

HOUSE BILL No. 5870

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

A bill to amend 1994 PA 451, entitled

"Natural resources and environmental protection act,"

by amending sections 502, 503, 1604, 1609, 1902, 12115, 40114, 40119, 41711, 42506, 42712, 43504, 43546, 43553, 43556, 43557, 43701, 43702, 43703, 43704, 44105, 45705, 45907, 47303, 47332, 48737, 48740, 64108, 71101, 71106, 71108, 74101, 74108, 74114, 74122, 78101, 78105, 78110, 78111, 78115, 79114, 80104, 80115, 80118, 80119, 81101, 81110, 81117, 81119, 81130, 81147, 82101, 82102a, 82106, 82109, 82110, 82111, 82118, 83101, 83103, 83104, and 83106 (MCL 324.502, 324.503, 324.1604, 324.1609, 324.1902, 324.12115, 324.40114, 324.40119, 324.41711, 324.42506, 324.42712, 324.43504, 324.43546, 324.43553, 324.43556, 324.43557, 324.43701, 324.43702, 324.43703, 324.43704, 324.44105, 324.45705, 324.45907, 324.47303, 324.47332, 324.48737, 324.48740, 324.64108, 324.71101, 324.71106, 324.71108, 324.74101, 324.74108, 324.74114, 324.74122,

324.78101, 324.78105, 324.78110, 324.78111, 324.78115, 324.79114, 324.80104, 324.80115, 324.80118, 324.80119, 324.81101, 324.81110, 324.81117, 324.81119, 324.81130, 324.81147, 324.82101, 324.82102a, 324.82106, 324.82109, 324.82110, 324.82111, 324.82118, 324.83101, 324.83103, 324.83104, and 324.83106), section 502 as amended by 2002 PA 148, section 503 as amended by 1998 PA 419, sections 1604 and 1609 as added by 1995 PA 60, section 1902 as amended by 2002 PA 52, sections 40114, 40119, 41711, 42712, 43504, 43557, 44105, 45705, 45907, 47303, 47332, 48737, 48740, and 64108 as added by 1995 PA 57, section 42506 as amended by 2002 PA 356, sections 43546, 43553, and 43556 as amended by 1996 PA 585, sections 43701, 43702, and 43703 as amended by 2001 PA 50, section 43704 as amended by 2002 PA 56, sections 71101, 71106, 71108, 74101, 74108, 74114, 74122, 78105, 78111, 79114, 80118, 80119, 81110, 81119, 82102a, and 82111 as added by 1995 PA 58, section 78101 as amended by 1998 PA 210, sections 78110 and 78115 as amended by 2003 PA 19, section 80104 as amended by 1997 PA 102, section 80115 as amended by 2003 PA 292, sections 81101, 81117, and 81130 as amended by 2003 PA 111, section 81147 as amended by 1996 PA 175, sections 82101, 82106, and 82109 as amended by 2003 PA 230, section 82110 as amended by 2001 PA 16, section 82118 as amended by 2001 PA 15, and sections 83101, 83103, 83104, and 83106 as added by 1998 PA 418, and by amending the headings to parts 437 and 711 and by adding part 20; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 502. (1) The commission may promulgate rules, not

1 inconsistent with law, governing its organization and procedure.

2 (2) The department may do 1 or more of the following:

3 (a) Promulgate and enforce reasonable rules concerning the
4 use and occupancy of lands and property under its control in
5 accordance with section 504.

6 (b) Provide and develop facilities for outdoor recreation.

7 (c) Conduct investigations it considers necessary for the
8 proper administration of this part.

9 (d) Remove and dispose of forest products as required for the
10 protection, reforestation, and proper development and
11 conservation of the lands and property under the control of the
12 department.

13 (e) Require the payment of a fee as provided by law for a
14 daily permit or other authorization that allows the person to
15 hunt and take waterfowl on a public hunting area managed and
16 developed for waterfowl.

17 (3) Except as provided in subsection (4), the department may
18 enter into contracts for the taking of coal, oil, gas, and other
19 mineral products from state owned lands, upon a royalty basis or
20 upon another basis, and upon the terms the department considers
21 just and equitable subject to section 502a. This contract power
22 includes authorization to enter into contracts for the storage of
23 gas or other mineral products in or upon state owned lands, if
24 the consent of the state agency having jurisdiction and control
25 of the state owned land is first obtained. A contract permitted
26 under this section for the taking of coal, oil, gas, or metallic
27 mineral products, or for the storage of gas or other mineral

1 products, is not valid unless the contract is approved by the
2 state administrative board. Money received from a contract for
3 the storage of gas or other mineral products in or upon state
4 lands shall be transmitted to the state treasurer for deposit in
5 the general fund of the state to be used for the purpose of
6 defraying the expenses incurred in the administration of this act
7 and other purposes provided by law. Other money received from a
8 contract permitted under this subsection, except money received
9 from lands acquired with money from the **former** game and fish
10 protection fund ~~created in section 43553~~ **or the game and fish**
11 **protection account of the Michigan conservation and recreation**
12 **legacy fund established in section 40 of article IX of the state**
13 **constitution of 1963 and provided for in section 2035**, shall be
14 transmitted to the state treasurer for deposit in the Michigan
15 natural resources trust fund created in section 35 of article IX
16 of the state constitution of 1963 and provided for in part 19.
17 However, the money received from the payment of service charges
18 by a person using areas managed for waterfowl shall be credited
19 to the game and fish protection ~~fund~~ **account of the Michigan**
20 **conservation and recreation legacy fund established in section 40**
21 **of article IX of the state constitution of 1963 and provided for**
22 **in section 2035** and used only for the purposes provided by law.
23 Money received from bonuses, rentals, delayed rentals, royalties,
24 and the direct sale of resources, including forest resources,
25 from lands acquired with money from the **former** game and fish
26 protection fund **or the game and fish protection account of the**
27 **Michigan conservation and recreation legacy fund established in**

1 **section 40 of article IX of the state constitution of 1963 and**
2 **provided for in section 2035** shall be credited to the **Michigan**
3 game and fish protection trust fund ~~created in section 43702~~
4 **established in section 41 of article IX of the state constitution**
5 **of 1963 and provided for in part 437**, except as otherwise
6 provided by law.

7 (4) The department shall not enter into a contract that
8 allows drilling operations beneath the lake bottomlands of the
9 Great Lakes, the connected bays or harbors of the Great Lakes, or
10 the connecting waterways as defined in section 32301, for the
11 exploration or production of oil or gas.

12 (5) This section does not permit a contract for the taking of
13 gravel, sand, coal, oil, gas, or other metallic mineral products
14 that does not comply with applicable local ordinances and state
15 law.

16 Sec. 503. (1) The department shall protect and conserve the
17 natural resources of this state; provide and develop facilities
18 for outdoor recreation; prevent the destruction of timber and
19 other forest growth by fire or otherwise; promote the reforesting
20 of ~~forest lands~~ **forestlands** belonging to the state; prevent and
21 guard against the pollution of lakes and streams within the state
22 and enforce all laws provided for that purpose with all authority
23 granted by law; and foster and encourage the protecting and
24 propagation of game and fish. The department has the power and
25 jurisdiction over the management, control, and disposition of all
26 land under the public domain, except for those lands under the
27 public domain that are managed by other state agencies to carry

1 out their assigned duties and responsibilities. On behalf of the
2 people of the state, the department may accept gifts and grants
3 of land and other property and may buy, sell, exchange, or
4 condemn land and other property, for any of the purposes
5 contemplated by this part. The department may accept funds,
6 money, or grants for development of salmon and steelhead trout
7 fishing in this state from the government of the United States,
8 or any of its departments or agencies, pursuant to the anadromous
9 fish conservation act, ~~Public Law 89-304, 16 U.S.C.~~ **USC** 757a
10 to 757f, and may use this money in accordance with the terms and
11 provisions of that act. However, the acceptance and use of
12 federal funds does not commit state funds and does not place an
13 obligation upon the legislature to continue the purposes for
14 which the funds are made available.

15 (2) The department may lease lands owned or controlled by the
16 department or may grant concessions on lands owned or controlled
17 by the department to any person for any purpose that the
18 department determines to be necessary to implement this part. In
19 granting a concession, the department shall provide that each
20 concession is awarded at least every 7 years based on extension,
21 renegotiation, or competitive bidding. However, if the
22 department determines that a concession requires a capital
23 investment in which reasonable financing or amortization
24 necessitates a longer term, the department may grant a concession
25 for up to a 15-year term. A concession granted under this
26 subsection shall require, unless the department authorizes
27 otherwise, that all buildings and equipment shall be removed at

1 the end of the concession's term. Any lease entered into under
2 this subsection shall limit the purposes for which the leased
3 land is to be used and shall authorize the department to
4 terminate the lease upon a finding that the land is being used
5 for purposes other than those permitted in the lease. Unless
6 otherwise provided by law, money received from a lease or a
7 concession of tax reverted land shall be credited to the fund
8 providing financial support for the management of the leased
9 land. Money received from a lease of all other land shall be
10 credited to the fund from which the land was purchased. However,
11 money received from program-related leases on these lands shall
12 be credited to the fund providing financial support for the
13 management of the leased lands. For land managed by the forest
14 management division of the department, ~~of natural resources,~~
15 that fund is either the forest development fund established
16 pursuant to part 505 or the forest recreation ~~fund created in~~
17 ~~part 831~~ **account of the Michigan conservation and recreation**
18 **legacy fund established in section 40 of article IX of the state**
19 **constitution of 1963 and provided for in section 2025.** For land
20 managed by the wildlife or fisheries division of the department,
21 ~~of natural resources,~~ that fund is the game and fish protection
22 ~~fund created in part 435~~ **account of the Michigan conservation**
23 **and recreation legacy fund established in section 40 of**
24 **article IX of the state constitution of 1963 and provided for in**
25 **section 2035.**

26 (3) When the department sells land, the deed by which the
27 land is conveyed may reserve all mineral, coal, oil, and gas

1 rights to the state only when the land is in production or is
2 leased or permitted for production, or when the department
3 determines that the land has unusual or sensitive environmental
4 features or that it is in the best interest of this state to
5 reserve those rights as determined by commission policy.
6 However, the department shall not reserve the rights to sand,
7 gravel, clay, or other nonmetallic minerals. When the department
8 sells land that contains subsurface rights, the department shall
9 include a deed restriction that restricts the subsurface rights
10 from being severed from the surface rights in the future. If the
11 landowner severs the subsurface rights from the surface rights,
12 the subsurface rights revert to this state. The deed may reserve
13 to the state the right of ingress and egress over and across land
14 along watercourses and streams. Whenever an exchange of land is
15 made, either with the United States government, a corporation, or
16 an individual, for the purpose of consolidating the state forest
17 reserves, the department may issue deeds without reserving to the
18 state the mineral, coal, oil, and gas rights and the rights of
19 ingress and egress. The department may sell the limestone, sand,
20 gravel, or other nonmetallic minerals. However, the department
21 shall not sell a mineral or nonmetallic mineral right if the sale
22 would violate part 353, part 637, or any other provision of law.
23 The department may sell all reserved mineral, coal, oil, and gas
24 rights to such lands upon terms and conditions as the department
25 considers proper and may sell oil and gas rights as provided in
26 part 610. The owner of such lands as shown by the records shall
27 be given priority in case the department authorizes any sale of

1 such lands, and, unless the landowner waives such rights, the
2 department shall not sell such rights to any other person. For
3 the purpose of this section, mineral rights do not include rights
4 to sand, gravel, clay, or other nonmetallic minerals.

5 (4) The department may enter into contracts for the sale of
6 the economic share of royalty interests it holds in hydrocarbons
7 produced from devonian or antrim shale qualifying for the
8 nonconventional fuel credit contained in section 29 of the
9 internal revenue code of 1986. However, in entering into these
10 contracts, the department shall assure that revenues to the
11 natural resources trust fund under these contracts are not less
12 than the revenues the natural resources trust fund would have
13 received if the contracts were not entered into. The sale of the
14 economic share of royalty interests under this subsection may
15 occur under contractual terms and conditions considered
16 appropriate by the department and as approved by the state
17 administrative board. Funds received from the sale of the
18 economic share of royalty interests under this subsection shall
19 be transmitted to the state treasurer for deposit in the state
20 treasury as follows:

21 (a) Net proceeds allocable to the nonconventional fuel credit
22 contained in section 29 of the internal revenue code of 1986,
23 under this subsection shall be credited to the environmental
24 protection fund created in section 503a.

25 (b) Proceeds related to the production of oil or gas from
26 devonian or antrim shale shall be credited to the natural
27 resources trust fund or other applicable fund as provided by

1 law.

2 (5) As used in subsection (4):

3 (a) "Natural resources trust fund" means the Michigan natural
4 resources trust fund established in section 35 of article IX of
5 the state constitution of 1963 and provided for in section 1902.

6 (b) "Net proceeds" means the total receipts received from the
7 sale of royalty interests under subsection (4) less costs related
8 to the sale. Costs may include, but are not limited to, legal,
9 financial advisory, geological or reserve studies, and accounting
10 services.

11 (6) As used in this section:

12 (a) "Concession" means an agreement between the department
13 and a person under terms and conditions as specified by the
14 department to provide services or recreational opportunities for
15 public use.

16 (b) "Lease" means a conveyance by the department to a person
17 of a portion of the state's interest in land under specific terms
18 and for valuable consideration, thereby granting to the lessee
19 the possession of that portion conveyed during the period
20 stipulated.

21 Sec. 1604. (1) The officer seizing the property shall file
22 a verified complaint in the court having jurisdiction and venue
23 over the seizure of the property pursuant to section 1603. The
24 complaint shall set forth the kind of property seized, the time
25 and place of the seizure, the reasons for the seizure, and a
26 demand for the property's condemnation and confiscation. Upon
27 the filing of the complaint, an order shall be issued requiring

1 the owner to show cause why the property should not be
2 confiscated. The substance of the complaint shall be stated in
3 the order. The order to show cause shall fix the time for
4 service of the order and for the hearing on the proposed
5 condemnation and confiscation.

6 (2) The order to show cause shall be served on the owner of
7 the property as soon as possible, but not less than 7 days before
8 the complaint is to be heard. The court, for cause shown, may
9 hear the complaint on shorter notice. If the owner is not known
10 or cannot be found, notice may be served in 1 or more of the
11 following ways:

12 (a) By posting a copy of the order in 3 public places for 3
13 consecutive weeks in the county in which the seizure was made and
14 by sending a copy of the order by registered mail to the last
15 known address of the owner. If the last known address of the
16 owner is not known, mailing a copy of the order is not required.

17 (b) By publishing a copy of the order in a newspaper once
18 each week for 3 consecutive weeks in the county where the seizure
19 was made and by sending a copy of the order by registered mail to
20 the last known address of the owner. If the last known address
21 of the owner is not known, mailing a copy of the order is not
22 required.

23 (c) In such a manner as the court directs.

24 (3) Upon the hearing of the complaint, if the court
25 determines that the property mentioned in the petition was
26 caught, killed, possessed, shipped, or used contrary to law,
27 either by the owner or by a person lawfully in possession of the

1 property under an agreement with the owner, an order may be made
2 condemning and confiscating the property and directing its sale
3 or other disposal by the department, the proceeds from which
4 shall be paid into the state treasury and credited to the game
5 and fish protection ~~fund created in part 435~~ **account of the**
6 **Michigan conservation and recreation legacy fund established in**
7 **section 40 of article IX of the state constitution of 1963 and**
8 **provided for in section 2035.** If the owner or person lawfully in
9 possession of the property seized signs a property release, a
10 court proceeding is not necessary. At the hearing, if the court
11 determines that the property was not caught, killed, possessed,
12 shipped, or used contrary to law, the court shall order the
13 department to return the property immediately to its owner.

