

**SUBSTITUTE FOR
SENATE BILL NO. 388**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2001, 2005, 2030, 74101, 74102, 74102a, 74116, 74117, 74120, 74122, 78101, 78105, and 83106 (MCL 324.2001, 324.2005, 324.2030, 324.74101, 324.74102, 324.74102a, 324.74116, 324.74117, 324.74120, 324.74122, 324.78101, 324.78105, and 324.83106), sections 2001, 2005, and 2030 as added and sections 74101, 74122, 78105, and 83106 as amended by 2004 PA 587, sections 74102, 74116, and 74120 as added by 1995 PA 58, section 74102a as amended by 2006 PA 307, section 74117 as amended by 2006 PA 477, and section 78101 as amended by 2006 PA 466, and by adding sections 1911, 2045, and 78119; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1911. (1) THE LOCAL PUBLIC RECREATION FACILITIES FUND IS
2 CREATED WITHIN THE STATE TREASURY.

3 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
4 ANY SOURCE FOR DEPOSIT INTO THE LOCAL PUBLIC RECREATION FACILITIES
5 FUND. THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE LOCAL
6 PUBLIC RECREATION FACILITIES FUND. THE STATE TREASURER SHALL CREDIT
7 TO THE LOCAL PUBLIC RECREATION FACILITIES FUND INTEREST AND
8 EARNINGS FROM LOCAL PUBLIC RECREATION FACILITIES FUND INVESTMENTS.

9 (3) MONEY IN THE LOCAL PUBLIC RECREATION FACILITIES FUND AT
10 THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE LOCAL PUBLIC
11 RECREATION FACILITIES FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

12 (4) THE DEPARTMENT OF NATURAL RESOURCES SHALL BE THE
13 ADMINISTRATOR OF THE LOCAL PUBLIC RECREATION FACILITIES FUND FOR
14 AUDITING PURPOSES.

15 (5) THE DEPARTMENT OF NATURAL RESOURCES SHALL EXPEND MONEY
16 FROM THE LOCAL PUBLIC RECREATION FACILITIES FUND, UPON
17 APPROPRIATION, ONLY FOR GRANTS TO LOCAL UNITS OF GOVERNMENT FOR THE
18 DEVELOPMENT OF PUBLIC RECREATION FACILITIES PURSUANT TO THE SAME
19 PROCEDURES OF THE BOARD AND GUIDELINES AS APPLY UNDER SECTION 1907.

20 Sec. 2001. As used in this part:

21 (a) "Forest recreation account" means the forest recreation
22 account of the legacy fund provided for in section 2005.

23 (b) "Game and fish protection account" means the game and fish
24 protection account of the legacy fund provided for in section 2010.

25 (c) "Legacy fund" means 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 2002.

1 (d) "Off-road vehicle account" means the off-road vehicle
2 account of the legacy fund provided for in section 2015.

3 (e) "Recreation improvement account" means the recreation
4 improvement account of the legacy fund provided for in section
5 2020.

6 (F) "RECREATION PASSPORT FEE" MEANS A STATE PARK AND STATE-
7 OPERATED PUBLIC BOATING ACCESS SITE RECREATION PASSPORT FEE PAID
8 UNDER SECTION 805 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
9 257.805, OR UNDER RULES PROMULGATED UNDER SECTION 74120(2).

10 (G) ~~(f)~~ "Snowmobile account" means the snowmobile account of
11 the legacy fund provided for in section 2025.

12 (H) ~~(g)~~ "State park improvement account" means the state park
13 improvement account of the legacy fund provided for in section
14 2030.

15 (I) ~~(h)~~ "Waterways account" means the waterways account of the
16 legacy fund provided for in section 2035.

17 Sec. 2005. (1) The forest recreation account is established as
18 an account within the legacy fund.

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

21 (a) All money in the forest recreation fund, formerly created
22 in 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 recreational 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 **SECTION 2045 AND** part 831
4 and for the administration of the forest recreation account.

5 (4) Money in the forest recreation account may be expended
6 pursuant to subsection (3) for grants to state colleges and
7 universities to implement programs funded by the forest recreation
8 account.

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

11 (2) The state park improvement account shall consist of both
12 of the following:

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

17 (b) Revenue from the following sources:

18 (i) Revenue derived from concessions, leases, contracts, fees,
19 and permits from activities in **OR ENTRY INTO** state parks and
20 recreation areas.

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

23 (iii) Other revenues as authorized by law.

24 (3) Money in the state park improvement account shall be
25 expended, upon appropriation, only as provided in **SECTION 2045 AND**
26 part 741 and for the administration of the state park improvement
27 account.

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

5 SEC. 2045. (1) THE DEPARTMENT SHALL DISTRIBUTE RECREATION
6 PASSPORT FEE REVENUE AS FOLLOWS:

7 (A) THE FIRST \$10,700,000.00 RECEIVED EACH FISCAL YEAR SHALL
8 BE DEPOSITED IN THE STATE PARK IMPROVEMENT ACCOUNT.

9 (B) THE NEXT \$1,030,000.00 RECEIVED EACH FISCAL YEAR SHALL BE
10 DEPOSITED IN THE WATERWAYS ACCOUNT.

11 (C) THE REMAINING REVENUE SHALL BE DEPOSITED AS FOLLOWS:

12 (i) 50% IN THE STATE PARK IMPROVEMENT ACCOUNT TO BE USED FOR
13 CAPITAL IMPROVEMENTS AT STATE PARKS, INCLUDING STATE RECREATION
14 AREAS.

15 (ii) 30% IN THE STATE PARK IMPROVEMENT ACCOUNT TO BE USED FOR
16 OPERATIONS AND MAINTENANCE AT STATE PARKS, INCLUDING STATE
17 RECREATION AREAS.

18 (iii) 2.75% IN THE STATE PARK IMPROVEMENT ACCOUNT TO BE USED FOR
19 OPERATIONS, MAINTENANCE, AND CAPITAL IMPROVEMENTS OF STATE PARK
20 CULTURAL AND HISTORIC RESOURCES.

21 (iv) 0.25% IN THE STATE PARK IMPROVEMENT ACCOUNT TO BE USED TO
22 DO ALL OF THE FOLLOWING:

23 (A) PROMOTE, IN CONCERT WITH OTHER STATE AGENCIES, THE USE OF
24 STATE PARKS, STATE-OPERATED PUBLIC BOATING ACCESS SITES, STATE
25 FOREST CAMPGROUNDS, AND STATE FOREST NONMOTORIZED TRAILS AND
26 PATHWAYS.

