

# SENATE BILL No. 1057

January 13, 2010, Introduced by Senator BIRKHOLZ and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," 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; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 74101. As used in this part:

2           ~~(a) "Committee" means the citizens committee for Michigan~~  
3           ~~state parks created in section 74102a.~~

4           (A) "COMMERCIAL MOTOR VEHICLE" MEANS A COMMERCIAL VEHICLE AS

1 DEFINED IN SECTION 7 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL  
2 257.7.

3 (b) "Improvement program" means the construction,  
4 reconstruction, development, improvement, bettering, operating,  
5 maintaining, and extending a facility at a state park, including a  
6 site improvement, impoundment, road and parking lot, toilet  
7 building, concession building, shelter building, bathhouse,  
8 utility, outdoor center, visitor service facility, ski area, ski  
9 tow, ski shelter, and administration unit.

10 (c) "Motor vehicle" means a vehicle that is self-propelled.

11 (D) "NONRESIDENT MOTOR VEHICLE" MEANS A MOTOR VEHICLE OTHER  
12 THAN A COMMERCIAL MOTOR VEHICLE THAT IS NOT REGISTERED AS A MOTOR  
13 VEHICLE IN THIS STATE.

14 (E) "RECREATION PASSPORT FEE" MEANS THAT TERM AS DEFINED IN  
15 SECTION 2001.

16 (F) "RESIDENT MOTOR VEHICLE" MEANS A MOTOR VEHICLE OTHER THAN  
17 A COMMERCIAL MOTOR VEHICLE THAT IS REGISTERED AS A MOTOR VEHICLE IN  
18 THIS STATE.

19 (G) ~~(d)~~ "State park" means a state park or state recreation  
20 area designated by the director.

21 (H) ~~(e)~~ "State park improvement account" means the state park  
22 improvement account of the Michigan conservation and recreation  
23 legacy fund provided for in section 2030.

24 (I) ~~(f)~~ "State park revenues" means all revenues collected for  
25 state parks, including but not limited to, **REVENUE FROM RECREATION**  
26 **PASSPORT FEES**, motor vehicle permits, concession fees, nonmotorized  
27 trail permits, fees, leases, camping fees, sale of farm animals

1 from Maybury state park, donations, and gifts.

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

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

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

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

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

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

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

21 Sec. 74102a. ~~(1) The citizens committee for Michigan state~~  
22 ~~parks is created within the department.~~

23 ~~—— (2) The committee shall consist of 17 individuals appointed by~~  
24 ~~the director with the advice of the commission.~~

25 ~~—— (3) The members first appointed to the committee shall be~~  
26 ~~appointed within 60 days after the effective date of the amendatory~~  
27 ~~act that added this section.~~

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

5 ~~—— (5) If a vacancy occurs on the committee, the director shall~~  
6 ~~make an appointment for the unexpired term in the same manner as~~  
7 ~~the original appointment.~~

8 ~~—— (6) The committee may remove a member of the committee for~~  
9 ~~incompetency, dereliction of duty, malfeasance, misfeasance, or~~  
10 ~~nonfeasance in office, or any other good cause upon a majority vote~~  
11 ~~of the members. An individual shall be removed from the committee~~  
12 ~~if he or she does not attend 4 consecutive meetings of the~~  
13 ~~committee.~~

14 ~~—— (7) The first meeting of the committee shall be called by the~~  
15 ~~director. At the first meeting, the committee shall elect from~~  
16 ~~among its members a chairperson and other officers as it considers~~  
17 ~~necessary or appropriate. After the first meeting, the committee~~  
18 ~~shall meet at least twice each year, or more frequently at the call~~  
19 ~~of the chairperson or if requested by 9 or more members.~~

20 ~~—— (8) Nine members of the committee constitute a quorum for the~~  
21 ~~transaction of business at a meeting of the committee. A majority~~  
22 ~~of the members present and serving are required for official action~~  
23 ~~of the committee.~~

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

27 ~~—— (10) A writing prepared, owned, used, in the possession of, or~~

1 ~~retained by the committee in the performance of an official~~  
 2 ~~function is subject to the freedom of information act, 1976 PA 442,~~  
 3 ~~MCL 15.231 to 15.246.~~

4 ~~—— (11) Members of the committee shall serve without~~  
 5 ~~compensation. However, members of the committee may be reimbursed~~  
 6 ~~for their actual and necessary expenses incurred in the performance~~  
 7 ~~of their official duties as members of the committee.~~

8 (1) ~~(12)~~The ~~committee~~**COMMISSION** shall do all of the  
 9 following:

10 (a) Advise and make recommendations to the governor ~~, the~~  
 11 ~~commission,~~ and the legislature on state parks policy and provide  
 12 guidance on state parks development, management, and planning  
 13 issues.