14 Sec. 1609. In all prosecutions for violation of the law for
15 the protection of game and fish, the sentencing court shall
16 assess, as costs, the sum of \$10.00, to be known as the judgment
17 fee. When collected, the judgment fee shall be paid into the
18 state treasury to the credit of the game and fish protection
19 ~~fund created in part 435~~ **account of the Michigan conservation**
20 **and recreation legacy fund established in section 40 of article**
21 **IX of the state constitution of 1963 and provided for in section**
22 **2035.**

23 Sec. 1902. (1) In accordance with section 35 of article IX
24 of the state constitution of 1963, the Michigan natural resources
25 trust fund is established in the state treasury. The trust fund
26 shall consist of all bonuses, rentals, delayed rentals, and
27 royalties collected or reserved by the state under provisions of

1 leases for the extraction of nonrenewable resources from state
2 owned lands. However, the trust fund shall not include bonuses,
3 rentals, delayed rentals, and royalties collected or reserved by
4 the state from the following sources:

5 (a) State owned lands acquired with money appropriated from
6 the **former** game and fish protection fund ~~created in part 435 or~~
7 **the game and fish protection account of the Michigan conservation**
8 **and recreation legacy fund established in section 40 of article**
9 **IX of the state constitution of 1963 and provided for in section**
10 **2035.**

11 (b) State owned lands acquired with money appropriated from
12 the subfund account created by former section 4 of former 1976 PA
13 204.

14 (c) State owned lands acquired with money appropriated from
15 related federal funds made available to the state under ~~chapter~~
16 ~~899, 50 Stat. 917, 16 U.S.C. USC 669 to 669b and 669e to~~
17 669i, commonly known as the federal aid in wildlife restoration
18 act, or ~~chapter 658, 64 Stat. 430, 16 U.S.C. USC 777 to~~
19 ~~777e, 777f to 777i, and 777k to 777l,~~ commonly known as the
20 federal aid in fish restoration act.

21 (d) Money received by the state from net proceeds allocable
22 to the nonconventional fuel credit contained in section 29 of the
23 internal revenue code of 1986, 26 ~~U.S.C. USC~~ 29, as provided
24 for in section 503.

25 (2) Notwithstanding subsection (1), until the trust fund
26 reaches an accumulated principal of \$500,000,000.00,
27 \$10,000,000.00 of the revenues from bonuses, rentals, delayed

1 rentals, and royalties described in this section, but not
2 including money received by the state from net proceeds allocable
3 to the nonconventional fuel credit contained in section 29 of the
4 internal revenue code of 1986, 26 ~~U.S.C.~~ **USC** 29, as provided
5 for in section 503, otherwise dedicated to the trust fund that
6 are received by the trust fund each state fiscal year shall be
7 transferred to the state treasurer for deposit into the Michigan
8 state parks endowment fund created in section 74119. However,
9 until the trust fund reaches an accumulated principal of
10 \$500,000,000.00, in any state fiscal year, not more than 50% of
11 the total revenues from bonuses, rentals, delayed rentals, and
12 royalties described in this section, but not including net
13 proceeds allocable to the nonconventional fuel credit contained
14 in section 29 of the internal revenue code of 1986, 26 ~~U.S.C.~~
15 **USC** 29, as provided in section 503, otherwise dedicated to the
16 trust fund that are received by the trust fund each state fiscal
17 year shall be transferred to the Michigan state parks endowment
18 fund. To implement this subsection, until the trust fund reaches
19 an accumulated principal of \$500,000,000.00, the department shall
20 transfer 50% of the money received by the trust fund each month
21 pursuant to subsection (1) to the state treasurer for deposit
22 into the Michigan state parks endowment fund. The department
23 shall make this transfer on the last day of each month or as soon
24 as practicable thereafter. However, not more than a total of
25 \$10,000,000.00 shall be transferred in any state fiscal year
26 pursuant to this subsection.

27 (3) In addition to the contents of the trust fund described

1 in subsection (1), the trust fund shall consist of money
2 transferred to the trust fund pursuant to section 1909.

3 (4) The trust fund may receive appropriations, money, or
4 other things of value.

5 (5) The state treasurer shall direct the investment of the
6 trust fund. The state treasurer shall have the same authority to
7 invest the assets of the trust fund as is granted to an
8 investment fiduciary under the public employee retirement system
9 investment act, 1965 PA 314, MCL 38.1132 to 38.1140/.

10 (6) The department shall annually prepare a report containing
11 an accounting of revenues and expenditures from the trust fund.
12 This report shall identify the interest and earnings of the trust
13 fund from the previous year, the investment performance of the
14 trust fund during the previous year, and the total amount of
15 appropriations from the trust fund during the previous year.
16 This report shall be provided to the senate and house of
17 representatives appropriations committees and the standing
18 committees of the senate and house of representatives with
19 jurisdiction over issues pertaining to natural resources and the
20 environment.

21 **PART 20 MICHIGAN CONSERVATION AND RECREATION LEGACY FUND**

22 **Sec. 2001. As used in this part:**

23 (a) "Forest recreation account" means the forest recreation
24 account of the legacy fund provided for in section 2025.

25 (b) "Game and fish protection account" means the game and
26 fish protection account of the legacy fund provided for in
27 section 2035.

1 (c) "Legacy fund" means the Michigan conservation and
2 recreation legacy fund established in section 40 of article IX of
3 the state constitution of 1963 and provided for in section 2002.

4 (d) "Off-road vehicle account" means the off-road vehicle
5 account of the legacy fund provided for in section 2020.

6 (e) "Recreation improvement account" means the recreation
7 improvement account of the legacy fund provided for in section
8 2030.

9 (f) "Snowmobile account" means the snowmobile account of the
10 legacy fund provided for in section 2015.

11 (g) "State park improvement account" means the state park
12 improvement account of the legacy fund provided for in section
13 2005.

14 (h) "Waterways account" means the waterways account of the
15 legacy fund provided for in section 2010.

16 Sec. 2002. (1) The Michigan conservation and recreation
17 legacy fund is established.

18 (2) The state treasurer shall direct the investment of the
19 legacy fund. The state treasurer shall establish within the
20 legacy fund restricted accounts as authorized by this part.
21 Interest and earnings from each account shall be credited to that
22 account. The state treasurer may accept gifts, grants, bequests,
23 or assets from any source for deposit into a particular account
24 or subaccount.

25 Sec. 2005. (1) The state park improvement account is
26 established as an account within the legacy fund.

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

1 of the following:

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

6 (b) Revenue from the following sources:

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

10 (ii) Unless otherwise provided by law, damages paid for
11 illegal activities in state parks and recreation areas.

12 (iii) Revenue derived from the sale of state park property.

13 (iv) Other revenues as authorized by law.

14 (3) Money in the state park improvement account shall be
15 expended, upon appropriation, only as provided in part 741.

16 Sec. 2010. (1) The waterways account is established as an
17 account within the legacy fund.

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

20 (a) All money in the Michigan state waterways fund created in
21 section 78110, the Michigan harbor development fund created in
22 section 78110, and the marine safety fund created in section
23 80115 immediately prior to the effective date of the amendatory
24 act that added this section, which money is hereby transferred to
25 the waterways account.

26 (b) Revenue from the following sources:

27 (i) All revenue generated from watercraft registration fees

1 assessed on the ownership or operation of watercraft in the
2 state, of which not less than 49% shall be provided for law
3 enforcement and education.

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

6 (iii) All revenues derived from fees charged for the use of
7 state-operated public access sites.

8 (iv) Transfers from the recreation improvement account.

9 (v) Other revenues as authorized by law.

10 (3) Money in the waterways account shall be expended, upon
11 appropriation, only as provided in parts 781, 791, and 801.

12 Sec. 2015. (1) The snowmobile account is established as an
13 account within the legacy fund.

14 (2) The snowmobile account shall consist of both of the
15 following:

16 (a) All money in the recreational snowmobile trail
17 improvement fund created in section 82110 and the snowmobile
18 registration fee fund created in section 82111, which money is
19 hereby transferred to the snowmobile account.

20 (b) Revenue deriving from the following sources:

21 (i) Revenue from fees imposed for the registration or use of
22 snowmobiles.

23 (ii) Revenues derived from the use of snowmobile trails.

24 (iii) Transfers from the recreation improvement account.

25 (iv) Other revenues as authorized by law.

26 (3) Money in the snowmobile account shall be expended, upon
27 appropriation, only as provided in part 821.

1 Sec. 2020. (1) The off-road vehicle account is established
2 as an account within the legacy fund.

3 (2) The off-road vehicle account shall consist of both of the
4 following:

5 (a) All money in the trail improvement fund created in
6 section 81117 and the safety education fund created in section
7 81118 immediately prior to the effective date of the amendatory
8 act that added this section, which money is hereby transferred to
9 the off-road vehicle account.

10 (b) Revenue deriving from the following sources:

11 (i) Revenue from fees imposed upon the use or registration of
12 off-road vehicles.

13 (ii) Transfers from the recreation improvement account.

14 (iii) Other revenues as authorized by law.

15 (3) Money in the off-road vehicle account shall be expended,
16 upon appropriation, only as provided in part 811.

17 Sec. 2025. (1) The forest recreation account is established
18 as an account within the legacy fund.

19 (2) The forest recreation account shall consist of both of
20 the following:

21 (a) All money in the forest recreation fund created in
22 section 83104 immediately prior to the effective date of the
23 amendatory act that added this section, which money is hereby
24 transferred to the forest recreation account.

25 (b) Revenue from the following sources:

26 (i) Revenue derived from concessions, leases, contracts, and
27 fees from activities on state forestlands.

1 (ii) Other revenues as authorized by law.

2 (3) Money in the forest recreation account shall be expended,
3 upon appropriation, only as provided in part 831.

4 Sec. 2030. (1) The recreation improvement account is
5 established as an account within the legacy fund.

6 (2) The recreation improvement account shall consist of both
7 of the following:

8 (a) All money in the recreation improvement account created
9 in section 71104 immediately prior to the effective date of the
10 amendatory act that added this section, which money is hereby
11 transferred to the recreation improvement account.

12 (b) Revenue from the following sources:

13 (i) Two percent of the gasoline sold in this state for
14 consumption in internal combustion engines.

15 (ii) All tax revenue derived from the sale of diesel fuel in
16 this state that is used to generate power for the operation or
17 propulsion of vessels on the waterways of this state, of off-road
18 vehicles, and of snowmobiles.

19 (iii) Other revenues as provided by law.

20 (3) The state treasurer shall annually transfer the entire
21 amount of money in the fund as provided for in part 711.

22 Sec. 2035. (1) The game and fish protection account is
23 established as an account within the legacy fund.

24 (2) The game and fish protection account shall consist of
25 both of the following:

26 (a) All money in the game and fish protection fund created in
27 section 43553 immediately prior to the effective date of the

1 amendatory act that added this section, which money is hereby
2 transferred to the game and fish protection account.

3 (b) Revenue from the following sources:

4 (i) Revenue derived from hunting and fishing licenses,
5 passbooks, permits, fees, concessions, leases, contracts, and
6 activities.

7 (ii) Damages paid for the illegal taking of game and fish.

8 (iii) Revenue derived from fees, licenses, and permits
9 related to game, game areas, and game fish.

10 (iv) Other revenues as authorized by law.

11 (3) Money in the game and fish protection account shall be
12 expended, upon appropriation, only as provided in part 435.

13 Sec. 12115. (1) The attorney general or a person may bring
14 a civil action in a court of competent jurisdiction to recover
15 the full value of the damage done to the natural resources that
16 are damaged or destroyed as a result of a violation of this
17 part. The damages collected under this section shall be
18 deposited in the general fund. However, if the damages result
19 from the impairment or destruction of the fish, wildlife, or
20 other natural resources of the state, the damages shall be
21 deposited in the game and fish protection ~~fund created in~~
22 ~~part 435~~ **account of the Michigan conservation and recreation**
23 **legacy fund established in section 40 of article IX of the state**
24 **constitution of 1963 and provided for in section 2035.** The
25 attorney general may, in addition, recover expenses incurred by
26 the department to address and remedy a violation of this part
27 that the department reasonably considered an imminent and

1 substantial threat to the public health, safety, or welfare, or
2 to the environment.

3 (2) The court may award court costs and other expenses of
4 litigation including attorney fees to a party who successfully
5 brings an action pursuant to this section or to a person who
6 successfully defends against an action brought under this section
7 that the court determines is frivolous.

8 Sec. 40114. (1) The department may issue a permit to a
9 person who is unable to walk due to being a paraplegic or an
10 amputee, or being permanently disabled and unable to walk because
11 of other disease or injury. A permit issued under this
12 subsection authorizes the person to take game during the open
13 season for that game, including deer of either sex, from or upon
14 a standing vehicle if that person holds a license to take that
15 game issued pursuant to part 435 and complies with all other laws
16 and rules for the taking of game.

17 (2) The department may issue a permit to a person who is
18 permanently disabled and who has full use of only 1 arm and who
19 upon investigation is unable to hold, aim, and shoot a bow. A
20 permit issued under this subsection authorizes the person to take
21 game during the open season for that game with a bow that has
22 been modified so that the bow may be held, aimed, and shot with 1
23 arm, if that person holds a license to take that game issued
24 pursuant to part 435 and complies with all other laws and rules
25 for the taking of game.

26 (3) In addition, the department may issue permits authorizing
27 1 or more of the following:

1 (a) The taking or possession of animals for the purpose of
2 rehabilitating animals.

3 (b) The taking of animals to prevent or control damage and
4 nuisance caused by the animals.

5 (c) The collection, transportation, possession, or
6 disposition of animals and parts of animals for scientific
7 purposes.

8 (d) The public exhibition of animals.

9 (e) Taxidermy.

10 (f) The disposition of accidentally or unlawfully taken or
11 injured animals or animals that are unlawfully possessed.

12 (g) The taking of game with a crossbow by a person who is
13 permanently disabled as provided in section 40115.

14 (4) A permit issued under this section or section 40115 may
15 be suspended, revoked, annulled, withdrawn, recalled, canceled,
16 or amended pursuant to the administrative procedures act of 1969,
17 ~~Act No. 306 of the Public Acts of 1969, being sections 24.201 to~~
18 ~~24.328 of the Michigan Compiled Laws 1969 PA 306, MCL 24.201 to~~
19 **24.328**. If the holder of a permit is convicted of violating this
20 section, his or her permit or license may be revoked and any
21 animal and the parts of any animal in his or her possession shall
22 be disposed of in a manner approved by the department.

23 (5) Except as otherwise provided in section 40115 for a
24 permit described in subsection (3)(g), all fees received for
25 permits and licenses issued under this section shall be forwarded
26 by the department to the state treasurer to be credited to the
27 game and fish protection ~~fund created in part 435~~ **account of**

1 the Michigan conservation and recreation legacy fund established
2 in section 40 of article IX of the state constitution of 1963 and
3 provided for in section 2035.

4 Sec. 40119. (1) In addition to the penalties provided for
5 violating this part or an order issued under this part, and the
6 penalty provided in section 36507, a person convicted of the
7 illegal killing, possessing, purchasing, or selling, of game or
8 protected animals, in whole or in part, shall reimburse the state
9 for the value of the game or protected animal as follows:

10 (a) Bear, elk, hawk, moose, or any animal that appears on a
11 list specified in section 36505, \$1,500.00 per animal.

12 (b) Deer, owl, and wild turkey, \$1,000.00 per animal.

13 (c) Other game not listed in subdivision (a) or (b), not
14 less than \$100.00 or more than \$500.00 per animal.

15 (d) Other protected animals, \$100.00 per animal.

16 (2) The court in which a conviction for a violation of
17 subsection (1) is obtained shall order the defendant to forfeit
18 to the state a sum as set forth in subsection (1). If 2 or more
19 defendants are convicted of the illegal killing, possessing,
20 purchasing, or selling, in whole or in part, of game or protected
21 animals listed in subsection (1), the forfeiture prescribed shall
22 be declared against them jointly.

