

Act No. 33
Public Acts of 2010
Approved by the Governor
March 31, 2010
Filed with the Secretary of State
March 31, 2010
EFFECTIVE DATE: March 31, 2010

**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2010**

Introduced by Senator Birkholz

ENROLLED SENATE BILL No. 1057

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 74101, 74102, 74102a, 74116, 74117, 74120, and 74122 (MCL 324.74101, 324.74102, 324.74102a, 324.74116, 324.74117, 324.74120, and 324.74122), sections 74101 and 74122 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, and section 74117 as amended by 2009 PA 197.

The People of the State of Michigan enact:

Sec. 74101. As used in this part:

- (a) "Commercial motor vehicle" means a commercial vehicle as defined in section 7 of the Michigan vehicle code, 1949 PA 300, MCL 257.7.
- (b) "Improvement program" means the construction, reconstruction, development, improvement, bettering, operating, maintaining, and extending a facility at a state park, including a site improvement, impoundment, road and parking lot, toilet building, concession building, shelter building, bathhouse, utility, outdoor center, visitor service facility, ski area, ski tow, ski shelter, and administration unit.
- (c) "Motor vehicle" means a vehicle that is self-propelled.
- (d) "Nonresident motor vehicle" means a motor vehicle other than a commercial motor vehicle that is not registered as a motor vehicle in this state.
- (e) "Recreation passport fee" means that term as defined in section 2001.
- (f) "Resident motor vehicle" means a motor vehicle other than a commercial motor vehicle that is registered as a motor vehicle in this state.
- (g) "State park" means a state park or state recreation area designated by the director.
- (h) "State park improvement account" means the state park improvement account of the Michigan conservation and recreation legacy fund provided for in section 2030.
- (i) "State park revenues" means all revenues collected for state parks, including but not limited to, revenue from recreation passport fees, motor vehicle permits, concession fees, nonmotorized trail permits, fees, leases, camping fees, sale of farm animals from Maybury state park, donations, and gifts.

Sec. 74102. (1) The legislature finds:

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

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

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

(d) A holistic, integrated park system that reflects the unique value of both state and local parks is a goal of this state.

(e) State and local park planners should work in concert for a coordinated Michigan park and recreation plan.

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

Sec. 74102a. (1) The commission shall do all of the following:

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

(b) Seek the development of a broad variety of programs, facilities, and services for Michigan citizens utilizing the state parks.

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

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

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

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

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

(h) Periodically evaluate and submit a report to the standing committees of the legislature with jurisdiction over issues pertaining to natural resources and the environment on the state parks programs, facilities, services, and relationships to ensure that the goals and objectives of this section are being achieved.

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

(j) Review and make recommendations to the department on whether land within a state park should be transferred as provided in section 74102b.

(2) Not later than 180 days after the effective date of the amendatory act that added this subsection, the commission shall submit a report to the standing committees and appropriations subcommittees of the legislature with jurisdiction over issues pertaining to natural resources and the environment. The report shall contain recommendations for savings in state park and forest recreation programs. Savings in state park programs equivalent to at least 10% of the cumulative expenditures for state park programs during the fiscal year ending September 30, 2009 shall be identified. In developing recommendations, the commission shall consult with the department and interested parties. The commission shall consider at least all of the following:

(a) Increased preventative maintenance.

(b) Energy conservation and efficiency.

(c) Contracting concessions, major maintenance or renovation work, and other park operations to private parties.

(d) Sharing resources and coordinating activities with parks or public recreation facilities owned by local units of government.

Sec. 74116. (1) Subject to subsection (4), the operator of a nonresident motor vehicle or commercial motor vehicle shall not enter any state park with that motor vehicle unless a valid motor vehicle park permit issued under section 74117 is affixed to the lower right-hand corner of the windshield. An annual motor vehicle park permit for a nonresident motor vehicle shall be affixed permanently for that year. The department shall post signs at parks that state that a motor vehicle permit is required for entry by a nonresident motor vehicle or commercial motor vehicle.

(2) Subject to subsection (4), the operator of a resident motor vehicle shall not enter a state park with the resident motor vehicle unless the recreation passport fee has been paid for that motor vehicle.

