

SENATE BILL No. 388

March 17, 2009, Introduced by Senators BIRKHOLZ, BASHAM, PAPPAGEORGE, JANSEN, BRATER and GEORGE 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 2005, 2030, 2035, 74101, 74102a, 74116, 74117, 74122, 74123, 78105, and 83106 (MCL 324.2005, 324.2030, 324.2035, 324.74101, 324.74102a, 324.74116, 324.74117, 324.74122, 324.74123, 324.78105, and 324.83106), sections 2005, 2030, and 2035 as added and sections 74101, 74122, 78105, and 83106 as amended by 2004 PA 587, section 74102a as amended by 2006 PA 307, sections 74116 and 74123 as added by 1995 PA 58, and section 74117 as amended by 2006 PA 477, 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

1 CREATED WITHIN THE STATE TREASURY.

2 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
3 ANY SOURCE FOR DEPOSIT INTO THE LOCAL PUBLIC RECREATION FACILITIES
4 FUND. THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE LOCAL
5 PUBLIC RECREATION FACILITIES FUND. THE STATE TREASURER SHALL CREDIT
6 TO THE LOCAL PUBLIC RECREATION FACILITIES FUND INTEREST AND
7 EARNINGS FROM LOCAL PUBLIC RECREATION FACILITIES FUND INVESTMENTS.

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

11 (4) THE DEPARTMENT OF NATURAL RESOURCES SHALL BE THE
12 ADMINISTRATOR OF THE LOCAL PUBLIC RECREATION FACILITIES FUND FOR
13 AUDITING PURPOSES.

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

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

21 (2) The forest recreation account shall consist of both of the
22 following:

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

27 (b) Revenue from the following sources:

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

3 (ii) Other revenues as authorized by law.

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

7 (4) Money in the forest recreation account may be expended
8 pursuant to subsection (3) for grants to state colleges and
9 universities to implement programs funded by the forest recreation
10 account.

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

13 (2) The state park improvement account shall consist of both
14 of the following:

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

19 (b) Revenue from the following sources:

20 (i) Revenue derived from concessions, leases, contracts, fees,
21 and permits from activities in state parks and recreation areas.

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

24 (iii) Other revenues as authorized by law.

25 (3) Money in the state park improvement account shall be
26 expended, upon appropriation, only as provided in **SECTION 2045 AND**
27 part 741 and for the administration of the state park improvement

1 account.

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

6 Sec. 2035. (1) The waterways account is established as an
7 account within the legacy fund.

8 (2) The waterways account shall consist of both of the
9 following:

10 (a) All money in the Michigan state waterways fund, formerly
11 created in section 78110, the Michigan harbor development fund,
12 formerly created in section 78110, and the marine safety fund,
13 formerly created in section 80115, immediately prior to the
14 effective date of the amendatory act that added this section, which
15 money is hereby transferred to the waterways account.

16 (b) Revenue from the following sources:

17 (i) All revenue generated from watercraft registration fees
18 assessed on the ownership or operation of watercraft in the state,
19 of which not less than 49% shall be provided for law enforcement
20 and education.

21 (ii) All revenues derived from fees charged for the moorage of
22 watercraft at state-operated mooring facilities.

23 (iii) All revenues derived from fees charged for the use of
24 state-operated public access sites.

25 (iv) Transfers from the recreation improvement account.

26 (v) All tax revenue derived from the sale of diesel fuel in
27 this state that is used to generate power for the operation or

1 propulsion of vessels on the waterways of this state.

2 (vi) Other revenues as authorized by law.

3 (3) Money in the waterways account shall be expended, upon
4 appropriation, only as provided in **SECTION 2045 AND** parts 781, 791,
5 and 801 and for the administration of the waterways account, which
6 may include payments in lieu of taxes on state owned lands
7 purchased through the waterways account or through the former
8 Michigan state waterways fund.

9 **SEC. 2045. (1) THE DEPARTMENT SHALL DISTRIBUTE STATE PARK,**
10 **BOATING ACCESS SITE, AND FOREST RECREATION PASSPORT FEE REVENUE**
11 **TRANSFERRED TO THE DEPARTMENT UNDER SECTION 805 OF THE MICHIGAN**
12 **VEHICLE CODE, 1949 PA 300, MCL 257.805, AS FOLLOWS:**

13 (A) THE FIRST \$10,700,000.00 RECEIVED EACH FISCAL YEAR SHALL
14 BE DEPOSITED IN THE STATE PARK IMPROVEMENT ACCOUNT.