14 (b) Seek the development of a broad variety of programs,  
 15 facilities, and services for ~~our~~**MICHIGAN** citizens utilizing the  
 16 state parks.

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

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

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

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

27 (g) Serve as a liaison and coordinate with other agencies to

1 ensure a cooperative effort to provide the most effective and  
2 economical services possible at state parks.

3 ~~(h) Within 2 years after the effective date of the amendatory~~  
4 ~~act that added subdivision (j) and periodically thereafter,~~  
5 **PERIODICALLY** evaluate and submit a report to the standing  
6 committees of the legislature with jurisdiction over issues  
7 pertaining to natural resources and the environment on the state  
8 parks programs, facilities, services, and relationships to ~~assure~~  
9 **ENSURE** that the ~~committee's~~ goals and objectives **OF THIS SECTION**  
10 are being achieved.

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

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

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

25 **(2) NOT LATER THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THE**  
26 **AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE COMMISSION SHALL**  
27 **SUBMIT A REPORT TO THE STANDING COMMITTEES AND APPROPRIATIONS**

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

10 (A) INCREASED PREVENTATIVE MAINTENANCE.

11 (B) ENERGY CONSERVATION AND EFFICIENCY.

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

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

16 ~~Sec. 74116. The department shall designate the state parks in~~  
 17 ~~which a park permit is required for lawful entry by motor vehicle.~~  
 18 ~~The department shall designate only those parks in which state~~  
 19 ~~facilities and services are provided for the public. The department~~  
 20 ~~may designate portions of state parks where a park permit is not~~  
 21 ~~necessary. The department shall post signs at designated parks or~~  
 22 ~~designated portions of parks that state that a motor vehicle park~~  
 23 ~~permit is required. A person~~

24 (1) SUBJECT TO SUBSECTION (4), THE OPERATOR OF A NONRESIDENT  
 25 MOTOR VEHICLE OR COMMERCIAL MOTOR VEHICLE shall not enter any state  
 26 park ~~or portion of a state park in which a motor vehicle park~~  
 27 ~~permit is required without~~ WITH THAT MOTOR VEHICLE UNLESS a valid

1 motor vehicle **PARK** permit **ISSUED UNDER SECTION 74117** IS affixed to  
2 the vehicle. ~~A valid park permit procured pursuant to section 74117~~  
3 ~~shall be permanently affixed to the lower right-hand corner of the~~  
4 ~~windshield. of any motor vehicle entering a state park or portion~~  
5 ~~of a state park in which a motor vehicle park permit is required,~~  
6 ~~except that a park permit is not required to be affixed to a motor~~  
7 ~~vehicle while~~ **AN ANNUAL MOTOR VEHICLE PARK PERMIT FOR A NONRESIDENT**  
8 **MOTOR VEHICLE SHALL BE AFFIXED PERMANENTLY FOR THAT YEAR. THE**  
9 **DEPARTMENT SHALL POST SIGNS AT PARKS THAT STATE THAT A MOTOR**  
10 **VEHICLE PERMIT IS REQUIRED FOR ENTRY BY A NONRESIDENT MOTOR VEHICLE**  
11 **OR COMMERCIAL MOTOR VEHICLE.**

12 (2) SUBJECT TO SUBSECTION (4), THE OPERATOR OF A RESIDENT  
13 MOTOR VEHICLE SHALL NOT ENTER A STATE PARK WITH THE RESIDENT MOTOR  
14 VEHICLE UNLESS THE RECREATION PASSPORT FEE HAS BEEN PAID FOR THAT  
15 MOTOR VEHICLE.