(3) Subject to subsection (4), if the secretary of state issues registration tabs or stickers as described in section 805 of the Michigan vehicle code, 1949 PA 300, MCL 257.805, the operator of a resident motor vehicle shall not enter a state

park with the resident motor vehicle unless the resident motor vehicle has a registration tab or sticker or temporary registration plate marked as provided under that section to show that the recreation passport fee has been paid.

(4) The requirements of subsections (1) to (3) do not apply under any of the following circumstances:

(a) While the motor vehicle is being driven or parked within an established federal, state, or county highway within a state park.

(b) If the motor vehicle is used in the operation or maintenance of a state park, is an emergency motor vehicle, is a state owned or law enforcement motor vehicle, or is a private motor vehicle being operated on official state business.

(c) If and to the extent the department waives the requirements for department-sponsored events or other circumstances as determined by the director or the director's designee.

Sec. 74117. (1) This subsection and subsections (2) to (9) apply beginning October 1, 2010. The department shall prepare and distribute park permits as necessary to implement this part.

(2) Except as otherwise provided in this section, an annual nonresident motor vehicle park permit shall be issued and shall authorize the entry of a nonresident motor vehicle to which it is originally attached within any state park during the calendar year for which it is issued. The fee for the annual nonresident motor vehicle park permit for the owner of a nonresident motor vehicle is \$29.00. An annual park permit shall not be used for a commercial motor vehicle.

(3) A daily motor vehicle park permit, valid for 1 day only, shall authorize the entry of a nonresident motor vehicle or commercial motor vehicle to which it is originally attached within any state park during the day for which it is issued. The fee for a daily nonresident motor vehicle park permit is \$8.00. The fee for a daily commercial motor vehicle park permit is \$15.00.

(4) A person who has obtained an annual nonresident motor vehicle park permit under this section for a recreational vehicle to be used as a stationary primary camping shelter camped legally in and not moved from a state park campground during the period of the camping stay may obtain a duplicate nonresident motor vehicle park permit effective for the duration of the camping stay for a towed second motor vehicle present at the time of entry for a fee of \$6.00.

(5) The department may designate persons in this state authorized to sell park permits. The department shall require as a condition of the designation of a person other than a department employee that the person furnish a surety bond in an amount and form and with a surety acceptable to the department. After being designated by the department, a person may issue park permits in accordance with this part. This subsection does not apply to employees of the department of state acting under section 805 of the Michigan vehicle code, 1949 PA 300, MCL 257.805.

(6) If a person's annual nonresident motor vehicle park permit is lost or destroyed, the department shall provide that person with a replacement motor vehicle park permit free of charge. The department may require a person requesting a replacement motor vehicle park permit to supply sufficient evidence of the loss or destruction of the original motor vehicle park permit.

(7) The department may add to the cost of a reservation or a motor vehicle park permit or camping fee the charges that the state incurs because of the use of a credit card.

(8) This section and section 74116 apply only to the entry of motor vehicles into state parks and do not obviate the necessity of obtaining additional permits for special services or park privileges as may be required by law or by rules promulgated by the department.

(9) For each state fiscal year, beginning with the 2011-2012 state fiscal year, the state treasurer shall adjust the amounts set forth in subsections (2) to (4) by an amount determined by the state treasurer to reflect the cumulative percentage change in the consumer price index for the most recent 1-year period for which data are available and rounded to the nearest 5 cents.

(10) This subsection and subsections (11) to (19) apply through September 30, 2010. The department may require park permits and collect park permit fees for entry into a state park or portion of a state park posted in the manner prescribed by this part. The department may waive the permit requirement for department-sponsored events or other circumstances as determined by the director or the director's designee. The department shall prepare and distribute park permits to implement this part.

(11) Except as otherwise provided in this section, an annual park permit shall be issued and shall authorize the entry of the motor vehicle to which it is originally attached within the confines of any state park through September 30, 2010. The fee for the annual park permit is as follows:

(a) For the owner of a resident motor vehicle, \$24.00, except as follows:

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

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

(b) For the owner of a nonresident motor vehicle, \$29.00.

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

- (a) For the owner of a resident motor vehicle, \$6.00.
- (b) For the owner of a nonresident motor vehicle, \$8.00.

(13) A person who has obtained an annual motor vehicle permit under this section for a recreational vehicle to be used as a stationary primary camping shelter camped legally in and not moved from a state park campground during the period of the camping stay may obtain a duplicate motor vehicle permit for a towed second motor vehicle present at the time of entry for a fee of \$6.00 effective for the duration of the camping stay.

