, Act 78, Eff. Aug. 6, 2001.

Compiler's note: For transfer of Mackinac Island state park commission to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of Mackinac Island state park commission from department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

Popular name: Act 451

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324.76502 Mackinac Island state park; establishment.

Sec. 76502. Pursuant to the turning over to the state of Michigan, for use as a state park, and for no other purpose, the military reservation, lands and buildings of the national park on Mackinac Island, subject to a reversion to the United States whenever the state ceases to use the lands for the purpose described in this section, by the secretary of war, under the authorization of an act of congress, the lands and buildings shall be used as a state park and shall be known as the Mackinac Island state park.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Compiler's note: For transfer of Mackinac Island state park commission to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

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Popular name: Act 451

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324.76503 Mackinac Island state park commission; members; appointment and qualifications; resident commissioners; terms; vacancies; expenses; officers; powers and duties.

Sec. 76503. (1) The Mackinac Island state park commission shall consist of 7 members appointed by the governor.

(2) Members of the commission shall be citizens of, registered voters, and regularly domiciled in this state. However, the present members of the commission shall hold office until their successors have been appointed. One member of the commission shall be known as the "resident commissioner", and this member shall be a legal resident of the island and a property owner in the city of Mackinac Island for a period of not less than 6 months preceding his or her nomination. One member of the commission shall be a resident of the village of Mackinaw City.

(3) The members of the commission shall be appointed by the governor, by and with the advice and consent of the senate, for terms of 6 years each and shall hold office until their successors are appointed. However, of the members first appointed, 2 shall be appointed for a term of 2 years, 2 for a term of 4 years each, and 3 for a term of 6 years each. Not more than 4 members of the commission at any 1 time shall be of the same political party. Vacancies shall be filled by the governor in the same manner as the original appointment for the unexpired term.

(4) A member of the commission shall not receive any compensation for his or her services on the commission, but each member of the commission shall be reimbursed for expenses incurred in connection with the duties of his or her office.

(5) The commission shall annually elect a chairperson, vice-chairperson, and secretary.

(6) The Mackinac Island state park commission is created within the department of history, arts, and libraries and shall have the powers and duties of an agency transferred under a type I transfer pursuant to section 3 of the executive organization act of 1965, 1965 PA 380, MCL 16.103.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2001, Act 78, Eff. Aug. 6, 2001.

Compiler's note: For transfer of Mackinac Island state park commission to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

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324.76504 Mackinac Island state park; control and management by commission; quorum; conducting business at public meeting; notice; powers of commissioners; rules; deputy sheriffs; disposition of moneys; availability of writings to public; annual report; statement of receipts and expenditures; recommendations and suggestions.

Sec. 76504. (1) The Mackinac Island state park shall be under the control and management of the commission, and a majority of the members of the commission constitutes a quorum for the transaction of business. The business which the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(2) The commission shall have the exclusive right to do either or both of the following:

(a) Lay out, manage, and maintain the park and preserve the old fort and other property held by the commission on or acquired by the commission after August 6, 2001.

(b) Promulgate and enforce rules not inconsistent with the laws of this state and necessary to implement the commission's duties.

(3) The commission may do 1 or more of the following:

(a) Enter into leases and establish prices for rentals or privileges upon property controlled by the commission.

(b) Sell or lease as personal property buildings or structures acquired by the commission in settlement of delinquent land rentals.

(c) Employ a director and other persons as may be needed.

(4) The rules of the commission shall apply to all roads situated on Mackinac Island state park lands. The commission shall not make a rule permitting the use of motor vehicles except motor vehicles owned by the state, a political subdivision of the state, or by a public utility, and used in the exercise of its franchise. The commission may provide by rule for the issuance of temporary permits for the operation of motor vehicles over roads situated on state park lands. The commission may grant permits pursuant to part 13 for the use of lands for the expansion of existing cemeteries, under terms and conditions as the commission prescribes. The commission may also grant privileges and franchises for waterworks, sewerage, transportation, and lighting, for a period of not more than 40 years. The commission shall prescribe by rule the maximum number of horse drawn vehicles for hire that may be licensed by the commission for operation within the park.

(5) The sheriff of the county of Mackinac, upon the application of the commission, shall appoint 1 or more persons who shall be designated by the commission as deputy sheriffs in and for the county, and who shall be employees of the commission but who shall not receive fees or emoluments for services as deputy sheriffs. The commission may establish the compensation of the persons employed by the commission, but a debt or obligation shall not be created by the commission exceeding the amount of money at its disposal at the time.