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

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

26 (A) **WHILE** the motor vehicle is being driven or parked within  
27 an established federal, state, or county highway within a state



1 park. The requirement to obtain a motor vehicle park permit does  
2 not apply to motor vehicles

3 (B) IF THE MOTOR VEHICLE IS used in the operation or  
4 maintenance of A state parks, to emergency vehicles, or to state-  
5 owned or law enforcement motor vehicles or private motor vehicles  
6 PARK, IS AN EMERGENCY MOTOR VEHICLE, IS A STATE OWNED OR LAW  
7 ENFORCEMENT MOTOR VEHICLE, OR IS A PRIVATE MOTOR VEHICLE being  
8 operated on official state business.

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

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

15 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN ANNUAL  
16 NONRESIDENT MOTOR VEHICLE PARK PERMIT SHALL BE ISSUED AND SHALL  
17 AUTHORIZE THE ENTRY OF A NONRESIDENT MOTOR VEHICLE TO WHICH IT IS  
18 ORIGINALLY ATTACHED WITHIN ANY STATE PARK DURING THE CALENDAR YEAR  
19 FOR WHICH IT IS ISSUED. THE FEE FOR THE ANNUAL NONRESIDENT MOTOR  
20 VEHICLE PARK PERMIT FOR THE OWNER OF A NONRESIDENT MOTOR VEHICLE IS  
21 \$29.00. AN ANNUAL PARK PERMIT SHALL NOT BE USED FOR A COMMERCIAL  
22 MOTOR VEHICLE.

23 (3) A DAILY MOTOR VEHICLE PARK PERMIT, VALID FOR 1 DAY ONLY,  
24 SHALL AUTHORIZE THE ENTRY OF A NONRESIDENT MOTOR VEHICLE OR  
25 COMMERCIAL MOTOR VEHICLE TO WHICH IT IS ORIGINALLY ATTACHED WITHIN  
26 ANY STATE PARK DURING THE DAY FOR WHICH IT IS ISSUED. THE FEE FOR A  
27 DAILY NONRESIDENT MOTOR VEHICLE PARK PERMIT IS \$8.00. THE FEE FOR A

1 DAILY COMMERCIAL MOTOR VEHICLE PARK PERMIT IS \$15.00.

2 (4) A PERSON WHO HAS OBTAINED AN ANNUAL NONRESIDENT MOTOR  
3 VEHICLE PARK PERMIT UNDER THIS SECTION FOR A RECREATIONAL VEHICLE  
4 TO BE USED AS A STATIONARY PRIMARY CAMPING SHELTER CAMPED LEGALLY  
5 IN AND NOT MOVED FROM A STATE PARK CAMPGROUND DURING THE PERIOD OF  
6 THE CAMPING STAY MAY OBTAIN A DUPLICATE NONRESIDENT MOTOR VEHICLE  
7 PARK PERMIT EFFECTIVE FOR THE DURATION OF THE CAMPING STAY FOR A  
8 TOWED SECOND MOTOR VEHICLE PRESENT AT THE TIME OF ENTRY FOR A FEE  
9 OF \$6.00.

10 (5) THE DEPARTMENT MAY DESIGNATE PERSONS IN THIS STATE  
11 AUTHORIZED TO SELL PARK PERMITS. THE DEPARTMENT SHALL REQUIRE AS A  
12 CONDITION OF THE DESIGNATION OF A PERSON OTHER THAN A DEPARTMENT  
13 EMPLOYEE THAT THE PERSON FURNISH A SURETY BOND IN AN AMOUNT AND  
14 FORM AND WITH A SURETY ACCEPTABLE TO THE DEPARTMENT. AFTER BEING  
15 DESIGNATED BY THE DEPARTMENT, A PERSON MAY ISSUE PARK PERMITS IN  
16 ACCORDANCE WITH THIS PART. THIS SUBSECTION DOES NOT APPLY TO  
17 EMPLOYEES OF THE DEPARTMENT OF STATE ACTING UNDER SECTION 805 OF  
18 THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.805.

19 (6) IF A PERSON'S ANNUAL NONRESIDENT MOTOR VEHICLE PARK PERMIT  
20 IS LOST OR DESTROYED, THE DEPARTMENT SHALL PROVIDE THAT PERSON WITH  
21 A REPLACEMENT MOTOR VEHICLE PARK PERMIT FREE OF CHARGE. THE  
22 DEPARTMENT MAY REQUIRE A PERSON REQUESTING A REPLACEMENT MOTOR  
23 VEHICLE PARK PERMIT TO SUPPLY SUFFICIENT EVIDENCE OF THE LOSS OR  
24 DESTRUCTION OF THE ORIGINAL MOTOR VEHICLE PARK PERMIT.