23 (3) If a defendant fails to pay upon conviction the sum
24 ordered by the court to be forfeited, the court shall either
25 impose a sentence and, as a condition of the sentence, require
26 the defendant to satisfy the forfeiture in the amount prescribed
27 and fix the manner and time of payment, or make a written order

1 permitting the defendant to pay the sum to be forfeited in
2 installments at those times and in those amounts that, in the
3 opinion of the court, the defendant is able to pay.

4 (4) If a defendant defaults in payment of the sum forfeited
5 or of an installment, the court on motion of the department or
6 upon its own motion may require the defendant to show cause why
7 the default should not be treated as a civil contempt, and the
8 court may issue a summons or warrant of arrest for his or her
9 appearance. Unless the defendant shows that the default was not
10 due to an intentional refusal to obey the order of the court or
11 to a failure to make a good faith effort to obtain the funds
12 required for the payment, the court shall find that the default
13 constitutes a civil contempt.

14 (5) If it appears that the defendant's default in the
15 payment of the forfeiture does not constitute civil contempt, the
16 court may enter an order allowing the defendant additional time
17 for payment, reducing the amount of the forfeiture or of each
18 installment, or revoking the forfeiture or the unpaid portion of
19 the forfeiture, in whole or in part.

20 (6) A default in the payment of the forfeiture or an
21 installment payment may be collected by any means authorized for
22 the enforcement of a judgment under chapter 60 of the revised
23 judicature act of 1961, ~~Act No. 236 of the Public Acts of 1961,~~
24 ~~being sections 600.6001 to 600.6098 of the Michigan Compiled~~
25 ~~Laws~~ **1961 PA 236, MCL 600.6001 to 600.6098.**

26 (7) A court receiving forfeiture damages shall remit the
27 damages to the county treasurer, who shall deposit the damages

1 with the state treasurer, who shall deposit the damages in the
2 game and fish protection ~~fund created in part 435~~ account of
3 the Michigan conservation and recreation legacy fund established
4 in section 40 of article IX of the state constitution of 1963 and
5 provided for in section 2035.

6 Sec. 41711. All money received from the sale of licenses
7 and tags or seals as provided in this part shall be deposited in
8 the state treasury to the credit of the game and fish protection
9 ~~fund created in part 435~~ account of the Michigan conservation
10 and recreation legacy fund established in section 40 of article
11 IX of the state constitution of 1963 and provided for in section
12 2035.

13 Sec. 42506. All money received from the sale of licenses as
14 provided in this part shall be forwarded to the state treasurer
15 and placed to the credit of the game and fish protection ~~fund~~
16 ~~created in part 435~~ account of the Michigan conservation and
17 recreation legacy fund established in section 40 of article IX of
18 the state constitution of 1963 and provided for in section 2035,
19 and shall be used for the purpose necessary to the protection,
20 propagation, and distribution of game and fur-bearing animals as
21 provided by law.

22 Sec. 42712. All money received from the sale of licenses
23 under this part shall be credited to the game and fish protection
24 ~~fund created in part 435~~ account of the Michigan conservation
25 and recreation legacy fund established in section 40 of article
26 IX of the state constitution of 1963 and provided for in section
27 2035.

1 Sec. 43504. **As used in this part:**

2 (a) "Game" has the meaning given that term in part 401.

3 (b) "Game and fish protection account" means the game and
4 fish protection account of the Michigan conservation and
5 recreation legacy fund established in section 40 of article IX of
6 the state constitution of 1963 and provided for in section 2035.

7 Sec. 43546. (1) Before June 1 of each year, the department
8 shall determine the total number of senior hunting and fishing
9 licenses issued and the total fees collected the preceding
10 license year. The department shall determine the total fees that
11 would have been collected if those senior citizens had been
12 required to purchase full-price resident hunting and fishing
13 licenses during the preceding license year. From this total, the
14 department shall subtract the fees collected from the sale of
15 senior hunting and fishing licenses during the preceding license
16 year. The difference is the amount that would otherwise be
17 collected.

18 (2) The legislature shall annually appropriate from the
19 general fund a sum equal to the fees that would otherwise be
20 collected as determined pursuant to subsection (1). The sum
21 appropriated shall be credited to the game and fish protection
22 ~~fund~~ **account**.

23 Sec. 43553. (1) Except as provided in sections 43555 and
24 43556, the department shall transmit all money received from the
25 sale of licenses to the state treasurer, together with a
26 statement indicating the amount of money received and the source
27 of the money.

1 (2) ~~The game and fish protection fund is created as a~~
2 ~~separate fund in the department of treasury.~~ Except as provided
3 in subsection (5), the state treasurer shall credit the money
4 received from the sale of passbooks and licenses to the game and
5 fish protection ~~fund~~ **account**.

6 (3) Except as provided in sections 43524, 43525, 43531,
7 43554, and 43556 and subsection (4), money credited to the game
8 and fish protection ~~fund~~ **account** shall be paid out by the state
9 treasurer pursuant to the accounting laws of this state for the
10 following purposes:

11 (a) Services rendered by the department, together with the
12 expenses incurred in the enforcement and administration of the
13 game, fish, and fur laws of the state, including the necessary
14 equipment and apparatus incident to the operation and enforcement
15 of the game, fish, and fur laws, and the protection, propagation,
16 distribution, and control of game, fish, birds, fur-bearing
17 animals, and other wildlife forms.

18 (b) The propagation and liberation of game, fur-bearing
19 animals, birds, or fish and for their increase at the time,
20 place, and manner as the department considers advisable.

21 (c) The purchase, lease, and management of lands, together
22 with the necessary equipment for the purpose of propagating and
23 rearing game, fur-bearing animals, birds, or fish, and for
24 establishing and maintaining game refuges, wildlife sanctuaries,
25 and public shooting and fishing grounds.

26 (d) Conducting investigations and compiling and publishing
27 information relative to the propagation, protection, and

1 conservation of wildlife.

2 (e) Delivering lectures, developing cooperation, and carrying
3 on appropriate educational activities relating to the
4 conservation of the wildlife of this state.

5 (4) The department may make direct grants to colleges and
6 universities in this state, out of funds appropriated from the
7 game and fish protection ~~fund~~ **account**, to conduct fish or
8 wildlife research or both fish and wildlife research.

9 (5) The youth hunting and fishing education and outreach fund
10 is created as a separate fund in the department of treasury. The
11 state treasurer shall credit to the youth hunting and fishing
12 education and outreach fund the money received from the sale of
13 small game licenses and all-species fishing licenses under
14 sections 43523 and 43532, respectively, to persons who are 12
15 years of age through 16 years of age. Money in the youth hunting
16 and fishing education and outreach fund at the close of the
17 fiscal year shall remain in the fund and shall not lapse to the
18 general fund.

19 (6) Money credited to the youth hunting and fishing education
20 and outreach fund shall be paid out by the state treasurer
21 pursuant to the accounting laws of this state for hunting and
22 fishing education and outreach programs for youth through 16
23 years of age.

24 (7) The department and any other executive department of the
25 state that receives money from the game and fish protection
26 ~~fund~~ **account** or the youth hunting and fishing education and
27 outreach fund shall submit an annual report to the legislature

1 showing the amount of money received by the department or other
2 executive department from the game and fish protection ~~fund~~
3 **account** or the youth hunting and fishing education and outreach
4 fund and how that money was spent. An executive department
5 required to submit a report as provided in this subsection shall
6 send a copy of the report to the legislature and to the
7 department.

8 Sec. 43556. (1) The department may utilize the game and
9 fish protection ~~fund~~ **account** for the purpose of acquiring and
10 administering hunter access leases on private land.

11 (2) The department may determine and provide lease payments
12 in amounts that are related to the benefits the leased land
13 provides for public use if for a designated lease period a
14 participating landowner agrees to allow public access to certain
15 lands for the purpose of hunting. Department field personnel
16 shall inspect the lands and determine their value to the
17 program. Final approval of lease proposals shall be made by the
18 department.

19 (3) Participating landowners have authority to control hunter
20 access according to the terms of the lease agreement, including
21 terms requiring a hunter to obtain verbal or written permission
22 to hunt on the participating landowners' land.

23 (4) Pursuant to rules adopted under this section,
24 participating landowners may cancel their lease agreement at any
25 time prior to the expiration of the lease. Cancellation of the
26 agreement prior to the expiration of the lease shall result in
27 the forfeiture of all lease payments that have been received by

1 the participating landowner for the year in which cancellation
2 occurs.

3 (5) Participating landowners shall post, with signs provided
4 by the department, the boundaries of land leased under this
5 section.

6 (6) A cause of action shall not arise for injuries to persons
7 hunting on lands leased under this section unless the injuries
8 were caused by the gross negligence or willful and wanton
9 misconduct of the owner, tenant, or lessee.

10 (7) The department may issue orders pursuant to part 401
11 governing the administration and operation of a hunting access
12 program.

13 Sec. 43557. The department may sell, or contract for the
14 sale of, license application lists or information filed with the
15 department pursuant to this part and related publications of the
16 department. The department shall establish the price for the
17 lists, information, and publications, and the proceeds of all
18 sales pursuant to this section shall be credited to the game and
19 fish protection ~~fund~~ **account** in the manner prescribed in
20 section 43553.

21 PART 437 **MICHIGAN** GAME AND FISH PROTECTION TRUST FUND

22 Sec. 43701. As used in this part:

23 (a) "Game and fish protection ~~fund~~ **account**" means the game
24 and fish protection ~~fund in the department of treasury that is~~
25 ~~created in part 435~~ **account of the Michigan conservation and**
26 **recreation legacy fund established in section 40 of article IX of**
27 **the state constitution of 1963 and provided for in section 2035.**

1 (b) "Gas" means a mixture of hydrocarbons and nonhydrocarbons
2 in a gaseous state which may or may not be associated with oil
3 and includes liquids resulting from the condensation of those
4 hydrocarbons and nonhydrocarbons.

5 (c) "Mineral" means an inorganic substance that can be
6 extracted from the earth, except for oil or gas, and includes
7 rock, metal ores, and mineral water.

8 (d) "Oil" means natural crude oil or petroleum and other
9 hydrocarbons, regardless of gravity, which are produced at the
10 well in liquid form by ordinary production methods and which are
11 not the result of condensation of gas after it leaves the
12 underground reservoir.

13 (e) "Trust fund" means the **Michigan** game and fish protection
14 trust fund established in section ~~43702~~ **41 of article IX of the**
15 **state constitution of 1963.**

16 Sec. 43702. ~~The~~ **In accordance with section 41 of article**
17 **IX of the state constitution of 1963, the Michigan** game and fish
18 protection trust fund is ~~created for the benefit of the people~~
19 ~~of this state and~~ **established in the state treasury. The trust**
20 **fund** shall consist of the following:

21 ~~(a) Gifts, grants, or bequests conveyed to the trust fund,~~
22 ~~or income derived from such gifts, grants, or bequests.~~

23 **(a) ~~(b)~~** All funds transferred to the **former** game and fish
24 protection fund by section 1909(a).

25 **(b) ~~(c)~~** Bonuses, rentals, delayed rentals, royalties, and
26 other revenues collected or reserved by the state under leases or
27 direct sale contracts in effect on or after April 7, 1986,

1 entered into by the state pursuant to section 502, 503, or 33936
 2 or section 12 of former 1909 PA 280, or any other law enacted for
 3 leasing for the purpose of permitting extraction or removal of
 4 minerals, coal, oil, gas, or other resources from state owned
 5 lands, if these bonuses, rentals, delayed rentals, royalties,
 6 direct sale proceeds, and other revenues accrue from lands
 7 acquired by the state using revenues derived from the game and
 8 fish protection ~~fund~~ **account**, the game and fish protection
 9 trust account created in section 4 of the Kammer recreational
 10 land trust fund act of 1976, former 1976 PA 204, federal funds
 11 made available to the state ~~under chapter 899, 50 Stat. 917,~~ 16
 12 ~~U.S.C. USC 669 to 669b and 669c to~~ 669i, commonly known as
 13 the federal aid in wildlife restoration act, or ~~chapter 658,~~
 14 ~~64 Stat. 430,~~ 16 ~~U.S.C. USC 777 to 777e, 777f to 777i, and~~
 15 ~~777k to 777l,~~ commonly known as the federal aid in fish
 16 restoration act, or related state or federal funds.

17 Sec. 43703. (1) The **state treasurer shall annually transfer**
 18 **the** interest and earnings from the trust fund ~~shall be deposited~~
 19 ~~in~~ **to** the game and fish protection ~~fund~~ **account**.

20 (2) Subject to subsection (3), the corpus of the trust fund
 21 shall be maintained by the state treasurer in a manner that will
 22 provide for future ~~disbursements~~ **transfers** to the game and fish
 23 protection ~~fund~~ **account** from the trust fund's interest and
 24 earnings.

25 (3) The legislature may annually appropriate and transfer not
 26 more than \$6,000,000.00 from the corpus of the trust fund to the
 27 game and fish protection ~~fund~~ **account**.

1 Sec. 43704. (1) The state treasurer shall direct the
2 investment of the trust fund. The state treasurer shall have the
3 same authority to invest the assets of the trust fund as is
4 granted to an investment fiduciary under the public employee
5 retirement system investment act, 1965 PA 314, MCL 38.1132 to
6 38.1140/.

7 (2) The department shall annually prepare a report containing
8 an accounting of revenues and expenditures from the trust fund.
9 This report shall identify the interest and earnings of the trust
10 fund from the previous year, the investment performance of the
11 trust fund during the previous year, and the total amount of
12 appropriations from the trust fund during the previous year.
13 This report shall be provided to the senate and house of
14 representatives appropriations committees and the standing
15 committees of the senate and house of representatives with
16 jurisdiction over issues pertaining to natural resources and the
17 environment.

18 Sec. 44105. (1) Except as otherwise provided in subsections
19 (2) and (3), the corpus of the trust fund and the interest and
20 earnings of the trust fund shall be maintained and invested by
21 the state treasurer as provided in section 44104.

22 ~~(2) Beginning on March 1, 1989 until February 28, 1990, for~~
23 ~~each lifetime license issued under this part, the state treasurer~~
24 ~~shall credit to the game and fish protection fund that amount of~~
25 ~~money that the department would have received had the holder of~~
26 ~~the lifetime license purchased the equivalent annual license~~
27 ~~during the license year.~~

1 **(2)** ~~-(3)-~~ Beginning on March 1, 1990, and for each year
2 thereafter, for each lifetime license issued under this part, the
3 state treasurer shall credit annually to the game and fish
4 protection ~~fund~~ **account of the Michigan conservation and**
5 **recreation legacy fund established in section 40 of article IX of**
6 **the state constitution of 1963 and provided for in section 2035**
7 from the accumulated interest and earnings of the trust fund, and
8 from the corpus of the trust fund if the accumulated interest and
9 earnings of the trust fund are insufficient, that amount of money
10 that the department would have received had the holder of the
11 lifetime license purchased the equivalent annual license during
12 the license year. For a comprehensive lifetime hunting and
13 fishing license, the equivalent annual license for purposes of
14 calculations required by this section shall be the annual
15 sportsperson license available pursuant to section 43521.

16 Sec. 45705. The department shall keep a record of all
17 applications and licenses issued and on the first day of each
18 month shall pay to the state treasurer all money received for the
19 sale of licenses issued under this part, and the money shall be
20 credited to the game and fish protection ~~fund created in~~
21 ~~part 435-~~ **account of the Michigan conservation and recreation**
22 **legacy fund established in section 40 of article IX of the state**
23 **constitution of 1963 and provided for in section 2035** and shall
24 be disbursed by the state treasurer for services of the
25 department and for the department's expenses in enforcing this
26 part and the game and fish laws of this state, for propagation,
27 and for biological investigations and such other investigations

1 as may be necessary. For the purposes of this part, a
2 nonresident of this state is a person who has not resided within
3 this state for a period of at least 6 consecutive months
4 immediately prior to the time application is made for a license
5 under this part.

