

SUBSTITUTE FOR
HOUSE BILL NO. 4678

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
6 PUBLIC RECREATION FACILITIES FUND. THE STATE TREASURER SHALL CREDIT
7 TO THE LOCAL PUBLIC RECREATION FACILITIES FUND INTEREST AND

1 EARNINGS FROM LOCAL PUBLIC RECREATION FACILITIES FUND INVESTMENTS.

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

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

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

13 Sec. 2001. As used in this part:

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

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

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

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

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

26 (F) "RECREATION PASSPORT FEE" MEANS A STATE PARK AND STATE-
27 OPERATED PUBLIC BOATING ACCESS SITE RECREATION PASSPORT FEE PAID

1 UNDER SECTION 805 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
2 257.805, OR UNDER RULES PROMULGATED UNDER SECTION 74120(2).

3 (G) ~~(F)~~—"Snowmobile account" means the snowmobile account of
4 the legacy fund provided for in section 2025.

5 (H) ~~(G)~~—"State park improvement account" means the state park
6 improvement account of the legacy fund provided for in section
7 2030.

8 (I) ~~(H)~~—"Waterways account" means the waterways account of the
9 legacy fund provided for in section 2035.

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

12 (2) The forest recreation account shall consist of both of the
13 following:

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

18 (b) Revenue from the following sources:

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

21 (ii) Other revenues as authorized by law.

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

25 (4) Money in the forest recreation account may be expended
26 pursuant to subsection (3) for grants to state colleges and
27 universities to implement programs funded by the forest recreation

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1 account.

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

4 (2) The state park improvement account shall consist of both
5 of the following:

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

10 (b) Revenue from the following sources:

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

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

16 (iii) Other revenues as authorized by law.

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

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

25 **SEC. 2045. (1) THE DEPARTMENT SHALL DISTRIBUTE RECREATION**
26 **PASSPORT FEE REVENUE AS FOLLOWS:**

27 **[(A) FIRST, FOR NECESSARY EXPENSES INCURRED BY THE SECRETARY OF**
STATE EACH STATE FISCAL YEAR IN ADMINISTRATION AND IMPLEMENTATION OF
SECTION 805 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.805. FUNDS
APPROPRIATED FOR NECESSARY EXPENSES SHALL BE BASED UPON AN ESTABLISHED
COST ALLOCATION METHODOLOGY THAT REFLECTS ACTUAL COSTS. APPROPRIATIONS

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UNDER THIS SUBDIVISION IN A STATE FISCAL YEAR SHALL NOT EXCEED
\$1,000,000.00.

(B) THE NEXT] \$10,700,000.00 RECEIVED EACH FISCAL YEAR SHALL

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1 BE DEPOSITED IN THE STATE PARK IMPROVEMENT ACCOUNT.

2 [(C)] THE NEXT \$1,030,000.00 RECEIVED EACH FISCAL YEAR SHALL BE
3 DEPOSITED IN THE WATERWAYS ACCOUNT.

4 [(D)] THE REMAINING REVENUE SHALL BE DEPOSITED AS FOLLOWS:

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

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

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

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

16 (A) PROMOTE, IN CONCERT WITH OTHER STATE AGENCIES, THE USE OF
17 STATE PARKS, STATE-OPERATED PUBLIC BOATING ACCESS SITES, STATE
18 FOREST CAMPGROUNDS, AND STATE FOREST NONMOTORIZED TRAILS AND
19 PATHWAYS.

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

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

26 (vi) 7% IN THE FOREST RECREATION ACCOUNT TO BE USED FOR
27 OPERATING, MAINTAINING, AND MAKING CAPITAL IMPROVEMENTS TO STATE

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1 FOREST CAMPGROUNDS AND THE STATE FOREST SYSTEM OF PATHWAYS AND
2 NONMOTORIZED TRAILS, INCLUDING, BUT NOT LIMITED TO, EQUESTRIAN
3 TRAILS.