15 (B) THE NEXT \$1,030,000.00 RECEIVED EACH FISCAL YEAR SHALL BE
16 DEPOSITED IN THE WATERWAYS ACCOUNT.

17 (C) THE REMAINING REVENUE SHALL BE DEPOSITED AS FOLLOWS:

18 (i) 50% IN THE STATE PARK IMPROVEMENT ACCOUNT TO BE USED FOR
19 CAPITAL IMPROVEMENTS AT STATE PARKS AND RECREATION AREAS.

20 (ii) 30% IN THE STATE PARK IMPROVEMENT ACCOUNT TO BE USED FOR
21 OPERATIONS AND MAINTENANCE AT STATE PARKS AND RECREATION AREAS.

22 (iii) 3% IN THE STATE PARK IMPROVEMENT ACCOUNT TO BE USED FOR
23 OPERATIONS, MAINTENANCE, AND CAPITAL IMPROVEMENTS OF STATE PARK
24 CULTURAL AND HISTORIC RESOURCES.

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

1 (v) 7% IN THE FOREST RECREATION ACCOUNT TO BE USED FOR STATE
2 FOREST CAMPGROUND AND STATE FOREST NONMOTORIZED TRAIL AND PATHWAY
3 SYSTEM OPERATIONS AND CAPITAL IMPROVEMENTS.

4 (2) FOR EACH CALENDAR YEAR, BEGINNING WITH 2011, THE STATE
5 TREASURER SHALL ADJUST THE AMOUNTS SET FORTH IN SUBSECTION (1) (A)
6 AND (B) BY AN AMOUNT DETERMINED BY THE STATE TREASURER AT THE END
7 OF EACH CALENDAR YEAR TO REFLECT THE CUMULATIVE PERCENTAGE CHANGE
8 IN THE CONSUMER PRICE INDEX FOR THE MOST RECENT 1-YEAR PERIOD FOR
9 WHICH DATA ARE AVAILABLE. AS USED IN THIS SUBSECTION, "CONSUMER
10 PRICE 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 Sec. 74101. As used in this part:

14 (a) "Committee" means the citizens committee for Michigan
15 state parks created in section 74102a.

16 (b) "Improvement program" means the construction,
17 reconstruction, development, improvement, bettering, operating,
18 maintaining, and extending a facility at a state park, including a
19 site improvement, impoundment, road and parking lot, toilet
20 building, concession building, shelter building, bathhouse,
21 utility, outdoor center, visitor service facility, ski area, ski
22 tow, ski shelter, and administration unit.

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

24 (D) "NONRESIDENT MOTOR VEHICLE" MEANS A MOTOR VEHICLE OTHER
25 THAN A COMMERCIAL MOTOR VEHICLE THAT IS NOT REGISTERED AS A MOTOR
26 VEHICLE IN THIS STATE.

27 (E) "RESIDENT MOTOR VEHICLE" MEANS A MOTOR VEHICLE OTHER THAN

1 A COMMERCIAL MOTOR VEHICLE THAT IS REGISTERED AS A MOTOR VEHICLE IN
2 THIS STATE.

3 (F) ~~(d)~~—"State park" means a state park or state recreation
4 area designated by the director.

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

8 (H) ~~(f)~~—"State park revenues" means all revenues collected for
9 state parks, including but not limited to, motor vehicle permits,
10 concession fees, nonmotorized trail permits, fees, leases, camping
11 fees, sale of farm animals from Maybury state park, donations, and
12 gifts.

13 Sec. 74102a. (1) The citizens committee for Michigan state
14 parks is created within the department.

15 (2) The committee shall consist of 17 individuals appointed by
16 the director with the advice of the commission.

17 (3) The members first appointed to the committee shall be
18 appointed ~~within 60 days after the effective date of the amendatory~~
19 ~~act that added this section~~ **BY DECEMBER 14, 2004.**

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

24 (5) If a vacancy occurs on the committee, the director shall
25 make an appointment for the unexpired term in the same manner as
26 the original appointment.