6 Sec. 45907. All money received from the sale of licenses
7 provided for in this part shall be paid over to the state
8 treasurer and shall be credited by the state treasurer to the
9 game and fish protection ~~fund created in part 435~~ **account of**
10 **the Michigan conservation and recreation legacy fund established**
11 **in section 40 of article IX of the state constitution of 1963 and**
12 **provided for in section 2035.**

13 Sec. 47303. The department shall provide financial
14 remuneration to the state for fish taken for commercial purposes
15 by collection from the licensee of not more than 5% of the price
16 received by the licensee. Money received shall be credited to
17 the game and fish protection ~~fund created in part 435~~ **account**
18 **of the Michigan conservation and recreation legacy fund**
19 **established in section 40 of article IX of the state constitution**
20 **of 1963 and provided for in section 2035** to be used in the
21 development and management of the fisheries resource.

22 Sec. 47332. All licenses ~~in effect after July 1, 1946~~
23 expire on December 31 in the calendar year for which **they were**
24 issued. ~~However, any license which expires December 31, 1946,~~
25 ~~shall be issued for 1/2 the fee prescribed in section 47330.~~ The
26 department shall keep a record of all applications and licenses.
27 On the first day of each month, the department shall pay over to

1 the state treasurer all money received by the department under
2 this part, and the money shall be credited to the game and fish
3 protection ~~fund created in part 435~~ **account of the Michigan**
4 **conservation and recreation legacy fund established in section 40**
5 **of article IX of the state constitution of 1963 and provided for**
6 **in section 2035** and shall be disbursed by the state treasurer for
7 services of the department and the department's expenses in
8 enforcing the commercial fishing laws, for the protection and
9 propagation of fish, and for the purchase of patrol boats and
10 other apparatus to be used for that purpose, and as otherwise
11 provided by law.

12 Sec. 48737. All money collected from the sale of licenses
13 and stamps as provided in this part shall be paid over to the
14 state treasurer by the department and held to the credit of the
15 game and fish protection ~~fund created in part 435~~ **account of**
16 **the Michigan conservation and recreation legacy fund established**
17 **in section 40 of article IX of the state constitution of 1963 and**
18 **provided for in section 2035**, and shall be used for the purposes
19 necessary to the protection, propagation, and distribution of
20 fish and game and as otherwise provided by law.

21 Sec. 48740. (1) In addition to the penalties provided in
22 this part, a person convicted of taking game fish during a closed
23 season; taking or possessing game fish in excess of lawful
24 limits; taking game fish or nongame fish by use of an unlawful
25 device; or buying or selling game fish, nongame fish, or any
26 parts of game or nongame fish taken by use of an unlawful device
27 shall forfeit to the state for the fish unlawfully taken or

1 possessed as follows:

2 (a) For each game fish other than sturgeon, of an individual
3 weight of 1 pound or more, \$10.00 for each pound or fraction of a
4 pound of fish illegally taken or possessed.

5 (b) For each game fish other than sturgeon, of an individual
6 weight of less than 1 pound, \$10.00 for each fish illegally taken
7 or possessed.

8 (c) For sturgeon, \$1,500.00 for each fish illegally taken or
9 possessed.

10 (d) For each nongame fish, \$5.00 for each pound or fraction
11 of a pound of fish illegally taken or possessed.

12 (2) In every conviction for a violation of subsection (1),
13 the court before which the conviction is obtained shall order the
14 defendant to forfeit to the state the sums provided in subsection
15 (1). If 2 or more defendants are convicted of the illegal taking
16 or possession of the fish, the forfeiture shall be declared
17 against them jointly and severally.

18 (3) If a defendant fails to pay the sums forfeited for a
19 violation of subsection (1), upon conviction, the court shall
20 either impose a sentence of probation, and as a condition of
21 sentence require the defendant to satisfy the forfeiture in the
22 amount prescribed and fix the manner and time of payment, or make
23 a written order permitting the defendant to pay the forfeited
24 sums in installments at the times and in the amounts as the court
25 determines the defendant is able to pay.

26 (4) A default in the payment of forfeiture or an installment
27 of the forfeiture may be collected by any means authorized for

1 the enforcement of a judgment under chapter 60 of the revised
2 judicature act of 1961, ~~Act No. 236 of the Public Acts of 1961,~~
3 ~~being sections 600.6001 to 600.6097 of the Michigan Compiled~~
4 ~~Laws~~ **1961 PA 236, MCL 600.6001 to 600.6097.**

5 (5) All courts collecting forfeitures as provided in this
6 section shall promptly remit the forfeiture to the county
7 treasurer, who shall transmit it to the state treasurer to be
8 credited to the game and fish protection ~~fund created in part~~
9 **435- account of the Michigan conservation and recreation legacy**
10 **fund established in section 40 of article IX of the state**
11 **constitution of 1963 and provided for in section 2035.**

12 Sec. 64108. (1) The peat resource conservation and
13 development fund is created in the state treasury.

14 (2) Subject to subsections (3) and (4), the following shall
15 be deposited in the peat resource conservation and development
16 fund:

17 (a) Money received by the state under contracts for the
18 taking of peat.

19 (b) The fees imposed under this part.

20 (3) Money received by the state under contracts for taking of
21 peat from state owned lands acquired with game and fish
22 protection funds shall be deposited in the game and fish
23 protection ~~fund~~ **account of the Michigan conservation and**
24 **recreation legacy fund established in section 40 of article IX of**
25 **the state constitution of 1963 and provided for in section 2035.**

26 (4) If the money in the fund exceeds \$250,000.00 at the end
27 of a state fiscal year, the excess shall be deposited in the

1 Michigan natural resources trust fund created in section 35 of
 2 article IX of the state constitution of 1963 or as otherwise
 3 provided by law.

4 PART 711 RECREATION IMPROVEMENT ~~FUND~~ **ACCOUNT**

5 Sec. 71101. As used in this part:

6 (a) "Associated facilities" means restrooms, shelters,
 7 campgrounds, and parking lots directly related to trails or
 8 waterways projects.

9 ~~(b) "Fund" means the recreation improvement fund created in~~
 10 ~~section 71104.~~

11 ~~—— (c) "Michigan state waterways fund" means the Michigan state~~
 12 ~~waterways fund created in section 78110.~~

13 **(b) —(d)— "Off-road vehicle" means ORV as it is defined in**
 14 **part 811, which is required to be registered under part 811.**

15 **(c) "Off-road vehicle account" means the off-road vehicle**
 16 **account of the Michigan conservation and recreation legacy fund**
 17 **created in section 40 of article IX of the state constitution of**
 18 **1963 and provided for in section 2020.**

19 **(d) "Recreation improvement account" means the recreation**
 20 **improvement account of the Michigan conservation and recreation**
 21 **legacy fund created in section 40 of article IX of the state**
 22 **constitution of 1963 and provided for in section 2030.**

23 (e) "Recreational projects" means, in addition to the
 24 activities provided for in this part, the construction,
 25 maintenance, and operation of trails and associated facilities
 26 that may be used by off-road vehicles, cross-country skiers,
 27 horseback riders, and hikers, and inland lake cleanup grants as

1 provided by part 309.

2 (f) ~~"Recreational snowmobile trail improvement fund" means~~
3 ~~the recreational snowmobile trail improvement fund created in~~
4 ~~section 82110.~~ **"Snowmobile account" means the snowmobile account**
5 **of the Michigan conservation and recreation legacy fund created**
6 **in section 40 of article IX of the state constitution of 1963 and**
7 **provided for in section 2015.**

8 (g) "Vessel" means all watercraft except the following:

9 (i) Watercraft used for commercial fishing.

10 (ii) Watercraft used by the sea scout department of the boy
11 scouts of America chiefly for training scouts in seamanship.

12 (iii) Watercraft owned by this state, any political
13 subdivision of this state, or the federal government.

14 (iv) Watercraft when used in interstate or foreign commerce
15 and watercraft used or owned by any railroad company or railroad
16 car ferry company.

17 (v) Watercraft when used in trade, including watercraft when
18 used in connection with an activity that constitutes a person's
19 chief business or means of livelihood.

20 (h) "Watercraft" means any contrivance now known or invented
21 in the future that is used or designed for navigation on water,
22 including, but not limited to, any vessel, ship, boat, motor
23 vessel, steam vessel, vessel operated by machinery, motorboat,
24 sailboat, barge, scow, tugboat, and rowboat, but does not include
25 watercraft used or owned by the United States.

26 (i) **"Waterways account" means the waterways account of the**
27 **Michigan conservation and recreation legacy fund created in**

1 **section 40 of article IX of the state constitution of 1963 and**
2 **provided for in section 2010.**

3 Sec. 71106. The department of treasury shall annually
4 present to the department an accurate total of all the gasoline
5 taxes collected and shall determine the amount of revenue derived
6 from them. The department of treasury shall determine the
7 portion of these revenues derived from the sale of gasoline as
8 described in section 71102 by multiplying the total by 2.0% and
9 shall credit this amount to the recreation improvement ~~fund~~
10 **account**, less a deduction for collection costs and refunds.

11 Sec. 71108. (1) The ~~department~~ **state treasurer** shall
12 annually ~~review and make recommendations~~ **report** to the
13 legislature ~~for~~ **on the** distributions of the ~~fund, including~~
14 ~~recreational projects and geographic locations~~ **recreation**
15 **improvement account.**

16 (2) ~~Of the total fund, not less than 80% shall be credited~~
17 **The state treasurer shall annually transfer the balance of the**
18 **recreation improvement account as follows:**

19 **(a) Eighty percent** to the ~~Michigan state~~ waterways ~~fund,~~
20 ~~not less than 14%~~ **account.**

21 **(b) Fourteen percent** to the ~~recreational~~ snowmobile ~~trail~~
22 ~~improvement fund, and the remaining balance, if any, shall be~~
23 ~~distributed to recreational projects~~ **account.**

24 **(c) Six percent to the off-road vehicle account.** Of the
25 ~~remaining balance credited to recreational projects in a fiscal~~
26 ~~year~~ **amount transferred under this subdivision**, not less than
27 ~~25% of any funds designated for projects intended for off road~~

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

6 Sec. 74101. As used in this part:

7 ~~(a) "Fund" means the state park improvement fund created in~~
8 ~~section 74108.~~

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

16 ~~(b) —(c)—~~ "Motor vehicle" means a vehicle that is
17 self-propelled.

18 ~~(c) —(d)—~~ "State park" means a state park or state recreation
19 area designated by the director.

20 ~~(d) "State park improvement account" means the state park~~
21 ~~improvement account of the Michigan conservation and recreation~~
22 ~~legacy fund created in section 40 of article IX of the state~~
23 ~~constitution of 1963 and provided for in section 2005.~~

24 (e) "State park revenues" means all revenues collected for
25 state parks, including but not limited to, motor vehicle permits,
26 concession fees, nonmotorized trail permits, fees, leases,
27 camping fees, sale of farm animals from Maybury state park,

1 donations, and gifts.

2 Sec. 74108. A resolution adopted by the commission
3 authorizing the issuance of bonds shall contain all of the
4 following:

5 (a) A description in reasonable detail of the improvement
6 program as approved by the legislature, for which the bonds are
7 to be issued.

8 (b) The form of the bonds and all of the following:

9 (i) The maturity date or dates for the bonds with no maturity
10 later than 30 years after the issuance of the bonds.

11 (ii) The principal amount of and principal payment dates for
12 the bonds.

13 (iii) The interest rate or rates for the bonds or that bonds
14 shall not bear any interest.

15 (iv) The redemption provisions, with or without premium, for
16 the bonds, if any.

17 (v) The authorized denominations for the bonds.

18 (vi) Whether the bonds may be sold at a discount or for a
19 premium.

20 (vii) The manner in which the bonds will be executed.

21 (viii) Any other provision concerning the bonds or the
22 security for the bonds the commission considers appropriate.

23 (c) A provision that the state park revenues shall be pledged
24 for the payment of the bonds. However, the pledge of state park
25 revenues shall be on a parity with pledges of the revenues
26 previously or subsequently made by the commission pursuant to any
27 other resolution authorizing the issuance of bonds under this

1 part and the resolution shall state that the pledge complies with
2 this subdivision.

3 (d) A covenant that the park permit fees and penalties
4 provided in section 74117 shall be revised from time to time
5 within the limits permitted by law when necessary to ensure that
6 the revenues to be derived from the fees shall be sufficient to
7 pay the principal of and interest on bonds issued pursuant to
8 this part and other obligations of the commission in connection
9 with the issuance of bonds.

10 (e) A provision requiring the fiscal agent to set aside money
11 from the state park revenue bond receiving fund into a fund to be
12 designated as the state park debt service fund in a sum
13 proportionately sufficient to provide for the payment of the
14 principal of and interest upon all bonds payable from the fund as
15 and when the principal and interest becomes due and payable in
16 the manner prescribed by the commission. In addition the
17 resolution shall authorize the commission to provide that a
18 reasonable excess amount may be set aside by the fiscal agent
19 from time to time as directed by the commission in the state park
20 debt service fund to produce and provide a reserve to meet a
21 possible future deficiency in the fund. The resolution shall
22 further provide that out of the revenues remaining each quarter,
23 after having first met the requirements of the state park debt
24 service fund, including the reserve for the fund, the commission
25 may by direction to the fiscal agent next set aside additional
26 money in the state park debt service fund for the purpose of
27 calling bonds for redemption, subject to approval by the state

1 administrative board. The resolution shall also contain a
2 provision for the investment of funds held by the fiscal agent.

3 (f) A provision that money on deposit in the state park
4 revenue bond receiving fund after setting aside the amounts in
5 the state park debt service fund is surplus money, and shall be
6 deposited quarterly by the fiscal agent upon the order of the
7 commission in the state treasury in ~~a fund to be designated as~~
8 the state park improvement ~~fund~~ **account**. ~~This fund shall be~~
9 ~~subject to appropriation by the legislature~~ **Money in the state**
10 **park improvement account shall be used only** for the improvement,
11 operation, and maintenance of state parks and recreation areas.
12 ~~Any unexpended revenue in the fund, along with excess revenue~~
13 ~~from prior fiscal years, shall be carried over into subsequent~~
14 ~~fiscal years. Interest and earnings of the fund shall remain in~~
15 ~~the fund.~~ Not less than \$10.00 of each annual permit and not
16 less than \$2.00 of each daily permit projected to be sold in a
17 fiscal year may be appropriated **from the state park improvement**
18 **account** for the maintenance and operation of state parks and
19 recreation areas in that fiscal year.

20 (g) The terms and conditions under which additional bonds
21 payable from the state park revenues of equal standing with a
22 prior issue of bonds may be issued.

23 (h) A provision for deposit and expenditure of the proceeds
24 of sale of the bonds and for investment of the proceeds of sale
25 of the bonds and of other funds of the commission relating to
26 bonds authorized by this part.

27 (i) A provision that in the event of a default in the payment

1 of principal of or interest on the bonds, or in the performance
2 of an agreement or covenant contained in the resolution, the
3 holders of a specified percentage of the outstanding bonds may
4 institute 1 or more of the following for the equal benefit of the
5 holders of all of the bonds:

6 (i) An action of mandamus or any other suit, action, or
7 proceeding to enforce the rights of the holders of the bonds.

8 (ii) An action upon the defaulted bonds or coupons.

9 (iii) Any other action as may be provided by law.

10 Sec. 74114. The department may establish fees and collect
11 fees for activities in state parks except those activities for
12 which fees are established under this part. All fees collected
13 under this section shall be deposited into the ~~fund~~ **state park**
14 **improvement account**.

15 Sec. 74122. (1) A person who violates this part or a rule
16 promulgated under this part is guilty of a misdemeanor. In any
17 proceeding for the violation of this part or a rule promulgated
18 under this part, where a motor vehicle without the required park
19 permit affixed is found parked in any state park, the
20 registration plate displayed on the motor vehicle constitutes
21 prima facie evidence that the owner of the motor vehicle was the
22 person who parked or placed it at the location where it was
23 found.