4 (2) FOR EACH STATE FISCAL YEAR, BEGINNING WITH THE 2011-2012
5 STATE FISCAL YEAR, THE STATE TREASURER SHALL ADJUST THE AMOUNTS SET
6 FORTH IN SUBSECTION [(1) (B) AND (C)] BY AN AMOUNT DETERMINED BY THE
7 STATE TREASURER TO REFLECT THE CUMULATIVE PERCENTAGE CHANGE IN THE
8 CONSUMER PRICE INDEX FOR THE MOST RECENT 1-YEAR PERIOD FOR WHICH
9 DATA ARE AVAILABLE. AS USED IN THIS SUBSECTION, "CONSUMER PRICE
10 INDEX" MEANS THE MOST COMPREHENSIVE INDEX OF CONSUMER PRICES
11 AVAILABLE FOR THIS STATE FROM THE BUREAU OF LABOR STATISTICS OF THE
12 UNITED STATES DEPARTMENT OF LABOR.

13 (3) THE DEPARTMENT SHALL SUBMIT A REPORT TO THE STANDING
14 COMMITTEES AND APPROPRIATIONS SUBCOMMITTEES OF THE LEGISLATURE WITH
15 JURISDICTION OVER ISSUES PERTAINING TO NATURAL RESOURCES AND THE
16 ENVIRONMENT BY FEBRUARY 1 EACH YEAR, BEGINNING IN 2012. THE REPORT
17 SHALL PROVIDE INFORMATION ON ALL OF THE FOLLOWING FOR THE PRECEDING
18 STATE FISCAL YEAR:

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

22 (B) THE TOTAL AMOUNT OF ANNUAL AND DAILY STATE PARK MOTOR
23 VEHICLE PERMIT FEE REVENUE RECEIVED BY THE DEPARTMENT UNDER SECTION
24 74117.

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

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

4 (E) THE ADEQUACY OF THE REVENUE DESCRIBED IN SUBDIVISION (A)
5 FOR EACH OF THE PURPOSES FOR WHICH IT IS ALLOCATED UNDER SUBSECTION
6 (1).

7 (F) THE IMPACT OF THE STATE PARK REVENUE STREAM DESCRIBED IN
8 SUBDIVISIONS (A) [AND (B)] ON THE MICHIGAN STATE PARKS
9 ENDOWMENT FUND CREATED IN SECTION 35A OF ARTICLE IX OF THE STATE
10 CONSTITUTION OF 1963 AND PROVIDED FOR IN SECTION 74119.

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

13 (4) BY FEBRUARY 1, 2012 AND EVERY 2 YEARS THEREAFTER, THE
14 DEPARTMENT SHALL SUBMIT A REPORT TO THE STANDING COMMITTEES AND
15 APPROPRIATIONS SUBCOMMITTEES OF THE LEGISLATURE WITH JURISDICTION
16 OVER ISSUES PERTAINING TO NATURAL RESOURCES AND THE ENVIRONMENT.
17 THE REPORT SHALL PROVIDE INFORMATION ON HOW FREQUENTLY MOTOR
18 VEHICLES FOR WHICH THE REGISTRANT DECLINED TO PAY THE RECREATION
19 PASSPORT FEE ENTERED STATE PARKS AND STATE-OPERATED PUBLIC BOATING
20 ACCESS SITES DESIGNATED UNDER SECTION 78105 DURING THE REGISTRATION
21 PERIOD. THE INFORMATION SHALL BE BASED ON RANDOM AUDITS CONDUCTED
22 BY THE DEPARTMENT. A REPORT UNDER THIS SUBSECTION MAY BE COMBINED
23 WITH A REPORT REQUIRED UNDER SUBSECTION (3).

24 (5) THE DEPARTMENT MAY PREPARE A LIST OF FREQUENTLY ASKED
25 QUESTIONS AND ANSWERS CONCERNING THE RECREATION PASSPORT FEE. THE
26 DEPARTMENT AND THE DEPARTMENT OF STATE MAY POST THE INFORMATION ON
27 THEIR WEBSITES. THE DEPARTMENT OF STATE MAY PROVIDE THE INFORMATION

1 WITH ANY APPLICATIONS FOR REGISTRATION OF MOTOR VEHICLES THAT ARE
2 MAILED BY THE DEPARTMENT OF STATE.

3 Enacting section 1. Sections 1909, 1910, and 74123 of the
4 natural resources and environmental protection act, 1994 PA 451,
5 MCL 324.1909, 324.1910, and 324.74123, are repealed effective
6 October 1, 2010.

7 Enacting section 2. This amendatory act takes effect October
8 1, 2010.

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

12 (a) Senate Bill No. 388.

13 (b) Senate Bill No. 389.

14 (c) House Bill No. 4677.