

**SENATE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION Z**

A joint resolution proposing an amendment to the state constitution of 1963, by adding sections 40, 41, and 42 to article IX, to provide for the establishment of the Michigan conservation and recreation legacy fund, the Michigan game and fish protection trust fund, and the Michigan nongame fish and wildlife trust fund.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to provide for the establishment of the Michigan conservation and recreation legacy fund, the Michigan game and fish protection trust fund, and the Michigan nongame fish and wildlife trust fund, is proposed, agreed to, and submitted to the people of the state:

1

ARTICLE IX

2

Sec. 40. The Michigan conservation and recreation legacy

1 fund is established. The state treasurer shall direct the
2 investment of the legacy fund. The state treasurer shall
3 establish within the legacy fund restricted accounts as
4 authorized by this section and may establish additional
5 subaccounts as authorized by law. The state treasurer may
6 receive gifts, grants, bequests, or assets from any source for
7 deposit into a particular account or subaccount. The assets of
8 the legacy fund shall be invested as provided by law. Interest
9 and earnings accruing from each account or subaccount shall be
10 credited to that account or subaccount.

11 The forest recreation account is established as an account
12 within the legacy fund. The forest recreation account shall
13 consist of revenue derived from concessions, leases, contracts,
14 and fees from recreational activities on state forestlands and
15 other revenues as authorized by law. Money in the forest
16 recreation account shall be expended only for the following:

17 (a) The development, improvement, operation, promotion, and
18 maintenance of forest recreation activities.

19 (b) Grants to state colleges and universities to implement
20 programs funded by the forest recreation account.

21 (c) The administration of the forest recreation account.

22 The game and fish protection account is established as an
23 account within the legacy fund. The game and fish protection
24 account shall consist of revenue derived from hunting and fishing
25 licenses, passbooks, permits, fees, concessions, leases,
26 contracts, and activities; damages paid for the illegal taking of
27 game and fish; revenue derived from fees, licenses, and permits

1 related to game, game areas, and game fish; and other revenues as
2 authorized by law. Money in the game and fish protection account
3 shall be expended only for the following:

4 (a) The development, improvement, operation, promotion, and
5 maintenance of wildlife and fisheries programs and facilities.

6 (b) The acquisition of land and rights in land that support
7 wildlife and fisheries programs.

8 (c) Research to support wildlife and fisheries programs.

9 (d) The enforcement and administration of the wildlife and
10 fisheries laws of the state, including the necessary equipment
11 and apparatus incident to the operation and enforcement of
12 wildlife and fisheries laws.

13 (e) The protection, propagation, distribution, and control of
14 wildlife and fish.

15 (f) Grants to state colleges and universities to implement
16 programs funded by the game and fish protection account.

17 (g) The administration of the game and fish protection
18 account, which may include payments in lieu of taxes on state
19 owned land that has been or will be purchased through the game
20 and fish protection fund or account.

21 The off-road vehicle account is established as an account
22 within the legacy fund. The off-road vehicle account shall
23 consist of revenue derived from fees imposed upon the use or
24 registration of off-road vehicles and other revenues as
25 authorized by law. Money in the off-road vehicle account shall
26 be expended only for the following:

27 (a) Signage for and the improvement, maintenance, and

1 construction of off-road vehicle trails, routes, or areas.

2 (b) The administration and enforcement of state regulations
3 related to off-road vehicles.

4 (c) The leasing of land for use by off-road vehicles.

5 (d) The acquisition of easements, permits, or other
6 agreements for the use of land for off-road vehicle trails,
7 routes, or areas.

8 (e) The restoration of any of the natural resources of the
9 state on public land that are damaged due to off-road vehicle
10 use.

11 (f) Safety education programs related to the operation of
12 off-road vehicles.

13 (g) Other uses as provided by law as long as the uses are
14 consistent with the development, improvement, operation,
15 promotion, and maintenance of the state's off-road vehicle
16 programs.

17 (h) Grants to state colleges and universities to implement
18 programs funded by the off-road vehicle account.

19 (i) The administration of the off-road vehicle account.

20 The recreation improvement account is established as an
21 account within the legacy fund. The recreation improvement
22 account shall consist of all tax revenue derived from the sale of
23 two percent of the gasoline sold in this state for consumption in
24 internal combustion engines and other revenues as authorized by
25 law. Money in the recreation improvement account shall be
26 distributed as follows:

27 (a) Eighty percent of the money shall be annually transferred

1 to the waterways account to be used for the purposes of that
2 account.

3 (b) Fourteen percent of the money shall be annually
4 transferred to the snowmobile account to be used for the purposes
5 of that account.

6 (c) The remainder of the money that is not transferred under
7 this section shall be used, upon appropriation, for recreation
8 projects, including grants to state colleges and universities to
9 implement recreation projects, and for the administration of the
10 recreation improvement account. Of the amount that is credited
11 to recreational projects in a fiscal year, not less than
12 twenty-five percent of any funds designated for projects intended
13 for off-road vehicles shall be expended on projects to repair
14 damages as a result of pollution, impairment, or destruction of
15 air, water, or other natural resources, or the public trust, in
16 air, water, or other natural resources, as a result of the use of
17 off-road vehicles.

18 The snowmobile account is established as an account within
19 the legacy fund. The snowmobile account shall consist of revenue
20 derived from fees imposed for the registration or use of
21 snowmobiles; revenue derived from the use of snowmobile trails;
22 transfers from the recreation improvement account; and other
23 revenues as authorized by law. Money in the snowmobile account
24 shall be expended only for the following:

25 (a) Planning, construction, maintenance, and acquisition of
26 trails and areas for the use of snowmobiles.