24 (2) In addition to the penalties provided for in subsection
25 (1), a person convicted of an act of vandalism shall reimburse
26 the department up to 3 times the amount of the damage as
27 determined by the court. All money collected pursuant to this

1 subsection shall be credited to the ~~fund~~ **state park improvement**
2 **account**.

3 Sec. 78101. As used in this part:

4 ~~(a) "Advisory committee" means the public boating access~~
5 ~~site advisory committee established pursuant to section 78113.~~

6 **(a)** ~~(b)~~ "Commission" means the Michigan state waterways
7 commission.

8 **(b)** ~~(c)~~ "Department" means the department of natural
9 resources.

10 **(c)** ~~(d)~~ "Director" means the administrative director of the
11 commission.

12 **(d)** ~~(e)~~ "Diesel motor fuel" means any liquid fuel used in
13 the operation of engines of the diesel type in motor vehicles or
14 watercraft.

15 **(e)** ~~(f)~~ "Gasoline" means gasoline, casing head or natural
16 gasoline, benzole, benzine, and naphtha; also, any liquid
17 prepared, advertised, offered for sale, sold for use as, or used
18 for, the generation of power for the propulsion of motor vehicles
19 or watercraft, including any product obtained by blending
20 together any 1 or more products of petroleum, with or without
21 other products, and regardless of the original character of the
22 petroleum products blended, if the resultant product obtained is
23 capable of use for the generation of power for the propulsion of
24 motor vehicles or watercraft, it being the intention that the
25 blending of the products, regardless of name or characteristics,
26 shall conclusively be presumed to produce motor fuel, unless the
27 resultant product is entirely incapable for use as motor fuel.

1 Gasoline does not include diesel fuel, liquefied petroleum gas,
2 or commercial or industrial naphthas or solvents manufactured,
3 imported, received, stored, distributed, sold, or used
4 exclusively for purposes other than as a fuel for motor vehicles
5 or watercraft.

6 **(f)** ~~-(g)-~~ "Harbor" means a portion of a lake or other body of
7 water either naturally or artificially protected so as to be a
8 place of safety for watercraft, including contrivances used or
9 designed for navigation on water and used or owned by the United
10 States.

11 **(g)** ~~-(h)-~~ "Harbor facilities" means the structures at a
12 harbor constructed to protect the lake or body of water and the
13 facilities provided within the harbor and ashore for the mooring
14 and servicing of watercraft and the servicing of crews and
15 passengers.

16 **(h)** ~~-(i)-~~ "Liquefied petroleum gas" means gases derived from
17 petroleum or natural gases which are in the gaseous state at
18 normal atmospheric temperature and pressure, but which may be
19 maintained in the liquid state at normal atmospheric temperature
20 by suitable pressure. Liquefied petroleum gas includes those
21 products predominately composed of propane, propylene, butylene,
22 butane, and similar products which are not covered in chapters 1
23 and 2 of 1927 PA 150, MCL 207.101 to 207.134.

24 **(i)** ~~-(j)-~~ "Marina" means a site which contains harbor
25 facilities.

26 **(j)** ~~-(k)-~~ "Navigable water" means any waterway navigable by
27 vessels, or capable of being made navigable by vessels through

1 artificial improvements, and includes the structures and
2 facilities created to facilitate navigation.

3 **(k)** ~~-(l)-~~ "Person" includes any individual, partnership,
4 corporation, association, or body politic, except the United
5 States and this state, and includes any trustee, receiver,
6 assignee, or other similar representative of those entities.

7 **(l)** ~~-(m)-~~ "Public boating access site" means a publicly owned
8 site for the launching of recreational watercraft.

9 **(m)** ~~-(n)-~~ "Retail fuel dealer" includes any person or
10 persons, both private and municipal, who engage in the business
11 of selling or distributing fuel within the state.

12 **(n)** ~~-(o)-~~ "Secretary of state" means the secretary of state
13 of this state, acting directly or through a duly authorized
14 deputy, investigators, agents, and employees.

15 **(o)** ~~-(p)-~~ "Vessel" means all watercraft except the
16 following:

17 (i) Watercraft used for commercial fishing.

18 (ii) Watercraft used by the sea scout department of the boy
19 scouts of America chiefly for training scouts in seamanship.

20 (iii) Watercraft owned by this state, any political
21 subdivision of this state, or the federal government.

22 (iv) Watercraft when used in interstate or foreign commerce
23 and watercraft used or owned by any railroad company or railroad
24 car ferry company.

25 (v) Watercraft when used in trade, including watercraft when
26 used in connection with an activity that constitutes a person's
27 chief business or means of livelihood.

1 **(p)** ~~-(q)-~~ "Watercraft" means any contrivance used or designed
2 for navigation on water, including, but not limited to, any
3 vessel, ship, boat, motor vessel, steam vessel, vessel operated
4 by machinery, motorboat, sailboat, barge, scow, tugboat, and
5 rowboat, but does not include contrivances used or owned by the
6 United States.

7 **(q)** ~~-(r)-~~ "Waterway" means any body of water.

8 **(r)** "Waterways account" means the waterways account of the
9 Michigan conservation and recreation legacy fund established in
10 section 40 of article IX of the state constitution of 1963 and
11 provided for in section 2010.

12 Sec. 78105. The department shall have the following powers
13 and duties:

14 (a) To acquire, construct, and maintain harbors, channels,
15 and facilities for vessels in the navigable waters lying within
16 the boundaries of the state of Michigan.

17 (b) To acquire, by purchase, lease, gift, or condemnation the
18 lands, rights of way, and easements necessary for harbors and
19 channels. The department shall be considered a state agency
20 under ~~the provisions of Act No. 149 of the Public Acts of 1911,~~
21 ~~being sections 213.21 to 213.25 of the Michigan Compiled Laws~~
22 **1911 PA 149, MCL 213.21 to 213.25**, relative to condemnation by
23 state agencies.

24 (c) To acquire, by purchase, lease, gift, or condemnation
25 suitable areas on shore for disposal of the material from
26 dredging.

27 (d) To enter into any contracts or agreements that may be

1 necessary in carrying out this part, including agreements to hold
2 and save the United States free from damages due to the
3 construction and maintenance by the United States of those works
4 that the United States undertakes.

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

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

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

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

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

1 be needed. Any remaining revenue from this source not needed for
 2 the purchase of marine fuel supplies may be expended in the same
 3 manner as other funds within the ~~Michigan state~~ waterways
 4 ~~fund~~ **account**.

5 Sec. 78110. ~~(1) The Michigan state waterways fund is~~
 6 ~~created in the state treasury. The fund shall be administered by~~
 7 ~~the state treasurer and~~ **Money in the waterways account** shall be
 8 used ~~by the department solely for the~~ **only for the following:**

9 **(a) The** construction, operation, and maintenance of
 10 recreational boating facilities. ~~—, the~~

11 **(b) The** acquisition of property for the purposes of this
 12 part. ~~—, for~~

13 **(c) For** grants to local units of government and public
 14 colleges or universities to acquire and develop harbors of refuge
 15 and public boating access sites under section 78115. ~~—, and for~~

16 **(d) For the purposes provided in part 791.**

17 **(e) For** the administration of this part **and part 191.** ~~The~~
 18 ~~fund shall receive such revenues as the legislature may provide.~~

19 ~~—— (2) The Michigan harbor development fund is created in the~~
 20 ~~state treasury. The fund shall be administered by the state~~
 21 ~~treasurer and shall be used by the department solely for the~~
 22 ~~purposes provided in part 791 and for the administration of that~~
 23 ~~part. The fund shall receive revenues as provided in part 791~~
 24 ~~and such other revenues as the legislature may provide.~~

25 Sec. 78111. It is the purpose of this part, in providing
 26 for harbors and channels, that the appropriation made by the
 27 state be considered an advancement, and that the fees, taxes, and

1 other revenues received under this part, to be credited to the
2 ~~Michigan state~~ waterways ~~fund~~ **account**, shall be applied
3 against the advancement, until all advancements have been fully
4 paid. Thereafter all such fees, taxes, and revenues shall be
5 available for continued expansion and development of harbors and
6 connecting waterways. However, subject to the approval of the
7 state administrative board, the necessary expense of
8 administration of this part, and any expense necessary to the
9 protection of the harbors, and connecting waterways, constructed
10 or established under the provisions of this part, or any
11 improvement to the harbors and connecting waterways necessary for
12 the proper and adequate protecting of vessels, shall be paid from
13 the fees, taxes, and revenues before being credited to the
14 advancements. The state administrative board shall from time to
15 time provide for the transfer of credits to advancements from the
16 ~~Michigan state~~ waterways ~~fund~~ **account** to the general fund,
17 until the advancements have been fully paid.

18 Sec. 78115. (1) The department shall establish a public
19 boating access sites grant program. The grant program shall
20 provide funding with money in the ~~Michigan state~~ waterways
21 ~~fund~~ **account** to local units of government and public colleges
22 or universities for all or a portion of the cost of either or
23 both of the following:

24 (a) The acquisition of land for the establishment of a public
25 boating access site.

26 (b) The cost of developing a public boating access site.

27 (2) A grant under subsection (1)(a) may be used as the

1 required match by a local unit of government or a public college
2 or university under part 19 or another state or federal program.

3 (3) A local unit of government or a public college or
4 university receiving a grant under subsection (1)(b) must agree
5 to operate the public boating access site in accordance with the
6 department's operational requirements. The operational
7 requirements shall be included within a grant agreement that is
8 entered into by the grant recipient and the department. The
9 grant agreement may contain, but need not be limited to, 1 or
10 more of the following provisions as required by the department:

11 (a) Any net revenues accruing from the operation of the
12 public boating access site shall be separately accounted for and
13 reserved in a restricted fund by the grantee for the future
14 maintenance or expansion of the public boating access site or,
15 with the approval of the department, the construction of other
16 recreational boating facilities. Unless otherwise provided in
17 the grant agreement or otherwise authorized in writing by the
18 department, if a fee is charged for the use of the public boating
19 access site, the fee shall be the same as the fee rates set by
20 the department.

21 (b) Unless otherwise provided in the grant agreement or
22 otherwise authorized in writing by the department, the public
23 boating access site and any facilities constructed for use in
24 conjunction with the public boating access site shall be reserved
25 by the grantee exclusively for the use or rental, on a daily
26 basis, of recreational watercraft.

27 (c) Unless otherwise provided in the grant agreement or

1 otherwise authorized in writing by the department, commercial
2 operations of any type shall not be permitted to regularly use
3 the public boating access site or any of the facilities
4 constructed for use in conjunction with the public boating access
5 site.

6 (d) The public boating access site and any facilities
7 constructed for use in conjunction with that public boating
8 access site shall be open to the public at all times on equal and
9 reasonable terms.

10 (4) A local unit of government or a public college or
11 university that wishes to be considered for a grant under this
12 section shall submit an application to the department in a manner
13 prescribed by the department and containing the information
14 required by the department.

15 Sec. 79114. All revenue from lease contracts entered into
16 under this part shall be deposited in the state treasury and
17 credited to the ~~harbor development fund created in section~~
18 **78110 waterways account established in the waterways account of**
19 **the Michigan conservation and recreation legacy fund established**
20 **in section 40 of article IX of the state constitution of 1963 and**
21 **provided for in section 2010.**

22 Sec. 80104. As used in this part:

23 (a) "Highly restricted personal information" means an
24 individual's photograph or image, social security number,
25 digitized signature, and medical and disability information.

26 (b) "Passenger" means a person carried on board a vessel
27 other than any of the following:

1 (i) The owner or his or her representative.

2 (ii) The operator.

3 (c) "Peace officer" means any of the following:

4 (i) A sheriff.

5 (ii) A sheriff's deputy.

6 (iii) A deputy who is authorized by a sheriff to enforce this
7 part and who has satisfactorily completed at least 40 hours of
8 law enforcement training, including training specific to this
9 part.

10 (iv) A village or township marshal.

11 (v) An officer of the police department of any municipality.

12 (vi) An officer of the Michigan state police.

13 (vii) The director and conservation officers employed by the
14 department.

15 (d) "Personal information" means information that identifies
16 an individual, including an individual's driver identification
17 number, name, address not including zip code, and telephone
18 number, but does not include information on watercraft operation
19 and equipment-related violations or civil infractions, operator
20 or vehicle registration status, accidents, or other
21 behaviorally-related information.

22 (e) "Personal watercraft" means a vessel that meets all of
23 the following requirements:

24 (i) Uses a motor-driven propeller or an internal combustion
25 engine powering a water jet pump as its primary source of
26 propulsion.

27 (ii) Is designed without an open load carrying area that

1 would retain water.

2 (iii) Is designed to be operated by 1 or more persons
3 positioned on, rather than within, the confines of the hull.

4 (f) "Political subdivision" means any county, metropolitan
5 authority, municipality, or combination of those entities in this
6 state. Whenever a body of water is located in more than 1
7 political subdivision, all of the subdivisions shall act
8 individually in order to comply with this part, except that if
9 the problem is confined to a specific area of the body of water,
10 only the political subdivision in which the problem waters lie
11 shall act.

12 (g) "Port" means left, and reference is to the port side of a
13 vessel or to the left side of the vessel.

14 (h) "Probate court or family division disposition" means the
15 entry of a probate court order of disposition or family division
16 order of disposition for a child found to be within the
17 provisions of chapter XIIA of 1939 PA 288, MCL ~~712a.1 to~~
18 ~~712a.32~~ **712A.1 to 712A.32.**

19 (i) "Prosecuting attorney", except as the context requires
20 otherwise, means the attorney general, the prosecuting attorney
21 of a county, or the attorney representing a political subdivision
22 of government.

23 (j) "Regatta", "boat race", "marine parade", "tournament", or
24 "exhibition" means an organized water event of limited duration
25 that is conducted according to a prearranged schedule.

26 (k) "Slow--no wake speed" means a very slow speed whereby the
27 wake or wash created by the vessel would be minimal.

1 (l) "Starboard" means right, and reference is to the
2 starboard side of a vessel or to the right side of the vessel.

3 (m) "State aid" means payment made by the state to a county
4 for the conduct of a marine safety program.

5 (n) "Undocumented vessel" means a vessel that does not have,
6 and is not required to have, a valid marine document issued by
7 the United States coast guard or federal agency successor to the
8 United States coast guard.

9 (o) "Uniform inspection decal" means an adhesive-backed
10 sticker created by the department pursuant to section 80166 that
11 is color-coded to indicate the year that it expires and is
12 attached to a vessel in the manner prescribed for decals in
13 section 80122 when a peace officer inspects and determines that
14 the vessel complies with this part.

15 (p) "Use" means operate, navigate, or employ.

16 (q) "Vessel" means every description of watercraft used or
17 capable of being used as a means of transportation on water.

18 (r) "Waters of this state" means any waters within the
19 territorial limits of this state, and includes those waters of
20 the Great Lakes that are under the jurisdiction of this state.

21 (s) **"Waterways account" means the waterways account of the**
22 **Michigan conservation and recreation legacy fund established in**
23 **section 40 of article IX of the state constitution of 1963 and**
24 **provided for in section 2010.**

25 Sec. 80115. (1) The revenue received under this part shall
26 be deposited in the state treasury. The revenue division,
27 department of treasury, shall annually present to the department

1 an accurate total of all the revenues collected, and shall then,
2 except as provided in section 80124b, credit the revenues
3 collected to the ~~following funds~~ **waterways account to be used**
4 **as follows:**

5 (a) 17.5% to ~~the Michigan state waterways fund created in~~
6 ~~section 78110~~ **implement part 781.**

7 (b) 33.5% to ~~the Michigan harbor development fund created in~~
8 ~~section 78110~~ **implement part 791.**

9 (c) 49% ~~to the marine safety fund created in subsection~~
10 ~~(2).~~ ~~(2) The marine safety fund is created as a separate fund in~~
11 ~~the state treasury. The legislature shall appropriate from the~~
12 ~~marine safety fund~~ for water safety education programs and for
13 the administration and enforcement of this part, including state
14 aid to counties, and for no other purpose. ~~, but not in excess~~
15 ~~of revenues credited to the marine safety fund.~~

16 **(2)** Fees provided for in section 80124 shall not be
17 appropriated for the inspection of vessels that carry passengers
18 for hire and are regulated under part 445.