27 (B) PROMOTE THE USE OF THE INTERNET FOR STATE PARK CAMPING

1 RESERVATIONS AND FOR PAYMENT OF THE RECREATION PASSPORT FEE IN
2 CONJUNCTION WITH MOTOR VEHICLE REGISTRATION.

3 (v) 10% IN THE LOCAL PUBLIC RECREATION FACILITIES FUND CREATED
4 IN SECTION 1911, TO BE USED FOR DEVELOPMENT OF PUBLIC RECREATION
5 FACILITIES FOR LOCAL UNITS OF GOVERNMENT.

6 (vi) 7% IN THE FOREST RECREATION ACCOUNT TO BE USED FOR
7 OPERATING, MAINTAINING, AND MAKING CAPITAL IMPROVEMENTS TO STATE
8 FOREST CAMPGROUNDS AND THE STATE FOREST SYSTEM OF PATHWAYS AND
9 NONMOTORIZED TRAILS, INCLUDING, BUT NOT LIMITED TO, EQUESTRIAN
10 TRAILS.

11 (2) FOR EACH STATE FISCAL YEAR, BEGINNING WITH THE 2011-2012
12 STATE FISCAL YEAR, THE STATE TREASURER SHALL ADJUST THE AMOUNTS SET
13 FORTH IN SUBSECTION (1) (A) AND (B) BY AN AMOUNT DETERMINED BY THE
14 STATE TREASURER TO REFLECT THE CUMULATIVE PERCENTAGE CHANGE IN THE
15 CONSUMER PRICE INDEX FOR THE MOST RECENT 1-YEAR PERIOD FOR WHICH
16 DATA ARE AVAILABLE. AS USED IN THIS SUBSECTION, "CONSUMER PRICE
17 INDEX" MEANS THE MOST COMPREHENSIVE INDEX OF CONSUMER PRICES
18 AVAILABLE FOR THIS STATE FROM THE BUREAU OF LABOR STATISTICS OF THE
19 UNITED STATES DEPARTMENT OF LABOR.

20 (3) THE DEPARTMENT SHALL SUBMIT A REPORT TO THE STANDING
21 COMMITTEES AND APPROPRIATIONS SUBCOMMITTEES OF THE LEGISLATURE WITH
22 JURISDICTION OVER ISSUES PERTAINING TO NATURAL RESOURCES AND THE
23 ENVIRONMENT BY FEBRUARY 1 EACH YEAR, BEGINNING IN 2012. THE REPORT
24 SHALL PROVIDE INFORMATION ON ALL OF THE FOLLOWING FOR THE PRECEDING
25 STATE FISCAL YEAR:

26 (A) THE TOTAL AMOUNT OF RECREATION PASSPORT FEE REVENUE
27 RECEIVED BY THE DEPARTMENT AND THE AMOUNTS ALLOCATED UNDER

1 SUBSECTION (1) .

2 (B) THE TOTAL AMOUNT OF ANNUAL AND DAILY STATE PARK MOTOR
3 VEHICLE PERMIT FEE REVENUE RECEIVED BY THE DEPARTMENT UNDER SECTION
4 74117.

5 (C) THE TOTAL AMOUNT OF SEASONAL OR DAILY STATE-OPERATED
6 PUBLIC BOATING ACCESS SITE REVENUE RECEIVED BY THE DEPARTMENT UNDER
7 SECTION 78105(3) .

8 (D) DETAILS ON THE SPECIFIC USES OF THE REVENUE DESCRIBED IN
9 SUBDIVISIONS (A), (B), AND (C) AND THE AMOUNTS EXPENDED FOR EACH
10 SPECIFIC USE.

11 (E) THE ADEQUACY OF THE REVENUE DESCRIBED IN SUBDIVISION (A)
12 FOR EACH OF THE PURPOSES FOR WHICH IT IS ALLOCATED UNDER SUBSECTION
13 (1) .

14 (F) THE IMPACT OF THE STATE PARK REVENUE STREAM DESCRIBED IN
15 SUBDIVISIONS (A), (B), AND (C) ON THE MICHIGAN STATE PARKS
16 ENDOWMENT FUND CREATED IN SECTION 35A OF ARTICLE IX OF THE STATE
17 CONSTITUTION OF 1963 AND PROVIDED FOR IN SECTION 74119.

18 (G) OTHER RELEVANT ISSUES THAT AFFECT FUNDING NEEDS FOR THE
19 STATE PARK SYSTEM.

20 (4) BY FEBRUARY 1, 2012 AND EVERY 2 YEARS THEREAFTER, THE
21 DEPARTMENT SHALL SUBMIT A REPORT TO THE STANDING COMMITTEES AND
22 APPROPRIATIONS SUBCOMMITTEES OF THE LEGISLATURE WITH JURISDICTION
23 OVER ISSUES PERTAINING TO NATURAL RESOURCES AND THE ENVIRONMENT.
24 THE REPORT SHALL PROVIDE INFORMATION ON HOW FREQUENTLY MOTOR
25 VEHICLES FOR WHICH THE REGISTRANT DECLINED TO PAY THE RECREATION
26 PASSPORT FEE ENTERED STATE PARKS AND STATE-OPERATED PUBLIC BOATING
27 ACCESS SITES DESIGNATED UNDER SECTION 78105 DURING THE REGISTRATION

1 PERIOD. THE INFORMATION SHALL BE BASED ON RANDOM AUDITS CONDUCTED
2 BY THE DEPARTMENT. A REPORT UNDER THIS SUBSECTION MAY BE COMBINED
3 WITH A REPORT REQUIRED UNDER SUBSECTION (3).

4 (5) THE DEPARTMENT MAY PREPARE A LIST OF FREQUENTLY ASKED
5 QUESTIONS AND ANSWERS CONCERNING THE RECREATION PASSPORT FEE. THE
6 DEPARTMENT AND THE DEPARTMENT OF STATE MAY POST THE INFORMATION ON
7 THEIR WEBSITES. THE DEPARTMENT OF STATE MAY PROVIDE THE INFORMATION
8 WITH ANY APPLICATIONS FOR REGISTRATION OF MOTOR VEHICLES THAT ARE
9 MAILED BY THE DEPARTMENT OF STATE.

10 Sec. 74101. As used in this part:

11 (A) "COMMERCIAL MOTOR VEHICLE" MEANS A COMMERCIAL VEHICLE AS
12 DEFINED IN SECTION 7 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
13 257.7.

14 (B) ~~(a)~~-"Committee" means the citizens committee for Michigan
15 state parks created in section 74102a.

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

23 (D) ~~(c)~~-"Motor vehicle" means a vehicle that is self-
24 propelled.