27 (6) The committee may remove a member of the committee for

1 incompetency, dereliction of duty, malfeasance, misfeasance, or
2 nonfeasance in office, or any other good cause upon a majority vote
3 of the members. An individual shall be removed from the committee
4 if he or she does not attend 4 consecutive meetings of the
5 committee.

6 (7) The first meeting of the committee shall be called by the
7 director. At the first meeting, the committee shall elect from
8 among its members a chairperson and other officers as it considers
9 necessary or appropriate. After the first meeting, the committee
10 shall meet at least twice each year, or more frequently at the call
11 of the chairperson or if requested by 9 or more members.

12 (8) Nine members of the committee constitute a quorum for the
13 transaction of business at a meeting of the committee. A majority
14 of the members present and serving are required for official action
15 of the committee.

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

19 (10) A writing prepared, owned, used, in the possession of, or
20 retained by the committee in the performance of an official
21 function is subject to the freedom of information act, 1976 PA 442,
22 MCL 15.231 to 15.246.

23 (11) Members of the committee shall serve without
24 compensation. However, members of the committee may be reimbursed
25 for their actual and necessary expenses incurred in the performance
26 of their official duties as members of the committee.

27 (12) The committee shall do all of the following:

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

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

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

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

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

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

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

21 ~~Within 2 years after the effective date of the amendatory~~
22 ~~act that added subdivision (j) **BY JULY 20, 2008** and periodically~~
23 thereafter, evaluate and submit a report to the standing committees
24 of the legislature with jurisdiction over issues pertaining to
25 natural resources and the environment on the state parks programs,
26 facilities, services, and relationships to ~~assure~~ **ENSURE** that the
27 committee's goals and objectives are being achieved.

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

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

8 (13) BY DECEMBER 31, 2009, THE COMMITTEE SHALL SUBMIT A REPORT
9 TO THE STANDING COMMITTEES AND APPROPRIATIONS SUBCOMMITTEES OF THE
10 LEGISLATURE WITH JURISDICTION OVER ISSUES PERTAINING TO NATURAL
11 RESOURCES AND THE ENVIRONMENT. THE REPORT SHALL CONTAIN
12 RECOMMENDATIONS FOR SAVINGS IN STATE PARK AND FOREST RECREATION
13 PROGRAMS. SAVINGS IN STATE PARK PROGRAMS EQUIVALENT TO AT LEAST 10%
14 OF THE CUMULATIVE EXPENDITURES FOR STATE PARK PROGRAMS DURING THE
15 FISCAL YEAR ENDING SEPTEMBER 30, 2009 SHALL BE IDENTIFIED. IN
16 DEVELOPING RECOMMENDATIONS, THE COMMITTEE SHALL CONSULT WITH THE
17 DEPARTMENT AND INTERESTED PARTIES. THE COMMITTEE SHALL CONSIDER AT
18 LEAST ALL OF THE FOLLOWING:

19 (A) INCREASED PREVENTATIVE MAINTENANCE.

20 (B) ENERGY CONSERVATION AND EFFICIENCY.

21 (C) TRANSFER OF FUNCTIONS BETWEEN THE FOREST, MINERAL, AND
22 FIRE MANAGEMENT DIVISION AND THE PARKS AND RECREATION DIVISION, OR
23 SUCCESSORS THEREOF, WITH RESPECT TO PUBLIC BOATING ACCESS SITES,
24 STATE FOREST NONMOTORIZED TRAILS OR PATHWAYS, STATE FOREST
25 CAMPGROUNDS, AND OTHER FACILITIES TO ACHIEVE MORE EFFICIENT USE OF
26 PERSONNEL.

27 (D) CONTRACTING MAJOR MAINTENANCE OR RENOVATION WORK TO

1 **PRIVATE PARTIES.**

2 (14) ~~(13)~~—The chairperson of the committee shall ensure that
3 all proposed policy positions of the committee are sent to the
4 committee members at least 1 week ~~in advance of~~ **BEFORE** the meeting
5 at which the policy position will be acted upon. The committee may
6 adopt an emergency resolution that has not been sent to committee
7 members at least 1 week ~~prior to~~ **BEFORE** a meeting of the committee,
8 but only upon the approval of 3/4 of those present at the meeting.