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

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

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

12           (10) THIS SUBSECTION AND SUBSECTIONS (11) TO (19) APPLY  
13 THROUGH SEPTEMBER 30, 2010. The department may require park permits  
14 and collect park permit fees for entry into a state park or portion  
15 of a state park posted in the manner prescribed by this part. The  
16 department may waive the permit requirement for department-  
17 sponsored events or other circumstances as determined by the  
18 director or the director's designee. The department shall prepare  
19 and distribute park permits to implement this part.

20           (11) ~~(2)~~ Except as otherwise provided in this section, an  
21 annual park permit shall be issued and shall authorize the entry of  
22 the motor vehicle to which it is originally attached within the  
23 confines of any state park ~~or recreation area during the calendar~~  
24 ~~year for which it is issued~~ THROUGH SEPTEMBER 30, 2010. The fee for  
25 the annual park permit is as follows:

26           (a) ~~Before April 1, 2010, for~~ FOR the owner of a resident  
27 motor vehicle, \$24.00, except as follows:

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

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

6 (b) ~~Before April 1, 2010, for~~ **FOR** the owner of a nonresident  
7 motor vehicle, \$29.00.

8 (12) ~~(3)~~—A daily permit, valid for 1 day only, shall authorize  
9 the entry of the motor vehicle to which it is originally attached  
10 within the confines of a state park during the day for which it is  
11 issued. The fee for a daily permit is as follows:

12 (a) ~~Before April 1, 2010, for~~ **FOR** the owner of a resident  
13 motor vehicle, \$6.00.

14 (b) ~~Before April 1, 2010, for~~ **FOR** the owner of a nonresident  
15 motor vehicle, \$8.00.

16 (13) ~~(4)~~—A person who has obtained an annual motor vehicle  
17 permit under this section for a recreational vehicle to be used as  
18 a stationary primary camping shelter camped legally in and not  
19 moved from a state park campground during the period of the camping  
20 stay may obtain a duplicate motor vehicle permit for a towed second  
21 motor vehicle present at the time of entry for a fee of \$6.00  
22 effective for the duration of the camping stay.

23 (14) ~~(5)~~—The department shall provide to the standing  
24 committees in the senate and house of representatives along with  
25 the appropriate budget subcommittees that primarily consider issues  
26 pertaining to natural resources an annual report that details the  
27 revenue stream generated by the fee structure under this section.

1 This report shall be presented not later than December 31 each year  
2 and shall include information on the impact of the revenue stream  
3 on the Michigan state parks endowment fund created in section 35a  
4 of article IX of the state constitution of 1963 and provided for in  
5 section 74119, the use of the general fund for funding the state  
6 park system, and other relevant issues that impact funding needs  
7 for the state park system.

8 (15) ~~(6)~~—This part applies only to the entry of motor vehicles  
9 into the state parks and to the park permits authorized in this  
10 part and does not obviate the necessity of obtaining additional  
11 permits for special services or park privileges as previously or  
12 subsequently may be required by law or by rules promulgated by the  
13 department. The department shall designate each person in the state  
14 authorized to sell park permits and shall require as a condition of  
15 the designation of a person other than a department employee that  
16 the person furnish a surety bond in an amount, in a form, and with  
17 a surety that is acceptable to the department. After being  
18 designated by the department, a person may issue park permits in  
19 accordance with this part.

20 (16) ~~(7)~~—Commercial motor coaches or vans with a capacity of  
21 more than 12 passengers are not eligible to enter a state park with  
22 an annual park permit. ~~Before April 1, 2010, the~~ **THE** daily fee to  
23 allow commercial motor coaches or vans with a capacity of over 12  
24 passengers daily entry into a state park is \$15.00.

25 (17) ~~(8)~~—The department may add to the cost of a reservation  
26 or a motor vehicle entrance or camping fee the charges that the  
27 state incurs because of the use of a credit card.

1           (18) ~~(9)~~—If a person's annual park permit is lost or  
2 destroyed, the department shall provide that person with a  
3 replacement park permit free of charge. The department may require  
4 a person requesting a replacement park permit to supply sufficient  
5 evidence of the loss or destruction of the original park permit.