19 Sec. 80118. The amount of state aid to be allocated to a
20 county pursuant to this part shall be determined by the
21 department in the manner the department determines is
22 appropriate. The department shall review the county's statement
23 of authorized expenditures actually incurred and if satisfied
24 shall provide state aid in an amount not to exceed 3/4 of the
25 county's estimated authorized expenditures for the past calendar
26 year. If the county's authorized expenditures actually incurred
27 for the past calendar year exceed the county's estimated

1 authorized expenditures for that calendar year, the department,
2 if it considers it to be in the best interests of the state and
3 adequate funds have been appropriated by the legislature for
4 state aid to counties, may provide state aid in excess of 3/4 of
5 the county's estimated authorized expenditures for that calendar
6 year, but not in excess of 3/4 of the county's authorized
7 expenditures actually incurred. If the amount appropriated by
8 the legislature for state aid to counties is insufficient to pay
9 the full amount to which the counties are entitled, the
10 department shall reduce the allocations proportionate to the
11 shortfall of revenue among all state and local programs for which
12 ~~marine safety fund resources were~~ **waterways account money was**
13 appropriated.

14 Sec. 80119. Annually the department of the treasury shall
15 audit the county records pertaining to the marine safety program
16 to assure the proper disposition of this money in accordance with
17 this part and rules promulgated under this part. If the audit
18 reveals that a refund of state aid money is due to the state, the
19 county treasurer, within 30 days of the completion of the audit,
20 shall send to the department the amount of the refund due to the
21 state, which the department shall return to the ~~marine safety~~
22 ~~fund~~ **waterways account to be used for the purpose described in**
23 **section 80115(1)(c).**

24 Sec. 81101. As used in this part:

25 (a) "ATV" means a 3- or 4-wheeled vehicle designed for
26 off-road use that has low-pressure tires, has a seat designed to
27 be straddled by the rider, and is powered by a 50cc to 500cc

1 gasoline engine or an engine of comparable size using other
2 fuels.

3 (b) "Code" means the Michigan vehicle code, 1949 PA 300, MCL
4 257.1 to 257.923.

5 (c) "Dealer" means a person engaged in the sale, lease, or
6 rental of an ORV as a regular business or, for purposes of
7 selling licenses under section 81116, any other person authorized
8 by the department to sell licenses or permits, or both, under
9 this act.

10 (d) "Designated", unless the context implies otherwise, means
11 posted open for ORV use with appropriate signs by the
12 department.

13 (e) "Forest road" means a hard surfaced road, gravel or dirt
14 road, or other route capable of travel by a 2-wheel drive,
15 4-wheel conventional vehicle designed for highway use, except an
16 interstate, state, or county highway.

17 (f) "Forest trail" means a designated path or way capable of
18 travel only by a vehicle less than 50 inches in width.

19 (g) "Highway" means the entire width between the boundary
20 lines of a way publicly maintained when any part of the way is
21 open to the use of the public for purposes of vehicular travel.

22 (h) "Highly restricted personal information" means an
23 individual's photograph or image, social security number,
24 digitized signature, and medical and disability information.

25 (i) "Late model ORV" means an ORV manufactured in the current
26 model year or the 5 model years immediately preceding the current
27 model year.

1 (j) "Manufacturer" means a person, partnership, corporation,
2 or association engaged in the production and manufacture of ORVs
3 as a regular business.

4 (k) "Off-road vehicle account" means the off-road vehicle
5 account of the Michigan conservation and recreation legacy fund
6 established in section 40 of article IX of the state constitution
7 of 1963 and provided for in section 2020.

8 (l) ~~(k)~~ "Operate" means to ride in or on, and be in actual
9 physical control of, the operation of an ORV.

10 (m) ~~(l)~~ "Operator" means a person who operates or is in
11 actual physical control of the operation of an ORV.

12 (n) ~~(m)~~ "ORV" or "vehicle" means a motor driven off-road
13 recreation vehicle capable of cross-country travel without
14 benefit of a road or trail, on or immediately over land, snow,
15 ice, marsh, swampland, or other natural terrain. ORV or vehicle
16 includes, but is not limited to, a multitrack or multiwheel drive
17 vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, or
18 4-wheel vehicle, an amphibious machine, a ground effect air
19 cushion vehicle, or other means of transportation deriving motive
20 power from a source other than muscle or wind. ORV or vehicle
21 does not include a registered snowmobile, a farm vehicle being
22 used for farming, a vehicle used for military, fire, emergency,
23 or law enforcement purposes, a vehicle owned and operated by a
24 utility company or an oil or gas company when performing
25 maintenance on its facilities or on property over which it has an
26 easement, a construction or logging vehicle used in performance
27 of its common function, or a registered aircraft.

1 **(o)** ~~-(n)-~~ "Owner" means any of the following:

2 (i) A vendee or lessee of an ORV which is the subject of an
3 agreement for the conditional sale or lease of the ORV, with the
4 right of purchase upon performance of the conditions stated in
5 the agreement, and with an immediate right of possession vested
6 in the conditional vendee or lessee.

7 (ii) A person renting an ORV, or having the exclusive use of
8 an ORV, for more than 30 days.

9 (iii) A person who holds legal ownership of an ORV.

10 **(p)** ~~-(e)-~~ "Person with disabilities" means a person who has 1
11 or more of the following physical characteristics:

12 (i) Blindness.

13 (ii) Inability to ambulate more than 200 feet without having
14 to stop and rest during any time of the year.

15 (iii) Loss of use of 1 or both legs or feet.

16 (iv) Inability to ambulate without the prolonged use of a
17 wheelchair, walker, crutches, braces, or other device required to
18 aid mobility.

19 (v) A lung disease from which the person's expiratory volume
20 for 1 second, when measured by spirometry, is less than 1 liter,
21 or from which the person's arterial oxygen tension is less than
22 60 mm/hg of room air at rest.

23 (vi) A cardiovascular disease from which the person measures
24 between 3 and 4 on the New York heart classification scale, or
25 from which a marked limitation of physical activity causes
26 fatigue, palpitation, dyspnea, or anginal pain.

27 (vii) Other diagnosed disease or disorder including, but not

1 limited to, severe arthritis or a neurological or orthopedic
2 impairment that creates a severe mobility limitation.

3 **(q)** ~~-(p)-~~ "Personal information" means information that
4 identifies an individual, including an individual's driver
5 identification number, name, address not including zip code, and
6 telephone number, but does not include information on ORV
7 operation or equipment-related violations or civil infractions,
8 operator or vehicle registration status, accidents, or other
9 behaviorally-related information.

10 **(r)** ~~-(q)-~~ "Public agency" means the department or a local or
11 federal unit of government.

12 **(s)** ~~-(r)-~~ "Roadway" means that portion of a highway improved,
13 designated, or ordinarily used for vehicular travel. If a
14 highway includes 2 or more separate roadways, the term roadway
15 refers to a roadway separately, but not to all roadways
16 collectively.

17 **(t)** ~~-(s)-~~ "Route" means a forest road or other road that is
18 designated for purposes of this part by the department.

19 ~~(t) "Safety education fund" means the safety education fund~~
20 ~~created under section 81118.~~

21 **(u)** "Safety chief instructor" means a person who has been
22 certified by a nationally recognized ATV and ORV organization to
23 certify instructors and to do on-sight evaluations of
24 instructors.

25 ~~(v) "Trail improvement fund" means the ORV trail improvement~~
26 ~~fund created pursuant to section 81117.~~

27 **(v)** ~~-(w)-~~ "Visual supervision" means the direct observation

1 of the operator with the unaided or normally corrected eye, where
2 the observer is able to come to the immediate aid of the
3 operator.

4 Sec. 81110. (1) The department of state shall charge a fee
5 of \$11.00 for processing an application for an ORV certificate of
6 title or a duplicate ORV certificate of title. The department of
7 state shall charge an additional fee of \$5.00 for processing an
8 application on an expedited basis.

9 (2) If a check or draft in payment of a required fee is not
10 paid on its first presentation, the fee is delinquent as of the
11 date the check or draft was tendered. The person tendering the
12 check or draft remains liable for the payment of each fee and any
13 penalty.

14 (3) The department of state may suspend an ORV certificate of
15 title if the department of state determines that a fee prescribed
16 in this section has not been paid and remains unpaid after
17 reasonable notice or demand.

18 (4) If a fee is still delinquent 15 days after the department
19 of state has given notice to a person who tendered the check or
20 draft, a \$10.00 penalty shall be assessed and collected in
21 addition to the fee.

22 (5) The revenue collected from the fees imposed under this
23 section shall be used to support the administrative costs of the
24 secretary of state required by this section. Annual revenue
25 collected in excess of these administrative costs shall be
26 credited to the ~~ORV trail improvement fund created in section~~
27 ~~81117~~ **off-road vehicle account**. Amounts appropriated for

1 administrative costs but unexpended shall be credited to the ~~ORV~~
 2 ~~trail improvement fund~~ **off-road vehicle account.**

3 Sec. 81117. (1) ~~The ORV trail improvement fund is created~~
 4 ~~in the state treasury. The fund shall be administered by the~~
 5 ~~department and shall be used for the signing~~ **Money in the**
 6 **off-road vehicle account shall be used only for the following:**

7 (a) **Signage**, improvement, maintenance, and construction of
 8 ORV trails, routes, or areas. ~~;~~ ~~for the~~

9 (b) **The** administration and enforcement of this part. ~~;~~ ~~for~~
 10 the

11 (c) **The** leasing of land. ~~;~~ ~~for the~~

12 (d) **The** acquisition of easements, permits, or other
 13 agreements for the use of land for ORV trails, routes, or areas.
 14 ~~;~~ ~~and for the~~

15 (e) **The** restoration of any of the natural resources of this
 16 state on public land that are damaged due to ORV use in
 17 conjunction with the plan required by section 81123.

18 (f) **One dollar of the revenue from each fee collected under**
 19 **section 81116 shall be used for the purposes of sections 81129**
 20 **and 81130.**

21 (2) Except as provided in section 81118, all of the revenue
 22 from each fee collected under section 81116 shall be deposited in
 23 the fund.

24 ~~(3) The department may accept gifts, grants, or bequests~~
 25 ~~from any public or private source or from the federal, state, or~~
 26 ~~a local unit of government for the purposes of the fund.~~

27 (3) ~~(4)~~ All funds allocated under this part shall be for

1 projects that are open to the public.

2 ~~(5) Any money remaining in the ORV trail improvement fund at~~
3 ~~the end of a fiscal year shall be carried over in the fund to the~~
4 ~~next and succeeding fiscal years and shall only be used for the~~
5 ~~purposes stated in this section.~~

6 Sec. 81119. (1) Not less than ~~40% of the revenue in the~~
7 ~~ORV trail improvement fund through March 31, 1996, and not less~~
8 ~~than 50% beginning April 1, 1996,~~ **of the money in the off-road**
9 **vehicle account** shall be distributed each year in the form of
10 grants for the purpose of planning, improving, constructing,
11 signing, and maintaining ORV trails, areas, and routes and access
12 to those trails, areas, and routes, the leasing of land, the
13 acquisition of easements, permits, or other agreements for the
14 use of land for ORV trails, areas, and routes, to public agencies
15 and nonprofit incorporated clubs and organizations.

16 (2) An application by a public agency or a nonprofit
17 incorporated club or organization shall include a plan for
18 restoration of any of the natural resources of this state on
19 public land that are damaged due to ORV use. The public agencies
20 or nonprofit incorporated clubs or organizations shall indicate
21 on their application that their use of grant money is consistent
22 with, and meets the requirements of, the plan developed by the
23 department pursuant to section 81123, and the trail, route, or
24 area is available to the public. The department shall not
25 approve a grant unless the application meets the requirements of
26 the plan. The department shall make application forms available
27 and consider grant requests on a yearly basis in consultation

1 with the ORV trails advisory committee created in section 81125.

2 (3) A grant shall not be made for a trail, route, or area
3 unless the trail, route, or area is available for ORV use and is
4 approved by the department. A grant for the cost of leasing of
5 land and the acquisition of easements, permits, or other
6 agreements may equal 100% of incurred expense. Specifications
7 shall be prescribed by the department.

8 (4) Not less than 30% of the ~~revenue in the fund through~~
9 ~~March 31, 1996, and not less than 31 1/4% beginning April 1,~~
10 ~~1996,~~ **money in the off-road vehicle account** shall be used each
11 year for enforcement of this part or the purchase of any
12 necessary equipment used for enforcement of this part. Of ~~this~~
13 **the** amount available for enforcement, the department shall make
14 available **24% of the** funds for distribution in the form of grants
15 by the department to the county sheriffs' departments. ~~in the~~
16 ~~following percentage amounts: 60% of the funds available for the~~
17 ~~first year of operation of the fund; 50% of the funds available~~
18 ~~in the second year; 40% of the funds available through March 31,~~
19 ~~1996; and 24% of the funds beginning April 1, 1996 and~~
20 ~~thereafter.~~ The balance of the funds available shall be used by
21 the department for the enforcement of this part or for the
22 purchase of any necessary equipment used for the enforcement of
23 this part. In making grants available for distribution under
24 this subsection, the department shall consider the following
25 factors:

26 (a) The number of miles of ORV trails, routes, or areas
27 within the county.

1 (b) The number of sheriff's department employees available
2 for enforcement of this part.

3 (c) The estimated number of ORVs within the county and that
4 are brought into the county for ORV use.

5 (d) The estimated number of days that ORVs may be used within
6 that county.

7 (e) Any other factors considered appropriate by the
8 department. The department shall require a county sheriff
9 receiving a grant under this subsection to maintain records and
10 submit an annual report to verify expenditure of grant money
11 received.

12 (5) Not less than ~~20%~~ **12-1/2%** of the revenue in the ~~ORV~~
13 ~~trail improvement fund through March 31, 1996, and not less than~~
14 ~~12-1/2% beginning April 1, 1996,~~ **off-road vehicle account** shall
15 be distributed each year in the form of grants to public agencies
16 and nonprofit incorporated clubs and organizations for the
17 restoration of damage that is caused by ORV use to natural
18 resources on public land. A grant under this subsection may be
19 in addition to a grant under subsection (1). An application for
20 a grant under this subsection shall comply with subsection (2).

21 (6) Not more than 3-1/8% of the revenue in the ~~fund~~
22 **off-road vehicle account** in any year shall be used for
23 administration of this part. The department may use revenue from
24 the funds for personnel to operate the program under this part.

25 (7) The remaining 3-1/8% of the revenue in the ~~fund~~
26 **off-road vehicle account** may be used for the purposes described
27 in subsections (1) and (4), except that 25 cents of each fee for

1 a license sold by a dealer shall be retained by the dealer as a
2 commission for services rendered. If the remainder of the ~~fund~~
3 **money in the off-road vehicle account** is used for the purposes
4 described in subsection (4), it shall be allocated as provided in
5 subsection (4).

6 (8) Grants under this section shall remain available until
7 expended once a contract or commitment has been entered into
8 under this section. A contract shall be for a period of not more
9 than 2 years. A grant not expended within the contract period
10 may be renewed by the department by entering into a new
11 contract.

12 Sec. 81130. (1) A person who is under 16 years of age,
13 before operating an ATV or ORV, shall complete an ORV safety
14 education course approved by the department. This course may
15 include a written examination and a driving test designed to test
16 the competency of the applicant. Upon successful completion of
17 this safety education course, a person shall receive an ORV
18 safety certificate.