25 (E) "NONRESIDENT MOTOR VEHICLE" MEANS A MOTOR VEHICLE OTHER
26 THAN A COMMERCIAL MOTOR VEHICLE THAT IS NOT REGISTERED AS A MOTOR
27 VEHICLE IN THIS STATE.

1 (F) "RECREATION PASSPORT FEE" MEANS THAT TERM AS DEFINED IN
2 SECTION 2001.

3 (G) "RESIDENT MOTOR VEHICLE" MEANS A MOTOR VEHICLE OTHER THAN
4 A COMMERCIAL MOTOR VEHICLE THAT IS REGISTERED AS A MOTOR VEHICLE IN
5 THIS STATE.

6 (H) ~~(d)~~—"State park" means a state park or state recreation
7 area designated by the director.

8 (I) ~~(e)~~—"State park improvement account" means the state park
9 improvement account of the Michigan conservation and recreation
10 legacy fund provided for in section 2030.

11 (J) ~~(f)~~—"State park revenues" means all revenues collected for
12 state parks, including but not limited to, **REVENUE FROM RECREATION**
13 **PASSPORT FEES**, motor vehicle permits, concession fees, nonmotorized
14 trail permits, fees, leases, camping fees, sale of farm animals
15 from Maybury state park, donations, and gifts.

16 Sec. 74102. (1) The legislature finds:

17 (a) Michigan state parks preserve and protect Michigan's
18 significant natural and historic resources.

19 (b) Michigan state parks are appropriate and uniquely suited
20 to provide opportunities to learn about protection and management
21 of Michigan's natural resources.

22 (c) Michigan state parks are an important component of
23 Michigan's tourism industry and vital to local economies.

24 (D) **A HOLISTIC, INTEGRATED PARK SYSTEM THAT REFLECTS THE**
25 **UNIQUE VALUE OF BOTH STATE AND LOCAL PARKS IS A GOAL OF THIS STATE.**

26 (E) **STATE AND LOCAL PARK PLANNERS SHOULD WORK IN CONCERT FOR A**
27 **COORDINATED MICHIGAN PARK AND RECREATION PLAN.**

1 (2) The department shall create, maintain, operate, promote,
2 and make available for public use and enjoyment a system of state
3 parks to preserve and protect Michigan's significant natural
4 resources and areas of natural beauty or historic significance, to
5 provide open space for public recreation, and to provide an
6 opportunity to understand Michigan's natural resources and **THE** need
7 to protect and manage those resources.

8 Sec. 74102a. (1) The citizens committee for Michigan state
9 parks is created within the department.

10 (2) The committee shall consist of 17 individuals appointed by
11 the director with the advice of the commission.

12 (3) The members first appointed to the committee shall be
13 appointed ~~within 60 days after the effective date of the amendatory~~
14 ~~act that added this section~~ **BY DECEMBER 14, 2004.**

15 (4) Members of the committee shall serve for terms of 4 years
16 or until a successor is appointed, whichever is later, except that
17 of the members first appointed 6 shall serve for 4 years, 6 shall
18 serve for 3 years, and 5 shall serve for 2 years.

19 (5) If a vacancy occurs on the committee, the director shall
20 make an appointment for the unexpired term in the same manner as
21 the original appointment.

22 (6) The committee may remove a member of the committee for
23 incompetency, dereliction of duty, malfeasance, misfeasance, or
24 nonfeasance in office, or any other good cause upon a majority vote
25 of the members. An individual shall be removed from the committee
26 if he or she does not attend 4 consecutive meetings of the
27 committee.

1 (7) The first meeting of the committee shall be called by the
2 director. At the first meeting, the committee shall elect from
3 among its members a chairperson and other officers as it considers
4 necessary or appropriate. After the first meeting, the committee
5 shall meet at least twice each year, or more frequently at the call
6 of the chairperson or if requested by 9 or more members.

7 (8) Nine members of the committee constitute a quorum for the
8 transaction of business at a meeting of the committee. A majority
9 of the members present and serving are required for official action
10 of the committee.

11 (9) The business that the committee may perform shall be
12 conducted at a public meeting of the committee held in compliance
13 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

14 (10) A writing prepared, owned, used, in the possession of, or
15 retained by the committee in the performance of an official
16 function is subject to the freedom of information act, 1976 PA 442,
17 MCL 15.231 to 15.246.

18 (11) Members of the committee shall serve without
19 compensation. However, members of the committee may be reimbursed
20 for their actual and necessary expenses incurred in the performance
21 of their official duties as members of the committee.

22 (12) The committee shall do all of the following:

23 (a) Advise and make recommendations to the governor, the
24 commission, and the legislature on state parks policy and provide
25 guidance on state parks development, management, and planning
26 issues.

27 (b) Seek the development of a broad variety of programs,

1 facilities, and services for ~~our~~ **MICHIGAN** citizens utilizing the
2 state parks.

3 (c) Inform and educate the public about the importance of and
4 need for state parks.

5 (d) Strive to involve citizens in the planning and development
6 of state parks and to ensure that the facilities, programs, and
7 projects are barrier-free and accessible to all citizens.

8 (e) Establish and maintain effective public relations
9 regarding state parks, utilizing all appropriate communications
10 media.

11 (f) Advise on financial planning and pursue adequate budget
12 support for state parks.

13 (g) Serve as a liaison and coordinate with other agencies to
14 ensure a cooperative effort to provide the most effective and
15 economical services possible at state parks.

16 (h) ~~Within 2 years after the effective date of the amendatory~~
17 ~~act that added subdivision (j)~~ **BY JULY 20, 2008** and periodically
18 thereafter, evaluate and submit a report to the standing committees
19 of the legislature with jurisdiction over issues pertaining to
20 natural resources and the environment on the state parks programs,
21 facilities, services, and relationships to ~~assure~~ **ENSURE** that the
22 committee's goals and objectives are being achieved.

23 (i) Advise and make recommendations to the department on the
24 gem of the parks award, the state parks volunteer of the year
25 award, and the state parks employee of the year award established
26 under section 74124.

27 (j) Review and make recommendations to the department on

Senate Bill No. 388 as amended November 12, 2009

1 whether land within a state park should be transferred as provided
2 in section 74102b.

