

# HOUSE BILL No. 5752

January 19, 2010, Introduced by Rep. Meekhof and referred to the Committee on Great Lakes and Environment.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2001, 2005, and 2030 (MCL 324.2001, 324.2005, and 324.2030), as added by 2004 PA 587, and by adding sections 1911 and 2045; 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

1 PUBLIC RECREATION FACILITIES FUND. THE STATE TREASURER SHALL CREDIT  
2 TO THE LOCAL PUBLIC RECREATION FACILITIES FUND INTEREST AND  
3 EARNINGS FROM LOCAL PUBLIC RECREATION FACILITIES FUND INVESTMENTS.

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

7 (4) THE DEPARTMENT OF NATURAL RESOURCES SHALL BE THE  
8 ADMINISTRATOR OF THE LOCAL PUBLIC RECREATION FACILITIES FUND FOR  
9 AUDITING PURPOSES.

10 (5) THE DEPARTMENT OF NATURAL RESOURCES SHALL EXPEND MONEY  
11 FROM THE LOCAL PUBLIC RECREATION FACILITIES FUND, UPON  
12 APPROPRIATION, ONLY FOR GRANTS TO LOCAL UNITS OF GOVERNMENT FOR THE  
13 DEVELOPMENT OF PUBLIC RECREATION FACILITIES PURSUANT TO THE SAME  
14 PROCEDURES OF THE BOARD AND GUIDELINES AS APPLY UNDER SECTION 1907.

15 Sec. 2001. As used in this part:

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

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

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

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

25 (e) "Recreation improvement account" means the recreation  
26 improvement account of the legacy fund provided for in section  
27 2020.

1           (F) "RECREATION PASSPORT FEE" MEANS A STATE PARK AND STATE-  
2 OPERATED PUBLIC BOATING ACCESS SITE RECREATION PASSPORT FEE PAID  
3 UNDER SECTION 805 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL  
4 257.805, OR UNDER RULES PROMULGATED UNDER SECTION 74120(2).

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

7           (H) ~~(g)~~"State park improvement account" means the state park  
8 improvement account of the legacy fund provided for in section  
9 2030.

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

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

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

16           (a) All money in the forest recreation fund, formerly created  
17 in section 83104, immediately prior to the effective date of the  
18 amendatory act that added this section, which money is hereby  
19 transferred to the forest recreation account.

20           (b) Revenue from the following sources:

21           (i) Revenue derived from concessions, leases, contracts, and  
22 fees from recreational activities on state forestlands.

23           (ii) Other revenues as authorized by law.

24           (3) Money in the forest recreation account shall be expended,  
25 upon appropriation, only as provided in **SECTION 2045 AND** part 831  
26 and for the administration of the forest recreation account.

27           (4) Money in the forest recreation account may be expended

1 pursuant to subsection (3) for grants to state colleges and  
2 universities to implement programs funded by the forest recreation  
3 account.

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

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

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

12 (b) Revenue from the following sources:

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

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

18 (iii) Other revenues as authorized by law.

19 (3) Money in the state park improvement account shall be  
20 expended, upon appropriation, only as provided in **SECTION 2045 AND**  
21 part 741 and for the administration of the state park improvement  
22 account.

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

27 **SEC. 2045. (1) THE DEPARTMENT SHALL DISTRIBUTE RECREATION**

1 PASSPORT FEE REVENUE AS FOLLOWS:

2 (A) FIRST, FOR NECESSARY EXPENSES INCURRED BY THE SECRETARY OF  
3 STATE EACH STATE FISCAL YEAR IN ADMINISTRATION AND IMPLEMENTATION  
4 OF SECTION 805 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL  
5 257.805. FUNDS APPROPRIATED FOR NECESSARY EXPENSES SHALL BE BASED  
6 UPON AN ESTABLISHED COST ALLOCATION METHODOLOGY THAT REFLECTS  
7 ACTUAL COSTS. APPROPRIATIONS UNDER THIS SUBDIVISION IN A STATE  
8 FISCAL YEAR SHALL NOT EXCEED \$1,000,000.00.