19 (2) A safety education course conducted by a college or
20 university, an intermediate school district, a local school
21 district, a law enforcement agency, or another governmental
22 agency located in this state or by a department approved
23 nonprofit service organization shall be conducted in compliance
24 with this section. An agency or a school conducting a course
25 under this subsection may apply to the department for a grant
26 from the ~~fund~~ **off-road vehicle account** for costs associated
27 with conducting a course.

1 (3) Except for a course conducted by a private business
2 enterprise as provided by subsection (4), an applicant for a
3 safety education course under this section shall pay not more
4 than a \$25.00 course fee or in the case of a university or
5 community college a fee not more than the cost of 1 credit hour
6 of instruction. The course fees shall only be used for funding
7 the administration and implementation of the course.

8 (4) An ATV or ORV, or both, safety education course required
9 by this section and approved by the department may be conducted
10 by a private business enterprise. A private business enterprise
11 may charge a course fee not to exceed the cost of conducting the
12 course.

13 (5) The director shall designate a person to be the state
14 coordinator of the ATV and ORV safety education program. A
15 person designated under this subsection shall have successfully
16 completed ATV and ORV safety courses.

17 (6) The director shall designate a person who has
18 successfully completed ATV and ORV safety courses to perform
19 annual inspections of course sites.

20 Sec. 81147. (1) Except as otherwise provided in this part,
21 a person who violates a provision of this part is guilty of a
22 misdemeanor, punishable by imprisonment for not more than 90
23 days, or a fine of not less than \$50.00 or more than \$1,000.00,
24 or both, for each violation of the part.

25 (2) A person who violates sections 81105, 81107, 81115,
26 81116, 81121, 81130, and 81133(b), (c), (d), (f), (g), (h), (j),
27 (l), and (m) is responsible for a state civil infraction and may

1 be ordered to pay a civil fine of not more than \$500.00.

2 (3) A person shall not remove, deface, or destroy a sign or
3 marker placed by the department indicating the boundaries of an
4 ORV trail or area or that marks a route.

5 (4) In addition to the penalties otherwise provided under
6 this part, a court of competent jurisdiction may order a person
7 to restore, as nearly as possible, any land, water, stream bank,
8 streambed, or other natural or geographic formation damaged by
9 the violation of this part to the condition it was in before the
10 violation occurred.

11 (5) The department or any other peace officer may impound the
12 ORV of a person who violates a provision of this part that is
13 punishable as a misdemeanor or who causes damage to the
14 particular area in which the ORV was used in the commission of
15 the violation.

16 (6) Upon conviction of a person for violation of a provision
17 of this part that is punishable as a misdemeanor or any other
18 provision of this part that results in damage to the particular
19 area in which the ORV was used, a court of competent jurisdiction
20 may order an ORV and any personal property on the ORV seized as a
21 result of the violation returned to the owner or upon
22 recommendation of the local prosecuting attorney turned over to
23 the department. If the ORV and any other property is turned over
24 to the department, they shall be disposed of in the manner
25 provided for condemnation of property in part 16. The proceeds
26 realized by the department under this subsection shall first be
27 used to restore areas damaged by ORV use with the balance to be

1 deposited in the ~~ORV trail improvement fund~~ **off-road vehicle**
2 **account**.

3 Sec. 82101. As used in this part:

4 (a) "Conviction" means a final conviction, the payment of a
5 fine, a plea of guilty or nolo contendere if accepted by the
6 court, or a finding of guilt or probate court disposition on a
7 violation of this part, regardless of whether the penalty is
8 rebated or suspended.

9 (b) "Dealer" means any person engaged in the sale, lease, or
10 rental of snowmobiles as a regular business.

11 (c) "Former section 15a" means section 15a of former 1968 PA
12 74, as constituted prior to May 1, 1994.

13 (d) "Highly restricted personal information" means an
14 individual's photograph or image, social security number,
15 digitized signature, and medical and disability information.

16 (e) "Highway or street" means the entire width between the
17 boundary lines of every way publicly maintained if any part
18 thereof is open to the use of the public for purposes of
19 vehicular travel.

20 (f) "In-kind contributions" means services and goods as
21 approved by the department that are provided by a grant recipient
22 toward completion of a department-approved local snowmobile
23 program under section 82107.

24 (g) "Law of another state" means a law or ordinance enacted
25 by another state or by a local unit of government in another
26 state.

27 (h) "Long-term incapacitating injury" means an injury that

1 causes a person to be in a comatose, quadriplegic, hemiplegic, or
2 paraplegic state, which state is likely to continue for 1 year or
3 more.

4 (i) "Operate" means to ride in or on and be in actual
5 physical control of the operation of a snowmobile.

6 (j) "Operator" means any person who operates a snowmobile.

7 (k) "Owner" means any of the following:

8 (i) A person who holds the legal title to a snowmobile.

9 (ii) A vendee or lessee of a snowmobile that is the subject
10 of an agreement for conditional sale or lease with the right of
11 purchase upon performance of the conditions stated in the
12 agreement and with an immediate right of possession vested in the
13 conditional vendee or lessee.

14 (iii) A person renting a snowmobile or having the exclusive
15 use of a snowmobile for more than 30 days.

16 (l) "Peace officer" means any of the following:

17 (i) A sheriff.

18 (ii) A sheriff's deputy.

19 (iii) A deputy who is authorized by a sheriff to enforce this
20 part and who has satisfactorily completed at least 40 hours of
21 law enforcement training, including training specific to this
22 part.

23 (iv) A village or township marshal.

24 (v) An officer of the police department of any municipality.

25 (vi) An officer of the Michigan state police.

26 (vii) The director and conservation officers employed by the
27 department.

1 (viii) A law enforcement officer who is certified pursuant to
2 the commission on law enforcement standards act, 1965 PA 203, MCL
3 28.601 to 28.616, as long as that officer is policing within his
4 or her jurisdiction.

5 (m) "Personal information" means information that identifies
6 an individual, including an individual's driver identification
7 number, name, address not including zip code, and telephone
8 number, but does not include information on snowmobile operation
9 or equipment-related violations or civil infractions, operator or
10 snowmobile registration status, accidents, or other
11 behaviorally-related information.

12 (n) "Probate court or family division disposition" means the
13 entry of a probate court order of disposition or family division
14 order of disposition for a child found to be within the
15 provisions of chapter XIIIA of the probate code of 1939, 1939 PA
16 288, MCL 712A.1 to 712A.32.

17 (o) "Prosecuting attorney", except as the context requires
18 otherwise, means the attorney general, the prosecuting attorney
19 of a county, or the attorney representing a local unit of
20 government.

21 **(p) "Recreational snowmobile trail improvement subaccount"**
22 **means the recreational snowmobile trail improvement subaccount of**
23 **the snowmobile account created in section 21010.**

24 **(q) ~~(p)~~** "Right-of-way" means that portion of a highway or
25 street less the roadway and any shoulder.

26 **(r) ~~(q)~~** "Roadway" means that portion of a highway or street
27 improved, designated, or ordinarily used for vehicular travel.

1 If a highway or street includes 2 or more separate roadways, the
2 term roadway refers to any such roadway separately, but not to
3 all such roadways collectively.

4 **(s)** ~~(r)~~ "Shoulder" means that portion of a highway or
5 street on either side of the roadway that is normally snowplowed
6 for the safety and convenience of vehicular traffic.

7 **(t)** ~~(s)~~ "Snowmobile" means any motor-driven vehicle
8 designed for travel primarily on snow or ice of a type that
9 utilizes sled-type runners or skis, an endless belt tread, or any
10 combination of these or other similar means of contact with the
11 surface upon which it is operated, but is not a vehicle that must
12 be registered under the Michigan vehicle code, 1949 PA 300, MCL
13 257.1 to 257.923.

14 **(u)** "Snowmobile account" means the snowmobile account of the
15 Michigan conservation and recreation legacy fund established in
16 section 40 of article IX of the state constitution 1963 and
17 provided for in section 2015.

18 **(v)** "Snowmobile registration fee subaccount" means the
19 snowmobile registration fee subaccount of the snowmobile account
20 created in section 82111.

21 **(w)** ~~(t)~~ "Zone 1" means all of the Upper Peninsula.

22 **(x)** ~~(u)~~ "Zone 2" means all of that part of the Lower
23 Peninsula north of a line beginning at and drawn from a point on
24 the Michigan-Wisconsin boundary line due west of the westerly
25 terminus of River road in Muskegon county; thence due east to the
26 westerly terminus of River road; thence north and east along the
27 center line of the River road to its intersection with highway

1 M-120; thence northeasterly and easterly along the center line of
2 highway M-120 to the junction of highway M-20; thence easterly
3 along the center line of M-20 to its junction with US-10 at the
4 Midland-Bay county line; thence easterly along the center line of
5 the "business route" of highway US-10 to the intersection of
6 Garfield road in Bay county; thence north along the center line
7 of Garfield road to the intersection of the Pinconning road;
8 thence east along the center line of Pinconning road to the
9 intersection of the Seven Mile road; thence north along the
10 center of the Seven Mile road to the Bay-Arenac county line;
11 thence north along the center line of the Lincoln School road
12 (county road 25) in Arenac county to the intersection of highway
13 M-61; thence east along the center line of highway M-61 to the
14 junction of highway US-23; thence northerly and easterly along
15 the center line of highway US-23 to the center line of the Au
16 Gres river; thence southerly along the center line of the river
17 to its junction with Saginaw Bay of Lake Huron; thence north 78°
18 east to the international boundary line between the United States
19 and the Dominion of Canada.

20 **(y)** ~~(v)~~ "Zone 3" means all of that part of the Lower
21 Peninsula south of the line described in subdivision ~~(u)~~ **(x)**.

22 Sec. 82102a. (1) The Michigan snowmobile advisory committee
23 is created in the department. The committee shall consist of 7
24 individuals appointed by the director for 2-year terms. The
25 members of the former snowmobile advisory board serving on April
26 29, 1994 shall serve on the committee until the expiration of
27 their terms on the snowmobile advisory board. The director shall

1 appoint 1 member of the committee as chairperson and that member
2 shall serve as chairperson at the pleasure of the director. The
3 membership of the committee shall consist of the following:

4 (a) Three persons representing the Michigan snowmobile
5 association, 1 from each of the department's 3 regions. One of
6 the 3 shall also have experience as an instructor in a snowmobile
7 safety program.

8 (b) One person representing trail sponsors.

9 (c) One person representing the business community.

10 (d) Two persons representing at-large trail users.

11 (2) The committee shall meet twice each year and at the call
12 of the committee chairperson as needed.

13 (3) On October 1, 1996, the director shall advise the
14 governor regarding whether there is a continuing need for the
15 existence of the committee.

16 (4) The Michigan snowmobile advisory committee shall advise
17 the department regarding all of the following:

18 (a) The development of criteria for safety education and
19 training programs.

20 (b) The allocation of funds from the recreational snowmobile
21 trail improvement ~~fund~~ **subaccount**.

22 (c) The promulgation of rules affecting snowmobile use in
23 this state.

24 (d) The development of annual updates to the comprehensive
25 plan for implementing a statewide recreational and snowmobile
26 trails system.

27 (e) Implementation of the recommendations made by snowmobile

1 users regarding trails that should be designated for snowmobile
2 use.

3 (f) The development of a comprehensive plan for the use of
4 snowmobiles in this state.

5 (5) As used in this section, "committee" means the Michigan
6 snowmobile advisory committee.

7 Sec. 82106. (1) Except as otherwise provided in this part,
8 revenue received from the registration fees under this part shall
9 be deposited as follows:

10 (a) Seventeen dollars of each registration fee shall be
11 deposited into the snowmobile registration fee ~~fund~~
12 **subaccount**. However, if the balance of the snowmobile
13 registration fee ~~fund~~ **subaccount** exceeds \$1,600,000.00 at any
14 time, the state treasurer shall transfer all amounts in excess of
15 \$1,600,000.00 to the recreational snowmobile trail improvement
16 ~~fund~~ **subaccount**. From the revenue deposited in the snowmobile
17 registration fee ~~fund~~ **subaccount** under this part, the
18 legislature shall make an annual appropriation as follows:

19 (i) Not more than \$3.00 from each registration fee collected
20 during each fiscal year shall be appropriated to the department
21 of state for administration of the registration provisions of
22 this part. At the close of each state fiscal year, any funds
23 appropriated under this subparagraph but not expended shall be
24 credited to the recreational snowmobile trail improvement ~~fund~~
25 **subaccount**. Additionally, if less than \$3.00 from each
26 registration fee is appropriated to the department of state, the
27 state treasurer shall transfer the difference between \$3.00 and

1 the amount appropriated from each registration fee to the
2 recreational snowmobile trail improvement ~~fund~~ **subaccount**.

3 (ii) Fourteen dollars from each registration fee collected
4 during each fiscal year shall be appropriated to the department
5 for purposes set forth in section 82107, including financial
6 assistance to county sheriff departments and local law
7 enforcement agencies for local snowmobile programs. Any money
8 appropriated but not expended under this subparagraph shall be
9 credited each year to the snowmobile registration fee ~~fund~~
10 **subaccount**.

11 (b) Five dollars from each registration fee shall be
12 deposited in the recreational snowmobile trail improvement ~~fund~~
13 **subaccount** and shall be administered by the department for the
14 purposes of planning, construction, maintenance, and acquisition
15 of trails and areas for the use of snowmobiles, or access to
16 those trails and areas, and basic snowmobile facilities.
17 Consideration shall be given in planning the expenditures of the
18 funds to providing recreational opportunities for bicyclists,
19 hikers, equestrians, and other nonconflicting recreational trail
20 users as ancillary benefits of the program.

21 (2) The department shall designate a state recreational trail
22 coordinator and shall maintain a comprehensive plan for
23 implementing a statewide recreational and snowmobile trails
24 system. The comprehensive plan shall be reviewed and updated
25 each year by the department.

26 (3) The money appropriated under this section to the
27 department for snowmobile trails and areas, for access to those

1 trails or areas, and for basic snowmobile facilities may be
2 expended for the acquisition, development, and maintenance on any
3 land in the state. This money may be used to purchase lands or
4 secure easements, leases, permits, or other appropriate
5 agreements permitting use of private property for snowmobile
6 trails, basic facilities, and areas which may be used by
7 bicyclists, hikers, equestrians, and other nonconflicting
8 off-season recreational trail users, if the easements, leases,
9 permits, or other agreements provide public access to the trail,
10 use areas, and support facilities.

11 (4) Recreational trail facilities or major improvements shall
12 not be constructed on private land unless a written agreement in
13 the form of an easement, lease, or permit for a public trail
14 right-of-way having a term of not less than 5 years is made
15 between the owner of the land and the department.

16 (5) The money appropriated under this section shall be
17 expended in a manner and as part of the overall plan of the
18 department for an interconnecting network of statewide snowmobile
19 trails and use areas giving consideration to expected snowfall
20 and availability for use with adequate snow cover. Consideration
21 shall be given in the plan for alternative nonconflicting
22 off-season recreational trail uses.

23 Sec. 82109. (1) Money appropriated to the department from
24 the recreational snowmobile trail improvement ~~fund~~ **subaccount**
25 shall be used for 1 or more of the following:

26 (a) Planning, constructing, maintaining, and acquiring trails
27 and areas for the use of snowmobiles, or access to those trails

1 and areas, and basic snowmobile facilities.

2 (b) Financial assistance to local units of government and
3 nonprofit incorporated snowmobile clubs or organizations
4 considered eligible by the department.

5 (c) The department's administration of subdivisions (a) and
6 (b).

7 (2) In preparing its annual budget for recreational
8 snowmobile trail improvement funds and determining the allocation
9 of funds as provided for in subsection (1), the department shall
10 do both of the following:

11 (a) Seek input from the snowmobile advisory committee created
12 under section 82102a.