3 (13) <<NOT LATER THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THE
4 AMENDATORY ACT THAT ADDED THIS SUBSECTION>>, THE COMMITTEE SHALL
5 SUBMIT A REPORT

6 TO THE COMMISSION AND THE STANDING COMMITTEES AND APPROPRIATIONS
7 SUBCOMMITTEES OF THE LEGISLATURE WITH JURISDICTION OVER ISSUES
8 PERTAINING TO NATURAL RESOURCES AND THE ENVIRONMENT. THE REPORT
9 SHALL CONTAIN RECOMMENDATIONS FOR SAVINGS IN STATE PARK AND FOREST
10 RECREATION PROGRAMS. SAVINGS IN STATE PARK PROGRAMS EQUIVALENT TO
11 AT LEAST 10% OF THE CUMULATIVE EXPENDITURES FOR STATE PARK PROGRAMS
12 DURING THE FISCAL YEAR ENDING SEPTEMBER 30, 2009 SHALL BE
13 IDENTIFIED. IN DEVELOPING RECOMMENDATIONS, THE COMMITTEE SHALL
14 CONSULT WITH THE DEPARTMENT AND INTERESTED PARTIES. THE COMMITTEE
15 SHALL CONSIDER AT LEAST ALL OF THE FOLLOWING:

16 (A) INCREASED PREVENTATIVE MAINTENANCE.

17 (B) ENERGY CONSERVATION AND EFFICIENCY.

18 (C) CONTRACTING CONCESSIONS, MAJOR MAINTENANCE OR RENOVATION
19 WORK, AND OTHER PARK OPERATIONS TO PRIVATE PARTIES.

20 (D) SHARING RESOURCES AND COORDINATING ACTIVITIES WITH PARKS
21 OR PUBLIC RECREATION FACILITIES OWNED BY LOCAL UNITS OF GOVERNMENT.

22 (14) ~~(13)~~ The chairperson of the committee shall ensure that
23 all proposed policy positions of the committee are sent to the
24 committee members at least 1 week ~~in advance of~~ BEFORE the meeting
25 at which the policy position will be acted upon. The committee may
26 adopt an emergency resolution that has not been sent to committee
27 members at least 1 week ~~prior to~~ BEFORE a meeting of the committee,
but only upon the approval of 3/4 of those present at the meeting.

Sec. 74116. ~~The department shall designate the state parks in~~

1 ~~which a park permit is required for lawful entry by motor vehicle.~~
2 ~~The department shall designate only those parks in which state~~
3 ~~facilities and services are provided for the public. The department~~
4 ~~may designate portions of state parks where a park permit is not~~
5 ~~necessary. The department shall post signs at designated parks or~~
6 ~~designated portions of parks that state that a motor vehicle park~~
7 ~~permit is required. A person~~

8 (1) **SUBJECT TO SUBSECTION (4), THE OPERATOR OF A NONRESIDENT**
9 **MOTOR VEHICLE OR COMMERCIAL MOTOR VEHICLE** shall not enter any state
10 ~~park or portion of a state park in which a motor vehicle park~~
11 ~~permit is required without~~ **WITH THAT MOTOR VEHICLE UNLESS** a valid
12 motor vehicle **PARK** permit **ISSUED UNDER SECTION 74117 IS** affixed to
13 the vehicle. ~~A valid park permit procured pursuant to section 74117~~
14 ~~shall be permanently affixed to the lower right-hand corner of the~~
15 ~~windshield. of any motor vehicle entering a state park or portion~~
16 ~~of a state park in which a motor vehicle park permit is required,~~
17 ~~except that a park permit is not required to be affixed to a motor~~
18 ~~vehicle while~~ **AN ANNUAL MOTOR VEHICLE PARK PERMIT FOR A NONRESIDENT**
19 **MOTOR VEHICLE SHALL BE AFFIXED PERMANENTLY FOR THAT YEAR. THE**
20 **DEPARTMENT SHALL POST SIGNS AT PARKS THAT STATE THAT A MOTOR**
21 **VEHICLE PERMIT IS REQUIRED FOR ENTRY BY A NONRESIDENT MOTOR VEHICLE**
22 **OR COMMERCIAL MOTOR VEHICLE.**

23 (2) **SUBJECT TO SUBSECTION (4), THE OPERATOR OF A RESIDENT**
24 **MOTOR VEHICLE SHALL NOT ENTER A STATE PARK WITH THE RESIDENT MOTOR**
25 **VEHICLE UNLESS THE RECREATION PASSPORT FEE HAS BEEN PAID FOR THAT**
26 **MOTOR VEHICLE.**

27 (3) **SUBJECT TO SUBSECTION (4), IF THE SECRETARY OF STATE**

1 ISSUES REGISTRATION TABS OR STICKERS AS DESCRIBED IN SECTION 805 OF
2 THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.805, THE OPERATOR
3 OF A RESIDENT MOTOR VEHICLE SHALL NOT ENTER A STATE PARK WITH THE
4 RESIDENT MOTOR VEHICLE UNLESS THE RESIDENT MOTOR VEHICLE HAS A
5 REGISTRATION TAB OR STICKER OR TEMPORARY REGISTRATION PLATE MARKED
6 AS PROVIDED UNDER THAT SECTION TO SHOW THAT THE RECREATION PASSPORT
7 FEE HAS BEEN PAID.

8 (4) THE REQUIREMENTS OF SUBSECTIONS (1) TO (3) DO NOT APPLY
9 UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

10 (A) WHILE the motor vehicle is being driven or parked within
11 an established federal, state, or county highway within a state
12 park. ~~The requirement to obtain a motor vehicle park permit does~~
13 ~~not apply to motor vehicles~~

14 (B) IF THE MOTOR VEHICLE IS used in the operation or
15 maintenance of ~~A state parks, to emergency vehicles, or to state-~~
16 ~~owned or law enforcement motor vehicles or private motor vehicles~~
17 PARK, IS AN EMERGENCY MOTOR VEHICLE, OR IS A PRIVATE MOTOR VEHICLE
18 being operated on official state business.

19 (C) IF AND TO THE EXTENT THE DEPARTMENT WAIVES THE
20 REQUIREMENTS FOR DEPARTMENT-SPONSORED EVENTS OR OTHER CIRCUMSTANCES
21 AS DETERMINED BY THE DIRECTOR OR THE DIRECTOR'S DESIGNEE.

22 Sec. 74117. (1) THIS SUBSECTION AND SUBSECTIONS (2) TO (9)
23 APPLY BEGINNING OCTOBER 1, 2010. THE DEPARTMENT SHALL PREPARE AND
24 DISTRIBUTE PARK PERMITS AS NECESSARY TO IMPLEMENT THIS PART.

25 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN ANNUAL
26 NONRESIDENT MOTOR VEHICLE PARK PERMIT SHALL BE ISSUED AND SHALL
27 AUTHORIZE THE ENTRY OF A NONRESIDENT MOTOR VEHICLE TO WHICH IT IS

1 ORIGINALLY ATTACHED WITHIN ANY STATE PARK DURING THE CALENDAR YEAR
2 FOR WHICH IT IS ISSUED. THE FEE FOR THE ANNUAL NONRESIDENT MOTOR
3 VEHICLE PARK PERMIT FOR THE OWNER OF A NONRESIDENT MOTOR VEHICLE IS
4 \$29.00. AN ANNUAL PARK PERMIT SHALL NOT BE USED FOR A COMMERCIAL
5 MOTOR VEHICLE.