9 Sec. 74116. (1) The department shall designate the state parks
10 in which a **MOTOR VEHICLE** park permit is required for lawful entry
11 by **A NONRESIDENT** motor vehicle **OR COMMERCIAL MOTOR VEHICLE**. The
12 department shall designate only those parks in which state
13 facilities and services are provided for the public. The department
14 may designate portions of state parks where a **MOTOR VEHICLE** park
15 permit is not necessary **FOR A NONRESIDENT MOTOR VEHICLE OR**
16 **COMMERCIAL MOTOR VEHICLE**. The department shall post signs at
17 designated parks or designated portions of parks that state that a
18 motor vehicle park permit is required ~~—A—~~ **FOR ENTRY BY A**
19 **NONRESIDENT MOTOR VEHICLE OR COMMERCIAL MOTOR VEHICLE. SUBJECT TO**
20 **SUBSECTION (2), A** person shall not enter, **IN A NONRESIDENT MOTOR**
21 **VEHICLE OR COMMERCIAL MOTOR VEHICLE**, any state park or portion of a
22 state park in which a motor vehicle park permit is required without
23 a valid motor vehicle **PARK** permit affixed to the vehicle. A ~~valid~~
24 **MOTOR VEHICLE** park permit ~~procured pursuant to section 74117~~ shall
25 be ~~permanently~~ affixed to the lower right-hand corner of the
26 windshield. ~~of any motor vehicle entering a state park or portion~~
27 ~~of a state park in which a motor vehicle park permit is required,~~

1 ~~except that a~~ **AN ANNUAL MOTOR VEHICLE PARK PERMIT SHALL BE AFFIXED**
2 **PERMANENTLY FOR THAT YEAR.**

3 (2) **A MOTOR VEHICLE** park permit is not required to be affixed
4 to a **NONRESIDENT MOTOR VEHICLE OR COMMERCIAL** motor vehicle ~~while~~
5 **UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:**

6 (A) **WHILE** the motor vehicle is being driven or parked within
7 an established federal, state, or county highway within a state
8 park. ~~The requirement to obtain a motor vehicle park permit does~~
9 ~~not apply to motor vehicles~~

10 (B) **FOR ENTRY INTO A STATE PARK OF A MOTOR VEHICLE** used in the
11 operation or maintenance of ~~A state parks, to emergency vehicles,~~
12 ~~or to state owned or law enforcement motor vehicles or private~~
13 ~~motor vehicles~~ **PARK, OF AN EMERGENCY MOTOR VEHICLE, OR OF A PRIVATE**
14 **MOTOR VEHICLE** being operated on official state business.

15 Sec. 74117. (1) ~~The department may require park permits and~~
16 ~~collect park permit fees for entry into a state park or portion of~~
17 ~~a state park posted in the manner prescribed by this part. The~~
18 department may waive the **MOTOR VEHICLE PARK** permit requirement
19 **UNDER SECTION 74116** for department-sponsored events or other
20 circumstances as determined by the director or the director's
21 designee. The department shall prepare and distribute park permits
22 to implement this part.

23 (2) Except as otherwise provided in this section, an annual
24 **NONRESIDENT MOTOR VEHICLE** park permit shall be issued and shall
25 authorize the entry of ~~the~~ **A NONRESIDENT** motor vehicle to which it
26 is originally attached within the confines of any state park ~~or~~
27 ~~recreation area~~ during the calendar year for which it is issued.

1 The fee for the annual **NONRESIDENT MOTOR VEHICLE** park permit ~~is as~~
2 ~~follows:~~

3 ~~—— (a) Until January 1, 2010, for the owner of a resident motor~~
4 ~~vehicle, \$24.00, except as follows:~~

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

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

10 ~~—— (b) Until January 1, 2010, for the owner of a nonresident~~
11 ~~motor vehicle, ~~—~~IS \$29.00.~~

12 (3) A daily **MOTOR VEHICLE PARK** permit, valid for 1 day only,
13 shall authorize the entry of ~~the~~ **A NONRESIDENT** motor vehicle **OR**
14 **COMMERCIAL MOTOR VEHICLE** to which it is originally attached within
15 the confines of a state park during the day for which it is issued.
16 The fee for a daily permit ~~is as follows:~~

17 ~~—— (a) Until January 1, 2010, for the owner of a resident motor~~
18 ~~vehicle, \$6.00.~~