13 (b) To the degree feasible, give priority to use of the funds
14 for financial assistance to local units of government and
15 nonprofit incorporated snowmobile clubs or organizations.

16 (3) A portion of the funds appropriated to the department
17 each year shall be used to provide financial assistance to local
18 units of government and nonprofit incorporated snowmobile clubs
19 or organizations in the form of grants or contract payments for
20 annual snowmobile trail maintenance costs, including signage and
21 liability insurance. The department may also issue grants or
22 enter into contracts for 1 or more of the following additional
23 activities:

24 (a) Maintenance equipment.

25 (b) Repair or new development of snowmobile trails or related
26 facilities, including the costs of designing and engineering for
27 grant-funded improvements.

1 (c) Acquisition of land or rights in lands for snowmobile
2 trails or related facilities, costs of leases, permits,
3 easements, or other agreements that allow for use of private
4 lands for public access to snowmobile trails and related
5 facilities, or development of new snowmobile trails and related
6 facilities.

7 (4) Financial assistance shall not be made under this section
8 unless the costs are for a trail that is available for public
9 snowmobile use and is approved by the department.

10 (5) Financial assistance shall be allocated as follows:

11 (a) Assistance for snowmobile trail maintenance costs,
12 excluding signage and liability insurance, shall be according to
13 a formula promulgated by the state recreational trail
14 coordinator, which shall provide an amount up to 100% of the
15 actual, eligible expense of maintaining the trail per year
16 incurred and documented by the grant recipient or contractor and
17 approved by the department.

18 (b) Assistance for the cost of land acquisition, leasing,
19 permits, or other agreements may equal 100% of the actual,
20 eligible expenses incurred and documented by the grant recipient
21 or contractor and approved by the department.

22 (c) Assistance for signage may equal 100% of the actual,
23 eligible costs incurred and documented by the grant recipient or
24 contractor and approved by the department. In lieu of financial
25 assistance for signage, the department may choose to use
26 recreational snowmobile trail improvement funds to purchase signs
27 and provide them to grant recipients or contractors. Financial

1 assistance for signs shall not be provided under this section
2 unless the snowmobile trails meet minimum state snowmobile trail
3 construction standards and are funded for snowmobile season
4 maintenance.

5 (d) Assistance for trail insurance may equal 100% of the
6 actual, eligible costs incurred and documented by the grant
7 recipient or contractor and approved by the department.

8 (e) Assistance for repair or the development of new trails or
9 trail facilities shall equal 100% of the actual, eligible costs
10 incurred and documented by the grant recipient or contractor and
11 approved by the department.

12 (f) The department may also assist in a portion of the costs
13 of acquiring grooming equipment. The department shall determine
14 the available grant or contract percentage for eligible grooming
15 equipment costs on an annual basis and publish the percentage
16 prior to the application deadline. Assistance for acquiring
17 grooming equipment shall be based on actual, eligible costs
18 incurred and documented by the grant recipient or contractor and
19 approved by the department.

20 (6) To be considered for financial assistance, a local unit
21 of government or nonprofit incorporated snowmobile club or
22 organization must submit an application on a form provided by the
23 department and by a deadline established by the department. An
24 application shall include a proposed budget and the amount of
25 financial assistance requested for each of the activities for
26 which assistance is requested.

27 (7) To receive financial assistance under this section, a

1 local unit of government or nonprofit incorporated snowmobile
2 club or organization must enter into a grant agreement or
3 contract with the department that specifies the obligations of
4 the grant recipient or contractor. The grant agreement or
5 contract shall include provisions as determined by the
6 department, including, but not limited to, requirements that the
7 grant recipient or contractor maintain records and submit
8 documentation and reports to the department to verify expenditure
9 of money received. The grant agreement or contract shall also
10 require a grant recipient or contractor to adhere to trail
11 specifications prescribed by the department.

12 (8) Upon execution of a grant agreement or contract, the
13 department may, at its discretion, provide an advanced payment
14 for a portion of the projected cost for 1 or more of the approved
15 activities. The department shall make final payment upon
16 completion of the project as determined by the department and
17 department approval of cost documentation submitted by the grant
18 recipient or contractor.

19 (9) A grant agreement or contract shall include a specified
20 term for which the grant agreement or contract is valid. Grant
21 or contract funds shall be encumbered upon execution of the grant
22 agreement or contract and remain available for the specified
23 term. Grant or contract funds not expended by a grant recipient
24 or contractor within the specified term may, at the department's
25 discretion, be reallocated to the grant recipient or contractor
26 as part of a new grant agreement or contract.

27 (10) The department of state and the department shall include

1 in their annual budget requests information detailing their
2 snowmobile programs.

3 (11) Beginning March 31, 2004, the department shall provide a
4 biannual report to the commission of its expenditures under this
5 section for the prior 2 fiscal years.

6 Sec. 82110. (1) The recreational snowmobile trail
7 improvement ~~fund~~ **subaccount** is created ~~in the state treasury~~
8 **as a subaccount of the snowmobile account.** ~~The fund shall~~
9 ~~receive money as provided by law and from any gifts or~~
10 ~~contributions to the fund. The state treasurer shall direct the~~
11 ~~investment of the fund. Interest and earnings from the fund~~
12 ~~shall be credited to the fund. The fund shall be administered by~~
13 ~~the department and~~ **Money in the subaccount** shall be used **upon**
14 **appropriation** solely for the improvement of snowmobile trails and
15 other nonconflicting recreational purposes.

16 (2) Five dollars of each fee collected under section 82105, a
17 portion of each trail permit fee collected as provided under
18 section 82118, and not less than 80% of the revenue from the fees
19 collected under sections 82114 and 82115 shall be deposited in
20 the ~~fund~~ **recreational snowmobile trail improvement subaccount.**

21 (3) The department shall promulgate rules for the
22 administration of the ~~fund~~ **recreational snowmobile trail**
23 **improvement subaccount.**

24 (4) All funds allocated under this part shall be for projects
25 that are open to the public.

26 ~~(5) Any money remaining in the recreational snowmobile trail~~
27 ~~improvement fund at the end of a fiscal year shall not be~~

1 ~~credited to or revert to the general fund but shall remain in the~~
2 ~~fund and shall be carried over in the fund to the next and~~
3 ~~succeeding fiscal years and shall only be used for the purposes~~
4 ~~stated in this section.~~

5 Sec. 82111. ~~(1)~~ The snowmobile registration fee ~~fund~~
6 **subaccount** is created ~~in the state treasury~~ **as a subaccount of**
7 **the snowmobile account.** ~~The fund shall receive money as~~
8 ~~provided by law and from any gifts or contributions to the fund.~~
9 ~~The state treasurer shall direct the investment of the fund.~~
10 ~~Interest and earnings from the fund shall be credited to the~~
11 ~~fund.~~

12 ~~—— (2) Money deposited in the general fund pursuant to section~~
13 ~~82106 as of May 1, 1994 is transferred to the snowmobile~~
14 ~~registration fee fund. Money remaining in the snowmobile~~
15 ~~registration fee fund at the end of a fiscal year shall remain in~~
16 ~~the fund and shall be carried over in the fund to the next and~~
17 ~~succeeding fiscal years and shall only be used for the purposes~~
18 ~~stated in this part.~~

19 Sec. 82118. (1) In addition to registration of a snowmobile
20 pursuant to section 82105 or registration in another state or
21 province, beginning October 1, 1994, except as otherwise provided
22 in this section, a person who desires to operate a snowmobile in
23 this state shall purchase a Michigan snowmobile trail permit
24 sticker. The Michigan snowmobile trail permit issued under this
25 section shall be valid for a period of 1 year which begins on
26 October 1 and ends on the following September 30. The fee for
27 the permit shall be the following amount for the periods

1 indicated:

2 (a) \$10.00 until June 30, 2001.

3 (b) \$20.00 beginning June 30, 2001 through June 30, 2004.

4 (c) \$25.00 beginning July 1, 2004.

5 (2) Revenue from the trail permit fee shall be allocated as
6 follows:

7 (a) Until June 30, 2001:

8 (i) \$9.00 to the recreational snowmobile trail improvement
9 ~~fund~~ **subaccount**.

10 (ii) 50 cents shall be retained by the department for
11 administrative costs.

12 (iii) 50 cents shall be retained by the agent selling the
13 permit.

14 (b) Beginning June 30, 2001 through June 30, 2004:

15 (i) \$18.75 to the recreational snowmobile trail improvement
16 ~~fund~~ **subaccount**.

17 (ii) 50 cents shall be retained by the department for
18 administrative costs.

19 (iii) 75 cents shall be retained by the agent selling the
20 permit.

21 (c) Beginning July 1, 2004:

22 (i) \$23.50 to the recreational snowmobile trail improvement
23 ~~fund~~ **subaccount**.

24 (ii) 50 cents shall be retained by the department for
25 administrative costs.

26 (iii) \$1.00 shall be retained by the agent selling the
27 permit.

1 (3) Beginning October 1, 2001, the department shall make the
2 sale of trail permits available on its website. For each trail
3 permit sold through the website, the amount otherwise credited to
4 an agent under subsection (2) shall instead be credited to the
5 recreational snowmobile trail improvement ~~fund~~ **subaccount**.

6 (4) The trail permit sticker shall be permanently affixed to
7 the forward half of the snowmobile directly above or below the
8 headlight of the snowmobile.

9 (5) The department may contract with a person to act as an
10 agent for the purpose of issuing Michigan snowmobile trail
11 permits. The department shall sell the permits to agents in
12 bulk. Agents may obtain a refund from the department for any
13 permits that are not sold.

14 (6) An agent who uses or allows the use of a permit by anyone
15 except the snowmobile user to whom the permit is sold is guilty
16 of a misdemeanor, punishable by a fine of \$50.00 for each
17 instance of such use or allowed use.

18 (7) The department of state may suspend a certificate of
19 registration when the department of state determines that the
20 required fee has not been paid and remains unpaid after
21 reasonable notice or demand. In addition to the required fee, a
22 \$10.00 penalty shall be assessed and collected against any person
23 who tenders an insufficient check or draft in payment of the
24 fee.

25 (8) A snowmobile used solely for transportation on the frozen
26 surface of public waters for the purpose of ice fishing is exempt
27 from the requirement of purchasing and displaying a snowmobile

1 trail permit sticker under this section.

2 (9) A person shall not charge a fee for a snowmobile trail
3 permit in an amount that is greater than the fee printed on the
4 face of the permit.

5 (10) To obtain a snowmobile trail permit, an applicant must
6 provide all information required on the permit application.

7 (11) A person who fails to secure a permit under this section
8 or who violates subsection (4) is responsible for a state civil
9 infraction and may be ordered to pay a civil fine of not more
10 than \$100.00.

11 (12) The department of natural resources shall, by June 1 of
12 each year, report to the members of the appropriate standing
13 committee and appropriations subcommittees of the house and
14 senate, a detailed expenditure plan pertaining to the additional
15 funds generated by this act. The plan shall include information
16 as to how funds were expended in the prior year.

17 Sec. 83101. As used in this part:

18 (a) "Concession" means an agreement between the department
19 and a person under terms and conditions as specified by the
20 department to provide services or recreational opportunities for
21 public use.

22 (b) "Department" means the department of natural resources.

23 (c) "Director" means the director of the department.

24 (d) ~~"Fund"~~ **"Forest recreation account"** means the forest
25 recreation ~~fund created in section 83104~~ **account of the**
26 **Michigan conservation and recreation legacy fund established in**
27 **section 40 of article IX of the state constitution of 1963 and**

1 provided for in section 2025.

2 (e) "Lease" means a conveyance by the department to a person
3 of a portion of the state's interest in land under specific terms
4 and for valuable consideration, thereby granting to the lessee
5 the possession of that portion conveyed during the period
6 stipulated.

7 (f) "State forest" means those lands designated as state
8 forests by the department.

9 Sec. 83103. (1) In implementing section 83102, the
10 department may do any of the following:

11 (a) Enter into contracts or agreements with a person as may
12 be necessary to implement this part.

13 (b) Grant concessions within the boundaries of a state forest
14 to a person. In granting a concession, the department shall
15 provide for all of the following:

16 (i) That the concession or any related structure, facility,
17 equipment, or service is compatible with the natural resource
18 values of the surrounding forest area and is appropriate for the
19 forest recreation system.

20 (ii) That each concession is awarded at least every 7 years
21 based on extension, renegotiation, or competitive bidding.
22 However, if the department determines that a concession requires
23 a capital investment in which a reasonable financing or
24 amortization necessitates a longer term, the department may grant
25 a concession for up to a 15-year term.

26 (iii) That a concession requiring a capital expenditure of
27 more than \$100,000.00 for a building or structure be provided for

1 in the state forest management plan for the state forest in which
2 the concession is proposed to be located.

3 (iv) That all buildings and equipment shall be removed from
4 the state forest property at the end of the concession term,
5 unless the department authorizes otherwise.

6 (v) That no concession or concession operator is granted the
7 authority to charge a fee for access to public land or a public
8 recreation resource.

9 (vi) That all prices, rates, and charges and all services or
10 items offered in the operation of the concession shall be
11 approved by the department.

12 (c) Lease property to a person.

13 (d) Accept gifts, grants, or bequests from any public or
14 private source or from the federal government or a local unit of
15 government for furthering the purposes of this part.

16 (2) Unless otherwise provided by state or federal law, all
17 money collected under this section shall be deposited into the
18 ~~fund~~ **forest recreation account**.

19 (3) Not less than 3 months before granting a concession for
20 more than \$500,000.00 or that will require a capital expenditure
21 of more than \$500,000.00, the department shall notify each member
22 of the house of representatives and senate with primary
23 responsibility for natural resources issues of its intention to
24 grant the concession and of specific details on the nature of the
25 concession.

26 (4) By December 31 of each year, the department shall submit
27 to the legislature a report that provides details on all

1 concessions awarded during the previous year under
2 subsection (1).

3 Sec. 83104. ~~(1) The forest recreation fund is created~~
4 ~~within the state treasury.~~

5 ~~—— (2) The fund may receive money as provided in this part and~~
6 ~~from any other source. The state treasurer shall direct the~~
7 ~~investment of the fund. The state treasurer shall credit to the~~
8 ~~fund interest and earnings from the fund investments. Money~~
9 ~~remaining in the fund at the end of a fiscal year shall be~~
10 ~~carried over in the fund to the next and succeeding fiscal year.~~

11 ~~—— (3) Money in the fund~~ **forest recreation account** shall be
12 used by the department to develop, maintain, operate, and promote
13 forest recreation activities and to implement this part.

14 Sec. 83106. (1) The department may require a person to
15 obtain a permit for camping in designated state forest
16 campgrounds and may establish and collect a fee for the camping
17 permit. However, at least 6 months before increasing a camping
18 permit fee, the department shall provide written notice of its
19 intent to do so to the standing committees of the senate and the
20 house of representatives that have primary jurisdiction over
21 legislation pertaining to natural resources and the environment.

22 (2) The department may require a person to obtain a permit,
23 except as otherwise provided by law, for the use of lands and
24 facilities within the state forest as designated by the
25 department for recreation use.

26 (3) Money collected under this section shall be deposited
27 into the ~~fund~~ **forest recreation account**.

1 Enacting section 1. (1) Sections 71104 and 71107 of the
2 natural resources and environmental protection act, 1994 PA 451,
3 MCL 324.71104 and 324.71107, are repealed.

4 (2) Section 78101 of the natural resources and environmental
5 protection act, 1994 PA 451, MCL 324.78101, is repealed.

6 (3) Section 81118 of the natural resources and environmental
7 protection act, 1994 PA 451, MCL 324.81118, is repealed.

8 Enacting section 2. This amendatory act does not take
9 effect unless Senate Joint Resolution ____ or House Joint
10 Resolution Z(request no. 03594'03 *) of the 92nd Legislature
11 becomes a part of the state constitution of 1963 as provided in
12 section 1 of article XII of the state constitution of 1963.