6 (3) A DAILY MOTOR VEHICLE PARK PERMIT, VALID FOR 1 DAY ONLY,
7 SHALL AUTHORIZE THE ENTRY OF A NONRESIDENT MOTOR VEHICLE OR
8 COMMERCIAL MOTOR VEHICLE TO WHICH IT IS ORIGINALLY ATTACHED WITHIN
9 ANY STATE PARK DURING THE DAY FOR WHICH IT IS ISSUED. THE FEE FOR A
10 DAILY NONRESIDENT MOTOR VEHICLE PARK PERMIT IS \$8.00. THE FEE FOR A
11 DAILY COMMERCIAL MOTOR VEHICLE PARK PERMIT IS \$15.00.

12 (4) A PERSON WHO HAS OBTAINED AN ANNUAL NONRESIDENT MOTOR
13 VEHICLE PARK PERMIT UNDER THIS SECTION FOR A RECREATIONAL VEHICLE
14 TO BE USED AS A STATIONARY PRIMARY CAMPING SHELTER CAMPED LEGALLY
15 IN AND NOT MOVED FROM A STATE PARK CAMPGROUND DURING THE PERIOD OF
16 THE CAMPING STAY MAY OBTAIN A DUPLICATE NONRESIDENT MOTOR VEHICLE
17 PARK PERMIT EFFECTIVE FOR THE DURATION OF THE CAMPING STAY FOR A
18 TOWED SECOND MOTOR VEHICLE PRESENT AT THE TIME OF ENTRY FOR A FEE
19 OF \$6.00.

20 (5) THE DEPARTMENT MAY DESIGNATE PERSONS IN THIS STATE
21 AUTHORIZED TO SELL PARK PERMITS. THE DEPARTMENT SHALL REQUIRE AS A
22 CONDITION OF THE DESIGNATION OF A PERSON OTHER THAN A DEPARTMENT
23 EMPLOYEE THAT THE PERSON FURNISH A SURETY BOND IN AN AMOUNT AND
24 FORM AND WITH A SURETY ACCEPTABLE TO THE DEPARTMENT. AFTER BEING
25 DESIGNATED BY THE DEPARTMENT, A PERSON MAY ISSUE PARK PERMITS IN
26 ACCORDANCE WITH THIS PART. THIS SUBSECTION DOES NOT APPLY TO
27 EMPLOYEES OF THE DEPARTMENT OF STATE ACTING UNDER SECTION 805 OF

1 THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.805.

2 (6) IF A PERSON'S ANNUAL NONRESIDENT MOTOR VEHICLE PARK PERMIT
3 IS LOST OR DESTROYED, THE DEPARTMENT SHALL PROVIDE THAT PERSON WITH
4 A REPLACEMENT MOTOR VEHICLE PARK PERMIT FREE OF CHARGE. THE
5 DEPARTMENT MAY REQUIRE A PERSON REQUESTING A REPLACEMENT MOTOR
6 VEHICLE PARK PERMIT TO SUPPLY SUFFICIENT EVIDENCE OF THE LOSS OR
7 DESTRUCTION OF THE ORIGINAL MOTOR VEHICLE PARK PERMIT.

8 (7) THE DEPARTMENT MAY ADD TO THE COST OF A RESERVATION OR A
9 MOTOR VEHICLE PARK PERMIT OR CAMPING FEE THE CHARGES THAT THE STATE
10 INCURS BECAUSE OF THE USE OF A CREDIT CARD.

11 (8) THIS SECTION AND SECTION 74116 APPLY ONLY TO THE ENTRY OF
12 MOTOR VEHICLES INTO STATE PARKS AND DO NOT OBTVIATE THE NECESSITY OF
13 OBTAINING ADDITIONAL PERMITS FOR SPECIAL SERVICES OR PARK
14 PRIVILEGES AS MAY BE REQUIRED BY LAW OR BY RULES PROMULGATED BY THE
15 DEPARTMENT.

16 (9) FOR EACH STATE FISCAL YEAR, BEGINNING WITH THE 2011-2012
17 STATE FISCAL YEAR, THE STATE TREASURER SHALL ADJUST THE AMOUNTS SET
18 FORTH IN SUBSECTIONS (2) TO (4) BY AN AMOUNT DETERMINED BY THE
19 STATE TREASURER TO REFLECT THE CUMULATIVE PERCENTAGE CHANGE IN THE
20 CONSUMER PRICE INDEX FOR THE MOST RECENT 1-YEAR PERIOD FOR WHICH
21 DATA ARE AVAILABLE AND ROUNDED TO THE NEAREST 5 CENTS.

22 (10) THIS SUBSECTION AND SUBSECTIONS (11) TO (19) APPLY
23 THROUGH SEPTEMBER 30, 2010. The department may require park permits
24 and collect park permit fees for entry into a state park or portion
25 of a state park posted in the manner prescribed by this part. The
26 department may waive the permit requirement for department-
27 sponsored events or other circumstances as determined by the

1 director or the director's designee. The department shall prepare
2 and distribute park permits to implement this part.

3 (11) ~~(2)~~ Except as otherwise provided in this section, an
4 annual park permit shall be issued and shall authorize the entry of
5 the motor vehicle to which it is originally attached within the
6 confines of any state park ~~or recreation area during the calendar~~
7 ~~year for which it is issued~~ **THROUGH SEPTEMBER 30, 2010**. The fee for
8 the annual park permit is as follows:

9 (a) ~~Until January 1, 2010, for~~ **FOR** the owner of a resident
10 motor vehicle, \$24.00, except as follows:

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

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

16 (b) ~~Until January 1, 2010, for~~ **FOR** the owner of a nonresident
17 motor vehicle, \$29.00.

18 (12) ~~(3)~~ A daily permit, valid for 1 day only, shall authorize
19 the entry of the motor vehicle to which it is originally attached
20 within the confines of a state park during the day for which it is
21 issued. The fee for a daily permit is as follows:

22 (a) ~~Until January 1, 2010, for~~ **FOR** the owner of a resident
23 motor vehicle, \$6.00.

24 (b) ~~Until January 1, 2010, for~~ **FOR** the owner of a nonresident
25 motor vehicle, \$8.00.