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

(15) This part applies only to the entry of motor vehicles into the state parks and to the park permits authorized in this part and does not obviate the necessity of obtaining additional permits for special services or park privileges as previously or subsequently may be required by law or by rules promulgated by the department. The department shall designate each person in the state authorized to sell park permits and shall require as a condition of the designation of a person other than a department employee that the person furnish a surety bond in an amount, in a form, and with a surety that is acceptable to the department. After being designated by the department, a person may issue park permits in accordance with this part.

(16) Commercial motor coaches or vans with a capacity of more than 12 passengers are not eligible to enter a state park with an annual park permit. The daily fee to allow commercial motor coaches or vans with a capacity of over 12 passengers daily entry into a state park is \$15.00.

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

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

(19) As used in this section, "resident motor vehicle" means a vehicle that is registered as a motor vehicle in this state.

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

(2) The department may promulgate rules providing a method for an individual to pay a state park and state-operated public boating access site recreation passport fee in addition to the method provided for in section 805 of the Michigan vehicle code, 1949 PA 300, MCL 257.805. The amount of the state park and state-operated public boating access site recreation passport fee required to be paid under the method provided for by rule shall not exceed twice the amount of a state park and state-operated public boating access site recreation passport fee paid under the method provided for in section 805 of the Michigan vehicle code, 1949 PA 300, MCL 257.805. However, during 2010, the amount of the state park and state-operated public boating access site recreation passport fee required to be paid under the method provided for by rule shall equal the amount of a state park and state-operated public boating access site recreation passport fee paid under the method provided for in section 805 of the Michigan vehicle code, 1949 PA 300, MCL 257.805. A rule promulgated under this subsection shall provide for a method evidencing payment of the state park and state-operated public boating access site recreation passport fee under this subsection, such as by the issuance and display of a permit.

(3) A rule promulgated under subsection (2) does not apply after April 1, 2014 unless, during at least 1 of the state fiscal years ending September 30, 2011, 2012, and 2013, revenue from the recreation passport fee, minus appropriations to the secretary of state under section 2045(1)(a), equals or exceeds \$12,017,514.00.

Sec. 74122. (1) A person who violates this part or a rule promulgated under this part is guilty of a misdemeanor. This subsection does not apply to violations described in subsection (2).

(2) A person who violates section 74116(1), (2), or (3) is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$100.00. A person shall not be cited for a violation of both section 74116(2) and section 74116(3) for the same incident.

(3) In any proceeding for the violation of this part or a rule promulgated under this part, if a motor vehicle is found parked in a state park, the registration plate displayed on the motor vehicle constitutes prima facie evidence that the owner of the motor vehicle was the person who parked or placed it at the location where it was found.

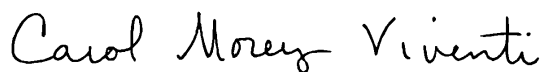
(4) In addition to the penalties provided for in subsection (1), a person convicted of an act of vandalism to state park equipment, facilities, or resources shall reimburse the department up to 3 times the amount of the damage as determined by the court. All money collected pursuant to this subsection shall be credited to the state park improvement account.

Enacting section 1. Sections 74101, 74102, 74116, and 74122 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.74101, 324.74102, 324.74116, and 324.74122, as amended by this amendatory act, take effect October 1, 2010.

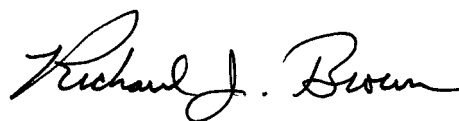
Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 95th Legislature are enacted into law:

- (a) Senate Bill No. 389.
- (b) House Bill No. 4677.
- (c) House Bill No. 5752.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

.....
Governor

Compiler's note: The bills referred to in enacting section 2 were enacted into law as follows:

Senate Bill No. 389 was filed with the Secretary of State March 31, 2010, and became 2010 PA 35, Eff. Oct. 1, 2010.

House Bill No. 4677 was filed with the Secretary of State March 31, 2010, and became 2010 PA 34, Eff. Oct. 1, 2010.

House Bill No. 5752 was filed with the Secretary of State March 31, 2010, and became 2010 PA 32, Eff. Oct. 1, 2010.