27 (b) Providing access to trails and areas for the use of

1 snowmobiles.

2 (c) Providing basic snowmobile facilities.

3 (d) The administration and enforcement of state regulations
4 related to snowmobiles.

5 (e) Safety education programs related to the operation of
6 snowmobiles.

7 (f) Other uses as provided by law as long as the uses are
8 consistent with the development, improvement, operation,
9 promotion, and maintenance of the state's snowmobile programs.

10 (g) Grants to state colleges and universities to implement
11 programs funded by the snowmobile account.

12 (h) The administration of the snowmobile account, which may
13 include payments in lieu of taxes on state owned land that has
14 been or will be purchased through the recreational snowmobile
15 trail improvement fund or snowmobile account.

16 The state park improvement account is established as an
17 account within the legacy fund. The state park improvement
18 account shall consist of revenue derived from concessions,
19 leases, contracts, fees, and permits for activities in state
20 parks and recreation areas; damages paid to the state for illegal
21 activities in state parks and recreation areas; and other
22 revenues as authorized by law. Money in the state park
23 improvement account shall be expended only for the following:

24 (a) The development, improvement, operation, promotion, and
25 maintenance of state parks and recreation areas.

26 (b) Grants to state colleges and universities to implement
27 programs funded by the state park improvement account.

1 (c) The administration of the state park improvement
2 account.

3 The waterways account is established as an account within the
4 legacy fund. The waterways account shall consist of revenue
5 derived from watercraft registration fees assessed on the
6 ownership or operation of watercraft in the state; revenue
7 derived from fees charged for the moorage of watercraft at
8 state-operated mooring facilities; revenue derived from fees
9 charged for the use of state-operated public access sites;
10 transfers from the recreation improvement account; all tax
11 revenue derived from the sale of diesel fuel in this state that
12 is used to generate power for the operation or propulsion of
13 vessels on the waterways of the state; and other revenues as
14 authorized by law. Money in the waterways account shall be
15 expended only for the following:

16 (a) The construction, operation, and maintenance of
17 recreational boating facilities that provide public access to
18 waterways or moorage of watercraft.

19 (b) The acquisition of property for the purpose of paragraph
20 (a).

21 (c) Grants to local units of government and state colleges
22 and universities for the provision of public access or moorage of
23 watercraft and law enforcement or boating education to
24 recreational watercraft operators.

25 (d) The acquisition and development of harbors and public
26 access sites.

27 (e) The enforcement of laws related to the operation of

1 watercraft and education related to the operation of watercraft.
2 Not less than forty-nine percent of revenues from watercraft
3 registration fees received by the waterways account shall be used
4 for the purposes of this subdivision.

5 (f) The administration of programs funded by the waterways
6 account.

7 (g) Other uses as provided by law as long as the uses are
8 consistent with the development, improvement, operation,
9 promotion, and maintenance of the state's waterways programs.

10 (h) The administration of the waterways account, which may
11 include payments in lieu of taxes on state owned land that has
12 been or will be purchased through the Michigan state waterways
13 fund or waterways account.

14 The legislature shall provide by law for the implementation
15 of this section.

16 Sec. 41. The Michigan game and fish protection trust fund
17 is established. The Michigan game and fish protection trust fund
18 shall consist of revenue derived from bonuses, rentals, delayed
19 rentals, royalties, and other revenues collected or reserved by
20 the state under leases or direct sale contracts accruing from
21 state owned lands acquired with money from state or federal game
22 and fish protection funds or revenues accruing from lands
23 purchased with such revenues. The Michigan game and fish
24 protection trust fund may also receive gifts, grants, bequests,
25 or assets from any source and may receive other revenues as
26 authorized by law.

27 The assets of the Michigan game and fish protection trust

1 fund shall be invested as provided by law. The interest and
2 earnings from these investments shall be credited to the Michigan
3 game and fish protection trust fund.

4 The accumulated interest and earnings of the Michigan game
5 and fish protection trust fund and not more than \$6,000,000.00 of
6 the principal of the Michigan game and fish protection trust fund
7 may be expended in any year for the purposes of the game and fish
8 protection account of the Michigan conservation and recreation
9 legacy fund established in section 40.

10 The legislature shall provide by law for the implementation
11 of this section.

12 Sec. 42. The Michigan nongame fish and wildlife trust fund
13 is established. The Michigan nongame fish and wildlife trust
14 fund shall consist of revenue designated by a member of the
15 public for the benefit of nongame fish and wildlife. The
16 Michigan nongame fish and wildlife trust fund may also receive
17 gifts, grants, bequests, or assets from any source and may
18 receive other revenues as authorized by law.

19 The assets of the Michigan nongame fish and wildlife trust
20 fund shall be invested as provided by law. The interest and
21 earnings from these investments shall be credited to the Michigan
22 nongame fish and wildlife trust fund.

23 The Michigan nongame fish and wildlife trust fund shall
24 maintain a principal balance of not less than \$6,000,000.00. The
25 interest and earnings of the Michigan nongame fish and wildlife
26 trust fund and other revenues not retained on a permanent basis
27 shall be expended only for the following:

1 (a) The management of nongame fish and wildlife species
2 consistent with a long-range plan for the management of
3 Michigan's nongame fish and wildlife resources.

4 (b) Grants to state colleges and universities to implement
5 programs funded by the Michigan nongame fish and wildlife trust
6 fund.

7 (c) The administration of the Michigan nongame fish and
8 wildlife trust fund.

9 The legislature shall provide by law for the implementation
10 of this section.

11 Resolved further, That the foregoing amendment shall be
12 submitted to the people of the state at the 2006 general election
13 in the manner provided by law.