26 (13) ~~(4)~~ A person who has obtained an annual motor vehicle
27 permit under this section for a recreational vehicle to be used as

1 a stationary primary camping shelter camped legally in and not
2 moved from a state park campground during the period of the camping
3 stay may obtain a duplicate motor vehicle permit for a towed second
4 motor vehicle present at the time of entry for a fee of \$6.00
5 effective for the duration of **THE** camping stay.

6 (14) ~~(5)~~—The department shall provide to the standing
7 committees in the senate and house of representatives along with
8 the appropriate budget subcommittees that primarily consider issues
9 pertaining to natural resources an annual report that details the
10 revenue stream generated by the fee structure under this section.
11 This report shall be presented not later than December 31 each year
12 and shall include information on the impact of the revenue stream
13 on the Michigan state parks endowment fund created in section 35a
14 of article IX of the state constitution of 1963 and provided for in
15 section 74119, ~~the use of the general fund for funding the state~~
16 ~~park system,~~ and other relevant issues that impact funding needs
17 for the state park system.

18 (15) ~~(6)~~—This part applies only to the entry of motor vehicles
19 into the state parks and to the park permits authorized in this
20 part and does not obviate the necessity of obtaining additional
21 permits for special services or park privileges as previously or
22 subsequently may be required by law or by rules promulgated by the
23 department. The department shall designate each person in the state
24 authorized to sell park permits and shall require as a condition of
25 the designation ~~that~~ **OF A PERSON OTHER THAN A DEPARTMENT EMPLOYEE**
26 **THAT THE PERSON FURNISH** a surety bond ~~be furnished~~ in an amount,
27 ~~and~~ in a form, and with ~~the~~ **A** surety as ~~THAT~~ is acceptable to the

1 department. After being designated by the department, a person may
2 issue park permits in accordance with this part.

3 (16) ~~(7)~~—Commercial motor coaches or vans with a capacity of
4 more than 12 passengers are not eligible to enter a state park with
5 an annual park permit. ~~Until January 1, 2010, the~~ **THE** daily fee to
6 allow commercial motor coaches or vans with a capacity of over 12
7 passengers daily entry into a state park is \$15.00.

8 (17) ~~(8)~~—The department may add to the cost of a reservation
9 or a motor vehicle entrance or camping fee the charges that the
10 state incurs because of the use of a credit card.

11 (18) ~~(9)~~—If a person's annual park permit is lost or
12 destroyed, the department shall provide that person with a
13 replacement park permit free of charge. The department may require
14 a person requesting a replacement park permit to supply sufficient
15 evidence of the loss or destruction of the original park permit.

16 ~~—— (10) It is the intent of the legislature that if, on September~~
17 ~~30 of any state fiscal year, the amount of money in the~~
18 ~~countercyclical budget and economic stabilization fund created in~~
19 ~~section 351 of the management and budget act, 1984 PA 431, MCL~~
20 ~~18.1351, exceeds \$250,000,000.00, then general fund/general purpose~~
21 ~~support for state parks operations for the following state fiscal~~
22 ~~year shall be equal to or exceed 50% of the revenues generated by~~
23 ~~motor vehicle entrance fees under this section during the previous~~
24 ~~state fiscal year.~~

25 (19) ~~(11)~~—As used in this section, "resident motor vehicle"
26 means a vehicle that is registered as a motor vehicle in this
27 state.

1 Sec. 74120. (1) The department may promulgate rules to
2 implement this part.

3 (2) THE DEPARTMENT MAY PROMULGATE RULES PROVIDING A METHOD FOR
4 AN INDIVIDUAL TO PAY A STATE PARK AND STATE-OPERATED PUBLIC BOATING
5 ACCESS SITE RECREATION PASSPORT FEE IN ADDITION TO THE METHOD
6 PROVIDED FOR IN SECTION 805 OF THE MICHIGAN VEHICLE CODE, 1949 PA
7 300, MCL 257.805. THE AMOUNT OF THE STATE PARK AND STATE-OPERATED
8 PUBLIC BOATING ACCESS SITE RECREATION PASSPORT FEE REQUIRED TO BE
9 PAID UNDER THE METHOD PROVIDED FOR BY RULE SHALL NOT EXCEED TWICE
10 THE AMOUNT OF A STATE PARK AND STATE-OPERATED PUBLIC BOATING ACCESS
11 SITE RECREATION PASSPORT FEE PAID UNDER THE METHOD PROVIDED FOR IN
12 SECTION 805 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.805.
13 HOWEVER, DURING 2010, THE AMOUNT OF THE STATE PARK AND STATE-
14 OPERATED PUBLIC BOATING ACCESS SITE RECREATION PASSPORT FEE
15 REQUIRED TO BE PAID UNDER THE METHOD PROVIDED FOR BY RULE SHALL
16 EQUAL THE AMOUNT OF A STATE PARK AND STATE-OPERATED PUBLIC BOATING
17 ACCESS SITE RECREATION PASSPORT FEE PAID UNDER THE METHOD PROVIDED
18 FOR IN SECTION 805 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
19 257.805. A RULE PROMULGATED UNDER THIS SUBSECTION SHALL PROVIDE FOR
20 A METHOD EVIDENCING PAYMENT OF THE STATE PARK AND STATE-OPERATED
21 PUBLIC BOATING ACCESS SITE RECREATION PASSPORT FEE UNDER THIS
22 SUBSECTION, SUCH AS BY THE ISSUANCE AND DISPLAY OF A PERMIT.

23 Sec. 74122. (1) A person who violates this part or a rule
24 promulgated under this part is guilty of a misdemeanor. THIS
25 SUBSECTION DOES NOT APPLY TO VIOLATIONS DESCRIBED IN SUBSECTION
26 (2).

27 (2) A PERSON WHO VIOLATES SECTION 74116(1), (2), OR (3) IS

1 RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY
2 A CIVIL FINE OF NOT MORE THAN \$100.00. A PERSON SHALL NOT BE CITED
3 FOR A VIOLATION OF BOTH SECTION 74116(2) AND SECTION 74116(3) FOR
4 THE SAME INCIDENT.

5 (3) In any proceeding for the violation of this part or a rule
6 promulgated under this part, ~~where~~ ~~IF~~ a motor vehicle ~~without the~~
7 ~~required park permit affixed is found parked in any state park~~ **IS**
8 **FOUND PARKED IN A STATE PARK**, the registration plate displayed on
9 the motor vehicle constitutes prima facie evidence that the owner
10 of the motor vehicle was the person who parked or placed it at the
11 location where it was found.

12 (4) ~~(2)~~ In addition to the penalties provided for in
13 subsection (1), a person convicted of an act of vandalism **TO STATE**
14 **PARK EQUIPMENT, FACILITIES, OR RESOURCES** shall reimburse the
15 department up to 3 times the amount of the damage as determined by
16 the court. All money collected pursuant to this subsection shall be
17 credited to the state park improvement account.