9 (B) THE NEXT \$10,700,000.00 RECEIVED EACH FISCAL YEAR SHALL BE  
10 DEPOSITED IN THE STATE PARK IMPROVEMENT ACCOUNT.

11 (C) THE NEXT \$1,030,000.00 RECEIVED EACH FISCAL YEAR SHALL BE  
12 DEPOSITED IN THE WATERWAYS ACCOUNT.

13 (D) THE REMAINING REVENUE SHALL BE DEPOSITED AS FOLLOWS:

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

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

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

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

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

1 PATHWAYS.

2 (B) PROMOTE THE USE OF THE INTERNET FOR STATE PARK CAMPING  
3 RESERVATIONS AND FOR PAYMENT OF THE RECREATION PASSPORT FEE IN  
4 CONJUNCTION WITH MOTOR VEHICLE REGISTRATION.

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

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

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

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

1 (A) THE TOTAL AMOUNT OF RECREATION PASSPORT FEE REVENUE  
2 RECEIVED BY THE DEPARTMENT AND THE AMOUNTS ALLOCATED UNDER  
3 SUBSECTION (1).

4 (B) THE TOTAL AMOUNT OF ANNUAL AND DAILY STATE PARK MOTOR  
5 VEHICLE PERMIT FEE REVENUE RECEIVED BY THE DEPARTMENT UNDER SECTION  
6 74117.

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

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

13 (E) THE ADEQUACY OF THE REVENUE DESCRIBED IN SUBDIVISION (A)  
14 FOR EACH OF THE PURPOSES FOR WHICH IT IS ALLOCATED UNDER SUBSECTION  
15 (1).

16 (F) THE IMPACT OF THE STATE PARK REVENUE STREAM DESCRIBED IN  
17 SUBDIVISIONS (A) AND (B) ON THE MICHIGAN STATE PARKS ENDOWMENT FUND  
18 CREATED IN SECTION 35A OF ARTICLE IX OF THE STATE CONSTITUTION OF  
19 1963 AND PROVIDED FOR IN SECTION 74119.

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

22 (4) BY FEBRUARY 1, 2012 AND EVERY 2 YEARS THEREAFTER, THE  
23 DEPARTMENT SHALL SUBMIT A REPORT TO THE STANDING COMMITTEES AND  
24 APPROPRIATIONS SUBCOMMITTEES OF THE LEGISLATURE WITH JURISDICTION  
25 OVER ISSUES PERTAINING TO NATURAL RESOURCES AND THE ENVIRONMENT.  
26 THE REPORT SHALL PROVIDE INFORMATION ON HOW FREQUENTLY MOTOR  
27 VEHICLES FOR WHICH THE REGISTRANT DECLINED TO PAY THE RECREATION

1 PASSPORT FEE ENTERED STATE PARKS AND STATE-OPERATED PUBLIC BOATING  
2 ACCESS SITES DESIGNATED UNDER SECTION 78105 DURING THE REGISTRATION  
3 PERIOD. THE INFORMATION SHALL BE BASED ON RANDOM AUDITS CONDUCTED  
4 BY THE DEPARTMENT. A REPORT UNDER THIS SUBSECTION MAY BE COMBINED  
5 WITH A REPORT REQUIRED UNDER SUBSECTION (3).

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

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

15 Enacting section 2. This amendatory act takes effect October  
16 1, 2010.

17 Enacting section 3. This amendatory act does not take effect  
18 unless all of the following bills of the 95th Legislature are  
19 enacted into law:

20 (a) Senate Bill No. 389.

21 (b) House Bill No. 4677.

22 (c) Senate Bill No. 1057 or House Bill No. \_\_\_\_ (request no.  
23 05659'09 \*).