19 ~~—— (b) Until January 1, 2010, for the owner of a nonresident~~
20 ~~motor vehicle, ~~—~~PARK PERMIT IS \$8.00. THE FEE FOR A DAILY~~
21 ~~COMMERCIAL MOTOR VEHICLE PARK PERMIT IS \$15.00.~~

22 (4) A person who has obtained an annual **NONRESIDENT** motor
23 vehicle **PARK** permit under this section for a recreational vehicle
24 to be used as a stationary primary camping shelter camped legally
25 in and not moved from a state park campground during the period of
26 the camping stay may obtain a duplicate **NONRESIDENT** motor vehicle
27 **PARK** permit for a towed second motor vehicle present at the time of

1 entry for a fee of \$6.00 effective for the duration of **THE** camping
2 stay.

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

15 ~~(6) This part applies only to the entry of motor vehicles into~~
16 ~~the state parks and to the park permits authorized in this part and~~
17 ~~does not obviate the necessity of obtaining additional permits for~~
18 ~~special services or park privileges as previously or subsequently~~
19 ~~may be required by law or by rules promulgated by the department.~~
20 The department shall designate each person in the state authorized
21 to sell park permits and shall require as a condition of the
22 designation that a surety bond be furnished in an amount and ~~in a~~
23 form and with ~~the~~ **A** surety ~~as is~~ acceptable to the department.
24 After being designated by the department, a person may issue park
25 permits in accordance with this part.

26 ~~———— (7) Commercial motor coaches or vans with a capacity of more~~
27 ~~than 12 passengers are not eligible to enter a state park with an~~

1 ~~annual park permit. Until January 1, 2010, the daily fee to allow~~
 2 ~~commercial motor coaches or vans with a capacity of over 12~~
 3 ~~passengers daily entry into a state park is \$15.00.~~

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

7 (7) ~~(9)~~ If a person's annual **NONRESIDENT MOTOR VEHICLE** park
 8 permit is lost or destroyed, the department shall provide that
 9 person with a replacement **MOTOR VEHICLE** park permit free of charge.
 10 The department may require a person requesting a replacement **MOTOR**
 11 **VEHICLE** park permit to supply sufficient evidence of the loss or
 12 destruction of the original **MOTOR VEHICLE** park permit.

13 ~~—— (10) It is the intent of the legislature that if, on September~~
 14 ~~30 of any state fiscal year, the amount of money in the~~
 15 ~~countercyclical budget and economic stabilization fund created in~~
 16 ~~section 351 of the management and budget act, 1984 PA 431, MCL~~
 17 ~~18.1351, exceeds \$250,000,000.00, then general fund/general purpose~~
 18 ~~support for state parks operations for the following state fiscal~~
 19 ~~year shall be equal to or exceed 50% of the revenues generated by~~
 20 ~~motor vehicle entrance fees under this section during the previous~~
 21 ~~state fiscal year.~~

22 ~~—— (11) As used in this section, "resident motor vehicle" means a~~
 23 ~~vehicle that is registered as a motor vehicle in this state.~~

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

27 (9) **THIS SECTION AND SECTION 74116 APPLY ONLY TO THE ENTRY OF**

1 **MOTOR VEHICLES INTO STATE PARKS AND TO THE PARK PERMITS AUTHORIZED**
2 **IN THIS PART AND DO NOT OBVIATE THE NECESSITY OF OBTAINING**
3 **ADDITIONAL PERMITS FOR SPECIAL SERVICES OR PARK PRIVILEGES AS MAY**
4 **BE REQUIRED BY LAW OR BY RULES PROMULGATED BY THE DEPARTMENT.**

5 Sec. 74122. (1) A person who violates this part or a rule
6 promulgated under this part is guilty of a misdemeanor. In any
7 proceeding for the violation of this part or a rule promulgated
8 under this part, ~~where~~**IF** a motor vehicle **REQUIRED TO HAVE A MOTOR**
9 **VEHICLE PARK PERMIT UNDER SECTION 74117 IS FOUND PARKED IN A STATE**
10 **PARK** without the required **MOTOR VEHICLE** park permit affixed, ~~is~~
11 ~~found parked in any state park,~~ the registration plate displayed on
12 the motor vehicle constitutes prima facie evidence that the owner
13 of the motor vehicle was the person who parked or placed it at the
14 location where it was found.