18 Sec. 78101. As used in this part:

19 (A) **"COMMERCIAL MOTOR VEHICLE" MEANS THAT TERM AS DEFINED IN**
20 **SECTION 74101.**

21 (B) ~~(a)~~ "Commission" means the Michigan state waterways
22 commission.

23 (C) ~~(b)~~ "Department" means the department of natural
24 resources.

25 (D) **"DESIGNATED STATE-OPERATED PUBLIC BOATING ACCESS SITE"**
26 **MEANS A STATE-OPERATED PUBLIC BOATING ACCESS SITE DESIGNATED UNDER**
27 **SECTION 78105(2).**

1 (E) ~~(e)~~—"Director" means the administrative director of the
2 commission.

3 (F) ~~(d)~~—"Diesel motor fuel" means any liquid fuel used in the
4 operation of engines of the diesel type in motor vehicles or
5 watercraft.

6 (G) ~~(e)~~—"Gasoline" means gasoline, casing head or natural
7 gasoline, benzole, benzine, and naphtha. ~~—also, GASOLINE ALSO~~
8 **MEANS** any liquid prepared, advertised, offered for sale, sold for
9 use as, or used for, the generation of power for the propulsion of
10 motor vehicles or watercraft, including any product obtained by
11 blending together any 1 or more products of petroleum, **REGARDLESS**
12 **OF THEIR ORIGINAL NAMES OR CHARACTERISTICS**, with or without other
13 products, ~~and regardless of the original character of the petroleum~~
14 ~~products blended, if UNLESS~~ the resultant product obtained is
15 ~~capable ENTIRELY INCAPABLE~~ of use for the generation of power for
16 the propulsion of motor vehicles or watercraft. ~~—it being the~~
17 ~~intention that the blending of the products, regardless of name or~~
18 ~~characteristics, shall conclusively be presumed to produce motor~~
19 ~~fuel, unless the resultant product is entirely incapable for use as~~
20 ~~motor fuel.~~ Gasoline does not include diesel fuel, liquefied
21 petroleum gas, or commercial or industrial naphthas or solvents
22 manufactured, imported, received, stored, distributed, sold, or
23 used exclusively for purposes other than as a fuel for motor
24 vehicles or watercraft.

25 (H) ~~(f)~~—"Harbor" means a portion of a lake or other body of
26 water either naturally or artificially protected so as to be a
27 place of safety for watercraft, including contrivances used or

1 designed for navigation on water and used or owned by the United
2 States.

3 (I) ~~(g)~~—"Harbor facilities" means the structures at a harbor
4 constructed to protect the lake or body of water and the facilities
5 provided within the harbor and ashore for the mooring and servicing
6 of watercraft and the servicing of crews and passengers.

7 (J) ~~(h)~~—"Inland lake or stream" means that term as defined in
8 section 30101.

9 (K) ~~(i)~~—"Liquefied petroleum gas" means gases derived from
10 petroleum or natural gases that are in the gaseous state at normal
11 atmospheric temperature and pressure, but that may be maintained in
12 the liquid state at normal atmospheric temperature by suitable
13 pressure.

14 (L) ~~(j)~~—"Marina" means a site that contains harbor facilities.

15 (M) **"MOTOR VEHICLE" MEANS THAT TERM AS DEFINED IN SECTION**
16 **74101.**

17 (N) ~~(k)~~—"Navigable water" means any waterway navigable by
18 vessels, or capable of being made navigable by vessels through
19 artificial improvements, and includes the structures and facilities
20 created to facilitate navigation.

21 (O) **"NONRESIDENT MOTOR VEHICLE" MEANS THAT TERM AS DEFINED IN**
22 **SECTION 74101.**

23 (P) ~~(l)~~—"Person" includes any individual, partnership,
24 corporation, association, or body politic, except the United States
25 and this state, and includes any trustee, receiver, assignee, or
26 other similar representative of those entities.

27 (Q) ~~(m)~~—"Public boating access site" means a publicly owned

1 site for the launching of recreational watercraft.

2 (R) "RECREATION PASSPORT FEE" MEANS THAT TERM AS DEFINED IN
3 SECTION 2001.

4 (S) "RESIDENT MOTOR VEHICLE" MEANS THAT TERM AS DEFINED IN
5 SECTION 74101.

6 (T) ~~(n)~~—"Retail fuel dealer" includes any person or persons,
7 both private and municipal, who engage in the business of selling
8 or distributing fuel within this state.

9 (U) ~~(e)~~—"Secretary of state" means the secretary of state of
10 this state, acting directly or through a duly authorized deputy,
11 investigators, agents, and employees.

12 (V) ~~(p)~~—"Vessel" means all watercraft except the following:

13 (i) Watercraft used for commercial fishing.

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

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

18 (iv) Watercraft when used in interstate or foreign commerce and
19 watercraft used or owned by any railroad company or railroad car
20 ferry company.

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

24 (W) ~~(q)~~—"Watercraft" means any contrivance used or designed
25 for navigation on water, including, but not limited to, any vessel,
26 ship, boat, motor vessel, steam vessel, vessel operated by
27 machinery, motorboat, sailboat, barge, scow, tugboat, and rowboat,

1 but does not include contrivances used or owned by the United
2 States.

3 (X) ~~(r)~~ "Waterway" means any body of water.

4 (Y) ~~(s)~~ "Waterways account" means the waterways account of the
5 Michigan conservation and recreation legacy fund provided for in
6 section 2035. ~~This subdivision does not apply unless 2004 PA 587~~
7 ~~takes effect, as a result of Joint Resolution Z of the 92nd~~
8 ~~Legislature becoming a part of the state constitution of 1963 as~~
9 ~~provided in section 1 of article XII of the state constitution of~~
10 ~~1963.~~

11 Sec. 78105. (1) The department shall have the following powers
12 and duties:

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

16 (b) To acquire, by purchase, lease, gift, or condemnation the
17 lands, rights of way, and easements necessary for harbors and
18 channels. ~~The~~ **FOR THE PURPOSES OF THIS SUBDIVISION, THE** department
19 shall be considered a state agency under 1911 PA 149, MCL 213.21 to
20 213.25. ~~, relative to condemnation by state agencies.~~

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

23 (d) To enter into any contracts or agreements that may be
24 necessary in carrying out this part, including agreements to hold
25 and save the United States free from damages due to the
26 construction and maintenance by the United States of those works
27 that the United States undertakes.