(6) All money received from rentals or privileges shall be paid promptly into the state treasury to be credited to the general fund and to be disbursed as appropriated by the legislature. The commission, in consideration of the furnishing of fire protection, street service, sewerage service, and other public service agreed upon, may remit reasonable rentals as the commission determines from leases of property acquired by the state under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, and deeded to the commission, to the several tax assessing units in which the property is situated as provided in that act, in proportion to the delinquent taxes and special assessments of the units canceled against the description of land.

(7) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. The commission shall provide to the governor an annual report and statement of receipts and expenditures, and recommendations and suggestions as the commission considers proper.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2001, Act 78, Eff. Aug. 6, 2001;—Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004.

Compiler's note: For transfer of Mackinac Island state park commission to department of natural resources, see E.R.O. No. 2009-26,

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Administrative rules: R 318.111 et seq. of the Michigan Administrative Code.

324.76505 Fort Mackinac; flag; maintenance.

Sec. 76505. The director shall see to it that the United States flag is kept floating from the flagstaff at Fort Mackinac, and rules relative thereto are the same as those that have governed in that matter when the fort was in possession and occupancy by the United States troops.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2004, Act 176, Imd. Eff. July 1, 2004.

Compiler's note: For transfer of Mackinac Island state park commission to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

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324.76506 Fort deBuade; restoration; fees; rules.

Sec. 76506. The Mackinac Island state park commission may acquire by purchase, lease, grant, or transfer the use of certain state land in the county of Mackinac for the purpose of developing and restoring as an historical site the area in or near the location where Fort deBuade once stood. After the acquisition and restoration, the site shall be under the jurisdiction, management, and control of the Mackinac Island state park commission, and the commission shall have and exercise the same rights and powers over the site as it has and exercises over Mackinac Island state park, including the right to levy and collect fees for the use of the facilities at the site. All rules promulgated by the commission shall be effective within the whole territory covered by the park. The commission may promulgate and enforce rules relative to any part or portion of the park, notwithstanding any contrary or inconsistent ordinance, regulation, or bylaw of any political subdivision.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Compiler's note: For transfer of Mackinac Island state park commission to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

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324.76507 Mackinac Island state park; operation of vehicle without permit; misdemeanor; penalty.

Sec. 76507. Except as provided in section 76504, a person who operates a motor vehicle on land within the Mackinac Island state park without a permit is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both, plus the costs of prosecution.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2004, Act 176, Imd. Eff. July 1, 2004.

Compiler's note: For transfer of Mackinac Island state park commission to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

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324.76507a Damaging or removing trees, vegetation, or state property; violation; civil liability.

Sec. 76507a. (1) A person shall not cut, peel, damage, destroy, or remove a tree or other vegetation or state property located in any park or other property under the control of the commission, without written permission from the director.

(2) A person who violates subsection (1) is civilly liable to the commission in a sum equal to triple the amount of damage, destruction, or value of the property.

History: Add. 2004, Act 176, Imd. Eff. July 1, 2004.

Compiler's note: For transfer of Mackinac Island state park commission to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

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324.76508 Special police; appointment; supervision; powers and duties.

Sec. 76508. The director may appoint, by and with the consent of the commission, such number of special police as the commission may by resolution direct, which special police shall be under the supervision and direction of the director, who shall be charged with the enforcement of the laws of this state related to the park and the rules promulgated by the commission for the care and preservation of the park, and the property in and about the fort. The special police shall be vested with the authority of county sheriffs and, within the park, may apprehend and arrest, without warrant, any person whom they may find violating the laws of this state related to the park or the rules that have been promulgated concerning the preservation of property, the mutilation of landmarks, or the destruction or injury to growing trees and shrubs.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2001, Act 78, Eff. Aug. 6, 2001.

Compiler's note: For transfer of Mackinac Island state park commission to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

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324.76509 Mackinac Island state park commission; acceptance of gifts.

Sec. 76509. The Mackinac Island state park commission, for and on behalf of the state of Michigan, is authorized to receive, accept, and hold, by gift, grant, devise, or bequest, any property, real or personal, but only for the purposes incidental to or connected with the state parks under its management and control.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Compiler's note: For transfer of Mackinac Island state park commission to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

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