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

20 Sec. 74123. The department may establish a fine for failure to
21 purchase a **MOTOR VEHICLE** park permit ~~which~~**REQUIRED UNDER SECTION**
22 **74117. THE FINE** shall be twice the cost of a ~~an~~**AN ANNUAL NONRESIDENT**
23 motor vehicle ~~entrance~~**PARK** permit. ~~or daily permit as established~~
24 ~~by this part or by the department.~~

25 Sec. 78105. The department shall have the following powers and
26 duties:

27 (a) To acquire, construct, and maintain harbors, channels, and

1 facilities for vessels in the navigable waters lying within the
2 boundaries of ~~the~~**THIS** state. ~~of Michigan.~~

3 (b) To acquire, by purchase, lease, gift, or condemnation the
4 lands, rights of way, and easements necessary for harbors and
5 channels. ~~The~~**FOR THE PURPOSES OF THIS SUBDIVISION, THE** department
6 shall be considered a state agency under 1911 PA 149, MCL 213.21 to
7 213.25. ~~, relative to condemnation by state agencies.~~

8 (c) To acquire, by purchase, lease, gift, or condemnation
9 suitable areas on shore for disposal of the material from dredging.

10 (d) To enter into any contracts or agreements that may be
11 necessary in carrying out this part, including agreements to hold
12 and save the United States free from damages due to the
13 construction and maintenance by the United States of those works
14 that the United States undertakes.

15 (e) To provide for the granting of concessions within the
16 boundaries of harbors, so as to furnish the public gas, oil, food,
17 and other facilities.

18 (f) To represent ~~the~~**THIS** state ~~of Michigan~~ and the governor
19 ~~of Michigan~~ in dealings with the chief of engineers of the United
20 States army and his or her authorized agents for the purposes set
21 forth in this part.

22 (g) To charge fees for both seasonal and daily moorage at
23 state-operated small craft mooring facilities. All revenues derived
24 from this source shall be deposited in the waterways account.

25 ~~—— (h) To charge fees for both daily and seasonal use of state-~~
26 ~~operated public access sites, if the cost of collecting the fees~~
27 ~~will not exceed the revenue derived from the fees for daily and~~

1 ~~seasonal passes. All revenues derived from this source shall be~~
2 ~~deposited in the waterways account. A seasonal pass shall grant the~~
3 ~~permittee the right to enter any state operated public access site~~
4 ~~without payment of an additional fee.~~

5 (H) ~~(i)~~—To collect the proceeds from the sale of marine fuel
6 at harbors operated by the department. The proceeds from the sales
7 shall be credited to the waterways account and used for the
8 purchase of marine fuel supplies as may be needed. Any remaining
9 revenue from this source not needed for the purchase of marine fuel
10 supplies may be expended in the same manner as other funds within
11 the waterways account.

12 Sec. 83106. (1) The department may require a person to obtain
13 a permit for camping in designated state forest campgrounds and may
14 establish and collect a fee for the camping permit. However, at
15 least 6 months before increasing a camping permit fee, the
16 department shall provide written notice of its intent to do so to
17 the standing committees of the senate and the house of
18 representatives that have primary jurisdiction over legislation
19 pertaining to natural resources and the environment.

20 (2) The department may require a person to obtain a permit,
21 except as otherwise provided by law, for the use of lands and
22 facilities within the state forest as designated by the department
23 for recreation use. **THE DEPARTMENT SHALL NOT REQUIRE A PERMIT OR**
24 **PAYMENT OF A FEE FOR USE OF A STATE FOREST NONMOTORIZED TRAIL OR**
25 **PATHWAY OR STATE FOREST CAMPGROUND FACILITY EXCEPT AS PROVIDED IN**
26 **SUBSECTION (1) OR OTHERWISE PROVIDED IN THIS ACT.**

27 (3) Money collected under this section shall be deposited into

1 the forest recreation account.

2 Enacting section 1. Sections 1909 and 1910 of the natural
3 resources and environmental protection act, 1994 PA 451, MCL
4 324.1909 and 324.1910, are repealed.

5 Enacting section 2. This amendatory act takes effect January
6 1, 2010.

7 Enacting section 3. This amendatory act does not take effect
8 unless Senate Bill No. 389
9 of the 95th Legislature is enacted into law.