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

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

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

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

18 (H) ~~(i)~~ To collect the proceeds from the sale of marine fuel
19 at harbors operated by the department. The proceeds from the sales
20 shall be credited to the waterways account and used for the
21 purchase of marine fuel supplies as may be needed. Any remaining
22 revenue from this source not needed for the purchase of marine fuel
23 supplies may be expended in the same manner as other funds within
24 the waterways account.

25 (2) **THE DIRECTOR SHALL DESIGNATE STATE-OPERATED PUBLIC BOATING**
26 **ACCESS SITES THAT SHALL NOT BE ENTERED BY A RESIDENT MOTOR VEHICLE**
27 **UNLESS THE RECREATION PASSPORT FEE HAS BEEN PAID OR BY A**

1 NONRESIDENT OR COMMERCIAL MOTOR VEHICLE UNLESS A PASS PURCHASED
2 UNDER SUBSECTION (3) IS AFFIXED TO THE MOTOR VEHICLE AS DESCRIBED
3 IN SECTION 78119.

4 (3) THE DEPARTMENT SHALL CHARGE FEES FOR PASSES AUTHORIZING
5 SEASONAL OR DAILY ENTRY BY NONRESIDENT MOTOR VEHICLES OR COMMERCIAL
6 MOTOR VEHICLES AT DESIGNATED STATE-OPERATED PUBLIC BOATING ACCESS
7 SITES. FEE REVENUE UNDER THIS SUBSECTION SHALL BE DEPOSITED IN THE
8 WATERWAYS ACCOUNT.

9 SEC. 78119. (1) SUBJECT TO SUBSECTION (4), A PERSON SHALL NOT
10 ENTER, IN A NONRESIDENT MOTOR VEHICLE OR COMMERCIAL MOTOR VEHICLE,
11 A DESIGNATED STATE-OPERATED PUBLIC BOATING ACCESS SITE WITHOUT A
12 VALID PASS AFFIXED TO THE LOWER RIGHT-HAND CORNER OF THE
13 WINDSHIELD. A SEASONAL PASS SHALL BE AFFIXED PERMANENTLY FOR THE
14 SEASON.

15 (2) SUBJECT TO SUBSECTION (4), THE OPERATOR OF A RESIDENT
16 MOTOR VEHICLE SHALL NOT ENTER A DESIGNATED STATE-OPERATED PUBLIC
17 BOATING ACCESS SITE WITH THE RESIDENT MOTOR VEHICLE UNLESS THE
18 RECREATION PASSPORT FEE HAS BEEN PAID FOR THAT MOTOR VEHICLE.

19 (3) SUBJECT TO SUBSECTION (4), IF THE SECRETARY OF STATE
20 ISSUES REGISTRATION TABS OR STICKERS AS DESCRIBED IN SECTION 805 OF
21 THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.805, THE OPERATOR
22 OF A RESIDENT MOTOR VEHICLE SHALL NOT ENTER A DESIGNATED STATE-
23 OPERATED PUBLIC BOATING ACCESS SITE WITH THE RESIDENT MOTOR VEHICLE
24 UNLESS THE RESIDENT MOTOR VEHICLE HAS A REGISTRATION TAB OR STICKER
25 OR TEMPORARY REGISTRATION PLATE MARKED AS PROVIDED UNDER THAT
26 SECTION TO SHOW THAT THE RECREATION PASSPORT FEE HAS BEEN PAID.

27 (4) THE REQUIREMENTS OF SUBSECTIONS (1) TO (3) DO NOT APPLY

1 UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

2 (A) IF THE MOTOR VEHICLE IS USED IN THE OPERATION OR
3 MAINTENANCE OF THE PUBLIC BOATING ACCESS SITE, IS AN EMERGENCY
4 MOTOR VEHICLE, OR IS A PRIVATE MOTOR VEHICLE BEING OPERATED ON
5 OFFICIAL STATE BUSINESS.

6 (B) IF AND TO THE EXTENT THE DEPARTMENT WAIVES THE
7 REQUIREMENTS FOR DEPARTMENT-SPONSORED EVENTS OR OTHER CIRCUMSTANCES
8 AS DETERMINED BY THE DIRECTOR OR THE DIRECTOR'S DESIGNEE.

9 (5) A PERSON WHO VIOLATES SUBSECTION (1), (2), OR (3) IS
10 RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY
11 A CIVIL FINE OF NOT MORE THAN \$100.00. A PERSON SHALL NOT BE CITED
12 FOR A VIOLATION OF BOTH SUBSECTIONS (2) AND (3) FOR THE SAME
13 INCIDENT.

14 (6) IN ANY PROCEEDING FOR THE VIOLATION OF THIS PART OR A RULE
15 PROMULGATED UNDER THIS PART, IF A MOTOR VEHICLE IS FOUND PARKED IN
16 A DESIGNATED STATE-OPERATED PUBLIC BOATING ACCESS SITE, THE
17 REGISTRATION PLATE DISPLAYED ON THE MOTOR VEHICLE CONSTITUTES PRIMA
18 FACIE EVIDENCE THAT THE OWNER OF THE MOTOR VEHICLE WAS THE PERSON
19 WHO PARKED OR PLACED IT AT THE LOCATION WHERE IT WAS FOUND.

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

1 (2) The department may require a person to obtain a permit,
2 except as otherwise provided by law, for the use of lands and
3 facilities within the state forest as designated by the department
4 for recreation use. **THE DEPARTMENT SHALL NOT REQUIRE A PERMIT OR**
5 **PAYMENT OF A FEE FOR USE OF A STATE FOREST NONMOTORIZED TRAIL OR**
6 **PATHWAY OR STATE FOREST CAMPGROUND FACILITY EXCEPT AS PROVIDED IN**
7 **SUBSECTION (1) OR OTHERWISE PROVIDED IN THIS ACT.**

8 (3) Money collected under this section shall be deposited into
9 the forest recreation account.

10 Enacting section 1. Sections 1909, 1910, and 74123 of the
11 natural resources and environmental protection act, 1994 PA 451,
12 MCL 324.1909, 324.1910, and 324.74123, are repealed effective
13 October 1, 2010.

14 Enacting section 2. Sections 2005, 2030, 74116, 74122, 78101,
15 78105, and 83106 of the natural resources and environmental
16 protection act, 1994 PA 451, MCL 324.2005, 324.2030, 324.74116,
17 324.74122, 324.78101, 324.78105, and 324.83106, as amended by this
18 amendatory act, and sections 1911, 2045, and 78119 of the natural
19 resources and environmental protection act, 1994 PA 451, as added
20 by this amendatory act, take effect October 1, 2010.

21 Enacting section 3. This amendatory act does not take effect
22 unless Senate Bill No. 389 of the 95th Legislature is enacted into
23 law.