6           (19) ~~(10)~~—As used in this section, "resident motor vehicle"  
7 means a vehicle that is registered as a motor vehicle in this  
8 state.

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

11           (2) THE DEPARTMENT MAY PROMULGATE RULES PROVIDING A METHOD FOR  
12 AN INDIVIDUAL TO PAY A STATE PARK AND STATE-OPERATED PUBLIC BOATING  
13 ACCESS SITE RECREATION PASSPORT FEE IN ADDITION TO THE METHOD  
14 PROVIDED FOR IN SECTION 805 OF THE MICHIGAN VEHICLE CODE, 1949 PA  
15 300, MCL 257.805. THE AMOUNT OF THE STATE PARK AND STATE-OPERATED  
16 PUBLIC BOATING ACCESS SITE RECREATION PASSPORT FEE REQUIRED TO BE  
17 PAID UNDER THE METHOD PROVIDED FOR BY RULE SHALL NOT EXCEED TWICE  
18 THE AMOUNT OF A STATE PARK AND STATE-OPERATED PUBLIC BOATING ACCESS  
19 SITE RECREATION PASSPORT FEE PAID UNDER THE METHOD PROVIDED FOR IN  
20 SECTION 805 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.805.  
21 HOWEVER, DURING 2010, THE AMOUNT OF THE STATE PARK AND STATE-  
22 OPERATED PUBLIC BOATING ACCESS SITE RECREATION PASSPORT FEE  
23 REQUIRED TO BE PAID UNDER THE METHOD PROVIDED FOR BY RULE SHALL  
24 EQUAL THE AMOUNT OF A STATE PARK AND STATE-OPERATED PUBLIC BOATING  
25 ACCESS SITE RECREATION PASSPORT FEE PAID UNDER THE METHOD PROVIDED  
26 FOR IN SECTION 805 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL  
27 257.805. A RULE PROMULGATED UNDER THIS SUBSECTION SHALL PROVIDE FOR

1 A METHOD EVIDENCING PAYMENT OF THE STATE PARK AND STATE-OPERATED  
2 PUBLIC BOATING ACCESS SITE RECREATION PASSPORT FEE UNDER THIS  
3 SUBSECTION, SUCH AS BY THE ISSUANCE AND DISPLAY OF A PERMIT.

4 (3) A RULE PROMULGATED UNDER SUBSECTION (2) DOES NOT APPLY  
5 AFTER APRIL 1, 2014 UNLESS, DURING AT LEAST 1 OF THE STATE FISCAL  
6 YEARS ENDING SEPTEMBER 30, 2011, 2012, AND 2013, REVENUE FROM THE  
7 RECREATION PASSPORT FEE, MINUS APPROPRIATIONS TO THE SECRETARY OF  
8 STATE UNDER SECTION 2045(1)(A), EQUALS OR EXCEEDS \$12,017,514.00.

9 Sec. 74122. (1) A person who violates this part or a rule  
10 promulgated under this part is guilty of a misdemeanor. **THIS**  
11 **SUBSECTION DOES NOT APPLY TO VIOLATIONS DESCRIBED IN SUBSECTION**  
12 **(2).**

13 (2) A PERSON WHO VIOLATES SECTION 74116(1), (2), OR (3) IS  
14 RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY  
15 A CIVIL FINE OF NOT MORE THAN \$100.00. A PERSON SHALL NOT BE CITED  
16 FOR A VIOLATION OF BOTH SECTION 74116(2) AND SECTION 74116(3) FOR  
17 THE SAME INCIDENT.

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

25 (4) ~~(2)~~ In addition to the penalties provided for in  
26 subsection (1), a person convicted of an act of vandalism **TO STATE**  
27 **PARK EQUIPMENT, FACILITIES, OR RESOURCES** shall reimburse the

1 department up to 3 times the amount of the damage as determined by  
2 the court. All money collected pursuant to this subsection shall be  
3 credited to the state park improvement account.

4 Enacting section 1. Sections 74101, 74102, 74116, and 74122 of  
5 the natural resources and environmental protection act, 1994 PA  
6 451, MCL 324.74101, 324.74102, 324.74116, and 324.74122, as amended  
7 by this amendatory act, take effect October 1, 2010.

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

11 (a) Senate Bill No. 389.

12 (b) House Bill No. 4677.

13 (c) Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request no.  
14 05660'09 \*).